

# CHAPTER 1

## GOALS AND REGULATORY FRAMEWORK

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### 1.1 CHAPTER SUMMARY

Chapter 1 presents the goals and regulatory framework for establishing a Solid Waste Management Plan for Charles County for the period 2011 to 2021. The essence of the planning process centers on developing realistic goals and objectives as well as accurately defining the regulatory requirements.

Topics discussed in this chapter include: Charles County goals, objectives and policies; the general structure of the Charles County Government as it relates to solid waste management; and public participation in the planning and implementation of the Plan. This chapter also describes the impact of federal, state, and County regulations on the planning, establishment, and operation of solid waste facilities in Charles County. The requirements and procedures to amend this Plan are also provided in this chapter.

### 1.2 GOALS, OBJECTIVES, AND POLICIES

Goals, objectives, and policies are fundamental elements for developing an effective and efficient solid waste management plan. Broad, generalized statements which reflect the values of the County are defined as the goals of the plan. Goals represent the fundamental desires and visions for the management of solid waste within Charles County. The goals are attainable by accomplishing specific objectives.

The four goals considered critical in developing the *Charles County Comprehensive Solid Waste Management Plan* include the following:

- Preservation and protection of the environment;
- Protection of human health and safety to provide a quality living environment;
- Providing a cost-effective and self-sufficient solid waste management program;
- Promote recycling and reuse of materials throughout the County.

Table 1-1 lists the goals and objectives for the management of solid waste in Charles County. Several common themes are developed in the goals and objectives, the foremost of which is to

maximize the available landfill space by continuing and expanding environmentally-sound waste management technologies, including waste reduction, reuse, and recycling.

In pursuing this strategy, the County affirms its commitment to foster public involvement in solid waste management issues, to protect the environment by developing a state-of-the-art landfill maximizing environmental protection, and to ensure a future source of funding for its solid waste management program. Charles County will develop policies to guide the direction of solid waste. Management policies must be recorded, scrutinized, and revised so that they are compatible with the goals and objectives of the solid waste management plan. The County recognizes that in order to implement the goals and objectives of this Plan, policies will need to be developed. Solid waste management policies will be added to the Plan by amendment.

*TABLE 1-1  
SOLID WASTE MANAGEMENT GOALS AND OBJECTIVES*

<b>GOALS</b>	
1.	Preserve and protect the natural environment.
2.	Protect human health and safety, and provide a quality living environment.
3.	Provide a cost-effective, self-sufficient solid waste management program.
4.	Promote recycling, waste reduction, and reuse of materials throughout the County.
5.	Continue to explore the feasibility of the use and/or sale of methane gas.
<b>OBJECTIVES</b>	
A.	<b>COLLECTION</b>
1.	Ensure that adequate solid waste collection services are available to all county citizens and commercial establishments at a reasonable cost.
2.	Continue to provide curbside collection of recyclables and yard waste to the more densely populated areas of Charles County. Expand the program when economically feasible.
3.	Evaluate the feasibility of providing Municipal Solid Waste (MSW) collection services within the County Development District.
B.	<b>WASTE REDUCTION AND RECYCLING</b>
3.	Promote the expansion of solid waste reduction, reuse, and recycling through diligent implementation of the approved Charles County Comprehensive Solid Waste Management Plan.
4.	Examine the use of innovative technology to reduce the reliance on landfilling solid wastes.
5.	Continue to exceed the countywide recycling rate of fifteen (35) percent.
C.	<b>LAND DISPOSAL</b>
6.	Provide continuous disposal capacity within the County for municipal solid waste and rubble, in an environmentally protective manner.
7.	All MSW landfills shall be owned and operated by Charles County Government.
D.	<b>SPECIAL WASTE MANAGEMENT</b>
8.	Continue the ongoing Charles County Household Hazardous Waste Program.
9.	Manage and regulate sludge storage and land application to ensure environmental and land use compatibility.

*TABLE 1-1*  
*SOLID WASTE MANAGEMENT GOALS AND OBJECTIVES*  
*(continued)*

E.	MISCELLANEOUS
9.	Eliminate roadside dumps, and prevent the establishment of new roadside dumps; establish an effective litter control program.
10.	Pursue regional solutions for solid waste management problems, as feasible.
11.	Achieve and maintain compliance with all federal, state and county regulatory requirements; develop a monitoring system to ensure continued compliance.
12.	Establish a comprehensive public information and involvement program for solid waste issues, including facility siting, permitting, operation, waste reduction, reuse, and recycling.
13.	Establish a financing structure that will adequately fund all required solid waste facility capital construction, operations, and administration expenditures.
14.	Provide a mechanism for regularly updating the Charles County Comprehensive Solid Waste Management Plan to ensure future demands for services are efficiently met; provide an annual progress report.
15.	Encourage public/private partnerships to help meet the demand for solid waste management facilities and services.
16.	Link solid waste services to cost in the market place.
17.	Establish a solid waste management facility siting policy; conduct site selection studies, as required, to ensure required facilities may be constructed as needed.

### **1.3 STRUCTURE OF COUNTY GOVERNMENT**

Charles County is governed by elected County Commissioners who enact all County ordinances, establish an annual operating and capital budget, and perform all legislative functions, including the adoption of the *Charles County Comprehensive Solid Waste Management Plan*. The Department of Planning and Growth Management prepares and coordinates the solid waste management plan and its amendments while the operation of the landfill and the recycling program is conducted within the Department of Public Works, Environmental Resources Division. The overall County government structure is illustrated in Figure 1-1. The Chief of Environmental Resources oversees the operation of the landfill and the recycling program. The Environmental Resources Division organization structure is shown in Figure 1-2.

### **1.4 PUBLIC PARTICIPATION**

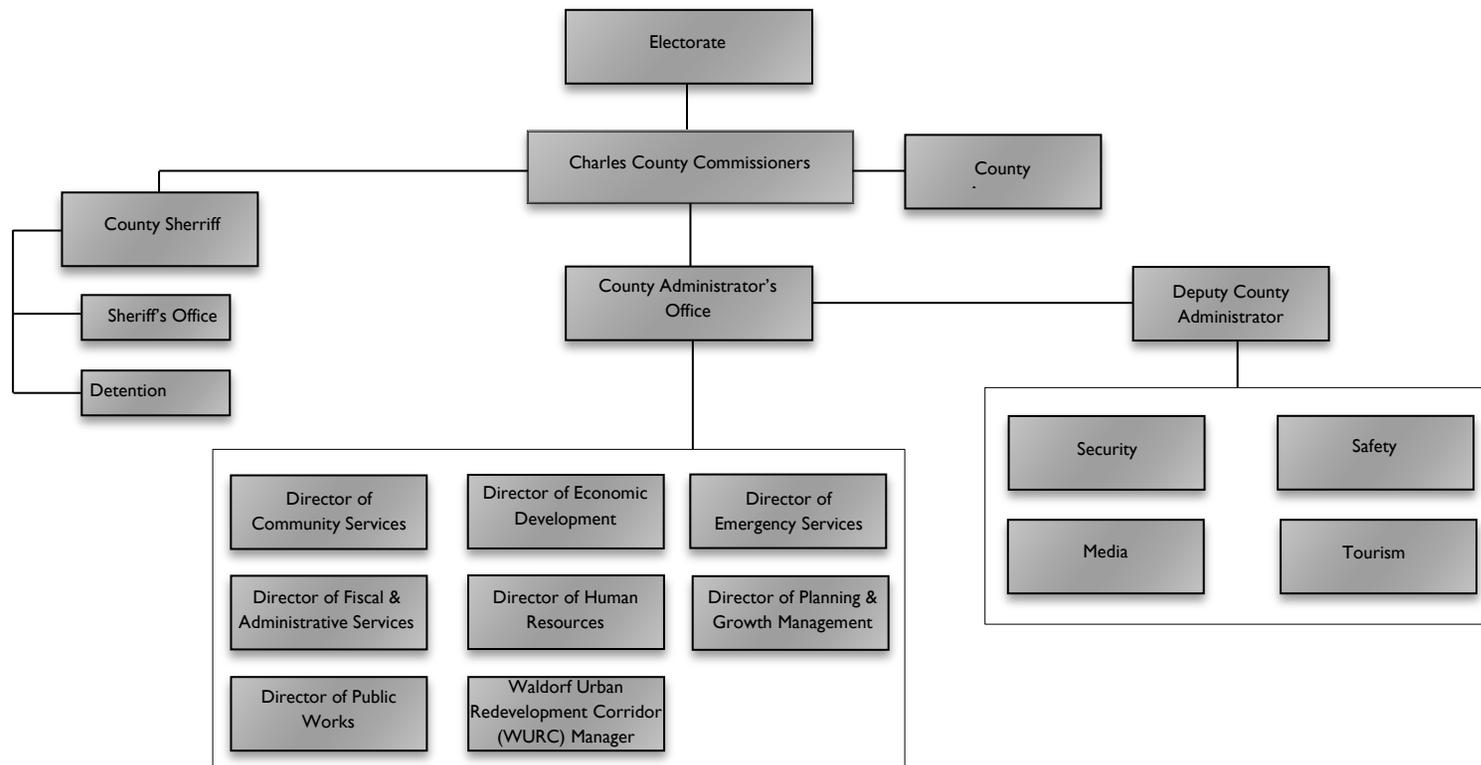
Goals and objectives for the Charles County Comprehensive Solid Waste Management Plan were established as a joint effort among the Charles County Department of Planning and Growth Management, Charles County Department of Public Works, Charles County Commissioners, and citizen input.

### **1.5 LAWS AND REGULATIONS GOVERNING MANAGEMENT FACILITIES**

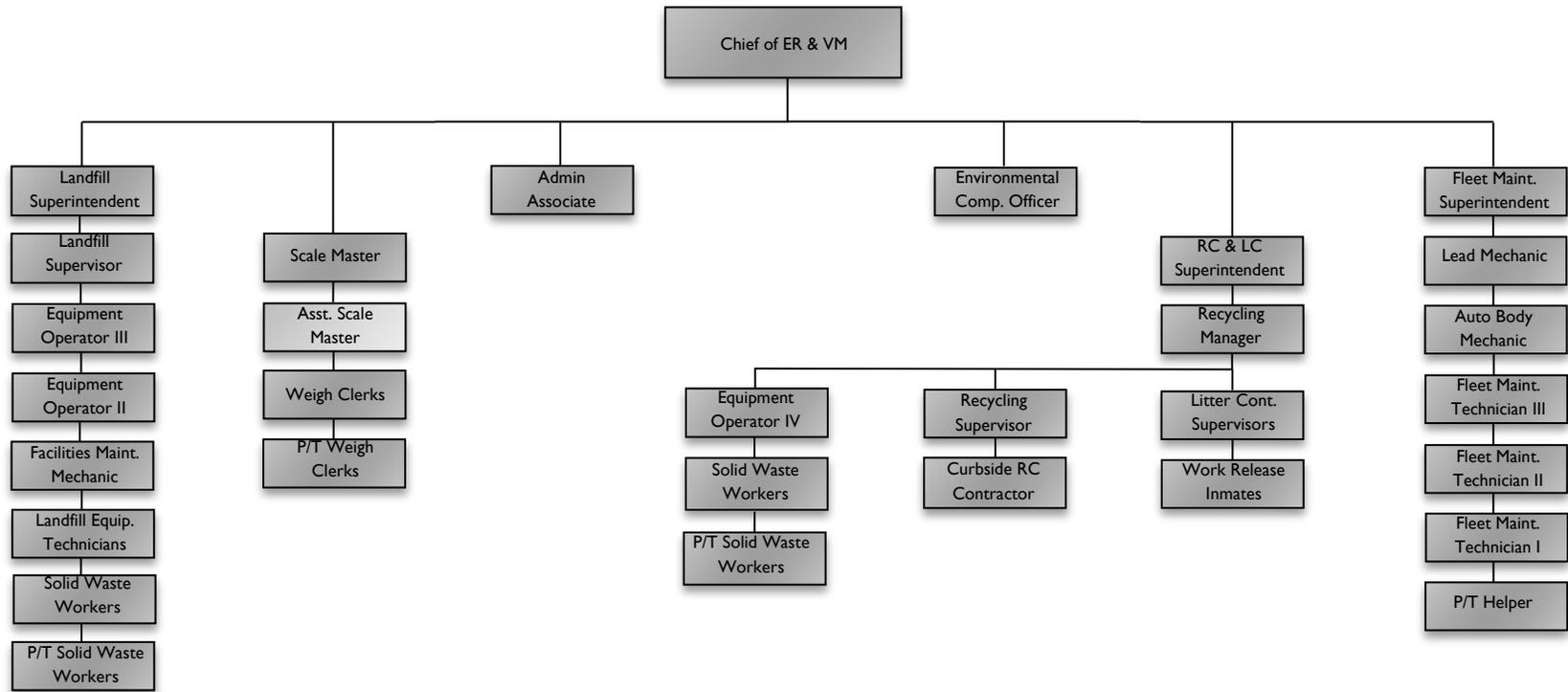
Solid waste management laws and regulations exist at the federal, state, and county levels. Overall, regulatory direction and minimum nationwide standards for protecting human health and the environment are established at the federal level. State regulations meet or exceed those mandated by federal regulations. State regulations specify minimum design criteria and the permitting, construction, operation, maintenance, and monitoring requirements for many solid waste management facilities. County regulations must be compatible with federal and state laws and regulations, but may augment federal and state laws and regulations. The more specific issues of land use, zoning, procurement, financing, and operation related to solid waste management facilities are left entirely to the County to regulate.

Descriptions of responsible agencies, responsibilities, and the applicable federal, state, and county laws and regulations are discussed in the following paragraphs.

**Chart I-1: Charles County Government  
Organizational Chart**



**Chart I-2: Charles County Department of Public Works  
Environmental Resources / Vehicle Maintenance Divisions**



### 1.5.1 Federal

Table 1-2 provides a summary of applicable federal laws, judged to be most significant, regulating solid waste. Foremost among those laws is the *Resource Conservation and Recovery Act (RCRA)* of 1976, amended in 1980 and 1984, that provides federal guidelines and standards for the environmentally sound reuse, handling, and disposal of solid waste. The act requires that states incorporate these guidelines into their solid waste management programs. Under RCRA provisions, Subtitle D provides federal standards for municipal sanitary landfills. These standards include the location, design, operation, groundwater monitoring, corrective action, closure, post-closure, and financial assurance criteria for all municipal sanitary landfills.

The *Code of Federal Regulations (CFR)* provides documentation of the rules established in the Federal Register by the executive departments of the federal government. The Code is divided into 50 titles which are further divided into chapters and subparts thereof. *CFR Title 40* is titled *Protection of the Environment*, which includes *Sub-chapter I-Solid Wastes* (Parts 240 through 272).

Solid waste management, on the federal level, is the responsibility of the United States Environmental Protection Agency (EPA). Federal regulations establish overall regulatory direction and minimum nationwide standards for protecting human health and the environment. Direct implementation of solid waste programs is delegated to state and local governments. A summary of federal regulations important to solid waste management contained in *CFR, Title 40, Subchapter I - Solid Wastes* is provided in Table 1-3.

In addition, *CFR Title 40 (258)* places restrictions on siting waste disposal facilities near airports. This code provides guidance concerning the establishment of new landfills in the vicinity of airports and stipulates that the following criteria must be met for sanitary landfills:

- Waste disposal sites may not be located within 10,000 feet of any runway end (used or proposed) to be used by a turbine powered aircraft.
- Waste disposal sites may not be located within 5,000 feet of any runway end used only by piston powered aircraft.
- Waste disposal sites may not be located within a five-mile radius of a runway end that attracts or sustains hazardous movements from feeding, water, or roosting areas into, or across the runways and/or approach and departure patterns of aircraft.

TABLE 1-2  
SUMMARY OF FEDERAL LAWS AFFECTING SOLID WASTE MANAGEMENT

*Resource Conservation and Recovery Act:*

A primary objective of this act is to promote recycling and reuse of recoverable materials. The act also provides guidelines for environmentally-sound handling and disposal of both hazardous and non-hazardous solid waste. Subtitle D of the act specifies criteria for municipal solid waste landfills.

*Comprehensive Environmental Response, Compensation and Liability Act (Superfund):*

Establishes programs for the identification and remediation of waste disposal sites containing hazardous substances; establishes standards for clean-up efforts and disposal of wastes; and provides a mechanism for assigning liability for contaminated sites.

*Clean Water Act:*

Section 402 of this act establishes the National Pollutant Discharge Elimination System (NPDES) program which regulates effluent limitations for the discharge of wastewater and runoff from solid waste management facilities into bodies of water. The construction of facilities which may impact rivers, lakes, marshes, swamps, or wetlands is regulated by Section 404 which is administered by the Army Corps of Engineers. Section 405 addresses the disposal of wastewater treatment sludge.

*Clean Air Act:*

Regulates emissions from landfill gas management systems and resource recovery facilities. Landfill operators must comply with requirements of the State implementation plan established under Section 110.

*Safe Drinking Water Act:*

Establishes maximum contaminant levels for parameters included in groundwater monitoring programs.

*Federal Emergency Management Act:*

Prohibits siting of facilities within the 100-year floodplain.

*Endangered Species Act:*

Prohibits construction or operation of facilities that would result in the "taking" of an endangered or threatened wildlife species, or in the destruction of their critical habitat.

*TABLE 1-3*  
*SUMMARY OF FEDERAL REGULATIONS AFFECTING SOLID WASTE*  
*MANAGEMENT (CFR, TITLE 40, SUB-CHAPTER 1)*

<i>Part 240:</i>	<i>Guidelines for the Thermal Processing of Solid Wastes</i>
	Minimum performance level for municipal solid waste incinerators with a capacity of 50 tons per day, or greater.
<i>Part 241:</i>	<i>Guidelines for the Land Disposal of Solid Wastes</i>
	Minimum performance levels for any municipal solid waste disposal site operation.
<i>Part 243:</i>	<i>Guidelines for the Storage and Collection of Residential, Commercial and Institutional Solid Waste*</i>
	Minimum performance levels for solid waste collection operations. Issues addressed include storage, safety, equipment, frequency, and management.
<i>Part 244:</i>	<i>Management Guidelines for Beverage Containers*</i>
	Minimum actions for reducing beverage container waste; covers use of returnables, information requirements, and implementation.
<i>Part 245:</i>	<i>Promulgation of Resource Recovery Facilities Guidelines*</i>
	Guidelines for the recovery of resources from residential, commercial, and institutional solid wastes, including regionalization and planning techniques.
<i>Part 246:</i>	<i>Source Separation for Materials Recovery Guidelines*</i>
	Minimum actions for the recovery of resources from solid wastes, including high-grade paper, residential materials, and corrugated containers.
<i>Part 247:</i>	<i>Guidelines for the Procurement of Products That Contain Recycled Materials</i>
	Recommended guidelines for procedures that can be used in the specifications for procurement of products to increase the use of recycled materials.
<i>Part 255:</i>	<i>Identification of Regions and Agencies for Management</i>
	Procedures for the identification of regional solid waste management planning districts pursuant to Section 4002(a) of the Solid Waste Disposal Act.
<i>Part 256:</i>	<i>Guidelines for Development and Implementation of State Management Plans</i>
	Guidelines for development and implementation of State solid waste management plans.
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Regulations marked with an asterisk (*) are mandatory for federal agencies and recommended for state and local governments.	

TABLE 1-3  
SUMMARY OF FEDERAL REGULATIONS AFFECTING SOLID WASTE  
MANAGEMENT (CFR, TITLE 40, SUB-CHAPTER 1) – (Continued)

<p><i>Part 257: Criteria for the Classification of Disposal Facilities and Practices</i></p> <p>Criteria to determine which solid waste facilities pose a reasonable probability of adverse effects on health or the environment. Facilities in violation will be considered open dumps. Does not apply to municipal landfills (covered under Section 258).</p> <p><i>Part 258: Criteria for Municipal Landfills (Subtitle D Regulations)</i></p> <p>Establishes minimum national criteria for the design and operation of municipal solid waste landfills. Includes location restrictions, operating criteria, design criteria, groundwater monitoring and corrective action, closure and post-closure care, and financial assurance criteria. Design standards apply only to new landfills and lateral expansions of existing facilities.</p> <p><i>Part 260: Hazardous Waste Management System - General</i></p> <p>Provides definitions of terms and a general overview of Parts 260 through 265.</p> <p><i>Part 261: Identification and Listing of Hazardous Waste</i></p> <p>Provides identification of materials that are subject to regulation as hazardous wastes under Parts 270, 271, and 124.</p> <p><i>Part 262: Standards Applicable to Generators of Hazardous Waste</i></p> <p>Establishes standards for generators of hazardous wastes including EPA identification numbers, manifest, pre-transportation requirements, record keeping, and reporting.</p> <p><i>Part 263: Standards Applicable to Transporters of Hazardous Waste</i></p> <p>Establishes regulations for transporters of materials requiring a manifest as defined in Part 262.</p> <p><i>Part 264: Standards for owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities</i></p> <p>Establishes minimum national standards for the management of hazardous waste.</p> <p><i>Part 265: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities</i></p> <p>Establishes minimum national standards that define the management of hazardous wastes during the period of interim status and until the certification of post-closure or closure of the facility.</p>	
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*TABLE 1-3*  
*SUMMARY OF FEDERAL REGULATIONS AFFECTING SOLID WASTE*  
*MANAGEMENT (CFR, TITLE 40, SUB-CHAPTER 1) – (Continued)*

- Part 266: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Disposal Sites*
- Establishes minimum national standards for the recyclable materials used in a manner to constitute disposal, hazardous waste burned for energy recovery, used oil burned for energy recovery, recyclable material used for precious metal recovery, and spent lead-acid batteries being reclaimed.
- Part 267: Interim Standards for Owners and Operators of New Hazardous Waste Land Disposal Facilities*
- Establishes minimum national standards, which define the management of hazardous waste for new land disposal facilities.
- Part 268: Land Disposal Restrictions*
- Identifies a schedule to evaluate listed wastes for prohibition of land disposal and establishment of treatment standards for these wastes.
- Part 270: EPA Administered Permit Programs: The Hazardous Waste Permit Program*
- Application requirements, standard permit conditions, monitoring, and reporting requirements for EPA permitting for the treatment, storage, and disposal of hazardous waste.
- Part 271: Requirements for Authorization of State Hazardous Waste Programs*
- Identifies the requirements that state programs must meet to fulfill interim and final authorization as well as the procedures EPA uses to approve, revise, and withdraw approval of State programs.
- Part 272: Approved State Hazardous Waste Programs*
- Establishes the applicable State hazardous waste management programs.
- Part 503: Sewage Sludge Regulations*
- Requirements and standards for the treatment, land application, surface disposal, and incineration of sewage sludge.

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Regulations marked with an asterisk (\*) are mandatory for federal agencies and recommended for state and local governments.

## 1.5.2. State

The State of Maryland has adopted a number of laws that address solid waste management issues. The development of recycling programs in Charles County is governed by the following laws and codes:

- Maryland Recycling Act
- Newsprint Recycled Content Act
- Telephone Directory Recycling Act
- Plastic Material Code Act
- Composting Act
- Mercury Oxide Battery Act
- E-Waste Recycling Law
- Maryland Florescent and Compact Fluorescent Light Recycling Act
- Maryland Public Schools and College Recycling Law
- Apartment and Condominium Recycling Program (Section 9-1703 (b) (12))
- Recycling Rate and Waste Diversion – Statewide Goals Act (2012)

A summary of the State laws affecting solid waste management is provided in Table 1-4. State laws are codified under the articles of the *Annotated Code of Maryland*. Laws addressing solid waste management are included throughout the code; the *Title 9 Environment Article* contains many of the laws affecting the location, design, and operation of solid waste disposal facilities. These laws are developed into regulation by the agency to which the responsibility is delegated by the State Legislature. Table 1-5 provides an abbreviated summary of the *Annotated Code of Maryland* titles affecting solid waste management.

Administrative rules and regulations adopted by State agencies pursuant to State laws are compiled into a document entitled *Code of Maryland Regulations (COMAR)*. *Title 8* contains the regulations of the Maryland Department of Natural Resources (DNR) which must be considered when siting solid waste facilities. *COMAR Title 26* contains the administrative rules and regulations for MDE including solid waste management regulations. The full description of *Title 26, Chapter 3* is presented in Appendix A. A summary of the regulations which affect solid waste management is provided in Table 1-6.

### 1.5.2.1 Maryland Department of the Environment

The MDE is the primary State agency having responsibility for solid waste management within the State of Maryland. MDE implements federal and state solid waste regulations, and enforces Maryland environmental regulations addressing surface water and groundwater protection, erosion and sediment control, preservation of wetlands, and recycling. MDE reviews solid waste facility plans and management plans, issues permits, and inspects facilities.

MDE issues permits for the various types of waste facilities that could be sited in Charles County including sanitary landfills, land-clearing debris landfills, rubble landfills, processing facilities (e.g., materials recovery facilities, recycling centers, rubble processing facilities, etc.), transfer

stations, incinerators, and industrial and hazardous waste landfills. Industry and the private sector are responsible for permitting and providing industrial and/or hazardous waste facilities for disposal of their wastes, as required. One way that Charles County is able to regulate industrial and hazardous waste facilities is through public review of permit applications for waste management facilities.

*TABLE 1-4*  
*SUMMARY OF MARYLAND LAWS AFFECTING SOLID WASTE*  
*MANAGEMENT*

*Title 9 Environment Article, Annotated Code of Maryland*

*Maryland State Implementation Plan (SIP):*

Limits emissions from specific pollutant sources to prevent air quality from falling below National Ambient Air Quality Standards (NAAQS).

*Nontidal Wetland Regulations:*

Prevents net loss of nontidal wetlands by establishing a stringent permitting process.

*Chesapeake Bay Critical Area Protection Program (1984):*

Controls human intervention in the Chesapeake Bay drainage area.

*Maryland Recycling Act (1988, modified 2012):*

Establishes a requirement for Maryland counties to plan and implement a recycling system by 1994. Charles County was mandated to reduce the County's waste stream by 15 percent in 1994. In 2012, House Bill 929 (Recycling Rate and Waste Diversion – Statewide Goals Act) increased the waste reduction rate to 20% for Maryland counties with populations of less than 150,000 and 35% for Maryland counties with populations of greater than 150,000.

*Maryland State Senate Joint Resolution 6 (2000):*

Established a voluntary statewide diversion of goal of 40% by the year 2005 in order to reduce the amount of waste going to solid waste disposal facilities.

*Asbestos Control - Asbestos Hazard Emergency Response Act (1990):*

Requires completion of a teaming program by those who do asbestos-related work within schools; deals with asbestos controls.

*Land-clearing Debris Landfills - Amount of Surety (1990):*

Addresses the amount of surety required for each acre of land-clearing debris landfills.

*Newsprint Recycled Content Act (1991):*

Regulates newsprint recycling by imposing specified recycling content percentage requirements on the Maryland newspaper industry.

*Telephone Directory Recycling Act (1991):*

Regulates telephone directory publishers to meet specified recycling content percentage requirements for telephone directories.

*Plastic Material Code (1991):*

Bans rigid plastic containers or bottles from distribution or sale in the State unless appropriately labeled indicating the plastic resin used to produce them.

*Composting Act (1992):*

Includes composting in the definition of recycling. Requires that County recycling plans address composting issues, and bans yard waste from landfills effective in 1994.

*Mercury Oxide Battery Act (1992):*

Makes battery manufacturers responsible for collection, transportation, and recycling or disposal of batteries sold or offered for promotional purposes in the State.

*TABLE 1-4*  
*SUMMARY OF MARYLAND LAWS AFFECTING SOLID WASTE*  
*MANAGEMENT*

*Title 9 Environment Article, Annotated Code of Maryland – (Continued)*

*Sludge Application:*

Regulates land application procedures to maintain the public health.

*Medical Waste Legislation:*

Regulates identification, record keeping, treatment, transport, and disposal of special medical wastes; infectious wastes are prohibited in solid waste landfills in the State.

*Natural Wood Waste Recycling Facilities (1991):*

Wood waste recycling facilities must be appropriately permitted and operated, and may accept only natural wood waste.

*Scrap Tire Recycling Fees:*

Regulates the storage of scrap tires, including prohibition against landfill disposal or scrap tires after January 1, 1994; establishes tire recycling fee on new tires sold in Maryland.

*Waste Information and Assessment Program (1998):*

Requires MDE to create a waste information and assessment program and to submit an annual report on the volume of certain types of waste disposed in or exported from Maryland. Requires permitted waste acceptance facilities to provide at least yearly information necessary to MDE.

*Maryland E-Waste Recycling Law (2005, modified 2007, 2012):*

*Requires computer manufactures to submit a registration and fee into the Maryland State Recycling Trust Fund, which can be used to give grants to municipalities to implement local electronics and increases registration fee under (HB 488). In 2012 a tiered registration fee and required educational and instructional materials related to material destruction and sanitization of data on covered electronics (HB 879).*

*Maryland Public School and College Recycling Law (2009):*

*Requires recycling in all publicly –funded schools with the exception of State Universities and each counties' recycling plan implement a strategy for collection, processing, marketing, and disposing of recyclable materials from its public schools and colleges (under HB 1290).*

*Maryland Mercury Switch Removal from Vehicle Law (2009):*

*Requires motor vehicle manufactures to develop and submit to the Maryland Department of the Environment (MDE), a mercury minimization plan that includes information on mercury switch removal from motor vehicles (HB 1263).*

*Maryland Fluorescent and Compact Fluorescent Light Recycling Act (2010):*

Requires each county to address the recycling of certain fluorescent and compact fluorescent lights and in an updated recycling plan (HB 685).

*Maryland Apartment Buildings and Condominiums Recycling Act (2012):*

An Act requiring a county recycling plan to address the collection and recycling of recyclable materials from residents of apartment buildings and condominiums that contain 10 or more dwelling units by property owners or managers of apartment buildings and councils of units owners of condominiums.

TABLE 1-5  
SUMMARY OF SECTIONS OF THE ENVIRONMENT ARTICLE, ANNOTATED  
CODE OF MARYLAND- AFFECTING SOLID WASTE MANAGEMENT

<i>Annotated Code of Maryland</i>	
<i>Title 3 – Environmental Programs</i>	
<i>Subtitle 1 Maryland Environmental Service</i>	
<i>Subtitle 9 Northeast Maryland Waste Disposal Authorities</i>	
 <i>Title 4 - Water Management</i>	
 <i>Title 5 – Forest and Parks</i>	
 <i>Title 6 - Toxic, Carcinogenic, and Flammable Substances</i>	
 <i>Title 7 - Hazardous Materials and Substances</i>	
 <i>Under Title 9 - Water, Ice and Sanitary Facilities; MDE regulates the location, design, and operation of sanitary landfills through refuse disposal permits issued and enforced under authority of the following sections:</i>	
<i>Section 204</i>	<i>Installing, Altering, or Extending Water Supply Systems, Sewerage Systems, or Refuse Disposal Systems</i>
<i>Section 204.1</i>	<i>Installing, Altering, or Extending Incinerators</i>
<i>Section 204.2</i>	<i>Installing, Altering, or Extending Landfill Systems</i>
<i>Section 209</i>	<i>Landfill System Hearings</i>
<i>Section 210</i>	<i>Prerequisites for Issuance of Permit</i>
<i>Section 211</i>	<i>Landfills, Incinerators, and Transfer Stations; Requirements for Security</i>
<i>Section 212</i>	<i>Landfill Systems - Options to Purchase</i>
<i>Section 212.1</i>	<i>Denial of Permit to Non-government Person(s)</i>
<i>Section 213</i>	<i>Term of Permit (five years)</i>
<i>Section 214</i>	<i>Revoking or Refusal to Renew a Permit</i>
<i>Section 215</i>	<i>Closure and Cover when Operation Ends</i>
<i>Section 225</i>	<i>Landfills near Hospitals Prohibited (2-mile radius)</i>
<i>Section 226</i>	<i>Certification of Public Necessity Required for Hazardous Waste Landfill System</i>
<i>Section 227</i>	<i>Infectious Waste in Landfill System Prohibited</i>
<i>Section 228</i>	<i>Scrap Tires</i>
<i>Title 9 Subtitle, County Water and Sewerage Plans</i>	
<i>Section 503/505/506</i>	<i>County Plan, Content, Reviews, Approvals and Amendments</i>
<i>Title 9, Subtitle 17, Office of Recycling</i>	
<i>Section 1703/1794</i>	<i>County Recycling Plan and Content</i>
<i>Section 1703</i>	<i>Fluorescent and Compact Fluorescent Light that Contain Mercury Recycling (House Bill 685)</i>
<i>Section 1703</i>	<i>Public School and Public College Recycling Program (House Bill 1290)</i>
<i>Section 1703</i>	<i>Apartment Buildings and Condominiums Recycling (House Bill 1)</i>
<i>Section 1708</i>	<i>Natural Wood Waste Processing and Recycling</i>
<i>Section 1728.1</i>	<i>Statewide Electronics Recycling Program (House Bill 488)</i>

TABLE 1-6  
SUMMARY OF MARYLAND REGULATIONS AFFECTING SOLID WASTE  
MANAGEMENT

COMAR REGULATIONS

Under Title 8 (Department of Natural Resources), the following sections must be considered in the siting solid waste management facilities:

*Subtitle 3, Chapter 8, Threatened and Endangered Species*  
*Subtitle 9, Chapters 1-6, Forest Conservation*

*Title 26, Subtitle 3, Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding, Chapter 3, Development of County Comprehensive Solid Waste Management Plans:*

Requires that each county maintain a current solid waste management plan and establishes the format for these plans.

*Title 26, Subtitle 3, Chapter 10, Financial Assistance for the Construction of Processing and Disposal Facilities:*

Stipulates the requirements, priority listing criteria, and ranking system for counties to receive financial assistance from the State of Maryland.

*Title 26, Subtitle 4, Regulation of Water Supply, Sewerage Disposal and Solid Waste, Chapter 7 Solid Waste, Solid Waste Management:*

Regulates permitting, designing, constructing, operating, and closing municipal, land-clearing debris, rubble, and industrial waste landfills, processing facilities, transfer stations, and incinerators.

Other regulations under Title 26 that are important to solid waste management include:

*Subtitle 4, Chapter 6, Sewage Sludge Management*  
*Subtitle 4, Chapter 8, Scrap Tire Regulations*  
*Subtitle 4, Chapter 9, Natural Wood Waste Recycling Facilities*  
*Subtitle 8, Water Pollution*  
*Subtitle 9, Chapter 1, Erosion and Sediment Control*  
*Subtitle 9, Chapter 2, Stormwater Management*  
*Subtitle 11, Air Quality*  
*Subtitle 13, Disposal of Controlled Hazardous Substances*  
*Subtitle 5, Chapter 3, Construction on Nontidal Waters and Flood plains*  
*Subtitle 5, Chapter 4, Nontidal Wetlands*  
*Subtitle 5, Chapter 7, Wetlands Regulations*

All solid waste disposal and processing facilities are required to operate in a manner that reduces health hazards and minimizes environmental impacts. Discharges to water or air are limited to those permitted by solid waste disposal, water pollution control, or air pollution control regulations. The permitting process described in the following paragraphs is for a refuse disposal permit, which is a requirement for all solid waste management facilities. Additional permits are required for constructing and operating these facilities. These permitting requirements are included for use in planning and are not intended to provide a complete description of *COMAR* permitting requirements. An applicant for a permit must obtain a copy and strictly follow all requirements of the applicable *COMAR* regulations.

**A. Municipal Landfills (*COMAR 26.04.07.06-.08*):**

The permitting process for municipal landfills proceeds in three phases and requires that the public be notified of a proposed sanitary landfill. The siting of proposed solid waste acceptance facilities is accomplished and approved at the local or county level. Public notice is required for permit applications to construct, modify, or extend a landfill. The first phase of the permit application is a detailed site selection study and a site recommendation; once the landfill site is selected, a site-specific hydrogeologic study for the recommended landfill site is presented in the second phase and a conceptual design of the proposed sanitary landfill is presented in the third phase.

Section 9-210, Environment Article, Annotated Code of Maryland clarifies the local approvals required in the permitting process. The MDE may not issue a permit until the following steps are taken.

- MDE completes the preliminary review and sends its written findings to the County Commissioners and the Planning Commission.
- Charles County completes its review and provides MDE with a written statement that the proposed refuse disposal system: (a) meets all applicable county zoning and land use requirements; and (b) is in conformity with the Charles County Comprehensive Solid Waste Management Plan.

Public notification of applications for the construction of new landfills and the modification of existing landfills are required by Title 1 - Subtitle 6 - *Environment Article, Annotated Code of Maryland*. The regulation requires that the applicant publish notice of the application once a week for two weeks in a newspaper of general circulation within the County. In addition, the applicant must give notice by certified mail to land owners adjacent to the site, the chairman of the legislative body, and any elected executive of the County, the elected executive of any municipal corporation within the county, and any other county within one mile of the site. Should MDE receive a request to conduct a public information meeting, a meeting will be conducted prior to the approval of the first phase of the permit application. The applicant and interested parties will be invited to this meeting.

**B. Land Clearing Debris Landfills (COMAR 26.04.07.11):**

Land clearing landfills are restricted by COMAR regulation to accepting only those naturally occurring wastes that have been generated from land clearing operations. Construction and demolition waste is prohibited from this specific class of landfill. Information required for a permit is included in a single-phase permit application report. Prior to issuance of the refuse disposal permit, MDE will hold a public hearing for the debris landfill.

**C. Rubble Landfills (COMAR 26.04.07.13-18):**

The refuse disposal permitting process for a rubble landfill follows the three phase procedure used for municipal landfills. The MDE review procedure, and public participation requirements are also similar.

**D. Nonhazardous Industrial Waste Landfills (COMAR 26.04.07.03, .19 and .20):**

The permit application requirements for an industrial waste landfill are similar to those for a municipal landfill. A detailed waste characterization is required for industrial landfills. The information required for an industrial waste landfill is included in a single phase permit application report.

**E. Processing Facilities (COMAR 26.04.07.23):**

The refuse disposal permit application for a solid waste processing facility consists of a letter briefly describing the project followed by detailed engineering drawings and specifications.

Processes requiring unloading, separation, reduction, or alteration of solid waste must be performed within an enclosed building. Composting, white goods storage, and tire storage may be conducted outdoors. Composted materials for distribution must be non-pathogenic, biologically and chemically stable, and free of injurious components. A public hearing or notification is not required for processing facilities. These facilities may also require permits issued by the Air and Radiation Management Administration of the MDE.

**F. Transfer Stations (COMAR 26.04.07.24):**

Procedures and requirements for obtaining a transfer station refuse disposal permit are similar to those for processing facilities. Additionally, transfer station permitting requirements include information on procedures and methods for identifying and segregating unacceptable wastes. These facilities may also require permits issued by the Air and Radiation Management Administration of the MDE.

**G. Incinerators (COMAR 26.04.07.25):**

Procedures and requirements for obtaining an incinerator refuse disposal permit are similar to those for transfer stations. Additional requirements include location of storage areas for incinerator ash and other non-combustible products generated by the process, identification of a disposal site for the non-combustible materials, and a written operational plan for disposal of the

waste in the event that the facility is non-operational. A public hearing will be held prior to the issuance of the permit.

These facilities may also require permits issued by the Air and Radiation Management Administration of the MDE.

### **1.5.2.2 Maryland Environmental Service**

The Maryland Environmental Service (MES) is an independent state agency that provides environmental services at competitive rates to government and the private sector. MES has the authority to plan, acquire, construct, and operate water, wastewater, and solid waste facilities; institute and charge user fees; and create and administer funding authorities for issuing revenue bonds to provide project financing. MES is available to provide support to any locality which requests assistance. Additionally, MES will provide remedial services requested by MDE for a locality which has not complied with regulations. MES has been delegated the responsibility for overseeing Maryland's used oil and scrap tire recycling programs. MES currently operates waste oil and antifreeze collection stations and a tire stockpile facility in Charles County.

### **1.5.3 Charles County**

Charles County regulates solid waste management activities through the Code of Public Laws, the administrative regulations adopted pursuant to the code, the Charles County Zoning Ordinance, and the resolutions adopted by the County Commissioners. Specific county regulations addressing solid waste management are described in the paragraphs below:

#### **1.5.3.1 Code of Public Laws of Charles County**

Section 132 of the Charles County *Code of Public Laws* enables the County to establish trash disposal areas and regulates the importation of solid waste into the County. Section 49 of the code requires that the County Commissioners establish trash disposal areas. It authorizes them to regulate the use of such disposal areas and to collect reasonable fees for their use.

#### **1.5.3.2 County Commissioners of Charles County, Maryland Resolution No. 92-63. Regulations Governing the Use of Charles County's Sanitary Landfills**

These regulations (Appendix B) were established and adopted by the County Commissioners on July 2, 1992 and are contained in Chapters 2 through 4, Article II of the Code of Charles County, Maryland.

The regulations specify the types of wastes that are and are not accepted, authorized users, permit requirements for commercial haulers, procedures for paying fees to use the landfill, and the penalty structure for bringing out-of-county waste into a county-owned sanitary landfill.

**1.5.3.3 County Commissioners of Charles County, Maryland Resolution No. 92-75. Landfill Tipping Fees**

These regulations establish the Charles County tipping fee at the Pisgah Landfill at \$70 per ton commencing on October 15, 1992. Since the closure of the Pisgah Landfill, the tipping fee is applicable to the Charles County #2 Landfill. Additionally, in emergency situations only, sludge may be disposed of in the landfill for the established municipal solid waste tipping fee.

**1.5.3.4 Charles County Comprehensive Solid Waste Management Plan, October 2006**

The *Charles County Comprehensive Solid Waste Management Plan* provides a framework for establishing a long-range action plan for solid waste management. The document is a general guidance tool and is not intended to provide specific guidelines regarding solid waste management. Issues included in the comprehensive plan related to solid waste management are land use, general status report of solid waste management issues, policy considerations, and implementation strategies.

**1.5.3.5 Charles County Zoning Ordinance, Maryland, October 1992**

The *Charles County Zoning Ordinance* implements the planning policies and objectives presented in the *Charles County Comprehensive Plan*. The *Charles County Comprehensive Solid Waste Management Plan* serves as a policy guide as the Charles County Commissioners consider amendments to the *Charles County Zoning Ordinance*.

**1.5.3.6 Charles County Chesapeake Bay Critical Area Management Program**

This program identifies the extent of the Chesapeake Bay Critical Area within Charles County, and establishes detailed criteria to protect natural resources and regulate development within the critical area. The critical area is defined as those lands along tidal shorelines extending 1,000 feet landward of mean high tide or the landward boundary of tidal wetlands.

**1.5.3.7 Zekiah Swamp Management Program**

This program stresses the need for protection of the watershed from intense development and habitat degradation.

**1.5.3.8 Patuxent River Policy Plan**

Charles County, along with other counties neighboring the Patuxent River, is striving to protect river resources through land management strategies to control pollution in the watershed.

### **1.5.3.9 Charles County Floodplain Management Ordinance**

This ordinance establishes and delineates a floodplain district within Charles County for issuance of permits and imposes certain regulations on construction and development within floodplain districts.

### **1.5.3.10 Charles County Recycling Plan, June 1990**

The recycling plan fulfills the requirements of the 1988 Maryland Recycling Act, as confirmed by its approval by the MDE. This plan is the foundation of Charles County's recycling program and provides a comprehensive treatment of waste stream composition, markets, collection alternatives, processing alternatives, and implementation.

The Charles County Recycling Plan, which was adopted in 1990, was developed in close consultation with the Recycling Advisory Committee, and is the approved basis for meeting mandated recycling goals within the County. Per MDE requirements, the Charles County Recycling Plan has been incorporated into the County Comprehensive Solid Waste Management Plan.

Since the adoption of the County's Recycling Plan, the County has continued to respond to legislative intent and new industry technologies by implementing various solid waste reduction, diversion, and recycling programs. These programs include household hazardous waste collection, electronics recycling, florescent light recycling, single stream recycling, public schools and colleges recycling, recycling in County buildings, textile recycling, scrap metal recycling, yard waste composting, mulch give away, used motor oil and antifreeze recycling, automobile and household battery recycling, used cooking oil recycling, oyster shell recycling, scrap tire recycling, community and watershed cleanup events, public outreach and education, and apartment building and condominium recycling.

In the 2012 legislative session, the Maryland general Assembly passed House Bill (HB) 929: Environment -- Recycling Rates and Waste Diversion -- Statewide Goals, Chapter 692, Acts of 2012 (the "law"). The law took effect on October 1, 2012, and required each county to revise its recycling plan by July 1, 2014 and full implementation of the county's revised recycling plan by December 31, 2015. The plan must include a provision that provides for a reduction through recycling of at least 35% for a county with a population greater than 150,000 or 20% for a county with a population less than 150,000, of the County's solid waste stream by weight, or submits adequate justification, including economic and other specific factors, as to why the reduction cannot be met.

The County has consistently exceeded the new mandated waste diversion rate of 35% since 2003. The County plans to continue to exceed the new state mandated waste diversion rate through continued outreach and promotion of its current programs and expansion of programs where feasibly possible. Table 1-7 contains the Charles County's Waste Diversion Rates from 2000 to 2012.

*TABLE 1-7*  
*SUMMARY OF CHARLES COUNTY WASTE DIVISION RATES 2000 – 2012*

Year	MRA Rate	Source Reduction Rate	Waste Division Rate
2000	31.00%		
2001	29.00%		
2002	29.00%	5%	34.00%
2003	32.60%	5%	37.60%
2004	30.06%	5%	35.06%
2005	43.43%	5%	48.43%
2006	39.68%	5%	44.68%
2007	34.96%	5%	39.96%
2008	42.80%	5%	47.80%
2009	50.79%	5%	55.79%
2010	39.03%	5%	44.03%
2011	53.57%	5%	58.57%
2012	49.12%	4%	53.12%

#### **1.5.3.11 Household Hazardous Waste**

Household hazardous waste is collected nine (9) times a year on the first Saturday of the month, April through December, at the Charles County Department of Public Works in La Plata. The County contracts with a hazardous waste handler to remove the materials from resident's vehicles on collection days, segregate the materials, pack and arrange for disposal of the materials. The materials are stored in a "90 day" facility on site and handled as if they were regulated waste under COMAR regulations. Shipments are made when there are full drums of material; the building is completely emptied after the December collection. Examples of these wastes would be gasoline, herbicides, pesticides, household cleaners and oil-based paints.

#### **1.5.4 Incorporated Towns and Federal Facilities**

The *Annotated Code of Maryland* and the *COMAR* address the potential for incorporation of subsidiary solid waste plans developed by individual municipalities into the *Charles County Comprehensive Solid Waste Management Plan*. If the Charles County Commissioners determine that incorporation of a subsidiary plan meets the environmental protection goals of the *Charles County Comprehensive Solid Waste Management Plan*, it can be incorporated by reference. The specific citations from the codes are as follows:

- *Annotated Code of Maryland, Title 9-504* - "(a) Required incorporation. - To the extent that the incorporation will promote the public health, safety, and welfare, each county plan shall incorporate all or part of the subsidiary plans of each town, municipal corporation, sanitary district, privately owned facility, or local state, or federal agency that has existing or planned development in that county."

- *COMAR 26.03.02.B* - "Each county plan shall include all or part of the subsidiary plans of the towns, municipal corporations, sanitary districts, privately owned facilities, and local, state and federal agencies having existing, planned or programmed development within the county to the extent that these inclusions shall promote the public health, safety, and welfare. These subsidiary plans may be incorporated by reference into the county plan."

As stated above, *COMAR* provides Maryland municipalities the option to develop their own, or portions of their own solid waste plan and have it incorporated into the *Charles County Comprehensive Solid Waste Management Plan*. Charles County developed a cooperative working relationship with the municipalities of Indian Head, La Plata and Port Tobacco to provide for a solid waste management program which benefits the entire county. The special needs and requirements of the municipalities as are reflected in the *Charles County Comprehensive Solid Waste Management Plan*. The incorporated towns of Charles County follow the solid waste management program as detailed within this Plan.

## **1.6 PLAN AMENDMENT PROCEDURE**

Amendments to the *Charles County Comprehensive Solid Waste Management Plan* will be required for the establishment of new solid waste facilities, and for revisions or updates to the plan. Amendments to the Plan may occur at any time and may originate from within the Charles County government or from the general public.

The process for amending this Plan is guided by the Charles County Department of Planning and Growth Management to meet the requirements stipulated by Sections 9-503 and 9-507 of the Environment Article, Annotated Code of Maryland and *COMAR 26.03.03.05* for revising the Plan. The amendment process includes a public information meeting and a public hearing before the Charles County Commissioners. Table 1-7 lists the general requirements and process for amending the *Charles County Comprehensive Solid Waste Management Plan*.

This amendment procedure is not intended to provide specific information such as the level of detail in the amendment request, criteria for approval, and types of facilities, which require amendments. The intent is to provide decision-makers with a framework for the amendment procedure. The County recognizes that the specifics for the amendment procedure will need to be developed to ensure the consistency of the amendment procedure.

*TABLE 1-8  
REQUIREMENTS AND PROCESS FOR SOLID WASTE MANAGEMENT PLAN  
AMENDMENTS*

GENERAL REQUIREMENTS

- Required for the establishment of new solid waste management facilities/processes, and for revisions to the solid waste management plan's goals, objectives, policies, or action plan and supporting sections related to the amendments.
- Amendments may originate from within Charles County Government, from the general public or when the Department requires a revision/amendment.
- Consideration of amendments may occur at any time.
- An amendment proposal shall contain a description of the proposed amendment, justification statement, and supporting information as necessary. The County may establish technical criteria or standards for the evaluation of amendments. The County may reject proposed amendments that are incomplete or technically inadequate.
- The amendment process shall meet the plan revision requirements of COMAR 26.03.03.05 and Sections 9-503 and 9-507 of the Environment Article, Annotated Code of Maryland.

AMENDMENT PROCESS

1. Amendment submitted to or prepared by the Charles County Planning and Growth Management Division.
2. Staff recommendation developed prior to public hearing.
3. Legal notice and press release issued for public hearing on the amendment at least two weeks prior to the hearing.
4. Hold a public hearing before the Charles County Commissioners.
5. Commissioners action on the amendment.
6. Adopted amendment forwarded to the MDE for approval.

*Note: The special exception process substitutes for this process when applicable, although a Commissioners' resolution to amend the Charles County Comprehensive Plan will be necessary to incorporate a solid waste facility/process approved by special exception into the Charles County Comprehensive Solid Waste Management Plan.*