
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
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October 19, 2023

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

Re: City Council Bill 23-0413 – The Solid Waste Management Plan for
Baltimore – Repeal and Replace

Dear President and City Council Members:

The Law Department reviewed Mayor and City Council Resolution 23-0413 for form and legal sufficiency. The resolution seeks to repeal the Solid Waste Management Plan for 2013-2023, and to adopt a new Solid Waste Management Plan (“Plan”) for the City for the years 2024-2033. The City’s most recent plan, the Solid Waste Management Plan for 2013-2023, was adopted by Resolution 14-019, effective October 30, 2014, as amended by Resolution 15-025, effective December 18, 2015. Council Bill 23-0413 provides that it takes effect immediately upon enactment.

The previous Mayor and City Council Resolution, 14-019, by which the current Solid Waste Management Plan was adopted, contains a statement that “A public hearing on the new plan, as required by State law, has been held.” This recital is missing from Council Bill 23-0413. Accordingly, the bill should be amended to include a recital that a public hearing has been held on the new Plan as required by State law.

Maryland Environment Article, § 9-503 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.* The Plan is required to address “water supply systems, sewerage systems, solid waste disposal systems, solid waste acceptance facilities and the systematic collection and disposal of solid waste, including litter” for at least the succeeding ten years from its adoption. Md. Code, Envir., §§ 9-501(d), 9-503(a)(3); COMAR §26.03.03.02A. The Plan must also address several additional topics. Md. Code, Envir., §9-505(a); COMAR §§26.03.03.03 (listing the content required of each chapter of the Plan); 26.03.03.04 (technical requirements). Assuming the Plan addresses the required items, a Plan must be approved by the governing body of the City, so a resolution of the

Mayor and City Council of Baltimore is the proper means by which to adopt a Plan. See *County Council of Harford Co. v. Maryland Reclamation Associates, Inc.*, 328 Md. 229, 235-36 (1992).

Additionally, State law requires that at least 30 days before the Mayor and City Council adopt this Plan, it must be submitted to Planning so that Planning can certify that it is consistent with the City's "comprehensive plan." Md. Code, Envir., §9-506. State law also requires that before the City adopts the Plan, it shall have a public hearing and publish notice of the public hearing and a summary of the Plan "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." Md. Code, Envir., §9-503(d). Additionally, notice of the hearing must be given to "the principal elected official of each municipal corporation that is affected." Md. Code, Envir., §9-503(d)(1)(ii);

Assuming the Plan addresses the requisite topics, Planning has made the required certification, and the requisite notice procedures were followed for the public hearing, the Law Department can approve Council Bill 23-0413 for form and legal sufficiency with the amendment to include the statement that a public hearing has been held on the Plan as required by State law.

Sincerely,



Assistant Solicitor

cc: Ebony Thompson
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