

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

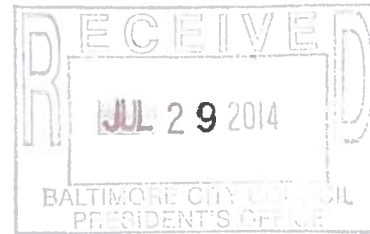


DEPARTMENT OF LAW

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

July 29, 2014

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 14-0415 – The Solid Waste Management Plan for
Baltimore City

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Resolution 14-0415 for form and legal sufficiency. It resolves to adopt a new Solid Waste Management Plan for the City (hereinafter the “Plan”).

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.* The Plan must 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., §9-503(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, this resolution would be the proper way to propose the adoption of the new Plan.

Additionally, state law requires that at least 30 days before the City Council adopts 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 Maryland Department of the Environment and any public or private facility that has a subsidiary plan. COMAR, §§26.03.03.05C(2); 26.03.03.02B.

Favw/Comments

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 could approve this resolution for form and legal sufficiency.

Very truly yours,



Hillary Ruley
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Jennifer Landis, Assistant Solicitor