

**Title 26**  
**DEPARTMENT OF THE ENVIRONMENT**

**Subtitle 03 WATER SUPPLY, SEWERAGE, SOLID WASTE AND POLLUTION  
CONTROL PLANNING AND FUNDING**

Chapter 03 Development of County Comprehensive Solid Waste Management Plans  
Authority: Environment Article, Title 9, Subtitle 85, Annotated Code of Maryland

**.01 Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
  - (1) "County" means any of the 23 Maryland counties or Baltimore City.
  - (2) County Plan.
    - (a) "County plan" means a comprehensive plan for adequately providing throughout the County (including all towns, municipalities corporations, and sanitary districts) the following facilities and services by public or private ownership:
      - (i) Solid waste disposal systems;
      - (ii) Solid waste acceptance facilities; and
      - (iii) Systematic collection and disposal of solid waste, including litter.
    - (b) "County plan" includes all revisions to the plan.
  - (3) "Department" means the Department of the Environment.
  - (4) "Governing body" means the Board of County Commissioners, or the County Executive and Council, or the Mayor and City Council of Baltimore.
  - (5) "Litter" means any waste materials, refuse, garbage, trash, debris, dead animals, or other discarded material.
  - (6) "Refuse" means any solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations, or from community activities, which:
    - (a) Is discarded, or is being accumulated, stored, or physically, chemically, or biologically treated before being discarded; or

- (b) Has served its original intended use and sometimes is discarded; or
  - (c) Is a manufacturing or mining by-product and sometimes is discarded.
- (7) "Revision" means either an adopted amendment to, or a periodic update of, a County plan.
- (8) "Solid waste" means any garbage, refuse, sludge, or liquid from industrial, commercial, mining, or agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or in irrigation return flows.
- (9) "Solid waste acceptance facility" means any sanitary landfill, incinerator, transfer station or plant, whose primary purpose is to dispose of, treat, or process solid waste.
- (10) Solid Waste Disposal System.
- (a) "Solid waste disposal system" means any publicly or privately owned system that:
    - (i) Provides a scheduled or systematic collection of solid waste;
    - (ii) Transport the solid waste to a solid waste acceptance facility; and
    - (iii) Treats or otherwise disposes of the solid waste at the solid waste acceptance facility.
  - (b) A solid waste disposal system includes each solid waste acceptance facility that is used in connection with it.
- (11) "Solid waste management" means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, re-use, or disposal of solid waste.

## **.02 General Provisions.**

- A. Each county shall maintain a current, comprehensive, solid waste plan which covers at least the succeeding 10-year period. Each plan shall be prepared in accordance with these regulations, and shall be arranged with an introduction and five chapters as set forth in Regulation .03.
- 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.



- C. The Department may require the installation of a solid waste disposal system, if deemed necessary, after considering the factors listed in Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland. The Department may permit the establishment of a solid waste acceptance facility without a collection and transportation system if a solid waste disposal system is either not available or not required to be installed in the area.

### **.03 Plan Content.**

- A. The introduction shall contain:

- (1) A statement certifying that the plan has been prepared in accordance with these regulations and that it has been officially adopted by the governing body of the county; and
- (2) The letter of approval from the Department.

- B. Chapter One shall contain a:

- (1) Statement of the county's goals regarding solid waste management, the objectives and policies necessary to achieve these goals, and a discussion of the conformance of these objectives and policies with those of State, regional, and local comprehensive land use plans and programs;
- (2) Brief discussion, with charts, of the structure of the county government as it relates to solid waste management; and
- (3) Brief discussion of State, federal and local agencies, laws, and regulations which affect the planning, establishment, and operation by the county of solid waste disposal systems.

- C. Chapter Two shall contain a:

- (1) Table which shows the county's present and projected population (if more than one set of projections is shown, the set upon which the plan is based shall be noted);
- (2) Map which shows the location of municipalities and federal facilities within the county;
- (3) Discussion of current county zoning requirements as they relate to solid waste management activities; and
- (4) Discussion of the current status of the county comprehensive land-use plan, including the date that the plan was adopted and last updated.

D. Chapter Three shall contain:

- (1) A table that shows the existing and projected, for at least the succeeding 10-year period, annual generation (in tons, cubic yards, or gallons, as appropriate) of:
  - (a) Residential (household, domestic) wastes;
  - (b) Commercial wastes;
  - (c) Industrial (nonhazardous) solids, liquids, and sludges;
  - (d) Institutional (schools, hospitals, government buildings) waste;
  - (e) Land clearing and demolition debris (rubble);
  - (f) Controlled hazardous substances (CHS);
  - (g) Dead animals;
  - (h) Bulky or special wastes (automobiles, large appliances, etc.);
  - (i) Vehicle tires;
  - (j) Wastewater treatment plant sludges;
  - (k) Septage; and
  - (l) Other wastes (water treatment plant sludges, residues collected by a pollution control device, agricultural wastes, mining wastes, litter, street sweepings, recreational wastes, etc.) unless they are generated in insignificant quantities. However, the Department may require the county to substantiate any omission.
- (2) A discussion of the bases for the data presented in the table required by D (1).
- (3) A discussion of the types and quantities of solid waste, if significant, which are entering or leaving the county for processing, recovery, or disposal.
- (4) A description of existing solid waste collection systems, including service areas.
- (5) Information concerning each existing public or private solid waste acceptance facility (incinerators, transfer stations, major composting sites, sanitary and rubble landfills, dumps, major resource recovery facilities, CHS facilities, injection wells, and industrial waste liquid holding impoundments) including:
  - (a) Its location on a map;
  - (b) Its Maryland grid coordinates;



- (c) Its size in acres;
- (d) The types and quantities of solid wastes accepted;
- (e) Ownership;
- (f) Permit status; and
- (g) Anticipated years of service life remaining.

E. Chapter Four.

- (1) Chapter four shall contain an assessment (using a narrative description, maps, charts, and graphs as appropriate) of the county's needs to alter, extend, modify, or add to existing solid waste disposal systems during the next 10 years.
- (2) The assessment above shall use, when appropriate, the background information contained in chapters one, two, and three.
- (3) The assessment shall consider the constraints imposed upon the establishment of solid waste acceptance facilities by:
  - (a) Topography;
  - (b) Soil types and their characteristics;
  - (c) Geologic conditions;
  - (d) Location;
  - (e) Use and depth of aquifers;
  - (f) Location of wetlands;
  - (g) Location of surface water sources and their flood plains and watersheds;
  - (h) Existing water quality conditions;
  - (i) Incompatible land use;
  - (j) Planned long-term growth patterns;
  - (k) Federal, State, and local laws and areas of critical State concern (as designated by the Department of State Planning).

- (4) The assessment shall evaluate:
- (a) The use of source separation and source reduction programs to reduce the quantities of solid wastes which shall be collected for disposal.
  - (b) Resource recovery options to reduce land disposal capacity needs;
  - (c) Consumer education programs, and cooperation with appropriate suppliers for the purchase of recycled products to encourage and help create a market for resource recovery and source separation programs;
  - (d) The need for disposal capacity for asbestos;
  - (e) Programs and procedures needed to respond to the unplanned (emergency) spillage or leaking of hazardous wastes within the county; and
  - (f) Whether existing local master plans and zoning regulations provide for the appropriate siting, operation, or both, or solid waste management systems or facilities.

F. Chapter Five.

- (1) Chapter five shall contain the county's plan of action with respect to all types of solid waste and all phases of solid waste management.
- (2) The plan of action in F (1), above, shall cover at least the succeeding 10-year period and, at a minimum, shall:
  - (a) Discuss the solid waste disposal systems and solid waste acceptance facilities, both public and private, which will be in use during the planning period, including proposed systems and facilities;
  - (b) Provide a mechanism for managing each of the waste streams identified in D(1);
  - (c) Demonstrate, through tables, charts and graphs, that the sizing, staging, and capacity of all systems and facilities in F(2)(a) and (b), above, will be adequate for the county's needs during the planning period;
  - (d) Establish schedules for placing new public or private solid waste disposal systems or solid waste acceptance facilities into operation, including a description of necessary actions and their timing, to bring the County's solid waste disposal systems into compliance with the mandates of pertinent federal and State laws, and any permits or orders issued under these laws;
  - (e) Describe provisions and methods for financing existing and proposed solid waste disposal systems, including planning and implementation;



- (f) Include a projected closure date for each public solid waste acceptance facility which is scheduled to cease operations during the planning period, the projected use of each closed site, and the relationship of that use to the County's comprehensive land use plan; and
- (g) Discuss changes in programs, plans, regulations, and procedures as a result of the assessment conducted under E, above.

#### **.04 Technical Requirements Applicable to County Plans.**

- A. Maps in the County plans shall be of sufficient scale and clarity to clearly show the required information.
- B. Projections in the County plans shall be given for at least the succeeding 10-year period at intervals of not more than 5 years.

#### **.05 Plan Revisions.**

- A. Except as provided in B, below, each county plan shall be:
  - (1) Revised if deemed necessary by the Department;
  - (2) Reviewed in its entirety at the interval specified by Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland; and
  - (3) Revised to include the installation or extension of either a solid waste acceptance facility, or solid waste disposal system, before the issuance of a permit by the Department under Environment Article, Title 9, Subtitle 2, Annotated Code of Maryland.
- B. Exceptions. A revision for the sole purpose of including a private facility is not necessary if the:
  - (1) Facility accepts only wastes generated by the owner's operations;
  - (2) Facility is in general conformance with the management mechanism described in Regulation .03F(2)(b); and
  - (3) Information listed in Regulation .03D(5) is provided for the facility when the County plan is reviewed and revised in accordance with A(2), above.
- C. Revisions pertaining to County plans shall be adopted and submitted in accordance with the following process:

- (1) The County shall solicit input concerning the proposed revision from each of the entities listed in Regulation .02B, above, and from any other entity likely to be affected by the proposed revision.
  - (2) The County shall provide a reasonable opportunity for a public hearing concerning the proposed revision to the County plan. Prince George's County and Montgomery County are required by Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland, to conduct a public hearing. The Department, the public, and the entities listed in Regulation .02B shall receive prior notice of a hearing.
  - (3) Following the public hearing or public meeting, or a decision not to conduct a public hearing or public meeting, the governing body of the County shall adopt the revisions and submit seven copies of it to the Department. This submittal shall be accompanied by a discussion of substantive issues raised at the public hearing or public meeting, and how they were resolved.
- D. The Department shall distribute copies of the adopted revision to the Departments of Natural Resources, State Planning, and Agriculture, for review and comment.
- E. The Department shall, within 90 days after receiving the submission, approve, disapprove, or approve in part, the adopted revision unless the review period has been extended under Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland. If the submittal is disapproved in whole, or in part, the Department shall, in a written notice to the County, clearly define the inadequacies of the submittal, and provide a suggested outline of the tasks needed to improve the submittal so that it can be approved by the Department.
- F. The governing body shall, for 6 months following the disapproval, have the right to appeal the Department's action by sending a written notice of appeal to the Department's Office of Hearings at 201 West Preston Street, Baltimore, Maryland 21201.

#### Administrative History

Effective date: January 1, 1971

Regulations .01--.05 repealed and new Regulations .01--.05 adopted effective November 4, 1985 (12:22 Md. R. 2104)

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