

Introduced by: Councilmember Reisinger and Councilmember Costello, *Reisinger*, *Costello*

Prepared by: Department of Legislative Reference

Date: December 11, 2019 *Purcell*

Referred to: **HOUSING AND URBAN AFFAIRS**

Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0477

A BILL ENTITLED

AN ORDINANCE concerning

Solid Waste Surcharges – Exemption

FOR the purpose of creating an exemption from any solid waste surcharge imposed by City Code Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City; defining certain terms; conforming and clarifying related provisions; generally relating to solid waste surcharges; and providing for a special effective date.

BY repealing and re-ordaining, with amendments

Article 23 - Sanitation
Section(s) 11-1, 11-2, 11-7
Baltimore City Code
(Edition 2000)

Handwritten signatures:
Reisinger
Costello
HBurns
Margaret Clarke
Yerby
Shawn
LaDrea
Rebecka
Shawn Mitchell
Edna
C.T. Cox

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input checked="" type="checkbox"/> Department of Public Works	<input type="checkbox"/> Baltimore City Public School System
<input type="checkbox"/> Department of Real Estate	<input type="checkbox"/> Baltimore Development Corporation
<input type="checkbox"/> Department of Recreation and Parks	<input checked="" type="checkbox"/> City Solicitor
<input type="checkbox"/> Department of Transportation	<input type="checkbox"/> Comptroller's Office
<input type="checkbox"/> Fire Department	<input type="checkbox"/> Department of Audits
<input type="checkbox"/> Health Department	<input checked="" type="checkbox"/> Department of Finance
<input type="checkbox"/> Mayor's Office of Employment Development	<input checked="" type="checkbox"/> Department of General Services
<input type="checkbox"/> Mayor's Office of Human Services	<input type="checkbox"/> Department of Housing and Community Development
<input type="checkbox"/> Mayor's Office of Information Technology	<input type="checkbox"/> Department of Human Resources
<input type="checkbox"/> Office of the Mayor	<input type="checkbox"/> Department of Planning
<input type="checkbox"/> Police Department	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

<input type="checkbox"/> Environmental Control Board	<input type="checkbox"/> Board of Estimates
<input type="checkbox"/> Fire & Police Employees' Retirement System	<input type="checkbox"/> Board of Ethics
<input type="checkbox"/> Labor Commissioner	<input type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Parking Authority Board	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Commission on Sustainability
<input type="checkbox"/> Wage Commission	<input type="checkbox"/> Employees' Retirement System
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
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<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

CITY OF BALTIMORE
ORDINANCE **20.366**
Council Bill 19-0477

Introduced by: Councilmembers Reisinger, Costello, Burnett, Cohen, Bullock, Pinkett,
Middleton, Schleifer, Henry, Stokes, Sneed
Introduced and read first time: December 16, 2019
Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable
Council action: Adopted
Read second time: May 18, 2020

AN ORDINANCE CONCERNING

1 **Solid Waste Surcharges – Exemption**

2 FOR the purpose of creating an exemption from any solid waste surcharge imposed by City Code
3 Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore
4 City; defining certain terms; conforming and clarifying related provisions; generally relating
5 to solid waste surcharges; and providing for a special effective date.

6 BY repealing and re-ordaining, with amendments
7 Article 23 - Sanitation
8 Section(s) 11-1, 11-2, 11-7
9 Baltimore City Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
12 **Laws of Baltimore City read as follows:**

13 **Baltimore City Code**

14 **Article 23. Sanitation**

15 **Subtitle 11. Solid Waste Surcharges**

16 **§ 11-1. Definitions.**

17 (a) *In general.*

18 In this subtitle, the following terms have the meanings indicated[:].

EXPLANATION: CAPITALS indicate matter added to existing law.
{Brackets} indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 19-0477

1 (b) *Approved recycling facility.*

2 (1) "Approved recycling facility" means a City-owned recycling facility or a private
3 recycling facility so certified by the Director of Public Works, which processes
4 material into a form or forms for reuse and for which an end user exists.

5 (2) The facility need not be located in the City but it must be certified by the Director, at
6 least semi-annually, as a facility which is not a final disposal site or a transfer station
7 to a final disposal site.

8 (c) *DISPOSAL, DISPOSE, OR DISPOSED.*

9 (1) *IN GENERAL.*

10 "DISPOSAL," "DISPOSE," OR "DISPOSED" MEANS THE COMPLETE AND ULTIMATE
11 PLACEMENT OF SOLID WASTE IN A LANDFILL, INCINERATOR, OR WASTE-TO-ENERGY
12 FACILITY.

13 (2) *EXCLUSION.*

14 "DISPOSAL," "DISPOSE," OR "DISPOSED" DOES NOT INCLUDE THE HANDLING OF SOLID
15 WASTE AT A TRANSFER STATION OR OTHER PROCESSING FACILITY WHERE SOLID WASTE
16 IS NOT COMPLETELY AND ULTIMATELY PLACED IN A LANDFILL, INCINERATOR, OR
17 WASTE-TO-ENERGY FACILITY.

18 (D) [(c)] *Hauler.*

19 (1) "Hauler" means any person who contracts to provide services for collecting or
20 transporting solid waste to a disposal site.

21 (2) For the purposes of this subtitle, "hauler" also means any person with a valid
22 demolition permit issued by the Commissioner of Housing and Community
23 Development.

24 (E) [(d)] *Person.*

25 "Person" means [an individual, partnership, corporation, firm, association, or other public
26 or private entity, or a receiver, trustee, guardian, personal representative, fiduciary, or
27 representative of any kind]:

28 (1) AN INDIVIDUAL;

29 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
30 KIND;

31 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
32 REPRESENTATIVE OF ANY KIND; OR

33 (4) EXCEPT AS OTHERWISE PROVIDED, A GOVERNMENTAL ENTITY OR AN
34 INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

Council Bill 19-0477

1 (F) [(e)] *Recyclable materials.*

2 "Recyclable materials" means materials:

- 3 (1) not destined for final disposal and for which an end user exists;
- 4 (2) which would otherwise become solid waste for disposal in a solid waste
5 acceptance facility; and
- 6 (3) are collected, separated, or processed and returned to the marketplace in the form
7 of raw materials or products.

8 (G) [(f)] *Residue.*

9 "Residue" means the material (including, but not limited to, fly ash, bottom ash, and
10 siftings) remaining after the processing of solid waste and after removal of any recyclable
11 materials.

12 (H) [(g)] *Self hauler.*

- 13 (1) "Self hauler" means any person who collects, transports, and disposes of solid waste
14 generated by that person.
- 15 (2) "Self hauler" does not include any person occupying residential property who collects,
16 transports, and disposes of solid waste resulting from the residential use of such
17 property.

18 (I) [(h)] *Solid waste.*

19 (1) "Solid waste" means garbage, rubbish, refuse, hazardous waste, asbestos, medical
20 waste, rubble, incinerator ash, ash, trash, and other material generated by commercial,
21 industrial, institutional, and residential establishments.

22 (2) "Solid waste" does not include:

- 23 (i) significant pollutants, such as silt or sediment in water resources;
- 24 (ii) any recyclable materials; or
- 25 (iii) residue from a waste-to-energy facility.

26 (J) [(i)] *Solid waste acceptance facility.*

27 "Solid waste acceptance facility" means any:

- 28 (1) sanitary landfill;
- 29 (2) transfer facility;
- 30 (3) central processing facility;

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- 1 (4) incinerator;
2 (5) medical/pathological waste incinerator;
3 (6) waste-to-energy facility; or
4 (7) any other type of facility that accepts solid waste for disposal, treatment,
5 processing, composting, compacting, or transfer to a solid waste acceptance
6 facility.

7 (K) [(j)] *Solid waste generator.*

8 "Solid waste generator" means any person engaged in an enterprise which generates solid
9 waste requiring collection and hauling to a disposal site.

10 **§ 11-2. Haulers disposal surcharge.**

11 (a) *Surcharge imposed.*

12 EXCEPT AS OTHERWISE PROVIDED IN § 11-7 {"EXEMPTIONS"} OF THIS SUBTITLE, THERE
13 [There] is [hereby imposed] a solid waste hauler disposal surcharge IMPOSED on every
14 hauler or solid waste generator who disposes of or causes to be disposed any solid waste
15 in Baltimore City.

16 (b) *Rate.*

17 (1) Except as otherwise provided in paragraph (2) of this subsection, the solid waste
18 hauler disposal surcharge is levied at a rate of \$7.50 per ton of solid waste, as
19 determined by the actual weight obtained from the scales located at the solid waste
20 acceptance facility.

21 (2) The Board of Estimates shall establish an appropriate differential surcharge for small
22 haulers licensed under Title 7, Subtitle 2, of the City Health Code.

23 (c) *Collection.*

24 The solid waste hauler disposal surcharge shall be paid by the hauler and collected by the
25 operator at the solid waste acceptance facility FOR EACH TON OF SOLID WASTE THAT IS
26 DISPOSED IN BALTIMORE CITY.

27 **§ 11-7. Exemptions.**

28 (a) *City and County agents.*

29 (1) The City of Baltimore and any authorized agents of the City, and Baltimore County or
30 any authorized agents of the County are exempted from any solid waste surcharge.

31 (2) The Water and Waste Water Enterprise Fund of Baltimore City is not exempt from
32 any solid waste surcharge.

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1 **(b) Harbor cleanup.**

2 Solid waste from harbor area clean-up activity normally delivered to a solid waste
3 acceptance facility owned and operated by the City of Baltimore, by the Maryland Port
4 Authority, is exempt from the solid waste hauler disposal surcharge.

5 **(c) Certain nonprofit organizations.**

6 Any solid waste hauled from a nonprofit organization (as defined in § 11-204(a)(3) and
7 (d) of the State Tax-General Article) certified as to its nonprofit status by the Director of
8 Finance, which is otherwise exempt from disposal fees charged by a solid waste
9 acceptance facility which generally charges haulers disposal fees for acceptance of their
10 solid waste, shall not be subject to the solid waste hauler disposal surcharge only with
11 regard to disposal at such solid waste disposal acceptance facility.

12 **(d) Neighborhood improvement associations.**

13 Neighborhood improvement associations are exempted from the solid waste hauler
14 disposal surcharge for solid waste (described in agreements between the neighborhood
15 association and the City of Baltimore in an agreement approved by the Board of
16 Estimates) delivered by the neighborhood association to solid waste acceptance facilities
17 owned and operated by the City of Baltimore.

18 **(e) Loads under 1 ton.**

19 Loads under 1 ton delivered to solid waste acceptance facilities owned and operated by
20 the City of Baltimore shall be exempted from the solid waste hauler disposal surcharge.

21 **(F) SOLID WASTE DESTINED FOR DISPOSAL OUTSIDE OF BALTIMORE CITY.**

22 SOLID WASTE THAT IS DESTINED FOR FINAL DISPOSAL OUTSIDE OF BALTIMORE CITY IS
23 EXEMPTED FROM ANY SURCHARGE IMPOSED BY THIS SUBTITLE.

24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
25 are not law and may not be considered to have been enacted as a part of this or any prior
26 Ordinance.

27 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the it is
28 enacted.

Council Bill 19-0477

Certified as duly passed this 15 day of June, 2020



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 15 day of June, 2020



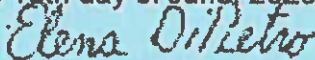
Chief Clerk

Approved this 17 day of June, 2020



Mayor, Baltimore City

Approved for form and legal sufficiency
this 16th day of June, 2020.



Chief Solicitor

BALTIMORE CITY COUNCIL HOUSING AND URBAN AFFAIRS COMMITTEE VOTING RECORD

DATE: 5-12-20

BILL#:19-0477

BILL TITLE: Ordinance – Solid Waste Surcharges - Exemptions

MOTION BY: Schleiffer **SECONDED BY:** SNEED


- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleiffer, I. Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	6	1		

CHAIRPERSON: [Signature]
COMMITTEE STAFF: Richard G. Krummerich, Initials: RK



Baltac

FROM	NAME & TITLE	Robert Cenname, Budget Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 19-0477 – Solid Waste Surcharges - Exemption		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

May 12, 2020

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 19-0477, Solid Waste Surcharges - Exemption, the purpose of which is to create an exemption for any solid waste that is destined for disposal outside of Baltimore City.

Background

Baltimore City Code Article 23, Subtitle 11 – Solid Waste Surcharges imposes a surcharge of \$7.50 per ton on all solid waste disposed of in Baltimore City, including solid waste destined for disposal at sanitary landfills and transfer, processing, and waste-to-energy facilities outside the City. This surcharge was established in 1991 to encourage commercial operations to engage in recycling and waste diversion options. The haulers that bring solid waste to acceptance facilities located within the City pay this surcharge and the acceptance facilities collect and remit the funds to the City. The final disposal destination is determined by acceptance facilities.

The lack of definition of “disposal” in City Code Article 23, Subtitle 11 has resulted in several outstanding issues with vendors who interpret the City Code in a way that is at odds with the Code language. City Council Bill 19-0477 means to address this by defining “dispose”, “disposal” and “disposed” as “the complete and ultimate placement of solid waste in a landfill, incinerator or waste-to-energy facility”. The definition excludes any acceptance facilities, such as a transfer stations or processing facilities, for solid waste destined for disposal outside Baltimore City.

Other Considerations

The Law Department defines “dispose” and “transfer station” as circumstances where waste is permanently relinquished to another entity, or the complete handing over of control of the waste at a solid waste acceptance facility in Baltimore City. The definition of dispose, as defined by Merriam-Webster, is “get rid of, to deal with conclusively; to transfer to the control of another....” This leads them to support the conclusion that the surcharge of \$7.50 per ton applies when there is a complete hand over of control of the solid waste at a solid waste acceptance, processing, or transfer facility, irrespective of the final destination of the solid waste.

The proposed legislation’s definition of “disposal”, “dispose”, and “disposed,” as defined above, puts the burden on haulers to know whether an acceptance facility will chose a final disposal destination that is inside or outside the City before any processing. The decision of the final disposal destination for solid waste is made by acceptance facilities and based on several factors, including market rates and logistics.



However, haulers are responsible for paying the surcharge, while acceptance facilities collect the surcharge. As such, haulers may need to be reimbursed or exempted from the surcharge if the facility directs waste disposal outside the City or acceptance facilities would have to know the final disposal destination before accepting any surcharge fees. This will likely require the City develop a new process to monitor this activity.

Fiscal Impact

Currently, one known facility collects the surcharge but has a final disposal destination outside of the City. As such, eliminating the solid waste surcharge requirement for solid waste disposal outside the City would initially result in an annual 5% revenue decline, or approximately \$150,000, per year for the City. Finance will consider revising the tipping fee to compensate for the reduction in revenues to the General Fund.

Conclusion

This legislation will have a limited fiscal impact for the City based on current acceptance facility practices. In order to compensate for losses in revenue, Finance will consider revising the current tipping fee to compensate and better align with surrounding jurisdictions.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 19-0477.

cc: Henry Raymond
Matthew Stegman
Nina Themelis



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
DANA P. MOORE, ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

May 12, 2020

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin, Executive Secretary
Room 409, City Hall
100 North Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 19-0477 – Solid Waste Surcharges REVISED

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0477. The bill is for the purpose of creating an exemption from any solid waste surcharge imposed by City Code, Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City. There appears to be a need clarify the application of the solid waste surcharge to waste that passes through a Baltimore City solid waste acceptance facility, in particular transfer stations, but ultimately is disposed of outside of Baltimore City.

Baltimore City Code, Article 23, Sec. 11-2(a) imposes a charge on “haulers” “who dispose of or cause to be disposed any solid waste in Baltimore City.” The charge is paid by the hauler and collected at the solid waste acceptance facility. Id. at 11-2(c). The “solid waste acceptance facility” definition includes transfer stations. Id. at §11-1(i).

It is clear from the plain meaning of the statute that a hauler who disposes of solid waste at a transfer station in Baltimore City may, under appropriate circumstances, be subject to the solid waste surcharge. In order to determine under what circumstances the surcharge would be applicable to such haulers the definition of the various forms of “dispose” is instructive. It is not defined in the Code.

The rules of statutory interpretation dictate that for “purposes of statutory interpretation, “text” is the plain language of the relevant provision, typically given its ordinary meaning, viewed in context, considered in light of the whole statute, and generally evaluated for ambiguity.” *Thompkins v. Mortg. Lenders Network USA, Inc.*, 209 Md. App. 685 aff’d 439 Md.118 (2016). “When the legislature fails to define a particular statutory term, courts first look to the plain meaning of the term and give that language its ordinary and natural meaning without resort to subtle or forced interpretations.” *Bennett v. State Dept. of Assessment and Taxation*, 143 Md.App. 356(2001). With respect to the word “dispose” in its various forms, the Merriam-Webster Dictionary defines “dispose” as “get rid of, to deal with conclusively; to transfer to the



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May12, 2020

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control of another....” Merriam-Webster Dictionary (last visited Oct. 21, 2019), <https://www.merriam-webster.com>.

The question, therefore, is does the disposal by a hauler of solid waste that goes from the hauler’s control to the transfer station for further transfer outside of the City trigger the imposition of the surcharge. Some would say that the hauler relinquishes control of the waste at the transfer station which is located in the City and the waste is hauled from there to another disposal site outside of the City. There is, therefore, a conclusive transfer and the surcharge applies. Others have reasoned that the disposal at the City transfer station is not a conclusive surrender in the City because the waste will move rather quickly outside of the City to its final resting place. Since it does not permanently stay at the transfer station and does not stay in the City, the surcharge should not apply.

If a statute is ambiguous, courts employ statutory interpretation tools such as the meaning of words in light of the statute as a whole and within the context of the objectives and purposes of the enactment. *Congregation v. Mayor and City Council of Baltimore*, 237 Md. App. 102, 183 A.3d 845 (2018). When a statute can be interpreted in more than one way, that is, when the statute is ambiguous, the job of the court is to resolve that ambiguity in light of the legislative intent, using all the resources and tools of statutory construction at the court's disposal. In resolving ambiguities when interpreting a statute, a court considers the structure of the statute, how it relates to other laws, its general purpose and relative rationality, and legal effect of various competing constructions. *State v. Bey*, 45 Md. 255(2017).

Since there are competing interpretations of the solid waste surcharge statute, it is ambiguous. A court may ultimately be asked to resolve the dispute by applying the rules of statutory construction. The bill is designed to remove that ambiguity by defining “dispose or disposal” to specify when that occurs with respect to the journey of solid waste through the process. The bill also specifically exempts the “handling of solid waste at a transfer station or other processing facility where the solid waste is not completely and ultimately placed in a landfill, an incinerator, or waste to energy facility from that definition.

The bill is intended to resolve the dispute by clarifying the language of the law so it is not susceptible to different interpretations and therefore not ambiguous. Interpretation by the courts would therefore not be necessary.



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May 12, 2020
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Accordingly, the Law Department can approve can City Council Bill 19-0477 for form and legal sufficiency.

Sincerely yours,




Elena R. DiPietro
Chief Solicitor

cc: Dana P. Moore, Acting City Solicitor
Matthew Stegman, Mayor's Legislative Liaison
Caylin Young, President's Legislative Director
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark



Boltac

FROM	NAME & TITLE	Robert Cenname, Budget Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 19-0477 – Solid Waste Surcharges - Exemption		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

May 12, 2020

Position: Opposes

The Department of Finance is herein reporting on City Council Bill 19-0477, Solid Waste Surcharges - Exemption, the purpose of which is to create an exemption for any solid waste that is destined for disposal outside of Baltimore City.

Background

Baltimore City Code Article 23, Subtitle 11 – Solid Waste Surcharges imposes a surcharge of \$7.50 per ton on all solid waste disposed of in Baltimore City, including solid waste destined for disposal at sanitary landfills and transfer, processing, and waste-to-energy facilities outside the City. This surcharge was established in 1991 to encourage commercial operations to engage in recycling and waste diversion options. The haulers that bring solid waste to acceptance facilities located within the City pay this surcharge and the acceptance facilities collect and remit the funds to the City. The final disposal destination is determined by acceptance facilities.

The lack of definition of “disposal” in City Code Article 23, Subtitle 11 has resulted in several outstanding issues with vendors who interpret the City Code in a way that is at odds with the Code language. City Council Bill 19-0477 means to address this by defining “dispose”, “disposal” and “disposed” as “the complete and ultimate placement of solid waste in a landfill, incinerator or waste-to-energy facility”. The definition excludes any acceptance facilities, such as a transfer stations or processing facilities, for solid waste destined for disposal outside Baltimore City.

Other Considerations

The Law Department defines “dispose” and “transfer station” as circumstances where waste is permanently relinquished to another entity, or the complete handing over of control of the waste at a solid waste acceptance facility in Baltimore City. The definition of dispose, as defined by Merriam-Webster, is “get rid of, to deal with conclusively; to transfer to the control of another....” This leads them to support the conclusion that the surcharge of \$7.50 per ton applies when there is a complete hand over of control of the solid waste at a solid waste acceptance, processing, or transfer facility, irrespective of the final destination of the solid waste.

The proposed legislation’s definition of “disposal”, “dispose”, and “disposed,” as defined above, puts the burden on haulers to know whether an acceptance facility will chose a final disposal destination that is inside or outside the City before any processing. The decision of the final disposal destination for solid waste is made by acceptance facilities and based on several factors, including market rates and logistics.



However, haulers are responsible for paying the surcharge, while acceptance facilities collect the surcharge. As such, haulers would need to be either reimbursed or exempted from the surcharge if the facility directs waste disposal outside the City or acceptance facilities would have to know the final disposal destination before accepting any surcharge fees. This would likely require the City develop a new process to monitor this activity.

Fiscal Impact

Currently, one known facility collects the surcharge but has a final disposal destination outside of the City. As such, eliminating the solid waste surcharge requirement for solid waste disposal outside the City would initially result in an annual 5% revenue decline, or approximately \$150,000, per year for the City. Under this policy, some haulers may use acceptance facilities that always have final disposal destinations outside of the City, thereby exempting them from the surcharge. This would require a revision of the City's solid waste surcharge and tipping fee programs to compensate for the potential reduction in revenues to the General Fund.

Conclusion

For the reasons stated above, the Department of Finance opposes City Council Bill 19-0477.

cc: Henry Raymond
Matthew Stegman
Nina Themelis



001241

FROM	NAME & TITLE	Matthew W. Garbark, Acting Director	CITY of BALTIMORE <i>MEMO</i>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 19-0477		

March 11 2020

TO:
Housing and Urban Affairs Committee

INTRODUCTION

I am herein reporting on City Council Bill 19-0477 introduced by Council Members Reisinger, Costello, Burnett, Cohen, Bullock, Pinkett, Middleton, Schleifer, Henry, Stokes, and Sneed.

PURPOSE

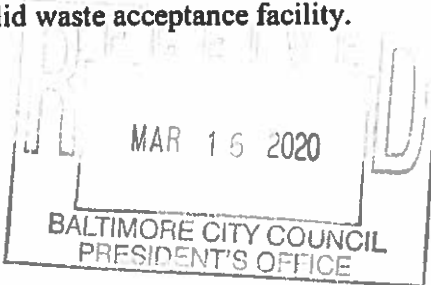
The purpose of the Bill is to create an exemption from any solid waste surcharge imposed by City Code Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City; define certain terms; conform and clarify related provisions; provide for a special effective date; and generally relating to solid waste surcharges.

BRIEF HISTORY

In recognition that the City of Baltimore had little control over the commercial solid waste stream coming into and generated within the City, and with the State of Maryland moving to impose recycling goals on jurisdictions, Ordinance 757 of 1991 was enacted to create an economic incentive for businesses to choose recycling or other waste diversion measures over disposal options. The law assigns a solid waste surcharge on haulers or generators of solid waste who bring waste to a solid waste acceptance facility located within the City.

A solid waste generator is defined in Article 23 {Sanitation} of the Baltimore City Code as "...any person engaged in an enterprise which generates solid waste requiring collection and hauling to a disposal site". The surcharge is established at \$7.50 per ton of waste. Solid waste acceptance facilities do not pay the surcharge; rather, they collect the surcharge and remit it to the Department of Finance. Solid waste acceptance facilities are defined in the Sanitation Code as sanitary landfills, transfer facilities, central processing facilities, incinerators, medical/pathological waste incinerators, waste-to-energy facilities, or any other types of facilities that accept solid waste for disposal, treatment, processing, composting, compacting, or transfer to another solid waste acceptance facility.

Defers to Law & Finance





The Honorable President and Members
of the Baltimore City Council
March 11, 2020
Page 2

Exemptions from payment of the surcharge are granted to the City and Baltimore County “or their agents”, Maryland Port Authority (for harbor cleanups), certain nonprofits, neighborhood improvement associations, and loads under one ton delivered to City-owned solid waste acceptance facilities. The water and wastewater utilities are not exempted from paying the surcharge.

City Council Bill 19-0477 would add a definition of “disposal” that would exclude the handling of waste delivered to a transfer station or “...other processing facility where solid waste is not completely and ultimately placed in a landfill, incinerator, or waste-to-energy facility.” This definition seems to imply that any proportion of waste handled at these facilities that does not go to final disposal would exempt all of the waste from the surcharge. It would also exempt solid waste from the surcharge that is “...destined for final disposal outside of Baltimore City”. The legislation, as written, does not address how the Department of Finance would be able to determine or verify the final disposition of solid waste handled by solid waste acceptance facilities. Should this legislation be enacted, the amount of solid waste handled by solid waste acceptance facilities in Baltimore, whether or not it is subject to the solid waste surcharge, would still be counted by the State as part of the City’s solid waste stream and would therefore affect the City’s recycling rate.

FISCAL IMPACT

The Department is in the latter stages of a comprehensive operational plan for the management of the solid waste stream, called “Less Waste Better Baltimore”. Increasing recycling and expanding management of solid waste through waste diversion methodologies figure prominently throughout the report. Making these shifts in solid waste management will require investment not only by City government, but by the private sector as well. While Council Bill 19-0477 could lead to waste being diverted from the Quarantine Road Landfill, which is beneficial, it would also result in reduced revenues to the City. The Department defers to the Department of Finance as to the specific fiscal impact that would result from enactment of this legislation.

AGENCY/DEPARTMENT POSITION

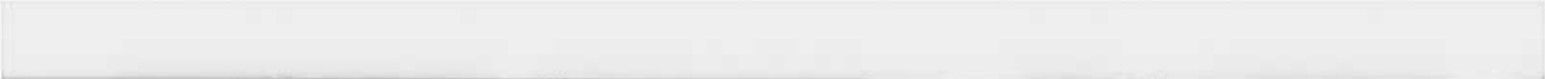
The Department of Public Works defers to the Departments of Law and Finance on City Council Bill 19-0477.



Matthew W. Garbark
Acting Director

MWG:MMC

Visit Our Website @ www.baltimorecity.gov



CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Zeke Cohen, Member Ryan Dorsey, Member Bill Henry, and Member Shannon Sneed

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0477

Solid Waste Surcharges - Exemption

For the purpose of creating an exemption from any solid waste surcharge imposed by City Code Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City; defining certain terms; conforming and clarifying related provisions; generally relating to solid waste surcharges; and providing for a special effective date.

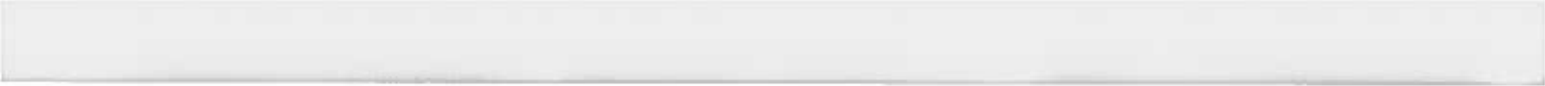
Sponsors: Edward Reisinger, Eric T. Costello, Kristerfer Burnett, Zeke Cohen, John T. Bullock, Leon F. Pinkett, III, Sharon Green Middleton, Robert Stokes, Sr., Shannon Sneed, Isaac "Yitzy" Schleifer

A motion was made by Member "Yitzy" Schleifer, seconded by Member Sneed, that this Ordinance be Recommended Favorably to the Housing and Urban Affairs Committee, due back on 5/12/2020. The motion carried by the following vote:

Yes: 6 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Cohen, Member Henry, and Member Sneed

No: 1 - Member Dorsey

ADJOURNMENT



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: CC 19-0407

Ordinance - Solid Waste Surcharges - Exemptions

Committee: Housing and Urban Affairs
Chaired By: Councilmember John Bullock

Hearing Date: May 12, 2020
Time (Beginning): 3:35 PM
Time (Ending): 5:15 PM
Location: Other
Total Attendance: 33
Committee Members in Attendance:
John Bullock Bill Henry
Isaac "Yitzy" Schleifer Sharon Sneed
Kristerfer Burnett
Zeke Cohen
Ryan Dorsey

Form with checkboxes for Bill Synopsis in the file?, Attendance sheet in the file?, Agency reports read?, Hearing televised or audio-digitally recorded?, Certification of advertising/posting notices in the file?, Evidence of notification to property owners?, Final vote taken at this hearing?, Motioned by: Councilmember Schleifer, Seconded by: Councilmember Sneed, Final Vote: Favorable

Major Speakers

(This is not an attendance record.)

- Councilmember Ed Reisinger (D.10th)
Councilmember Eric Costello (D.10th)
Frank Boston - Attorney for Industry



Major Issues Discussed

1. Chair Bullock convened the Hearing and welcomed the participants
2. The sponsors testified this bill will encourage waste to be disposed of outside of Baltimore City.
3. The Finance Department originally opposed this Bill because of the loss of revenue but later dropped its opposition.
4. Councilman Dorsey expressed concerns about the loss of income to the City and introduced an amendment to offset same but raising fees on the remaining shipments. That motion was defeated on a 5-1 Vote.
5. The Bill was approved on a 6-1 vote.
6. The Hearing was adjourned.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

J. Bullock:..... Yea
 I. Schleifer:..... Yea
 K. Burnett:..... Yea
 Z. Cohen:..... Yea
 R. Dorsey:..... Nay
 B. Henry:..... Yea
 S. Sneed:..... Yea

:

:

Richard G. Krummerich, Committee Staff

Date: 5-12-20

cc: Bill File
OCS Chrono File



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Draft

Housing and Urban Affairs Committee

Tuesday, May 12, 2020

3:35 PM

Virtual Webex Meeting

19-0477

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0477

Solid Waste Surcharges - Exemption

For the purpose of creating an exemption from any solid waste surcharge imposed by City Code Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City; defining certain terms; conforming and clarifying related provisions; generally relating to solid waste surcharges; and providing for a special effective date.

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@cbaltimorecity.gov

BILL SYNOPSIS

Committee: *Housing and Urban Affairs

Bill CC-19-0477

Ordinance – Solid Waste Surcharges – Exemptions

Sponsor: Councilmember Reisinger, et al

Introduced: December 16, 2019

Purpose:

For the purpose of creating an exemption from any solid waste surcharge imposed by City Code Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City; defining certain terms; conforming and clarifying related provisions; generally relating to solid waste surcharges; and providing for a special effective date

Effective: Upon enactment

HEARING/Date/Time/ Location: May 12, 2020 at 3:35PM Virtual WebEx

Agency Reports

Department of Public Works
Department of Finance
Department of Law
General Services

Defers



Analysis

Current Law

Sections 11-1 11-2 and 11-7 establish a process for disposing of solid waste in Baltimore City.

Background

Ordinance 91-757 attempted to encourage businesses to choose recycling over other means of waste disposal. A \$7.50 per ton surcharge was placed on solid waste delivered to waste disposal facilities in Baltimore City. The surcharge is collected from the hauler or producer of the waste.

CC 19-0477 removes the surcharge for solid waste destined for final disposal outside of Baltimore City.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by:

Richard G. Krummerich *RK*

Direct Inquiries to: 410-396-1266

Analysis Date:

5-8-20



**CITY OF BALTIMORE
COUNCIL BILL 19-0477
(First Reader)**

Introduced by: Councilmembers Reisinger, Costello, Burnett, Cohen, Bullock, Pinkett,
Middleton, Schleifer, Henry, Stokes, Sneed
Introduced and read first time: December 16, 2019
Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works,
Department of Finance, Department of General Services

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Solid Waste Surcharges – Exemption**

3 FOR the purpose of creating an exemption from any solid waste surcharge imposed by City Code
4 Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore
5 City; defining certain terms; conforming and clarifying related provisions; generally relating
6 to solid waste surcharges; and providing for a special effective date.

7 BY repealing and re-ordaining, with amendments

8 Article 23 - Sanitation
9 Section(s) 11-1, 11-2, 11-7
10 Baltimore City Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
13 Laws of Baltimore City read as follows:

14 **Baltimore City Code**

15 **Article 23. Sanitation**

16 **Subtitle 11. Solid Waste Surcharges**

17 **§ 11-1. Definitions.**

18 (a) *In general.*

19 In this subtitle, the following terms have the meanings indicated[:].

20 (b) *Approved recycling facility:*

21 (1) “Approved recycling facility” means a City-owned recycling facility or a private
22 recycling facility so certified by the Director of Public Works, which processes
23 material into a form or forms for reuse and for which an end user exists.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 19-0477

1 (2) The facility need not be located in the City but it must be certified by the Director, at
2 least semi-annually, as a facility which is not a final disposal site or a transfer station
3 to a final disposal site.

4 (C) *DISPOSAL, DISPOSE, OR DISPOSED.*

5 (1) *IN GENERAL.*

6 "DISPOSAL," "DISPOSE," OR "DISPOSED" MEANS THE COMPLETE AND ULTIMATE
7 PLACEMENT OF SOLID WASTE IN A LANDFILL, INCINERATOR, OR WASTE-TO-ENERGY
8 FACILITY.

9 (2) *EXCLUSION.*

10 "DISPOSAL," "DISPOSE," OR "DISPOSED" DOES NOT INCLUDE THE HANDLING OF SOLID
11 WASTE AT A TRANSFER STATION OR OTHER PROCESSING FACILITY WHERE SOLID WASTE
12 IS NOT COMPLETELY AND ULTIMATELY PLACED IN A LANDFILL, INCINERATOR, OR
13 WASTE-TO-ENERGY FACILITY.

14 (D) [(c)] *Hauler.*

15 (1) "Hauler" means any person who contracts to provide services for collecting or
16 transporting solid waste to a disposal site.

17 (2) For the purposes of this subtitle, "hauler" also means any person with a valid
18 demolition permit issued by the Commissioner of Housing and Community
19 Development.

20 (E) [(d)] *Person.*

21 "Person" means [an individual, partnership, corporation, firm, association, or other public
22 or private entity, or a receiver, trustee, guardian, personal representative, fiduciary, or
23 representative of any kind]:

24 (1) AN INDIVIDUAL;

25 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
26 KIND;

27 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
28 REPRESENTATIVE OF ANY KIND; OR

29 (4) EXCEPT AS OTHERWISE PROVIDED, A GOVERNMENTAL ENTITY OR AN
30 INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

31 (F) [(e)] *Recyclable materials.*

32 "Recyclable materials" means materials:

33 (1) not destined for final disposal and for which an end user exists;

Council Bill 19-0477

1 (2) which would otherwise become solid waste for disposal in a solid waste
2 acceptance facility; and

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

5 (G) [(f)] *Residue*.

6 "Residue" means the material (including, but not limited to, fly ash, bottom ash, and
7 siftings) remaining after the processing of solid waste and after removal of any recyclable
8 materials.

9 (H) [(g)] *Self hauler*.

10 (1) "Self hauler" means any person who collects, transports, and disposes of solid waste
11 generated by that person.

12 (2) "Self hauler" does not include any person occupying residential property who collects,
13 transports, and disposes of solid waste resulting from the residential use of such
14 property.

15 (I) [(h)] *Solid waste*.

16 (1) "Solid waste" means garbage, rubbish, refuse, hazardous waste, asbestos, medical
17 waste, rubble, incinerator ash, ash, trash, and other material generated by commercial,
18 industrial, institutional, and residential establishments.

19 (2) "Solid waste" does not include:

20 (i) significant pollutants, such as silt or sediment in water resources;

21 (ii) any recyclable materials; or

22 (iii) residue from a waste-to-energy facility.

23 (J) [(i)] *Solid waste acceptance facility*:

24 "Solid waste acceptance facility" means any:

25 (1) sanitary landfill;

26 (2) transfer facility;

27 (3) central processing facility;

28 (4) incinerator;

29 (5) medical/pathological waste incinerator;

30 (6) waste-to-energy facility; or

Council Bill 19-0477

1 (7) any other type of facility that accepts solid waste for disposal, treatment,
2 processing, composting, compacting, or transfer to a solid waste acceptance
3 facility.

4 (K) [(j)] *Solid waste generator.*

5 "Solid waste generator" means any person engaged in an enterprise which generates solid
6 waste requiring collection and hauling to a disposal site.

7 **§ 11-2. Haulers disposal surcharge.**

8 (a) *Surcharge imposed.*

9 EXCEPT AS OTHERWISE PROVIDED IN § 11-7 {"EXEMPTIONS"} OF THIS SUBTITLE, THERE
10 [There] is [hereby imposed] a solid waste hauler disposal surcharge IMPOSED on every
11 hauler or solid waste generator who disposes of or causes to be disposed any solid waste
12 in Baltimore City.

13 (b) *Rate.*

14 (1) Except as otherwise provided in paragraph (2) of this subsection, the solid waste
15 hauler disposal surcharge is levied at a rate of \$7.50 per ton of solid waste, as
16 determined by the actual weight obtained from the scales located at the solid waste
17 acceptance facility.

18 (2) The Board of Estimates shall establish an appropriate differential surcharge for small
19 haulers licensed under Title 7, Subtitle 2, of the City Health Code.

20 (c) *Collection.*

21 The solid waste hauler disposal surcharge shall be paid by the hauler and collected by the
22 operator at the solid waste acceptance facility FOR EACH TON OF SOLID WASTE THAT IS
23 DISPOSED IN BALTIMORE CITY.

24 **§ 11-7. Exemptions.**

25 (a) *City and County agents.*

26 (1) The City of Baltimore and any authorized agents of the City, and Baltimore County or
27 any authorized agents of the County are exempted from any solid waste surcharge.

28 (2) The Water and Waste Water Enterprise Fund of Baltimore City is not exempt from
29 any solid waste surcharge.

30 (b) *Harbor cleanup.*

31 Solid waste from harbor area clean-up activity normally delivered to a solid waste
32 acceptance facility owned and operated by the City of Baltimore, by the Maryland Port
33 Authority, is exempt from the solid waste hauler disposal surcharge.

Council Bill 19-0477

1 (c) *Certain nonprofit organizations.*

2 Any solid waste hauled from a nonprofit organization (as defined in § 11-204(a)(3) and
3 (d) of the State Tax-General Article) certified as to its nonprofit status by the Director of
4 Finance, which is otherwise exempt from disposal fees charged by a solid waste
5 acceptance facility which generally charges haulers disposal fees for acceptance of their
6 solid waste, shall not be subject to the solid waste hauler disposal surcharge only with
7 regard to disposal at such solid waste disposal acceptance facility.

8 (d) *Neighborhood improvement associations.*

9 Neighborhood improvement associations are exempted from the solid waste hauler
10 disposal surcharge for solid waste (described in agreements between the neighborhood
11 association and the City of Baltimore in an agreement approved by the Board of
12 Estimates) delivered by the neighborhood association to solid waste acceptance facilities
13 owned and operated by the City of Baltimore.

14 (e) *Loads under 1 ton.*

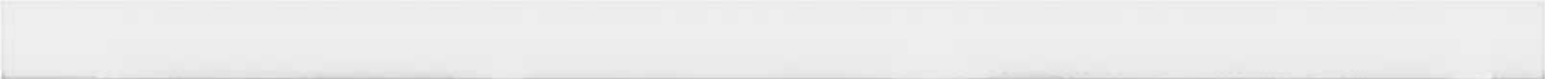
15 Loads under 1 ton delivered to solid waste acceptance facilities owned and operated by
16 the City of Baltimore shall be exempted from the solid waste hauler disposal surcharge.

17 (F) *SOLID WASTE DESTINED FOR DISPOSAL OUTSIDE OF BALTIMORE CITY.*

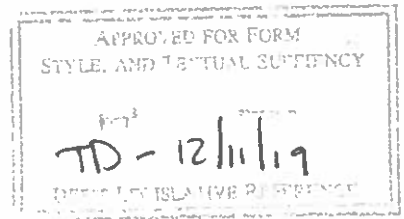
18 SOLID WASTE THAT IS DESTINED FOR FINAL DISPOSAL OUTSIDE OF BALTIMORE CITY IS
19 EXEMPTED FROM ANY SURCHARGE IMPOSED BY THIS SUBTITLE.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
21 are not law and may not be considered to have been enacted as a part of this or any prior
22 Ordinance.

23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the it is
24 enacted.



INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Reisinger and Councilmember Costello

A BILL ENTITLED

AN ORDINANCE concerning

Solid Waste Surcharges – Exemption

FOR the purpose of creating an exemption from any solid waste surcharge imposed by City Code Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City; defining certain terms; conforming and clarifying related provisions; generally relating to solid waste surcharges; and providing for a special effective date.

BY repealing and re-ordaining, with amendments

Article 23 - Sanitation
Section(s) 11-1, 11-2, 11-7
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SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 23. Sanitation

Subtitle 11. Solid Waste Surcharges

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(1) “Approved recycling facility” means a City-owned recycling facility or a private recycling facility so certified by the Director of Public Works, which processes material into a form or forms for reuse and for which an end user exists.

(2) The facility need not be located in the City but it must be certified by the Director, at

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

least semi-annually, as a facility which is not a final disposal site or a transfer station to a final disposal site.

(C) *DISPOSAL, DISPOSE, OR DISPOSED.*

(1) *IN GENERAL.*

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(2) *EXCLUSION.*

“DISPOSAL,” “DISPOSE,” OR “DISPOSED” DOES NOT INCLUDE THE HANDLING OF SOLID WASTE AT A TRANSFER STATION OR OTHER PROCESSING FACILITY WHERE SOLID WASTE IS NOT COMPLETELY AND ULTIMATELY PLACED IN A LANDFILL, INCINERATOR, OR WASTE-TO-ENERGY FACILITY.

(D) [(c)] *Hauler.*

(1) “Hauler” means any person who contracts to provide services for collecting or transporting solid waste to a disposal site.

(2) For the purposes of this subtitle, “hauler” also means any person with a valid demolition permit issued by the Commissioner of Housing and Community Development.

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(4) EXCEPT AS OTHERWISE PROVIDED, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

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“Recyclable materials” means materials:

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(b) *Rate.*

(1) Except as otherwise provided in paragraph (2) of this subsection, the solid waste hauler disposal surcharge is levied at a rate of \$7.50 per ton of solid waste, as determined by the actual weight obtained from the scales located at the solid waste acceptance facility.

(2) The Board of Estimates shall establish an appropriate differential surcharge for small haulers licensed under Title 7, Subtitle 2, of the City Health Code.

(c) *Collection.*

The solid waste hauler disposal surcharge shall be paid by the hauler and collected by the operator at the solid waste acceptance facility FOR EACH TON OF SOLID WASTE THAT IS DISPOSED IN BALTIMORE CITY.

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(1) The City of Baltimore and any authorized agents of the City, and Baltimore County or any authorized agents of the County are exempted from any solid waste surcharge.

(2) The Water and Waste Water Enterprise Fund of Baltimore City is not exempt from any solid waste surcharge.

(b) *Harbor cleanup.*

Solid waste from harbor area clean-up activity normally delivered to a solid waste acceptance facility owned and operated by the City of Baltimore, by the Maryland Port Authority, is exempt from the solid waste hauler disposal surcharge.

(c) *Certain nonprofit organizations.*

Any solid waste hauled from a nonprofit organization (as defined in § 11-204(a)(3) and (d) of the State Tax-General Article) certified as to its nonprofit status by the Director of Finance, which is otherwise exempt from disposal fees charged by a solid waste acceptance facility which generally charges haulers disposal fees for acceptance of their

solid waste, shall not be subject to the solid waste hauler disposal surcharge only with regard to disposal at such solid waste disposal acceptance facility.

(d) *Neighborhood improvement associations.*

Neighborhood improvement associations are exempted from the solid waste hauler disposal surcharge for solid waste (described in agreements between the neighborhood association and the City of Baltimore in an agreement approved by the Board of Estimates) delivered by the neighborhood association to solid waste acceptance facilities owned and operated by the City of Baltimore.

(e) *Loads under 1 ton.*

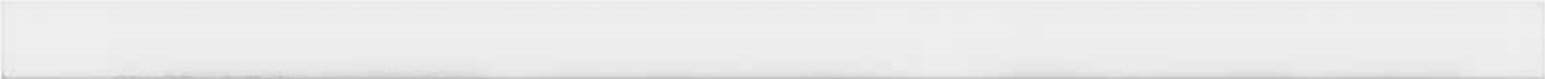
Loads under 1 ton delivered to solid waste acceptance facilities owned and operated by the City of Baltimore shall be exempted from the solid waste hauler disposal surcharge.

(F) *SOLID WASTE DESTINED FOR DISPOSAL OUTSIDE OF BALTIMORE CITY.*

SOLID WASTE THAT IS DESTINED FOR FINAL DISPOSAL OUTSIDE OF BALTIMORE CITY IS EXEMPTED FROM ANY SURCHARGE IMPOSED BY THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the it is enacted.





ACTION BY THE CITY COUNCIL

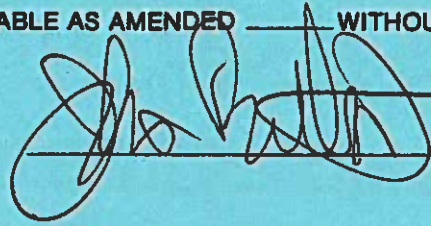
DEC 16 2019

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON 5-12- _____ 20 20

COMMITTEE REPORT AS OF 5-18 _____ 20 20

FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION



Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk