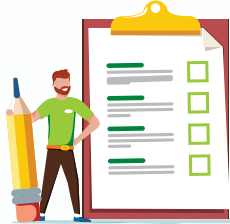


Section 1:

Procedures and Requirements

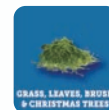


All businesses are required to comply with the recycling regulations within 30 days of operating within the County.

What's required by the County's business recycling regulation?

All businesses are required to recycle the following materials:

1. Mixed or sorted paper and cardboard
2. Commingled materials or sorted aluminum cans and foil products, bi-metal steel/tin cans, empty, non-hazardous aerosol cans, glass bottles and jars, and plastic lids, bottles, jars, containers, tubs, flower pots, pails, buckets, caps and #1 PET clamshell containers.
3. Scrap metal
4. Yard trim (grass, leaves and brush)
5. Christmas trees



Businesses with 100 or more employees¹ are required to:

1. Complete a Business Recycling and Waste Reduction Plan (referred to as the Plan) to tell the County how your business will recycle the required materials.
2. Recycle the required materials with a goal of recycling or reducing the amount of solid waste going to disposal facilities as much as possible.
3. Submit an Annual Business Recycling and Waste Reduction Report (referred to as the Annual Report) by the dates specified in Executive Regulation (ER) 1-15 and noted in Section 4.

Businesses with fewer than 100 employees¹ are required to:

1. Recycle the required materials with a goal of recycling or reducing the amount of solid waste going to disposal facilities as much as possible.
2. Upon request from the Recycling and Resource Management Division, submit a Plan or Annual Report, within 60 days from receipt of a written request.

If your business is unable to recycle one or more of the required materials due to extreme hardship, you must file for an exemption with your plan or, when your annual report is due.

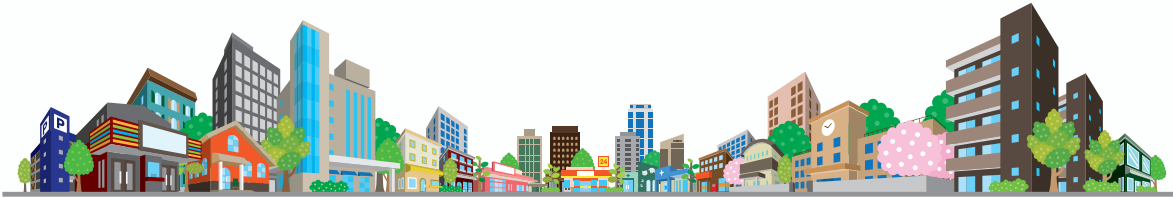
If your business already recycles, simply document the program by completing the Plan and submitting it to the RRMD, and file an Annual Report by the dates specified in ER 1-15.

¹ Employee is defined as any person working on-site 20 or more hours per week directly for a business or for an entity affiliated with the business, or any person working on-site as an agent or independent contractor, for more than six months in any calendar year.

How does the County define a business?

A business includes any enterprise, individual, corporation, partnership (limited or general), sole proprietorship, or other entity or person – that maintains an office or place of business in Montgomery County. Businesses include non-profit organizations, public institutions, public and private schools, local, state, and Federal government agencies, health care facilities, construction sites, and home-based businesses. All of these types of organizations are required to comply with the business recycling regulation.

For the purpose of this regulation, business refers to the entity generating waste.



What size businesses are required to recycle?

All businesses in Montgomery County, regardless of size or type are required to recycle. Reporting requirements depend upon the size of a business:

- Large businesses: All businesses with 250 or more employees
- Medium businesses: All businesses with 100-249 employees
- Small businesses: All businesses with fewer than 100 employees

What is Recycling and Waste Reduction?

Recycling means separating used, surplus, or excess materials from waste, diverting it to a facility where it can be processed and converted into a new material or product, and then returning the product to the marketplace for sale and reuse.

For the purpose of this regulation, **composting** is considered recycling. Composting is the process whereby organic materials, such as yard trim (grass clippings, leaves, garden trimmings and brush), food scraps and other types of acceptable organic materials, are handled in a manner that encourages natural decomposition. The material that is produced from this process can be reused as a beneficial soil amendment.



Waste reduction refers to programs and techniques undertaken by individuals and organizations that reduce the amount of waste generated. Waste reduction measures include using less raw material to make a product, using supplies and equipment more efficiently, and using products that are more durable and easily repaired. (Refer to Section 5 of this Handbook for more detail on waste reduction.)

What is the Business Recycling and Waste Reduction Plan?

The Business Recycling and Waste Reduction Plan provides the County with basic information on how your business will recycle the required materials. Businesses with 100 or more employees must submit a Plan, and businesses with fewer than 100 employees are required to file a Plan upon written request by RRMD.

This plan must identify the number and size of collection containers, collection frequency, and the name of the company responsible for collecting each material. This plan also asks businesses to identify waste reduction efforts underway in the organization. (Refer to Section 3 of this Handbook for more details.)

What is the Annual Business Recycling and Waste Reduction Report?

The Annual Business Recycling and Waste Reduction report, otherwise known as “Annual Report” provides the County with the amount (quantity) of each material collected for recycling and the total amount (quantity) of solid waste generated that is collected during the previous calendar year. Each business is encouraged to request this information from the company(ies) collecting their recyclables and solid waste. If your collection company(ies) cannot provide this data, you will need to estimate the quantity using the Recycling Containers and Capacity Estimates chart found in Section 7 of this Handbook, or by using our online recycling and refuse calculator at MontgomeryCountyMD.gov/RecycleRight and click on “Recycle at Work”.



The County recommends tracking this data monthly. Ask your collection company(ies) to provide monthly tonnage reports (weight receipts) along with their invoice(s) for services.

What materials are required to be recycled?

Businesses are required to divert from their waste through recycling, composting, and/or waste reduction programs the following materials: mixed paper and cardboard (may be sorted by type/grade), commingled materials (may be sorted by type), yard trim, Christmas trees and scrap metal. Refer to Recyclable Materials – Definitions list, Section 8 of this Handbook.

Other types of materials your business may voluntarily recycle include the following: plastic film, such as plastic bags and shrink wrap, food scraps, wood waste, batteries, motor oil/antifreeze, construction and demolition debris, toner cartridges, computer equipment, textiles, and more.

What if my business does not generate one of the required recyclable materials?

If your business does not generate one or more of the required recyclable materials as part of your normal business practice(s), you must request an exemption from recycling that material and explain that the material is not generated on-site.

What if my business cannot recycle a required material?

If recycling a required material poses an extreme hardship, your business may request an exemption from recycling that material. Businesses that request an exemption from recycling one or more materials must file an exemption at the time they submit the Plan and/or Annual Report.

For any material for which an exemption is requested, check the box corresponding to that material on Page 2 of the Plan or Annual Report. The County will send an Exemption Request Form, which must be completed by the business and then returned to the County. The County will then follow-up by scheduling a site visit to verify site conditions and obtain other information that may be needed.

Exemptions will be reviewed and issued based upon these criteria: availability of markets for a recyclable material; extreme financial hardship; and unavailability of storage space.

Once the case has been evaluated, RRMD will issue a letter either granting or denying the exemption. If an exemption is denied, your business must resubmit a Plan within three weeks of receipt of the denial letter. If an exemption is granted, the letter from the County will tell you which material(s) your business is exempt from recycling, and the expiration date of the exemption. If the exemption is still needed at the time your business submits its Annual Report, you must repeat the procedures described above in order to retain the exemption.

How are property owners and managers affected by the regulation?

Property owners/managers must make recycling collection service and storage space for recyclable materials available to tenants, so that tenants can recycle in accordance with the regulation. Property owners of multi-tenant facilities are required to file a Plan and/or Annual Report covering facilities in their entirety and include information for all tenants. Property owners should work with their tenants to gather information on any specific recycling activities their business undertakes that is beyond the level of service provided by the property owner. This information should be included in one Plan or Annual Report for the entire facility.

Businesses must work with their property manager if they need assistance to recycle. The County recommends that tenants and property managers work together to set up a recycling program that works for all.

Can my property manager file a Plan for my business?

Each business required to file a Plan with the County is responsible for ensuring that their Plan has been filed. In addition, your property manager will be required to file a Plan covering the entire facility.

Typically, the property owner/manager is providing waste collection and recycling collection services for all the tenant businesses. Keep in mind, however, that a separate version of the Plan must be filed for each business required to submit a Plan. One Plan must be filed for each individual business and must be signed by a responsible corporate officer of that particular business.



Can my property manager file my Annual Report?

Yes, property owners/managers of multi-tenant facilities are required to complete an Annual Report covering facilities in their entirety and include information for all tenants. Property owners/managers filing the forms for tenants must provide the complete business name, on-site contact person for each business, number of employees, and square footage occupied for each tenant covered by the Annual Report. Annual Reports submitted by property owners/managers must provide total tonnage (amounts) for all tenants covered by the report.

My business has several offices located at different sites in the County. Can we file one Plan and Annual Report?

Yes, if your company has multiple sites located throughout Montgomery County, you may:

1. Complete one Plan and one Annual Report to cover all sites (note: you must provide the address of each site) or;
2. File a separate Plan and Annual Report for each location.

Please note: Any Plan and/or Annual Report covering multiple locations must list each property address subject to it, and each location covered by the Plan and/or Report must maintain a copy of the Plan and/or Report on the premises.

The corporate headquarters or central office submitting the required Plan and Annual Report for more than one location must clearly list the name, address, on-site contact person, number of employees, and square footage occupied at each location covered under both the Plan and Annual Report.

For example, a chain of grocery stores that has thirty (30) stores in the County has the option to file one Plan and Annual Report that covers all its stores or may submit an individual Plan and Annual Report for each store. (Refer to Section 4 of this Handbook for more details.)

In this example, each of the thirty stores must be provided a copy of the Plan and/or Annual Report from their corporate headquarters or central office to maintain on-site.

What if my business self-hauls recyclable materials to a recycling facility?

If your business self-hauls recyclable materials to a recycling facility, your business must obtain scale house tickets and provide these as documentation of quantity recycled to meet reporting requirements.

What happens if my business or property does not comply with Montgomery County's recycling requirements?

Under Montgomery County Code, violations of Executive Regulation 1-15 are a Class B violation of Montgomery County Code and are subject to fines of \$100.00 for the initial violation and \$150.00 for subsequent violations which can be levied for each day that the violation exists.

Montgomery County's Ban on the Use and Sale of Polystyrene (#6) Food Service Ware and Loose Fill Packaging Materials

The use and sale of all #6 polystyrene food service ware and expanded polystyrene loose fill packaging (packaging peanuts) is prohibited in Montgomery County, Maryland. All food service establishments, including concession stands and food trucks, must use food service ware that is reusable, compostable or recyclable in Montgomery County.

Prohibiting the use and sale of polystyrene food service ware products and loose fill packaging will help protect our environment and reduce litter.



Montgomery County's Requirements on Single-Use Straws

The distribution of single-use straws is prohibited in Montgomery County, Maryland, except in certain circumstances.

All food service establishments, including concession stands and food trucks, may not provide a straw to a customer, unless the customer requests a straw. Straws provided must be reusable, home compostable or marine degradable. Food service businesses are permitted to maintain a supply of plastic straws to provide to customers upon request to comply with medical and disability rights laws.



For more information about these laws, as well as a list of vendors that offer recyclable or compostable alternatives, visit our website at:

<https://www.montgomerycountymd.gov/sws/expanded-polystyrene/>.