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By: **Senator Pinsky**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Diversion of Construction and Demolition Materials**

3 FOR the purpose of requiring the Office of Recycling in the Department of the  
4 Environment, on or before a certain date, to develop and post on the  
5 Department's website a certain resource guide and certain model guidelines;  
6 requiring the Office to post certain county plans on the Department's website;  
7 requiring the Office to include in a certain biennial report information on the  
8 availability of market for construction and demolition materials and information  
9 on the development of a certain resource guide and model guidelines; requiring  
10 each county to develop and implement a plan for the management of  
11 construction and demolition materials that includes certain goals; authorizing a  
12 county to include certain other information in the plan; requiring each county to  
13 submit the management plan to the Department for certain purposes and post  
14 the plan on the county's website; defining certain terms; providing for the  
15 effective date of certain provisions of this Act; providing for the termination of  
16 certain provisions of this Act; and generally relating to the diversion of  
17 construction and demolition materials.

18 BY repealing and reenacting, with amendments,  
19 Article - Environment  
20 Section 9-1701 through 9-1703  
21 Annotated Code of Maryland  
22 (1996 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Environment  
25 Section 9-1701 through 9-1703  
26 Annotated Code of Maryland  
27 (1996 Replacement Volume and 2005 Supplement)  
28 (As enacted by Chapter 384 of the Acts of the General Assembly of 2005)

## Preamble

1  
2 WHEREAS, With approximately \$100 billion in new construction each year in  
3 the United States, and approximately \$126 billion in renovations, the recovery of  
4 materials from construction and demolition has important economic and  
5 environmental implications; and

6 WHEREAS, To the extent that the debris from construction and demolition can  
7 be reused or recycled rather than thrown away, demand for virgin resources is  
8 reduced, the embedded energy in these materials is recaptured, and the need for  
9 increasingly limited landfill space is reduced; and

10 WHEREAS, In addition to environmental benefits, construction and demolition  
11 materials recycling may also yield economic benefits by providing an additional  
12 source of revenue for companies engaged in construction and demolition; now,  
13 therefore,

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

**Article - Environment**

16  
17 9-1701.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) "Compost" means the product of composting in accordance with the  
20 standards established by the Secretary of Agriculture under § 6-221 of the  
21 Agriculture Article.

22 (c) "Composting" means the controlled biological decomposition of organic  
23 waste material in accordance with the standards established by the Secretary under  
24 this title.

25 (d) (1) "Computer" means a desktop personal computer or laptop computer,  
26 including the computer monitor.

27 (2) "Computer" does not include:

28 (i) A personal digital assistant device;

29 (ii) A computer peripheral device, including:

30 1. A mouse or other similar pointing device;

31 2. A printer; or

32 3. A detachable keyboard.

33 (e) "Computer takeback program" means a program, established by a  
34 computer manufacturer, for the collection and recycling, refurbishing, or reuse of a

1 computer labeled with the name of the manufacturer or the manufacturer's brand  
2 label, including:

3 (1) Providing, at no cost to the returner, a method of returning a  
4 computer to the manufacturer, including postage paid mailing packages or designated  
5 collection points throughout the State;

6 (2) Contracting with a recycler, local government, other manufacturer, or  
7 any other person; or

8 (3) Any other program approved by the Department.

9 (F) "CONSTRUCTION AND DEMOLITION MATERIALS" MEANS BUILDING  
10 MATERIALS AND SOLID WASTE RESULTING FROM CONSTRUCTION, REMODELING,  
11 REPAIR, CLEANUP, OR DEMOLITION OPERATIONS THAT ARE NOT CONTROLLED  
12 HAZARDOUS SUBSTANCES AS DEFINED IN TITLE 7, SUBTITLE 2 OF THIS ARTICLE.

13 [(f)] (G) "Director" means the Director of the Office of Recycling.

14 (H) (1) "DIVERSION" MEANS THE PROCESS OF USING MATERIAL FOR ANY  
15 PURPOSE OTHER THAN DISPOSAL IN A LANDFILL OR OTHER REFUSE DISPOSAL  
16 SYSTEM.

17 (2) "DIVERSION" INCLUDES RECYCLING.

18 [(g)] (I) "Manufacturer" means the corporation or other legal entity that is  
19 the brand owner or importer of a computer sold in the State.

20 [(h)] (J) (1) "Natural wood waste" means tree and other natural vegetative  
21 refuse.

22 (2) "Natural wood waste" includes tree stumps, brush and limbs, root  
23 mats, logs, and other natural vegetative material.

24 [(i)] (K) (1) "Natural wood waste recycling facility" means a facility where  
25 recycling services for natural wood waste are provided.

26 (2) "Natural wood waste recycling facility" does not include a collection  
27 or processing facility operated by:

28 (i) A nonprofit or governmental organization located in the State;  
29 or

30 (ii) A single individual or business that provides recycling services  
31 for its own employees or for its own recyclable materials generated on its own  
32 premises.

33 [(j)] (L) "Office" means the Office of Recycling within the Department.

34 [(k)] (M) "Recyclable materials" means those materials that:

1 (1) Would otherwise become solid waste for disposal in a refuse disposal  
2 system; and

3 (2) May be collected, separated, or processed and returned to the  
4 marketplace in the form of raw materials or products.

5 [(l)] (N) (1) "Recycling" means any process in which materials that would  
6 otherwise become solid waste are collected, separated, or processed and returned to  
7 the marketplace in the form of raw materials or products.

8 (2) "Recycling" includes composting.

9 [(m)] (O) "Recycling services" means the services provided by persons engaged  
10 in the business of recycling, including the collection, processing, storage, purchase,  
11 sale, or disposition of recyclable materials.

12 [(n)] (P) "Resource recovery facility" means a facility in existence as of  
13 January 1, 1988 that:

14 (1) Processes solid waste to produce valuable resources, including steam,  
15 electricity, metals, or refuse-derived fuel; and

16 (2) Achieves a volume reduction of at least 50 percent of its solid waste  
17 stream.

18 [(o)] (Q) (1) "Solid waste stream" means garbage or refuse that would,  
19 unless recycled, be disposed of in a refuse disposal system located in this State.

20 (2) "Solid waste stream" does not include:

21 (i) Hospital waste;

22 (ii) Rubble;

23 (iii) Scrap material;

24 (iv) Land clearing debris;

25 (v) Sewage sludge; or

26 (vi) Waste generated by a single individual or business and disposed  
27 of in a facility dedicated solely for that entity's waste.

28 [(p)] (R) "White goods" includes:

29 (1) Refrigerators;

30 (2) Stoves;

31 (3) Washing machines;

1 (4) Dryers;

2 (5) Water heaters; and

3 (6) Air conditioners.

4 [(q)] (S) (1) "Yard waste" means organic plant waste derived from  
5 gardening, landscaping, and tree trimming activities.

6 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds,  
7 and prunings.

8 9-1702.

9 (a) There is an Office of Recycling created within the Department.

10 (b) The Secretary shall appoint a Director and sufficient staff to perform the  
11 functions of the Office. After July 1, 1989, the number of staff shall be as provided in  
12 the budget.

13 (c) The Secretary may adopt regulations to carry out the provisions of this  
14 subtitle.

15 (d) The Office shall:

16 (1) Assist the counties in developing an acceptable recycling plan  
17 required under § 9-1703 of this subtitle and § 9-505 of this title, including technical  
18 assistance to the local governments;

19 (2) Coordinate the efforts of the State to facilitate the implementation of  
20 the recycling goals at the county level;

21 (3) Review all recycling plans submitted as part of a county plan as  
22 required under § 9-505 of this title and advise the Secretary on the adequacy of the  
23 recycling plan; [and]

24 (4) Administer the Statewide Computer Recycling Program under Part  
25 IV of this subtitle;

26 (5) ON OR BEFORE OCTOBER 1, 2008, DEVELOP AND POST ON THE  
27 DEPARTMENT'S WEBSITE:

28 (I) A RESOURCE GUIDE THAT:

29 1. PROVIDES INFORMATION AND GUIDANCE TO LOCAL  
30 GOVERNMENTS AND CONSTRUCTION CONTRACTORS ON THE DIVERSION OF  
31 CONSTRUCTION AND DEMOLITION MATERIALS; AND

32 2. INCLUDES A LISTING OF FACILITIES THAT HANDLE THE  
33 DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS, INCLUDING  
34 LOCATION AND CONTACT INFORMATION; AND

1 (II) MODEL GUIDELINES TO ASSIST LOCAL GOVERNMENTS IN  
2 DEVELOPING A PLAN FOR THE DIVERSION OF CONSTRUCTION AND DEMOLITION  
3 MATERIALS, INCLUDING PERCENTAGE GOALS FOR THE AMOUNT OF MATERIALS  
4 THAT CAN REASONABLY BE DIVERTED ON AND AFTER EACH OF THE FOLLOWING  
5 DATES:

- 6 1. OCTOBER 1, 2010;
- 7 2. OCTOBER 1, 2015; AND
- 8 3. OCTOBER 1, 2020; AND

9 (6) ON RECEIPT OF A COUNTY DIVERSION PLAN SUBMITTED IN  
10 ACCORDANCE WITH § 9-1703 (G)(3) OF THIS SUBTITLE, POST THE PLAN ON THE  
11 DEPARTMENT'S WEBSITE.

12 (e) Beginning on January 1, 1990, and biannually thereafter, the Office shall,  
13 in coordination with the Maryland Environmental Service, study and report to the  
14 Governor and, subject to § 2-1246 of the State Government Article, the General  
15 Assembly on:

16 (1) The availability of local, national, and international markets for  
17 recycling materials, INCLUDING CONSTRUCTION AND DEMOLITION MATERIALS;

18 (2) The identification and location of recycling centers, including an  
19 analysis of existing recycling centers and the need to expand these facilities or  
20 construct new recycling centers;

21 (3) Programs necessary to educate the public on the need to participate  
22 in recycling efforts;

23 (4) The economics and financing of existing and proposed systems of  
24 waste disposal and recycling;

25 (5) State procurement policies for the purchase of recycled materials;

26 (6) Programs necessary to reduce the amount of solid waste generated  
27 for disposal by a State agency or unit;

28 (7) The liaison role with local governments, the federal government, and  
29 the private sector;

30 (8) The percentage reduction in the amount of solid waste that has been  
31 achieved by each county; [and]

32 (9) Economically feasible methods for the recycling of scrap automobile  
33 tires, batteries, and white goods; AND

34 (10) THE DEVELOPMENT OF A RESOURCE GUIDE AND MODEL  
35 GUIDELINES REQUIRED UNDER SUBSECTION (D)(5) AND (6) OF THIS SECTION.

1 (f) (1) By December 1, 1988, the Office shall, in coordination with the  
2 Maryland Environmental Service and the Governor's Task Force on Solid Waste,  
3 make recommendations to the General Assembly for the financing of a comprehensive  
4 system of recycling at the State and local level, including funding for recycling  
5 centers, recycling equipment, recycling education, and marketing strategies.

6 (2) After the financing recommendations are made under paragraph (1)  
7 of this subsection, each county may submit to the Office and the Governor a detailed  
8 request for funds necessary to assist in the development and implementation of a  
9 recycling plan under guidelines developed by the Office.

10 (g) In studying feasible methods for the management and recycling of used  
11 tires under subsection (e)(9) of this section, the Office of Recycling shall consult with  
12 the appropriate industry, including representatives of:

13 (1) Tire manufacturers;

14 (2) Tire dealers; and

15 (3) Tire recyclers.

16 (H) IN DEVELOPING A MODEL RESOURCE GUIDE AND MODEL GUIDELINES  
17 FOR THE DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS UNDER  
18 SUBSECTION (D)(5) AND (6) OF THIS SECTION, THE OFFICE OF RECYCLING SHALL  
19 CONSULT WITH REPRESENTATIVES OF:

20 (1) LOCAL GOVERNMENT;

21 (2) THE CONSTRUCTION INDUSTRY;

22 (3) RECYCLING ORGANIZATIONS;

23 (4) THE U.S. GREEN BUILDING COUNCIL; AND

24 (5) ENVIRONMENTAL ORGANIZATIONS.

25 9-1703.

26 (a) Each county shall submit a recycling plan to the Secretary for approval  
27 when the county submits its county plan to the Secretary in accordance with the  
28 provisions of § 9-505 of this title.

29 (b) In preparing the recycling plan as required in § 9-505 of this title, the  
30 county shall address:

31 (1) Methods to meet the solid waste stream reduction;

32 (2) The feasibility of source separation of the solid waste stream  
33 generated within the county;

34 (3) The recyclable materials to be separated;

- 1           (4)     The strategy for the collection, processing, marketing, and disposition  
2 of recyclable materials, including the cost-effective use of recycling centers;
- 3           (5)     Methods of financing the recycling efforts proposed by the county;
- 4           (6)     Methods for the separate collection and composting of yard waste;
- 5           (7)     The feasibility of a system for the composting of mixed solid wastes;
- 6           (8)     The feasibility of a system for the collection and recycling of white  
7 goods;
- 8           (9)     The separate collection of other recyclable materials; and
- 9           (10)    Any other alternative methods of recycling that will attain or exceed  
10 the solid waste stream reduction goals determined by the county.

11       (c)     (1)     In preparing the recycling plan as required under § 9-505 of this  
12 title, the county may address methods for the separate collection and recycling of  
13 computers, including efforts by the county to establish partnerships with computer  
14 manufacturers, recyclers, retailers, or other local governments for the collection and  
15 recycling of computers.

16           (2)     If a county elects to address methods for the separate collection and  
17 recycling of computers in its recycling plan, any reduction in the county's solid waste  
18 stream attributable to the implementation of the methods shall count towards the  
19 county's required reduction through recycling of the solid waste stream under § 9-505  
20 of this title.

21       (d)     A county that achieves a reduction of at least 5 percent in the volume of its  
22 waste through the utilization of 1 or more resource recovery facilities in operation as  
23 of January 1, 1988 shall be considered to have achieved a reduction by recycling of 5  
24 percent of its solid waste stream.

25       (e)     In preparing a recycling plan, a county may not calculate a tax or  
26 mandatory deposit on any beverage container that is enacted by a county or  
27 municipality to achieve the recycling goals required under § 9-505 of this title.

28       (f)     For the purpose of determining weight, the Department may not preclude  
29 the use of portable weigh scales.

30       (G)     (1)     ON OR BEFORE OCTOBER 1, 2010, EACH COUNTY SHALL DEVELOP  
31 AND IMPLEMENT A PLAN FOR THE MANAGEMENT OF CONSTRUCTION AND  
32 DEMOLITION MATERIALS THAT ESTABLISHES PERCENTAGE GOALS FOR THE  
33 DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIAL FROM DISPOSAL IN  
34 RUBBLE LANDFILLS OR OTHER SOLID WASTE DISPOSAL FACILITIES.

35           (2)     THE PLAN MAY INCLUDE:



1 (I) AN ADJUSTMENT IN FEES IMPOSED FOR THE DISPOSAL OF  
2 CONSTRUCTION AND DEMOLITION MATERIAL;

3 (II) THE IMPOSITION OF FINES AND PENALTIES FOR A VIOLATION  
4 OF THE PLAN;

5 (III) THE DEVELOPMENT OF INCENTIVES FOR THE PROMOTION OF  
6 MARKETS FOR CONSTRUCTION AND DEMOLITION MATERIALS; AND

7 (IV) THE DEVELOPMENT OF INCENTIVES FOR CONSTRUCTION  
8 CONTRACTORS TO PARTICIPATE IN THE DIVERSION OF CONSTRUCTION AND  
9 DEMOLITION MATERIALS.

10 (3) EACH COUNTY SHALL :

11 (I) SUBMIT THE PLAN DEVELOPED IN ACCORDANCE WITH  
12 PARAGRAPH (1) OF THIS SUBSECTION TO THE DEPARTMENT FOR INFORMATIONAL  
13 PURPOSES ONLY; AND

14 (II) POST THE PLAN ON THE COUNTY'S WEBSITE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
16 read as follows:

17 **Article - Environment**

18 9-1701.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) "Compost" means the product of composting in accordance with the  
21 standards established by the Secretary of Agriculture under § 6-221 of the  
22 Agriculture Article.

23 (c) "Composting" means the controlled biological decomposition of organic  
24 waste material in accordance with the standards established by the Secretary under  
25 this title.

26 (D) "CONSTRUCTION AND DEMOLITION MATERIALS" MEANS BUILDING  
27 MATERIALS AND SOLID WASTE RESULTING FROM CONSTRUCTION, REMODELING,  
28 REPAIR, CLEANUP, OR DEMOLITION OPERATIONS THAT ARE NOT CONTROLLED  
29 HAZARDOUS SUBSTANCES AS DEFINED IN TITLE 7, SUBTITLE 2 OF THIS ARTICLE.

30 [(d)] (E) "Director" means the Director of the Office of Recycling.

31 (F) (1) "DIVERSION" MEANS THE PROCESS OF USING MATERIAL FOR ANY  
32 PURPOSE OTHER THAN DISPOSAL IN A LANDFILL OR OTHER REFUSE DISPOSAL  
33 SYSTEM.

34 (2) "DIVERSION" INCLUDES RECYCLING.

- 1 [(e)] (G) (1) "Natural wood waste" means tree and other natural vegetative  
2 refuse.
- 3 (2) "Natural wood waste" includes tree stumps, brush and limbs, root  
4 mats, logs, and other natural vegetative material.
- 5 [(f)] (H) (1) "Natural wood waste recycling facility" means a facility where  
6 recycling services for natural wood waste are provided.
- 7 (2) "Natural wood waste recycling facility" does not include a collection  
8 or processing facility operated by:
- 9 (i) A nonprofit or governmental organization located in the State;  
10 or
- 11 (ii) A single individual or business that provides recycling services  
12 for its own employees or for its own recyclable materials generated on its own  
13 premises.
- 14 [(g)] (I) "Office" means the Office of Recycling within the Department.
- 15 [(h)] (J) "Recyclable materials" means those materials that:
- 16 (1) Would otherwise become solid waste for disposal in a refuse disposal  
17 system; and
- 18 (2) May be collected, separated, or processed and returned to the  
19 marketplace in the form of raw materials or products.
- 20 [(i)] (K) (1) "Recycling" means any process in which materials that would  
21 otherwise become solid waste are collected, separated, or processed and returned to  
22 the marketplace in the form of raw materials or products.
- 23 (2) "Recycling" includes composting.
- 24 [(j)] (L) "Recycling services" means the services provided by persons engaged  
25 in the business of recycling, including the collection, processing, storage, purchase,  
26 sale, or disposition of recyclable materials.
- 27 [(k)] (M) "Resource recovery facility" means a facility in existence as of  
28 January 1, 1988 that:
- 29 (1) Processes solid waste to produce valuable resources, including steam,  
30 electricity, metals, or refuse-derived fuel; and
- 31 (2) Achieves a volume reduction of at least 50 percent of its solid waste  
32 stream.
- 33 [(l)] (N) (1) "Solid waste stream" means garbage or refuse that would,  
34 unless recycled, be disposed of in a refuse disposal system located in this State.

- 1 (2) "Solid waste stream" does not include:
- 2 (i) Hospital waste;
  - 3 (ii) Rubble;
  - 4 (iii) Scrap material;
  - 5 (iv) Land clearing debris;
  - 6 (v) Sewage sludge; or
  - 7 (vi) Waste generated by a single individual or business and disposed
  - 8 of in a facility dedicated solely for that entity's waste.

9 [(m)] (O) "White goods" includes:

- 10 (1) Refrigerators;
- 11 (2) Stoves;
- 12 (3) Washing machines;
- 13 (4) Dryers;
- 14 (5) Water heaters; and
- 15 (6) Air conditioners.

16 [(n)] (P) (1) "Yard waste" means organic plant waste derived from

17 gardening, landscaping, and tree trimming activities.

18 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds,

19 and prunings.

20 9-1702.

21 (a) There is an Office of Recycling created within the Department.

22 (b) The Secretary shall appoint a Director and sufficient staff to perform the

23 functions of the Office. After July 1, 1989, the number of staff shall be as provided in

24 the budget.

25 (c) The Secretary may adopt regulations to carry out the provisions of this

26 subtitle.

27 (d) The Office shall:

28 (1) Assist the counties in developing an acceptable recycling plan

29 required under § 9-1703 of this subtitle and § 9-505 of this title, including technical

30 assistance to the local governments;

1 (2) Coordinate the efforts of the State to facilitate the implementation of  
2 the recycling goals at the county level; [and]

3 (3) Review all recycling plans submitted as part of a county plan as  
4 required under § 9-505 of this title and advise the Secretary on the adequacy of the  
5 recycling plan;

6 (4) ON OR BEFORE OCTOBER 1, 2008, DEVELOP AND POST ON THE  
7 DEPARTMENT'S WEBSITE:

8 (I) A RESOURCE GUIDE THAT:

9 1. PROVIDES INFORMATION AND GUIDANCE TO LOCAL  
10 GOVERNMENTS AND CONSTRUCTION CONTRACTORS ON THE DIVERSION OF  
11 CONSTRUCTION AND DEMOLITION MATERIALS; AND

12 2. INCLUDES A LISTING OF FACILITIES THAT HANDLE THE  
13 DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS, INCLUDING  
14 LOCATION AND CONTACT INFORMATION; AND

15 (II) MODEL GUIDELINES TO ASSIST LOCAL GOVERNMENTS IN  
16 DEVELOPING A PLAN FOR THE DIVERSION OF CONSTRUCTION AND DEMOLITION  
17 MATERIALS, INCLUDING PERCENTAGE GOALS FOR THE AMOUNT OF MATERIALS  
18 THAT CAN REASONABLY BE DIVERTED ON AND AFTER EACH OF THE FOLLOWING  
19 DATES:

20 1. OCTOBER 1, 2010;

21 2. OCTOBER 1, 2015; AND

22 3. OCTOBER 1, 2020; AND

23 (5) ON RECEIPT OF A COUNTY DIVERSION PLAN SUBMITTED IN  
24 ACCORDANCE WITH § 9-1703 (G)(3) OF THIS SUBTITLE, POST THE PLAN ON THE  
25 DEPARTMENT'S WEBSITE.

26 (e) Beginning on January 1, 1990, and biannually thereafter, the Office shall,  
27 in coordination with the Maryland Environmental Service, study and report to the  
28 Governor and, subject to § 2-1246 of the State Government Article, the General  
29 Assembly on:

30 (1) The availability of local, national, and international markets for  
31 recycling materials, INCLUDING CONSTRUCTION AND DEMOLITION MATERIALS;

32 (2) The identification and location of recycling centers, including an  
33 analysis of existing recycling centers and the need to expand these facilities or  
34 construct new recycling centers;

35 (3) Programs necessary to educate the public on the need to participate  
36 in recycling efforts;

1 (4) The economics and financing of existing and proposed systems of  
2 waste disposal and recycling;

3 (5) State procurement policies for the purchase of recycled materials;

4 (6) Programs necessary to reduce the amount of solid waste generated  
5 for disposal by a State agency or unit;

6 (7) The liaison role with local governments, the federal government, and  
7 the private sector;

8 (8) The percentage reduction in the amount of solid waste that has been  
9 achieved by each county; [and]

10 (9) Economically feasible methods for the recycling of scrap automobile  
11 tires, batteries, and white goods; AND

12 (10) THE DEVELOPMENT OF A RESOURCE GUIDE AND MODEL  
13 GUIDELINES REQUIRED UNDER SUBSECTION (D)(4) AND (5) OF THIS SECTION.

14 (f) (1) By December 1, 1988, the Office shall, in coordination with the  
15 Maryland Environmental Service and the Governor's Task Force on Solid Waste,  
16 make recommendations to the General Assembly for the financing of a comprehensive  
17 system of recycling at the State and local level, including funding for recycling  
18 centers, recycling equipment, recycling education, and marketing strategies.

19 (2) After the financing recommendations are made under paragraph (1)  
20 of this subsection, each county may submit to the Office and the Governor a detailed  
21 request for funds necessary to assist in the development and implementation of a  
22 recycling plan under guidelines developed by the Office.

23 (g) In studying feasible methods for the management and recycling of used  
24 tires under subsection (e)(9) of this section, the Office of Recycling shall consult with  
25 the appropriate industry, including representatives of:

26 (1) Tire manufacturers;

27 (2) Tire dealers; and

28 (3) Tire recyclers.

29 (H) IN DEVELOPING A MODEL RESOURCE GUIDE AND MODEL GUIDELINES  
30 FOR THE DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS UNDER  
31 SUBSECTION (D)(4) AND (5) OF THIS SECTION, THE OFFICE OF RECYCLING SHALL  
32 CONSULT WITH REPRESENTATIVES OF:

33 (1) LOCAL GOVERNMENT;

34 (2) THE CONSTRUCTION INDUSTRY;

35 (3) RECYCLING ORGANIZATIONS;

- 1 (4) THE U.S. GREEN BUILDING COUNCIL; AND
- 2 (5) ENVIRONMENTAL ORGANIZATIONS.

3 9-1703.

4 (a) Each county shall submit a recycling plan to the Secretary for approval  
5 when the county submits its county plan to the Secretary in accordance with the  
6 provisions of § 9-505 of this title.

7 (b) In preparing the recycling plan as required in § 9-505 of this title, the  
8 county shall address:

- 9 (1) Methods to meet the solid waste stream reduction;
- 10 (2) The feasibility of source separation of the solid waste stream  
11 generated within the county;
- 12 (3) The recyclable materials to be separated;
- 13 (4) The strategy for the collection, processing, marketing, and disposition  
14 of recyclable materials, including the cost-effective use of recycling centers;
- 15 (5) Methods of financing the recycling efforts proposed by the county;
- 16 (6) Methods for the separate collection and composting of yard waste;
- 17 (7) The feasibility of a system for the composting of mixed solid wastes;
- 18 (8) The feasibility of a system for the collection and recycling of white  
19 goods;
- 20 (9) The separate collection of other recyclable materials; and
- 21 (10) Any other alternative methods of recycling that will attain or exceed  
22 the solid waste stream reduction goals determined by the county.

23 (c) A county that achieves a reduction of at least 5 percent in the volume of its  
24 waste through the utilization of 1 or more resource recovery facilities in operation as  
25 of January 1, 1988 shall be considered to have achieved a reduction by recycling of 5  
26 percent of its solid waste stream.

27 (d) In preparing a recycling plan, a county may not calculate a tax or  
28 mandatory deposit on any beverage container that is enacted by a county or  
29 municipality to achieve the recycling goals required under § 9-505 of this title.

30 (e) For the purpose of determining weight, the Department may not preclude  
31 the use of portable weigh scales.

32 (F) (1) (I) ON OR BEFORE OCTOBER 1, 2010, EACH COUNTY SHALL  
33 DEVELOP AND IMPLEMENT A PLAN FOR THE MANAGEMENT OF CONSTRUCTION AND

1 DEMOLITION MATERIALS THAT ESTABLISHES PERCENTAGE GOALS FOR THE  
2 DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIAL FROM DISPOSAL IN  
3 RUBBLE LANDFILLS OR OTHER SOLID WASTE DISPOSAL FACILITIES.

4 (II) THE PLAN MAY BE INCLUDED IN THE COUNTY'S RECYCLING  
5 PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

6 (2) THE PLAN MAY INCLUDE:

7 (I) AN ADJUSTMENT IN FEES IMPOSED FOR THE DISPOSAL OF  
8 CONSTRUCTION AND DEMOLITION MATERIAL;

9 (II) THE IMPOSITION OF FINES AND PENALTIES FOR A VIOLATION  
10 OF THE PLAN;

11 (III) THE DEVELOPMENT OF INCENTIVES FOR THE PROMOTION OF  
12 MARKETS FOR CONSTRUCTION AND DEMOLITION MATERIALS; AND

13 (IV) THE DEVELOPMENT OF INCENTIVES FOR CONSTRUCTION  
14 CONTRACTORS TO PARTICIPATE IN THE DIVERSION OF CONSTRUCTION AND  
15 DEMOLITION MATERIALS.

16 (3) EACH COUNTY SHALL :

17 (I) SUBMIT THE PLAN DEVELOPED IN ACCORDANCE WITH  
18 PARAGRAPH (1) OF THIS SUBSECTION TO THE DEPARTMENT FOR INFORMATIONAL  
19 PURPOSES ONLY; AND

20 (II) POST THE PLAN ON THE COUNTY'S WEBSITE.

21 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
22 take effect on the taking effect of the termination provision specified in Section 3 of  
23 Chapter 384 of the Acts of the General Assembly of 2005. If that termination provision  
24 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.  
25 This Act may not be interpreted to have any effect on that termination provision.

26 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
27 of Section 3 of this Act, this Act shall take effect October 1, 2006.