



## COUNTY of FREDERICK

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### MEMORANDUM

<b>TO:</b>	Susan Williams, Local Government Policy Manager
<b>FROM:</b>	John R. Riley, Jr., County Administrator 
<b>SUBJECT:</b>	Mandate Relief Comments
<b>DATE:</b>	November 16, 2011

Below please find Frederick County's comments regarding the proposed mandate relief contained in the Catalog of State and Federal Mandates on Local Governments - 2011:

1. Waste Management Facility Operators License SCT DPOR003 **Comment:** Eliminate this mandate because of duplicate mandate under SNR.DEQ005. Solid Waste Management Facility Operator Certification.
2. Fees for Solid Waste Management Facility Permits SNR.DEQ012 **Comment:** Eliminate annual fees for local government solid waste facilities. Annual fees are currently based on a sliding scale and are extremely unfair to local governments operating smaller landfills. The fees are based on tonnage and are tied to a sliding scale with the larger landfills paying a smaller rate per ton.
3. Solid Waste Management Plan SNR.DEQ014 **Comment:** Eliminate this mandate in its entirety. Solid waste management plans should be developed by local governments for their use in planning for future growth. The state should not be involved in this function considering they do not provide any assistance or funding. The development of this plan whether locally or regionally is a continued burden to the localities. From the localities' standpoint, only the state benefits from this totally unfunded mandate.
4. Recycling Program and Annual Recycling Rate Report SNR DEQ015 **Comment:** Eliminate this unfunded mandate in its entirety. We strongly believe that recycling can be a very viable part of waste management. However, we also believe that recycling should be driven by supply and demand with an emphasis on economics.

We recommend that any references to rates should be eliminated from this mandate. We also recommend that reporting to DEQ be suspended immediately. Cost impacts related to recycling have continued to burden local governments when imposed by unfunded state mandates.

5. Solid Waste Management Deputy SNR.DEQ028 **Comment:** Modify this mandate to limit reporting of waste volumes to out of state amounts only.
6. Contractor's License Required for Building Permit NSO.021 **Comment:** Code of Virginia 54.1-1111 involves many hours of the departments staff time to evaluate the requirements and correct interpretation of the code for the correct contractors' license. The USBC under section 108.4 allows a written statement / affidavit to be submitted for permit issuance as noted below:

*108.4 Prerequisites to obtaining permit. In accordance with Section 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit, either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms or Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same, or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11 of Title 54.1 of the Code of Virginia. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.*

7. Cash Proffers, Temporary Restriction on Collection NSO.108 **Comment:** This mandate to collect after final inspection and prior to the issuance of a certificate of occupancy will require additional man hours to track and may create violations of occupied structures without certificate of occupancy being issued.
8. Removal of Illegal Signs from VDOT Right-of-way STO.VDOT038 **Comment:** Currently we remove and destroy. It should be the responsibility of the sign owner to discover the proper location to place signs. Removal and holding for 5 days impacts costs of labor and management systems.

I hope this information is helpful in the committee's deliberations.

JRR/jet