

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND

WHEREAS, the *Environment Article*, Title 9, Subtitle 5, of the Annotated Code of Maryland and Title 26, Subtitle 03, Chapter 03, Development of the County Comprehensive Solid Waste Management Plans, Code of Maryland Regulations, (COMAR), require that counties in Maryland maintain current comprehensive solid waste management plans that cover at least the succeeding ten-year period; and

WHEREAS, the 2005-2015 St. Mary's County Comprehensive Solid Waste Management and Recycling Plan for St. Mary's County, Maryland (the "Plan") was adopted on October 24, 2006 by Ordinance No. 2006-09 and sets forth the principles, policies, objectives and goals which shall serve as a guide for the management of solid waste within St. Mary's County for the succeeding ten year period; and

WHEREAS, on December 11, 2006, the Maryland Department of the Environment determined that the County's adopted Plan satisfied the requirements of the Code of Maryland Regulations ("COMAR") 26.03.03 and approved the plan in accordance with §9-507(a) of the Environmental Article, Annotated Code of Maryland; and

WHEREAS, on November 5, 2008, the Maryland Department of the Environment (the "Department") advised that the County's 2008 progress report complied with §9-506(b) of the *Environment Article*, Annotated Code of Maryland, that requires counties to submit a progress report to the Department, at least once every two (2) years; and

WHEREAS, the provisions of House Bill 1290, Environment – Recycling – Public School Plans became effective on July 1, 2009, amending §9-1703 of the Environmental Article, Annotated Code of Maryland; and

WHEREAS, under §9-1703 (b)(10) of the Environmental Article, Annotated Code of Maryland, the law requires that the County address the strategy for the collection, processing, marketing and disposition of recyclable materials from public schools by **October 1, 2010**; and

WHEREAS, the Commission on the Environment bylaws were amended by the Board of County Commissioners on March 3, 2010 to include the Solid Waste Advisory Committee as a standing committee to advise the Commission on solid waste management issues in St. Mary's County; and

WHEREAS, a public informational meeting was held by the Commission on the Environment and the Solid Waste Advisory Committee in conjunction with the St. Mary's County Department of Public Works and Transportation on **September 1 and September 7, 2010**, after due notice was given; and

WHEREAS, the Comprehensive Solid Waste Management and Recycling Plan and proposed text amendments to the Plan were posted on the County's web site on **September 2, 2010** for review and comment by the citizenry; and

WHEREAS, by authority of the Board of County Commissioners for St. Mary's County, Maryland, notice of the public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on **September 8, 2010** and **September 15, 2010**, in accordance with the statutory provisions of Section 3(r) *Article 25* of the Annotated Code of Maryland; and in accordance with the statutory provisions of Section 9-503(c) and (d) of the *Environment Article* of the Annotated Code of Maryland, and COMAR 26.03.03.05C, a public hearing of the Board of County Commissioners was held on **September 21, 2010**; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, has had sufficient time to study the Plan, comments, suggestions and recommendations made by the Maryland Department of the Environment, Commission on the Environment, Solid Waste Advisory Committee, Board of Education, staff and other groups and individuals, and public comment and input; and

WHEREAS, upon due consideration of the comments of the aforesaid, and in furtherance of the public health, safety and welfare, it is in the best interest of the public health, safety and welfare of the citizens of St. Mary's County, Maryland, to adopt text amendments to the 2005-2015 St. Mary's County, Maryland, Comprehensive Solid Waste Management and Recycling Plan as shown by **Appendix G: 2010 Text Amendments**, as attached hereto as **Exhibit A**, as required by the Department; and

WHEREAS, in accordance with §9-503(a) of the *Environment Article*, Annotated Code of Maryland, the Department has determined that a revised Plan should be submitted to the Department for review by **April 24, 2015** prior to adoption by the County on or before **October 24, 2015**.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that the foregoing recitals are hereby adopted as written above; and

NO.: 2010 - _____
SUBJECT: Amendment of St. Mary's County
Comprehensive Solid Waste
Management and Recycling Plan

BE IT FURTHER RESOLVED AND ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that it is in the best interest of the public health, safety and welfare of the citizens of St. Mary's County, Maryland, that the proposed text amendments to the Comprehensive Solid Waste Management and Recycling Plan are approved, adopted and incorporated by reference, as a part of the 2005-2015 Comprehensive Solid Waste Management and Recycling Plan approved on October 24, 2006; and

BE IT FURTHER RESOLVED AND ORDAINED that the Board of County Commissioners for St. Mary's County, Maryland, that this ORDINANCE shall be effective at the date written below.

Those voting aye: _____

Those voting nay: _____

Those abstaining or absent: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY**

John W. Savich
County Administrator

Francis Jack Russell, President

Kenneth R. Dement, Commissioner

Lawrence D. Jarboe, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

George Sparling
County Attorney