

CHAPTER 1

COUNTY GOALS, OBJECTIVES, POLICIES

AND PROGRAMS REGARDING

SOLID WASTE MANAGEMENT

1.0 GOALS, OBJECTIVES AND POLICIES ESTABLISHED BY THIS PLAN

1.1 GOAL

The overall goal of this Solid Waste Management Plan is to provide for facilities that are adequate to treat, recover, or dispose of solid waste in a manner that is consistent with the applicable State, Federal, and local laws and regulations that relate to air pollution, water pollution, and land use. The Plan's ultimate intent is the effective implementation of an integrated system of solid waste management and recycling that allows sufficient flexibility to react to changes in regulations, technology and market conditions.

1.2 OBJECTIVES

To effect the goal and to ensure compliance with existing applicable Federal, State, and local laws and regulations. The Plan has a number of implementing objectives:

1. To minimize the rate of waste generation through education and source reduction;
2. To encourage and facilitate the recovery, reuse and recycling of material within the waste stream;
3. To maintain, at a minimum, the MRA recycling mandate of 20%;
4. To decrease the volume of residual waste, which must be managed;
5. To efficiently manage all waste generated in Carroll County from the point of generation through ultimate disposal;
6. To provide for adequate facilities and programs to achieve these goals, for a ten-year planning period and beyond;
7. To operate a transfer capability in a manner that optimizes the delivery of Carroll's MSW to other final disposal sites; and
8. To implement a County policy that considers landfilling a "last resort" in the waste management hierarchy.

1.3 POLICY

In order to implement and manage a plan of this type, policies must be adopted that will not only encourage, promote, and enforce a clearly developed "Integrated Solid Waste Management Program", but also integrate the principles of that plan throughout County Government.

OVERALL POLICIES:

- A Solid Waste Enterprise Fund will be maintained through which all costs of solid waste management will be funded.

Costs:

- Costs will include those incurred for the operation, maintenance, replacement closure, and post closure monitoring and maintenance of solid waste management facilities, including education, permitting, licensing, recycling and recovery, transfer, landfilling, and financial assurances. The applicable roles are those required by subtitle "D" of the Resource Conservation and Recovery Act (RCRA) primarily found in the Code of Federal Regulations in 40CFR 257 and 258, as well as the Code of Maryland Regulations (COMAR) in Section 26.
- Also those costs incurred during administration of present and future solid waste planning and regulatory programs.

Revenues:

The Solid Waste Enterprise Fund will be financed through revenues generated from:

- Tipping fees or other special generation fees.
- Sale of assets and materials or energy generated.
- Interest.
- Issuance of bonds.
- License fees.
- Grants and loans.
- Each incorporated town within the County should form a solid waste management committee, or commission, to assess waste management in the jurisdiction and to develop individual solid waste management plans.
- Incorporated municipalities are also encouraged to coordinate solid waste management efforts with other municipalities as well as with the County to maximize system efficiency and effectiveness.
- Regulatory controls over inappropriate, illegal and illicit waste disposal activities will be enforced, through the County Code and through appropriate rules adopted by each municipality.
- Environmentally sensitive waste management practices will be followed.

1.4 CONFORMANCE WITH LAND USE PLANS

Article 66B, added to the Maryland Code in 1927 and was entitled "Zoning and Planning", delegates basic planning and land use regulatory powers to the State's municipalities, Baltimore City, and non-charter counties. The present organization of the Article is the result of a substantial revision in 1970 and the passage of the Economic Growth, Resource Protection, and Planning Act of 1992.

Article 66B is permissive, that is, it allows but does not require jurisdictions to exercise the powers delegated. If these powers are exercised, however, they must be exercised in accordance with the applicable provisions in the statute.

Article 66B authorizes local jurisdictions to prepare comprehensive plans, zoning ordinances (including historic zoning), and subdivision regulations. It also enables them to adopt adequate public facilities ordinances.

In 2000, the General Assembly did a comprehensive revision to Article 66B. It is now called “Land Use” (rather than “Zoning and Planning”). It has also been amended in 1991, 1995 and 2001. The Carroll County local provision is now Section 14.03 (rather than 5.05 or 5.08). The Planning Commission annual report is now sent to the Secretary of the Maryland Department of Planning (rather than Director of the Maryland Office of Planning).

Carroll County has chosen to avail itself of the authority granted under 66B and has developed and adopted a master plan and related ordinances that regulate land development and use. In addition, all of the incorporated municipalities within Carroll County have also exercised that authority.

It is critical that other county policies, ordinances and plans reflect the philosophy of the Master Plan. The Solid Waste Management Plan is developed to be in conformance with adopted county and comprehensive town land use plans:

- 1) it is an integrated Plan that balances environmental resource management, public health, economics and functional solid waste system management needs that Carroll County anticipates over the period of the Plan;
- 2) it considers special needs of the County’s targeted growth areas;
- 3) it provides for flexibility in management and for regular review and amendment;
- 4) recognizes that the sensitivity of environmental resources is a factor in solid waste decisions.

1.5 CONSISTENCY WITH LOCAL PLANNING GOALS

In addition to State and federal requirements, the location and operation of any new solid waste management facilities, public or private, must be consistent with the goals and philosophy of the adopted Carroll County Master Plan and in compliance with County ordinances.

1.6 THE COUNTY GOVERNMENT STRUCTURE IN RELATIONSHIP TO SOLID WASTE MANAGEMENT

1.6.1 INTER-DEPARTMENTAL COORDINATION REGARDING SOLID WASTE MANAGEMENT

Since the 2003 reorganization, the responsibility for the management of the County's solid waste falls under the Department of Public Works.

The present structure of the County Government consists of the elected Board of Commissioners (President, Vice President and Secretary), supported by departmental staff (see Figure 1-1). The Department of Public Works is responsible for solid waste program management, including recycling, and for the daily operations of landfills and recycling facilities, as well as any other waste management facility, new facility construction and facility compliance. The Office of the Comptroller is responsible for managing the Solid Waste Enterprise Fund, for the collection of tipping fees and revenues, and hauler licensing.

The Carroll County Office of Environmental Compliance provides assistance with regulatory environmental technical tasks needed to support regulatory compliance.

1.6.2 PUBLIC PARTICIPATION IN SOLID WASTE MANAGEMENT PLANNING

1.6.2.1 THE CARROLL COUNTY ENVIRONMENTAL ADVISORY COUNCIL

The Carroll County Board of Commissioners established the Carroll County Environmental Affairs Advisory Board (EAAB) in November of 1990. The EAAB was created in order to participate in the development of broad policy plans designed to assist the County Commissioners on issues of environmental concern.

In 2003 the County Commissioners reconfigured the EAAB into a new entity known as the Environmental Advisory Council (EAC). The EAC continues the role of providing for public input.

The existence of the EAC serves to provide the citizens of Carroll County with a medium to remain informed on issues of environmental concerns affecting the County, including solid waste management (see Appendix "A"). Its existence also provides an opportunity for outreach to the community and an opportunity for the public to be involved in, question, and comment on the processes that have a direct effect on them.

The EAC is responsible for providing the Board of County Commissioners with specific recommendations for action by the County that should result in improvements to the environment. These recommendations may include a proposal for work programs whose adoption and implementation shall be subject to approval by the County Commissioners.

The function of the EAC is to serve as a public advisory body to the Carroll County Commissioners on environmental matters; the EAC does not have approval authority, but does serve to advise the elected Board.

The EAC holds monthly meetings; however, special meetings may also be called. All meetings of EAC are open to the public and public notices of the meetings are advertised through the local media.

1.6.2.2 AD-HOC COMMITTEES

One of the purposes behind the formation of the EAC was that it would effectively minimize the need for appointment of individual ad-hoc committees. Regardless of that, there are always circumstances that arise that necessitate the need for an ad-hoc approach. For example, some issues require the appointment of individuals with specific expertise. In situations such as this, the ad-hoc committee may either be Commissioner appointed or may be a sub-committee of the EAC. Even when these committees are Commissioner appointed, there is often a member of the EAC appointed in consideration of the need for comprehensive environmental management.

There are a number of ad-hoc committees that have been appointed to address specific solid waste related issues:

- 1) A Recycling Committee
- 2) For a period of time the County was holding regular meetings with the independent haulers. The regular meetings are no longer held;

however, the hauling companies are often consulted on solid waste

issues and are always represented on committees that are charged to address solid waste issues.

- 3) A committee was also appointed to study the feasibility of the County providing waste pick-up services to County residents. The Committee studied each option including services by County employees, franchise hauling and regionalization with competitive bidding for routes controlled by the County. The Committee completed its work divided on the merits of contract hauling. The committee agreed that performing work with County personnel was not cost effective; however, they were divided on whether to regionalize and issue bids for contract haul routes.
- 4) Another committee considered the merits of using waste-to-energy technology in Carroll County. That Committee examined alternative technologies and considered the environmental, economic and engineering characteristics of each in order that an informed recommendation could be made. They were also tasked with making a recommendation regarding the potential for regional cooperation with neighboring counties in solid waste management. The Committee did not recommend waste-to-energy development in Carroll County. They did indicate that participation in a regional facility may be warranted and that MSW composting should be given consideration.

In addition to appointed public committees, the Commissioners solicit public comment on any public document formally adopted by the Board. This was true when the Solid Waste Ordinance was adopted as well as this Solid Waste Management Plan. The public is a critical component in the development, adoption and implementation of any plan. Regarding this Plan, County staff involved the EAC in its development, the policy recommendations of the aforementioned ad-hoc committees, and the public.

1.6.2.3 INTER-GOVERNMENTAL COOPERATION

The structure of government extends over the County, except for the eight incorporated municipalities: Hampstead, Manchester, Mount Airy, New Windsor, Sykesville, Taneytown, Union Bridge and Westminster. Most of the incorporated towns have contracted hauler services including curbside recycling. None, however, have any utilization or disposal facilities and none have their own solid waste management plans. Most of the County's municipalities rely on County-run or private facilities for solid waste management and final disposal.

1.6.2.4 REGIONAL COOPERATION

Carroll County is now, and has been, involved in several efforts designed to investigate the potential for regional cooperation in solid waste management.

- 1) In 1988, Carroll County co-sponsored a regional solid waste management study with Frederick, Howard, and Washington counties. The prime contractor of the study was the Northeast Maryland Waste Disposal Management Authority with a subcontract to Girshman, Bricker and Bratton of Falls Church, Virginia. The study addressed the potential for regional cooperation among the four counties. Topics included all forms of management including recycling facilities, landfills and combustion. The study concluded with a draft report issued in 1990. New administration taking office in the Fall of 1990 met with the other involved counties and decided that any establishment of regional facilities would require additional work. Since that time, Carroll County has continued to work with Howard and Frederick Counties toward that goal. No decision has been made regarding the possibility of regional cooperation; however, Carroll County continues to be interested in the possibility. That issue is one that the waste-to-energy committee also deliberated on.
- 2) Another regional effort was initiated in 1991. The Baltimore Regional Council sponsored a series of meetings with member jurisdictions (Baltimore City, Baltimore, Anne Arundel, Howard, Harford and Carroll counties) designed to investigate regional possibilities. That effort is ongoing; however, in 1992 a compact was signed by all of the member jurisdiction that commits them to continue to investigate these alternatives. As with the four-county effort discussed above, Carroll County will continue to work with the other jurisdictions in the region toward a common goal of sound regional waste management. The working group is being facilitated by the Northeast Maryland Waste Disposal Authority.
- 3) A third regional effort was initiated by the Baltimore Metropolitan Council (BMC) members in the Spring of 1995. BMC established a partnership with the Northeast Maryland Waste Disposal Authority and the Maryland Environmental Service (MES) and received strong commitment from member subdivision to develop a program to implement the compact goals by Spring of 1996. The Strategies for Developing Regional Solid Waste Management Program's final report was presented in September 1996.
- 4) In 1996, the County sought legislation approval to join the Northeast Maryland Waste Disposal Authority (NEMWDA). This was granted, and since 1997, Carroll has been a member. This group provides regional perspective, advice, and funding capability to Baltimore City, Baltimore County, Harford, Anne Arundel, Howard,

Montgomery, Frederick and Carroll. Carroll's Director of Public Works is on the Board of Directors.

1.7 GOVERNING LAWS AND REGULATIONS

Included in this Section is a discussion of the Federal, State and County laws, ordinances, and regulations applicable to Solid Waste Management in Carroll County and the State of Maryland.

1.7.1 FEDERAL LAWS AND REGULATIONS

1.7.1.1 SOLID WASTE DISPOSAL AND RESOURCE CONSERVATION AND RECOVERY ACT

(the Federal involvement with Solid Waste Management began in 1965 with the passage of the Solid Waste Disposal Act (SWDA). Since that time several other statutes have been passed and numerous regulations promulgated that have affected how solid waste is managed. The Resource Conservation and Recovery Act (RCRA) formally established the federal program regulating solid and hazardous waste management. RCRA actually amends earlier legislation (the Solid Waste Disposal Act of 1965), but the amendments were so comprehensive that the Act is commonly called RCRA rather than its official title.

The Act defines solid and hazardous waste, authorizes EPA to set standards for facilities that generate or manage hazardous waste, and establishes a permit program for hazardous waste treatment, storage, and disposal facilities. RCRA was last reauthorized by the Hazardous and Solid Waste Amendments of 1984. The amendments set deadlines for permit issuance, prohibited the land disposal of many types of hazardous waste without prior treatment, required the use of specific technologies at land disposal facilities, and established a new program regulating underground storage tanks. The authorization for appropriations under this Act expired September 30, 1988, but funding for the Environmental Protection Agency's programs in this area has continued; the Act's other authorities do not expire.

Solid Waste Disposal/Resource Conservation and Recovery Act and Major Amendments (42 U.S.C. 6901-6991k)

Year	Act	Public Law Number
1965	Solid Waste Disposal Act	P.L. 89-272, title II
1970	Resource Recovery Act of 1970	P.L. 91-512
1976	Resource Conservation and Recovery Act of 1976	<u>P.L. 94-580</u>
1980	Used Oil Recycling Act of 1980	<u>P.L. 96-463</u>
1980	Solid Waste Disposal Act Amendments of 1980	<u>P.L. 96-482</u>
1984	Hazardous and Solid Waste Amendments of 1984	<u>P.L. 98-616</u>

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1988	Medical Waste Tracking Act of 1988	<u>P.L. 100-582</u>
1992	Federal Facility Compliance Act of 1992	<u>P.L. 102-386</u>
1996	Land Disposal Program Flexibility Act of 1996	<u>P.L. 104-119</u>

Federal solid waste law has gone through four major phases:

- ✓ Phase I is marked by the adoption of the Solid Waste Disposal Act. Passed in 1965 as title II of the Clean Air Act of 1965, the SWDA focused on research, demonstrations, and training. It provided for sharing with the states the costs of making surveys of waste disposal practices and problems, and of developing waste management plans.
- ✓ The second phase, started with the adoption of the Resource Recovery Act of 1970. That legislation changed the approach from one of efficiency of disposal to concern with the reclamation of energy and materials from solid waste. It authorized grants for demonstrating new resource recovery technology, and required annual reports from the Environmental Protection Agency (EPA) on means of promoting recycling and reducing the generation of waste.
- ✓ In the third phase, the federal government embarked on a more active, regulatory role. The Resource Conservation and Recovery Act of 1976 (RCRA) instituted the first federal permit program for hazardous waste and prohibited open dumps.
- ✓ The fourth phase is marked by the adoption of the Hazardous and Solid Waste Amendments of 1984. Through those amendments the federal government implemented rules designed to prevent future contamination and the need for cleanup by prohibiting land disposal of untreated hazardous wastes, setting liner and leachate collection requirements for land disposal facilities, setting deadlines for closure of facilities not meeting standards, and establishing a corrective action program.

The major (non-hazardous) solid waste provision in RCRA is the prohibition of open dumps. This prohibition is implemented by the states, using EPA criteria to determine which facilities qualify as sanitary landfills and may remain open. EPA's criteria were originally promulgated in 1979; open dumps were to close or be upgraded by September 13, 1984.

In the 1984 amendments to RCRA, EPA was required to revise the sanitary landfill criteria for facilities that receive small quantity generator hazardous waste or hazardous household waste. Using this authority, the Agency promulgated revised regulations applicable to municipal solid waste landfills in October 1991, with an effective date of October 9, 1993 for most provisions. In general, the new criteria require liners, leachate collection, groundwater monitoring, and corrective action at municipal landfills.

Other solid waste provisions authorized in RCRA include: financial and technical assistance for states and local governments (most such assistance ended in fiscal year 1981 due to overall budget cutbacks); research, development, and demonstration authority (most of which also fell victim to budget cutbacks); and a procurement program, the goal of which is to stimulate markets for recycled products by requiring federal departments and agencies to "buy recycled."

While EPA is the lead agency under RCRA, the Department of Commerce is given several responsibilities for encouraging greater commercialization of resource recovery technology. The

Department has not played an active role, however.

Enforcement

RCRA contains stringent enforcement provisions. Criminal violations of subtitle C (hazardous waste) requirements are punishable by fines of as much as \$50,000 for each day of violation and/or imprisonment for as long as 5 years; knowingly endangering human life brings fines of as much as \$250,000 (\$1 million for a company or organization) and as long as 15 years imprisonment.

In cases not involving criminal conduct, the Act authorizes civil and administrative penalties of as much as \$25,000 per day of violation. EPA is authorized both to issue administrative compliance orders and to seek injunctive relief through the courts. Similar civil and administrative penalties (but not criminal penalties) apply to violations of the underground storage tank requirements in Subtitle I. Failure to close or upgrade open dumps can also be enforced by EPA in limited circumstances.

Like most environmental programs, RCRA in practice is largely enforced by state agencies exercising state authority equivalent to the federal. Although the Maryland Department of the Environment (MDE) is authorized as the principle agency implementing RCRA in Maryland, the EPA retains the power to undertake enforcement in such "authorized" states. RCRA requires only that the Administrator give notice to the state in which a violation has occurred prior to issuing an order or commencing a civil action.

RCRA also provides for citizen suits both against persons and entities alleged to have violated standards on permit requirements and against EPA in cases where the Administrator has failed to perform an action that is non-discretionary under the Act.

Amendments to RCRA

RCRA has been amended nine times, some of which were non-controversial additions clarifying portions of the law or correcting clerical errors in the text. The most significant sets of amendments occurred in 1980, 1984, and 1992.

1980 Amendments. The Solid Waste Disposal Act Amendments of 1980 provided EPA tougher enforcement powers to deal with illegal dumpers of hazardous waste; the Agency's authority to regulate certain high-volume, low-hazard wastes (known as "special wastes") was restricted; funds were authorized to conduct an inventory of hazardous waste sites; and RCRA authorizations for appropriations were extended through fiscal year 1982. Amending language contained in Superfund, P.L. 96-510, established an Assistant Administrator for Solid Waste and Emergency Response at EPA.

Hazardous and Solid Waste Amendments of 1984. The most significant set of amendments to RCRA was the Hazardous and Solid Waste Amendments of 1984 (HSWA), a complex law with many detailed technical requirements. In addition to restrictions on land disposal, and the inclusion of small-quantity hazardous waste generators (those producing between 100 and 1,000 kg of waste per month) in the hazardous waste regulatory scheme that was summarized above, HSWA created the new regulatory program for underground storage tanks. EPA was directed to issue regulations governing those who produce, distribute, and use fuels produced from hazardous waste, including used oil. Under HSWA, hazardous waste facilities owned or operated by federal, state, or local government agencies must be inspected annually, and privately owned facilities must be inspected at least every two years. Each federal agency was required to submit to EPA an inventory of hazardous waste facilities it ever owned.

The 1984 law also imposed on EPA a timetable for issuing or denying permits for treatment, storage,

and disposal facilities; required permits to be for fixed terms not exceeding 10 years; terminated in 1985 the "interim status" of land disposal facilities that existed prior to RCRA's enactment, unless they met certain requirements; required permit applications to be accompanied by information regarding the potential for public exposure to hazardous substances in connection with the facility; and authorized EPA to issue experimental permits for facilities demonstrating new technologies. EPA's enforcement powers were increased, the list of prohibited actions constituting crimes was expanded, penalties were increased, and the citizen suit provisions were expanded. Other provisions prohibited the export of hazardous waste unless the government of the receiving country formally consented to accept it; created an ombudsman's office in EPA to deal with RCRA-associated complaints, grievances, and requests for information; and reauthorized RCRA through FY88 at a level of about \$250 million per year. Finally, HSWA called for a National Ground Water Commission to assess and report to Congress in two years on groundwater issues and contamination from hazardous wastes. The commission was never funded and never established, however.

Federal Facility Compliance Act. The third major set of amendments was the Federal Facility Compliance Act of 1992. This Act resolves the legal question of whether federal facilities are subject to enforcement actions under RCRA, by unequivocally waiving the government's sovereign immunity from prosecution.

1996 Amendments. The 104th Congress passed an additional set of amendments to RCRA, the Land Disposal Program Flexibility Act (P.L. 104-119). This act exempts hazardous waste from RCRA regulation if it is treated to a point where it no longer exhibits the characteristic that made it hazardous, and is subsequently disposed in a facility regulated under the Clean Water Act or in a Class I deep injection well regulated under the Safe Drinking Water Act. A second provision of the bill exempted small landfills located in arid or remote areas from ground water monitoring requirements, provided there is no evidence of ground water contamination.

1.7.1.2 OTHER LAWS AFFECTING SOLID WASTE MANAGEMENT

Although not technically amending RCRA, the 101st, 103rd, and 104th Congresses have enacted five other solid/hazardous waste-related measures.

Sanitary Food Transportation Act. The Sanitary Food Transportation Act of 1990 (P.L. 101-500) required the regulation of trucks and rail cars that haul both food and solid waste (a problem commonly referred to as "backhauling of garbage"). The Act directed the Departments of Agriculture, Health and Human Services, and Transportation to promulgate regulations specifying: (1) recordkeeping and identification requirements; (2) decontamination procedures for refrigerated trucks and rail cars; and (3) materials for construction of tank trucks, cargo tanks, and ancillary equipment.

Clean Air Act. The Clean Air Act Amendments of 1990 (Section 305 of P.L. 101-549) contained a provision mandating stronger federal standards for solid waste incinerators. The law requires EPA to issue new source performance standards to control air emissions from municipal, hospital, and other commercial and industrial incinerators. New facilities must comply with the EPA rules within 6 months of the time they are issued, and existing units must comply within 5 years of issuance.

Pollution Prevention Act. The Pollution Prevention Act of 1990 (sections 6601-

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6610 of P.L. 101-608) was passed as part of the Omnibus Budget Reconciliation Act of 1991. The measure declared pollution prevention to be the national and directed EPA to undertake a series of activities aimed at preventing generation of pollutants, rather than controlling pollutants after they are created. The Act also imposed new reporting requirements on industry. Firms that were required to file an annual toxic chemical release form under the Emergency Planning and Community Right-to-Know Act of 1986 must also file a report detailing their source reduction and recycling efforts over the previous year.

Indian Lands Open Dump Cleanup Act. The Indian Lands Open Dump Cleanup Act of 1994 (P.L. 103-399) required the Indian Health Service (IHS) to provide technical and financial support to inventory and close open dumps on Indian lands, and to maintain the sites after closure. According to IHS, only two of more than 600 waste dumps on Indian lands met current EPA regulations prior to the law's enactment.

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Mercury-Containing and Rechargeable Battery Management Act. The 104th Congress passed legislation (P.L. 104-142) exempting battery collection and recycling programs from certain hazardous waste management requirements, prohibiting the use of mercury in batteries, and requiring labels on batteries to encourage proper disposal and recycling. By exempting battery collection and management programs from some parts of RCRA, the law was expected to stimulate new recycling programs.

Food and Yard Waste Composting. EPA has also published a guidance document entitled *Yard Trimmings/Food Scraps* and has delegated authority to the states for all composting programs. Composting facilities may need approvals/permits from the state before they can begin operating. The requirements for permitting composting facilities may vary among states.

Biosolids Disposition. 40 CFR Part 503 under the Clean Water Act (CWA) pertains to land application (and biosolids composting), surface disposal, and combustion of biosolids (sewage sludge). Many of the standards promulgated in this rule can be applicable to municipal solid waste compost.

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Construction and Demolition Debris (C&D) Disposition. C&D debris is neither classified as Resource Conservation and Recovery Act (RCRA) hazardous waste nor RCRA municipal solid waste (MSW). Therefore, C&D landfills are not subject to federal design and operational criteria. However, if C&D debris is sent to solid waste landfills (MSWLFs) or landfills which accept conditionally exempt quantity generator (CESQG) waste, those landfills must still meet federal regulations set forth in RCRA, Subtitle D. (Part 258 for MSWLFs and Part 257, Subpart B for CESQG).

Under Executive Order (E.O.) 13101, Federal Acquisition, Recycling, and Waste Prevention, the Federal Government is required to use recycled products and "environmentally preferable" products and services. Executive Order 13101 affects the C&D waste stream because several construction items are included among these products. For example, Federal Agencies are required to buy carpet and insulation made from recycled materials

Household Hazardous Waste Disposition. Households often generate solid wastes

and yard expanded the stations, areas. While under that could technically be hazardous wastes (e.g., old solvents, paints, pesticides, fertilizer, poisons). However, it would be impossible to regulate every house in the United States that occasionally throw away a can of paint thinner or a bottle of rat poison. Therefore, EPA developed the household waste exemption. Under this exemption, wastes generated by normal household activities (e.g., routine house maintenance) are exempt from the definition of hazardous waste. EPA has expanded the exemption to include household-like areas, such as bunkhouses, ranger crew quarters, campgrounds, picnic grounds, and day-use recreation areas. While household hazardous waste is exempt from Subtitle C, it is regulated under Subtitle D as a solid waste.

RCRA **Industrial Non-hazardous Waste (Industrial D).** Industrial D is neither municipal solid waste nor RCRA hazardous waste under federal law. Therefore, it is not subject to federal regulations covering design and operational criteria. It is loosely regulated by RCRA Subtitle D and 40 CFR 257, Subpart A which governs those solid waste disposal facilities that do not meet the definitions of a municipal solid waste landfill.

EPA developed a guidance document, *Guide for Industrial Solid Waste Management*, which establishes voluntary criteria to assist facility and environmental managers to choose the best combination of protective design, monitoring, and operating practices to manage the disposal of industrial waste.

1.7.2 MARYLAND LAW AND REGULATION

1.7.2.1 MARYLAND STATE AGENCIES

Just as with the Federal government, the State of Maryland has passed numerous laws that affect solid waste management (See Table 1-1). Maryland's regulation of solid waste is codified in the Environment Article, Annotated Code of Maryland (see Tables 1-2 and 1-3).

Four State agencies in Maryland have responsibility for solid waste management:

1. **Maryland Department of the Environment (MDE)** – The MDE has been given the responsibility of implementing all State and Federal legislation relating to solid waste. Federally legislated standards that MDE must meet or exceed in carrying out its regulatory responsibilities include, but are not limited to: the provisions of the Resource Conservation and Recovery Act (RCRA); the Clean Air Act, the Clean Water Act; and the Safe Drinking Water Act. Maryland environmental regulations relative to solid waste disposal and management, waste recycling, surface and ground water protection, and erosion and sediment control, are among the State mandated provisions that MDE must also enforce.

As the agency delegated to implement RCRA requirements for solid waste disposal, MDE reviews the County solid waste plans and approves them based on established State and Federal standards.

MDE is also charged with issuing permits, inspecting facilities, and enforcing all Maryland State and Federal environmental laws regarding solid waste, its management and control of potential impacts as a result of that management.

2. **Maryland Environmental Service (MES)** – MES is a State agency that is also a public utility. MES is managed by a seven-member board appointed by the Secretary of the Department of Natural Resources with approval by the Governor, upon the advice and consent of the Maryland Senate. MES has very broad powers, including the ability to: plan, acquire, construct and operate solid waste projects; institute and charge fees for project services; and create and administer funding authorities, which can issue revenue bonds for project financing.

MES can exert its broad powers; however, only if requested to do so by a locality that needs help and is willing to enter into an agreement with MES. The Secretary of the Maryland Department of the Environment can also request MES to provide remedial services if an entity or locality has not complied with a Department of the Environment regulation.

3. **The Northeast Maryland Waste Disposal Authority (Authority)** – The Authority is a public instrumentality of the State, created to assist participating member jurisdictions, other public entities, and the private sector in developing adequate waste disposal facilities, including waste-to-energy projects.

The Authority was established to act as a coordinating agency and financing vehicle for effective integrated disposal facilities that are regional in scale.

The Authority is directed by an eight-person board. Each member jurisdiction (Baltimore City, Baltimore, Anne Arundel, Carroll, Frederick, Harford, Howard, and Montgomery counties) has one representative who is appointed by the Governor to a four-year term.

The Director of MES is an ex-officio member. The Authority has broad powers enabling it, in effect, to plan, construct, finance, own, and/or operate a regional waste disposal facility located within the boundaries of the member jurisdictions. The Authority has the power to acquire and sell land and property; issue bonds for the purpose of paying all or part of the cost of projects; fix rates or charges for services and facilities made available by the Authority; and solicit and enter into contracts for any appropriate Authority activity, including delivery of waste to Authority facilities, management and operation of facilities, and the sale of energy and materials.

4. **Maryland Department of Health and Mental Hygiene**

The Carroll County Health Department is a State agency with

responsibilities under both Maryland Department of Health and Mental Hygiene and the Department of the Environment. Through their Environmental Health Division, complaints regarding illegal

dumping are responded to and enforcement taken under Health Department rules.

1.7.3 COUNTY LAW AND REGULATION

On May 21, 1992, the Carroll County Commissioners adopted Ordinance Number 94 regulating Solid Waste Collection and Handling. The Ordinance provides for the licensing of haulers, establishes minimum standards for waste handling, outlines the waste acceptance standards enforced at County solid waste acceptance facilities, outlines how fees will be established and collected and provides for enforcement authority (see Appendix “C”). Ordinance Number 94 is now titled “Chapter 185 Code of Public Local Laws and Ordinances of Carroll County, henceforth referred to as “The Solid Waste Ordinance”.

Carroll County also maintains authority over the location of private solid waste management facilities through the Zoning Ordinance. Private rubble landfills may only be located in the Business Local (BL), Business General (BG), Agriculture (A), Industrial Restricted (IR) and Industrial General (IG) districts as a conditional use and subject to the approval of the County Board of Zoning Appeals. Sanitary landfills, transfer stations and combustion plants are subject to the same approval but are only permissible in the IR or IG zones (see Appendix “D”). The County also has been granted broad authority to implement solid waste projects by the State Legislature (see Appendix “E”).