

Section 1: Procedures

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, glass bottles and jars, and plastic bottles and containers.
3. Scrap Metal
4. Yard trim (grass, leaves and brush)
5. Christmas trees



Businesses with 100 or more on-site 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 by at least 70 percent annually, by volume or weight, and
3. Submit an Annual Business Recycling and Waste Reduction Report (referred to as the Annual Report) by the dates specified in Executive Regulation (ER) 15-04AM and noted in Section 4.

Small businesses with fewer than 100 on-site 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 by at least 70 percent annually, by volume or weight, and
2. Upon request from the Division of Solid Waste Services (DSWS), 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 Division, and file an Annual Report by the dates specified in Executive Regulation 15-04AM.

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 business?

For the purpose of this regulation, 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 nonprofit organizations, public institutions, schools, the Federal Government and other 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 waste (also known as yard trim) and brush, are handled in a manner that encourages natural decomposition. The compost that is produced from this process can be reused as a 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 on-site employees are required to file a Plan upon written request by DSWS.

This plan must identify the number and size of collection containers, collection frequency, and the name of the company responsible for recycling each required material. This plan also asks businesses to identify any 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 “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 must request this information from the company(ies) collecting their recyclables and solid waste. If your collection company(ies) cannot provide this data, you may need to estimate the quantity using the Recycling Containers and Capacity Estimates chart found in Section 7 of this Handbook.

The County recommends tracking this data monthly and totaling it when you are preparing your Annual Report. 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 (may be sorted by type/grade), commingled containers (aluminum cans and foil products, bi-metal food and beverage cans, glass bottles and jars, and plastic bottles and containers) which may be sorted by type, yard trim, Christmas trees and scrap metal. (Refer to Recyclable Materials - Definitions list, Section 7 of this Handbook.)

Other materials your business may recycle voluntarily include: plastic film, such as plastic bags and shrink wrap, food waste, wood waste, batteries, motor oil/anti-freeze, construction and demolition debris, toner cartridges, computer equipment, 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, mark 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 information provided.

Exemptions will be judged 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, DSWs 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 Report covering facilities in their entirety, and including 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 Report for the entire facility.

Businesses must work with property managers if they need assistance to recycle. The County recommends that tenants and property managers work together to set up a recycling system 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 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 including 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 (amounts) tonnage 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/Report for each location.

Please note: Any plan and/or 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 premise.

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.)*

Each of the thirty stores must be provided a copy of the plan and/or report from their corporate headquarters or central office.

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.

Failure to comply with Montgomery County recycling requirements.

Under Montgomery County Code, violations of Executive Regulation 15-04AM 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 will be levied for each day that the violation exists.