

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

November 25, 2015

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 15-0591 – The Solid Waste Management Plan for 2013-2023- Amendments

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Resolution 15-0591 for form and legal sufficiency. The resolution is for the purpose of amending the Solid Waste Management Plan for 2013-2023 for the City (hereinafter the “Plan”) to include supplemental information required by the State.

Section 9-503 of the Environment Article of the Maryland Code requires that the City have a Plan approved by the City’s governing body. *See also* Code of Maryland Regulations (“COMAR”), §§26.03.03.01 *et. seq.* Sec. 9-503(c) provides that each county governing body shall adopt and submit to the Department a revision or amendment to its county plan if:

- (1) The governing body considers a revision or amendment necessary; or
- (2) The Department requires a revision or amendment.”

The Maryland State Department of the Environment has recently directed that the Plan be amended to include certain additional information as required by State law. Sec. 9-503(d) requires that “before a county governing body adopts any revision or amendment to its county plan or adopts a new county plan, the governing body shall:

- (i) Conduct a public hearing on the county plan, revision, or amendment that may be conducted jointly with other public hearings or meetings.”

In addition, Sec. 9-503(d) (2) requires “(i) notice of the time and place of the public hearing, together with a summary of the plan, revision, or amendment, shall be published in at least 1 newspaper of general circulation in the county once each week for 2 successive weeks, with the first publication of notice appearing at least 14 days before the hearing.

Fav w/ Amend

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(ii) Notice of the public hearing may be a part of the general notice listing all other items to be considered during the public hearing or meeting.”

Assuming the amendments to the Plan comply with the directive in State law with respect to content and that the procedural requirements are followed, Law Department can approve City Council Bill 15-0591 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Hilary Ruley, Chief Solicitor
Victor Tervalo, Chief Solicitor
Jennifer Landis, Assistant Solicitor