



Eternal Flame Falls, Chestnut Ridge Park, Orchard Park, NY

Local Solid Waste Management Plan

Erie County North East Southtowns (NEST) Solid Waste Management Board

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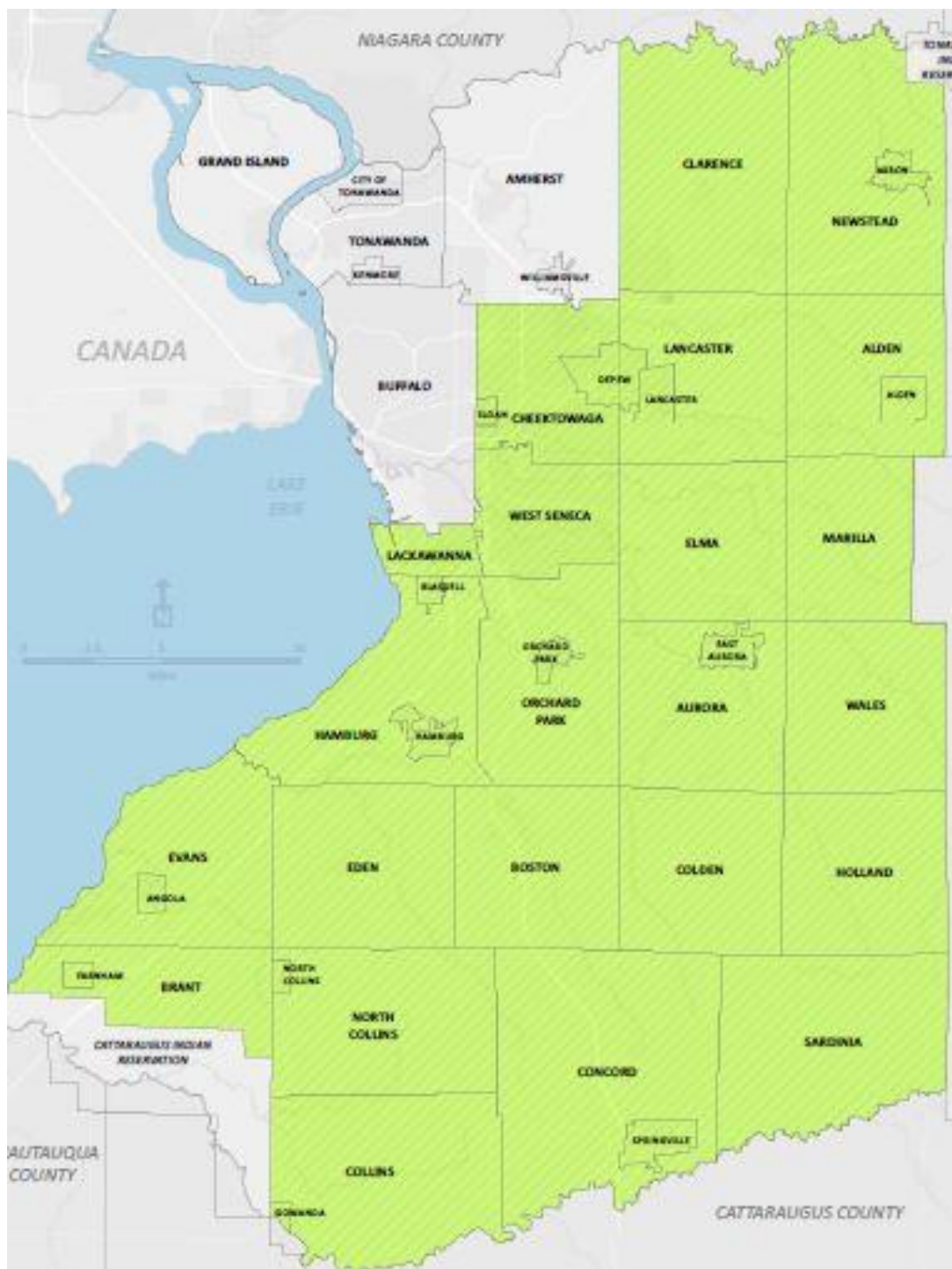
Appendix A	2018 NEST Annual Recycling Report
Appendix B	Local Solid Waste Regulatory Code
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Glossary of Terms & Abbreviations

BUD	Beneficial Use Determination
BYO	Bring Your Own
C&D	Construction and Demolition
CESQG	Conditionally Exempt Small Quantity Generator
County	Erie County, New York
CRT	Cathode Ray Tube. A technology used in computer monitors and televisions.
DEC	New York State Department of Environmental Conservation
DPW	Department of Public Works

EOW	Every other week
FOG	Fats, Oils, grease
HDPE	High-density polyethylene plastic. #2 Plastic
HHW	Household hazardous waste
IC&I	Industrial, Commercial, and Institutional
LEED	Leadership in Energy and Environmental Design
LSWMP	Local Solid Waste Management Plan
MRF	Materials Recovery Facility
MSW	Municipal Solid Waste
NWSWMB	Northwest Communities Solid Waste Management Board in Erie County NY
NYCRR	New York's Code of Rules and Regulations ^[1] _{SEP}
NYSAR3	New York State Association for Reduction, Reuse and Recycling
NYSDOT	New York State Department of Transportation
OCC	Old Corrugated Cardboard
PAYT	Pay-As-You-Throw
PET	Polyethylene terephthalate plastic, it has the number "1" as its recycling symbol.
Planning Unit	Northwest Communities Solid Waste Management Board, Erie County, New York
PU	Planning Unit
P2I	New York State Pollution Prevention Institute
RFP	Request for Proposal
SAPA	State Administrative Procedures Act
SEQRA	State Environmental Quality Review Act, codified in Article 8 of the New York State
Environmental Conservation Law with implementing regulations codified at 6 NYCRR Part 617	
State	New York State
Totes	Wheeled containers with lids, generally in sizes about 95, 65 gallon or 35 gallons
TPD	Tons per day
USEPA	United States Environmental Protection Agency
WNY	Western New York
WTE	Waste-to-Energy
WWTF	Wastewater Treatment Facility

1.0 Planning Unit Description



1.1 Geographic & Demographic Description

The Erie County Northeast Southtowns Solid Waste Management Board (NEST) is a planning unit in Erie County, NY, DEC Region 9 which encompasses twenty-two towns, fourteen villages and one city.

The NEST planning unit is bounded on the exterior borders of Erie County by the following planning units: (clockwise from Northeast corner) Niagara County, GLOW Region Solid Waste Management Committee, Cattaraugus County and Chautauqua County. Within Erie County, the planning unit is bounded by the Northwest Communities PU and City of Buffalo, which is not within any planning unit.

The NEST planning unit is 900 square miles and had a total population of 428,688 per the 2015 census. It is primarily rural with suburban with denser areas closer to City of Buffalo and becomes increasingly rural further northeast and south the City. Built space is primarily residential and commercial characterized by retail and office space. While much of NEST is rural/agricultural in nature, over time suburban sprawl has transitioned some formerly rural space into housing and commercial development. Total population for each municipality is listed in Table 1.1 along with the population density of the municipality.

Membership has not changed since 1995 and all municipalities within the boundary participate on the board.

Census data for urbanized areas and map layers created by Erie County GIS for the Planning Unit were used to categorize the landmass. Erie County including Buffalo is 1, 047 square miles of land. 330 square miles of urbanized land and 716 square miles of rural. The City of Buffalo consists of 41 square miles of urban land. "For the 2010 Census, an urban area will comprise a densely settled core of census tracts and/or census blocks that meet minimum population density requirements, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. To qualify as an urban area, the territory identified according to criteria must encompass at least 2,500 people, at least 1,500 of which reside outside institutional group quarters. The Census Bureau identifies two types of urban areas:

Urbanized Areas (UAs) of 50,000 or more people;

Urban Clusters (UCs) of at least 2,500 and less than 50,000 people."¹

There is no definition in the US Census geography for suburban. 330 square miles of Erie County or 32% of the county is urbanized with 717 square miles or 68% classified as rural.

Chart 1.1 Land Use Categories in Erie County

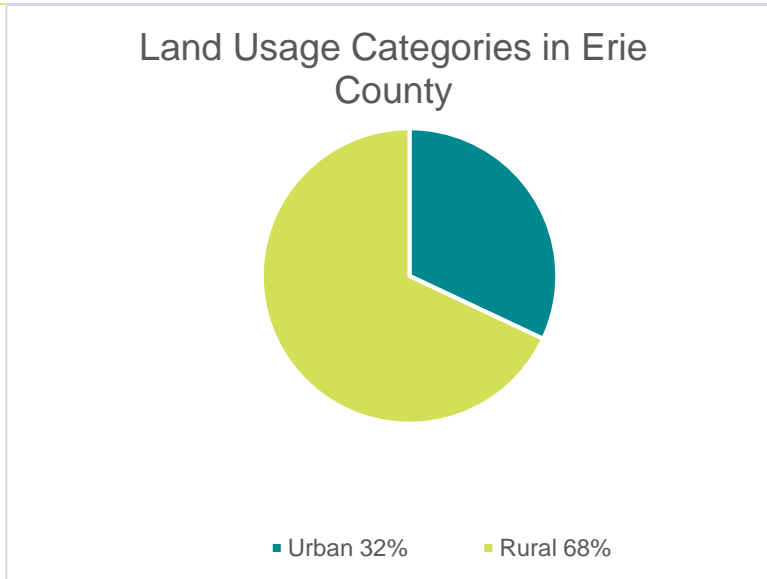


Table 1.1 Characteristics of NEST Member Municipalities, Densities over 1,000 people/mile have darker shading

Municipality	Population	Density people/mi	Size square miles	Lake front	Large Waste Generators
Alden, Town	10,135	295	34.3	No	Erie County Correctional Facility, Wende State Correctional Facility
Aurora, Town	13,857	381	36.4	No	
Boston, Town	8,068	225	35.8	No	
Brant, Town	2117	87	24.3	Yes	
Cheektowaga, Town	87,010	2,956	29.4	No	The Buffalo Niagara International Airport; Walden Galleria Mall
Clarence, Town	31,954	597	53.5	No	
Colden, Town	3,310	93	35.6	No	Kissing Bridge Ski Resort; Buffalo Ski Club
Collins, Town	6,583	137	48	No	Gowanda and Collins State Correctional facilities
Concord, Town	8,550	122	69.9	No	

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Eden, Town	7,679	193	39.8	No	
Elma, Town	11,735	340	34.5	No	
Evans, Town	16,284	392	41.5	Yes	
Hamburg, Town	58,147	1,407	41.3	Yes	Erie County Fairgrounds
Holland, Town	3,382	95	35.8	No	
Lancaster, Town	42,942	1,139	37.7	No	
Marilla, Town	5,389	196	27.5	No	Rural
Newstead, Town	5,626	172	50.8	No	Rural
North Collins, Town	2,302	82	42.9		Rural
Orchard Park, Town	29,672	769	38.4	No	ECC South Campus; New Era Stadium
Sardinia, Town	2,795	55	50.2	No	Rural
Wales, Town	3,036	85	35.6	No	Rural
West Seneca, Town	45,542	2,122	21.4		Suburban residential
Lackawanna, City	18,012	2,741	6.6	Yes	The former Bethlehem Steel plant is a brownfield site that has become a hub for industrial development, housing many types of businesses, ranging from light industrial to distribution.
Akron, Village	2,893	1,483	2	No	
Alden, Village	2,587	952	2.7	No	
Angola, Village	2,002	1,413	1.4	Yes	
Blasdell, Village	2,631	2,342	1.1	Yes	
Depew, Village	15,283	3,011	5.1	No	
East Aurora, Village	6,230	2,481	2.5	No	
Farnham, Village	422	350	1.2	No	

Gowanda, Village	2,864	1,798	1.6	No	
Hamburg, Village	9,603	3,873	2.5	Yes	
Lancaster, Village	10,207	3,782	2.7	No	
North Collins, Village	1,303	1,627	0.8	No	
Orchard Park, Village	3,177	2,365	1.3	No	
Sloan, Village	3,615	4,635	0.8	No	
Springville, Village	4,333	1,180	3.7	No	

Census data: ACS 2017 5-year from censusreporter.org

The planning unit landmass is approximately 72% rural and 18% urban. The urban part of the planning unit would generally be considered suburban though there is no definition for suburban in the census. The population mass in the planning unit is generally found in the suburban areas. There is a higher percentage of rural in the planning unit (72%) versus the County (68%).

The planning unit (PU) is composed of a mixture of first ring and second ring suburban communities and rural towns in the Buffalo metro area. Population density varies throughout the planning unit. Areas closest to the City of Buffalo and in twelve villages generally have greater population density. Much of the land use is residential. Development of housing continues in open and rural portions of the planning unit, most often replacing agricultural land.

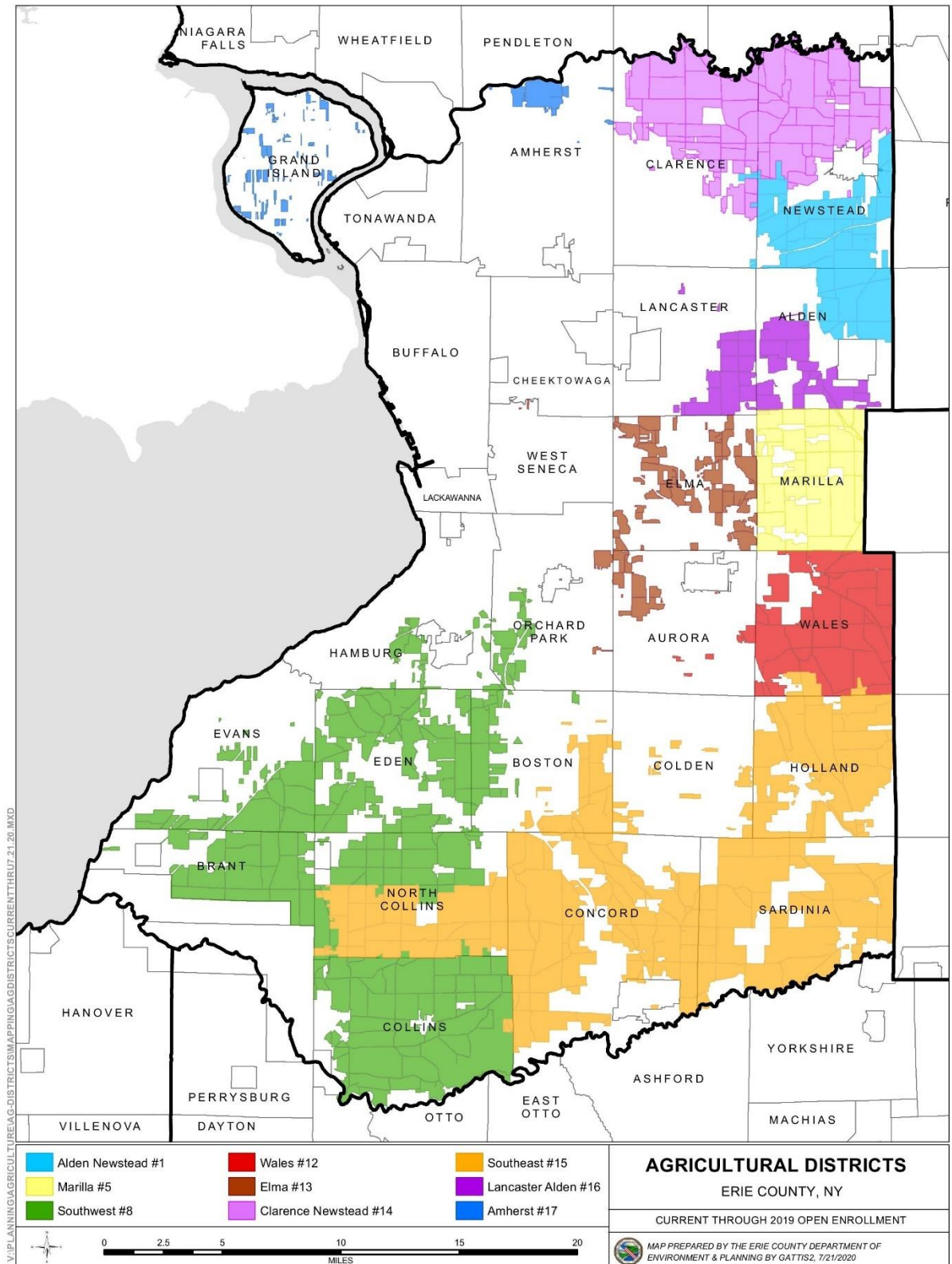
The planning unit also contains the Buffalo Bills stadium, the area's largest open shopping mall, retail plazas and commercial office parks. The City of Lackawanna was the home of Bethlehem Steel and is still an area with concentrations of light and heavy industrial activity.

There are nineteen industrial parks in the planning unit which encompass 2,355 acres.¹ The commercial activity in the Planning Unit ranges from heavy industrial at the Ford Plant, and in Orchard Park to commercial strips of retail and office space (including medical) along congested roadway corridors, and small businesses in walkable villages. Moog a manufacturer of precision components is a major employer in the Southtowns.

There are no federal parks in the Planning Unit. One state park, Woodlawn Beach State Park, is located in Blasdell. There are numerous County and local parks throughout the planning unit.

¹

LOCAL SOLID WASTE MANAGEMENT PLAN FOR ERIE COUNTY NEST



Agriculture is a major economic sector in the planning unit, there are eight designated agricultural districts in the planning unit (see map above). A geographic area which consists predominantly of viable agricultural land. Agricultural operations within the district are the priority land use and afforded benefits and protections to promote the continuation of farming and the preservation of agricultural land. In practice, districts may include land that is actively farmed, idle, forested, as well as residential and commercial. There are over 400 farms, two large commercial animal feeding operations (CAFOs) and twelve medium CAFOs in the planning unit.

In addition to the agricultural, retail and commercial uses, several educational institutions are within the Planning Unit including Villa Maria College, Erie County Community College (ECC) South Campus and Hilbert College. These institutions introduce an influx of students and staff to the planning unit and produce some seasonal variation with more waste produced during the semester and less in the summer months when fewer classes are in session.

There are 22 school districts which are described below. These institutions generate food, office, construction and other wastes. These institutions also offer opportunity for engaging students in reduction and recycling which will be discussed as a priority for this LSWMP.

Table 1.2 School Districts within the planning unit

School district	District office location	School buildings	Students served
Alden Central School District	13190 Park Street Alden, NY 14004	4	1,961
East Aurora School District	430 Main Street East Aurora, NY 14052	4	2,305
Cheektowaga Central School District	3600 Union Road Cheektowaga, NY 14225	4	2,396
Cheektowaga - Maryvale Central School District	1050 Maryvale Drive Cheektowaga, NY 14225	4	2,391
Cleveland Hill Central School District	105 Mapleview Road Cheektowaga, NY 14225	3	1,267
Depew Central School District	591 Terrace Boulevard Depew, NY 14043	3	2,288

Cheektowaga-Sloan Union Free School District	3600 Union Road Sloan, NY 14212	4	1,323
Clarence Central School District	9625 Main Street Clarence, NY 14031	6	4,446
Springville-Griffin Central School District	307 Newman Street Springville, NY 14141	4	2,265
Eden Central School District	3150 Schoolview Road Eden, NY 14057	3	1,823
Iroquois Central School District	2111 Girdle Road Elma, NY 14059	6	2,886
Evans-Brant Central School District	959 Beach Road Angola, NY 14006	7	3,128
Hamburg Central School District	5305 Abbott Road Hamburg, NY 14075	6	4,114
Frontier Central School District	S 5120 Orchard Avenue Hamburg, NY 14075	6	5,546
Holland Central School District	103 Canada Street Holland, NY 14080	3	1,258
Hopevale Union Free School District	3780 Howard Road Hamburg, NY 14075	1	122
Lackawanna Central School District	245 So Shore Boulevard Lackawanna, NY 14218	4	2,048

Lancaster Central School District	177 Central Avenue Lancaster, NY 14086	8	6,297
Akron Central School District	47 Bloomingdale Avenue Akron, NY 14001	3	1,414
North Collins Central School District	2045 School Street North Collins, NY 14111	2	705
Orchard Park Central School District	3330 Baker Road Orchard Park, NY 14127	6	5,165
West Seneca Central School District	1397 Orchard Park Road West Seneca, NY 14224	12	6,620

Source: <http://www.newyorkschoools.com/counties/erie>.

Source: District 2018 all students. NYSEDIRS <http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html>

1.2 Seasonal Variation in Waste Stream

Seasonal variations within the planning unit are similar to those experienced in neighboring planning units. They include:

- Primary and secondary schools are in session from fall to early summer and similarly generate above average waste from classroom clean out at the end of the year. Additionally, there is more waste coming from the school during the time it is in session.
- Spring brings yard clean up, and an influx of brush, trees and lawn debris. Fall brings an influx of leaves.
- The holiday season causes an increase in solid waste from November through the beginning of January.

1.3 Changes in the Planning Unit

During the last decade solid waste collection in the planning unit has been focused on customer service and collection of most items including home goods for no additional costs. This generous pickup philosophy was created to help address another issue, illegal dumping. As long as materials can legally go in MSW landfills, most planning units will pick them up on a regular basis. The exception is C&D waste from home construction or renovation projects, residents are expected to have their contractors manage the waste or hire a private service to pick up and dispose of the waste generated from these activities. Older televisions are an ongoing problem for the municipalities as they can't go into landfills and they have become costly to recycle. Municipal crews find them dumped on a weekly basis and have to manage these recycling and disposal costs.

The value of recycled materials charted the course for municipal actions in the planning unit in the last decade. At the beginning of the decade recycling processing was revenue positive for the municipalities. This was due to a robust market for the recycled materials in China and a very inexpensive way to transport the materials to China via empty container ships returning after delivering manufactured goods to the USA. This allowed municipalities to subsidize and expand collection activities. Early and mid-decade was a time of extensive investment in household recycling infrastructure through the purchase of first totes and then wheeled recycling cans. Many communities also invested in large wheeled garbage totes for each household. The uniform nature of the receptacles reduced rat and other vector issues in neighborhoods and helped to increase the efficiency and safety of curbside pickup activities. Municipal and private haulers also invested in automated garbage trucks which reduced labor costs and increased worker safety. The goal of recycling was simply more materials, so education and outreach were focused on encouraging residents to recycle an ever-growing menu of items. The introduction of the wheeled recycling cans ushered in a period of greater volumes of recycling. It often did not result in higher tonnage due to the reduction of newspaper in the recycling stream and the addition of lower weight plastics.

The value of recycled plastic materials began to drop in 2016 and 2017 due to cheaper oil and natural gas feedstock a result of fracking in the USA and Canada. This made it much less expensive to make new plastics from virgin rather than recycled feedstock. At this point other material prices were still strong so that recycling as a whole became revenue neutral for municipalities. Many municipalities responded to this by changing recycling to every other week pickup.

The value of recycled paper and plastic materials plummeted in 2018 due to the Chinese National Sword policy which strictly regulates the importation of most recycled plastics and other materials by placing a strict limit on the percentage of contamination. Later all recycled materials prices including metal began to drop, with mixed paper losing 85% of its value in one year. The changes in value did not impact municipalities immediately, only when their recycling processing and disposal contracts were up for bid. At that point all communities faced an increase in the cost to process recycled materials and learned that some materials (i.e. curbside collected glass) had been heavily subsidized by profits from sale of other materials. They also learned about the real costs of contamination in the recycling stream. Therefore, in the last several years the recycling message has been re-tooled to "Recycle Right" with a focus on knowing what to throw.

In 2020, municipalities are figuring out how to pay for the higher recycling costs and discussing smaller recycling menus for recycling. In addition, recent articles questioning the

value of recycling have caused residents to question the value of their individual and collective recycling efforts.

A 2020 survey conducted by the Recycling Partnership reports blended values of recycled material in the \$24 per ton range as compared to more than \$90 per ton in July 2017.²

Education and outreach focused on increasing rates of curbside recycling coupled with new bins was very successful. To date, education and outreach focused on reducing contamination in recycling have had limited success. The most successful contamination reduction programs are the Oops tags utilized by several of the planning unit municipalities.

Increasing rates of home composting has had limited success due to the issue of rats and other vectors who find composting materials to be a food source. Several planning unit municipalities do not allow home composting due to vector concerns.

Since the last planning period there have been changes in the planning unit which impact waste quantity and composition. These changes are listed below.

- Subdivision development continues to occur in previously rural areas. This introduces more households impacting MSW generation and municipal contracts.
- Retail plazas replacing dying malls
- Since the last planning period, brick and mortar retail locations have shifted from enclosed shopping malls to open air retail plazas. These have been built in areas farther from the urban core. The prevalence of stand-alone big box stores and on-line retail have also impacted the nature and amount of commercial and residential waste and recycling.

2

https://www2.erie.gov/environment/sites/www2.erie.gov/environment/files/uploads/IndustrialParksReport_Broadband_07.14.17-flat-compressed.pdf
<https://recyclingpartnership.org/stateofcurbside/>

2.0 Waste Generation & Material Recovery Data

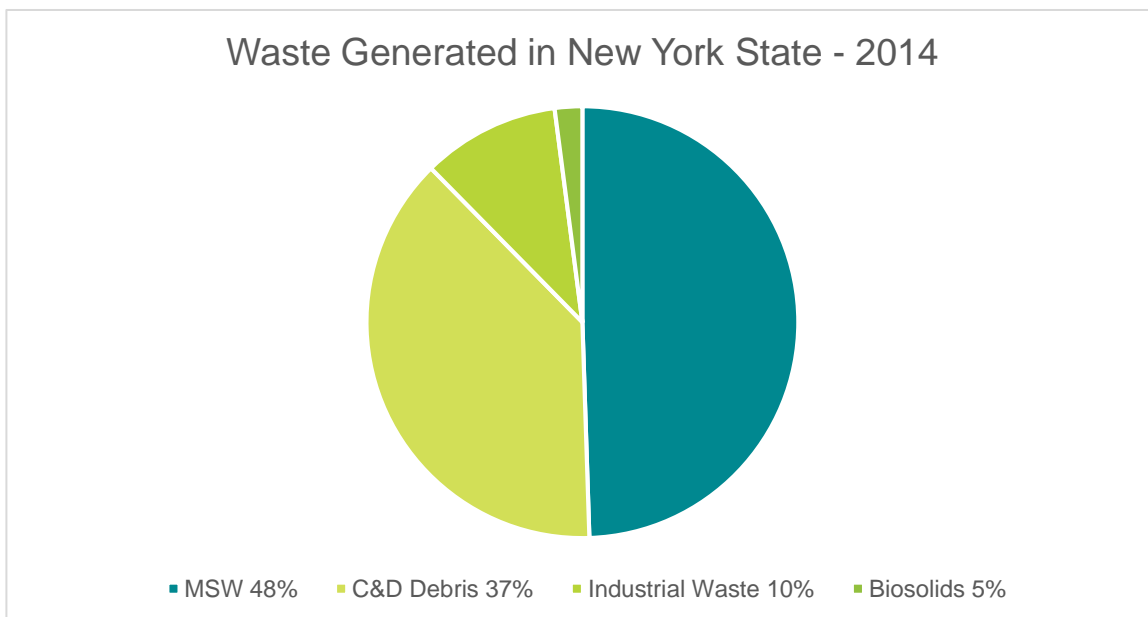
The solid waste stream in Erie County includes MSW, industrial waste, C&D debris and bio solids from waste water treatment. The DEC considers MSW to encompass residential, commercial and institutional waste. This includes, but it is not limited to, items such as paper products, plastic bottles, metal cans, food, packaging and bulkier items like furniture, appliances, textiles and yard debris. Commercial and Institutional waste streams include similar materials. Industrial waste can contain these components as well as by products from manufacturing processes.

NYSDEC state data for 2014 reports a total of 37 million tons of waste generated statewide with the following percentages:

- MSW 17.7 million tons or 48%
- C&D Debris 13.7 million tons or 37%
- Industrial Waste 3.6 million tons or 10%
- Biosolids 2 million tons or 5%

These percentages will be utilized to estimate C&D Debris, Industrial Waste, and Biosolid tonnage in the Planning Unit.

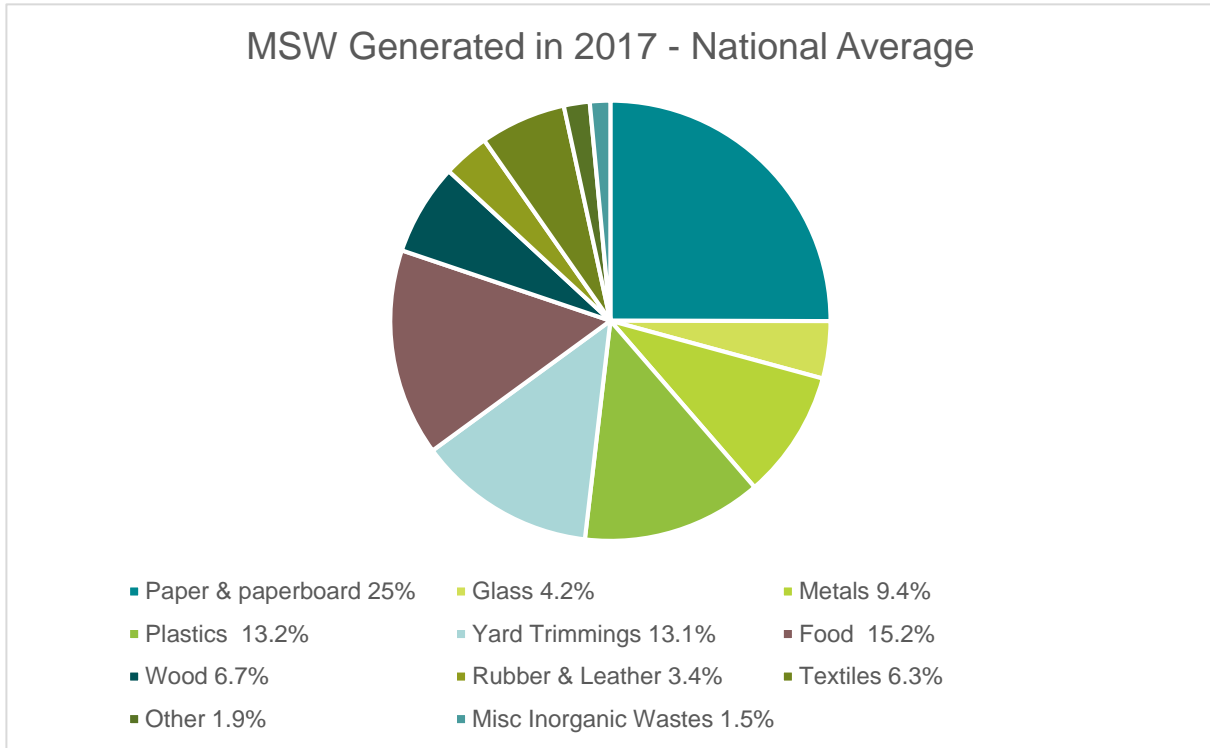
Chart 2.1 Waste generated in NYS - 2014



USEPA national data for 2017 reports 267.8 million tons of MSW generated nationwide with the following percentages of MSG generated by material. The four largest categories were paper and paperboard (67 million tons), food (40.6 million tons), was generated, plastics (35 million tons) and yard trimmings (35 million tons). Plastic generation has grown from 8% to

13% of waste generated in the last 25 years. It is assumed that the MSW generation percentages are similar in the planning unit.

Chart 2.2 MSW generated in US - 2017



The NEST Planning Unit assumes that it creates a similar mix of municipal solid waste.

Chart 2.3 MSW Disposition Nationwide - 2017

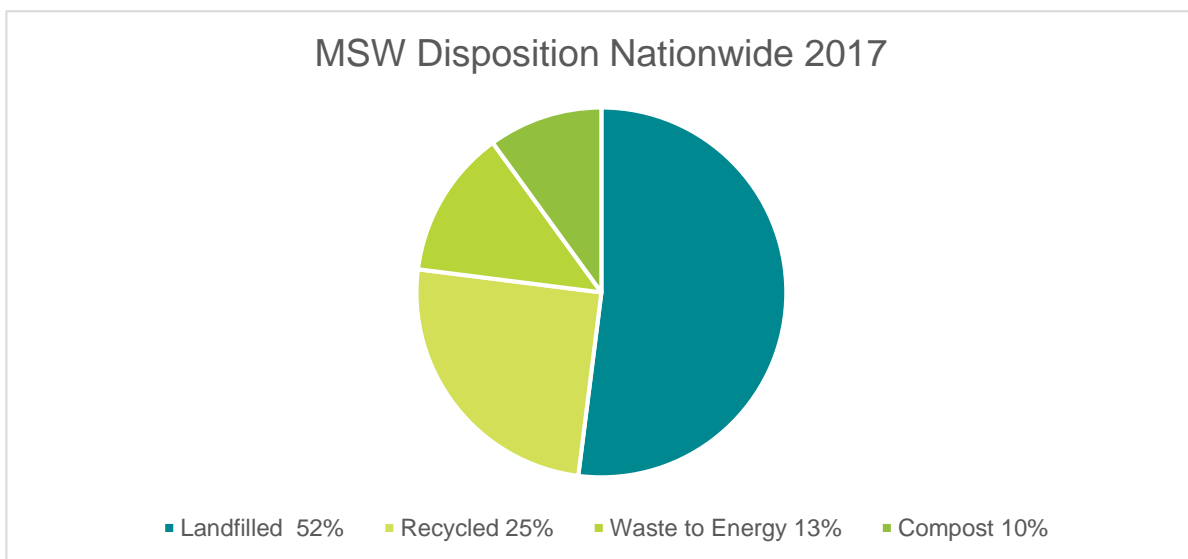
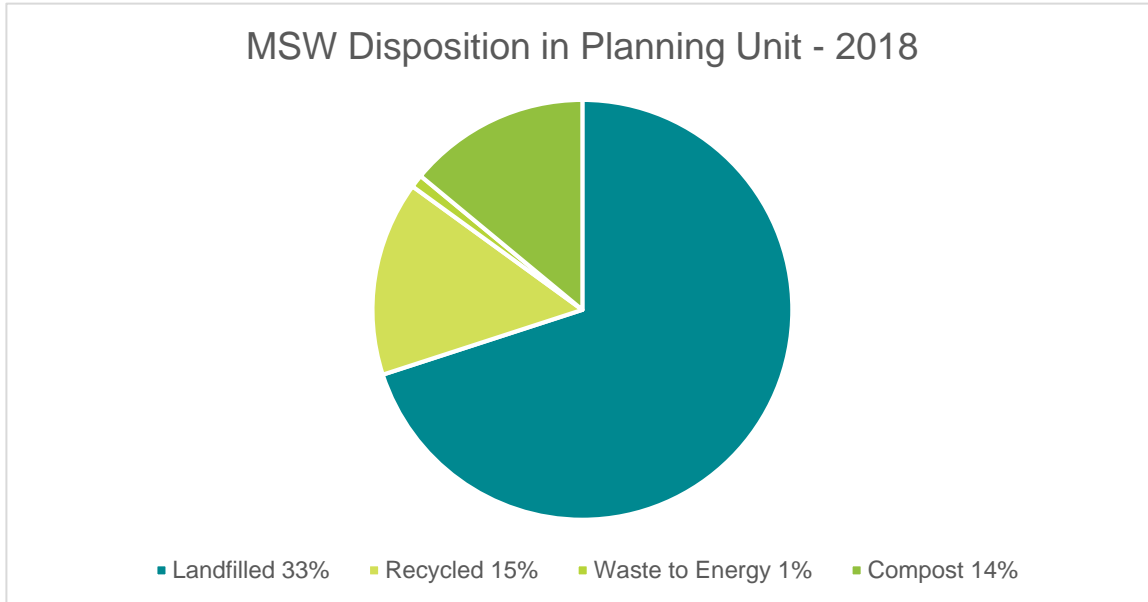


Chart 2.4 - MSW Disposition in Planning Unit -2018

A comparison of the national and planning unit data reveals that the planning unit has a higher percentage of composting that the national average (14% versus 10%), a lower percentage of recycling (15% versus 25%) and a different composition of landfill versus waste to energy percentages. Note the lower recycling rate may be due to the bottle bill deposit return of materials that would be recycled in other states. Bottle bill returned materials are not factored into municipal waste or recycling amounts. Another explanation for the lower recycling rate could be less curbside collection of yard waste in the planning unit.

Note the tonnage reported by the municipalities are for the items which are picked up curbside from residents. The data generated by the municipalities is for MSW and does not include industrial waste, C&D, and biosolids.

2.1 Municipal Solid Waste

The data included in this report is derived from annual reporting provided by two different sources to describe the flow of solid waste at the municipal and county level.

- Every permitted waste disposal facility is required to submit an annual report to the NYSDEC detailing operations including amount, in tons, of material sent to a facility by each County.
- Municipalities collect annual data regarding the amount and composition of the municipal solid waste (MSW) stream which was collected from households in the community. The Erie County Recycling Coordinator compiles this data into Annual Recycling Reports which are submitted to NYSDEC. These reports are included in Appendix A.

- The municipalities do not collect data for commercial, industrial, and institutional properties within their community. This data is calculated for the planning unit based upon the assumption that the percentages of waste streams generated statewide will be the same as the percentages generated in the planning unit.

Note: all of the municipalities in the planning unit offer curbside collection to their residents. Therefore, they do not have to haul their own MSW or recycling to a transfer station.

This report relies on state estimates and averages to infer the following data points:

- 54% of state MSW is residential and 46% is commercial/ institutional. (NYSDEC 2010 data)
- 18% of MSW is food waste and about 17% are plastics. (NYSDEC 2010 data)
- There are important differences between the sectors with particular materials. For example, food scraps and cardboard are produced in a higher volume in the commercial/ industrial sector particularly groceries stores, restaurants and large institutions which serve food. Similarly, paper is produced in a higher volume in office buildings.

In 2018, this planning unit generated 213,127 tons of residential waste. As shown in Chart 2.4:

- 150,024 tons (70%) was disposed of in landfills,
- 2,324 tons (1%) was disposed of at a waste-to-energy facility
- 30,882 tons (15%) was diverted through curbside recycling collection
- 29,116 tons of yard waste (or 14% of waste generated) was diverted through organic recycling efforts. Note many more rural communities do not offer curbside recycling of yard waste.
- Additionally, 781 tons of other materials were diverted for recycling. The others amount in Table 2.1 sums the e-waste, tire, and metal totals.
- Adding the curbside recycling & organic recycling rates together we have a combined recycling rate of 29%.
- Several smaller communities in this planning unit have systems where residents in this planning unit haul their own material to transfer stations.

The recycling rate for the planning unit, defined as the amount diverted from disposal through recycling or composting, is calculated to be 29%.

Table 2.1 Waste Tonnage generated in NEST Planning Unit by residences

Disposition	Amount (tons)	Percentage
Landfilled	150,024	70%
Waste to Energy	2,324	1%
Diverted MSW		
Compost	29,116	14%

Curbside recycling	30,882	15%*
Other materials recycling	781	
Total	213,127	

Source: 2018 NEST Recycling Report * includes curbside + other recycling

Future projections have the potential to be impacted by unforeseen market changes due to China's Green Sword policy limiting US export markets for previously easy to recycle and high value items and subsequent market changes as a result. Accounting for such market fluctuations is not possible with current projection models and is a limitation of predicting future rates. It is expected that recycle market changes will increase MSW while reducing reclaimed materials.

Total MSW generated in planning unit using assumption that 54% of MSW is residential and 46% is commercial. It is calculated that 48% of the commercial MSW is recycled, this is calculated to be 87,145 tons.³

Table 2.2 Estimated Total MSW generated in Planning Unit

Residential	213,127 tons
Commercial	181,553 tons
Total MSW	394,680 tons

MSW Annual Projections

Residential waste generation in Erie County is currently estimated at 3.25 lbs./person/day. This was calculated by first converting tons to pounds (conversion factor of 1 ton = 2,000 pounds) so 213,127 tons equals 426,254,000 pounds of waste generated per year. Then dividing the pounds of waste by the planning unit 2018 population (428,688) equals 994.32 pounds per year. This was converted to pounds per day by dividing by 365, resulting in a figure of 2.72 lb/person/day. Note the rate at which MSW is disposed of per day is 1.93 lbs/person/day. This also calculates a recycling rate of 0.79 lbs/person/day. Projections for the ten-year planning period were created using two scenarios:

- Scenario 1 - No change to waste generation and small increases in population. (Table 2.4)
- Scenario 2 - Successful implementation of management strategies that achieve an annual reduction factor of 2% with small increases in population (Table 2.5)

Scenario 2 represents a significant and ongoing reduction rate and this level of reduction will be necessary to achieve NY State targets of 0.6 lbs./person/day to landfill by 2030. Projections were calculated using the Population and MSW calculator provided by the NYS DEC in the resources section of LSWMP Development webpage. This tool's purpose is to approximate

³ https://www.philadelphiastreetts.com/images/uploads/documents/5-31-2018_Philadelphia_Non-Substantial_Plan_Revision_2018-2027.pdf

the MSW stream based on population and demographics specific to a planning unit. It was developed based on review of waste composition analysis undertaken in New York City, Onondaga County, NY and municipalities with similar characteristics in other states including Vermont, Wisconsin, Missouri and Ohio. The intention is for these calculations to serve as a base line to inform initial planning efforts.

This planning board does not have capacity to undertake a specific and detailed waste stream analysis at this time. The calculator provided is used in replacement of a comprehensive analysis. Values input are based on 2018 recycling reports and reflect the residential component of MSW. IC&I are not tracked in this planning unit and values are subsequently unknown.

Based on the tool, waste generation in Erie County is currently estimated at 2.83 lbs./person/day. With fluctuating population and static waste generation expected total waste generation is shown in table 2.4. With successful implementation of management strategies and achieving a reduction factor of 2%, waste generation could be expected to decrease over time and is shown in table 2.5. This is the greatest reduction rate available in the tool and will be necessary to pursue in order to reach NY State targets of 0.6 lbs./person daily by 2030. Note this calculated rate is focused on generation rather than diversion from landfill. The Planning Unit hopes to reduce the amount of MSW going to landfill or incineration by increasing recycling and residential food waste diversion. The model assumes a population decrease of .1%. The generation rate does not reflect the diversion from landfill.

Table 2.3 Data used for MSW Annual Projections

2010 Population Census	424,426
2019 Population	411,986
2019 MSW generated (tons/yr)	213,127
2019 MSW generation rate (lb/person/day)	2.83
2019 MSW Disposed (tons/yr)	152,348
2019 MSW Diverted (tons/year)	60,779

Source: 2019 recycling reports

Table 2.4 MSW Generation Projection – No Change

MSW Generation Projection											
2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
2.83	2.83	2.83	2.83	2.83	2.83	2.83	2.83	2.83	2.83	2.83	Lbs/pers on/day
212,759	212,057	211,357	210,660	209,965	209,272	208,581	207,893	207,207	206,523	205,842	Tons/yr

Table 2.5 MSW Generation 2% Annual Reduction

MSW Generation Projection											
2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
2.83	2.77	2.72	2.66	2.61	2.56	2.51	2.46	2.41	2.36	2.31	Lbs/pers on/day
212,759	207,816	202,988	198,271	193,665	189,165	184,770	180,477	176,284	172,188	168,188	Tons/yr

Chart 2.5 MSW Generation in Planning Unit – 10 yr projection

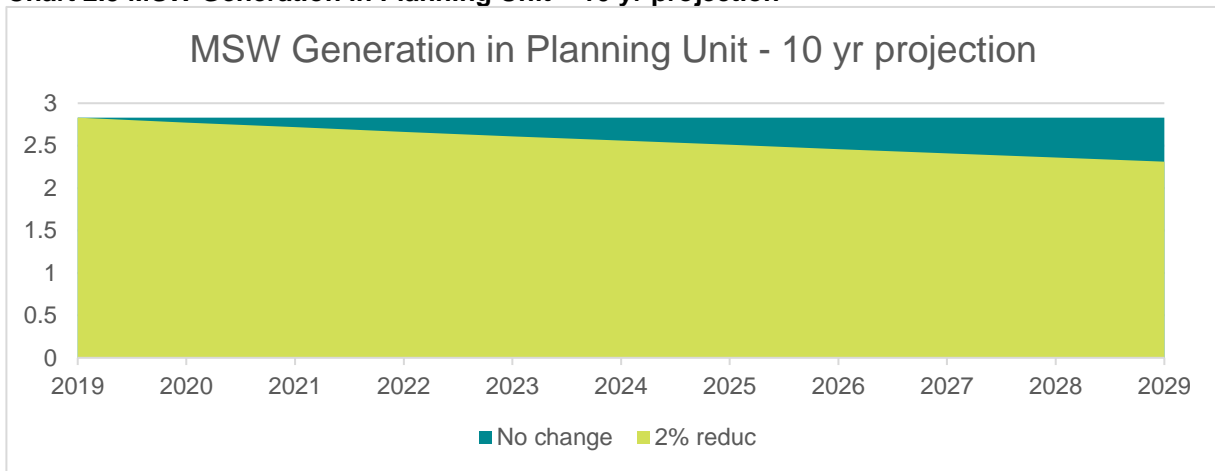
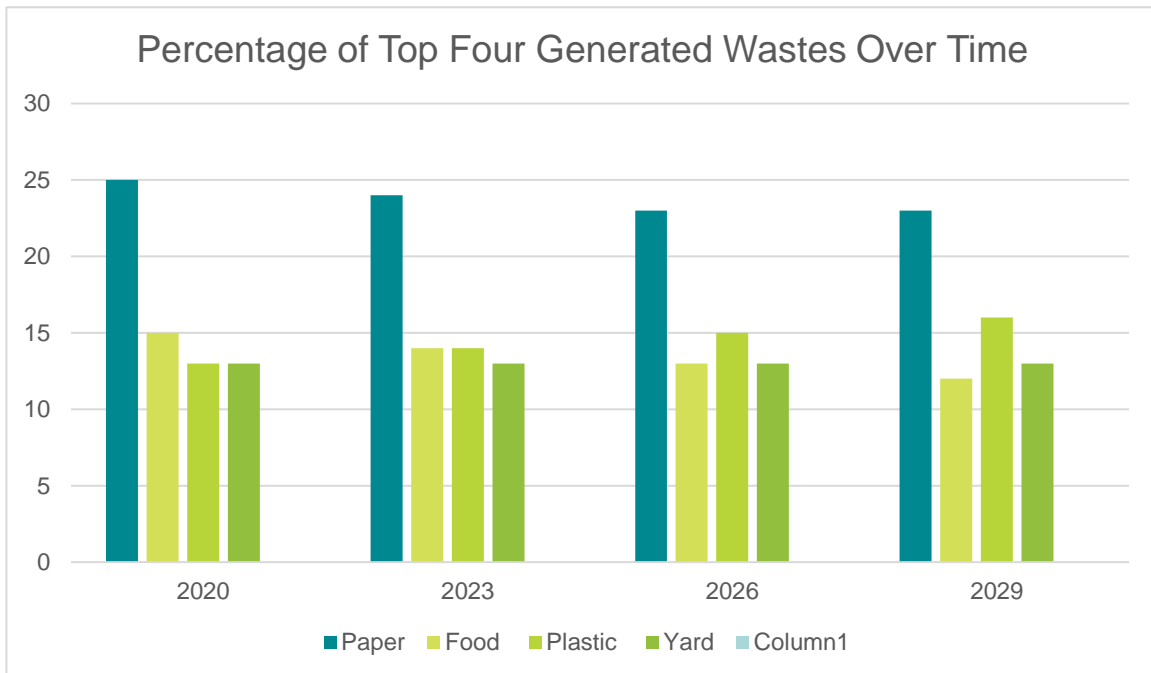


Chart 2.6 Percentage of Top Four Generated Wastes Over Time



The following assumptions were used to create the composition of waste stream chart projections over time.

- The top four components of the waste stream would be tracked in 2020, it is assumed they would be the percentages identified in the USEPA 2017 data : paper 25%, food 15%, Plastics 13% and yard trimmings 13%. Assumptions are also based on information provided by the USEPA 2017 study.
- It is assumed that tonnage of paper will continue to decrease over time as percentage of the waste generated. Generation of newspapers and office paper has declined since 2000 due to increased use of electronic transmission of news, reports, and mail. It is assumed that in the next ten years the percentage of paper and paper products will continue to decrease. These amounts will be partially off-set by the increase in paper and paper board packaging materials. Therefore a total decline of 4% in paper is assumed with a 2029 percentage of 21% of waste generated.
- It is assumed that the tonnage of food waste will continue to decrease over time as a percentage of the waste generated. The reduction is assumed to occur due to consumer education and awareness about food waste and reductions made in personal consumption to reduce wasted food. This amount is assumed to be modest with a decrease of 4% by 2029, resulting in a 2029 projection of 11% food waste generation.
- It is assumed that the tonnage of plastic will increase over time as a percentage of waste generated, There was an increase in plastic generation of four million tons from 2010 to 2017, and it came from durable goods and the containers and packaging categories. Plastics generation has grown from 8.2 percent of generation in 1990 to 13.2 percent in 2017. It is assumed in the next 10 years that plastic growth will increase by 4%, resulting in a 2029 projection of 18% plastic generation. This will result in plastic becoming the second highest material generated by residents. This assesment may change if the current consumer-driven consens about overuse of plastics coninutes to grow. The Board will support efforts of community members such as the local Bring Your Own Coalition.
- It is assumed that the tonnage of yard waste generated will stay constant over time at 13%. With little expected population growth in Erie County as represented in the NYSDEC MSW Generation Model, it is assumed that the number of lawns will remain constant.

2.2 Construction & Demolition (C&D) Debris

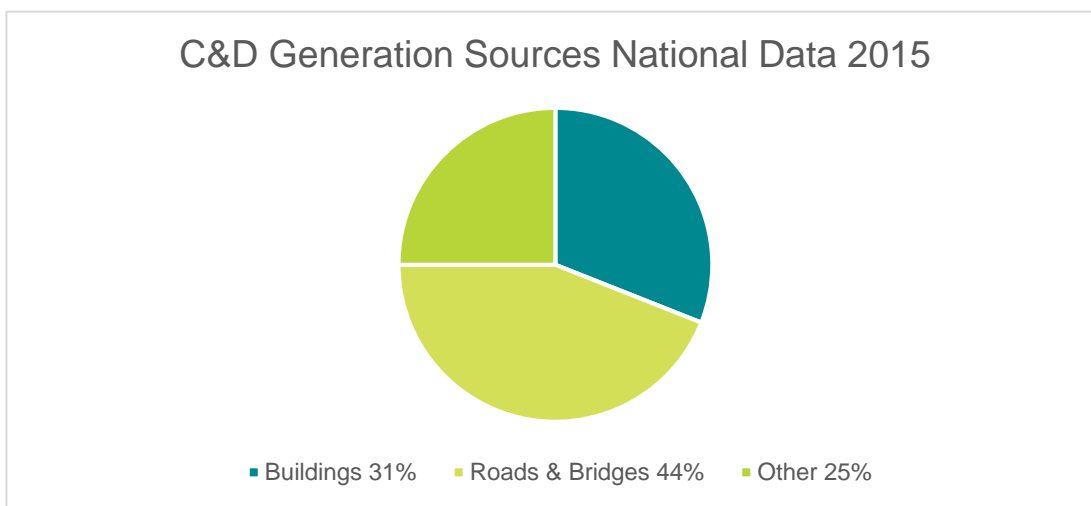
C&D debris is defined as uncontaminated solid waste resulting from construction, remodeling, and repair and demolition activities. Detailed characterization at the State Level can be found in the NYS Beyond Waste 2010 Solid Waste Management plan. Based on 2008 statewide estimates, concrete/asphalt/ rock/brick (CARB) and soil/gravel were the material categories representing the largest portion of the waste stream.⁴

⁴ New York State Department of Environmental Conservation. 2010. Beyond Waste: A Sustainable management Strategy for New York State.

EPA reported that in 2015 Nationwide approximately 169 million tons were generated from buildings, 242 million tons from roads and bridges, and 136 million tons from other. The report further states that the majority of building and road & bridge C&D was generated during demolition activities.⁵

Based on the percentages of waste generated in New York State (i.e 37% of waste generated), the planning unit estimates that approximately 304,000 tons of C&D were generated in the planning unit in 2018. It is assumed (based on the CDRA report cited below) that the majority of these materials were recycled or had a beneficial reuse. The unrecycled portion is assumed to have been disposed of in a C&D or MSW landfill.

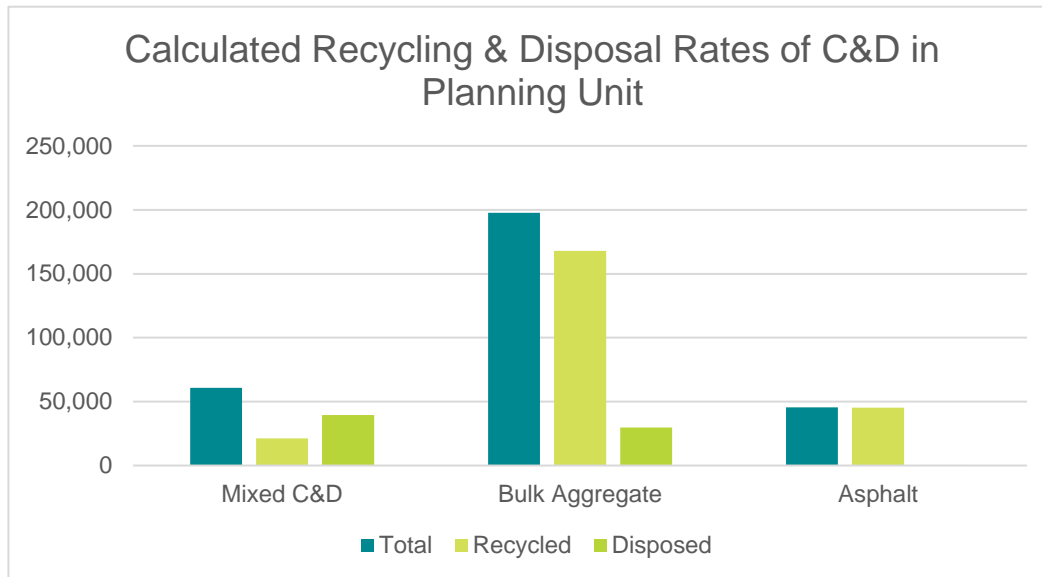
Chart 2.7 – C&D Generation Sources National Data 2015



A recent white paper from the Construction and Demolition Recycling Association (CDRA), entitled *The Benefits of Construction and Demolition Materials Recycling in the United States*¹⁴, estimated approximately 480 million tons of C&D debris was generated in the United States in 2012. The paper also stated that over 70% of the C&D debris was presumed to be “recovered and recycled” in 2012. The following is a breakdown of the components within the C&D debris stream:

- 100 million tons mixed C&D with a 35% recycling rate,
- 310 million tons bulk aggregate (primarily concrete) with a 85% recycling rate, and
- 70 million tons of reclaimed asphalt pavements with a 99% recycling rate.

⁵ Construction and Demolition Debris Generation in the United States in 2015 ,USEPA RCRA, 2018

Chart 2.8 Calculated Recycling & Disposal Rates of C&D in Planning Unit

It is assumed the 304,000 tons of C&D generated in the planning unit is recycled at similar rates. According to the NYSDEC web-site, construction material that is not recycled is sent to either a C&D or MSW landfill for disposal.

- Based on these assumptions it is estimated that 20% of the C&D generated or 60,800 tons is mixed C&D with a 35% recycling rate (21,280 tons) it is assumed that 65% of these materials are sent to landfill (39,520 tons).
- It is estimated that 65% of the C&D generated or 197,600 tons of bulk aggregate material was generated. Based on a recycling rate of 85% (167,960 tons) it is assumed that 15% of this material (29,640 tons) entered a landfill.
- It is estimated that 15% of the C&D generated or 45,600 tons of asphalt was generated. Based on a recycling rate of 99% (45,144 tons) it is estimated that 1% (456 tons) entered the landfill.

In sum it is estimated that in 2018, 304,000 tons of C&D was generated in the planning unit. It is estimated that 69,616 tons was disposed of in landfills and that 234,384 tons was recycled.

The C&D debris stream constitutes 37% of the waste generated in the planning unit. But is already has a calculated recycling rate of 77%. The planning unit will focus its efforts on effecting change on the much higher tonnages of municipal and commercial solid waste generated through education and outreach.

2.3 Industrial Waste

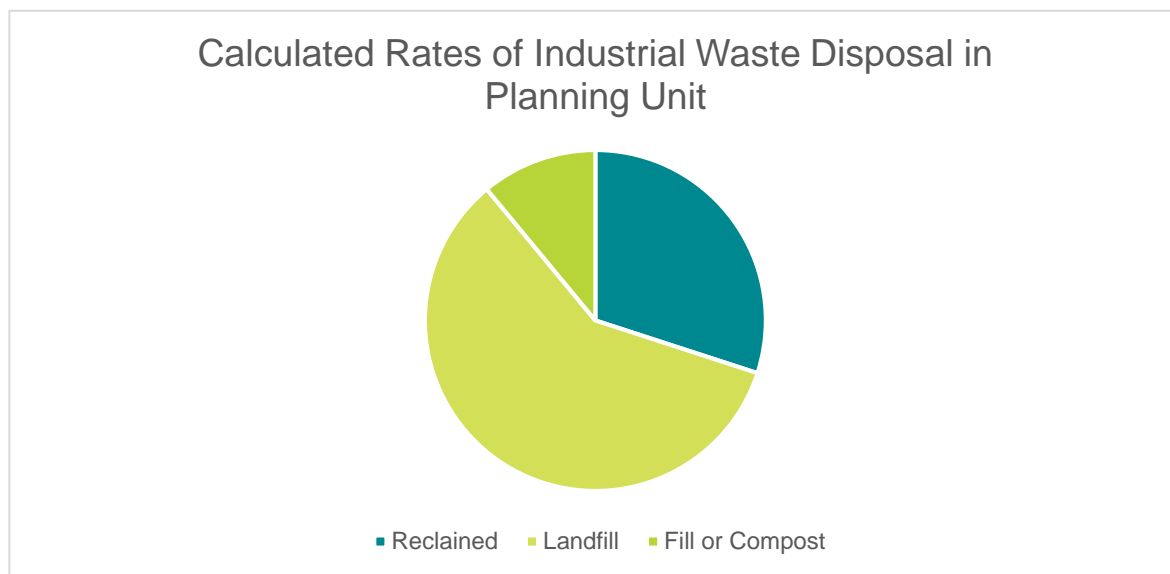
Industrial waste includes discarded materials generated by manufacturing or industrial source. Materials may include paper mill residuals, food processing waste, coal ash, liquid wastes (acids, leachate, etc.), and foundry. This does not include materials resulting from mining, oil or gas drilling. DEC estimates that approximately 3.5 million tons of industrial waste was

generated in New York State in 2008. Of this, 59% was sent to landfill and 30% was reclaimed through recycling or composting. The remaining was used as fill or combusted.⁶

As is shown in table 3.1 in the following chapter, all disposal facilities serving this planning unit accept industrial waste from Erie County. It is estimated that 10% of the total waste generated or 82,225 tons of industrial waste was generated in the planning unit in 2018. It is estimated that 30% of this total or 24,668 tons were reclaimed through recycling or composting, 59% or 48,513 tons was sent to landfill and 11% or 9,045 tons were used as fill or composted.

The industrial waste stream constitutes only 10% of the waste generated in the planning unit. It has a calculated recycling or beneficial reuse rate of 41%. The planning unit will focus its efforts on effecting change on the much higher tonnages of municipal and commercial solid waste generated through education and outreach.

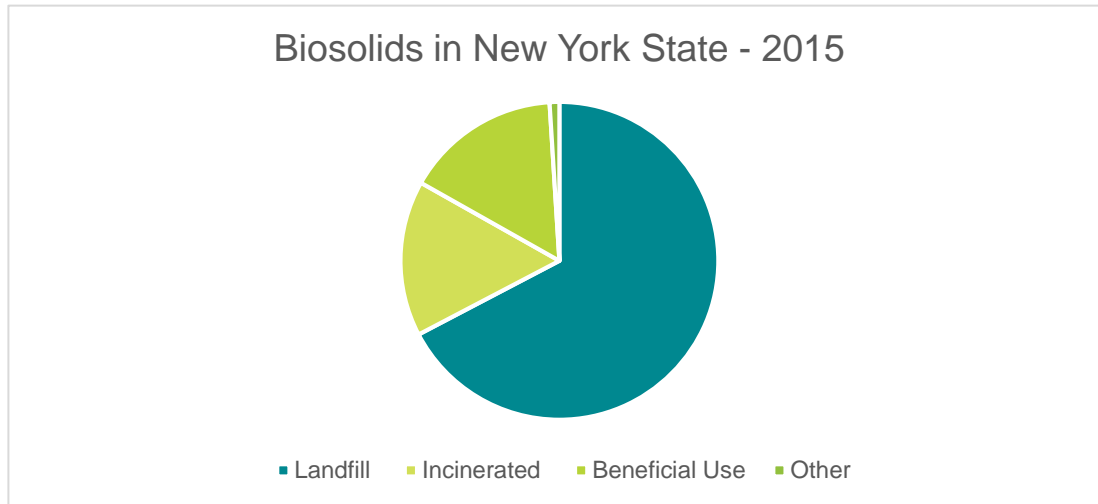
Chart 2.9 – Calculated Rates of Industrial Waste Disposal in Planning Unit



2.4 Bio Solids

In a 2015 survey of publicly-owned treatment works (POTWs), or wastewater treatment facilities that are owned by public entities, in New York State (NYS), the Department of Environmental Conservation's (DEC or Department) Division of Materials Management (DMM) identified 612 POTWs that generate biosolids (sewage sludge). A total of 580 facilities completed the survey (95% of those surveyed). These reporting facilities represent 99.7% of the total design flow rates in all NYS. The total design flow for all facilities is approximately 3,800 mgd (million gallons per day), while the reported actual flow rate is approximately 2,400 mgd. Over 70% of the surveyed facilities reported actual flow rates that were less than 1 mgd.

⁶ Beyond Waste. 2010.

Chart 2.10 – Biosolids in New York State – 2015

The POTWs reported generating a total of 374,110 dry tons of biosolids annually. As of 2015, landfilling continues to be the most popular biosolids management method with an estimated 68% of biosolids produced annually going to solid waste landfills. Beneficial use, through methods such as land application, composting, heat drying, and mine reclamation, comprises 16% of biosolids produced annually. Additionally, incineration is used to treat 16%, and other management methods (lagooning, stockpiling, etc.) are used for less than 1% of the total biosolids produced annually. All percentages were calculated on a dry weight basis.⁷

It is estimated that 5% of total waste generated in the planning unit or 41,113 tons is dewatered sludge generated at wastewater treatment facilities in the planning unit in 2018. It is estimated that 68% or 27,957 tons are sent to landfill, 16% or 6,578 tons has a beneficial end use and 16% or 6,578 tons is incinerated.

Wastewater infrastructure in this planning unit is managed by either the Erie County Sewerage Division or by municipalities. There are three active wastewater treatment facilities (WWTF) within the planning unit which treat water conveyed from municipalities within the planning unit and from outside of the planning unit.

Within the planning unit Erie County manages the following treatment facilities:

- ECSD NO. 1 – This District serves the southern portion of the Town of Cheektowaga and the northern portion of the Town of West Seneca. Infrastructure includes a network of pumping stations, interceptor and collector sewers which transport sanitary sewage for treatment by the Buffalo Sewer Authority.
- ECSD NO. 2 – This District serves portions of the Towns of Brant, Evans, Eden, Farnham, Hamburg and North Collins, including the Villages of Angola and North Collins. Out-of-District agreements also provide service to the Lotus Bay Area Sewer Districts, and Evangola State Park. The District operates and maintains a network of pumping stations, collector and interceptor sewers which convey flow into the District's own sewage treatment facility at the mouth of Big Sister Creek near Lake Erie. The Sewage Treatment Facility is staffed and operates 24 hours/day.
- ECSD NO. 3 – This District serves the Town of Hamburg, Village of Hamburg, Blasdell, Boston, Orchard Park, and Eden. Sewer District No. 3 also includes portions

⁷ Bio Solids Management in New York State, 2018, NY DEC publication

of the Town of West Seneca and the Town of Holland. District No. 3 operates and maintains three modern sewage treatment facilities in the Town of Hamburg, the Town of Holland and the Village of Blasdell for treatment of the sewage from those communities as well as portions of the Town of Hamburg tributary to the Village of Blasdell's system. Additionally, Sewer District No. 3 operates and maintains a network of pumping stations and interceptor sewers which transport sewage to its modern treatment facility on Lake Erie.

- ECSD NO. 4 – This District serves the Villages of Depew and Lancaster and portions of the Town of Lancaster. Infrastructure includes a network of pumping stations, collector and interceptor sewers which transport sanitary sewage for treatment at the Buffalo Sewer Authority. By contract, the District also services the Alden Town Sewer Districts.
- ECSD NO. 5 – This District serves the Transit Road area of the Towns of Amherst and Clarence, in addition to adjacent residential areas and Clarence Center. Infrastructure includes a network of sanitary sewers which transport sanitary sewage to the Town of Amherst for treatment at the town's treatment facility. This District also operates one small sewage treatment plant and services various Town of Clarence Sewer Districts by contract.
- ECSD NO. 6 – This District serves the City of Lackawanna and several out-of-district areas by contractual agreement. It operates and maintains the network of sanitary and storm sewers in the City of Lackawanna as well as a sewage treatment facility. The Sewage Treatment Facility is staffed and operates 24 hours/day.

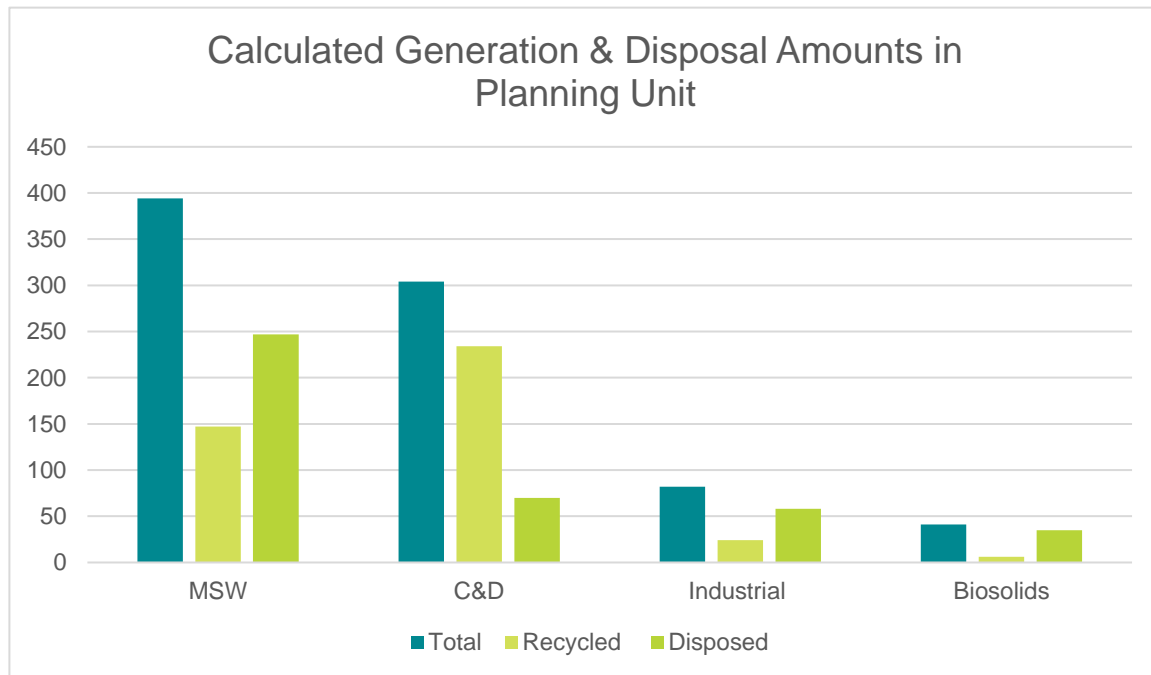
The amount of sludge produced by these facilities, and subsequent ash sent to landfill, is not readily available. Biosolids in this planning unit are incinerated into ash. As of 2015, landfilling is the most popular method of managing bio solids in NY State. Other management methods include incineration and beneficial uses such as land application or composting. Bio solids are currently accepted at each of the landfills serving Erie County municipalities.

In nearby Buffalo, the Bird Island WWTF operated by the Buffalo Sewer Authority uses multiple incinerators to burn bio solids reducing the volume of material to ash which takes up less space when eventually landfilled. The BSA facility also operates a digester which is not currently operating at full capacity. This infrastructure is available and leaves possibilities of different management methods open to WWTF in Erie County. The planning unit recognizes bio solids as part of the waste stream but does not track this waste stream. That is seen as the role of the Erie County Division of Sewerage Management and other municipal sewage districts.

The biosolid waste stream constitutes only 5% of the waste generated in the planning unit. This waste stream is managed effectively by the sewage treatment facilities. The planning unit will focus its efforts on effecting change on the much higher tonnages of municipal and commercial solid waste generated through education and outreach.

2.5 Data Gaps & Information Needs

The planning unit relies on NYSDEC and USEPA to collect and analyze data about waste streams and recycling streams that are then utilized to facilitate local decision making. The planning unit hopes that both organizations will have funding to continue to undertake these data collection and analysis efforts.

Chart 2.11 Calculated Generation & Disposal Amounts in the Planning Unit

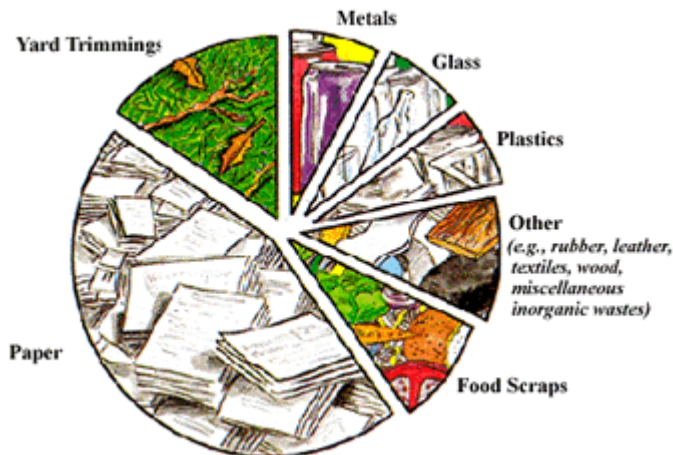
Commercial & Institutional MSW

Information about the amount of food waste generated by commercial and institutional facilities in the planning unit generate would assist in planning for food waste diversion programs and processes in the region. Erie County will conduct a focused survey in 2023 to learn about the amount and type of food wastes generated in the planning unit.

C&D Debris

Learning about the barriers to recycling mixed C&D (current rate of 35%) would be an important component of increasing rates of C&D recycling. The planning unit will utilize studies created by others and reports that include lessons learned and best practices for recycling mixed C&D to determine if there are any education or outreach activities that should be implemented to help increase mixed C&D recycling in the planning unit. The planning unit will also support Erie County as it updates the County Disaster Debris Management Plan which will examine current C&D processing capacity.

3.0 Existing Solid Waste Management System



<http://techalive.mtu.edu/meec/module15/MunicipalSolidWaste.htm>

The current residential solid waste management system relies on municipal services and/or private haulers to collect municipal solid waste curbside and transport it to private disposal facilities located outside the Planning Unit boundaries. Waste is transported via trucks to disposal or waste to energy facilities located within a 35-mile radius of the Planning Unit. 50% of the municipalities in the Planning Unit divert the majority of their solid waste to a waste to energy facility.

Municipalities in this Planning Unit contract individually for private hauler/disposal services or disposal services. The municipalities that send municipal solid waste to landfill currently have contracts with Modern Corporation or Republic Services. The municipalities that send municipal solid waste to a waste to energy facility currently have contracts with Covanta Energy.

The Planning Unit's current curbside recycling programs rely on municipal services and/or private haulers to collect specific recyclable materials curbside on a regular basis. These materials are transported via truck for separation and processing.

The current system of management of industrial and institutional waste within in the planning unit consists of businesses and institutions contracting for services with private companies including haulers, processors and disposal facilities.

All Planning Unit municipalities are within 35 miles of three private disposal facilities managed by Modern Corporation, Waste Management (Chaffee landfill) and Allied Waste (a subsidiary of Republic Services) and one waste-to-energy facility, Covanta Niagara in Niagara Falls. There are no municipal or county owned disposal facilities within 45 miles of the Planning Unit. There is one private MRF and one private transfer station located in the Planning Unit. An additional private MRF is located just outside of the Planning Unit in the nearby City of Buffalo. A third MRF utilized by municipalities in Erie County, but not this Planning Unit, is a Waste

Management's facility in Liverpool, NY.

A description of each disposal facility and MRF contracted by municipalities follows. In addition, facilities located in adjacent Planning Units and the greater region have been included to provide a broader picture of waste disposal and recycling throughout the region.

3.1 Solid Waste Disposal Facilities

Covanta Niagara

100 Energy Blvd. Niagara Falls, NY

Covanta Niagara is a waste combustion or waste to energy facility located north of the Planning Unit in Niagara Falls, NY that has been in operation since 1980. The facility takes a small amount of MSW originating in the planning unit as well as other communities outside of the Planning Unit in Erie County, New York State counties Genesee, Broome, Monroe, Queens, Niagara, and the province of Ontario, Canada. Approximately 25% of waste comes from New York City arriving by rail. The facility also takes industrial waste from across the State of New York, several other US States, Puerto Rico and Ontario, Canada.

Types and tonnage of waste can be found in table 3.1 and a complete list of locations from outside the planning unit in table 3.6. Both are based on the 2017 facility reports submitted to the DEC.⁸ The facility has the capacity to process up to 2,250 tons per day to produce steam and electricity for industrial use. The facility also recovers metal such as steel and aluminum.⁹

The facility is currently operating under a State Administrative Procedures Act (SAPA) extension and is permitted to accept up to 821,250 tons/year.¹⁰ According to NYS DEC 2015 Waste Combustion Summary Report, in 2015 Covanta Niagara processed 753,041 tons of MSW waste producing 183,279 tons of residue and 241,504 megawatt hours of electricity.¹¹ Ash from the facility is disposed of at the Allied Waste Facility which will be further discussed below.

Modern Landfill

4746 Model City Road Youngstown, New York

Modern Landfill is a privately owned and operated landfill located north of the Planning Unit in Youngstown, NY. The facility takes C&D, Industrial, MSW and bio solid waste originating within the Planning Unit as well as from others including nearby counties, New York City and Canada.

Types and tonnage of waste can be found in table 3.1 and a complete list of locations from outside the Planning Unit in table 3.6. Both are based on the 2017 facility reports submitted to the DEC.¹² At the current rate Modern estimates a disposal capacity through 2040.¹³

⁸ NYS DEC 2017 Facility Reports.

⁹ Covanta Holding Corporation. 2019. Covanta Niagara. web. Covanta.com/our-Facilities/Covanta-Niagara

¹⁰ Email Correspondence with NYSDEC

¹¹ New York State Department of Environmental Conservation. 2015. 2015 Municipal Waste Combustion Summary Report. Web. <https://www.dec.ny.gov/chemical/40052.html>

¹² NYS DEC 2017 Facility Reports.

¹³ Modern Corporation. 2019. Landfill. web. www.moderncorporation.com/commercial/landfill/

Allied Waste Niagara Falls Landfill LLC

5600 Niagara Falls Blvd. Niagara Falls, NY 14304

Allied Waste Niagara Falls is a privately owned and operated landfill located north of the Planning Unit in Niagara Falls. The landfill is owned by Republic Services who is the hauler for municipal waste in the area. The facility takes C&D, Industrial, bio solids and incinerator ash from Covanta Niagara. It does not take MSW because it cannot accept putrescibles. The landfill receives waste material from Canada, US and several NY counties as well. This facility is currently operating under a SAPA permit extension.

Types and tonnage of waste can be found in table 3.1 and a complete list of locations from outside the planning unit in table 3.6. Both are based on the 2017 facility reports submitted to the DEC.¹⁴

Waste Management Chaffee Landfill

10860 Olean Rd. Chaffee, NY 14030

Chaffee Landfill is a privately owned and operated landfill located south of the Planning Unit in the Town of Sardinia, NY. The landfill is owned by Waste Management. The facility takes MSW, C&D, and Industrial and bio solid wastes from municipalities in NEST.

Table 3.1 Tons Accepted from Erie Co. in 2017

Disposal Facility	Permitted Capacity Remaining	Operating Status	Total Tons Accepted in 2017	Tons Accepted from Erie Co. In 2017
Covanta Niagara, L.P. 100 Energy Blvd. Niagara Falls, NY	821,250 tons/yr.	Permit expired. Operating under SAPA	MSW: 564,612 Industrial: 214,196	MSW: 45,365 Industrial: 103,312
Modern Landfill 4746 Model City Road Lewiston, NY	4,090,000 Cubic yards of airspace	Private Landfill Modern Corporation Permitted	C&D: 4,313.52 Industrial: 76,245.72 MSW: 46,9447.68 Bio solids: 31,348.81	C&D 2,429.41 Industrial 95,426.36 MSW 239,265.84 Bio Solids 23,261.71
Allied Waste Niagara Falls Landfill LLC 5600 Niagara Falls Blvd. Niagara Falls, NY 14304	387,302 cubic yards of air space	Permit expired operating under SAPA	C&D: 247,259 Industrial: 209,131 Bio solids: 22,649	C&D 31,668.5 Industrial 95,426.36 Bio solids 87.36

¹⁴ NYS DEC 2017 Facility Reports.

Chaffee Landfill 10860 Olean Rd. Chaffee, NY 14030	1, 260,000 cubic yards of air space	Private Landfill Waste Management Permitted	C&D: 32,736.9 Industrial: 19,928.5 MSW: 394,584.9 Bio solids: 20,194.7	C&D: 31,823.8 Industrial: 10,183.5 MSW: 141,295.1 Bio solids: 27.9
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Source: NYS DEC 2017 Facility Reports

NOTE: The reported tonnage of industrial waste for Covanta was for New York State as a whole and not reported by county.

NOTE: Bio solids from Allied waste refers to those received only from Amherst WWTP

NOTE: Chaffee landfill is not currently utilized by the NWSWMB planning unit

Remaining capacity is reported to the NYS DEC as part of the facility reports. This asks facilities to list the amount of waste taken on in the year measured in tons, the remaining constructed capacity in cubic yards of air space and the amount of time it will take to use that space based on the expected annual waste. Capacity is described for the current construction as well as for what has been permitted by the DEC but not yet constructed. The DEC also has a chart readily available on the “Waste Management” section of the website describing the remaining permitted capacity, including constructed and unconstructed, as of 2015 for each landfill in NY. Based on this, Modern has a remaining capacity of 16,722,000 tons and Allied of 4,791,645 tons.¹⁵

MRF Descriptions

Buffalo Recycling Enterprises (BRE):

266 Hopkins St Buffalo, NY 14220

BRE is a privately owned and operated MRF located south of the Planning Unit in the City of Buffalo. BRE is owned by Modern. There is 16% residue in the materials sorted at this facility.

Republic Recycling MRF

2321 Kenmore Ave Kenmore, NY 14207

Allied Waste MRF is a privately owned and operated by Republic Recycling. It is the only MRF facility located within the Planning Unit. The City of Tonawanda, Town of Tonawanda and Grand Island send recyclable MSW material directly to this facility. Note this facility was recently purchased by Modern.

Waste Management Syracuse MRF,

4550 Steelway Blvd S, Liverpool, NY 13088

¹⁵ New York State Department of Environmental Conservation. 2015 Municipal Waste Combustion Summary Report. Web. <https://www.dec.ny.gov/chemical/40052.html>

Waste Management Syracuse MRF is a privately owned and operated facility located approximately 2 hours east of the planning unit. Several municipalities on the NEST board do contact with Waste Management and their recyclable material is sent here.

WNY Beverage Industry Collection and Sorting (BICS)

4284 Walden Ave, Lancaster NY 14086

This facility collects and sorts the bottles and cans returned under the NYS Bottle Bill. This facility deals with PET bottles, cans, and glass. As a result of the source, these facilities do not have any residue because there is no opportunity for unwanted material to be placed with the allowed materials.

Commercial Facilities

The region is also served by several primarily commercial recycling facilities. These operations take material from business and other commercial or institutional clients and tend to focus on one type of material. These are Cascade Recovery, GLR Recycling Solutions, Max Brock Co. Inc., and Hanna Paper Recycling INC.

Table 3.2 Recycling Handling Recovery Facilities (RHRF)

Facility	Operating Status	Total tons accepted in 2017	Tons Accepted From Erie County in 2017	Residue
Buffalo Recycling Enterprises (BRE) 266 Hopkins St Buffalo, NY 14220	Private MRF	79,279.66	N/A	13,063.92 tons (16%)
Allied Waste MRF 2321 Kenmore Ave Kenmore, NY 14207	Private MRF	132,152	comingled paper 2653 single stream 19219 plastic 54	*unknown unclear scan
Waste Management Syracuse MRF, 4550 Steelway Blvd S, Liverpool, NY 13088	Private MRF	78,331	Single stream 10,352	2,285 tons (3%)
Cascade Recovery, 3241 Walden Ave. Depew, NY 14043,	Private MRF	18,574.57 *all from NY	Not reported	514.40 (2.77%)
GLR Recycling Solutions, 22 Mechanic St. North Tonawanda, NY 14120,	Private MRF	4,978 *all from NY	Not reported	139.13 tons (3%)

Max Brock Co. Inc., 18 Netcalfe St, Buffalo, NY 14206	Private MRF	3,066	1,891	Not reported
Hanna Paper Recycling INC, 475 Ludwig Ave, Buffalo, NY 14227;	Private MRF	20,492	Commingled paper 15595*	84 tons (0.41%)
WNY Beverage Industry Collection and Sorting 4284 Walden Ave Lancaster, NY 14086	MRF	22,076.15	17,115.03	0

Source: NYS DEC 2017 Facility Reports

*NOTE NWCSWB only was 2010.00 tons of comingled paper in 2017

Organics Management Facilities



The majority of composting occurring in the Planning Unit is yard waste which is picked up curbside by municipalities. This material is generally gathered, chipped, creating a final end product of mulch. The mulch is then sold or given to municipal residents for their landscaping.

Yard Waste

Several of the planning unit municipalities, including Clarence, Orchard Park, West Seneca, Newstead/Akron, Marilla, and Gowanda have municipal compost sites for leaves and yard waste. Lardon Construction has a wood waste dump site where wood is mulched.

Food Composting

“Composting is not simple on a large scale. It’s about balancing input to achieve the right moisture levels and C/N (carbon to nitrogen) ratio. Carbon materials, such as plant debris, decomposes slowly, while manure is nitrogen rich and heats quickly. Food scraps are a variable and have high moisture content. The incoming matter, the ratios, the piling, turning and timing all govern the final quality and content of the product.”

There are a number of composting facilities in the region. Most of the municipalities in the planning unit collect yard waste curbside and transform it in composting facilities. The yard waste consists primarily of leaves and tree branches.

There are a few facilities either dedicated to or incorporating food waste. Buffalo River Compost works with the City of Buffalo, restaurants and businesses to compost food and plant waste. Ecoverde and Good Earth Organics work with restaurants and businesses to compost food and plant waste. These are both located within the planning unit. Farmer Pirates operates a subscription service of residential and commercial food scrap collection that composts food scraps, except for meat and dairy products. SRG runs a consulting firm which specializes in setting up composting systems.

Natural Upcycling is located outside the planning unit but collects source separated organics in WNY (including the planning unit) and the Finger Lakes region. This company focuses on recovering energy from food waste through anaerobic digestion. Clients include larger foodwaste producers such as restaurants, grocery stores, hospitals, universities/schools, cafeterias, food manufacturers and food distribution centers. The company provides totes and hauling services, material in WNY is taken to one of three digesters to a digester at Noblehurst Farms in Linwood, NY as well as to Buffalo Bioenergy and Niagara Bioenergy in Erie and Niagara counties respectively.

Locally, passionate private firms have taken the lead in creating commercial composting facilities. They will need longer-term contracts and dedicated funding streams to grow to a size that could handle a significant amount of food waste. It is anticipated that the market for composting commercial and institutional food waste will have to grow and mature before large scale curbside pickup opportunities are available for residential customers.

Additional composting facilities exist in the region, they are small and do not currently serve the Planning Unit. These include both source separated organic facilities and yard waste. Listed below are the private facilities in Erie County. These are included because they exist as options should the Planning Board seek to improve on organics recycling programs. These are:

- **PUSH Buffalo**, 660 Ohio Street Buffalo, NY
- **Buffalo River Compost** 47 Ensign St Buffalo, NY 14210
- **Good Earth Organics Corp** 5960 Broadway, Lancaster NY 14086

- **Lardon Construction**, 202 Lake Ave Blasdell, NY 14219¹⁶

Table 3.3 Organic Facilities

Facility	Materials Accepted	Total cubic yards received	Compost produced
C.J Krantz 560 Smith Rd E. Amherst, NY 14501	Leaves Grass Mixed Grass and Leaves Brush	14,000 2,500 14,500 2,500	10,000
Farmer Pirates 0 Gittere St Buffalo NY 14211	Food Scraps	950	400
Pariso Yard Waste Composting 5603 River Road Tonawanda NY 14150	Leaves Stump grindings	250 405	550

Source: NYS DEC 2017 Facility Reports

Natural Upcycling

Natural Upcycling is a hauling company which currently collects source separated organics in WNY and the Finger Lakes region. This company focuses on recovering energy from food waste through anaerobic digestion. Clients include larger food waste producers such as restaurants, grocery stores, hospitals, universities/schools, cafeterias, food manufacturers and food distribution centers.

The company provides totes and hauling services, material in WNY is taken to one of three digesters, a digester at Noblehurst Farms in Linwood, NY as well as to Buffalo Bioenergy and Niagara Bioenergy in Erie and Niagara counties respectively.

Anaerobic Digestion Facilities

There are currently three AD facilities in Western New York which process food waste from Erie County. Two identical facilities, including one in Erie County, are owned and operated by Generate Capital Inc. Buffalo BioEnergy LLC, at 2900 N. American Dr. West Seneca, NY and Niagara BioEnergy LLC at 2175 Liberty Drive Wheatfield, NY. They are not co-located on a farm and process only food waste. Each facility has a process design capacity of 45,000 wet tons/year, for a total of 90,000 wet tons/year processing capacity. The facility manager for the Generate Capital facilities indicated that they are currently operating at half capacity. These AD facilities have significant capacity to process additional food scraps in their systems.

2018, Buffalo Spree Magazine, Cunningham, Sally: New sources for compost , Here's another product that's made locally—by experts

¹⁶ NYS Pollution Prevention Institute. NYS Food System Sustainability Clearinghouse. Organic Resource Locator. <https://www.rit.edu/affiliate/nysp2i/food/organic-resource-locator>

Generate Capital has its own collection services. The anaerobic digestion process produces biogas which is converted into electricity and a digested liquid material which can be used as fertilizer, following testing.

The third, Noblehurst Green Energy. Noblehurst and its collection partner Natural Upcycling provide AD services for numerous clients in Erie County and Western NY. Noblehurst is located on a dairy farm and processes a mixture of manure, milk products, and food waste. The facility processes 425,000 pounds of influent per day with a mixture of 35% food waste and 65% manure. The liquid and solid food waste is approximately 45 tons per day. Erie County is unsure of how much additional capacity for food waste is available at the Noblehurst AD facility. These facilities deal with FOGs and food waste from suppliers and are not able to accept biosolids.¹⁷

Additionally, the Buffalo Sewer Authority Bird Island WWTF operates a digester for sludge. Sludge from wastewater treatment in this planning unit are ultimately sent to this digester.

Household Hazardous Waste (HHW)

Two private companies in WNY deal with HHW.

- Hazman is a division of The Environmental Services Groups (ESG) which works with organizations to coordinate HHW and a variety of Environmental Services. Hazman also acts as a drop off center which is open weekdays and the first Saturday of every month. Customers can drop off HHW for a fee.
- Clean Harbors is a North American company delivering a range of service for managing hazardous waste. The Buffalo, NY location provides field services and emergency response services. Clean Harbors facilitates thousands of Household Hazardous Waste (HHW) and pesticide collection programs throughout North America—collecting paints, solvents, batteries, fluorescent lamps, pesticides, cleaners and other hazardous materials during one-day, multi-day and mobile events.

Table 3.4 HHW Facilities

Facility	Materials Accepted From PU
Hazman 177 Wales Avenue, Tonawanda NY 14150	Antifreeze, misc cleaners, flammable liquids, gasoline, herbicides, pesticides, mercury, misc oils, paint, batteries, electronics, VHS tapes, corrosive acids, aerosols, air conditioners, dehumidifiers, fire extinguishers, fluorescent bulbs, freezers, propane tanks, butane tanks, refrigerators, thermometers, thermostats, tires, smoke detectors, carbon monoxide detectors
Clean Harbors Environmental Services, Inc. 60 Katherine Street, Buffalo, NY 14210	Paints, solvents, batteries, fluorescent lamps, pesticides, cleaners

¹⁷ New York State Department of Environmental Conservation. Quasar Anaerobic Digestion Facilities Fact Sheet. web. <https://www.dec.ny.gov/chemical/94368.html>

Construction and Demolition (C&D) Debris

Construction and demolition debris is uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. The majority of C&D waste is generated by commercial businesses and is not tracked by the Planning Unit. Included below are tables showing C&D processing facilities and landfills within and near the Planning Unit.

Table 3.5 C&D Processing Facilities

Facility	Location	Concrete, asphalt, rock, brick (CARB)	Metal	Wood	C&D	Other
Southwest Recycle	7341 Southwestern Blvd Eden, NY	X				
Swift River Associates - Tonawanda	4051 River Road Tonawanda, NY	X	X		X	fly ash; corian
Triad Recycling & Energy	3755 River Road Tonawanda, NY				X	seat foam, mattresses
Gateway Plant 81	1951 Hamburg Turnpike Lackawanna, NY	X				
Zoladz	1951 Hamburg Turnpike Lackawanna, NY	X		X	X	
Artmeier Commodity Supply	1951 Hamburg Turnpike (Gate 2 - Steel Plant) Lackawanna, NY		X	X		
Battaglia C&D Processing	1037 - 1055 Seneca St. Buffalo, NY					
Southport Rail & Transfer LLC	250 Lake Avenue Blasdell, NY	X				
Lardon Construction - Blasdell	202 Lake Avenue Blasdell, NY			X		
E & R General Construction Inc.	175 Lake Ave Blasdell, NY	X				

Nu Waste LLC	1700 Union Road West Seneca, NY		X		X	
Ebenezer Yard Materials	1655 Union road West Seneca, NY	X	X			
Michael Serafini; Inc.	3529 Broadway Street Cheektowaga, NY	X				clean soil
Como Plant 21	500 Como Park Blvd Cheektowaga, NY	X				
New Enterprise Stone & Lime; Co.; Inc. Barton Facility	91 Barton Road Lancaster, NY	X				
Gernatt Asphalt Products; Inc. - Springville Plant	13650 Benz Drive Concord, NY	X				clean soil
Swift River Associates - Lancaster	561 Pavement Road Lancaster, NY	X	X	X		
Zoladz Construction Company	13600 Railroad Street Alden, NY	X		X	X	

Source: NYS 2017 Facility Reports

Disposal facilities

C&D Debris are taken to landfills in Niagara County. Modern Landfill in Youngstown, NY and Allied Waste Niagara Falls Landfill in Niagara Falls, NY.

3.2 Facilities Importing Waste

In addition to serving the NWSWMB and neighboring NEST planning units, these facilities import waste from other regions where disposal capacity is not as high relative to need. This includes Canada and the New York metro area among many other NYS counties. Table 3.6 describes the location and amount of material coming from regions other than Erie County.

Table 3.6 Facilities Importing Waste

Facility	Operating Status	Total Accepted From outside Erie County	Origin
Covanta Niagara, L.P. 100 Energy Blvd. Niagara Falls, NY	Private waste to energy; Active	Industrial 110,884	KS, CA, TN, NY, Puerto Rico, MA, Canada, NC, MI, IN, KY, CT, WI, OH, WV, PA, NH, RI, MO, IL, MD, ME, MN, NJ

		MSW 519,247	Genesee Co., Broome Co. , Monroe Co., Queens Co., Niagara Co., Canada
Modern Landfill 4746 Model City Road Youngstown, NY	Private landfill	C&D 1,884.11 Industrial 52,157.66 MSW 230,181.84 Bio solids 8,087.1	Chautauqua, Niagara, Canada, Oswego, Chautauqua, Orleans, Onondaga, Oneida, Wyoming, Monroe, Genesee, NYC Canada, Niagara, Orleans, Wyoming Canada, Niagara, Orleans
Allied Waste Niagara Falls Landfill 5600 Niagara Falls Blvd. Niagara Falls, NY 14304	Private landfill; Active	C&D 215,590.5 Industrial 113,704.64 Bio solids 12,056.18	Canada, NH, NJ, MA, ME, CT, Niagara County, Genesee County, Onondaga County, Suffolk County, Dutchess County, Albany County, Orange County, Chautauqua, Cattaraugus, Monroe, Livingston, Saratoga
Buffalo Recycling Enterprises (BRE) 266 Hopkins St Buffalo, NY 14220	Private MRF; Active	Single stream recyclables	
Republic Material Recycling Facility 2321 Kenmore Ave Kenmore, NY 14207	Private MRF; active		

3.3 Agricultural Facilities Managing Organic Portions of MSW

Anaerobic digestion systems for dairy farms are growing in popularity across the United States. In July 2010, the EPA estimated that 157 digester projects were operating on a commercial scale nationwide. Of those 157 digesters, 22 were located in New York, making it the second leading state in operating digesters in the country. Today, New York's number has grown to 23 digesters, with 3 sites in the planning and implementation process.¹⁸

One agricultural facility managing organic portions of waste is located in WNY outside of the planning unit. Noblehurst Green Energy owns an anaerobic digester system adjacent to the Noblehurst Farms dairy complex in Linwood, NY. The complete mix digester system is designed by EnviTec Biogas, a Germany-based provider of on-farm biogas systems.

The system is designed to receive three different types of substrates. It all starts with manure from the Noblehurst dairy cows, which serves as the base volume of material to the tune of approximately 40,000 gallons per day. Adjacent to the digester is a 42,000-gallon holding tank for liquid food waste. Substrates are conveyed directly from an adjacent dairy processing plant and trucked in from local food manufacturing customers. Also built into the system is a storage pad and conveyor for food scraps and other pre-consumer organics. That material is brought in by Natural Upcycling five days per week. All of the substrates are received and conveyed into the EnviTec pre-mixing system, which consists of a fully instrumented indoor agitation tank that feeds a specific recipe/mixture into the digester.¹⁹

Table 3.7 Agricultural Anaerobic Biodigester

Facility	Registered/ Permitted	Materials Accepted From PU
Noblehurst Green Energy	yes	Dairy manure, liquid food waste, food scraps

3.4 Facility Data Gaps & Information Needs

The objectives of this plan are to document the current baseline in the Planning Unit and then propose actions for the next 10 years that range from status quo to new initiatives. The publically available facility data compiled and analyzed in this document provides county-level numbers on the volume and/or weight of materials that were moved, processed, reused and landfilled during a year.

¹⁸ <http://smallfarms.cornell.edu/2013/06/11/anaerobic-digesters/>

¹⁹ <http://www.linwoodag.com/affiliates/noblehurst-green-energy/>

This waste footprint provides the scale of the mass movement of materials, but can't track the lifecycle of all waste created within a smaller geographic boundary (municipality or Planning Unit) from their specific origin (i.e. residential, commercial, industrial, institutional) to their final disposition. While MSW and recycling managed by municipalities can be calculated, the commercial, industrial, and institutional inputs generated in the municipality are unknown. In addition, the scale and effectiveness of home or institutional composting programs is also unknown.

Information on waste composition, amount and source for each facility is available through facility reports which are required by the DEC under 6 NYCRR Part 360 regulations. Facility information presented here was gathered from 2017 facility reports. In reporting, facilities are required to include information such as remaining landfill capacity and type and amount of material received in that year as well as the source or location. This is reported both as the county of origin and the associated Planning Unit. These private facilities overwhelmingly report by county.

This type of reporting presents a challenge to Planning Units in Erie County where there are two distinct Planning Units. While this is not a problem in many counties where Planning Units align with the county, for Erie County this limits the detailed understanding of source needed. Though on the report there is a section to input the Planning Unit after the county name, facilities always enter NW as associated with Erie County, likely not understanding that there are two distinct units composed of different municipalities. This is a gap between the reporting styles of facilities and the data requirements of the Local planning boards, in cases where they do not align with county lines. More accurate numbers are needed for both NWSWMB and NEST to understand what these Planning Units separately contribute to local landfills, MRFs and other facilities. Addressing this need will be discussed in Chapter 6.

Similarly, the facilities do not separate between residential, commercial and institutional wastes which are all instead reported as MSW. As a result, it is difficult to understand varying sources of MSW. Better data related to sources of MSW is needed, this idea will continue to be noted as a limitation and discussion of methods of improving data will be discussed in a later chapter.

Finally, there is no information available on the extent to which food waste is being composted, whether through drop off, pickup, or home composting means. Knowing this is important for understanding what the opportunities are for expanding or encouraging programs as well as where there are opportunities for new and further education on the topic.

Erie County does not track C&D debris processing, biosolid processing or industrial waste.

3.5 Programs Collection & Processing

3.5.1 Residential Garbage

Residential collection services in NEST communities are provided curbside by the municipality or through municipal contracts in all but four municipalities. The other two methods of garbage collection are drop off which is used by the Town of Collins and the Town of Elma, and

individual resident subscription which is required in the Town of Clarence and the Town of Concord.

Many NEST municipalities provide services or contract with private haulers and facilities to manage these programs. Purchase of solid waste management collection and disposal services is governed by General Municipal Law - GMU § 120-w, which prescribes procedures for the purchase process. Contracts must be based on either an RFP or the lowest bid. The RFP process provides some flexibility to select providers based on supportable, intangible benefits to the public rather than just acceptance of the lowest cost bid. In the NEST Planning Unit municipalities use both methods.



Table 3.8 Residential Garbage Collection & Disposal

Collection	Municipality
Municipal curbside	Cheektowaga; Marilla; West Seneca; Alden (V); Hamburg (V)
Modern curbside	Lackawanna (C); Newstead; Depew (V); Sloan (V)
Waste Management curbside	Aurora; Boston; Colden; Eden; Evans; Hamburg; Holland; Lancaster; North Collins; Orchard Park ; Sardinia ; East Aurora (V); Lancaster (V); Orchard Park (V); Springville (V)
Drop off	Collins; Elma
Subscription	Clarence; Concord

Source: Municipal Survey. 2017

3.5.2 Residential Recycling

Since the last LSWMP, all of the municipalities have made single stream recycling collection a common practice. Across much of the planning unit, curbside recycling collection is paid for through resident taxes. All recycling is processed by private facilities. Weekly or bi-weekly collection is common across Erie County including the NEST planning unit. Table 3.7 summarizes each municipality's collection program.

By contracting with private facilities, the municipalities are limited in collection to what the companies are willing to accept. As a result, there is slight variation in what is accepted curbside between the towns. Information about accepted items are clearly available on each municipal website.

Rates of recycling in each municipality vary. Based on 2017 reports; the unweighted average for the planning unit is 14% curbside recyclable material. The highest rate is 27% in Elma and the lowest is 8% in Lackawanna, Akron and Sardinia.²⁰ Set out rates, which better measure participation, are unknown. The percentages were calculated using data provided by the municipalities for total MSW and tonnage recycled, the formula used was dividing recycled tonnage by the total MSW tonnage. Table 3.7 summarizes each municipality's collection program.

By contracting with private facilities, the municipalities are limited in collection to what the companies are willing to accept. As a result, there is slight variation in what is accepted curbside between the towns. Information about accepted items are clearly available on each municipal website. Each of these lists has a different design and look, but contains the same materials.

Many municipalities require use of standardized wheeled totes similar to the totes required for garbage pickup. This allows haulers to use semi-automatic tippers and automatic arms for emptying bins which increases collection efficiency and therefore contains costs. Natural gas-powered collection vehicles are used by some private haulers in the region, containing costs and decreasing noise and emissions where used.

Table 3.9 Residential Recycling Collection & Processing

Collection	Municipality
Municipal curbside	Lackawanna ; Marilla; Alden; Hamburg (V)
Modern curbside	West Seneca; Depew; Sloan; Newstead
Waste Management	Aurora; Boston; Colden; Eden; Evans; Hamburg; Holland; Lancaster; North Collins;

²⁰ Recycling Reports 2017

curbside	Orchard Park; Sardinia ; East Aurora (V); Lancaster (V); Orchard Park (V); Springville (V)
Allied curbside	Cheektowaga
Drop off	Collins; Elma
Subscription	Clarence; Concord; Gowanda

Source: Municipal Survey. 2017.

3.5.3 Special Residential Wastes and Recycling Collections

Special wastes refer to items that come from residences but are other than typical refuse. These include bulk trash items like appliances, furniture, carpeting, mattresses, and construction debris as well as items that have properties which make them unsuitable for typical landfilling such as Household Hazardous Waste (HHW), paints oils and electronics. This section will discuss the current programs in municipalities to address these types of waste as well recycling options available for some of these materials. Each of the municipalities participating in the NWSWMB has provisions for collecting bulk trash at the curb. The particular allowable amounts vary by municipality but overall it is collected weekly or up to twice monthly in this Planning Unit. Large appliances are dealt with similarly. Special waste pickup frequency is described in Table 3.8. Special waste recycling programs are summarized in Table 3.9.

Table 3.10 Special Wastes Program

Municipality	Bulk Trash	C&D Debris
Alden, Town	Curbside Quarterly, 10 per quarter.	Resident must hire private hauler.
Aurora, Town	Curbside, 1 per week.	Resident must hire private hauler.
Boston, Town	Curbside, 1 per week.	Resident must hire private hauler.
Brant, Town	Curbside, 1 per week.	Curbside, 1 container per week. Resident should hire private hauler

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Cheektowaga, Town	Curbside with the exception of items with metal. Metal must be removed from bulk waste before accepted.	Construction debris from contracted work must be disposed of by your contractor. Non-contractor C & D waste must be cut into 4-foot sections and stacked curbside.
Clarence, Town	N/A	N/A
Colden, Town	Curbside, 1 per week.	Resident must hire private hauler.
Collins, Town	N/A	N/A
Concord, Town	Spring Trash Pickup Event once in May. Limit 10 items.	N/A
Eden, Town	Curbside first week of every month. Limit 1.	N/A
Elma, Town	Access to transfer station with Town given sticker. Rubbish pick up twice a year.	Resident must hire private hauler.
Evans, Town	N/A	N/A
Hamburg, Town	Curbside, 1 per month, April- October.	N/A
Holland, Town	Curbside, 1 per week.	N/A
Lancaster, Town	Curbside, 3 every second week of each month	Resident must hire private hauler.
Marilla, Town	Curbside, weekly	N/A
Newstead, Town	Curbside, 1 per week	N/A
North Collins, Town	Curbside, 1 per week through August- March. 2 per week through April – July.	N/A
Orchard Park, Town	Curbside, 1 per week.	Resident must hire private hauler.
Sardinia, Town	N/A	N/A
Wales, Town	Curbside, 1 per week.	N/A

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West Seneca, Town	Curbside, weekly.	Resident must hire private hauler.
Lackawanna, City	Curbside, 1 first full week every month & weeks of April 8 th and Sept. 16 th . Limit 5.	Resident must hire private hauler.
Akron, Village	Curbside, Monthly.	Resident must hire private hauler.
Alden, Village	Curbside, twice a year.	Resident must hire private hauler.
Angola, Village	Curbside, 1 per week.	N/A
Blasdell, Village	N/A	N/A
Depew, Village	Curbside, 2 per week.	Resident must hire private hauler.
East Aurora, Village	Curbside, 1 per week	Resident must hire private hauler.
Farnham, Village	Curbside, 1 per week	Curbside, 1 container per week. Resident should hire private hauler
Gowanda, Village	Resident must hire private hauler or drop off at third party	Resident must hire private hauler.
Hamburg, Village	Curbside, 3 times a year	Resident must hire private hauler or during large trash week.
Lancaster, Village	Curbside, 3 every second week of each month	Resident must hire private hauler.
North Collins, Village	N/A	N/A
Orchard Park, Village	Curbside, 2 every month on first collection day.	N/A
Sloan, Village	Curbside, 2 per week.	Resident must hire private hauler or drop of at waste collection site listed.
Springville, Village	Curbside weekly with a sticker (furniture, carpeting & mattresses). Limit 2 bulk items per month.	Resident must hire private hauler.

Source: Municipal website review 2019

Table 3.11 Special Recycling Programs

Municipality	Metal/large appliances	E-waste	HHW	Tires	Motor Oil
Alden, Town	Directs you to Modern Disposal	Drop off at town hall during regular business hours	Pharmaceuticals drop off at town hall during regular business hours/ County-wide HHW collection events/locations	Directs you to Dunn Tire. Will take tire for \$2 each	N/A
Aurora, Town	Curbside first week of each month	Curbside pickup on October 7 th	County-wide HHW collection events/locations	Curbside during weeks of April 1, June 3, August 5, And October 7. Limit 2 per household	Directs you to local service station or oil change location
Boston, Town	Curbside, 1 per week	Directs you to Sunnking Electronic Recycling	County-wide HHW collection events/locations	N/A	N/A
Brant, Town	Curbside, 1 per week.	E-Waste Center in Brant	County-wide HHW collection events/locations	Brant recycling center.	N/A
Cheektowaga, Town	Must call Sanitation department 24 hours before collection day. Must remove doors from fridge/freezer	Directs you to Erie County e-waste information	County-wide HHW collection events/locations. Needles and Syringes can be placed in sealed container and placed in regular trash.	Return to service station or retail outlet	Return to service station or retail outlet
Clarence, Town	N/A	Directs you to Erie County e-waste information	N/A	Used tires accepted at highway department M-F 8am-3pm.	N/A
Colden, Town	Curbside, 1 per week.	N/A	N/A	N/A	N/A
Collins, Town	N/A	N/A	N/A	N/A	N/A

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Concord, Town	Spring Trash Pickup once every May.	Directed to MRC Disposal on May 19 th from 8 am – noon. Also Directs you to Erie County e-waste information	N/A	Spring Trash Pickup once every May. Limit 2 tires.	N/A
Eden, Town	Curbside first week of every month. Limit 1.	Directs to numerous third parties (BestBuy, Sunnking, Hazman). Info on Erie County drop off events.	County-wide HHW collection events/locations.	Tire and Scrap Metal Drop Off event in May	N/A
Elma, Town	<u>N/A</u>	N/A	N/A	N/A	N/A
Evans, Town	N/A	Directs to Town of Brant E-Waste drop off. Also Directs you to Erie County e-waste information	County-wide HHW collection events/locations.	Free drop off at the Highway Barns. Business days 7:30am-3:30pm.	N/A
Hamburg, Town	Curbside, 1 per month (including Bulk Waste), April-October.	Directs to ECC South Campus E-Waste Collection Day. Reservation Required.	County-wide HHW collection events/locations.	N/A	N/A
Holland, Town	Can be picked up on Mondays by scheduling an appointment through the town, from April-October.	Holland Highway Garage on the following Saturdays in 2018: June 16, July 21, and Aug. 18 from 9 a.m. until 12 Noon	N/A	Holland Highway Garage from April-October.	N/A

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Lancaster, Town	Included with bulk waste	Directs to Sunnking or Erie County e-waste information	County-wide HHW collection events/locations.	Contact a local tire service station or automotive shop	Directs to Hazmans
Marilla, Town	Curbside and town recycling center	Town recycling center	N/A	Highway Garage on "Tire Day" no date available	Town recycling center
Newstead, Town	Curbside, 1 per week including bulk waste.	Directs to Sunnking	Town wide drop off events	Drop off event at Highway department in April	N/A
North Collins, Town	N/A	Directs to Sunnking or Erie County e-waste information	N/A	N/A	N/A
Orchard Park, Town	Directs to All Appliance Parts and Service	Directs to Modern's Net Transfer Facility and Sunnking	County-wide HHW collection events/locations.	N/A	Directs to local service stations or repair centers
Sardinia, Town	N/A	N/A	N/A	N/A	N/A
Wales, Town	Curbside, 1 per week including bulk waste.	N/A	County-wide HHW collection events/locations.	N/A	N/A
West Seneca, Town	Curbside, weekly.	Drop off at Highway Department, regular business hours	County-wide HHW collection events/locations.	Drop off at Highway Department, regular business hours	Directs you to auto repair shops or retail stores.
Lackawanna, City	Curbside, 1 first full week every month & weeks of April 8 th and Sept. 16 th . Limit 5.	Weeks priors to "Bulk week" drop off event at city garage.	County-wide HHW collection events/locations	N/A	N/A
Akron, Village	Curbside, Monthly.	Drop off events twice a year in April & Oct.	Drop off events twice a year in April & Oct.	Tire Drop Off Event in April	N/A

LOCAL SOLID WASTE MANAGEMENT PLAN FOR ERIE COUNTY NEST

Alden, Village	Curbside, twice a year.	Drop off at Village DPW during business hours and directs to Sunnking	N/A	Occasional Tire Drop Off Events. Announced in local newspaper	Drop off at Public Works Garage during regular business hours
Angola, Village	N/A	N/A	N/A	N/A	N/A
Blasdell, Village	N/A	N/A	N/A	N/A	N/A
Depew, Village	Curbside, must contact DPW.	N/A	County-wide HHW collection events/locations	DPW during business hours.	N/A
East Aurora, Village	Curbside, weekly 1 per week	Directs to Sunnking	County-wide HHW collection events/locations	N/A	N/A
Farnham, Village	Curbside, 1 per week.	E-Waste Center in Brant	County-wide HHW collection events/locations	Brant recycling center.	N/A
Gowanda, Village	N/A	N/A	N/A	N/A	N/A
Hamburg, Village	Directs to Erie County information	DPW during business hours on Monday following large trash weeks	County-wide HHW collection events/locations	DPW during business hours on Monday following large trash weeks.	N/A
Lancaster, Village	Included with bulk waste	Directs to Sunnking or Erie County e-waste information	County-wide HHW collection events/locations.	Contact a local tire service station or automotive shop	Directs to Hazmans
North Collins, Village	N/A	N/A	N/A	N/A	N/A
Orchard Park, Village	Curbside, 2 per month including bulk waste. Can purchase extra stickers.	Directs to West Seneca Drop off event, Modern Disposal,	County-wide HHW collection events/locations	N/A	N/A

		and Best Buy			
Sloan, Village	N/A	Directs to Sunnking	County-wide HHW collection events/locations	Directs to Geitter Done of WNY	N/A
Springville, Village	N/A	Directs to Sunnking and Erie County collection events.	County-wide HHW collection events/locations	N/A	N/A

Source: Municipal website review 2019

Textiles

In Erie County, used clothing and other textiles are generally disposed of as garbage. There are currently no municipalities in the Planning Unit that offer curbside or central collection of textiles. There are numerous privately run drop off points in most municipalities.

There are a number of clothing and furniture reuse opportunities in Erie County which directly benefit low-income residents as well as a growing market of for-profit resale stores for gently used higher quality children's and adult clothing.

Increasing textile recycling is a priority of NYS and is being actively worked on through the imitative Re-Clothe NY. The Re-Clothe NY Coalition is comprised of textiles recyclers, local governments, non-profit organizations, and others working to increase the number of textiles recovered in New York State. The Coalition started as a partnership between the Council for Textile Recycling (CTR), New York State Association for Reduction, Reuse, and Recycling (NYSAR3), and the Secondary Materials and Recycled Textiles (SMART) Association. During the spring and summer of 2016, The Coalition developed standards that establish common messaging and ensure transparency, data sharing, and the highest, best possible use of donated textile materials.

The Erie County Website does provide a list of locations which to drop of textiles as information for residents. This comprehensive list of available options is found at www.Erie.gov/recycling.

Erie County HHW Collection:

In conjunction with the Erie County Solid Waste Management Boards, The County has annually hosted two Household Hazardous Waste (HHW) collection events. HHW is defined as leftover household products that can catch fire, react, or explode under certain circumstances, or that are corrosive or toxic. Products, such as paints, cleaners, oils, batteries, and pesticides can contain hazardous ingredients and require special care during disposal.

County employees and volunteers manage the event, direct traffic, greet and educate participants. The county contracts with a hazardous waste disposal firm to handle and dispose of the HHW. The events are widely publicized, free to participants and draw over 1,000 participants per five-hour event. Participants are highly motivated as they drive to a central location and generally wait at 0.5 – 1.5 hours to dispose of their HHW properly. When asked,

participants generally discuss a life change (i.e. death, property sale, major cleanout) which motivated them to collect and transport HHW that had been in their homes for years or decades.

Erie County has made HHW drop off events available to residents since 1988. These events are well known throughout the county and even anticipated by residents. There have been numerous requests for additional collection events during the year as well as shorter wait times during events.

Recently, a feasibility study for expanding the program through more events and a permanent drop off site was completed. Based on the results of the study, The County has reconfigured the collection events using the current funding stream and is exploring new funding streams for expanding HHW services through a permanent drop off site. During the beginning of this planning period, the County will host several smaller-scale collection events annually and offer vouchers for residents to drop off up to 50 pounds of HHW at a private facility. These programs are projected to service the same number of people while providing more opportunities throughout the year and less wait time.



3.5.4 Commercial Garbage & Recycling

In each of the municipalities in the Planning Unit, commercial operations are expected to manage their solid waste services independently. In the Towns of Cheektowaga, Marilla and West Seneca and the Village of East Aurora there are cases in which the municipality will collect from a small business at no added fee and does collect from all commercial residential buildings. The Village of Springville and Town of North Collins will contract to collect from businesses for an added fee. Details of the Commercial waste stream are not tracked in Erie County and specific contracts and amounts are unknown. This is an area in need of data collection and program development over the next planning period which will be further discussed in Chapter 5.

Anecdotal evidence provided by businesses in the WNY Sustainable Business Roundtable indicates that a growing number of WNY businesses have made operational changes to achieve low or zero waste generation. These businesses typically have processes to reduce waste materials, robust industry specific recycling programs, continuous employee education programs, and recognition programs for employee leaders in recycling efforts. Many source separate their materials and package them in ways that create the highest value on the recycling commodities market.

3.5.5 Institutional Garbage & Recycling

An institution is defined as a society or organization founded for a religious, educational, social, or similar purpose. In the Planning Unit, institutions consist of schools, churches, colleges, universities, and hospitals. The municipalities collect or manage collection for garbage and recycling for the public schools and these amounts are included in their annual municipal reporting totals. The largest institution in the Planning Unit, University at Buffalo, has a very strong sustainability program with purchasing requirements, organic diversion, composting and recycling. The other institutions including hospitals manage their purchasing, waste, special waste, and recycling by contracting with haulers, processors and disposal facilities. The institutions waste streams, contracts and costs are private information that is not typically publicly available or searchable.

3.5.6 Industrial Waste & Recycling

In the Planning Unit, industrial facilities manage their solid waste services independently by directly contracting with private haulers, processors and disposal facilities. The industrial waste streams, contracts and costs are private information that is not typically publicly available or searchable. The Planning Unit does not track the industrial waste stream, and does not believe that tracking this material is an important goal because the tonnage of this material is much smaller than waste amounts generated by other facilities.

3.5.7 Construction & Demolition Waste & Recycling

Construction & Demolition (c&d) materials generated in the planning unit is assumed to be from building construction or demolition and from repair, replacement or new public infrastructure projects. Concrete, asphalt, wood, drywall, asphalt shingles, metals, plastics, vinyl, carpet, ceiling tiles, and cardboard are the most common c&d materials generated.

In the Planning Unit, each municipality issues permits for private and institutional construction and demolition (c&d) work on structures. Therefore, there is a public record of the number of construction and demolition projects in each municipality. The permits issued in the Planning Unit do not require the identification of where c&d would be taken.

The municipalities, county and state generate c&d as they repair, replace or construct public infrastructure including roads, sewerage and water systems, and bridges. Reports indicate that the majority of the waste generated by public infrastructure projects is recycled.

Materials that have positive economic reuse value are separated and reused as a good business practice, therefore at most job sites there is separation of metal, concrete, and clean fill. Materials that do not have a positive economic reuse value are consolidated and sent to a disposal facility for incineration or land burial. The Planning Unit assumes that this practice will continue until local landfill capacity issues create a tipping point where changes in permitting or regulatory requirements for additional c&d recycling are passed by elected officials. Another scenario which would incent changes would be tipping fees rising to a level that businesses choose to recycle more materials because it is the reasonable economic choice. If these conditions occur, the Planning Unit will work with stakeholders to implement actions that will increase separation and reuse or recycling of greater percentages mixed c&d materials.

The Planning Unit is interested in learning about the impact of proposed legislation requiring diversion of mattresses and carpeting from landfills. If this legislation passes the Planning Unit will create education materials describing the stewardship process.

Erie County on behalf of the Planning Unit will collect data on c&d hauling, processing and disposal capacity in the County and region to understand the baseline conditions. The information will be used to project the amount of c&d material that the system could handle at once if there were a disaster that generated a significant amount of debris.

3.6 Programs: Organic Recovery

All Planning Unit members recycle some organic material; primarily leaves, brush and yard waste. Table 3.10 describes the specifics of each municipal program. Though municipal programs deal with yard waste, there are smaller scale programs and efforts to manage residential food waste in place. Most municipalities do not have language allowing or prohibiting. Erie County sells compost bins for backyard composting. A private curbside collection service is available to residents of this Planning Unit through Pirate Farmers located in the City of Buffalo.

It is unknown how many people in the Planning Unit participate in the curbside composting program, or use home composting methods. Understanding this, and unmet demand, is important for working towards State priorities of diverting organic materials from landfill. This will be further discussed in data gaps and informational needs.

3.7 Programs: Public Outreach & Education

The Erie County Department of Environment and Planning (ECDEP) serve the Planning Unit municipalities as the hub of information and liaison for state-wide initiatives and coordination with the NYSDEC. It gathers and shares information about:

- Regulations and opportunities
- Producer responsibility,
- Organics recycling and other statewide or national initiatives



ECDEP also initiates projects that help standardize waste and recycling programs county-wide when such standardization makes sense, such as common lists of recyclable materials accepted curbside.

The Planning Unit municipalities inform residents about their waste management and recycling policies and programs via their municipal websites and annual mailers. The websites post information about materials accepted in the curbside recycling and waste collection program, proper preparation of materials, other disposal and recycling policies and programs, such as drop-off and collection events, and a link to the ECDEP site for more information.

ECDEP provides educational outreach and some programmatic support to all municipalities within Erie County. Outreach tools include an up-to-date website, www.Erie.gov/recycling, social media accounts and tabling at community events. The website provides residents with information about how to recycle or dispose of materials which are not accepted in curbside collection programs including, but not limited to, electronic waste and HHW. In addition, it provides links to the municipalities' websites so residents can find specific information about the curbside collection and drop-off programs available to them. ECDEP also hosts and promotes special collection events for e-waste, HHW and leftover pharmaceuticals. Informative presentations on recycling and Erie County programs are offered for schools and community groups.

ECDEP also supports the Planning Unit in meeting State-wide goals through special programs and education initiatives. For example, ECDEP collaborates with the Buffalo Zoo and local organizations to support a school visual art project to raise awareness about litter and waste

management issues related to single-use plastic bags. This project supports a broader effort within Erie County government to address single-use plastic bags with policy measures. This effort is carried forward in other ways such as use of social media accounts and tabling at public events as Erie BYO bag. ECDEP also participates in the Re-Clothe NY initiative.

On the commercial side, ECDEP works with the WNY Sustainable Business Roundtable (SBR) to educate and work with businesses on a range of sustainability measures, including solid waste management. Programming in the fall of 2019 is planned to focus on solid waste using outreach measures such as events and tabling to reach businesses. Further plans and strategies for working with commercial entities will be discussed in Chapters 5 and 6.

3.8 Enforcement of Local Disposal & Recycling Laws

All participating municipalities have local laws describing the mandatory source separation. Enforcement of local disposal and recycling laws is the responsibility of municipalities and is provided for in the text of each municipal code. Each municipality has provisions for enforcement that vary slightly. Copies of local laws are included in Appendix B.

3.9 Programs: Financial Incentives

None of the member municipalities use PAYT or other financial incentives to encourage recycling. The EPA reports that as many as 4,000 communities around the country use some form of Pay-As-You-Throw (PAYT). Residents pay a direct charge for each bag or can of garbage they set out. This system rewards the individual rather than the community as a whole for waste prevention and recycling. PAYT pricing has proven popular in many areas because it gives customers the power to reduce their garbage bill. It sends a direct dollar signal to the consumer: generating more garbage costs more money. Because the same dollar signal that encourages source reduction and recycling also can encourage illegal dumping, successful PAYT programs usually include a credible enforcement program.²¹

3.10 Local Hauler Licensing

None of the participating municipalities require haulers to be licensed beyond state and/or federal requirements.

3.11 Recycling Data Collection Efforts

²¹ <https://www.nj.gov/dep/dshw/resource/4tools.pdf>

Data on recycling is collected annually by the Erie County recycling coordinator to compile Annual Recycling reports for the DEC. Numbers for this reporting reflect residential contracts only and is received directly from the hauler. Data is not collected on commercial or institutional portions of the MSW stream. The Annual Reports are included in Appendix A.

3.12 Program Data Gaps & Information Needs

Information on the commercial waste stream is lacking in the planning unit. Neither the planning units' boards nor County staff has the capacity to conduct surveys of commercial contracts. As a result, a large portion of the MSW waste stream is not fully understood. This impedes work as significant waste generation is coming from commercial businesses and therefore represents an important intervention point. Gaining knowledge of commercial practices is needed in order to conduct outreach and direct communications to commercial operations within the planning unit.

Information on the amount of recycling by weight is available through the annual recycling reports compiled by the Erie County recycling coordinator. This measures what is collected at the curb but does not measure participation in recycling programs. Set out rates are unknown in Erie County but are important for assessing level of participation in available programs. Similarly, there is not currently a way to measure residential participation in diverting food waste from the landfill through pick up, drop off or home composting methods. This would inform outreach and education programs to further encourage the practice.

3.13 Market Conditions & Trends

Recycling:

Recycling programs have typically relied on a financial structure that included the MRF receiving compensation for sorted and prepared recyclable materials from material recyclers. The sorting is either completed manually or with a combination of machinery and manual sorting. The materials are considered commodities and have current and future prices based upon supply and demand. The value of recycled materials fluctuates and is impacted by the contamination level in the recycled materials.

Recycling has also taken materials from curbside to recyclers in other parts of the world. The transportation costs have often been low since the materials were often placed on container ships which were returning empty after delivering new consumer goods.

In 2018, the value of recycled materials has been significantly impacted by:

- The low cost of petroleum has made virgin plastic products less expensive than plastic products with recycled content. This has created a lower market for recycled plastics at a time when plastic recycling rates are climbing.
- Lack of local markets for recycled glass cullet. Demand for recycled glass has decreased as manufacturers have shifted to packaging consumer products in plastic rather than glass containers.
- Lack of markets for certain plastic products. Plastics can have very different formulations and can't be easily mixed.
- Wishful recycling of materials that are not recyclable due to the thought that they should be. The mixing of waste with recyclables makes it more difficult and expensive to separate and extract the value from the recyclable material.
- Contamination levels in recycling streams due to garbage placed in recycling bins or food left in containers.

Recycling in the US has long relied on exporting recyclable waste to other countries, primarily China. Recent Green Fence and Green Sword policies have changed recycling in the US.

- January 1, 2018, the Chinese government implemented a ban on 24 types of scrap plastics and unsorted, mixed paper from all sources. March 1, 2018, the Chinese government implemented stricter standards for scrap imports, allowing only shipments that contain less than 0.5% of contamination to be imported.
- April 19, 2018, the Chinese government announced the intent to ban all plastics by the end of 2018 and stainless steel and other metallic scrap by the end of 2019.

Previously, the U.S sent around 30% of scrap recycling to China. Average contamination rates in the U.S are around 20% and with the current system and process it is almost impossible for US recycling companies to meet the strict contamination levels required by the Chinese policy for import. As a result, much of the recovered materials now have nowhere to go. As a result, markets are fluctuating more frequently and paper and plastic are losing their value. Without value, these materials are not reprocessed and make their way to the landfill or incinerators as solid waste.

Packaging:

Since the last LSWMP, consumer buying habits have changed to rely heavily on online retail. With this change there has been a large increase in the amount of corrugated cardboard from boxes and other forms of plastic packaging in the residential waste stream. To date many shippers have promoted a shared responsibility model with consumers rather than product stewardship.

Even for items coming out of brick and mortar storefronts, plastic packaging continues to grow in prevalence. With the widespread use of disposable products, there is an increase in plastic sent for recycling or going to landfill in both the residential and in the commercial and institutional portion of MSW. These trends, particularly when combined with changes in recycling, present challenges for managing waste as more material needs to be managed and is sent to landfill.

Food Waste:

Food scraps and unused prepared food make up a large portion of MSW. EPA estimates that more food reaches landfills and incinerators than any other single material in our everyday trash, constituting 22 % of discarded municipal solid waste.

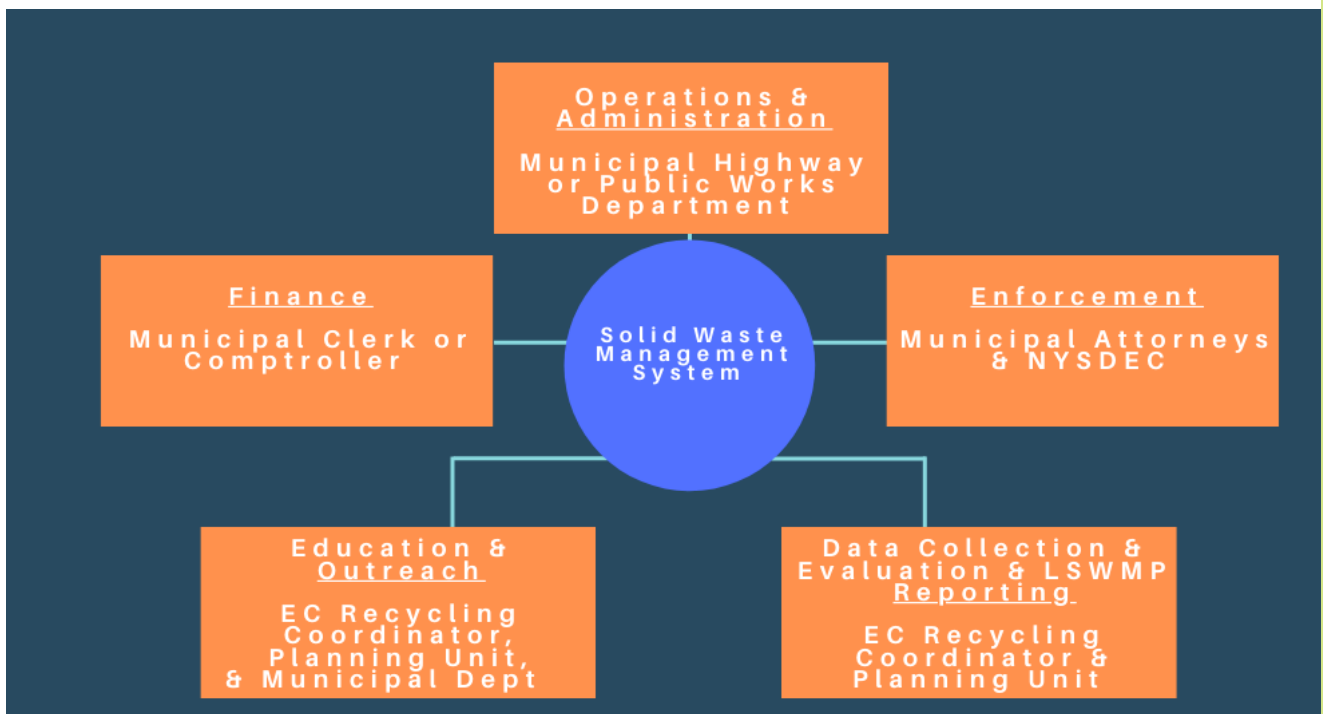
In 2010 DEC estimated that food waste makes up 23 % of MSW in NYS. There are emerging compost services and calls to encourage individuals to compost on their own. Cities are beginning to pilot compost drop off and pick up services and source separation laws have started to expand mandating large producers and retailers, restaurants or institutions find an alternative to landfill for food waste. Additionally, there are emerging compost services and calls to individuals to compost on their own. NYS has identified organics recycling as a priority for reducing the amount of trash sent to landfill, a goal which is achievable drawing on trends and practices. Tackling food waste as also emerged as a national priority, drawing collaboration across the EPA and the USDA.



4.0 Existing Administrative & Financial Structures

4.1 Administrative & Financial Structure of the Planning Unit

Chart 4.1 Organizational Chart of Solid Waste Management System



4.1.1 Structure of the Northeast South Towns (NEST) Solid Waste Management Board (NEST - SWMB)

NEST is a cooperative board established to plan, design, coordinate and promote solutions to solid waste management problems for 35 participating municipalities in Erie County. It is composed of a total of 22 towns, 14 villages and 1 city. Each municipality sends one representative to semi-monthly meetings. The board elects a chairperson who runs the meetings.

Erie County Department of Environment and Planning (ECDEP) provides staff resources to manage administrative and logistical functions of the Planning Unit such as coordinating meetings, filing annual reports, providing education and outreach, hosting waste collection events, etc.

NEST representatives meet to discuss waste and recycling collection and disposal best practices, issues, and challenges, and receive updates from the ECDEP. Each member contributes annual dues to pay for Board activities, including

- Meeting costs
- Administrative and logistical support from Erie County
- Local solid waste management plans, updates and reports
- Cooperative collection events (e.g. HHW events)

Each participating municipality reserves and, at all times, shall have the right to decide whether or not it will undertake a joint solid waste management project through the NWSWMB.

NEST works with ECDEP to host an annual HHW collection event and promote electronics recycling events. Participating municipalities undertake their own education and outreach, program enforcement and data collection. However, NEST representatives share information about their programs and special recycling and waste events to disseminate it to residents throughout the Planning Unit when appropriate and for best practice sharing.

ECDEP leads the process to develop and update NEST solid waste management plans. NEST participating municipalities provide information, ideas, feedback and final approval of all plans and updates.

The cooperative structure of the planning unit municipalities along with ECDEP works well for sharing resources, information and planning. NEST also works cooperatively with the neighboring NWSWMB planning unit. The chairpersons of each share ideas and efforts. Erie County is large in both population and geographic size (about 50 miles between northern to southern borders). Two separate planning units within the County reduces the burden of distance, enabling planning unit representatives to more easily participate in Board meetings. The majority of NEST participating municipalities are rural so their needs and resources are different from the larger, suburban NWSWMB municipalities. Separate planning unit's structure enables each group to focus more closely on the common needs within their region. Development in some NEST communities has changed rural areas to suburban so re-aligning participation across the planning units may yield improvements in serving some communities' needs.

The disadvantage of separate planning units is in collecting and evaluating waste and recycling tonnage data. Both planning units use many of the same facilities and facilities report source by county, not planning unit. The redundancy of collecting and separating that data for both planning units does not provide much benefit. Revisiting the board structure will be discussed in later chapters.

4.1.2 Financial Structure

The financial structure of the Planning Unit is very simple. The NEST does not have any staff or own any equipment, landfills, or facilities. The Planning Unit has no debt. The Planning

Unit does not have any costs including capital investments, insurance, operation, maintenance, closure and post-closure costs, administration or financing.

The Planning Unit does not utilize any funding mechanisms to finance facility operations, maintenance, or programs and events administered by the planning unit or its members.

The only revenue generated in the Planning Unit is a per capita fee paid by the municipalities to the NEST. The Board does not collect fines, recyclables or recovered energy revenues, general fund contributions or special district revenue streams. Participating municipalities annually contribute seven cents (\$ 0.07) per capita to carry out Board activities. In addition, participating municipalities may contribute funds and/or in-kind resources for special purposes, such as

- Development of plans and programs aimed at implementing efficient and cost-effective solutions to solid waste management and related issues.
- Design, development and/or operation of shared solid waste management facilities.
- Preparation and submission of applications for Federal and/or State grants and aid.
- Retention of legal advisers where legal services cannot be obtained from participating municipalities.
- Preparation of periodic status reports to the legislative bodies of each participating municipality, including an Annual Report.

4.1.3 Facilities & Programs Operated by NEST

The NEST planning unit board does not operate any facilities. Its member municipalities operate programs out of their department of public works or highway facilities.

HHW Collection Events:

Household hazardous waste collection is not a mandated service, but many counties across NYS offer HHW Collection to promote health and safety of residents and responsibly dispose of wastes.

Since 1998, Erie County has managed two or more HHW collection events per year; typically at least one in the NWSWMB service area and one in the NEST service area. Events are open, free of charge, to all Erie County residents. The events are highly publicized by local television and radio stations and have high participation rates. Costs for handling and disposal of the wastes have increased incrementally with each bid cycle but total costs have increased due to public awareness and participation.

Erie County's HHW collection program has been funded by four entities: NYSDEC, Erie County, Northeast Southtowns (NEST) Solid Waste Management Board, and the Northwest (NW) Solid Waste Management Board. The solid waste boards have supplemented The County's budgeted costs. The amount available is dependent on The County's budget for that year. In 2017, the HHW program exceeded The County allocation of \$70,000, which then cost each board approximately \$30,000. This caused a major depletion of both the NEST and NW funds. To prevent this from happening again, Erie County has increased the 2018 budget to \$120,000. Each board will have a projected \$5,000 HHW costs for 2018. NEST and NW utilize a per capita member municipal assessment to fund the program. Each year, The County applies for a NYSDEC HHW Grant. This grant reimburses 50% of eligible HHW program expenses. The

reimbursement goes to The County's General Fund rather than to the Erie County DEP. It should be noted that while it has yet to become an issue, the NYSDEC HHW Grant is not guaranteed. Both boards have also applied for this reimbursement.²²

Table 4.1 Municipal Facilities operated by NEST municipalities

Municipality	Solid Waste and Recycling Program Facilities Operated by the Municipality
Elma (T), Collins (T)	Drop-off facility: for trash and source separated recycling
Lackawanna (C)	Electronic drop-off at City garage
West Seneca (T)	Tires, propane tanks, electronic, hypodermic needles at Highway Department for a fee, yard waste to compost site
Cheektowaga (T)	Yard waste at Highway Dept
Collins (T)	Tires, propane tanks, batteries for fee at Transfer Station
Evans (T)	Leaf drop-off at Evans Town Park, tires at Highway barns

4.2 Laws, Ordinances, Regulations & Policies

There are a number of material specific laws and regulations in New York State which impact the waste stream and management strategies for particular items. This section will discuss legislation currently in place and legislation in discussion but not currently passed and implemented as of the autumn of 2018.

Solid Waste Management Act of 1988

The Solid Waste Management Act of 1988 first established a State Solid Waste Management Policy. Priorities for management, listed in order, include:

- to reduce the amount of solid waste generated;
- to reuse material for the purpose for which it was originally intended or to recycle material that cannot be reused;
- to recover, in an environmentally acceptable manner, energy from solid waste that cannot be economically and technically reused or recycled; and
- to dispose of solid waste that is not being reused, recycled or from which energy is not being recovered, by land burial or other methods approved by the department.²³

²² HHW feasibility study 2018

²³ New York State Environmental Conservation Law 27-0106.1

This hierarchy prioritizes waste reduction, reuse, recycling and composting which have numerous benefits of energy savings, pollution reduction, increased carbon sequestration; and conservation of natural resources. This act also established structure for regional solid waste management planning, requirements and funding for regional solid waste management plans, requirement for municipalities to adopt source separation laws for recycling.

Returnable Container Act

Better known as the Bottle Bill, was originally enacted in 1982 and most recently amended in 2013 to clarify and add specifications to the original law. The law requires a five-cent deposit on plastic, glass and aluminum beverage containers sold in NYS. This has helped recycle thousands of tons of material with no cost to local governments. The State has an average return rate of 70% keeping millions of bottles out of the municipally handled waste streams. Still, there are many types of containers not covered under the bottle bill such as juice, milk, wine and liquors, tea, sugary waters and sports drinks. The law can be found in full in 6 NYCRR Part 367.²⁴ At the beginning of 2019, Governor Cuomo announce intentions to expand the Bottle Bill to cover some of these currently uncaptured types of beverage containers²⁵. If put into effect, this would alter the MSW recycling stream as more drink containers could be disposed of through redemption schemes.

Plastic Bag Recycling

In 2019, New York State enacted the Bag Waste Reduction Act. Effective March 2020, the state will prohibit distribution of any "plastic carryout bag" and allow cities or counties to implement their own five-cent fees on paper bags. It is anticipated that this legislation will result in one billion fewer plastic bags being produced and used in the US each year.

This legislation was informed by a 2018, NYS task force report detailing legislative alternatives for managing plastic bag pollution and waste.²⁶ After 2020 the planning unit will no longer have to deal with plastic shopping bags which are improperly disposed of and particularly troublesome in MRFs or as street litter.²⁷

Cell phones and E-waste

Under the New York State Wireless Recycling Act, **effective January 1, 2007**, all wireless telephone service providers that offer phones for sale will accept cell phones for reuse or recycling.²⁸ Additionally, on April 1, 2011, The State affected the Electronic Equipment Reuse and Recycling Act, requiring manufacturer's electronic products to create and fund a plan for collection and recycling their products at the end of their use. As a result, major businesses

²⁴ New York State Department of Conservation. New York's Bottle Bill. Web.
<https://www.dec.ny.gov/chemical/8500.html>

²⁵

²⁶ New York State Plastic Bag Task Force. 13 January 2018. *An Analysis of the Impacts of Single Use Plastic Bags, Options for New York State Legislation*.
https://www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf

²⁷ New York State Department of Environmental Conservation. NYS Plastic Bag and Film Reduction. Web.
<https://www.dec.ny.gov/chemical/50034.html>

²⁸ <https://www.dec.ny.gov/chemical/8818.html>

have established methods of collecting e-waste year-round, with the intent of eliminating the need for municipalities to offer collection services.²⁹

Pharmaceuticals

On July 10, 2018, New York State Governor Andrew Cuomo signed the Drug Take Back Act into law. The law establishes a statewide program to provide free and convenient safe disposal options for leftover pharmaceutical drugs. Pharmaceutical manufacturers are responsible for funding implementation of the program. Chain pharmacies will be required to provide free drug take-back for customers, while other authorized collectors, such as independent pharmacies, participation will be optional.³⁰

Organics

In 2019, New York State enacted The Food Donation and Food Scrap Recycling Act. The Food Donation and Food Scraps Recycling Act place certain requirements on generators and transporters of organic waste, as well as incinerators and landfills that accept such waste. Effective January 2022, establishments that generate an annual average of more than two tons of food scraps per week must separate edible from inedible food. Edible food must be donated to the needy to the maximum extent practicable. Inedible food must be recycled either on-site or at an organics recycler, provided one exists within a 25-mile radius and has capacity. Several generators are exempt, including hospitals, nursing homes, and elementary and secondary schools. Non-exempt generators may apply for a one-year waiver of the requirement if they fail to meet the threshold, the cost of recycling is not “reasonably competitive” with landfill, organic recycling facilities lack capacity, or for any other unique circumstances. Transporters must deliver food scraps to proper facilities and “take all reasonable precautions” to prevent comingling, as well as unpermitted delivery to incinerators or landfills. Landfills and incinerators must also take “all reasonable precautions” to avoid accepting food scraps from covered generators.

Successful implementation of this program in Erie County by 2022 will require targeted education and outreach for businesses, non-profit organizations, and municipalities. In addition, it will require local composting or bio-digester capacity that does not currently exist in Erie County. Erie County anticipates first working with businesses to lower the amount of food waste that they produce and to connect the businesses with edible food to organizations that feed hungry people. Next Erie County will assist businesses as they create and implement systems to divert inedible organic materials from the landfill.

Product Stewardship Legislation – Ongoing Advocacy Efforts

There are additional materials and programs which are under consideration and at the times of writing this plan have not been enacted. Over the planning period this could change and impact the planning unit by providing a method of disposal and recycling that shifts the burden off of municipalities and counties. Materials under consideration include paint and carpeting. Information and ongoing progress on these items, and others which may become of concern can be found through the [NYS Product Stewardship Council](#).

²⁹ New York State Department of Environmental Conservation. Electronic Recycling. Web. <https://www.dec.ny.gov/chemical/65583.html>

³⁰ 10 July 2018. NYS Senate’s “Drug Take Back Act” Becomes Law.” <https://www.nysenate.gov/newsroom/press-releases/senates-drug-take-back-act-becomes-law>.

Municipal Solid Waste Ordinances:

Source Separation

Pursuant to section 120-aa of the General Municipal Law (GML), each municipality in the Planning Unit has adopted a mandatory source separation law which requires all residents, businesses and institutions to separate recyclable materials including paper, plastics and glass, from other MSW in order to reclaim value it holds.

Requirement of totes

Several Planning Unit communities added or modified garbage ordinances to address rodent problems. The rodent issue led to several municipalities requiring use of wheeled totes for curbside municipal trash and later for recycling. These totes keep the municipality cleaner with well fitted lids and facilitated a shift to semi-automatic and fully-automatic collection, which provides collection efficiency. All municipalities, except for Grand Island, have provisions which require use of standardized totes.

Commercial Services

While institutions and major commercial businesses are expected to manage waste through independent contracts, some municipalities will collect from some small businesses and from commercial multi-family residential units.

Organics

None of the municipalities have provisions prohibiting composting of yard waste or food waste. There are also no specific requirements of doing so.

Licensing of Local Haulers

All of the municipalities in the Planning Unit require local haulers of MSW to be licensed.

Waste Importation and/or Disposal Prohibitions

All of the municipalities in the Planning Unit have a prohibition of waste importation into the community. Each municipality also has a list of accepted and prohibited materials in residential and commercial MSW.

Flow Control

Flow controls are legal provisions that allow state and local governments to designate the places where municipal solid waste (MSW) is taken for processing, treatment, or disposal. Because of flow controls, designated facilities may hold monopolies on local MSW and/or recoverable materials. None of the municipalities in the Planning Unit have flow controls in place for MSW.

Zoning Laws

All of the municipalities in the Planning Unit have commercial and industrial zoning regulations which would be in force for any new facility development.

Table 4.2 Local Laws & Ordinances

Municipality	Highlights of Laws, Regulations, Ordinances	Enforcement	Ordinance
Alden	Municipal collection, mandatory source separation, collectors need permits	Town Board	Ch. 286
Aurora	Mandatory source separation, collectors need permits	Town Engineer	Ch. 91
Brant	Mandatory source separation, collectors need permits	Town Board	Ch. 131
Boston	Mandatory source separation, collectors need permits	Town Board	Ch. 63
Cheektowaga	Municipal collection, mandatory source separation, totes required	Sanitation Dept	Ch 206
Clarence	Mandatory source separation, collectors need permits	Code Enforcement Officer	Ch. 185
Colden	Mandatory source separation, collectors need permits	Town Board	Cp. 102
Collins	Mandatory source separation, collectors need permits Residents can bring trash and recycling to town transfer center	Town Board	Ch. 253
Concord	Mandatory source separation, collectors need permits, totes required	Town Board	Ch 109
Depew	Mandatory source separation, collectors need permits	Code Enforcement Office	Ch. 198
East Aurora	Mandatory source separation, collectors need permits	Village Police Dept	Ch 214

Eden	Mandatory source separation, collectors need permits	Town Board	Ch. 175
Elma	Mandatory source separation, collectors need permits Residents can bring trash and recycling to town transfer center	Director of Sanitation	Ch. 119
Evans	Mandatory source separation, collectors need permits	Town Board	Ch. 168
Farnham(v)	See Town of Brant		
Gowanda (v)	See Town of Collins		
Hamburg (v)	Municipal collection, mandatory source separation, collectors need permits	Director of Public Works	Ch. 198
Hamburg (t)	Mandatory source separation, collectors need permits, totes required	Town Board	Ch. 220
Holland	Mandatory source separation, collectors need permits, totes required	Town of Holland Justice Court	Ch. 100
Lackawanna (c)	Mandatory source separation, city will provide for disposal, totes required	Department of Public Works	Ch. 190
Lancaster (v)	*	Superintendent of Public Works	Ch. 283
Lancaster (t)	Mandatory source separation, collectors need permits	Town Board	Ch. 25
Marilla	Mandatory source separation, collectors need permits	Town Board	Ch. 372
Newstead	Mandatory source separation, collectors need permits	Town Board	Ch. 338

North Collins (v)	Mandatory source separation, collectors need permits	Town Justice	Ch. 146
North Collins (t)	Mandatory source separation, collectors need permits	Town Justice	Ch. 213
Orchard Park (v)	Mandatory source separation, collectors need permits, totes required	Village Trustees	Ch. 183
Orchard Park (t)	Mandatory source separation, collectors need permits	Town Board	Ch. 119
Sardinia	Mandatory source separation, collectors need permits	Town Board	Ch. 91
Sloan	Mandatory source separation, collectors need permits Residents can bring recycling to village transfer center, totes required	Cheektowaga Town Justice	Ch. 383
Springville	Mandatory source separation, collectors need permits	Village Trustees	Ch. 145
West Seneca	Municipal collection, mandatory source separation, collectors need permits, totes required	Sanitation Department	Ch. 101

Source: Review of Municipal Codes. 2018.

4.3 Required Changes to Local Laws, Ordinance and/or Regulations for Plan Implementation

Recommendations contained in this Plan call for certain changes to municipal adopted policies including:

- Development of model code for commercial composting facilities.
- Development of formal permit/license for haulers that use the commercial composting facility.

- Adoption of requirements for generators to source separate compostable food and other organic materials.
- Adoption of a Pay As You Throw (PAYT) program where residents pay variable fees for garbage disposal via the purchase of special bags.

4.4 Existing Solid Waste Management Policies

4.4.1 Local Product Stewardship Green Procurement and Sustainability Initiatives

According to the Product Stewardship Institute: “Product stewardship is the act of minimizing the health, safety, environmental, and social impacts of a product and its packaging throughout all lifecycle stages, while also maximizing economic benefits. The manufacturer, or producer, of the product has the greatest ability to minimize adverse impacts, but other stakeholders, such as suppliers, retailers, and consumers, also play a role. Stewardship can be either voluntary or required by law.” New York State has adopted product stewardship programs for the following waste streams:

- Electronic Waste (eWaste)
- Rechargeable Batteries
- Mercury Thermostats
- Paint

Elements of product stewardship have been adopted for other waste streams as well. While it is not practical for the Planning Unit to implement product stewardship at the scale of its operations, cooperation with State and National programs can contribute to the success of the District’s mission to reduce the volume and impact of its wastes upon the environment. It is also understood that the Planning Unit municipalities currently follows a long-standing practice of using recycled products, and products with high recyclable content in its day-to- day operations.

Erie County has been a leader in operational sustainability efforts and has incorporated green procurement and sustainability initiatives into its standard operating procedures.

4.4.2 Local Environmental Justice Requirements

The NYSDEC Commissioner Policy 29 on Environmental Justice and Permitting (CP-29) identifies Potential EJ Areas based upon the 2000 Census block groups of 250 to 500 households each that, in the 2000 Census, had populations that met or exceeded at least one of the following statistical thresholds:

- At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or
- At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or
- At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level.

The NYSDEC mapping identifies small areas in The Town and City of Tonawanda as being located within potential EJ areas. Any facilities sited in or adjacent to the identified EJ areas would be subject to Commissioner Policy 29.



5.0 Alternatives Evaluation & Selection

The purpose of the alternative's evaluation is to provide an overall summary of the waste disposal and recycling alternatives available to NWSWMB. This will include brief discussions of current conditions, as well as a description of alternate processes and programs that could be enacted to enhance solid waste management, reduce costs, increase efficiency and achieve reduction and recycling goals. This section concludes with analysis of discussed alternatives as they apply to the NWSWMB.

Overview of Current Conditions

All municipal solid waste generated within the Planning Unit is sent to privately owned facilities. Municipalities either contract with a private firm for curbside garbage and recycling pickup or use municipal staff and equipment for collection. All material from municipalities is ultimately taken to private MRF and disposal facilities. Some yard waste and debris is composted at municipal or privately owned and operated sites. There is minimal recycling of food waste organics. Hazardous and semi-hazardous materials are captured and diverted through County collection events. Businesses, construction firms and institutions contract directly with private firms for their recycling, C&D debris, special waste and general waste disposal. Several private entities accept donations of used goods.

Public Private Partnerships

The solid waste system in WNY is facilitated by the private sector through privately owned facilities and equipment. This includes reuse operations taking household goods, textiles and electronics to be reused or repurposed before entering the waste stream. Entrepreneurs and innovators in the private sector have the potential to find value in materials and therefore improve management. Teracycle and Triad Recycling are examples of private companies which partner with many producers to establish recycling programs for specific streams that are typically difficult to recycle including but not limited to mattresses, shrink wrap and food wrappers. Creating an environment which is conducive to these enterprises is critical for the success of making changes in the waste system. This is particularly true as we look to bring new techniques and systems online.

Regulatory Driven Business Opportunities

The New York Food Donation and Food Scrap Law is effective on January 1, 2022. This law requires large generators of food scraps (defined as generating an annual average of two tons per week or more) to donate excess edible food and recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.). Erie County and the Planning Unit believe that this law will spark new or expanded commercial composting facilities within or near the Planning Unit. After this infrastructure is in place, Planning Unit municipalities will explore utilizing these facilities to potentially offer some form of food waste collection services to their residents.

5.1 MSW Source Reduction

Summary of Status & Recommendations

Focus on residential and commercial MSW generation – These waste streams have the largest tonnage of waste and the lowest levels of recycling and reuse. Therefore, we will focus education and outreach on these sectors.

Targeted innovative education and outreach – subjects include the financial and environmental impacts of individual purchases, the power of business purchasing requirements, packaging awareness, what is really being recycled, why certain items need to be banned and the impact of single use plastics. We have a special emphasis on innovative programming for school aged children. Using new platforms including a customized web and phone app to provide recycling information to residents.

Reduce bagged lawn waste - a proposed campaign on the benefits of mulching leaves and grass.
Share, Reuse & Repair – Promote formal and informal methods of purchasing less, and getting full use out of items.

Support & Encourage Legislation – The NY Plastic bag ban and Styrofoam ban are examples of legislation that will reduce contamination in recycling and the amount of MSW.

Change the Pricing – Most residents pay a flat rate for garbage and recycling as part of their local taxes therefore there is no economic incentive to create less MSW. Municipalities could explore Pay as You Throw (PAYT) fee structures to make residents aware that excess MSW has a cost.

Criteria of Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact - quantitative/qualitative	We measure amount of residential MSW per municipality annually, and document changes in tonnage of MSW generated. We plan to conduct a survey of commercial businesses in 2024 and 2028 to identify trends in MSW generation.

Appropriate type & size of facilities or programs	No new infrastructure is required. Education and outreach programs may need to be expanded to provide additional services.
Cost & lifecycle analysis	Additional funding may be needed to expand education & outreach to businesses.
Impact to natural resource conservation, energy production, jobs	No impacts are anticipated.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None are anticipated.
Assessment of participation interest potential for neighboring planning units	The NEST planning unit will participate in these activities.
Assessment of Environmental Justice	There is no known or expected EJ impact from these activities.

Alternatives Selection Status

Alternatives Chosen & Why – See above in Recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	Actions expected to reduce waste volumes <5%
Reuse	Actions expected to enhance reuse <5%
Materials Recovery	Actions expected to enhance waste reuse <5%
Participation in Recovery Operations	Actions expected to enhance participation by 5%
Product Stewardship	No measurable impact of product stewardship expected
Economic Administrative or partnership benefits	Actions expected to reduce direct costs <5%
Identification of Administrative, Contractual or Financial Requirements for Implementation	Existing structures are sufficient to support ongoing and proposed waste reduction activities.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	No new local laws, ordinances, or regulations are required at this time.

5.2 Food Waste & Organic Diversion

Summary of Status & Recommendations

Provide education & outreach to businesses to support local implementation NY Organic Recycling Legislation - The NYS Food Donation and Food Scrap Recycling Law requires that by 2022, large generators of food scraps (4, 000 pounds or more per week) must donate all edible food and recycle all remaining food if they are within 25 miles of an organic's recycler.

Seek funding for targeted initiatives focused on large commercial kitchen food waste generation, donation and recycling - The legislation requiring large generators of food scraps to divert materials from landfill has created a need for education, outreach, and services for these businesses. It may also have created a market for new or expanded commercial organics recycling facilities, development of collection routes, and kitchen process redesign to segregate food scraps from other waste. Proposed projects may include food waste minimization through measurement and monitoring systems, assisting commercial composters in improving quality of compost, educating businesses about the benefits of composting and anaerobic digestion.

Support expansion of food scrap collection to residential - Continue to monitor best practices for consumer education and collection systems. Serve as a resource for communities as they first begin drop-off composting facilities and perhaps later develop curbside food waste collection systems. Seek grants to help communities implement these programs.

Keep offering home composting education & resources - Erie County will continue to support these efforts through an annual compost bin sale and continuing education on the benefits of composting and composting best practices.

Encourage diversion of yard waste from landfill to mulch or compost - Support the municipalities as they continue to offer these services. If requested explore a shared service facility utilized by multiple communities.

Criteria of Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact - quantitative/qualitative	Residential and commercial recycling of food scraps in lieu of disposal as

	MSW has a great potential for reducing the weight of MSW.
Appropriate type & size of facilities or programs	There are several AD facilities and commercial composting facilities located within 25 miles of the planning unit that could handle large amounts of food scraps. It is anticipated that these private businesses will expand and perhaps more companies will develop and run food scrap recycling facilities.
Cost & lifecycle analysis	If shared facilities are being studied, a cost and lifecycle analysis would be conducted in the future.
Impact to natural resource conservation, energy production, jobs	There may be private jobs created related to food scrap recycling.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.
Assessment of participation interest potential for neighboring planning units	The NEST planning unit will participate in activities.
Assessment of Environmental Justice	No impacts anticipated.

Alternatives Selection Status

Alternatives Chosen & Why – See above in Recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	Actions expected to reduce waste volumes <5%
Reuse	Actions expected to enhance reuse <5%
Materials Recovery	Actions expected to enhance waste reuse by 5-10%
Participation in Recovery Operations	Actions expected to enhance participation by 5%
Product Stewardship	No measurable impact of product stewardship expected
Economic Administrative or partnership benefits	Unknown at this time.

Identification of Administrative, Contractual or Financial Requirements for Implementation	Unknown at this time.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	Unknown at this time.

5.3 Reuse of Household Furniture, Appliances, & Clothing

Summary of Status & Recommendations

Support local reuse as a job & income generator by learning more about how goods flow and estimating local reuse streams & revenues- While reuse is often discussed as an important component of the 3Rs (reduce, reuse and recycle) since we do not calculate its local impact in terms of jobs and revenue often we do not recognize it as an important component of local business and feedstock for small businesses as well as non-profits. A vibrant economic sector consisting of small businesses, chain businesses, local non-profits and national nonprofits have business models focused on gathering and reselling used clothing, home goods, appliances, furniture, and building materials. The commercial businesses have typically developed their own niche; high end furniture, antiques, teen clothing, baby goods, repaired appliances, upscaled clothing or furniture, refurbished electronics, vintage clothing, etc. The non-profits typically take a wider variety of donated goods and sell them or give them away in larger warehouse style stores. There is also a strong local market for peer to peer sales at garage and estate sales as well as through online platforms.

Explore having a section of the proposed HHW facility for sale or exchange of usable containers of home chemicals, paints, automotive supplies and fluids- Save residents money, provide just enough of a material to finish a small job, and reduce disposal costs of HHW.

Criteria of Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact - quantitative/qualitative	Erie County will attempt to understand and estimate the reuse activities in Erie County. The reuse stream which is not actively gathered for resale are home chemicals, paints, automotive supplies and fluids, these are useful products which were purchased for a project or activity and then a portion was unused.
Appropriate type & size of facilities or programs	Erie County will explore the feasibility of having a retail resale or give away "store" in the HHW Permanent facility

	that will be developed in Erie County by 2023.
Cost & lifecycle analysis	Will be part of HHW permanent facility feasibility study.
Impact to natural resource conservation, energy production, jobs	Actions will try to determine number of jobs associated locally with reuse.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.
Assessment of participation interest potential for neighboring planning units	The NEST planning unit will participate in these activities.
Assessment of Environmental Justice	There is no known or expected EJ impact from these activities.

Alternatives Selection Status

Alternatives Chosen & Why – See above in Recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	Actions expected to reduce waste volumes <5%
Reuse	Survey should provide a baseline for reuse that is occurring in Erie County.
Materials Recovery	Actions expected to enhance waste reuse <5%
Participation in Recovery Operations	Survey should provide a baseline for reuse that is occurring in Erie County.
Product Stewardship	No measurable impact of product stewardship expected
Economic Administrative or partnership benefits	Unknown
Identification of Administrative, Contractual or Financial Requirements for Implementation	Existing structures are sufficient to support ongoing and proposed waste reduction activities.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	No new local laws, ordinances, or regulations are required at this time.

5.4 Curbside Recycling

Summary of Status

Status Quo - Continue with existing curbside single stream recycling with expanded education and behavior modification. This will require significant additional expenditures by residents via higher taxes or additional fees. This will require political and fiscal actions to maintain status quo, as well as a targeted ongoing education and outreach message that has been simplified and unified. The focus will change from quantity to quality and a when in doubt throw it out message.

Single stream reduced menu - This would continue curbside single stream recycling for a limited menu of items which have a positive commodity value. The menu would include 1 & 2 plastics, metals, mixed paper and cardboard. Glass, and 3-7 plastics would be excluded from the recycling stream until there is a local market for these materials where the cost of collection and processing is similar to the commodity value. This will require additional expenditures and legislation to enact these changes. An economic study would have to be completed for the materials which were excluded from curbside recycling pickup. This document would be submitted to NYSDEC for their initial approval and then would have to be justified each year. Any cost savings from this recycling menu reduction would probably begin to be realized several years after implementation of the new menu. Perhaps some of these materials could be taken by residents to collection dumpsters for glass. They might have more value if they are separated. To be successful this should be paired with an OOPS campaign. The removal of 3-7 plastics should include an educational campaign and a legislative and public campaign to persuade manufacturers to discontinue use of these plastics in single use consumer goods.

Dual stream - For the recycling industry to be profitable it needs to collect and process materials that have a positive resale value as a raw material for another product. Cardboard, metal and 1 & 2 plastics would be collected curbside regularly. 3-7 plastics should not be collected as they are not used as a commodity feedstock. The way mixed paper is collected and processed in single stream recycling adds contamination and reduces its value as a raw product. Glass currently has a negative value in the recycling stream, it should either be excluded as unrecyclable or collected in a way that creates value. To increase the value of mixed paper or glass it could be collected and processed separately, this would increase commodity value but also increase the collection costs. Perhaps the mixed paper and glass could be collected curbside once a quarter with additional collection sites available at the municipal garages. These changes would require additional education and outreach during the implementation period. Cost savings would probably not be realized for several years until residents place the right items in their curbside recycling at the right times. To be successful this would probably be paired with an OOPS campaign. The removal of 3 - 7 plastics should include an educational campaign and a legislative and public campaign to persuade manufacturers to discontinue use of these plastics in single use consumer goods.

Recommendations

Create a Unified Recycling Menu – Work with municipalities, businesses, citizens, and other planning units to create a unified recycling menu for Erie County.

Single stream reduced menu - In most municipalities recycling collection and processing costs almost double the cost of collection and disposal of solid waste. As municipalities seek to contain costs they should focus their efforts on collecting high quality materials that have a recycling value for manufacturers. Modified single stream does not disrupt collection schedules or consumer habits. To remove glass an economic survey will need to be accepted by NYSDEC. This will need to be accompanied by education and outreach activities. Erie County will support a unified regional recycling menu and removal of most glass from the curbside recycling programs either through expansion of the bottle bill or the economic survey results.

Dual stream - This requires adding periodic special collection routes and dedicated collection containers at one or more sites. Each municipality will have to complete a cost benefit analysis to determine if the added outreach and collection costs are supported by anticipated reductions in recycling processing costs. They will also have to see if the value of the glass and mixed paper collected separately justifies the separate collection. Erie County will explore the feasibility of reintroducing dual stream

Support expansion of the NY Bottle Bill – Support expansion of the bill to include a deposit system for wine and glass bottles.

Criteria of Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact - quantitative/qualitative	Both of the recommended alternatives are anticipated to increase collection costs, reduce processing costs, and result in more marketable recycling commodities. Single stream reduced menu may increase the tonnage of MSW and reduce the tonnage of curbside recycled material. Dual stream may have no impact on MSW tonnage and reduce curbside recycling tonnage.
Appropriate type & size of facilities or programs	No new facilities would be required for reduced single stream. Dual stream will require new dedicated collection

	containers and new relationships with commodity brokers or consumers.
Cost & lifecycle analysis	These would be completed at a later date.
Impact to natural resource conservation, energy production, jobs	None anticipated.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.
Assessment of participation interest potential for neighboring planning units	The NEST planning unit will participate in these activities.
Assessment of Environmental Justice	There is no known or expected EJ impact from these activities.

Alternatives Selection Status

Alternatives Chosen & Why – See above in Recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	The chosen alternatives will not have a significant impact on overall waste reduction.
Reuse	These changes will highlight the lack of end markets for glass and mixed paper that are collected in a single stream curbside.
Materials Recovery	These changes are meant to enhance material recovery at MRFs.
Participation in Recovery Operations	These changes are meant to enhance recovery operations.
Product Stewardship	No measurable impact of product stewardship expected.
Economic Administrative or partnership benefits	Improving materials recovery would support MRF profitability.
Identification of Administrative, Contractual or Financial Requirements for Implementation	Both alternatives will require admin, contractual and financial changes to implement.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	Recycling code will need to be modified to implement programs

5.5 Handling Other Wastes

Summary of Status & Recommendations

Support & Advocate for Extended Producer Responsibility (EPR) - Municipalities have taken on the costs of collection and disposal of electrical devices, architectural paint, and household hazardous waste. These costs should be shared with the manufacturers of these products through EPR programs.

Expand HHW Collection Services - This waste stream is currently collected at periodic HHW collection events run by Erie County. The one-day events are augmented by a voucher program for residents to take up to 50 pounds of HHW materials to a privately-run collection facility. Erie County will explore financing models and siting for a permanent HHW facility. Erie County will continue to offer HHW collection services free to residents. The Planning Unit wishes that there was an EPR or at least financial contributions from manufacturers or retailers for the costs of disposing of HHW. These products are not used up by consumers and become a financial burden for Erie County and its residents as they are collected, packaged and diverted from municipal landfills.

Offer Hazardous Waste Disposal Collection Days for Small Quantity Generators – Continue to permit and host collection days for this waste stream. The businesses pay a negotiated bulk rate for the small quantities of materials they have generated.

Improve Electronics Collection - E-Waste is a constant problem for our municipalities since these objects can't be put in landfills and it is increasingly difficult to find a place to dispose of them properly. This has resulted in an increase of dumping of these items and frustrated calls from residents who would like to do the right thing but there are very few options. The current NY E-Waste legislation has not provided the financial support or educational outreach that our residents and municipalities need. In our region, periodic e-waste collection events are the only way our residents are able to dispose of many types of e-waste including older televisions. The Planning Unit & Erie County support and will assist in implementing improved E-waste EPR legislation that focuses on adequate program funding and increased convenience standards. Erie County maintains an E-waste contract that can be utilized by municipalities.

Help Implement PaintCare Program - While Latex Paint is not a HHW it is difficult to dispose of properly. It is also a major cost for all of Erie County's HHW collection events since residents bring the items which then require proper disposal. The Planning Unit & Erie County looks forward to promoting, utilizing and supporting the PaintCare EPR which will manage old architectural paint starting in 2021.

Criteria for Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact -quantitative/qualitative	These programs address special waste streams and don't impact MSW.
Appropriate type & size of facilities or programs	Need to determine for HHW facility.
Cost & lifecycle analysis	Need to complete for HHW facility.
Impact to natural resource conservation, energy production, jobs	No significant impact.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.
Assessment of participation interest potential for neighboring planning units	The HHW facility would be shared with neighboring planning units.
Assessment of Environmental Justice	There is no known or expected EJ impact from these activities.

Alternatives Selection Status

Alternatives Chosen & Why –

- Support effective EPR programs that reduce costs for municipalities that will be created at the state or federal level. We will support legislators and agencies as they create and implement these programs.
- The size and structure of the HHW facility will be dependent on the funding stream available to maintain the program.

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	Actions not expected to impact waste reduction.
Reuse	Actions expected to increase reuse of paint.

Materials Recovery	Actions expected to enhance waste reuse >5%
Participation in Recovery Operations	Actions expected to increase recovery operations by greater than 5%.
Product Stewardship	These measures would enhance product stewardship.
Economic Administrative or partnership benefits	EPR is a public private partnership.
Identification of Administrative, Contractual or Financial Requirements for Implementation	Will be required for HHW facility.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	Will be required for HHW facility.

5.6 Waste Handling & Disposal

Summary of Status

Landfill - Most Erie County municipalities contract with privately owned landfills using competitive bidding processes. Two of the landfills appear to have available airspace for future capacity. Landfill tipping fees are low in WNY particularly when compared to other NY regions. Landfill transportation costs are also low in comparison with other NY regions. It is assumed that landfill costs will rise in the next 10 years.

Waste to Energy - There is a waste to energy facility in Niagara Falls which is utilized by multiple municipalities in Erie County for waste disposal, it has a processing capacity of 2,250 tons per day. The costs for incineration in this facility are similar with local landfill disposal costs. The facility was constructed in 1980. It is assumed that the facility will be maintained and upgraded during the next 10 years. It is assumed that incineration costs will rise in the next 10 years.

Material Recovery Facilities (MRFs) - There are several MRFs operating in WNY. Costs for processing recycling have increased as the handling costs have increased while the resale value of the recycled materials has decreased significantly. The facilities will continue to operate because of the state mandated municipal recycling requirements.

Composting (Food Waste) - There are several small commercial food waste composting facilities in Erie County. These facilities appear to have the ability to increase their processing capacity when there is a greater market for these services. Several municipalities have begun to offer limited drop-off composting services for their residents. There are currently no municipalities that offer curbside collection of food waste. It is anticipated that more municipalities may begin offering food waste drop-off services for their residents. Most municipalities do not appear to have available funding streams to pay for curbside food waste collection services. It does not appear that curbside food waste services will be widespread unless this action occurs due to a legislative mandate.

Composting (Yard Waste) - Most of the municipalities divert some yard waste from landfills seasonally. Typically, these services are offered with curbside collection of leaves and brush. Some of the yard waste is mulched less is composted at municipal or private facilities. It is anticipated that these curb-side collection services will continue to be offered by municipalities.

Anaerobic Digestion (AD) - There are three AD facilities that provide services to process food waste from Erie County. These services are currently geared toward commercial businesses but could be offered to municipalities. There is currently an unused capacity of 45,000 wet cubic tons per year AD processing capacity in the area.

Disaster Debris Management Plan - Update the County disaster debris management plan to identify recycling strategies that can be implemented and contractors that can be utilized to manage large volumes of debris generated during a disaster. Goals of the plan include understanding local and regional capacity to manage the large volumes of debris, pre-permitting sites for debris sorting & staging to maximize recycling of materials, use county contracting to prepare contracts with facilities to manage and dispose of debris.

Recommendations

Monitor Local & Regional Disposal Systems - Continue to learn about how systems are functioning locally and serve as repository for contracts, explore shared service contracting if requested.

Focus on Food & Yard Waste Diversion - Provide outreach & education, municipal & business support for these actions. Explore barriers to the waste diversion and enhanced beneficial reuse of compost, mulch, and digestate.

Increase Recycling & Reuse of Disaster Debris - Prepare an implementable Disaster Debris Plan which includes pre-permitted temporary debris management sites, and shared service contracts for services and disposal options.

Criteria for Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact -quantitative/qualitative	Widespread curbside collection of food waste from landfills would reduce the tonnage of MSW in the landfill.
Appropriate type & size of facilities or programs	Local facilities appear to adequate to handle municipal waste generated in Erie County.
Cost & lifecycle analysis	If needed, these will be created at a later date.
Impact to natural resource conservation, energy production, jobs	Food waste diversion collection and processing could create new jobs in the future.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.
Assessment of participation interest potential for neighboring planning units	These facilities are shared with neighboring planning units.
Assessment of Environmental Justice	There is no known or expected EJ impact from these activities.

Alternatives Selection Status

Alternatives Chosen & Why – See recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	Actions expected to reduce waste volume <5%.
Reuse	Composting & AD actions would increase reuse of compost and digestate as a soil amendment
Materials Recovery	Actions not expected to impact material recovery
Participation in Recovery Operations	Actions not expected to impact recovery operations
Product Stewardship	Actions not expected to increase product stewardship.
Economic Administrative or partnership benefits	Shared service contracting could keep pricing competitive.
Identification of Administrative, Contractual or Financial Requirements for Implementation	Municipalities contract for these services individually. Erie County could create shared service contracting for multiple municipalities if requested
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	None identified at this time.

5.7 Programs to Develop/Improve Local & Regional Markets for Recycling

Summary of Status & Recommendations

Innovate Through Recycling Education & Outreach - Contamination in curbside recycling increases the costs of handling and can decrease the value of the recycled materials. Erie County and the municipalities will continue to provide consistent long-term education & outreach on how to Recycle Right to reduce contamination levels. Tools include a customized web and phone application focused on recycling items correctly and reducing contamination.

Support Legislative Initiatives- Erie County and the Planning Unit will continue to support local and state legislative initiatives that develop or improve local or regional markets for recycling.

Advocate for Business Incentives- Erie County and the Planning Unit will work with Empire State Development (ESD) to identify and provide incentives that will assist businesses as they seek to either process recyclable materials or use a recycled material as a feedstock in their manufacturing process.

Criteria for Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact -quantitative/qualitative	These programs don't impact the tonnage of MSW.
Appropriate type & size of facilities or programs	N/A
Cost & lifecycle analysis	N/A

Impact to natural resource conservation, energy production, jobs	New businesses processing recycling or using recycled materials as feedstock could have positive impacts on employment.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.
Assessment of participation interest potential for neighboring planning units	These initiatives would be supported by neighboring planning units.
Assessment of Environmental Justice	No impact on EJ anticipated.

Alternatives Selection Status

Alternatives Chosen & Why – See recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	Actions are not expected to impact MSW.
Reuse	Actions expected to increase amount of materials available for reuse as feedstock in a new product.
Materials Recovery	Actions should positively impact material recovery.
Participation in Recovery Operations	Actions should increase participation in recovery actions.
Product Stewardship	Actions not anticipated to impact product stewardship.
Economic Administrative or partnership benefits	Private businesses could create new jobs to process or reuse recycled materials.
Identification of Administrative, Contractual or Financial Requirements for Implementation	None anticipated at this time.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	None anticipated at this time.

5.8 Enforcement Programs

Summary of Status & Recommendations

Erie County Role Advisory - Erie County does not have any regulatory enforcement programs for MSW or recycling. Erie County's role is to assist municipalities in meeting NYSDEC regulations for solid waste management, to provide administrative support for the Planning Unit, and support businesses with education & outreach as they meet regulatory requirements. Erie County will continue to offer education, outreach & business support on MSW and recycling regulations.

Municipal Role Enforcement of Local Code & Regulations - The Planning Unit member municipalities enforce their solid waste and recycling regulations. Much of their role is focused on the health & safety issues associated with MSW. Municipalities will continue to enforce local codes and ordinances.

Criteria for Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact -quantitative/qualitative	N/A
Appropriate type & size of facilities or programs	N/A
Cost & lifecycle analysis	N/A
Impact to natural resource conservation, energy production, jobs	None anticipated.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.

Assessment of participation interest potential for neighboring planning units	N/A
Assessment of Environmental Justice	No impact on EJ anticipated.

Alternatives Selection Status

Alternatives Chosen & Why – See recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	N/A
Reuse	N/A
Materials Recovery	N/A
Participation in Recovery Operations	N/A
Product Stewardship	N/A
Economic Administrative or partnership benefits	No significant impact.
Identification of Administrative, Contractual or Financial Requirements for Implementation	None anticipated at this time.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	None anticipated at this time.

5.9 Data Collection

Summary of Status & Recommendations

Collect Data for LSWMP Implementation & Annual Reporting - Erie County provides administrative support for the Planning Unit by creating and implementing the LSWMP and collecting data for Annual and Bi-Annual reporting on MSW and recycling for the NYSDEC. Erie County will continue to offer these services.

Conduct Period Surveys - The Planning Unit participates in a survey every three years which collects data about the MSW services provided by each municipality including the municipally provided services and their contractors. Erie County will continue to offer these services.

Create Special Projects - As new threats or opportunities arise, Erie County will collect relevant data to assess the current location conditions.

Criteria for Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact -quantitative/qualitative	These programs don't impact the tonnage of MSW.
Appropriate type & size of facilities or programs	N/A
Cost & lifecycle analysis	N/A
Impact to natural resource conservation, energy production, jobs	N/A.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.

Assessment of participation interest potential for neighboring planning units	These initiatives would be supported by neighboring planning units.
Assessment of Environmental Justice	No impact on EJ anticipated.

Alternatives Selection Status

Alternatives Chosen & Why – See recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	Actions are not anticipated to impact MSW.
Reuse	Actions not anticipated to impact reuse.
Materials Recovery	Actions not anticipated to impact material recovery.
Participation in Recovery Operations	Actions not anticipated to impact participation in recovery actions.
Product Stewardship	Actions not anticipated to impact product stewardship.
Economic Administrative or partnership benefits	Central data collection reduced individual administrative burdens.
Identification of Administrative, Contractual or Financial Requirements for Implementation	None anticipated at this time.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	None anticipated at this time.

5.10 Local Hauler Licensing Programs

Summary of Status & Recommendations

Erie County Role - Erie County does not have any local hauler licensing programs. Erie County will not have any local hauler licensing programs.

Municipal Role - Some planning unit municipalities have local hauler licensing programs that they create, implement, and enforce. Municipalities will continue these activities

Criteria for Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact -quantitative/qualitative	These programs don't impact the tonnage of MSW.
Appropriate type & size of facilities or programs	N/A
Cost & lifecycle analysis	N/A
Impact to natural resource conservation, energy production, jobs	No impact anticipated.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.
Assessment of participation interest potential for neighboring planning units	None anticipated.
Assessment of Environmental Justice	No impact on EJ anticipated.

Alternatives Selection Status

Alternatives Chosen & Why – No recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	Actions are not expected to impact MSW.
Reuse	Actions not anticipated to impact reuse.
Materials Recovery	Actions not anticipated should positively impact material recovery.
Participation in Recovery Operations	Actions not anticipated to impact participation in recovery actions.
Product Stewardship	Actions not anticipated to impact product stewardship.
Economic Administrative or partnership benefits	Private businesses could create new jobs if they obtain contracts for hauling.
Identification of Administrative, Contractual or Financial Requirements for Implementation	No new requirements anticipated.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	None anticipated at this time.

5.11 Flow Control & Districting Potential

Summary of Status & Recommendations

Flow controls are legal provisions that allow state and local governments to designate the places where municipal solid waste (MSW) is taken for processing, treatment, or disposal. Because of flow controls, designated facilities may hold monopolies on local MSW and/or recoverable materials. These provisions are often used in areas where a municipality owns a landfill or MRF processing center. None of the disposal facilities in the region are owned by a municipality.

A Refuse District is a designated area in which a single refuse collector services all households in the district. This typically occurs in a municipality which does not offer curbside collection of MSW and recycling to their residents. A district is typically a series of streets within a municipality. The residents request that the municipality bid on their behalf. A municipality may have multiple districts and areas without a district. The municipality would request bids for all districts and negotiate a contract. The cost of the service would be added to the property tax bill of each resident in the Refuse District as a special district charge, in the manner of the existing sewer districts and lighting districts.

Erie County Role - Erie County does not have any flow control provisions or refuse district requirements or programs.

Municipal Role – None of the municipalities have flow control provisions. All of the municipalities in the planning unit provide trash and curbside recycling services for their residents so there is no need for a refuse district.

Criteria for Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact -quantitative/qualitative	N/A

Appropriate type & size of facilities or programs	N/A
Cost & lifecycle analysis	N/A
Impact to natural resource conservation, energy production, jobs	N/A
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	N/A
Assessment of participation interest potential for neighboring planning units	N/A
Assessment of Environmental Justice	N/A

Alternatives Selection Status

Alternatives Chosen & Why – No recommendations

Expected Quantitative & Qualitative Impacts on:

Action	Impact
Waste Reduction	N/A
Reuse	N/A
Materials Recovery	N/A
Participation in Recovery Operations	N/A
Product Stewardship	N/A
Economic Administrative or partnership benefits	N/A
Identification of Administrative, Contractual or Financial Requirements for Implementation	N/A
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	N/A

5.12 C&D Debris Reduction, Including Deconstruction, Reuse & Recovery Programs

Summary of Status & Recommendations

Erie County Role - Erie County does not currently have any C&D debris reduction programs. Erie County plans to update the Erie County Disaster Debris Management Plan to focus on sorting and recycling materials. In the future, Erie County may develop a construction and demolition waste policy for all county facility renovations and new building construction.

Municipal Role – None of the municipalities in the planning unit have any C&D debris reduction programs.

Criteria for Evaluation

Administrative/Technical Impacts

Action	Impact
Waste stream impact -quantitative/qualitative	Unknown
Appropriate type & size of facilities or programs	This will be studied as part of the Disaster Debris Management Plan update.
Cost & lifecycle analysis	This will be prepared as part of the Disaster Debris Management Plan update.
Impact to natural resource conservation, energy production, jobs	This will be studied as part of the Disaster Debris management Plan update.
Jurisdictional impacts on neighboring planning units and environmental justice within Erie County	None anticipated.
Assessment of participation interest potential for neighboring planning units	None anticipated.

Assessment of Environmental Justice	No impact on EJ anticipated.
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Alternatives Selection Status

Alternatives Chosen & Why – Update the County Disaster Debris Management Plan with a focus on recycling and reuse. Work with multiple departments

Expected Quantitative & Qualitative Impacts on:

<i>Action</i>	<i>Impact</i>
Waste Reduction	Actions expected to reduce waste volumes <5%
Reuse	Actions should positively impact reuse.
Materials Recovery	Actions should positively impact material recovery.
Participation in Recovery Operations	Actions should positively impact participation in recovery actions.
Product Stewardship	Actions not anticipated to impact product stewardship.
Economic Administrative or partnership benefits	Private businesses could create new jobs if they obtain contracts for providing services.
Identification of Administrative, Contractual or Financial Requirements for Implementation	No new requirements anticipated.
Identification of New or Modification to Local Laws, Ordinances, or Regulations to Implement Programs	None anticipated at this time.

5.13 Summary of Recommendations

1. **Focus on Residential and Commercial MSW Generation** - These waste streams have the largest tonnage of waste and the lowest levels of recycling and reuse therefore we will focus education and outreach on these sectors.
2. **Focus on Organics Through Food & Yard Waste Diversion & Recycling** – Removing more of these waste streams from disposal could result in a real long-term reduction in the amount of per capita MSW generated in the planning unit. Explore barriers to the waste diversion and enhanced beneficial reuse of compost, mulch, and digestate.
3. **Focus on Managing Special Wastes** – Collection and recycling/disposal of these materials continues to be a major issue expense for Erie County and planning unit members.
4. **Focus on Increasing Recycling & Reuse of Disaster Debris.** This requires preplanning and development of an implementable debris management system to achieve these goals.
5. **Provide Targeted Education & Outreach Including**
 - a. **MSW education** – subjects include the financial and environmental impacts of individual purchases, the power of business purchasing requirements, packaging awareness, what is really being recycled, why certain items need to be banned and the impact of single use plastics. We have a special emphasis on innovative programming for school aged children. Using new platforms including a customized web and phone app to provide recycling information to residents.
 - b. **Reduce bagged lawn waste** - a proposed campaign on the benefits of mulching leaves and grass.
 - c. **Share, reuse & repair** – Promote formal and informal methods of purchasing less, and getting full use out of items.
 - d. **Education & outreach to businesses to support local implementation NY Organic Recycling Legislation** - The NYS Food Donation and Food Scrap Recycling Law requires that by 2022, large generators of food scraps (4, 000 pounds or more per week) must donate all edible food and recycle all remaining food if they are within 25 miles of an organic's recycler.
 - e. **Home composting education & resources** - Erie County will continue to support these efforts through an annual compost bin sale and continuing education on the benefits of composting and composting best practices.
 - f. **Recycling education & outreach** - Contamination in curbside recycling increases the costs of handling and can decrease the value of the recycled materials. Erie County and the municipalities will continue to provide consistent long-term education & outreach on how to Recycle Right to reduce contamination levels. Tools include a customized web and phone application focused on recycling items correctly and reducing contamination.

6. Provide Data Collection and Reporting Services for Municipalities

- a. **Collect data for LSWMP implementation & annual reporting** - Erie County provides administrative support for the Planning Unit by creating and implementing the LSWMP and collecting data for Annual and Bi-Annual reporting on MSW and recycling for the NYSDEC. Erie County will continue to offer these services.
- b. **Conduct Period Surveys** - The Planning Unit participates in a survey every three years which collects data about the MSW services provided by each municipality including the municipally provided services and their contractors. Erie County will continue to offer these services.
- c. **Collect Reuse Market Data** - Support local reuse as a job & income generator by learning more about how goods flow and estimating local reuse streams & revenues.
- d. **Monitor Local & Regional Disposal Systems** - Continue to learn about how systems are functioning locally and serve as repository for contracts, explore shared service contracting if requested.
- e. **Special Projects** - As new threats or opportunities arise, Erie County will collect relevant data to assess the current location conditions.

7. Provide Services & Programs

- a. **HHW Collection Services** - Erie County will continue to offer HHW collection services free to residents. Erie County will study creating a dedicated HHW facility in Erie County.
- b. **Conditionally Exempt Small Quantity Generator (CESQG) Collection Services** - Erie County will continue to offer collection days for small quantity generators of hazardous waste. These events allow government units and businesses to pay lower rates for collection and disposal of these materials than if they had contracted individually.
- c. **Administrative Support for Planning Unit** - Erie County will continue to provide administrative support for the Local Solid Waste Management Board.
- d. **Shared Service Contracting** - Erie County will continue to negotiate shared service contracting for special wastes including e-waste. If requested additional shared service contracts could be developed in the future.
- e. **Update the existing Erie County Disaster Debris Management Plan** - Update the County disaster debris management plan to identify recycling strategies that can be implemented and contractors that can be utilized to manage large volumes of debris generated during a disaster. Goals of the plan include understanding local and regional capacity to manage the large volumes of debris, pre-permitting sites for debris sorting & staging to maximize recycling of materials, use county contracting to prepare contracts with facilities to manage and dispose of debris.

8. Explore New Initiatives Including

- a. **Change the Pricing** – Most residents pay a flat rate for garbage and recycling as part of their local taxes therefore there is no economic

incentive to create less MSW. Municipalities could explore Pay as You Throw (PAYT) fee structures to make residents aware that excess MSW has a cost.

- b. **Expansion of food scrap collection to residential** - Continue to monitor best practices for consumer education and collection systems. Serve as a resource for communities as they first begin drop-off composting facilities and perhaps later develop curbside food waste collection systems. Seek grants to help communities implement these programs.
 - c. **A Unified Recycling Menu** – Work with municipalities, businesses, citizens, and other planning units to create a unified recycling menu for Erie County.
 - d. **Dual Stream** – Erie County will explore the feasibility of reintroducing dual stream collection as a method to improve the quality of recycled content.
 - e. **HHW Reuse Store** - Explore having a section of the proposed HHW facility for sale or exchange of usable containers of home chemicals, paints, automotive supplies and fluids- Save residents money, provide just enough of a material to finish a small job, and reduce disposal costs of HHW.
 - f. **Apply for Grants** – Seek funding for targeted initiatives focused on large commercial kitchen food waste generation, donation, composting, anaerobic digestion, and recycling.
9. **Support Legislative Initiatives**
- a. **Single Use Plastic Bans** - Erie County and the Planning Unit will continue to support and educate residents about the benefits of single use plastics bans.
 - b. **Expansion of the NY Bottle Bill** – Erie County and the Planning Unit support expansion of the bill to include a deposit system for wine and glass bottles.
 - c. **Product Stewardship and Extended Producer Responsibility (EPR)** - Municipalities have taken on the costs of collection and disposal of electrical devices, architectural paint, and household hazardous waste. These costs should be shared with the manufacturers of these products through EPR programs.
 - d. **Improve Recycling Markets** - Erie County and the Planning Unit will continue to support local and state legislative initiatives that develop or improve local or regional markets for recycling.

6.0 Solid Waste Management Strategies



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The purpose of the LSWMP is to identify goals and supporting actions for managing solid waste over the 10-year planning period. The goals for this planning period have been developed to be consistent within existing planning frameworks at the regional and State level. These include:

Beyond Waste: A Sustainable Materials Management Strategy for New York State (2010)

The 2010 State Solid Waste Management Plan, Beyond Waste, defines broad objectives around reduction, reuse, recycling and disposal methods for waste in the State. The plan set an ambitious goal of reducing disposal to 0.6 pounds a day per person by 2030. Working towards this metric, the qualitative goals include but are not limited to:

- a. Minimize generation of waste
- b. Increase reuse, recycling and composting opportunities
- c. Establish product stewardship
- d. Maximize energy value in materials
- e. Prioritize reduce, reuse, recycle over disposal
- f. Engage all New Yorkers in sustainable materials management

WNY Regional Sustainability Plan (2013)

The Western New York Regional Sustainability Plan (2013) was developed by the Regional Planning Consortium with input from key stakeholders and the public. The plan is intended as a guide for

integrated, sustainable solutions to improve quality of life. The WNY Regional Sustainability Plan functions as two phases. The first phase uses grants to create new sustainability plans or to expand the scope of existing sustainability plans.

The waste management working group set the following goals:

1. Reduce the amount of MSW by reducing waste generation
2. Maximize organics diversion
3. Reduce C&D debris by reducing generation and increasing recycling
4. Increase use of alternative fuels for transport vehicles

The strategies identified for doing so include:

1. Educate public, institutions and businesses on the system
2. Increase MSW recycling businesses (private companies)
3. Support product stewardship initiatives, support legislation
4. Improve organics recycling infrastructure
5. Increase C&D recycling
6. Encourage deconstruction instead of demolition

NEST Solid Waste Management Board LSWMP 2019-2029 Goals

Based on understanding of the current solid waste landscape, identified programmatic and information gaps, and the alternatives described in Chapter 5, the following goal areas and actions were identified to align with State priorities and goal of reducing waste to 0.6 lbs/person/day. The goals for this planning period are listed in an order which reflects a preferred waste hierarchy, supported by the EPA and NYSDEC, which first seeks reduction and reuse, then compost and recycling, waste to energy and landfill as a last disposal option. Here, we also acknowledge the important role of outreach and education in the success of decreasing solid waste generated or sent to landfill. Each goal is supported by a series of action items which will be implemented over the 10-year planning period.

These goals do not include generating data for biosolids or industrial waste generation in the planning unit. These

Each alternative chosen in Section 5 has a table which includes an evaluation of:

- the expected qualitative and quantitative impacts of the selections on the relevant waste streams,
- reduction and reuse,
- recycling,
- program participation,
- partnerships,
- economic or administrative benefits,
- identification of all administrative, financial, and contractual requirements for implementing the selections
- any new laws, ordinances, or regulations, or modifications to existing local laws, ordinances, or regulations, that may be required to implement the selections.

Note the recommendations from Section 5.13 have been realigned from functional categories into eight major goals and program focuses. Data gaps will be addressed as resources (personnel and funding) are available to accomplish the tasks. Erie County has and will continue to apply for grants from state and federal funders to conduct special projects in the focus areas.

A difficulty is that many funders prefer to fund targeted programs for new projects with short-term outcomes rather than funding the long-term basic activities and staff needed to run core recycling or reuse programs. In many ways recycling education is similar to smoking education, it includes basic messages and programming that need to be repeated and continually shared to slowly encourage consumers to change habits. The ongoing need for simple often repetitive messages can cause funder fatigue.

The NYSDEC Municipal Waste Recycling & Reduction (MWRR) Grant program which provides 50% of a Recycling Coordinator's salary and fringe and education & outreach services and supplies, has proven to be a reliable long-term funding source that allows local governments to build programs with longer horizons and long-term goals. This funding will allow Erie County and the planning unit to work on the goals described below.

The plan development has been guided by the four focus areas.

1. Focus on Residential and Commercial MSW Generation - These waste streams have the largest tonnage of waste and the lowest levels of recycling and reuse therefore we will focus education and outreach on these sectors.
2. Focus on Organics Through Food & Yard Waste Diversion & Recycling – Removing more of these waste streams from disposal could result in a real long-term reduction in the amount of per capita MSW generated in the planning unit. Explore barriers to the waste diversion and enhanced beneficial reuse of compost, mulch, and digestate.
3. Focus on Managing Special Wastes – Collection and recycling/disposal of these materials continues to be a major issue expense for Erie County and planning unit members
4. Focus on Increasing Recycling & Reuse of Disaster Debris. This requires preplanning and development of an implementable debris management system to achieve these goals.



1. Make Less Waste

Rationale - Preventing waste in the first place is the most effective strategy for meeting goals of waste reduction. Decreasing solid waste generated requires education, legislative supports, financial incentives, and systems to manage various materials before they become waste. These efforts require a clear and consistent focus on goal and outcomes.

The planning unit will focus on residential and commercial MSW generation, the following actions will be supported:

- 1.1 Connections - Answering questions and connecting residents and businesses with available resources, through web-site, hotline, outreach events, and social media.
- 1.2 Education & Outreach - Providing education and outreach to change consumer preferences for single use items the financial and environmental impacts of individual purchases, the power of business purchasing requirements, packaging awareness, what is really being recycled, why certain items need to be banned and the impact of single use plastics.
- 1.3 Support EPR - Supporting product stewardship and extended producer responsibility (EPR) as part of the circular economy.
- 1.4 Promo Reuse - Promote and partner with entrepreneurs and organizations that provide reuse and repair opportunities.

- 1.5 Periodically explore disposal fee structures, such as PAYT, to incentivize less waste production.

2. Divert Organics

Rationale- In order to reach the State goal of 0.6 lbs/person/day of waste generated, diverting a significant portion of the waste stream into recycling opportunities will be critical. Organic waste is heavy and takes up space in MSW and landfills. Diverting this organic waste into alternative beneficial uses will make a large impact in reducing waste. Doing so requires a variety of program strategies. Initially, over the next ten-year planning period activities that the planning unit and Erie County will first focus on commercial undertake are as follows:

- 2.1 Provide education & outreach to businesses to support local business implementation NY Food Donation & Food Scrap Recycling Legislation.
- 2.2 Continue existing education on backyard composting program including sales and education.
- 2.3 Mulch It - Create and implement education & outreach campaign to reduce bagged lawn waste.
- 2.4 Residential Organics - Seek to expand organics recycling to include first widespread drop-off locations and eventually curbside pickup of organics.
- 2.5 Continue to operate the County Composting Facility at the Alden Correctional Facility to manage county and some municipal generated food waste.
- 2.6 Provide educational opportunities and outreach to businesses to promote food waste management practices; including reduction and donation.
- 2.7 Continuously seek opportunities for pilot programs; seek opportunities for pilot projects in drop off or curbside food scrap recycling.
- 2.8 Explore barriers to siting commercial composting facilities including odor management and construction and operating permit requirements.

3. Recycle Right NY – More & Less

Rationale - Though recycling programs and source separation ordinances have existed for many years, rates of recycling remain low. This is true of residential waste and commercial waste. Efforts to encourage resident participation in recycling will continue through this planning period, with a shift to focus on gaining commercial participants. In order to keep recycling viable in a fluctuating market, it is important for the recycling stream to have a much lower rate of contamination than has previously been acceptable to recyclers. This is a new area of focus during the planning period and will primarily be accomplished through education and outreach measures as follows:

- 3.1 Lead a diverse stakeholder group to create a county-wide unified recycling menu for business and residential with a standard visual presentation.
- 3.2 Erie County and the municipalities will continue to provide consistent long-term education & outreach on how to Recycle Right to reduce contamination levels
- 3.3 Use new platforms including a customized web and phone app to provide recycling information to residents.
- 3.4 Redefine measurements of a successful recycling program to include carbon footprint calculations.
- 3.5 Support increased municipal use of oops tags
- 3.6 Utilize state wide outreach campaign materials targeting contamination including #Recycle RightNY
- 3.7 Increase outreach on the environmental benefits of the Bottle Bill. Find new markets for source separated glass by supporting expanding use of bottle bill returns to include wine and liquor bottles.

4. Keep It Out Programs

Rationale- Special and large wastes, such as Hazardous Household waste, electronics, mattresses and others discussed in previous sections of this plan often end up in landfill when there are more beneficial uses they could serve or ways in which they should be disposed of for safety and environmental health reasons. Keeping these materials out of landfill is possible by continuing to expand alternative disposal programs already in place and adding new programs where there is need. The Board will assist by:

- 4.1 Expanding options for residents including one-day HHW collection events and drop-off voucher programs.
- 4.2 Support development of a permanent HHW collection facility as described in feasibility study.
- 4.3 Continue to offer hazardous waste collection programs for Small Quantity Exempt Generators.
- 4.4 Continuing the shared services e-waste contract used by municipalities to hold collection events.
- 4.5 Provide education & outreach to connect residents to EPR programs including Paint Care.

5. Response Ready

Rationale - Even smaller scale natural disasters create debris. Erie County will work with municipalities to create a community action plan for managing disaster debris using the NYSDEC Disaster Debris Management toolkit as a guideline. Planning activities may include stand-by emergency debris removal contracts for disposal services, per-approved temporary staging areas, and educational materials for safe residential removal of building materials and yard debris.

- 5.1 Work with multiple stakeholders to update the county disaster debris plan for managing large amounts of waste after an emergency situation.
- 5.2 Create a focus on recycling and reuse of disaster debris.
- 5.3 Develop response team to assist communities with disaster debris sorting, processing, and disposal. Hold training sessions.
- 5.4 Work with researchers to explore data gaps and under-researched topics related to disaster debris management.

6. Team Players

Rationale - Erie County on behalf of the member municipalities will continue to participate in statewide initiatives and support legislative solutions.

- 6.1 Lead or be an active member of local groups and initiatives focused on reducing waste and 3Rs.

- 6.2 Support state level product stewardship efforts.
- 6.2 Support legislation that reduced MSW including expansion of the NYS Returnable Container Act and actions on plastic reduction.
- 6.3 Continue involvement with NYSAR and statewide recycling initiatives.
- 6.4 NY Strong - Become involved in additional state-wide organizations focused on waste reduction, reuse and recycling.
- 6.5 Share It - Utilize material and integrate statewide campaigns around special waste areas including reducing contamination, textiles and organics into education activities.

7. Next Generation

Rationale - School-aged children often lead reduce, reuse and recycling efforts in their households. Erie County and the municipalities will continue to provide:

- 7.1 Continue Pollution Prevention Through Art & Sciences Program to engage students in discussing about the environmental impacts of single use plastics.
- 7.2 Continue participating in and bringing exhibits to fairs and environmental days.
- 7.3 Create compelling displays and outreach for public events including festivals.
- 7.4 Help coordinate Earth Day events.
- 7.5 Sponsor contests with recognition for student led solutions.

8. Collect Data & Support Municipalities

Rationale - Erie County supports the Board by completing regulatory reporting, providing contractual support to member municipalities, supporting infrastructure for special waste collections, collecting data for good decision making and providing evidence-based education and outreach programs and materials. In this area there are services which will be continued, and others which will be introduced for the first time.

- 8.1 LSWMP - Provide administrative support for the Planning Unit by creating and implementing the LSWMP

- 8.2 Collect data for Annual and Bi-Annual reporting on MSW and recycling for the NYSDEC. Erie County will continue to offer these services.
- 8.3 The Planning Unit participates in a survey every three years which collects data about the MSW services provided by each municipality including the municipally provided services and their contractors. Erie County will continue to offer these services.
- 8.4 Unexpected - As new threats or opportunities arise, Erie County will collect relevant data to assess the current location conditions
- 8.5 Support local reuse as a job & income generator by learning more about how used goods flow and estimating local reuse streams & revenues.
- 8.6 Gather data about waste generation and recycling or disposal from institutions, sewerage districts, and industries.
- 8.7 Measure and calculate disaster debris volumes and type and amount recycled.
- 8.8 Explore the cost savings and feasibility of a shared services contract model for waste disposal.
- 8.9 Pursue professional development workshops and opportunities to ensure knowledge and skills are up to date.

Implementation Schedule

The implementation schedule includes three categories of actions those which are ongoing, will be re-configured or expanded and new initiatives. New initiatives will be resource constrained so their implementation timing will be based on identifying an unmet need, staff resources, and funding streams.

Table 6.1 Status of Goals

Goal Area	Ongoing	Expansion	New Initiative
1 Make Less Waste	1.1, 1.2	1.3	1.4, 1.5
2 Divert Organics	2.2, 2.5, 2.7		2.1, 2.3, 2.4, 2.6, 2.8
3 Recycle Right NY	3.2, 3.6	3.3, 3.5, 3.7	3.1, 3.4
4 Keep It Out Programs	4.1, 4.3, 4.4		4.2, 4.5
5 Response Ready			5.1, 5.2, 5.3, 5.4

LOCAL SOLID WASTE MANAGEMENT PLAN FOR ERIE COUNTY NEST

6 Team Players	6.1, 6.2, 6.4	6.3, 6.6	6.5
7 Next Generation	7.1, 7.2, 7.3, 7.4	7.5	
8 Collect Data & Support Municipalities	8.2, 8.3, 8.9		8.4, 8.5, 8.6, 8.7, 8.8

Table 6.2 Implementation Schedule

Blue Items can be funded if staffing remains at 2020 levels

Brown items can be accomplished if more funding is available for additional staff

Goal Area	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
1 Make Less Waste										
1.1 Connections										
1.2 Ed & Outreach										
1.3 Support EPR										
1.4 Promo Reuse										
1.5 Disposal Fees										
2 Divert Organics										
2.1 Business Ed										
2.2 Backyard Compost										
2.3 Mulch It										
2.4 Res Organics										
2.5 County Compost										
2.6 Food Waste										
2.7 Seek Pilots										
2.8 Barriers										
3 Recycle Right										
3.1 Recycling Menu										
3.2 Recycle Ed										
3.3 New Ed Resources										
3.4 Measure Better										

LOCAL SOLID WASTE MANAGEMENT PLAN FOR ERIE COUNTY NEST

Goal Area	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
3.5 Oops Tags										
3.6 State Campaigns										
3.7 Bottle Bill Benefits										
4 Keep It Out										
4.1 HHW Collection										
4.2 HHW facility										
4.3 Small Quan Gen										
4.4 Shared service contracting										
4.5 EPR Edu										
5 Response Ready										
5.1 Update Plan										
5.2 Debris Recycling										
5.3 Response Team										
5.4 University Partners										
6 Team Players										
6.1 Support Local										
6.2 Prod Stewardship										
6.3 Support Leg										
6.4 NYSAR										
6.5 NY Strong										
6.6 Share It										
7 Next Gen										
7.1 Innovative Edu										
7.2 Tabling										
7.3 Festivals										
7.4 Earth Day										
7.5 Contests										
8 Data & Admin										
8.1 LSWMP										

LOCAL SOLID WASTE MANAGEMENT PLAN FOR ERIE COUNTY NEST

Goal Area	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
8.2 Basic Info										
8.3 Survey										
8.4 Unexpected										
8.5 Reuse Data										
8.6 Additional Data										
8.7 Disaster Debris										
8.8 Shared Facilities										
8.9 Prof Develop										

APPENDIX A

2018 NEST ANNUAL
RECYCLING REPORT

Waste Streams	2018 North East South Towns Solid Waste Management Board Annual Recycling Report	Tons	
Municipal Solid Waste	Intermediate Destination Facility		
	Waste Management, 100 Ransier Dr West Seneca, NY 14224		
	Republic Services, 2321 Kenmore Avenue Buffalo, NY 14207	6,454	
	Elma Transfer Station (WM)	0	
	Bestway Disposal, 202 E. Main Street, Fredonia, NY 14063	352	
	East Side Transfer Station (WM)	29,492	
Municipal Solid Waste	Final Destination Facility (tons not included in above)	0	
	Modern Corp., 4746 Model City Rd, Model City, NY 14107	53,178	
	Chautauqua County Landfill, 3889 Towerville Road, Jamestown, NY	462	
	Covanta, 100 Energy Boulevard, Niagara Falls, NY 14304	2,324	
	CID Waste/Waste Management, 10860 Olean Road, Chaffee, New York 14030	60,086	
Tons MSW		152,348	
C&D Debris	Swift River Associates, 561 Pavement, Lancaster, NY 14086		
	Triad Energy and Recycling		
	Zoladz Construction, 13600 Railroad St, Alden, NY 14004		
		we do not track c&d	
Leaves/Grass			
Brush/Branches			
/Trees/Stumps			
	Good Earth 5960 Broadway, Lancaster, NY 14086	6,214	
	Lardon Construction Corp., 108 Lake Ave., Blasdell, NY 14219	4,261	
	C.J. Krantz Topsoil, 8960 Lapp Road, Clarence Center, NY 14032	0	
	Modern Landfill, Inc.	0	
	Town of Clarence Compost Facility	3,997	
	Town of Orchard Park Compost Facility	933	
	Akron Compost	511	
	West Seneca Composting Facility	3,000	
	Town of Elma Compost	2,470	
	Gowanda (V) Compost Facility	0	
	Town of Aurora	933	
	Town of Lancaster HWY	0	
	Town of Hamburg Hwy	2,500	
	Village Alden pile	880	
	Chautauqua County Landfill	100	
	Union Concrete	328	
	Marilla Recycling Center	10	
	North Collins DPW	12	
	Boston DPW	267	
	Molnar	300	
	Eden Highway	1,000	
	Cotton Nursery	1,400	
		Total Yard 29,116	
Food waste	Farmer Pirates Cooperative Inc		
	PUSH Buffalo		
		we do not track food waste	
Single Stream			
Recycling	Final Destination Facility		
	Republic Services, 2321 Kenmore Ave, Buffalo, NY 14207 recycling	6,851	
	Waste Management Syracuse MRF, 4550 Steelway Blvd S, Liverpool, NY	11,900	
	Buffalo Recycling Enterprise, 266 Hopkins St, Buffalo, NY 14220	12,131	
		Total Municipal Recycling 30,882	
White Goods/ Enameled Appliances	Twin Village Recycling, 4153 Broadway, Depew, NY 14043	140	
	Stanley Staba & Sons -1933 Broadway, Darien Center, NY 14040	15	
	Niagara Metals	20	
	Waste Management	3	
	Sunnking	1	
	Ben Weitsman	57	
	Max Brock	17	
	various	9	
			Total Metals 262
	Electronics	RCRR	15
e waste +		1	
Sunnking Electronics Recycling, 1800 Broadway #4a, Buffalo, NY 14212		290	
		Total E-waste 306	
Tires	Modern Disposal	32	
	Waste Management	20	
	Geiter Done, 300 Green St, Buffalo NY 14206	102	
	HTI Recycling, 490 Ohio Street, Lockport, NY 14094	43	
	MRC	12	
	Various	4	
			Total Tires 0

WHAT RECYCLING SYSTEMS ARE AVAILABLE IN YOUR PLANNING UNIT?

100% Single Stream
WHAT IS THE PERCENTAGE (ESTIMATE) OF THE PLANNING UNIT POPULATION THAT HAVE ACCESS TO EACH ONE OF THE RECYCLING SYSTEMS?
100% Single Stream

NAME: DATE: SIGNATURE: TITLE & ORGANIZATION:

Amy Alduino, Erie County Recycling Coordinator
NEST Northeast Southtowns Solid Waste Board

COMMENTS/SUGGESTIONS:

The above information is based on the DEC Annual Report Form - Planning Unit Recycling Report.
Any waste stream that is listed on the DEC form and not on this form, indicates that the Solid Waste Board does not monitor or have data on that particular stream.

Appendix B

Local Solid Waste Code

Chapter 286

SOLID WASTE

GENERAL REFERENCES

Landfill management — See Ch. 228.

Property maintenance — See Ch. 263.

Junkyards — See Ch. 220.

ARTICLE I

Recycling

[Adopted 8-17-1992 by L.L. No. 3-1992 (Ch. 17A, Art. I, of the 1981 Code)]

§ 286-1. Title.

This article shall be known as the "Mandatory Recycling Law of the Town of Alden."

§ 286-2. Legislative findings.

Whereas, the reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment; and whereas, the Solid Waste Management Act of 1988 mandates passage of a source separation ordinance or law to be adopted by each local municipality within New York State by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist; now, therefore, be it resolved that the Town of Alden establishes a mandatory recycling program within this municipality which shall be effective on September 1, 1992.

§ 286-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this article. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BULKIES — Large items, such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods), such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The person, firm, agency or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — Can, bin, box, bag or other unit used for storage of recyclable materials.

FACILITY — Any solid waste management resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include but not be limited to explosives, toxic materials and medical waste. For purposes of this article, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.)

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collections of MSW and/or recyclable materials. To operate in the Town of Alden, they shall be required to obtain a license from the Town and be subject to the rules and regulations of the Town.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS — Those materials specified by the municipality from time to time at the discretion of the Town Board for separate collection in accordance with recycling regulations.

A. Such materials may include but are not limited to:

- (1) ALUMINUM — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- (2) METAL CANS — Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum other than aluminum cans.
- (3) GLASS FOOD AND BEVERAGE CONTAINERS — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, pyrex, leaded glass, mirrored glass or float glass.
- (4) PLASTIC FOOD AND BEVERAGE CONTAINERS — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET) designated respectively as Nos. 2 and 1 on the recycling code located on the containers.
- (5) NEWSPRINT — Common, inexpensive machine-finished paper made chiefly from wood pulp and used for newspaper.
- (6) CORRUGATED — Wood-pulp-based material which is usually smooth on both sides with a corrugated center, commonly used for boxes, and excluding material with a wax coating.
- (7) HIGH-GRADE PAPER — White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- (8) MAGAZINES — Magazines, glossy catalogs and other glossy paper.
- (9) LARGE APPLIANCES — Stoves, refrigerators bearing the appropriate seal that the coolant has been removed, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal, but excluding air conditioners, microwaves and televisions.

B. The above materials will be reviewed quarterly and will be modified as the need arises by the Town Board or other designated person.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RESIDENT — Any person residing within the Town on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as dwellings, including multiple dwellings.

SOLID WASTE MANAGEMENT — The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE-SEPARATE — To separate the recyclable materials from the MSW stream at the point of waste generation.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 286-4. Responsibilities of property owners.

A. Duty of owners and occupiers of property regarding solid waste management.

- (1) No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality.
- (2) Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof and on the schedule as promulgated from time to time by the Town Board.
- (3) All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by the municipality or by an authorized collector under contract with the municipality (or by a licensed private collector under private subscription) and in accordance with the provisions of this article.
- (4) All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with or licensed by the Town of Alden. In such a case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the municipality, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this article applicable thereto and New York State Department of Environmental Conservation regulations.
- (5) It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of Alden, except as provided in this article.

B. Source separation of recyclable materials. Municipal solid waste generated or originating within the Town of Alden which has been left for collection or which is delivered by the generator of such waste to a facility shall be handled in the following manner:

- (1) Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall

not be commingled with other solid waste during collection, transportation or storage following collection.

- (2) Collectors collecting residential, commercial, and/or institutional MSW generated within the Town shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party for the reason of the refusal for collection of the materials by the collector.

§ 286-5. Collection of materials.

A. Collection of recyclable materials placed at curbside.

- (1) Only authorized collectors who are acting under authority of the Town of Alden shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.
- (2) Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

B. Collection of recyclable materials at a designated municipal facility (transfer station).

- (1) At the direction of the Town Board all collectors and/or residents shall bring all source-separated recyclable materials to the Town of Alden's designated solid waste management facility. These recyclable materials shall be prepared to the specifications of the Town of Alden and will be placed in the designated storage containers. Once deposited in the designated containers, the recyclable materials become the property of the Town of Alden.
- (2) Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to deposition at the facility.

§ 286-6. Authorized collectors; license required.

- A. To be recognized as an authorized collector, an applicant must obtain a solid waste collection license from the Town of Alden. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year or such portion thereof.

There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector licenses and renewals thereof may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this article during the preceding calendar year.
- D. All authorized collectors licensed by the Town of Alden shall indemnify and hold harmless the Town of Alden for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article.
- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers for whom they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the MSW and recyclable materials from its residential, commercial, industrial and institutional customers. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:
 - (1) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- G. Reports containing the information required as stated above shall be compiled and delivered to the Town Clerk or other designated individual for each reporting period as designated by the Town Board, but which shall be no more frequently than quarterly.
- H. Authorized collectors shall not accept for collection MSW which has not been source-separated in conformity of this article.

§ 286-7. Noncompliance; hearing.

- A. When the designated public official determines that a licensee, collector or applicant has failed to comply with this article, she/he shall

report this fact to the Town Board in writing. The Town Board, after a hearing, may impose penalties as provided for herein.

- B. Notice and an opportunity to be heard shall be provided to the party alleged to be in noncompliance.
 - (1) The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (a) A statement of the alleged violation referring to the specific section of law or regulation.
 - (b) A short and plain statement of the alleged misconduct.
 - (c) A statement of the time, place and nature of the hearing.
 - (2) The notice shall be personally served or sent by registered mail to the generator's, applicant's or licensee's last known address, at least 10 days before the hearing date.
- C. Hearings shall be held before the Town Board within a reasonable period.
- D. The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
- E. Within 20 days after the close of the hearing, the Town Board shall:
 - (1) Determine whether the alleged failure to comply with this article has occurred; and
 - (2) If the Town Board determines that such a failure has occurred, decide whether the licensee, collector or applicant shall have its license suspended or revoked or its application denied.
- F. Determination, decisions and orders.
 - (1) Dispositions may be made by stipulation, agreed settlements, consent order, default or other informal method.
 - (2) The Town Board shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

§ 286-8. Inspections; appearance tickets.

- A. All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this article by any police officer, peace officer, code officer and any other public official designated by the Town of Alden.

- B. Police officers, peace officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this article.

§ 286-9. Penalties for offenses.

- A. During any 12 consecutive months, the failure of any person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Town or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this article shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- B. Failure of a waste generator to comply with the provisions in this article designated as violations shall be punishable as follows:
 - (1) For the first conviction: a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.
 - (2) For the second conviction within one year: by a fine of not less than \$40 nor more than \$75.
 - (3) For the third conviction within one year: by a fine of not less than \$75 nor more than \$125.
 - (4) For a fourth and each subsequent conviction within one year: by a fine of not less than \$125 nor more than \$275.
- C. Any penalties or damages recovered or imposed under this section are in addition to any other remedies available at law or equity.
- D. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to comply with this article.

§ 286-10. Effective date.

The provisions of this article shall be effective on September 1, 1992.

§ 91-1. Title.

This chapter shall be known as the "Mandatory Recycling Law" of the Town of Aurora.

§ 91-2. Purpose.

The reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment. The Solid Waste Management Act of 1988 mandates passage of a source-separation ordinance or law by each local municipality within New York State to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. Therefore, the Town of Aurora establishes mandatory recycling within this Municipality.

§ 91-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the Municipality to collect solid waste from residential, commercial and institutional properties, as herein defined, under the terms and conditions of this chapter. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BULKIES — Large items, such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods), such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The person, firm, agency or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — A can, bin, box, bag or other unit used for storage of materials.

FACILITY — Any solid waste management/resource-recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource-recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include but not be limited to explosives, toxic materials and medical waste. For purposes of this chapter, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.)

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Town of Aurora, they shall be required to obtain a license from the Town and be subject to the rules and regulations of the Town.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable material where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS — Those materials specified by the Town of Aurora for separate collection in accordance with recycling regulations.

A. Such materials may include but are not limited to:

- (1) ALUMINUM — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- (2) METAL CANS — Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum, other than aluminum cans.
- (3) GLASS FOOD AND BEVERAGE CONTAINERS — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.
- (4) PLASTIC FOOD AND BEVERAGE CONTAINERS — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as No. 2 and No. 1 on the recycling code located on the containers.
- (5) NEWSPRINT — Common, inexpensive machine-finished paper made chiefly from wood pulp and used for newspapers.
- (6) CORRUGATED — Wood-pulp-based material which is usually smooth on both sides with a corrugated center, commonly used for boxes; excludes material with a wax coating.
- (7) HIGH-GRADE PAPER — White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- (8) MAGAZINES — Magazines, glossy catalogs and other glossy paper.
- (9) LARGE APPLIANCES — Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal, but excluding air conditioners, microwaves and televisions.

B. The above materials will be reviewed quarterly and will be modified as the need arises by the Town Engineer or other designated person.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RESIDENT — Any person residing within the Town on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as dwellings, including buildings having up to three dwelling units in one building. Multiple-dwelling residential buildings containing more than three dwelling units, for purposes of this chapter, shall be treated as commercial properties.

SOLID WASTE MANAGEMENT — The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE-SEPARATE — To separate the recyclable materials from the MSW stream at the point of waste generation.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 91-4. Duty of owners and occupiers of property; collection procedures.

- A. Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.
- B. All municipal solid waste accumulated on any residential property in the Municipality shall be collected, conveyed and disposed of by the Municipality or by an authorized collector under contract with the Municipality (or by a licensed private collector under private subscription) and in accordance with the provisions of this chapter.
- C. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with, or licensed by, the Town of Aurora. In such case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the Municipality, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this chapter applicable thereto and New

York State Department of Environmental Conservation regulations.

- D. Municipal solid waste, yard waste and recyclable materials may, subject to applicable regulations, if any, adopted from time to time by the Town of Aurora, be placed at curbside by owners or occupants not prior to 6:00 a.m. on the day before scheduled or specially arranged collections. All empty containers used to hold municipal solid waste, yard waste or recyclable materials must be removed from curbside by owners or occupants by 6:00 a.m. on the day following the day of collection. To the extent applicable, collection schedules for municipal solid waste, yard waste and recyclable materials shall be provided to customers by authorized collectors or, when and if collected directly by the Town of Aurora, be available in the Town Clerk's office.
- E. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of Aurora except as provided in this chapter.

§ 91-5. Source separation of recyclable materials.

Municipal solid waste generated or originated within the Town of Aurora which has been left for collection or which is delivered by the generator of such waste to a facility shall be handled in the following manner:

- A. Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.
- B. Collectors collecting residential, commercial and/or institutional MSW generated within the Town shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the Town. A written explanation shall be provided to the person or party for the reason of the refusal for collection of the materials by the collector.

§ 91-6. Collection by authorized collectors only.

Except as otherwise provided herein, only authorized collectors who are acting under authority of the Town of Aurora shall collect, pick up, remove or cause to be collected, picked up or removed any

solid waste recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this chapter; provided, however, that where the authorized collector has refused to collect recyclable materials because they have not been separated, placed or treated in accord with the provisions of this chapter, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.

§ 91-7. Duties and responsibilities of authorized collectors.

- A. All collectors authorized by the Town of Aurora, by contract or otherwise, shall offer collection services for all recyclable materials to all residential customers from whom they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.
- B. Authorized collectors shall not accept for collection MSW which has not been source-separated in conformity with this chapter.

§ 91-8. Results of noncompliance.

When the designated public official determines that a failure to comply with this chapter may have occurred, she/he shall recommend to the Municipality that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the issuance of a sanction, fine or penalty.

§ 91-9. Notice.

- A. The designated public official shall notify the affected generator of the alleged failure in writing. The notice shall include the following:
 - (1) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (2) A short and plain statement of the alleged misconduct.
 - (3) A statement of the time, place and nature of the hearing.
- B. The notice shall be personally served or sent by registered or certified mail to the generator's last known address at least 10 days before the hearing date.

§ 91-10. Hearing.

Hearings shall be held before the Town Justice, at which time the Town Justice shall determine whether the alleged failure to comply with this chapter has occurred.

§ 91-11. Enforcement; penalties for offenses.

A. Inspections and appearance tickets.

- (1) All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this chapter by any police officer, peace officer, code officer and any other public official designated by the Town of Aurora.
- (2) Police officers, peace officers, code officers and any other specified public servant are hereby authorized and directed to issue appearance tickets for violations of this chapter.

B. Penalties.

- (1) During any 12 consecutive months, the failure of any person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this chapter shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- (2) Any person or persons, association or corporation committing an offense against this chapter or any section or provision thereof is guilty of a violation punishable by a fine not exceeding \$250 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment. **[Amended 3-28-2016 by L.L. No. 1-2016¹]**
- (3) Any penalties or damages recovered or imposed under this chapter are in addition to any other remedies available at law or equity.

1. Editor's Note: This ordinance also repealed former Subsection B(4), concerning the commencement date of penalties, and former Article VI, When Effective, which immediately followed this Subsection B.

Chapter 131

RECYCLING

GENERAL REFERENCES

Solid waste management — See Ch. 98.

§ 131-1. Title.

This chapter shall be known as the "Mandatory Recycling Law" of the Town of Brant.

§ 131-2. Purpose.

- A. The reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment.
- B. The Solid Waste Management Act of 1988 mandates passage of a source-separation ordinance or law to be passed by each local municipality within New York State by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist.

§ 131-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this chapter. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BULKIES/BULK ITEMS — Large items such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods) such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The person, firm, agency or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices,

garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — Can, bin, box, bag or other unit used for storage of recyclable materials.

FACILITY — Any solid waste management - resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource-recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundment and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Any waste that is especially harmful or potentially harmful to public health. This shall include but not be limited to explosives, toxic materials and medical waste. For purposes of this chapter, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (e.g. aerosol cans, pesticides, fertilizers, etc.).

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, churches, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Town of Brant, a "private collector" shall be required to obtain a license from the Town and shall be subject to the rules and regulations of the Town.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS — Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include but are not limited to:

- A. ALUMINUM — -- Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- B. METAL CANS — -- Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum, other than aluminum cans.
- C. GLASS FOOD AND BEVERAGE CONTAINERS — -- New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, pyrex, leaded glass, mirrored glass or flat glass.
- D. PLASTIC FOOD AND BEVERAGE CONTAINERS — -- Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET) designated respectively as No. 2 and No. 1 on the recycling code located on the containers, together with other plastics as the market for recycled materials may allow.
- E. NEWSPRINT — -- Common, inexpensive machine-finished paper made chiefly from wood pulp and used for newspapers, as delivered.
- F. CORRUGATED — -- Wood-pulp-based material which is usually smooth on both sides with corrugated center; commonly used for boxes; excludes material with a wax coating.
- G. HIGH-GRADE PAPER — -- White and colored office bond, duplicating paper, computer papers and other high-quality paper.
- H. MAGAZINES — -- Magazines, glossy catalogs and other glossy papers.
- I. LARGE APPLIANCES/WHITE GOODS — -- Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal, but excluding air conditioners, microwaves and televisions. The above materials will be reviewed quarterly and will be modified as the need arises by the Town Engineer or other designated person.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RESIDENT — Any person residing within the Town on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as dwellings, including buildings having up to four dwelling units in one building. Multiple dwelling residential buildings containing more than four dwelling units, for purposes of this chapter, shall be treated as commercial properties.

SOLID WASTE MANAGEMENT — The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE-SEPARATE — To separate the recyclable materials from the MSW stream at the point of waste generation.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 131-4. Duties of owners and occupiers.

- A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality.
- B. Owners and/or occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof. (These subsections do not apply to owners, occupiers and tenants of farm property.) Owners and occupiers of residential and commercial property are prohibited from putting their accumulated municipal solid waste containers and recyclable material bins at the roadside earlier than 24 hours before their scheduled pickup, and all such containers and bins must be removed from the roadside no later than the day following the scheduled pickup.
- C. All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by the municipality or by an authorized collector under contract with the municipality (or by a licensed private collector under private subscription) and in accordance with the provisions of this chapter.
- D. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with or licensed by the Town of Brant. In such a case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the municipality, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this chapter applicable thereto and New York State Department of Environmental Conservation regulations.
- E. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of Brant except as provided in this chapter.

§ 131-5. Source separation of recyclable materials.

Municipal solid waste generated or originated within the Town of Brant which has been left for collection or which is delivered by the generator of such waste to a facility shall be handled in the following manner:

- A. Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.
- B. Collectors collecting residential, commercial and/or institutional MSW generated within the Town shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials to the specifications of the collector. A written explanation shall be provided by the collector to the person or party for the reason of the refusal for collection of the materials by the collector.

§ 131-6. Collection of recyclable materials placed at curbside.

- A. Only authorized collectors who are acting under authority of the Town of Brant shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection; each such unauthorized collection, pickup or removal shall constitute a separate violation of this chapter; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this chapter, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.
- B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 131-7. Authorized collectors; licenses.

- A. All authorized collectors must obtain a solid waste collection license from the Town of Brant. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year. A certificate of insurance must be provided by the collector and kept on file in the Town Clerk's office.
- B. An authorized collector permit shall be available for inspection at all times within each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this chapter during the preceding calendar year and/or fails to maintain the proper insurance coverage.
- D. All authorized collectors licensed by the Town of Brant shall indemnify and hold harmless the Town of Brant for any pending, threatened

or actual claims, liability or expenses arising from waste collection transportation and/or disposal by the authorized collector in violation of this chapter and/or any other rule, regulation or law.

- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers for whom they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the MSW and recyclable materials from its residential, commercial, industrial and institutional customers. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector, which include the following information:
 - (1) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- G. Reports containing the information required as stated above shall be compiled and delivered to the Town Clerk or other designated individual for each reporting period as designated by the regulations, but which shall be not more frequently than quarterly.
- H. Authorized collectors shall not accept for collections MSW which has not been source-separated in conformity with this chapter.

§ 131-8. Noncompliance; denial, suspension or revocation of license.

- A. When the public official so designated by the Town Supervisor determines that a failure to comply with this chapter may have occurred, (s)he shall recommend to the municipality that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.
- B. Notice.

- (1) The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (a) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (b) A short and plain statement of the alleged misconduct.
 - (c) A statement of the time, place and nature of the hearing.
- (2) The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address, at least 10 days before the hearing date, with a copy to the administrator.

C. Hearing.

- (1) Hearings shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of notice.
- (2) The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
- (3) Within 20 days after the close of the hearing, the Town Justice shall:
 - (a) Determine whether the alleged failure to comply with this chapter has occurred; and
 - (b) If the Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty, the application shall be denied or an existing solid waste license or authorized collector status be suspended or revoked or its holder subject to a reprimand, and issue an order carrying out this decision.

D. Determination, decisions and orders.

- (1) Disposition may be made by stipulation, agreed settlement, consent order, default or other informal method.
- (2) The Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

§ 131-9. Enforcement.

- A. Inspections and appearance tickets. All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this chapter by any police officer, peace officer, code officer and any other public official designated by the Town of Brant.

- B. Police officers, peace officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this chapter.

§ 131-10. Penalties for offenses.

- A. During any 12 consecutive months, the failure of any person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Town or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this chapter shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- B. Failure of a waste generator to comply with the provisions in this chapter designated as violations shall be punishable as follows:
 - (1) For the first conviction: a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.
 - (2) For the second conviction within one year: by a fine not more than \$75.
 - (3) For the third conviction within one year: by a fine not less than \$50 nor more than \$125.
 - (4) For a fourth and each subsequent conviction within one year: by a fine of not less than \$125 nor more than \$275.
- C. Any penalties or damages recovered or imposed under this chapter are in addition to any other remedies available at law or equity.
- D. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to come into compliance with this chapter.

§ 131-11. Compliance with other laws and standards. [Added 10-18-2002 by L.L. No. 2-2002]

Nothing in this chapter shall be read as allowing or permitting any use prohibited by any other section of the Town Code, nor waiving any and all requirements for any use or structure under any local law.

§ 63-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — Person, individual, partnership or corporation or employer or agent thereof, including a private collector, authorized to contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this chapter.

BULK ITEMS — Large items such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods) such as refrigerators, stoves, dishwashers, washers, dryers and similar items which are considered recyclable.

COLLECTOR — The person, firm, agency or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — Can, bin, box, bag or other unit used for storage of recyclable materials and/or municipal solid waste.

FACILITY — Any solid waste management - resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include but not be limited to explosives, toxic materials and medical waste. For purposes of this chapter, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (e.g. aerosol cans, pesticides, fertilizers, etc.).

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, Liquids, semisolids and contained gaseous materials are hereby defined as "solid waste." It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. No collector shall operate in the Town of Boston unless they shall first have obtained from the Town a license therefor. All private collectors shall be subject to such rules and regulations as may be adopted from time to time by the Town of Boston pertaining to collection of municipal solid waste and/or recyclable materials.

RECYCLABLE MATERIALS — Those materials specified from time to time by resolutions of the Town Board of the Town of Boston for separate collection in accordance with recycling regulations. Such materials may include but are not limited to:

- A. ALUMINUM — — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- B. METAL CANS — — Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum, but not including aluminum cans.
- C. GLASS FOOD AND BEVERAGE CONTAINERS — — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. "Glass" shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.

- D. PLASTIC FOOD AND BEVERAGE CONTAINERS — — Includes high-density polyethylene and polyethylene terephthalate and such other plastic food and beverage containers that may be designated by the Town of Boston for recycling.
- E. NEWSPRINT — — Common, inexpensive machine-finished paper made chiefly from wood pulp and used for newspapers.
- F. CORRUGATED PAPER — — Wood-pulp-based material which is usually smooth on both sides with a corrugated center. Commonly used for boxes; excludes material with a wax coating.
- G. HIGH-GRADE PAPER — — White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- H. MAGAZINES — — Magazines, glossy catalogs and other glossy paper.
- I. LARGE APPLIANCES — — Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal, but excluding air conditioners, microwaves and televisions.

RESIDENT — Any person residing within the Town of Boston.

RESIDENTIAL PROPERTY — Properties used as dwellings, including buildings having up to three dwelling units in one building. Multiple dwelling residential buildings containing four or more dwelling units, for the purpose of this chapter, shall be treated as commercial properties.

SOURCE SEPARATION — The separation of recyclable materials, as herein defined, from other municipal solid waste prior to placement of the same for removal by a collector.

TOWN — All the circumscribed area within the boundaries of the Town of Boston.

§ 63-2. Legislative purpose.

This legislation is enacted for the purpose of promoting the reduction, reuse and recycling of solid waste, which are determined to be important public concerns. This legislation is enacted for the further purpose of aiding in the protection and preservation of the environment.

§ 63-3. Legislative intent.

Enactment of this legislation is intended to comply with the Solid Waste Management Act of 1988, which said act mandates passage

of a source separation law to be passed by each municipality within New York State by September 1, 1992. The Solid Waste Management Act further requires its solid waste which has been left for collection or which is delivered by a generator such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternative uses exist. This legislation shall be construed to be in compliance with the Solid Waste Management Act of 1988.

§ 63-4. Unsanitary conditions prohibited.

No person shall allow, permit or cause to exist any unsanitary or filthy condition in, on or about any premises owned, used or occupied by said person. The owner, lessee, tenant or other person having management or control of or occupying any lot, premises, dwelling or other building in the Town shall keep the same at all times free and clear of any accumulation of garbage, refuse or discarded matter of any type except as permitted by this chapter.

§ 63-5. Deposit of waste on or near highways.

No person shall drop, deposit or otherwise dispose of any garbage or rubbish within the boundaries of any street, road, highway or public place of said Town or upon any private property adjacent to any such street, road, highway or public place.

§ 63-6. Accumulation of waste prohibited.

No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality.

§ 63-7. Collection required.

- A. Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.
- B. All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by the municipality, or by an authorized collector under contract with the municipality and in accordance with the provisions of this chapter.
- C. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors licensed by the Town of Boston. In

such cases the fee or payment therefor shall be a matter of private agreement between the owners and occupiers and the collector. When approved by the Town Board, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this chapter applicable thereto and to the New York State Department of Environmental Conservation regulations.

- D. It shall be unlawful for any person to collect and dispose of municipal solid waste within the Town of Boston except as provided for in this chapter.

§ 63-8. Receptacles for storage of waste.

- A. All containers or receptacles used for storing garbage or refuse shall be of such material and so constructed as to withstand the use for which they are intended without breaking or collapsing.
- (1) Garbage shall be stored in covered watertight metal, plastic or vinyl containers designed for that purpose or in disposable plastic bags, securely tied or fastened.
 - (2) Garbage and refuse shall be placed at the pavement line for collection no more than 24 hours before scheduled collection. All empty containers and receptacles shall be removed on the day of collection.
- B. Portable transfer containers, commonly referred to as "dumpsters" and designed to be transported by motor vehicles, may be used for the outdoor storage of garbage and refuse on premises occupied for business, commercial, industrial, institutional and apartment uses. Such containers shall be emptied or replaced whenever full and, in any event, at least once weekly if they contain garbage.

§ 63-9. Placement of containers.

It shall be the duty of the owner, lessee, tenant, occupant or other person having control or management of any building in the Town to locate any portable transfer container at least as far to the rear as the rear line of the principal building on the premises, but under no circumstances shall such transfer container be placed closer than 25 feet to any occupied resident dwelling.

§ 63-10. Special refuse collection.

The Town Board may by resolution designate days for special refuse collection for the Town residents to dispose of such accumulated municipal solid waste as the Town Board may from time to time designate. Such days are established for the disposal of designated items only as may be set forth in the Town Board resolution.

§ 63-11. Source separation of recyclable materials.

- A. Prior to initial collection and transport of municipal solid waste, source separation shall be required for each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.
- B. Collectors collecting residential, commercial and/or institutional municipal solid waste generated within the Town of Boston shall refuse to collect municipal solid waste from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector and/or the Town of Boston. A written explanation shall be provided to the person or party for the reason of refusal for collection of the materials by the collector.

§ 63-12. Unauthorized collection prohibited.

Only authorized collectors acting under the authority of or licensed by the Town of Boston shall collect, pick up or remove or cause to be collected, picked up or removed any municipal solid waste, recyclable materials so placed for collection; each such unauthorized collection, pickup or removal shall constitute a separate violation of this chapter; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accordance with the provisions of this chapter, the person responsible for initially placing those materials for collection may and shall remove these materials from any curb, sidewalk or street side. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at curbside.

§ 63-13. License required. [Amended 10-4-2000 by L.L No. 2-2000]

All authorized collectors must obtain a solid waste collection license from the Town Board of the Town of Boston. The fee for such license shall be as set forth in the Schedule of Fees, as adopted by the Town Board of the Town of Boston. All licenses shall be issued for a calendar year or portion hereof. There shall be no reduction in the fee for the license issued after the beginning of any calendar year. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector when said vehicle is being operated in the Town of Boston.

§ 63-14. License standards.

- A. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this chapter during the proceeding calendar year.
- B. All authorized collectors licensed by the Town of Boston shall agree to indemnify and hold harmless said Town for any pending, threatened or actual claims, liability or expense arising from waste disposal by the authorized collector in violation of this chapter or waste disposal not in conformance with the application for license.
- C. Authorized collectors shall offer collection services for all recyclable materials to all commercial and industrial customers from whom they provide municipal solid waste collections services at the same time and on the same days services are provided for the customers for solid waste collection.
- D. Each collector shall apply for a license under this section and shall state the manner of collection and the place and method of disposal of municipal solid waste and recyclable materials from its residential, commercial, industrial and institutional customers. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:
 - (1) The municipality or geographical area and the number of units in which solid waste and recyclable material is generated.

- (2) The quantity, by ton, of municipal solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recyclable materials delivered to a recycling facility or facilities and the location of said facility or facilities.
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- E. Reports containing the information required herein shall be compiled and delivered to the Town Clerk of the Town of Boston or other designated individual for each reporting period as shall be designated by resolution of the Town Board, but shall be no more frequently than quarterly.
- F. Authorized collectors shall not accept for collection municipal solid waste that has not been source-separated in conformity with this chapter.

§ 63-15. Contracts with the Town of Boston.

Any authorized collector having a contract with the Town of Boston and/or the Town of Boston Garbage District for the collection of residential municipal solid waste and/or recyclables shall be required to obtain a license as a condition of said contract; provided, however, that no fee shall be charged for said license. The authorized collector having a contract herein described with the Town of Boston shall be required to pay a fee to obtain a license for the collection of municipal solid waste and/or recyclables within the Town of Boston from any other person or institution when performing such service as a private subscription.

§ 63-16. Enforcement.

The Town of Boston Code Enforcement Officer or such other person as may be designated by the Town Board is authorized and directed to enforce the provisions of this chapter.

§ 63-17. Denial, suspension or revocation of license.

When the Code Enforcement Officer or other designated public official determines that the failure to comply with this chapter may have occurred she or he shall recommend to the municipality that the authorized collector's application for license be denied or that the current license be suspended or revoked or its holder subjected to reprimand or fine or the generator or originator of the solid waste or recyclable material be subject to sanctions, fines or penalties as

described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.

§ 63-18. Notice.

- A. The Code Enforcement Officer or designated public official shall notify the affected generator, applicant or licensee of the alleged failure, in writing. The notice shall include the following:
 - (1) A statement of the condition allegedly violated referring to the pertinent ordinance, law, rule or regulation.
 - (2) A short and plain statement of the alleged misconduct.
 - (3) A statement of the time, place and nature of the hearing.
- B. The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address, at least 10 days before the hearing date, with a copy to the Clerk of the Justice Court.

§ 63-19. Hearings.

- A. Hearings shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of notice.
- B. The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
- C. Within 20 days after the close of the hearing, the Town Justice shall:
 - (1) Determine whether the alleged failure to comply with this chapter has occurred; and
 - (2) If the Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty, whether the application for renewal of a license be denied or whether an existing solid waste license or authorized collector status be suspended or revoked or its holder subjected to a reprimand and issue an order carrying out this decision.

§ 63-20. Determinations, decisions and orders.

- A. Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method.
- B. The Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

§ 63-21. Inspection and appearance tickets.

- A. All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this chapter by any police officer, peace officer, code officer and any other public official designated by the Town of Boston.
- B. Police officers, peace officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this chapter.

§ 63-22. Penalties for offenses.

- A. During any 12 consecutive months, the failure of any person engaged in the business of collecting municipal solid waste and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Town or who collects, picks up, removes or causes to be collected, picked up or removed municipal solid waste or recyclable materials in a manner not in compliance with this chapter shall be guilty of a violation, punishable by a fine of not less than \$100 and not exceeding the sum of \$250 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- B. Failure of a waste generator to comply with the provisions in this chapter designated as violations shall be punishable as follows:
 - (1) For the first conviction: a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.
 - (2) For the second conviction within one year: by a fine not less than \$40 nor more than \$75.
 - (3) For the third conviction within one year: by a fine not less than \$75 nor more than \$125.
 - (4) For a fourth and each subsequent conviction within one year: by a fine of not less than \$125 nor more than \$250.

- C. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.
- D. No penalties, fines, civil sanctions or other enforcement will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to come into compliance with this chapter.

§ 63-23. Severability.

In any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof involved in the controversy in which such judgment shall have been rendered.

§ 98-1. Title.

This chapter shall be known as and may be cited as the "Solid Waste Management Disposal Facilities Law of the Town of Brant."

§ 98-2. Findings.

The Town Board of the Town of Brant is concerned with the public health, welfare and safety of the community. The Town Board hereby declares that waste disposal facilities such as landfills, ashfills, construction and demolition debris processing disposal facilities, commercial composting, resource recovery, and incineration facilities present an unacceptable land use, environmental risk, and threat to the local economy in the Town of Brant. Among other factors, the Board finds as follows:

- A. The Town Board notes that a key aspect of permitting any in-ground disposal facility is the assurance that natural resources will be protected from leachate created by the facilities. Of particular concern is groundwater, because of the wide-scale reliance on groundwater as a drinking source within the Town. The EPA has, in proposing its Solid Waste Disposal Criteria [Federal Register, 53(168):33314-33422, August 30, 1988] stated, "First, even the best liner and leachate collection system will ultimately fail due to natural deterioration, and recent improvements in MSWLF (municipal solid waste landfill) containment technologies suggest that releases may be delayed by many decades at some landfills." Further, in discussing criteria for municipal solid waste landfills (July 1988) the EPA has also stated, "Once the unit is closed, the bottom layer of the landfill will deteriorate over time and, consequently, will not prevent leachate transport out of the unit." The Town Board further recognizes that the inability of geological science to precisely ascertain the existence and flow of groundwaters and to map subterranean geology makes it impossible to determine the extent to which solid and liquid waste disposal may, or may not, contaminate water supplies. EPA and DEC permitting procedures utilize modeling to determine whether contamination, once it occurs, but, as leading scientists have continually stated, monitoring will not guarantee detection prior to contamination.
- B. Moreover, the accumulated extent of hazardous waste disposal in solid and liquid waste disposal facilities cannot be measured or accurately determined because of state and federal regulations permitting disposal of residential or small user quantities of hazardous wastes.

- C. The Town Board also recognizes that future correction of pollution from solid or liquid waste management facilities, including sanitary landfills, construction and demolition debris disposal facilities, and incineration facilities, may be very expensive or even impossible to achieve. DEC studies, including the Upstate New York Groundwater Management Plan, cite disposal facilities as major sources of water contamination, including groundwater contamination. This causes particular concern because, unlike urban or suburban communities, the rural nature of the Town makes the use of public water supplies prohibitively expensive. Accordingly, the threat of groundwater pollution is much more serious in the Town of Brant due to the lack of potential remedies.
- D. The Town's need for waste disposal is being met, and this chapter neither conflicts nor hinders the operation of any local solid waste plan.
- E. The Town Board finds, based on its review of existing facilities and present community development goals, that the community's character will be adversely and unalterably impacted by the location and operation of any solid or liquid waste management facilities within the Town.
- F. Substantial scientific opinion questions the environmental and health effects of both resource recovery facilities that incinerate or burn solid waste and of the handling and disposal of ash residue from such facilities, and the containment methods for liquid waste.
- G. The Town of Brant contains significant natural and cultural resources. The wetlands and woodlands contained within the Town are a precious ecological resource and are deserving of the utmost protection.
- H. These resources constitute crucial physical, ecological, social, aesthetic, recreational, and economical assets, and their preservation is necessary to protect and promote the health, safety, and general welfare of present and future residents of the Town.
- I. The siting, construction, operation and expansion of solid waste management facilities within the Town of Brant will affect and impact upon all Brant residents. Furthermore, facilities which are poorly sited or operated may have a negative environmental impact on the surrounding communities together with Lake Erie public beaches and fisheries because they can contaminate

groundwater and surface water, and lead to odors and air pollution.

§ 98-3. Purpose.

- A. It is the intent of this chapter to promote the public purposes identified in this section by providing for the proper regulation and use of solid waste management facilities within the Town. Specifically, the Town intends by this chapter to:
- (1) Regulate the siting, construction, operation and expansion of solid waste management facilities within the Town of Brant in order to promote a clean, wholesome and attractive environment for the community.
 - (2) Improve the ability of public officials and town residents to participate in the process of siting and licensing solid waste management disposal facilities.
 - (3) Reduce the risk of pollution from solid waste management disposal operations by regulating the type, scope and size of such activities.
 - (4) Ensure that accurate, current information about solid waste management disposal operations with the Town is available to public officials and citizens.
 - (5) Protect the residents of the Town from undesirable effects of solid waste management operations, including:
 - (a) Unaesthetic results, including odors, blowing litter, increased traffic dust, and noise; and
 - (b) Deterioration in property values associated with an adjacent or proximate solid waste management operation that may interfere with the orderly development of properties; and
 - (c) Threats to public health or the environment by contamination of air, surface water or groundwaters.
 - (6) Exercise the Town's police powers under the Municipal Home Rule Law and § 131 of the Town Law for the physical and mental well-being and safety of its citizens and to restrict waste disposal operations within the Town that might otherwise be permitted under the ECL. Section 27-0711 of the ECL specifically recognizes and authorizes the right and authority of a town to legislate stricter controls on solid waste

management disposal operations than state law requires, and the Town intends to do so by adoption of this chapter.

- B. It is not the intent of this chapter to restrict, obstruct, or otherwise hinder the continuation of agricultural production. The Town Board believes that the community is enhanced by the farms, representing a majority of land uses in the community, that operate within its boundaries.
- C. It is not the intent of this chapter to regulate in any way the composting of yard waste and food waste at the personal residences or farms at which such waste is produced.

§ 98-4. Applicability.

This chapter shall be applicable to all areas within the Town of Brant.

§ 98-5. Definitions.

- A. Unless defined below or the context otherwise requires, the terms and words used in this chapter shall have the same meanings as in normal usage.
- B. As used in this chapter, these terms and words shall be defined as follows:

DISPOSAL —

- (1) Placement, distribution, removal, discharge, deposit, injection, spilling, dumping or leaking of a solid waste, or any constituent thereof, in, onto, in or under any land, surface water or groundwater; and
- (2) Storage of solid waste on, onto, in or under any land, water or structure, except at the site of generation.

DISPOSAL FACILITY — A solid waste management facility, or part of one, other than a land application facility, in which or on which solid waste is intentionally placed, including any land or water, and at which solid waste will remain after closure.

ECL — The New York Environmental Conservation Law.

EPA — The United States Environmental Protection Agency.

FACILITY — Any solid waste management facility.

PERSON — Any individual, public or private corporation, political subdivision, government agency, authority, department or bureau of the state, municipality, industry, partnership, limited-liability

company or partnership, association, firm, trust, estate or any other legal entity whatsoever.

SOLID WASTE MANAGEMENT FACILITY — Any facility employed beyond the initial solid waste collection process and managing solid waste, including, but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; disposal facilities; solid waste incinerators; refuse-derived fuel processing facilities; pyrolysis facilities ; construction and demolition debris processing facilities; land application facilities; composting facilities; surface impoundments; used oil storage, reprocessing, and refining facilities; recyclables handling and recovery facilities; waste tire storage facilities and regulated medical waste treatment facilities. The term includes all structures, appurtenances, and improvements on the land used for the management or disposal of solid waste.

§ 98-6. Exemptions.

A. The following are not subject to this chapter:

- (1) Any disposal of manure in normal farming operations; but not including sewage sludge processing and spreading.
- (2) Any sewage treatment facility, including any septic tanks, but not including any sewage sludge spreading facility or land application facility.
- (3) On-site facilities, other than disposal facilities, located on a property owner's premises and serving only the property owner's waste products created at that site. No person shall accept, handle, import or transport any waste created or generated by any other party or from any other source or location.
- (4) Composting of yard waste and food waste at the personal residences or farms at which such waste is produced.

B. None of the above exemptions shall be construed to permit any activity contrary to existing or future building codes, zoning ordinances or codes or other local or state laws or as exempting any other permit required by state or local law.

§ 98-7. Prohibited facilities.

No solid waste management disposal facility shall hereafter be sited, constructed, expanded, transferred, or operated within the Town of Brant.

§ 98-8. Penalties for offenses.

- A. Each and every violation of this chapter shall constitute a separate violation as defined in the Penal Law and shall be punishable as follows:
 - (1) A fine of \$250 for the first violation and/or 40 hours of community service.
 - (2) A fine of \$500 for the second violation and/or 100 hours of community service.
- B. In the event of succeeding and continuing violations, any person and/or business who shall be convicted of violating or failing to comply with the provisions of this chapter shall be liable for a fine of \$1,000 per day and/or 100 hours of community service per day of violation.
- C. In addition to the above penalties, the Town Board may also maintain an action or proceeding to compel compliance with this chapter or to restrain, by injunction, the violation of said chapter.

Chapter 206

SOLID WASTE

GENERAL REFERENCES

Brush, weeds, obnoxious growth and Open burning — See Ch. 77.
debris — See Ch. 66.
Landfill — See Ch. 153.

ARTICLE I

Garbage, Rubbish and Refuse

**[Adopted 5-18-1992 by L.L. No. 5-1992; amended in its entirety
9-19-2005 by L.L. No. 2-2005]**

§ 206-1. Title; applicability.

- A. This article shall be known and may be cited as the "Garbage, Rubbish and Collection Law of the Town of Cheektowaga, New York."
- B. This article shall apply to and affect only such part of the Town of Cheektowaga as is outside of the Villages of Sloan and Depew.

§ 206-2. Purpose.

This article is adopted in order to promote and protect the public health and safety, comfort, convenience, prosperity and other aspects of the general welfare of the residents of the Town of Cheektowaga and, in addition thereto, to protect property, to preserve property values and to eliminate fire, safety and health hazards by regulating the collection, storage and disposal of garbage, rubbish and refuse within the Town of Cheektowaga.

§ 206-3. Definitions.

- A. The following words, as used in this article, shall have the meanings hereby ascribed thereto unless the context clearly indicates a different meaning.

BRUSH — Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

CODE INSPECTOR — Includes Code Enforcement Officer, Property Maintenance Inspector and any other person authorized to perform inspections and issue violation orders as designated by the Supervising Code Enforcement Officer.**[Added 6-15-2015 by L.L. No. 4-2015]**

CONSTRUCTION DEBRIS — Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

DUMPING — Throwing, depositing or burning of solid waste in or upon any public highway, street or other public place.

GARBAGE — All table refuse; animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; offal from meat, fish and fowl; fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.¹

1. Editor's Note: The former definition of "garbage container," as amended 2-26-2007 by L.L. No. 2-2007, which immediately followed this definition, was repealed 11-5-2012 by L.L. No. 4-2012, effective 12-10-2012.

LARGE HOUSEHOLD FURNISHINGS — Large and/or other bulky articles actually used in the home and which equip it for living, such as chairs, sofas, tables, carpets, mattresses and box springs, but excluding major appliances.

MAJOR APPLIANCES — A large household mechanism, such as a refrigerator, washer, dryer, stove, etc., ordinarily operated by gas or electric current.

NONRECYCLABLE REFUSE AND RUBBISH — Waste material discarded as useless or worthless trash, including but not limited to rags, sweepings, rubber, leather, crockery, shells, clothing and straw.**[Amended 2-26-2007 by L.L. No. 2-2007]**

NONRESIDENTIAL PRODUCERS — Any producer of garbage, refuse and recyclable materials other than a residential producer, including but not limited to commercial or industrial businesses, restaurants, plazas, malls and the like.

PERSON — An individual, society, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

RECYCLABLE CONTAINER — A Town-authorized container(s) for the storage and collection of recyclable rubbish provided to and/or purchased by property owners in the Town of Cheektowaga to be used for the storage and disposal of recyclable rubbish. All recyclable containers/totes provided by the Town of Cheektowaga shall remain at the assigned location and shall not be removed from said location.**[Amended 2-26-2007 by L.L. No. 2-2007; 3-21-2016 by L.L. No. 2-2016]**

RECYCLABLE RUBBISH — Rinsed food containers, such as metal cans, glass and plastic food containers; newspaper, magazines, cardboard and flat paper; and plastic materials and bottles with metal rings and tops removed.

RESIDENTIAL PRODUCERS — Those persons, owners or occupants of single-family or multifamily dwellings not exceeding eight units, used exclusively for residential purposes, which produce garbage, nonrecyclable refuse and recyclable rubbish.

SANITATION DEPARTMENT OFFICIAL — Shall include the Sanitation Department General Crew Chief, Working Crew Chief and/or his/her designees.**[Added 5-19-2008 by L.L. No. 4-2008]**

SCAVENGER — A person that collects and removes refuse and searches through garbage for salvageable material.

SOLID WASTE — Includes but shall not be limited to garbage, nonrecyclable rubbish, recyclable rubbish, construction debris, major appliances, large household furnishings, brush and tree parts, grass and leaves.

TOTE — A Town-authorized container(s) for the storage and collection of garbage and nonrecyclable refuse and rubbish. All totes assigned by the Town of Cheektowaga (not including any totes purchased by the property owner) to each location shall be owned by the Town of Cheektowaga, shall remain at that location and shall not be removed from said location. **[Added 11-5-2012 by L.L. No. 4-2012; amended 3-21-2016 by L.L. No. 2-2016]**

TREE PARTS — Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

YARD WASTE — Grass clippings, leaves, flowers and vegetable trimmings.

- B. None of the terms defined in this section shall be deemed or construed to include vehicular tires, tire casings, oil or batteries.

§ 206-4. Separation and preparation.

- A. Each person who places any item at the curb for collection and disposal by the Town of Cheektowaga shall separate nonrecyclable refuse and rubbish from recyclable rubbish, and such person shall prepare the same for collection and disposal in accordance with this article.
- B. Totes conforming to the specifications of this article shall be used when storing or placing garbage and nonrecyclable refuse and rubbish for collection by the Town. When filled, a tote shall not exceed 150 pounds in weight. **[Amended 11-5-2012 by L.L. No. 4-2012²]**
- C. Recyclable rubbish. **[Amended 2-26-2007 by L.L. No. 2-2007; 3-21-2016 by L.L. No. 2-2016]**
- (1) Recyclable rubbish shall be placed in recyclable containers or bundled as herein provided.
 - (2) A recyclable container, when filled, shall not exceed 150 pounds. Glass, metal and plastic recyclables shall have their contents removed, be thoroughly drained of liquid and rinsed prior to being deposited for collection.
- D. All brush and tree parts generated by the individual activity or efforts of the owner or occupant of the premises shall be tied with string or twine in bundles not to exceed 48 inches in length and 12 inches in diameter and weighing no more than 40 pounds.
- E. Plaster, wood and shingles which result from work performed by an individual owner or occupant of a single- or two-family residential dwelling may be placed for collection and disposal by the Town of Cheektowaga, but such plaster, wood and/or shingles must first be placed in an authorized tote or tied in bundles not exceeding 48 inches in length and 12 inches in diameter and not exceeding 40 pounds in

2. Editor's Note: This local law provided an effective date of 12-10-2012.

weight. The quantity of such debris shall not exceed two totes or six bundles. **[Amended 11-5-2012 by L.L. No. 4-2012³]**

- F. All major appliances or large household furnishings not capable of being placed in receptacles or bundles as provided herein may be placed at the curblin or pavement line only on the scheduled pickup collection day for that area. With respect to major appliances, at least 24 hours' advance notice via the telephone shall be given to the Sanitation Department. It shall be the sole responsibility of the owner to dismantle the household furnishing so that it will not be a hazard to the public. Specifically, all refrigerator and freezer doors and compressors must be removed by the owner. Large household furnishings such as sofas and chairs must be dismantled into a length not to exceed 48 inches and weigh no more than 40 pounds.
- G. All cut grass, leaves and garden clippings shall be placed in totes, which when filled do not exceed 150 pounds in weight, or in biodegradable paper bags, which when filled shall not exceed 40 pounds in weight. **[Amended 11-5-2012 by L.L. No. 4-2012⁴]**
- H. Solid waste shall not be placed on any public street or on any premises unless the same is in a tote or is bundled as required by this section. **[Amended 11-5-2012 by L.L. No. 4-2012⁵]**
- I. Protruding nails and other sharp objects, including glass that may inflict bodily harm to personnel or residents of the Town of Cheektowaga, shall be removed from all solid waste prior to being deposited in containers or bundled for collection.

§ 206-5. Containers and storage. [Amended 11-5-2012 by L.L. No. 4-2012⁶]

- A. The Town shall provide and assign to each residential unit one tote (but no more than two totes per building/structure). Residents may purchase additional totes from the Town. Totes shall be used for the collection, storage and disposal of all garbage and nonrecyclable refuse and rubbish that may accumulate or be produced by them.
- B. Garbage and nonrecyclable refuse and rubbish shall be stored in totes with lids completely closed. No tote shall exceed 150 pounds in weight when filled.
- C. All totes shall be maintained in good condition. All reusable refuse containers and totes shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after garbage is removed by the

3. Editor's Note: This local law provided an effective date of 12-10-2012.

4. Editor's Note: This local law provided an effective date of 12-10-2012.

5. Editor's Note: This local law provided an effective date of 12-10-2012.

6. Editor's Note: This local law provided an effective date of 12-10-2012.

collector. Except when placed at the curbline for collection, all totes shall be stored on the property producing the solid waste.

§ 206-6. Placement of containers for collection.

- A. All totes and recyclable containers shall be transferred to the right-of-way or pavement line in front of the premises by the producer of the solid waste. **[Amended 11-5-2012 by L.L. No. 4-2012; 3-21-2016 by L.L. No. 2-2016]**
- B. No garbage, nonrecyclable refuse and rubbish or recyclable rubbish shall be set out for collection before 3:00 p.m. on the day preceding collection, nor subsequent to 6:00 a.m. on the day of collection. **[Amended 5-19-2008 by L.L. No. 4-2008]**
- C. Totes and recyclable containers shall be removed from the right-of-way within 12 hours after being emptied to a location behind or beside any structure or building on the premises; said location shall not be in the defined front yard area and shall be a minimum of 10 feet from any neighboring structure or building. **[Amended 2-26-2007 by L.L. No. 2-2007; 11-5-2012 by L.L. No. 4-2012; 6-15-2015 by L.L. No. 4-2015; 3-21-2016 by L.L. No. 2-2016]**

§ 206-7. Collection and disposal.

- A. The Town of Cheektowaga shall provide for the collection and disposal of all recyclable rubbish, as well as for the collection and disposal of solid waste, which are placed in Town-approved totes or otherwise at the right-of-way at each location in the Town. **[Amended 11-5-2012 by L.L. No. 4-2012; 3-21-2016 by L.L. No. 2-2016]**
- B. The Town of Cheektowaga will collect cut grass, brush and tree parts produced by commercial contractors and residents, provided that such cut grass, brush and tree parts were generated at the site upon which they are placed for collection and they are placed for disposal in accordance with § 206-4G of this article.
- C. Town employees or equipment shall not enter private, residential property or structures in making collections, unless specifically directed by the General Crew Chief, or in his absence, the Working Crew Chief of the Sanitation Department.
- D. The Town shall have no obligation to pick up and remove any solid waste which was not produced within the confines of the Town of Cheektowaga.
- E. Ownership of rubbish which has been placed at the curb for collection in accordance with this article shall vest in the Town of Cheektowaga. It shall be unlawful and a violation of this article for any person without authority from the Town to collect, pick up, remove or cause to be collected, picked up or removed any rubbish. Each such collection pick

up or removal of rubbish from one or more premises shall constitute a separate and distinct offense in violation of this article.

§ 206-7.1. Solid waste left at curb upon owner/tenant vacating property.

In the event an owner or tenant vacates the property, and leaves solid waste at the curb in violation of any of the provisions of this article (i.e., quantity or time for placement of solid waste), and the Town of Cheektowaga collects and disposes of such solid waste, the owner of such property shall be responsible for the actual cost incurred by the Town of Cheektowaga for collecting and disposing of such solid waste. In the event the owner of such property does not remit payment to the Town of Cheektowaga within 30 days after the mailing of an invoice by the Town of Cheektowaga, the Town of Cheektowaga may add such charge onto the tax bill for such property.

§ 206-8. Prohibited deposits or accumulations.

- A. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said person. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.
- B. No person shall cart to, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other public place or upon any private property, except as provided in this article or under the authorization, supervision and direction of the head of the Sanitation Department or Recycling Contractor.
- C. Vehicular tires and tire casings will not be picked up or removed by the Town of Cheektowaga or any agency thereof. The Town of Cheektowaga will dispose of unmounted vehicular tires for a nominal charge per tire, provided that said tires are brought to the Sanitation Department.
- D. Dangerous, hazardous or chemically toxic wastes.
 - (1) The Town of Cheektowaga shall not collect dangerous, hazardous or chemically toxic wastes, including but not limited to the following:
 - (a) Dangerous wastes: wastes that represent an immediate threat to the safety of Town employees and general public, such as jagged or protruding objects, broken glass, nails etc.
 - (b) Hazardous wastes: wastes as defined in the New York State Environmental Conservation Law and regulations thereto, including but not limited to:
 - [1] Ignitable wastes, such as paint thinners, solvent-based cleaners, degreasers (e.g., acetone, xylene) and gasoline.

- [2] Corrosive wastes, such as battery acid, metal cleaning bath sludges (e.g., sodium hydroxide and sulfuric or hydrochloric acid).
 - [3] Reactive wastes, such as cyanide metal plating sludges, or any waste that will react violently with water or generates toxic gases, vapors or fumes (e.g., sodium metal).
 - [4] EP toxicity wastes which produce an extract containing contaminants, such as arsenic, lead, chromium, silver or herbicides, or industrial process wastes, contaminated soil from a spill or other solids containing any of the metals or organic materials in excess of the concentrations listed in the state law and regulations thereto.
 - [5] Toxic wastes, such as sludges from solvent recovery, solvents and the industry specific wastes listed in Part 371, Section 371.4(b).
 - [6] Oil-based, alkalyd-based or enamel-based paint. (Empty, dry paint containers are permissible.)
- (2) Dangerous, hazardous, chemically toxic wastes shall be disposed of by the owner or producer of the same.
- E. It shall be the duty of every person, owner or occupant of every property within the Town to keep such buildings free and clear of all kinds of solid waste and to keep sidewalk and yard areas clean.
- F. No dirt, stone, brick, concrete, railroad ties or other substance that may accumulate as a result of building construction, demolition, remodeling or repair operations shall be set out for collection by the Department of Sanitation, but shall be otherwise disposed of by the owner or contractor.
- G. The Town of Cheektowaga shall not collect or accept waste oils.
[Amended 2-26-2007 by L.L. No. 2-2007]

§ 206-8.1. Owner responsibility. [Added 5-19-2008 by L.L. No. 4-2008]

The owner of the premises where the solid waste is generated shall be responsible for ensuring compliance with the provisions of this article.

§ 206-9. Supervision; promulgation of rules and regulations.

- A. The collection and disposal of solid waste shall be under the supervision and control of the Sanitation Department and the Recycling Contractor.
- B. The General Crew Chief of the Sanitation Department, or his designee, shall be empowered to designate the days and hours of collection and to make rules and regulations concerning all matters pertaining to the collection and disposal of solid waste.

- C. The collection and disposal of recyclable waste shall be under the supervision and control of the Town of Cheektowaga and the Recycling Contractor.
- D. The General Crew Chief of the Sanitation Department or his designee shall be empowered to designate the days and hours of collection and to make rules and regulations concerning all matters pertaining to the collection and disposal of recyclable rubbish.
- E. Sanitation Department officials, Police Department officers and Code Inspectors are authorized to enforce the provisions of this chapter. Sanitation Department officials, Police Department officers and Code Inspectors shall also be authorized to issue informational notices, warning notifications, violation notices, summonses and appearance tickets under this chapter. **[Amended 5-19-2008 by L.L. No. 4-2008; 7-7-2014 by L.L. No. 5-2014; 6-15-2015 by L.L. No. 4-2015]**

§ 206-10. Violations; penalties for offenses. [Amended 2-26-2007 by L.L. No. 2-2007; 5-19-2008 by L.L. No. 4-2008]

- A. Whenever a Sanitation Department official, Police Department officer or Code Inspector finds that there has been a violation of this chapter, he/she shall issue a violation order, summons or appearance ticket to the property owner or other person responsible. **[Amended 6-15-2015 by L.L. No. 4-2015]**
- B. Violations of any of the provisions of this chapter shall be punishable as follows: **[Amended 6-15-2015 by L.L. No. 4-2015]**
 - (1) A fine of \$25 for the first violation;
 - (2) A fine of \$50 for the second violation;
 - (3) A fine of not less than \$100 nor more than \$500 for the third and subsequent violations.
- C. In the event of succeeding and continuing violation(s) of this chapter, any person who shall be convicted of violating or failing to comply with the provisions of this article, except unauthorized dumping and unauthorized scavenging, shall, at the direction of a court of competent jurisdiction, be punishable by a fine of not more than \$250 or imprisonment for not exceeding 15 days, or by both such fine and imprisonment. The continuation of such violation(s) for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation shall be punishable as above for each separate offense.
- D. Violation orders/summonses or appearance tickets may be served as follows: **[Amended 6-15-2015 by L.L. No. 4-2015]**

- (1) By personal service. The Sanitation Department official or Code Inspector shall file an affidavit of service for each owner so served with the violation order/summons.
 - (2) By certified mail, return receipt requested.
- E. In addition to the financial penalties imposed above, the Sanitation Department official shall have the discretion to refuse to collect the materials which are improperly separated and/or prepared and/or placed for collection. He/she may provide for pickup of said materials on the next scheduled collection date for that area or at such other time as he/she deems reasonable, provided that the appropriate rules and regulations pertaining to the materials collected are fully complied with.
- F. Unauthorized dumping shall be punishable by a mandatory fine of \$1,000.
- G. Scavengers are subject to a mandatory fine of \$250.

§ 206-11. Severability; supersession of other laws.

- A. The declaration of any section of this article by a court of competent jurisdiction to be invalid shall not invalidate the entire article, but only that part thereof so declared to be invalid, and the remainder of said article shall remain in full force and effect.
- B. Any and all laws, rules, regulations or ordinances affecting the collection of refuse and recyclables in the Town of Cheektowaga are hereby declared to be superseded by this article.

Chapter 185

SOLID WASTE

GENERAL REFERENCES

Dumps and dumping — See Ch. 87.

Industrial hazardous waste — See Ch. 123.

ARTICLE I
Refuse and Garbage Disposal
[Adopted 10-3-1979]

§ 185-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

GARBAGE — Includes waste food, dead animal matter, vegetable matter or any other matter which shall be capable of fermentation or decay or which shall give off a noxious or disagreeable or dangerous odor or gas. The word "garbage," as defined and applied in this article, shall not include customary agricultural or gardening waste or matter.

REFUSE — Includes waste metal, metal cans, glass, tires, rubbish, construction and demolition debris and other discarded substances of a solid or incombustible nature, other than garbage.

RESIDENT — A person having his domicile within the limits of the Town of Clarence, Erie County, New York.

§ 185-2. Restrictions.

- A. No person, firm or corporation shall throw, dump, empty or deposit or permit to be thrown, dumped, emptied or deposited any refuse or garbage in any place in the Town of Clarence except in a place or places and in a manner approved by the Town Board of Clarence.
- B. No person not a resident of the Town of Clarence shall throw, dump, empty or deposit or permit to be thrown, dumped, emptied or deposited any refuse or garbage in any place in the Town of Clarence. The use of a place or places approved by the Town Board for the disposal of refuse or garbage shall be for the exclusive use of the residents of the Town of Clarence.
- C. No person, firm or corporation shall throw, dump, empty or deposit or permit to be thrown, dumped, emptied or deposited any refuse or garbage in any place in the Town of Clarence which shall come from or be brought directly from outside the Town of Clarence.
- D. No person, firm or corporation shall dispose of any hazardous or toxic or potentially hazardous or toxic chemicals in any place or places in the Town of Clarence.

§ 185-3. Penalties for offenses.

Any violation of any provision of this article shall be deemed an offense and, upon conviction thereof, shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for a term not exceeding fifteen (15) days, or both such fine and imprisonment. Each day a violation continues uncorrected shall be considered a separate offense. In addition

to such fine and/or imprisonment, the violator, upon conviction, may be required to correct the condition or conditions constituting the violation, including reimbursement to the Town of Clarence for any costs incurred by the Town in the cleanup, pickup or disposal of such refuse or garbage.

ARTICLE II
Mandatory Recycling
[Adopted 3-25-1992]

§ 185-4. Title.

This article shall be known as the "Mandatory Recycling Ordinance" of the Town of Clarence.

§ 185-5. Purpose; effective date.

The Town Board of the Town of Clarence finds that the reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns and will aid in protecting the environment. The separation and collection of recyclable materials and other materials from residential, commercial, institutional establishments and rental complexes in the Town will reduce the total amount of solid waste presently generated in the Town, will reduce the need for landfills and will conserve the capacity of existing landfills. This article establishes mandatory recycling in the Town of Clarence and will be effective June 1, 1992.

§ 185-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BULKIES/WHITE GOODS — Large items such as sofas, upholstered chairs, mattresses and box springs, all major appliances such as refrigerators, stoves, dishwashers, washers, dryers, etc.

COMMERCIAL OPERATIONS — Include but are not limited to retail and wholesale establishments, offices, garages, gas stations, manufacturing, industrial and repair establishments, banks, motels, restaurants and other similar and related facilities.

INSTITUTIONS — Include but are not limited to schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials that have been discarded or rejected, including but not limited to garbage, refuse and rubbish. Not included are hazardous wastes as defined by the New York State Department of Environmental Conservation.

OWNER — The titled owner of the real estate in question, whether the title is in the name of one (1) or more persons, a corporation and/or a partnership.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Town of Clarence, they shall be required to obtain a license from the Town and shall be subject to the rules and regulations of the Town.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the resident's choice.

RECYCLABLE MATERIALS — Those clean, noncontaminated materials designated by the Town Board as requiring source separation. They include but are not limited to newspapers, corrugated cardboard, clear glass bottles and jars, metal food and beverage cans and plastic containers designated "1" and "2" (HDPE & PET). The above materials are to be modified by the Town Engineer and approved by the Town Board, as the need arises.

RECYCLING — Any process by which materials which would otherwise become solid waste are collected, separated and/or processed, treated, reclaimed, used or reused.

RENTAL COMPLEXES — Include facilities where persons live within the Town (i.e. apartments, trailer courts and condominiums) which are not included within the definition of resident.

RESIDENT — Any person residing within the Town on a temporary or permanent basis, but excluding persons residing in hotels or motels.

SOURCE-SEPARATE — To separate recyclable materials from the MSW stream at the point of waste generation.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 185-7. Source separation required; disposal of recyclable materials.

Source separation shall be required of each and every person or party discarding recyclable material. Private collectors collecting residential MSW generated within the Town shall refuse to collect MSW from any person or party who has clearly failed to source-separate recyclable materials and/or has not properly prepared the recyclable materials to the specifications of the private collector. The private collector shall provide a full explanation to the person or party for the refusal of collection. The private collector shall be responsible for educational literature informing the persons or parties of the limits and requirements of their recycling program. Subsequent to providing the initial containers, collection containers shall be left to the discretion of the private collectors.

§ 185-8. Disposal instructions.

- A. The collection of MSW and recyclable materials within the Town of Clarence shall be handled by private subscription.
- B. Each resident (household) shall place recyclable materials in the recycling containers provided. The initial recycling container or containers shall be furnished to the resident by the private collector at the private collector's expense.

- C. Each private collector must pick up recyclables, keep them separate from MSW and move them into available recycling markets.
- D. Recyclable materials shall be picked up on the same day as the MSW following the guidelines established by the private collector and approved by the Town Engineer.
- E. White goods/bulkies shall be picked up by the private collector on request of the resident.
- F. Yard waste shall be picked up by the private collector. Leaves and grass are to be in containers and brush is to be bundled in lengths no longer than four (4) feet and able to be handled by one (1) person.
- G. The private collector's recycling program is subject to review by the Town of Clarence. The review is to include but not be limited to physical inspection of collection vehicles and the private collector's recycling facilities. The private collector shall submit to the Town of Clarence quarterly statements including but not limited to tonnage of recyclable material collected, tonnage of recyclables marketed, all by types of recyclable material, and markets to which recyclable materials are shipped.
- H. Construction and demolition debris generated by a resident may be disposed of by the resident with his MSW subject to the resident's agreement with the private collector.
- I. All commercial operations, institutions and rental complexes located within the Town of Clarence that dispose of MSW shall separate recyclable materials from the MSW before collection of the waste by a private collector. All private collectors shall move these recyclable materials to recycling markets and the private collector's recycling program is subject to review by the Town of Clarence Engineer.
- J. Private collectors operating within the Town of Clarence must comply with the conditions of this article.

§ 185-9. Unlawful activities.

- A. It shall be unlawful for any person, other than those persons so authorized, to pick up or collect any recyclable materials which have been placed at the roadside for collection or within a recycling collection area.
- B. No person shall throw or deposit or cause to be thrown or deposited any MSW, rubbish, bulk refuse, yard waste or brush in or upon any traveled portion of a public highway, street or place or on any property not owned or occupied by him within the Town of Clarence.
- C. It shall be unlawful for any person or persons to dispose of any type of liquid or solid waste within the Town of Clarence other than in a manner approved by the Town Board and/or the State of New York.

- D. No person shall accumulate or permit the accumulation of MSW on any premises owned or occupied by him within the Town of Clarence, except for the purpose of collection which shall normally occur at intervals not less frequently than once every seven days, except for vacations, Sundays, holidays or extraordinary weather conditions.

§ 185-10. Licensing of MSW collectors; insurance; regulations.

- A. No person shall engage in the business of receiving, collecting or transporting MSW, bulk refuse, recyclable materials, yard waste, brush or other refuse within the Town of Clarence without first obtaining a license to carry on such business from the Town of Clarence and paying the fee for such license as herein provided. Nothing herein contained, however, shall be construed to prevent any person from transporting for the purpose of disposal such MSW, bulk refuse, yard waste, brush or other refuse as is normally generated by such person on his own premises or in his own business. A separate license shall be obtained for each truck or vehicle used by the private collector as herein defined.
- B. Applications for licensing shall be upon forms provided by the Town.
- C. A license issued pursuant to this article shall be for a period of one year or less, subject, however, to the revocation thereof as provided herein. An annual fee set by the Town Board shall be charged.
- D. The Town Clerk is hereby authorized to issue temporary permits to any licensed private collector to use such additional trucks as are necessary for a period not to exceed 30 days for a fee as determined by the Town Board.
- E. All collectors to be licensed must have a public liability insurance policy for personal injuries in the amount of \$1,000,000 per person and shall file with the Town Clerk a certificate of insurance for that amount prior to the issuance of a license to the collector. Such insurance shall be conditioned that said licensee will comply with the laws, codes, ordinances, rules and regulations of the State of New York, County of Erie and Town of Clarence and all lawfully issued orders of the Town Board and that the Town of Clarence will be indemnified and held harmless from any and all claims for damages or liabilities caused by or arising out of any act or omission of the licensee, his agents or employees, or by his failure to comply with applicable laws, codes, ordinances, rules, regulations or orders. Said insurance shall be in such form and contain such sureties as shall be approved by the Town Attorney.
- F. Every license issued by the Town Clerk pursuant to this article shall be subject to the following conditions:
 - (1) Vehicles used by licensed private collectors in the collection and transportation of MSW in the Town of Clarence shall be neat and clean and in good repair.

- G. All trucks must have a minimum liability insurance policy for personal injuries in the amount of \$100,000 per person and \$300,000 per accident and \$50,000 coverage for property damage. Insurance certificates are to be supplied to the Town by the private collector.
- H. Contractors' construction and demolition debris and trees cut down by professional tree surgeons shall be removed by such contractors or tree surgeons.
- I. The Town Board may refuse a license to any person who, in its judgment, shall be an undesirable person or incapable of properly conducting the operations of a private collector.
- J. No owner, collector or employee shall be under the influence of alcohol or other drugs or use insolent or improper language during pickup or when receiving complaints over the telephone.
- K. Private collectors are not responsible for MSW, yard waste or bulkies/white goods that originate at any residence or establishment other than that of the resident.
- L. Private collectors that are licensed in the Town of Clarence to collect MSW shall not begin collection of MSW in the Town of Clarence prior to the hour of 6:00 a.m. nor allow said collections beyond 8:00 p.m. **[Added 12-2-2009 by L.L. No. 4-2009¹]**
- M. Violation of any of the foregoing regulations or any other provision of this article shall be cause for revocation of the license of any private collector holding a license hereunder. The Town Board shall have power to revoke any such license for cause shown after a hearing on 10 days' written notice to the license holder, specifying the nature of the violation, the complaint of said violation being in writing, signed by the complainant.

§ 185-11. Penalties for offenses.

A violation of this article shall constitute an offense punishable by a fine not exceeding \$500. Each separate offense shall constitute a separate additional violation.

§ 185-12. Other enforcement procedures.

- A. A Code Enforcement Officer or a designee of the Town Board may order the owner or occupant of any premises upon which MSW, rubbish or bulk refuse shall have accumulated in violation of this article to remove such MSW, rubbish or bulk refuse from such premises within seven (7) days after receipt of such an order.

1. Editor's Note: This local law also stated that it would apply to all private collectors of MSW that have a license that has been filed in the office of the Town Clerk. Additionally, former Subsection L, pertaining to the revocation of licenses, was redesignated as Subsection M with the inclusion of this local law.

- B. The Code Enforcement Officer or designee of the Town Board shall report to the Town Board the failure of the owner of such premises to remove such MSW or bulk refuses as so ordered. The Town Board may thereupon order the Town Attorney to request the owner to appear before the Town Board to show cause why the MSW or bulk refuse has not been removed from his premises or, in the event that the owner does not appear before the Town Board or if the Town Board deems that an appearance before it would be useless, may thereupon refer the matter to the Town Attorney for enforcement and prosecution.
- C. If the owner does not remove the MSW or bulk refuse from his or her premises and does not show good cause to the Town Board for not removing the MSW or bulk refuse, thereby necessitating legal action by the Town Attorney to obtain, in addition to the prosecution for violations of the Town laws or any laws of the County of Erie and State of New York pertaining thereto, an order of the Supreme Court of the State of New York ordering the owner to remove the MSW or bulk refuse within ten (10) days of the date said order is served on the owner, thereafter the Town may enter upon the premises of the owner and remove the MSW and/or bulk refuse from the premises, for which the owner shall be obligated to pay any and all costs for the removal plus the costs necessary to obtain the order, including all reasonable and necessary legal fees and expenses. The costs shall be obtainable with the order of removal in the form of a judgment against the owner and recordable in the Erie County Clerk's office.
- D. Disputes between the resident and private collector regarding source separation or the preparation of recyclable materials shall be referred to a Town of Clarence Code Enforcement Officer.

§ 102-1. Authorization required.

No person, firm, corporation, including public, private, or municipal, or any other legal entity shall store, dump or otherwise dispose of any waste, industrial-commercial waste, solid waste or regulated waste on any lands or sites within the town, unless expressly authorized by the Town Board as part of a comprehensive, regional waste management plan, and after consideration and report of both the Colden Planning Board and the Colden Conservation Board.

§ 102-2. Definitions.

For the purposes of this Article, the following terms shall have the meanings indicated:

DISPOSE OF — Defined as provided in § 27-0303(1) of the New York Environmental Conservation Law.

WASTE — Defined as provided in §§ 27-0303(7) and 27-0901(11) of the New York Environmental Conservation Law.

INDUSTRIAL-COMMERCIAL WASTE — Defined as provided in § 27-0303(2) of the New York Environmental Conservation Law.

REGULATED WASTE — Defined as provided in § 27-0303(4) of the New York Environmental Conservation Law.

SOLID WASTE — Defined as provided in § 27-0701(1) of the New York Environmental Conservation Law.

§ 102-3. Construal of provisions. [Amended 12-29-1984 by L.L. No. 1-1984]

Nothing in this Article shall be construed so as to prevent farm operations, animal housing, the storage, use and disposal of manure or other animal waste, junkyards or automobile wrecking yards, as otherwise permitted by Chapter 108, Zoning.

§ 102-4. Penalties for offenses. [Added 12-29-1984 by L.L. No. 1-1984]

Violations of this Article shall be punishable as set forth in Title 27 of Article 71 of the Environmental Conservation Law.

§ 102-5. Title.

This Article shall be known and may be cited as the "Recycling Law of the Town of Colden."

§ 102-6. Statutory authority.

This Article is enacted pursuant to the authority granted under New York Town Law and New York Environmental Conservation Law regarding solid waste reduction.

§ 102-7. Solid waste reduction.

It is hereby declared the policy of the town to reduce the volume of solid wastes. To achieve such volume reductions, the town shall, by resolution, rule or regulation, provide for the implementation of programs to separate recyclable materials from solid wastes and to require solid waste haulers to comply with this policy.

§ 102-8. Definitions.

The following terms shall have the meanings as set forth in this Article:

ALUMINUM CANS — Empty all-aluminum beverage and food containers.

BIMETALLIC CANS — Empty food or beverage containers consisting of ferrous sides and bottoms and an aluminum top.

COMMERCIAL ESTABLISHMENTS — Those properties used primarily for commercial or industrial uses as perceived herein and as may be so identified in Chapter 108, Zoning, of the Code of the Town of Colden.

CORRUGATED PAPER — That material consisting of two or more pieces of kraft liner separated by corrugated (fluted) liner board. Excluded are materials without a corrugated interliner and those materials with a corrugated liner made from rice or other non-wood-based materials.

CURBSIDE COLLECTION — The collection by the municipality or its authorized agent(s) of recyclable materials placed at the curbside or other designated locations.

FERROUS CANS — Empty steel or tin food or beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass and porcelain or ceramic products.

HIGH-GRADE OFFICE PAPER — That paper collected from commercial, institutional and municipal establishments that was discarded from xerographic copiers, from nonthermal computer printers, from general office use forms, memos and correspondence

and from print shops and other commercial printing processes. Material sorting and classification grades will be specified in the regulations specific to this chapter. Expressly excluded are papers with self carbons, carbon paper, envelopes and all other grades of paper not meeting the specifications in the regulations.

INSTITUTIONAL ESTABLISHMENTS — Those facilities that house or serve groups of people, e.g., hospitals, schools and nursing homes.

LEAF WASTE — Leaves, garden residues and similar material, but not including grass clippings.

MAGAZINES AND PERIODICALS — Printed matter containing miscellaneous written pieces published at fixed or varying intervals and printed on glossy or slick paper. Expressly excluded, however, are all other paper products of any nature whatsoever.

NEWSPAPERS — Paper of the type commonly referred to as "newsprint" and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled.

PERSONS — Owners, lessees and occupants of residences or commercial or institutional establishments, individuals, partnerships or corporations.

PLASTIC CONTAINERS — Empty plastic food and beverage containers. Due to the large variety of types of plastics, the recycling regulations shall stipulate the specific types of plastic which may be recycled as determined by the Town Board from time to time.

RECYCLABLE CONTAINERS — Any type of container approved by the Town Board.

RECYCLABLE MATERIALS — Those materials which may be processed at a recycling facility and specified by the Town Board to be recycled. The list of materials shall be specified in the recycling regulations resulting from this Article and may be revised from time to time as deemed necessary by the Town Board.

RESIDENCE — Any occupied single- or multifamily dwelling from which a municipal or private waste hauler collects solid waste.

SOLID WASTE — All refuse (garbage and rubbish) and other discarded solid material normally collected by a municipal or private hauler. Hazardous or toxic waste as defined by the Department of Environmental Conservation is not included in this definition as regulated by 6 NYCRR Part 364.

TOWN BOARD — The duly elected and constituted legislative body of the Town of Colden.

YARD WASTE — Prunings, grass clippings, weeds, leaves and garden waste.

§ 102-9. Establishment of program.

There is hereby established by the Town of Colden, herein referred to as the "town," a program that mandates the recyclable materials which shall be kept separate from solid waste by all persons within the municipality.

§ 102-10. Separation of recyclables; placement for collection.

Recyclable materials shall be placed at the curb or in areas designated by the town separate from solid waste for collection at such times and dates as may be hereinafter established by regulations or by contract with private collectors.

§ 102-11. Collection permit.

All persons or firms engaged in the collection or disposal of solid waste are required to obtain an annual permit upon application and approval of the Town Board. The Town Board shall determine by resolution the cost of the permit and any requirements to be met by the applicant. By this provision the Town Board specifically reserves the discretion to determine the requirements for said permit, which shall include but not be limited to the type of vehicles used for collection, hours of collection, frequency of collection and provisions against spillage and littering. It shall be a violation of this Article for any persons unauthorized by the town to collect or pick up or cause to be collected or picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 102-12. Report of violation.

All persons or firms licensed to collect and dispose of solid waste within the Town of Colden shall file a monthly report no later than the 10th day of the month subsequent to the period of the report, setting forth the names and addresses of any persons or firms which have failed to separate recyclable materials from solid wastes. The defining of recyclable materials shall be as set forth in this Article and as may be determined from time to time by resolution of the Town Board.

§ 102-13. Enforcement.

The town by its designated officer is authorized to enforce this Article. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this Article. This shall include the licensing of solid waste collectors. The town may change, modify, repeal or amend any portion of the said rules and regulations at any time.

§ 102-14. Penalties for offenses.

Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this Article or any regulation thereof shall be given a notice to remedy upon the first violation, and thereafter shall be punishable by a fine not to exceed \$100 upon the first conviction, not more than \$300 upon the second conviction and not more than \$1,000 upon each subsequent conviction. Any person, firm, corporation or other entity which collects such recyclable materials without authorization of the owner or of the Town of Colden shall be punishable by a fine not to exceed \$300 upon the first conviction, not more than \$500 upon the second conviction and not more than \$1,000 upon each subsequent conviction. This Article may be enforced in the Town of Colden Justice Court.

§ 102-15. Collection agreements between town and other agencies.

The town may negotiate and enter into agreements with public or private agencies or firms to authorize them to collect all or part of solid waste and recyclable materials from curbside or elsewhere as designated by the town. The agreement with the private or public agencies or firms may provide for the sharing of revenues generated from the collection and sale of recyclable materials.

§ 102-16. Alternative collection procedures.

Any person may donate or sell recyclable materials to individuals or organizations authorized or licensed by the municipality in its recycling regulations. These materials must either be delivered to the individual's or organization's site or they may be placed at the curb for collection by said individual or organization on days not indicated as recyclable material collection days by the municipality. Said individuals or organizations may not collect recyclable materials

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on or immediately preceding (within 24 hours of) a regularly scheduled curbside collection day.

§ 253-1. Title.

This chapter shall be known and may be cited as the "Town of Collins Solid Waste Disposal Law."

§ 253-2. Declaration of policy.

By the adoption of this chapter the Town Board of the Town of Collins declares its intent to regulate the disposal of solid waste within the Town of Collins. The disposal of solid waste, unless under proper control, is likely to constitute a hazard to the health and safety of the residents of the Town of Collins. It is the intent of this chapter to safeguard the public health, safety and welfare. This chapter shall apply to that area of the Town of Collins outside of the incorporated Village of Gowanda and outside of the Cattaraugus Indian Reservation.

§ 253-3. Definitions.

As used in this chapter, the following words shall, unless the context or subject matter therein requires, have the following meanings:

AUTHORIZED COLLECTOR — A person, individual, partnership, or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this chapter. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BULKIES — Large items, such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods), such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The person, firm, agency, or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL PROPERTIES — All properties used for industrial or commercial purposes, including, but not limited to, retail and wholesale establishments, farms, apartments with more than four units, trailer courts, offices, garages, gas stations, manufacturing, and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — Can, bin, box, bag or other unit used for storage of recyclable materials.

ELECTRONIC WASTE — Discarded components of audio, video and computer systems.

FACILITY — Any solid waste management-resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage, or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land-spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

GARBAGE — Waste food and household waste, excluding any fifty-five-gallon or similar containers, chemicals, dead animals, manure, septic tank pumpings, industrial waste, and explosive materials.

GARBAGE BAGS — Bags of plastic or like materials up to thirty-gallon capacity used to contain garbage.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials, and medical waste. For purposes of this chapter, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.)

INSTITUTIONAL PROPERTIES — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse, and other discarded solid materials, including, but not limited to, solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities. Liquids, semi-solids, and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants. In addition, it shall not include hazardous waste.

PERSONS — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation, or legal entity providing for the collection of MSW and/or recyclable materials under private subscription. To operate in the Town of Collins, they shall be required to obtain a license from the Town and be subject to the rules and regulations of the Town.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the person contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS — Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:

- A. ALUMINUM — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- B. METAL CANS — Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum, but not including aluminum cans.
- C. GLASS FOOD AND BEVERAGE CONTAINERS — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.
- D. PLASTIC FOOD AND BEVERAGE CONTAINERS — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET) designated respectively as No. 2 and No. 1 on the recycling code located on the containers.
- E. NEWSPRINT — Common, inexpensive machine-finished papers made chiefly from wood pulp and used for newspapers.
- F. CORRUGATED — Wood pulp based material which is usually smooth on both sides with corrugated center. Commonly used for boxes, excludes material with a wax coating.
- G. HIGH-GRADE PAPER — White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- H. MAGAZINES — Magazines, glossy catalogs and other glossy papers.
- I. LARGE APPLIANCES — Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters, and other large

appliances and scrap metal, but excluding air conditioners, microwaves and televisions. The above materials will be reviewed quarterly and will be modified as the need arises by the Town Engineer or other designated person.

RECYCLING — The separation, collection, processing, recovery, and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RESIDENT — Any person residing with the Town on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTIES — Properties used as dwellings, including buildings having up to three dwelling units in one building. Multiple-dwelling residential buildings containing four or more dwelling units, for purposes of this chapter, shall be treated as commercial property.

SOLID WASTE MANAGEMENT — The purposeful systematic control of the storage, collection, transportation, processing, and disposal of solid waste.

SOURCE SEPARATE — To separate the recyclable materials from the MSW stream at the point of waste generation.

TOWN SPECIAL REFUSE DISTRICT — That area of the Town of Collins outside of the incorporated Village of Gowanda and outside of the Cattaraugus Indian Reservation.

TRASH — Waste material, bulkies, glass, ceramics, wood, lumber, demolition debris and other like discardable solids excepting any type of liquid waste, hazardous waste, septic sludge or flammable liquid.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 253-4. Declaration of policy.

By the adoption of this article, the Town Board of the Town of Collins declares its intent to regulate the operation within the Town of Collins of land now used or hereafter acquired or leased by the Town of Collins for the purpose of a transfer station for refuse disposal and to prohibit the dumping of refuse in this Town except at such site or sites.

§ 253-5. Applicability.

This chapter shall apply to any lands now used or hereafter acquired or leased by said Town for the purpose of a transfer station for refuse.

§ 253-6. Use restricted.

- A. Purpose. The Town transfer station shall be maintained for the use and benefit of the residential, commercial and institutional entities within the boundaries of the Town Special Refuse District.
- B. Use by unauthorized persons; penalties. Any person not authorized to do so, who shall dump any refuse or material of any kind at the Town of Collins transfer station shall be guilty of a violation.

§ 253-7. Disposal of garbage, refuse or abandoned vehicles.

- A. No person, for the purpose of final disposal thereof, shall throw, deposit or cause to be thrown or deposited, any garbage, trash, or abandoned vehicles, or parts thereof, in or upon any lands within the Town of Collins, except the transfer station described in § 253-5, except household compost piles, disposal of manure in connection with farming operations, and land spreading operations which are operated with a permit from the Department of Environmental Conservation, and junkyards with a permit under § 136 of the General Municipal Law.
- B. No person shall leave or deposit any offal, garbage, dead animal, septic tank contents, refuse or trash of any kind upon any private property, street, avenue, highway, park or public place within the Town Special Refuse District, except that households and business places may place garbage and refuse in proper containers in front of their premises for collection by authorized collectors.

§ 253-8. Transportation of garbage and trash.

All garbage and trash transported, brought and/or carried to the transfer station for refuse of the Town of Collins shall be contained securely, bundled and battened down or otherwise secured within the vehicles transporting the same to prevent the accidental discharge thereof.

§ 253-9. Rules and regulations for use of transfer station.

- A. Disposal at transfer station. No person shall carry or leave or cause to be carried or left, upon the premises mentioned in § 253-5 of this chapter, any automobile, vehicle, machine, appliance or other article, or any part thereof, except where authorized storage is provided.

- B. Garbage and trash generated from outside of the Town Special Refuse District is strictly prohibited. Any person found disposing or dumping in the Town transfer station of garbage and/or trash accumulated beyond the boundaries of the Town Special Refuse District shall be guilty of a violation.
- C. Identification stickers required. Persons using the Town transfer station shall have displayed on their vehicle an identification sticker issued by the Town Clerk. Proper identification is required to obtain stickers.
- D. Display of identification sticker. The aforesaid identification sticker required to be displayed on all vehicles using the Town transfer station shall be affixed to a window on the driver's side of the vehicle, and visible to the transfer station attendant.
- E. Restrictions on size of vehicles. Vehicles using the Town transfer station shall be limited to vehicles not exceeding one-ton gross vehicle weight rating (GVWR), unless specifically authorized by the Town Board.
- F. Commercial haulers. Authorized collectors, or person hauling refuse for hire or contractors, are prohibited from using the Town transfer station and will not be issued permits except by specific authorization of the Town Board.
- G. Unacceptable materials. The following items or materials will not be accepted at the Town transfer station:
 - (1) Dead animals, fecal matter, or offal.
 - (2) Auto parts more than four feet in length.
 - (3) Liquids of any kind.
 - (4) Large trees, stumps or logs.
 - (5) Demolition and construction materials, including stone or brick.
 - (6) Large metal drums or containers.
 - (7) Hazardous materials of any kind.
- H. Days and hours of operation. The days on which the transfer station shall be open will be set by the Town Board with the hours being posted at the entrance to the transfer station. The Town Board, at its discretion, may require different hours or alternate days for use of the transfer station.

- I. Speed limit. The speed limit on the road to the transfer station site and within the transfer station site shall be posted at no more than 15 miles per hour in conspicuous spots on the driveway to the transfer station.
- J. Compliance with state rules. The transfer station operated under this chapter shall comply with all rules pursuant to 6 NYCRR Part 360, for solid waste management facilities, unless the regulations under this chapter are more stringent.
- K. Additional rules and regulations. The Town Board may make such additional rules or regulations by resolution or local law from time to time that may be necessary with respect to the operation of the Town transfer station.
- L. Purchase of garbage bag stickers. All garbage deposited at the Town transfer station shall be in garbage bags. Each garbage bag must have affixed to it an appropriate disposal identification sticker purchased from the Town of Collins. The use of inappropriately sized stickers is prohibited and constitutes a violation of this chapter.
- M. Recyclable materials. All recyclable materials shall be source separated and placed in the proper receptacles at the transfer station. No person shall deposit any recyclable materials in regular garbage or any other areas of the transfer station.
- N. Trash. The Town Board will establish dates for periodic trash days when trash may be deposited at the transfer station. It is a violation for anyone to deposit garbage in with trash to avoid the purchase of the appropriate disposal identification sticker.
- O. Removal of materials from transfer station. All materials received at the transfer station are the property of the Town of Collins and shall be properly disposed of in accordance with the provisions of this section. Any person found removing any materials from the transfer station for any reason shall be guilty of a violation.
- P. Fees. A fee schedule shall be established by resolution of the Collins Town Board. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for garbage bag disposal identification stickers, permits to dispose of certain recyclables, fees for delivery of trash and other fees described in or contemplated by this article.

§ 253-10. Public dumps prohibited.

No lands, other than lands of a public dump, dumping ground or transfer station heretofore or hereafter established by this Town, shall be used as a dump, dumping ground, refuse disposal area, landfill site or transfer station in the Town of Collins.

§ 253-11. Private dumps prohibited.

The use of land by anyone, even by the owner or anyone acting with or under his or her permission, as a private dump, dumping ground, refuse disposal area, landfill site or transfer station, is prohibited and the use of said land for the deposit, burying or disposal in any manner whatsoever of municipal solid waste or hazardous waste is also hereby prohibited. Household compost piles, disposal of manure in connection with farming operations, and land spreading operations pursuant to a permit of the New York State Department of Environmental Conservation are excepted.

§ 253-12. Enforcement; appearance tickets.

- A. This article shall be enforced by the custodian(s) of the transfer station, constables of the Town of Collins, Code Enforcement Officer(s), and any police or peace officer operating within the Town of Collins.
- B. All of the enforcement officers of this article are given authority to issue appearance tickets for violations of this article.

§ 253-13. Penalties for offenses.

Any person violating any provision of this article shall be subject to the penalties set forth in Chapter 1, General Provisions § 1-3, of the Code of the Town of Collins.

§ 253-14. Duty of owners and occupiers.

- A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the Town Special Refuse District.
- B. All municipal solid waste accumulated within the Town Special Refuse District shall be collected and delivered to the Town transfer station, or shall be collected and disposed of by an authorized collector under contract with the municipality or a licensed private collector under private subscription and in accordance with the provisions of this article.

- C. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of Collins except as provided in this article.

§ 253-15. Source separation of recyclable materials.

Municipal solid waste generated or originated within the Town Special Refuse District which has been left for collection or which is delivered by the generator of such waste to the Town transfer station shall be handled in the following manner:

- A. Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable material shall not be commingled with other solid waste during collection, transportation or storage following collection.
- B. Collectors collecting residential, commercial, and/or institutional MSW generated within the Town Special Refuse District shall refuse to collect MSW from any person or party who has clearly failed to source separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party for the reason of the refusal for collection of the materials by the collector.

§ 253-16. Collection of recyclable materials placed at curbside.

- A. Only authorized collectors who are acting under authority of the Town of Collins shall collect, pick up, remove, or cause to be collected, picked up or removed, any solid waste recyclable materials so placed for collection; each such unauthorized collection, pick up or removal shall constitute a separate violation of this article; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.
- B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 253-17. Collection of recyclable materials at transfer station.

- A. Any person(s) shall bring all source-separated recyclable materials to the Town transfer station. These recyclable materials shall be prepared to the specifications of the Town of Collins and will be placed in the designated storage containers. Once deposited in the designated containers, the recyclable materials become the property of the Town of Collins.
- B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to deposition at the facility.

§ 253-18. Authorized collectors; license.

- A. All authorized collectors must obtain a solid waste collection license from the Town of Collins. An annual fee for such license shall be set by resolution of the Town Board. All licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this article during the preceding calendar year.
- D. All authorized collectors licensed by the Town of Collins indemnify and hold harmless the Town of Collins for any pending, threatened or actual claims, liability or expense arising from waste disposal by the authorized collector in violation of this article.
- E. Authorized collectors shall offer collection services for all recyclable materials to all customers from who they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the MSW and recyclable materials from its residential, commercial, industrial, and institutional customers. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:

- (1) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- G. Reports containing the information required as stated above shall be compiled and delivered to the Town Clerk or other designated individual for each reporting period as designated by the regulations but which shall be no more frequently than quarterly.
- H. Authorized collectors shall not accept for collection MSW which has not been source separated in conformity of this article.

§ 253-19. Violations; enforcement; penalties for offenses.

When the designated public official determines that a failure to comply with this article may have occurred, she/he shall recommend to the municipality that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.

A. Notice.

- (1) The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (a) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (b) A short and plain statement of the alleged misconduct.
 - (c) A statement of the time, place and nature of the hearing.
- (2) The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known

address, at least 10 days before the hearing date, with a copy to the administrator.

B. Hearing.

- (1) Hearings shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of notice.
- (2) The generator, applicant, or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
- (3) Within 20 days after the close of the hearing, the Town Justice shall:
 - (a) Determine whether the alleged failure to comply with this article has occurred; and
 - (b) If the Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty, the application shall be denied or an existing solid waste license or authorized collector status be suspended or revoked or its holder subjected to a reprimand, then issue a order carrying out this decision.

C. Determination, decisions, and orders.

- (1) Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method.
- (2) The Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

D. Enforcement.

- (1) Inspections and appearance tickets.
 - (a) All portions of vehicles and containers used to haul, transport, or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this article by any police officer, peace officer, code officer and any other public official designated by the Town of Collins.

- (b) Police officers, peace officers, code officers, and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this article.

E. Penalties.

- (1) The failure of any person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Town or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this article shall be guilty of a violation and subject to the penalties set forth in Chapter 1, General Provisions, § 1-3, of the Code of the Town of Collins. Each day such violation occurs or continues shall constitute a separate offence.
- (2) Failure of a waste generator to comply with the provisions in this article, designated as violations, shall be punishable as follows:
 - (a) For the first conviction: a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.
 - (b) For the second conviction within one year: by a fine not less than \$40 nor more than \$75.
 - (c) For the third conviction within one year: by a fine not less than \$75 nor more than \$125.
 - (d) For a fourth and each subsequent conviction within one year: by a fine of not less than \$125 nor more than \$275.
- (3) Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity.

§ 109-1. Title.

This chapter shall be known as the "Mandatory Recycling Law" of the Town of Concord.

§ 109-2. Purpose; establishment of recycling.

- A. The reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment.
- B. The Solid Waste Management Act of 1988 mandates passage of a source-separation ordinance or law to be passed by each local municipality within New York State by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist.
- C. The Town of Concord establishes mandatory recycling within this municipality, effective on September 1, 1992.

§ 109-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties, as herein defined, under the terms and conditions of this chapter.

BULKIES — Large items such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods) such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The person, firm, agency or public body or employee or agent thereof who or which is engaged in the collection and/or transportation of solid waste.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — A can, bin, box, bag or other unit used for storage of recyclable materials.

FACILITY — Any solid waste management-resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials and medical waste. For purposes of this chapter, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.).

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as "solid waste." It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Town of Concord, the private collector shall be required to obtain a license from the Town and shall be subject to the rules and regulations of the Town.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS — Those materials specified by the municipality for separate collection in accordance with recycling regulations. The below materials will be reviewed quarterly and will be modified as the need arises by the Town of Concord Consulting Engineer or other designated person. Such materials may include, but are not limited to:

- A. ALUMINUM — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- B. METAL CANS — Containers fabricated primarily of steel and tin or bimetal cans of steel, tin and/or aluminum, but not including aluminum cans.
- C. GLASS FOOD AND BEVERAGE CONTAINERS — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. "Glass" shall not include ceramics, plate glass, auto glass, pyrex, leaded glass, mirrored glass or flat glass.
- D. PLASTIC FOOD AND BEVERAGE CONTAINERS — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as No. 2 and No. 1 on the recycling code located on the containers.
- E. NEWSPRINT — Common, inexpensive machine-finished paper made chiefly from woodpulp and used for newspapers.
- F. CORRUGATED — Woodpulp-based material which is usually smooth on both sides with a corrugated center, commonly used for boxes, and excluding material with a wax coating.
- G. HIGH-GRADE PAPER — White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- H. MAGAZINES — Magazines, glossy catalogs and other glossy paper.
- I. LARGE APPLIANCES — Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal, but excluding air conditioners, microwaves and televisions.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RESIDENT — Any person residing within the Town of Concord on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as dwellings, including buildings having up to four dwelling units in one building. Multiple-dwelling residential buildings containing more than four dwelling units, for purposes of this chapter, shall be treated as commercial properties.

SOLID WASTE MANAGEMENT — The purposeful, systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE-SEPARATE — To separate the recyclable materials from the MSW stream at the point of waste generation.

WASTE GENERATOR — Any person or legal entity who or which produces waste requiring off-site disposal.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 109-4. Duties of owners and occupants.

- A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality.
- B. Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.
- C. Subsections A and B do not apply to owners, occupiers and tenants of farm property.
- D. All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by a licensed private collector under private subscription and in accordance with the provisions of this chapter.
- E. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors licensed by the Town of Concord. In such a case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be

a matter of private agreement between the owners or occupiers and the collector. When approved by the municipality, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this chapter applicable thereto and New York State Department of Environmental Conservation regulations.

- F. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of Concord except as provided in this chapter.

§ 109-5. Source separation of recyclable materials.

- A. Municipal solid waste generated or originated within the Town of Concord which has been left for collection or which is delivered by the generator of such waste to a facility shall be handled in the following manner:
- (1) Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials.
 - (2) Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.
- B. Collectors collecting residential, commercial and/or institutional MSW generated within the Town of Concord shall refuse to collect MSW from any person or party who or which has clearly failed to source-separate the recyclable materials and/or who or which has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party of the reason for the refusal of collection of the materials by the collector.

§ 109-6. Collection of recyclable materials placed at curbside.

- A. Only authorized collectors who are acting under authority of the Town of Concord shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection; each such unauthorized collection, pickup or removal shall constitute a separate violation of this chapter; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this chapter, the person responsible

for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.

- B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 109-7. Authorized collectors; license required.

- A. All authorized collectors must obtain a solid waste collection license from the Town of Concord. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.¹
- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this chapter during the preceding calendar year.
- D. All authorized collectors licensed by the Town of Concord shall indemnify and hold harmless the Town of Concord for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this chapter.
- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers for whom they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the MSW and recyclable materials from the collector's residential, commercial, industrial and institutional customers. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- G. Reports containing the information required as stated above shall be compiled and delivered to the Town Clerk or other designated individual for each reporting period as designated by the regulations, but which shall be no more frequently than quarterly.
- H. Authorized collectors shall not accept for collection MSW which has not been source-separated in conformity with this chapter.

§ 109-8. Approval, denial, suspension or revocation of license; noncompliance.

- A. When the Code Enforcement Officer determines that a failure to comply with this chapter may have occurred, she/he shall recommend to the municipality that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.²
- B. Notice.
- (1) The Code Enforcement Officer shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:³
 - (a) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (b) A short and plain statement of the alleged misconduct.
 - (c) A statement of the time, place and nature of the hearing.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) The notice shall be personally served or sent by registered mail to the generator's, applicant's or licensee's last known address at least 10 days before the hearing date, with a copy to the administrator.

C. Hearing.

- (1) Hearings shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of notice.
- (2) The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
- (3) Within 20 days after the close of the hearing, the Town of Concord Justice shall:
 - (a) Determine whether the alleged failure to comply with this chapter has occurred; and
 - (b) If the Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty, the application shall be denied or an existing solid waste license or authorized collector status shall be suspended or revoked or its holder subjected to a reprimand and issue an order carrying out this decision.

D. Determinations, decisions and orders.

- (1) Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method.
- (2) The Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

§ 109-9. Enforcement, inspections and appearance tickets.

- A. All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this chapter by any police officer, peace officer, code officer and any other public official designated by the Town of Concord.

- B. Police officers, peace officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this chapter.

§ 109-10. Penalties for offenses.

During any 12 consecutive months, a person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Town of Concord or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this chapter shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day that such violation occurs or continues shall constitute a separate offense.⁴

4. Editor's Note: Former Subsections B, C and D, establishing additional penalty provisions, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 111-1. Title.

This chapter shall be known as the "Refuse Disposal and Anti-Littering Law" of the Town of Concord.

§ 111-2. Declaration of purpose.

This chapter is adopted for the purpose of promoting the health, safety and general welfare of the people of the Town of Concord; including the protection and preservation of property of the Town and its inhabitants in all matters related thereto by controlling the storage, collection and disposal of refuse and by prohibiting littering within the Town of Concord. In reference to agricultural operations, please refer to the New York State Agricultural and Markets Law, Article 25AA.

§ 111-3. Definitions.

As used in this chapter, the following terms shall have meanings indicated.

GARBAGE — All unwanted or useless materials that have been accumulated on, or removed from, all public and private establishments and properties, including residential, but not excluding recognizable industrial by-products, discarded lumber or similar materials.

LITTERING — Same as "refuse."

PERSON — Any individual, firm, partnership, company, corporations, associations, society or group.

REFUSE — Includes garbage, rubbish and trash, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to the public health, safety and welfare or create unsightliness.¹

RUBBISH — General dry material produced routinely by household, commercial or industrial establishments such as paper, cans, bottles and other containers and ashes and any other similar materials.

TRASH — Includes waste materials, bulky objects, such as discarded household appliances, furniture, building demolition and construction wastes.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 111-4. Storage receptacles required.

Every owner, lessee or occupant of any building, premises or place of business within the Town of Concord shall provide or cause to be provided at all times suitable and sufficient receptacles for receiving and containing garbage, rubbish or refuse that may accumulate or be used upon said premises. No receptacle shall exceed 30 gallons in capacity or 50 pounds in weight when filled, except in cases of mechanically operated containers furnished by the collector. Manure in the R-E, R-1, R-2, R-AG and R-RB Districts may be stockpiled and disposed of with proper handling.

§ 111-5. Accumulation.

The owner or occupant of the real property shall be responsible for the regular collection and disposal of all refuse which may accumulate on the property owned or occupied by him. No person shall accumulate or permit the accumulation of refuse on any premises owned by him within the Town of Concord, except for the purpose of collection by an authorized licensed vendor.²

§ 111-6. General prohibition against littering.

- A. No person shall throw or deposit litter on any property within the Town of Concord, resulting in a danger to the public health, safety and welfare, whether owned by such person or not, except that the owner or person in control of private property may maintain private receptacles for collection, as authorized by this chapter. Litter shall be prevented from being carried or deposited by the elements from any such occupied private property to the street, sidewalk or other public place or upon any private property.
- B. No person shall throw or deposit litter on any open or vacant private property within the Town of Concord, whether owned by such person or not.
- C. Littering from vehicles. No person, while a driver or passenger in a vehicle within the Town, shall throw or deposit litter upon any street or other public place or upon private property.
- D. Leaking or spilling loads. No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any roadway.³

2. Editor's Note: Former Subsection B, regarding compost or mulch piles, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 111-7. Penalties for offenses.

- A. Maximum penalty. For violation of any provision of this chapter, the maximum penalty shall, upon conviction, be a fine not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, in the discretion of the court.⁴
- B. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

§ 111-8. Enforcement of law.

It shall be the responsibility of the Code Enforcement Officer or his duly authorized representative to enforce the provisions of this chapter.

3. Editor's Note: Former Subsection E, regarding littering in parks, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I) and readopted as part of § 101-2N of Ch. 101, Parks and Recreation Areas.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 198

SOLID WASTE

GENERAL REFERENCES

Open burning — See Ch. 55.

Sewer use — See Ch. 187.

Composting facilities - See Ch. 88.

Abandoned vehicles — See Ch. 236.

Dumping — See Ch. 94.

ARTICLE I
Collection and Disposal

§ 198-1. Administration.

The Board of Trustees of the Village of Depew and/or their designated representative shall have the responsibility for the operation and for the collection of disposal of refuse. The Board of Trustees and/or designated representative are hereby empowered to make and publish regulations implementing this article concerning such matters relating to the storage and collection of garbage and rubbish, the location of refuse containers and totes and all other matters relating to the storage, collection and disposal of which he/she deems advisable, provided that such regulations are not contrary to the provisions of this article.

§ 198-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALUMINUM — Pure aluminum in any form, including, but not limited to, cans, cooking utensils, aluminum foil and lawn furniture.

BOARD — The Board of Trustees of the Village of Depew, New York.

BULK ITEMS — Large items and materials, including furniture other than aluminum yard furniture; house furnishings; large appliances, such as refrigerators, stoves, washing machines and clothes dryers; and automobile or other motor vehicle tires.

COLLECTIBLE YARD WASTE/BRUSH — Tree branches not exceeding two inches in diameter, twigs and shrubs, hedge clippings, grass and leaves.

CONSTRUCTION DEBRIS — Discarded building materials, concrete, stones, earth from excavations or grading, and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

CORRUGATED CARDBOARD — Cardboard shipping containers.

DISPOSAL FACILITY — Any solid waste management plant or site owned and operated by the Village or permitted to receive solid waste originating from within the Village of Depew.

ESTABLISHMENT — The owner, agent, landlord, tenant or occupant of commercial, industrial and institutional facilities. Establishments which contract for the private collection of refuse are excluded from the program.

GARBAGE — Kitchen and house refuse and table cleanings, fruit and vegetable parings, decaying vegetable, animal and fruit matter and fallen fruit.

GARBAGE TOTES — Refers to that ninety-five-gallon container available from and/or provided for by the Village of Depew.

HAZARDOUS SUBSTANCE — Any hazardous or toxic substance material or waste which is or becomes regulated by any local or state governmental authority or the United States Government.

INDUSTRIAL WASTE — Waste generated by manufacturing or industrial process.

MULTIPLE RESIDENCE — A building or parcel of land having three or more dwelling units.

NEWSPAPERS — Newsprint, not including glossy magazines or materials.

NONRESIDENTIAL UNIT — Premises, or a portion thereof, used for business or commercial enterprise or a governmental use or institutional use or a building containing more than eight units.

PERSON — One or more individuals or any partnership, corporation, firm, association, trust, estate or governmental entity and any other entity whatsoever.

PRIVATE CARRIER — A contractor providing collection of solid waste services in the Village.

RECYCLABLE COLLECTOR — A contractor under contract with the Village of Depew to provide collection of recyclables subject to the terms and conditions of said contract with the Village of Depew, New York.

RECYCLING TOTES — Refers to that sixty-five-gallon container available from and/or provided for by the Village of Depew.

RECYCLABLE MATERIALS — Clear, brown and green glass bottles, jugs, and jars; newspapers and other mixed papers; tin cans; and high-density polyethylene (HDPE) containers, such as those used for milk, oil, detergents, apple cider, etc. Recyclable materials does not include plate glass, broken glass, window glass, or any other type of glass not specified in this definition, copper, stainless steel, and brass, or recyclable materials unsuitable for recycling because of secondary household use. Clean and clear glass containers and bottles with metal rims removed, newspapers, plastic containers and tin cans.

REFUSE — The rubbish and recyclable materials resulting from the normal day-to day operation of a household or business. Refuse may be generated by a household, a business establishment, or a public or quasi-public facility. "Refuse" does not include rubble, bulk items, industrial waste, collectable yard waste or any other materials not covered under this definition.

RESIDENCE — A building or parcel of land having no more than one dwelling units.

RESIDENT — A person residing in a residence.

RUBBISH —

- A. Food wastes, including, but not limited to, table cleanings; fruit, vegetable and animal parings and scraps; decaying or spoiled vegetable, animal and fruit matter; and fallen fruit.

- B. Any paper, plastic, cardboard or other materials used to wrap, cover or contain food, other than certain HDPE or glass containers defined in this section as recyclable materials, and any other household waste resulting from the use, consumption and preparation of food.
- C. Metal (pure aluminum, copper, stainless steel or brass).
- D. Miscellaneous waste material, including rags, drugs, health aids and material (other than infectious wastes), sweepings, excelsior, rubber, leather, cloth, clothing, magazines, paper (other than newspapers), waste materials from normal maintenance and repair activities, pasteboard, crockery, shells, dirt, filth, ashes, wood, glass (other than certain glass bottles defined in this section as recyclable wastes), brick and other similar waste materials. "Rubbish" does not include recyclable materials, bulk items, rubble, or any other material not covered under this definition.

RUBBLE — Waste material typically resulting from construction, demolition and major renovation activities, including, but not limited to, waste cement, concrete, masonry, bricks, tiles, Sheetrock, plaster, shingles, lumber, telephone poles, railroad ties, wooden pallets, doors and door frames, windows and window frames and similar material.

SOLID WASTE — Garbage and rubbish.

UNIT — One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

§ 198-3. Totes.

Effective June 1, 2013, each Village unit shall be assessed a one-time charge on the Village Tax bill to cover the cost of both a garbage tote and a recycling tote. The cost of said charge shall be equal to the amount charged by the third-party private contractor utilized by the Village for garbage and recycling collection in the Village of Depew and shall be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers in the same manner as taxes. For purposes of unit, see § 198-2, Definitions. In the event that replacement totes are required, they shall be purchased directly through the Village of Depew at a cost to be determined by the Village of Depew. Upon payment of the totes fee by the real property owner, the totes shall become the property of said owner.

§ 198-4. Disposal of construction debris.

No person shall place or store construction debris with garbage or rubbish. The person creating construction debris shall remove same and dispose of same in a sanitary manner.

§ 198-5. Unauthorized removal of garbage or rubbish.

No person other than an authorized employee or agent of the Village of Depew shall disturb or remove any garbage or rubbish placed by the owner, tenant or occupant of any premises in the Village on their premises or in front of same for removal thereof unless authorized by said owner, tenant or occupant.

§ 198-6. Unauthorized disposal of garbage or rubbish or construction debris.

- A. No person shall cart to dump or deposit garbage or rubbish or construction debris upon any property in the Village except under the authorization, supervision and direction of the Code Enforcement Officer.
- B. Dumping of garbage and waste material collected from outside the boundaries of the Village of Depew by a private garbage disposal concern or establishment, or the storage of such garbage and waste material at a transfer station, is hereby prohibited.
- C. Enforcement of this article shall be delegated to the Code Enforcement Officer of the Village of Depew.
- D. Any person found guilty of the violation of this section shall be subject to penalties imposed by § 198-14.
- E. It shall be unlawful for any person to cart, dump, or dispose of garbage, rubbish, or construction debris onto any dumpsters that are not on said individual's property.
- F. Any person found in violation of this section of illegally dumping materials into the dumpster on someone else's property shall be found guilty of a violation of this section and subject to penalties imposed by § 198-14 upon prosecution thereof.

§ 198-7. Unauthorized transportation of garbage and rubbish.

- A. No person, individual, firm, partnership, corporation, municipality, association, society, or group shall transport garbage or rubbish on the streets or highways in the Village of Depew unless it is contained in a garbage packer truck or in a metal box or vessel so constructed as to prevent the escape of any such garbage or rubbish therefrom.
- B. Any open-body trucks that are transporting rubbish or trash or construction debris must have the containers thereof securely covered with a canvas or similar type covering to prevent said debris from falling or blowing out of said vehicle or in anyway becoming distributed upon or along private property or public highways, roadways, streets, or thoroughfares in the Village of Depew.

§ 198-8. Enforcement.

The Code Enforcement Officer or any other person hereinafter authorized by the Board of Trustees of the Village of Depew are hereby designated as the enforcing officers of this article.

§ 198-9. Restrictions.

- A. No person shall place, deposit or store any refuse on or in any street, highway, avenue, drain, ditch, watercourse, or body of water or any public place within the Village of Depew, except in containers provided for such purpose by the Village of Depew, and in no event upon the premises of another except with the consent of the owner or occupant thereof.
- B. A person is responsible for disposal of any refuse on premises not served by the Village of Depew or for refuse not acceptable for collection and disposal of such refuse.
- C. In the event of a violation of any of the provisions of this section, which shall, in the opinion of the Code Enforcement Officer and/or the assigned designee, be a hazard to the health, safety or well-being of the community, a notice directed to the owner of the premises upon which such violation occurs may be served, either personally or by posting the same on said premises, directing the removal of all material upon the premises in violation of this section within 24 hours from the date of service or posting or said notice, the Village of Depew Department of Public Works may enter upon the premises, remove said material and charge the entire cost of said removal against the premises, and said charge shall also be a lien upon said premises.
- D. Commercial properties shall include businesses disposing of collectible items so long as the same are placed in accepted containers.

§ 198-10. Unacceptable refuse.

The following refuse shall not be considered acceptable for collection by the Village of Depew:

- A. Materials resulting from the repair, construction, alteration or excavation of buildings or structures, streets or sidewalks, such as plaster, mortar, concrete bricks, lath and roofing materials.
- B. Dangerous materials or substances, such as poisons, acid-caustics, infected materials, explosives, ashes and dioxin and radioactive material.
- C. Materials which have not been prepared in accordance with the provisions of this article.
- D. Solid wastes resulting from industrial processes.
- E. Brush and tree limbs.

F. Tires.

§ 198-11. Schedule for collection.

Garbage and refuse shall be collected once a week. Recyclables shall be collected every two weeks. This schedule of collection may be subject to change upon at the direction of the Board of Trustees and the private contractor authorized to collect garbage, rubbish and recycling materials in the Village of Depew.

§ 198-12. Places for disposal.

- A. No refuse shall be disposed of within the Incorporated Village of Depew except at such place or places as may be permitted by the Board of Trustees.
- B. No refuse collected from outside the Incorporated Village of Depew shall be disposed of at the place or places designated.

§ 198-13. Removal by Village; costs.

If the provisions of the foregoing sections are not complied with, the Code Enforcement Officer and/or the assigned designee shall serve written notice, either personally or by mail, upon the owner, lessee or occupant or any person having the care or control of any such lot of land to comply with the provisions of this article. If the person upon whom the notice is served fails, neglects, or refuses to cut, remove or cause to be cut and removed such weeds, grass, vegetation or rubbish within five days after receipt of such notice or if no person can be found in the Village of Depew who either represents or claims to represent such owner, the Code Enforcement Officer may, following approval of the Board of Trustees and/or the Village Administrator, cause such weeds, grass, vegetation or rubbish on such land to be removed and the actual costs in connection therewith shall be certified by the Code Enforcement Officer as to the property on which such weeds, grass, vegetation or rubbish were located and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers in the same manner as taxes.

§ 198-14. Penalties for offenses.

Any person committing an offense against of the provisions of this article shall be guilty of a violation under the Penal Law and upon conviction thereof, shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day of continued violation shall constitute a separate additional violation.

§ 198-15. Special use permits in M-2 Zoning Districts.

- A. A "solid waste transfer station," as those terms are defined in the Environmental Conservation Law of the State of New York and in the

rules and regulations adopted and promulgated by the Department of Environmental Conservation, provided that satisfactory proof is presented to the Village Board of compliance with any and all requirements of Article 27 of the Environmental Conservation Law of the State of New York relating to the collection, treatment and disposal of refuse and solid waste, may be constructed in only M-2 Zoning Districts.

- B. Landfill sites are restricted in the boundaries of the Village of Depew in M-2 Districts only.
- C. The Village Board shall prescribe any conditions that it deems necessary or desirable and shall require a site plan of the proposed development showing pertinent information to aid them in making a determination on the application for any transfer station or landfill site.
- D. Before authorizing a special permit, the Village Board shall give public notice and hold a public hearing on the application for such special permit in the same manner as required by law for amendments to a zoning ordinance. In case of a protest against such special permit by the owners of 20% or more immediately adjacent to the land directly opposite thereto, and land extending 100 feet from the street frontage of such opposite land, such permit shall not be authorized except by the favorable vote of at least five members of the Village Board.
- E. A special permit shall be deemed to authorize only the particular use or uses specified in the permit and shall only apply to the area specified in the permit. A special permit shall expire if the special use or uses shall cease for more than one year for any reason.
- F. "Refuse" shall include waste metal, metal cans, glass, tires, rubbish, waste construction materials, and other discarded substances of a solid or incombustible nature other than garbage.
- G. "Garbage" shall include waste food, dead animal matter, vegetable matter, or any other which shall be capable of fermentation or decay, or which shall give off a noxious or disagreeable odor or gas. The word "garbage" as defined and applied in this article shall not include customary agricultural or gardening waste or matter.

ARTICLE II
Recycling

§ 198-16. Title; applicability.

This article shall be known the "Recycling Local Law of the Village of Depew," and such legislation is a mandatory recycling law affecting the entire Village of Depew, New York.

§ 198-17. Purpose.

It is the goal of the Village of Depew to facilitate the disposal of solid waste generated within the Village in the most economically and environmentally acceptable manner and to reduce the total amount of solid waste disposed of in the Village. It is the purpose of this article to establish a source-separation and recyclables collection program within the Village to reach the goal of the most feasible recycling of the Village waste stream, considering costs, marketability of recyclables and public involvement. It is hereby found and determined that, in order to ensure the greatest public involvement and to assist the Village in complying with the mandates of the New York State Solid Waste Management Act of 1988, such a program must be made mandatory. This program is further designed to protect the health, safety and general welfare of the Village of Depew, New York.

§ 198-18. Collection.

- A. The Village shall provide for the collection and disposal of solid waste. Governmental and institutional buildings must contract directly with the Village contractor or a contractor of their own choice for collection.
- B. The Village of Depew will not collect tree parts produced by commercial contractors nor building materials as a result of a private contractor doing work, and these items must be removed from the premises by the commercial contractor or by the owner of the premises.
- C. The ownership of recyclable materials which have been placed at the curb for collection in accordance with this article shall vest in the Village of Depew. It shall be unlawful and a violation of this article for any person without authority from the Village, to collect, pick up, remove, or cause to be collected, picked up, or removed any recyclable materials.

§ 198-19. Designation of materials to be collected.

- A. The Board shall be responsible for collecting or causing the collection of, on a regular basis, only those waste materials which constitute refuse generated by a residence or establishment within the Village of Depew.
- B. The Board shall also be responsible for collecting or causing the collection of any additional waste materials generated by residences

which the Village may announce will be collected on particular days or during particular time periods. These additional waste materials may include, for example, bulk items, trees, tree stumps, and large branches. The Board shall be responsible for collecting or causing the collection of any such waste materials only on the or during the time periods announced by the Board.

- C. The Board shall not be responsible for collecting any waste materials which have been placed or prepared in ways that do not comply with all the provisions of this article. In particular, the Board shall not be responsible for collecting waste materials consisting of waste recyclable and nonrecyclable materials mixed together, waste materials not placed in the Village-provided container, or recyclable materials which have not been placed or prepared in accordance with this article, nor shall the Board be responsible for the collection of waste materials generated other than from a residence or establishment of the Village of Depew.

§ 198-20. Prohibited deposits accumulation.

- A. No person shall cart to, dump, deposit or otherwise dispose of any solid waste or recyclable materials upon any public highway, street, or other public place or upon any private property except as provided for in this article or under the direction of the Code Enforcement Officer.
- B. No person shall dispose of vehicular tires for collection by the Village. Provisions will be made for such matters of the residents of the Village, to bring vehicular tires to the storage area of the Public Works Department at hours promulgated by the Village Board of Trustees and shall pay the sum of \$3 per tire for disposal.
- C. No person shall place for collection for disposal any dangerous, hazardous or chemically toxic waste that represents an imminent threat to the safety or health of Village employees or their agents as defined under the New York State Environmental Conservation Law and regulations adopted pursuant thereto.
- D. No person shall deposit for collection and disposal any waste motor oil, paints or solvents.
- E. No person shall deposit for collection and disposal any solid waste, bulky waste or recyclable materials unless the same is in a receptacle or bundled as required by this article, nor shall any persons deposit for collection or disposal any solid waste that shall contain protruding nails, glass or other sharp objects that may inflict bodily harm to public workers or their agents.
- F. No person shall dispose of television sets and computers for collection by the Village. Residents may bring them to the storage area of the Department of Public Works located at 200 Rutherford, Depew, New York 14043, during hours promulgated by the Village Board of Trustees.

For the purpose of this section, "television" shall mean a cathode ray tube, liquid crystal or plasma device for the reproduction of video images.

- G. No person shall place refrigerators, freezers and/or air conditioners at the curb for collection by the Village without first paying a disposal fee in the amount of \$15 per unit at the Village Clerk's Office, during normal business hours, and affixing a copy of the receipt evidencing the payment to any refrigerator, freezer or air conditioner placed at the curb for disposal.
- H. Each unit shall also be permitted to leave a maximum of two large items for pick up each week by the third-party private contractor.
- I. With respect to large green bags more commonly known as "waste management bags" that are only picked up at the request of the owner, these bags shall not be placed in the right of way or block any sidewalk and shall be picked up no longer than seven days after they are put out for collection. Any bags that remain over said time frame shall constitute a violation of this article.

§ 198-21. Separation and preparation.

- A. Each person who places items at the curb for collection and disposal by the Village of Depew shall separate solid waste from recyclable materials and shall prepare the same for collection and disposal in accordance with rules and regulations as prescribed by the private contractor designated to collect same by the Village Board of Trustees.
- B. Recyclable materials shall be placed in the sixty-five-gallon container and shall fit wholly in said container and shall be subject to the rules and regulations as prescribed by the private contractor designated to collect same by the Village Board of Trustees.

§ 198-22. Removal of empty containers.

All empty recycle and garbage totes shall be removed from the curb, sidewalk, alley or street where they have been placed as soon as possible after collection and in the event, no later than 9:00 p.m. on the same day as collection. Empty recycle and garbage totes remaining at or near the curb, sidewalk, alley or street on the day after the day of collection may be picked up and impounded by the Village of Depew.

§ 198-23. Removal of uncollected waste.

When certain refuse and/or waste materials have not been collected because those materials were not placed or prepared in accordance with the provisions of this article, the person who placed such materials for collection and the owner of the real property adjoining the curb, sidewalk, alley or street where such waste materials were placed shall remove those wastes from that location as soon as possible after the collection has been

refused and, in any event, by 9:00 p.m. on the designated collection day. The failure to remove any uncollected waste material by 9:00 p.m. on the designated collection day shall constitute a violation of this article.

§ 198-24. Remedies for noncompliance; service charge.

Whenever a person places refuse or other material at or near a curb, sidewalk, alley or street for collection without complying with all the provisions of this article or fails to comply with § 198-21, regarding placement and preparation of collectible materials, the Board may do either of the following:

- A. The Board may choose not to collect the refuse or any other waste material. In such case, the Board shall notify the property owner of the property from which such uncollected waste was generated, why such material was not collected. Such notice shall be either verbal or written, as the Board determines is appropriate, and shall be provided within a reasonable time period after the collection of the material has been rejected; or
- B. The Board may cause collection of the refuse or waste material to be made, notwithstanding the fact that it does not comply with the provisions of this article.
 - (1) In such cases, the Board shall assess a special charge against the owner of the property from which such waste material was generated. Such special service charge shall be as set as a resolution of the Board of Trustees.
 - (2) Special service charges may be accumulated and shall be billed by the Village of Depew. Any person subject to such charges may make a written request for a hearing within 15 days after the date of the bill for such charges. All hearings will be held on a date and time and place determined by the Board. The hearing shall be informal and shall be held before the Board or its designee. The decision of the Board shall be final. Any service charges not paid within 30 days after the Board's decision shall become a lien upon the real property, superior to any other deed or claim, except the lien of an existing tax/assessment or charge imposed by the Village of Depew.

§ 198-25. Unauthorized collection.

From the time any person places any properly prepared recyclable materials at or near any curb, sidewalk, alley or street for purposes of collection, those recyclable materials shall become and be the property of the Village of Depew or its authorized agent (i.e., its recycling collector). No person who is not acting under the authority of the Village or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article. An exception herein is recognized for the

person, resident or establishment who or which elects to remove any such item from his/hers/its property.

§ 198-26. Private waste haulers.

Nothing in this article shall be deemed to prevent any person from entering into a contractual agreement with a private waste hauler for the removal of refuse and other waste materials generated by that person or at property owned by that person.

§ 198-27. Adoption and enforcement of regulations.

The Board shall have authority to adopt whatever regulations are consistent with this article and to continue to enforce any existing regulations which are consistent therewith.

§ 198-28. Fees.

The Board, by resolution, may impose fees for the collection of any refuse (other than recyclable materials), rubble, bulk items or industrial waste. After any such fees are imposed, the manner of implementation and collection shall be by the regulation of the Board, not inconsistent with the terms of the resolution imposing such fees.

§ 198-29. Penalties for offenses.

- A. The penalties for violation of any provision of this article shall be as follows:
 - (1) A fine of \$50 for the first violation.
 - (2) A fine of \$100 for the second violation.
 - (3) A fine of \$200 for the third and each subsequent violation.
- B. Each day that the violation exists shall constitute a separate and distinct violation.
- C. In addition to the above fines, the Village shall have the discretion to refuse to collect materials which are improperly separated, bundled or prepared for pickup.

§ 198-30. Severability.

The declaration by a court of competent jurisdiction that any section of this article is invalid, shall not invalidate the entire article, but only that part thereof so declared to be invalid and the remainder of said article shall remain in full force and effect.

§ 198-31. Enforcement.

It shall be the duty of the Village of Depew Code Enforcement Officer and/or any other duly authorized official to administer and enforce the provisions of this article.

§ 198-32. Effective date.

This article shall take effect on May 13, 2013.

§ 214-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTORS — Those collectors who are issued a permit by the Village of East Aurora pursuant to the provisions of this article.

BULK ITEMS — Shall include, but are not limited to, furniture, mattresses and box springs, carpets, and other large appliances. Refrigerators, freezers, air conditioners and other appliances shall only be collected after the units have been modified by the resident to comply with the latest DEC and EPA regulations.

GARBAGE, REFUSE OR WASTE MATERIAL — Domestic household garbage, rubbish, refuse, plastic containers, glass, bottles, wastepaper, rags, ashes, plaster, and building materials (except such building materials as may have been left by a contractor working on the premises).

HAZARDOUS WASTE — Dead animals, explosives, tires, automotive batteries or parts, infectious waste, flammable liquids, pesticides, oils, solvents or other regulated hazardous materials.

LARGE HOUSEHOLD FURNISHINGS — Large and/or bulky articles used in the home, other than white goods as defined herein.

NONRESIDENTIAL UNIT — Premises or a portion thereof used for a commercial enterprise or a governmental use or institutional use.

PERSON — An individual, society, group, firm, partnership, corporation or association of persons, and the singular number shall include the plural number. Includes a lessee or other person in possession, as well as the owner of real estate.

RECEPTACLE — A container of not more than thirty-two-gallon capacity made of metal or vinyl, which is watertight and provided with a tight-fitting cover.

RECYCLABLE MATERIALS — Empty glass containers, empty plastic containers, empty cans, metal and wastepaper (including but not limited to newspapers, magazines, junk mail). The term shall not include leaves, tree parts, grass clippings or other yard waste; nor shall it include hazardous or toxic materials.

RECYCLING — The separate collection, processing, recovery and sale of metals, glass, paper, plastic and other materials which would otherwise be disposed of as solid waste.

RESIDENTIAL UNIT — One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

SOLID WASTE — All decaying and rotting and nondecaying or rotting materials, including garbage, refuse and other discarded solid materials, including, but not limited to, solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as solid waste. Solid waste shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants. In addition, solid waste shall not include hazardous waste.

TREE PARTS — Cuttings from shrubs, hedges and trees which are more than 1/2 inch in diameter.

WHITE GOODS — All large and/or bulky metal major appliances used in the premises.

YARD WASTE — Grass, leaves, cuttings from shrubs, hedges and trees which are less than 1/2 inch in diameter.

§ 214-2. Collection.

- A. Subject to the provisions of § 214-4, the Village or its designee shall provide for the collection and disposal of solid waste up to a maximum of four receptacles per week, per residential or nonresidential unit. All solid waste and/or recyclables accumulated by persons as defined herein shall be collected, conveyed and disposed of by authorized collectors, acting pursuant to a permit issued by the Village of East Aurora.
- B. Persons whose units have over four receptacles per week must provide for their own collection and disposal of such excess solid waste. Excess amounts will not be picked up or allowed to be left at the curb. Persons with additional trash, above the four-receptacle limit, may purchase tags at the Village Clerk's office for a fee as set forth on the current fee schedule on file in the Village offices; one tag per receptacle or bundle.
- C. The Village of East Aurora or its designee will not collect tree parts produced by commercial contractors. Tree parts produced by commercial contractors must be removed from the premises by the commercial contractor or by the owner of the premises.

- D. The ownership of recyclable materials which have been placed at the curb for collection in accordance with this article shall vest in the Village of East Aurora. It shall be unlawful and a violation of this article for any person without authority from the Village to collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials. No person shall throw, dispose of, or dump, or cause or permit any other person to throw, dispose of or dump, any recyclable materials and/or solid waste of any kind within the territorial limits of the Village of East Aurora.

§ 214-3. Prohibited deposits or accumulations.

- A. No person shall cart, dump, burn, deposit or otherwise dispose of, or cause to be carted, dumped, burned, deposited or otherwise disposed of, any solid waste or recyclable materials upon any public highway, street or other public place, or upon any private property except as provided for in this article or under the direction of the head of the Department of Public Works.
- B. Except as otherwise provided for herein, no person shall deposit vehicular tires for collection by the Village or its designee.
- C. No person shall place for collection for disposal by the Village or its designee any dangerous, hazardous or chemically toxic wastes, including, but not limited to, the following:
- (1) Dangerous wastes: wastes that represent an immediate threat to the safety of Village employees.
 - (2) Hazardous wastes: wastes as defined in the New York State Environmental Conservation Law and regulations adopted pursuant thereto, including, but not limited to:
 - (a) Ignitable wastes, such as paint thinners, solvent-based cleaners, degreasers (e.g., acetone, xylene) and gasoline.
 - (b) Corrosive wastes, such as battery acid, metal cleaning bath sludges (e.g., sodium hydroxide, sulfuric or hydrochloric acid).
 - (c) Reactive wastes, such as cyanide metal plating sludges or any waste that will react violently with water (e.g., sodium metal), or generates toxic gasses, vapors or fumes.
 - (d) EP toxicity (extraction procedure) wastes which produce an extract containing contaminants such as arsenic, lead, chromium, silver or herbicides; or industrial process

wastes, contaminated soil from a spill, or other solids containing any of the metals or organic materials in excess of the concentrations listed in the law and regulations thereto.

- (e) Toxic wastes, such as sludges from solvent recovery, solvents and the industry specific wastes listed in Part 371, Section 371.4(b) of the regulations enacted under the Environmental Conservation Law.
- D. No person shall deposit construction debris for collection and disposal by the Village or its designee in excess of the limits set forth in § 214-2A hereof. The owner or contractor shall be responsible for the disposal of construction debris in excess of such limits.
- E. Except as otherwise provided for herein, no person shall deposit for collection and disposal by the Village or its designee any waste motor oil.
- F. No person shall deposit for collection and disposal by the Village of East Aurora or its designee any solid waste, bulky waste or recyclable materials unless the same is in receptacles or bundled as required by this article.
- G. No person shall deposit for collection and disposal by the Village of East Aurora or its designee any solid waste that shall contain protruding nails, glass and/or other sharp metal objects that may inflict bodily harm to public workers and personnel or residents of the Village of East Aurora.
- H. No person shall place for collection and disposal by the Village or its designee any solid waste or recyclable material which was not produced from the premises at which such solid waste or recyclable material is placed for collection and disposal by the Village or its designee.
- I. Where real property is located both within the Village of East Aurora and outside of the Village of East Aurora, no person shall place for collection and disposal by the Village or its designee any solid waste or recyclable materials except that which was produced from a principal main structure located upon such property within the Village of East Aurora.

§ 214-4. Separation and preparation.

- A. Each person who places items at the curb for collection and disposal by the Village of East Aurora or its designee shall

separate solid waste from recyclable materials and prepare the same for collection and disposal in accordance with this article.

- B. Garbage and rubbish shall be placed in watertight, non-rusting metal or heavy plastic containers for collection and disposal. Such receptacles shall not exceed thirty-two-gallon capacity and, when filled, shall not exceed 60 pounds in weight. The receptacles shall be so constructed as to hold their contents without leakage. Receptacles shall be used with tight-fitting covers at all times.
- C. Recyclable materials shall be placed in suitable open-top containers or bundles as herein provided. Recyclable materials shall be separated for collection as follows:
 - (1) Newspapers shall be separated from other recyclable materials for separate collection and shall be securely tied in bundles or placed in paper bags not weighing in excess of 30 pounds.
 - (2) Each person shall provide separate and identifiable containers for the collection of glass, plastic, containers and tin cans. Such containers, when filled, shall not exceed 30 pounds, all glass, plastic containers and tin cans shall have the contents removed, be thoroughly drained of liquid and rinsed prior to being deposited for collection.
- D. Yard waste produced by individual activity or efforts of the owner or occupant of the premises shall be placed in open-top receptacles not exceeding 30 pounds when filled, or be tied in bundles not exceeding 48 inches in length and 18 inches in diameter and weighing not more than 30 pounds.
- E. Tree parts shall be neatly stacked, untied butt end toward the street, between the curb and sidewalk.
- F. Construction debris placed for collection and disposal by the Village or its designee shall be placed in receptacles or tied in bundles not to exceed 48 inches in length and 18 inches in diameter and weighing not more than 60 pounds.
- G. All white goods, large household furnishings, yard waste, bulky waste and tree parts from residential units may be placed at the curblane only on the scheduled collection days. It shall be the sole responsibility of the owner to dismantle white goods or large household furnishings so that they will not be a hazard to the public. Dismantled wooden furniture may be placed for pickup on regularly scheduled collection days as long as such wooden furniture is securely tied in bundles not exceeding 48 inches in

length and 18 inches in diameter and weighing not more than 60 pounds.

§ 214-5. Collection procedure.

- A. On regularly scheduled pickup dates, the following materials shall be placed at the curb no more than 18 hours prior to such date, and not later than 6:00 a.m. on such date: solid waste, newspapers, glass, plastic containers and tin cans, white goods, yard waste and bulky waste.
- B. On regularly scheduled pickup days for tree parts, tree parts shall be placed at the curb no more than 18 hours prior to such date, and not later than 6:00 a.m. on such date.
- C. Receptacles shall be removed from the curb within 12 hours after being emptied.

§ 214-6. Receptacles and storage.

- A. Every person shall provide or cause to be provided receptacles for receiving and containing solid waste.
- B. Receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this article or that may have ragged or sharp ridges or other defects shall be promptly replaced or repaired. All receptacles shall be kept as sanitary as possible in view of the use to which they are put.
- C. Any containers which shall be provided by the Village or its authorized collector shall remain the property of the Village or authorized collector. The replacement cost of such containers shall be determined by the authorized collector.
- D. It shall be the duty of the owner, lessee or occupant of every store or other building within the Village of East Aurora, except dwellings, to keep all municipal solid waste and recyclable material containers inside the building on the occupied premises or in a suitable, completely enclosed structure constructed for that particular purpose of approved design from approved noncombustible building materials in accordance with the building regulations of the Village.

§ 214-7. Penalties for offenses.

- A. The provisions of this article shall be enforced by the Village Police Department.

- B. The penalties for violation of any provision of this article shall be as follows:
 - (1) A violation of § 214-3C of this article shall be a misdemeanor punishable by a fine of up to \$1,000. Each day that a violation exists shall constitute a separate and distinct misdemeanor.
 - (2) Any other violations:
 - (a) For a first violation: fine of \$50.
 - (b) For a second violation: fine of \$100.
 - (c) For a third and each subsequent violation: fine of \$200.
- C. Each day that a violation exists shall constitute a separate and distinct violation.
- D. In addition to the above fines, the Superintendent of Public Works or designee shall have the discretion to refuse to collect materials which are improperly separated and/or prepared for pickup.

§ 214-8. Unlawful collection.

It shall be unlawful for any person, other than an authorized collector with a permit issued by the Village of East Aurora, to collect and/or dispose of any solid waste or recyclables within the Village of East Aurora, other than solid wastes and recyclables that are collected and disposed of by the East Aurora Department of Public Works.

§ 214-9. Authorization of collectors.

- A. All collectors must obtain a solid waste collection permit from the Village of East Aurora. The fee for such permit shall be set by the Village Board on an annual basis, and all permits shall be issued for a calendar year, or a portion thereof. There shall be no reduction in the fee for a permit issued after the beginning of any calendar year.
- B. Collector's applications for a permit may be denied if the applicant has been adjudged or administratively determined to have committed one or more violations of this article during the preceding calendar year.
- C. All authorized collectors acting under permits issued by the Village of East Aurora shall hold harmless the Village of East Aurora from any pending, threatened or actual claims, liability or expenses arising from the collection and/or disposal of solid

waste and/or recyclable materials by the authorized collector in violation of this article.

- D. Each collector who shall apply for a permit under this section shall state the manner of collection and the place and method of disposal of solid waste and recyclable materials from its customers. Each authorized collector shall maintain separate monthly records of solid waste and recyclable materials collected and disposed of by the authorized collector, which shall include the following information:
 - (1) The geographical area and number of units in which the solid waste or recyclable material was generated.
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to recycling facilities and the location of the recycling facilities.
 - (4) The quantity, by ton, of solid waste delivered to such facility.
- E. Reports containing the information required as stated above shall be compiled and delivered to the Village of East Aurora, or other designated individual, for each reporting period which shall be no more frequently than quarterly.
- F. Authorized collectors shall not accept for collection and/or disposal solid waste which has not been source separated.

§ 214-10. Notification of violation.

- A. When the Village of East Aurora shall determine that a failure to comply with this article has occurred, it shall deny, suspend or revoke the permit issued to the authorized collector, or subject such authorized collector to a reprimand or a fine as provided for herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of the permit or the issuance of a sanction, fine or penalty.
- B. The Village of East Aurora shall notify the authorized collector having a permit of the alleged failure in writing.
 - (1) Such notice shall include the following:
 - (a) A statement of the condition allegedly violated.
 - (b) A short and plain statement of the alleged misconduct.

- (c) A statement of the time, place and nature of the hearing.
- (2) This notice shall be personally served or sent by registered mail to the authorized collector at its address as listed in the application for the permit. Said notice shall be mailed at least 10 days prior to the hearing date.
- C. The hearings shall be held before the Village Justice within a reasonable period, which shall be at least 10 days after service of notice.
- D. The authorized collector may be represented by counsel at the hearing and may offer evidence and cross-examine the witness.
- E. Within 20 days after the close of the hearing, the Village Justice shall:
 - (1) Determine whether the alleged failure to comply with such article has occurred; and
 - (2) If such failure has occurred, decide whether the authorized collector shall be subject to a fine or penalty, or whether the authorized collector's permit shall be suspended or revoked, or the authorized collector is subject to a reprimand.
- F. The decision of the court shall be in writing and shall be in the form of an order.
- G. The authorized collector shall be notified of the decision within five days of the issuance thereof, either by personal service or registered mail at the address shown in such authorized collector's application for a permit.
- H. Nothing herein shall prohibit the disposition being made by stipulation, agreed settlement, consent, order of default or other informal method.

§ 214-11. Inspection of vehicles and containers.

All portions of vehicles and containers used to haul, transport or dispose of solid waste or recyclable materials, including containers placed outside the property owned by persons as defined herein, shall be subject to inspection by the Village of East Aurora to ascertain compliance with this article.

§ 214-12. Penalties for offenses by authorized collectors.

- A. The failure of an authorized collector under permit with the Village of East Aurora to collect and/or dispose of solid waste

and/or recyclable materials, or the rendering of solid waste, and/or recyclable material collection and disposal by a nonauthorized collector, in violation of this article, shall be a misdemeanor punishable by a fine of not less than \$500 and not more than \$1,000, or by imprisonment for a period not exceeding 30 days, or both the fine and imprisonment. Each day such violation occurs or continues shall be deemed to constitute a separate offense.

- B. Any penalties or damages recovered or imposed under this article shall be in addition to any other remedies available at law or equity to the Village of East Aurora.¹

1. Editor's Note: The provisions of former Art. II, Collection of Recyclables, adopted 8-17-1992 by L.L. No. 4-1992 (Ch. 59A of the 1972 Code), have been incorporated into Art. I of this chapter, as amended.

§ 119-1. Assessment, payment and collection of fee; amount.

- A. A refuse fee shall be paid by all residential property owners where a home has been constructed. Said fee will be assessed on a per-unit basis in the following manner: property owners age 65 and over, one unit; single-family home, two units; two-family home, three units; and multiple dwellings, one unit per apartment. Said fees will be due and payable on the county tax bill. The Town Board will have the authority to collect said charges that remain unpaid after the due date of the county tax bill.
- B. The amount to be charged as a refuse fee, pursuant to this section, shall be determined from time to time by resolution of the Town Board.

§ 119-2. Purpose.

Whereas the reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment; and whereas the Solid Waste Management Act of 1988¹ mandates passage of a source-separation ordinance to be passed by each local municipality within New York State by September 1, 1992, to require that solid waste shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist; now, therefore, be it resolved that the Town of Elma establishes mandatory recycling within this municipality.

§ 119-3. Definitions.

Unless otherwise stated expressly, the following words and expressions, where used in this article, shall have the meanings described to them by this section:

AUTHORIZED COLLECTOR — A person, employee or employer or agent thereof authorized by contract or license with the Town of Elma to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this article.

BATTERY — Lead-acid batteries, each with a capacity of six or more volts which contain lead and sulfuric acid and which are used as a power source in a motor vehicle. "Batteries" are hazardous waste.

1. Editor's Note: See General Municipal Law § 120-aa, Subdivision 2a.

BULKIES — Large items such as sofas, upholstered chairs, mattresses and box springs, but excluding white goods.

CAN — Metal cans made of tin, aluminum or other ferrous or nonferrous or composite cans and containers used for food or beverages. All metal "cans" shall be rinsed of contaminants but labels need not be removed.

CARDBOARD — Wood-pulp-based material which is usually smooth on both sides with a corrugated center. It shall also mean box, board or paperboard having the same material and characteristics as cardboard, but without a corrugated center. It shall not mean wax-coated or glossy or soiled cardboard.

COLLECTOR — Any person who picks up solid waste and transports that solid waste for hire to a solid waste disposal facility, recycling center or transfer station for recycling or disposal.

COMMERCIAL PROPERTY — Any residence which is not covered in "residential property" or which is defined in the Elma ordinances, § 144-72A(2) through (17) and § 144-72B.

COMMERCIAL WASTE — Solid waste generated by stores, offices, institutions, restaurants, warehouses and nonmanufacturing activities at industrial facilities.

CONSTRUCTION AND DEMOLITION DEBRIS — Waste resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes include but are not limited to roofing materials, bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree or brush stumps.

DIRECTOR OF SANITATION — Shall be appointed by the Town Board to effect the provisions of this article and shall be fully responsible for effecting measures to carry out the intent of the law.

GLASS — All clear (flint), green and brown (amber) colored glass containers. It shall not mean mirrors, auto glass, milk-white glass, window glass, light bulbs, cookware, pyrex, crystal or ceramics.

HAZARDOUS WASTE — Waste as defined in § 27-0903 of the Environmental Conservation Law; source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; and low-level radioactive waste as defined in § 29-0101 of the Environmental Conservation Law.

HOUSEHOLD WASTE — Solid waste discarded from single or multiple dwellings, hotels, motels, campsites, public and private recreation areas and other residential sources.

INDUSTRIAL PROPERTY — Property which is used for those uses permitted in the Elma Town ordinances, § 144-88B.

INDUSTRIAL WASTE — Industrial/commercial waste pursuant to Environmental Conservation Law § 27-0303 and such rules and regulations as may be promulgated by the Department of Environmental Conservation (DEC) consistent therewith.

INSTITUTIONAL PROPERTY — Property which houses a church, school, hospital, nursing home or the like.

MOTOR VEHICLE — Any and all vehicles propelled or drawn by power, other than muscular power, intended for use on public highways; any unregistered, old or secondhand motor vehicle or trailer; any motor vehicle in such condition or state of repair that it cannot be licensed immediately without extensive repair; and any abandoned, junked, discarded, wholly or partially dismantled motor vehicle no longer intended or in condition for legal use on the public highways.

NONHAZARDOUS WASTE — All waste which is not included in the definition of hazardous waste.

NONRECYCLABLE WASTE — All waste not included in the definition of recyclable waste.

PAPER — All high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogs, junk mail, computer paper, telephone books and similar cellulose materials and newspaper, but shall not mean wax paper, plastic or foil-coated paper, Styrofoam, wax-coated food and beverage containers, carbon paper, blueprint paper, food-contaminated paper, soiled paper and cardboard.

PERSON — One or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies, clubs, fraternal orders and all other entities of any kind capable of being sued.

PLASTIC — All high-density polyethylene (HDPE) and polyethylene terephthalate (PET) plastic clean of contaminants, with tops removed. If crushed, these containers do not break. The following "plastic containers" are acceptable: detergent bottles, plastic liquor bottles, peanut butter jars, soda bottles, milk and juice containers, shampoo containers and similar items. This term excludes all film, vinyl, foam plastic containers, yogurt, cottage cheese and pudding-type containers, pens, tops, bags and hard plastic containers or items.

RECYCLABLE CAN — Defined in the same manner as "can."

RECYCLABLE CARDBOARD — Corrugated cardboard.

RECYCLABLE GLASS — Clear, green or amber food and beverage containers only.

RECYCLABLE PAPER — Newspapers and magazines.

RECYCLABLE PLASTIC — Plastic soda, juice and liquor bottles; plastic milk, water and cider jugs; plastic laundry and dish detergent bottles; plastic bleach bottles; and containers with the triangular arrow sign on the bottom.

RECYCLABLE WASTE — Those materials specified by the Town to be recycled. The list of materials is specified in any recycling regulations generated by resolution of the Town Board and may be reviewed as deemed necessary by the Town Board, and generally consists of any material designated from time to time by resolution of the Town Board which is separated from the waste stream and held for its material recycling and reuse value.

RECYCLING FACILITY — A facility designated by the Town for receiving and processing one or more types of recyclable materials.

RESIDENCE — Any structure which is used primarily for dwelling and which is in the geographic limits of the Town of Elma, when such structure is used primarily for residence by the owners thereof and is not used primarily to generate income. Should it be used to primarily generate income, then it will be designated as commercial property.

SOLID WASTE MATERIAL — All recyclables and nonrecyclables which make up the waste stream. "Solid waste material" does not include material treated separately as hazardous waste under § 27-0903 of the Environmental Conservation Law; source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954; or low-level radioactive waste as defined in § 29-0101 of the Environmental Conservation Law.

SOURCE SEPARATION — The segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

TIRES — Tires from cars, trucks and other motor vehicles.

TOWN — The Town of Elma, Erie County, New York.

TOWN BOARD — The duly elected and constituted legislative body of the Town of Elma, New York.

TRANSFER STATION — That facility where persons and collectors, as defined herein, transfer possession of solid waste to the Town for disposal or recycling.

TREE AND BRUSH PARTS — Whether coniferous or deciduous, are disposable and recyclable except for stumps of trees or brush which shall be disposed of as "construction debris."

WHITE GOODS — Major appliances such as refrigerators, freezers, water heaters, stoves, washing machines, dryers and dishwashers. It shall also mean metal heating or cooling systems and the components thereof.

YARD WASTE — Solid waste consisting of plant matter resulting from landscaping activities, including but not limited to such items as lawn clippings, tree trimmings, fallen leaves and weeds, but excluding tree and brush parts.

§ 119-4. Collection, conveyance and disposal of solid waste required.

All solid waste accumulated on any residential, commercial and institutional property in the municipality must be collected, conveyed and disposed of in accordance with the provisions of this article. It shall be unlawful for any person to collect and/or dispose of any solid waste within the Town of Elma except as provided in this article.

§ 119-5. Source separation of recyclable materials required.

Solid waste generated or originated in the Town of Elma which has been left for private collection shall be source-separated in accordance with the regulations of the Town of Elma and shall be the responsibility of the generator and the private collector of such solid waste. Such private collectors shall provide the Town with a copy of their plan to implement said source separation and recycling not later than September 1, 1992, so that said plans may be reviewed and thereafter incorporated in the Town regulations on recycling.

§ 119-6. Acceptance of hazardous waste prohibited.

The Town of Elma will not accept at its transfer station any hazardous waste.

§ 119-7. Transfer station containers.

It shall be a violation of this article for any person to place in any container at the transfer station maintained by the Town of Elma materials other than those which are nonhazardous, nonrecyclable waste or recyclable waste. The following items will be placed in separate bins provided by the Director of Sanitation at the transfer station located in the Town of Elma:

- A. Recyclable paper.
- B. Recyclable glass which must be rinsed.
- C. Recyclable cans which must be rinsed but need not have the labels removed.
- D. Recyclable plastic.
- E. Recyclable cardboard.

§ 119-8. Collection and disposal of construction and demolition debris, white goods and bulkies.

- A. The Director of Sanitation shall determine, subject to the approval of the Town Board, schedules for the collection of construction and demolition debris, major appliances and large household furnishings.
- B. No person shall place or store construction and demolition debris with nonhazardous recyclable or nonrecyclable waste. The person creating construction and demolition debris shall remove the same and dispose of the same in a sanitary manner.
- C. Any and all debris from work done by a contractor must be removed by the contractor that did the work. The Town will not collect any construction or demolition debris.
- D. All white goods or bulkies which are to be discarded from a residence where the white goods or bulkies were actually in use shall be taken to the transfer station. It shall be the sole responsibility of the owner to dismantle the white goods or bulkies so that they will not be a safety hazard to the public. In this respect, doors shall be removed from the white goods before placing them at the transfer station.
- E. The Town shall have no obligation to pick up and remove any construction and demolition debris, white goods or bulkies which are not used in a residence in the Town of Elma.
- F. The Town employees and/or equipment shall not enter private property or structures in making collections.
- G. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials.

§ 119-9. Collection and disposal of brush and tree parts.

- A. The Director of Sanitation is authorized to provide for the collection of brush and tree parts at such times and in such manner that the Town Board shall from time to time provide.
- B. The authorization provided in the preceding subsection shall apply only to brush and tree parts produced by the individual activity or efforts of the owner or occupant of the premises.
- C. Brush and tree parts produced by commercial contractors must be removed from the premises by the contractor or by the owner or occupant of the premises at his expense. Such brush and tree parts may not be placed at or near the curb or street right-of-way, except temporarily as may be necessary in the course of the work which produced the brush and tree parts.
- D. The Town of Elma will not collect or remove brush or tree parts produced by commercial contractors.

§ 119-10. Yard waste.

- A. The Director of Sanitation is authorized to provide for the collection of yard waste at such time and in such manner as the Town Board shall from time to time provide.
- B. The authorization provided for in the preceding subsection shall apply only to yard waste produced by the individual activity or efforts of the owner or occupant of the premises.

§ 119-11. Tires.

Tires shall be disposed of only at the Town transfer station upon payment of a fee as may be determined from time to time by resolution of the Town Board.

§ 119-12. Authorized collectors; license required.

- A. All authorized collectors must obtain a solid waste collection license from the Town of Elma. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to

have committed one or more violations of this article during the preceding calendar year.

- D. All authorized collectors licensed by the Town of Elma shall indemnify and hold harmless the Town of Elma for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article.
- E. Authorized collectors shall offer collection of services for all recyclable materials to all residential, commercial, industrial and institutional customers from whom they provide solid waste collection services.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the solid waste and recyclable materials from its residential, commercial, industrial and institutional customers.
- G. Monthly reports.
 - (1) Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector, which include the following information:
 - (a) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (b) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (c) The quantity, by ton, of recycled material delivered to a recycling facility(s) and the location of the same.
 - (d) The quantity, by ton, of solid waste delivered to each facility.
 - (2) Reports containing the information required as stated above shall be compiled and delivered to the Town Director of Sanitation or other designated individual for each reporting period as designated by the regulations; however, such reporting period shall be no more frequently than quarterly.
- H. Authorized collectors shall not accept for collection solid waste which has not been source-separated in conformity with this article.

§ 119-13. Failure to comply; enforcement procedure; inspections and appearance tickets.

- A. When the employees or officials designated by the Director of Sanitation or the Director of Sanitation determines that a failure to comply with this article has occurred, the Director of Sanitation shall recommend to the municipality that the authorized collector application or license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines and penalties as described herein. Notice and opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.
- B. Notice. The Director of Sanitation shall notify the effected generator, applicant or licensee of the alleged failure, in writing.
- (1) The notice shall include the following:
- (a) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (b) A short and plain statement of the alleged misconduct, including the date and approximate time.
 - (c) A statement of the time, place and nature of the hearing.
- (2) The notice shall be personally served or sent by registered mail to the generator, applicant or licensee at his last known address, at least 10 days before the hearing date, with a copy to the Town Board.
- C. Hearing. A hearing shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of the notice. The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses. Within 20 days after the close of the hearing, the Town Justice shall determine whether the alleged failure to comply with this article has occurred; and if the Town Justice determines that such a failure has occurred, decide whether the generator, applicant or licensee shall be subject to a fine or penalty, or both, whether the application shall be denied or an existing solid waste license or authorized collector's status be suspended or revoked or its holder subjected to a reprimand and issue an order carrying out this decision.

- D. Determinations, decisions and orders. Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method. The Town Justice shall promptly notify the generator, applicant or licensee, in writing, of the final determination, decision or order.
- E. Enforcement.
 - (1) Inspections and appearance tickets. All portions of vehicles and containers used to haul, transport or dispose of solid waste materials, including such containers placed outside residential, commercial, industrial and institutional sites, shall be subject to inspection to ascertain compliance with this article.

§ 119-14. Unauthorized disposal of solid waste prohibited.

No person shall cart to, dump or deposit any solid waste upon any property in the Town except under the authorization, supervision and direction of the Director of Sanitation. The Director of Sanitation, a police officer or such other person as may be designated by the Town Board is authorized and directed to enforce this section and to cause collections to be made accordingly.

§ 119-15. Penalties for offenses.

- A. During any 12 consecutive months, the failure of any person engaged in the business of collecting solid waste and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Town or who collects, picks up, removes or causes to be collected, picked up or removed solid waste or recyclable materials in a manner not in compliance with this article shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- B. A waste generator who fails to comply with the provisions of this article shall be guilty of a violation, punishable as follows:
 - (1) For the first violation: a written warning clearly stating the nature of the violation and the schedule of fines for future violations.
 - (2) For the second violation within one year: by a fine of not less than \$50 nor more than \$100.

- (3) For the third violation within one year: by a fine of not less than \$100 nor more than \$150.
 - (4) For the fourth and each subsequent violation within one year: by a fine of not less than \$150 nor more than \$300.
- C. Any penalties of damages recovered or imposed under this article are in addition to any other remedies available at law or in equity.
- D. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to come into compliance with this article.

§ 175-1. Title.

This article shall be known as the "Ordinance Regulating Dumping."

§ 175-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

GARBAGE — Waste food, dead animals or parts thereof, waste or discarded wood and lumber, vegetable matter of any kind or any other matter which shall be inflammable or capable of fermentation or decay.

PERSON — An individual, society, club, firm, partners, corporation or association of persons. The singular number shall include the plural number.

RUBBISH — Waste metal, ashes, cinders, glass and all discarded substances of a solid and incombustible nature.

§ 175-3. Restrictions.

- A. No person shall throw, dump, empty or deposit, or cause to be thrown, dumped, emptied or deposited, in any part of said Town, any garbage or rubbish which shall originate outside the Town of Eden.
- B. No person shall permit the throwing, dumping, emptying or depositing of any garbage or rubbish originating from any source outside the Town of Eden upon any property within the Town of Eden which is owned, leased or controlled by such person.
- C. No person shall permit the throwing, emptying, dumping or depositing of any garbage or rubbish upon any property in the Town of Eden which is owned, leased or controlled by such person, without a permit from the Town Board and the Erie County Department of Health.¹

§ 175-4. Penalties for offenses.²

Any person violating any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine not exceeding \$250 for each offense or by imprisonment in

1. Editor's Note: Original § 14-4, Collection and disposal, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the county jail for not more than 15 days, or by both such fine and imprisonment.

§ 175-5. Title.

This article shall be known as the "Mandatory Recycling Law of the Town of Eden."

§ 175-6. Purpose.

- A. The safe, clean disposal of solid waste is a dilemma facing every community and is an important public concern. Reduction, reuse and recycling of solid waste is an important solution which will aid in the protection and preservation of the environment.
- B. The collection of recyclable materials from all persons and waste-generating units in the Town will serve the public interest by reducing the volume of municipal solid waste and, as a result, protect the environment. This article will require that solid waste generated within the Town be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. This article is intended to comply with the Solid Waste Management Act of 1988, which requires a source separation law.
- C. To further this intention, the Town of Eden adopts this article and requires mandatory recycling within the Town effective September 1, 1992.

§ 175-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED WASTE HAULER — A person authorized by contract or license with the Town of Eden to collect solid waste from residential, commercial and institutional properties under the conditions of this article within the Town of Eden.

BIN or TOTE — A container used exclusively for the storage and handling of recyclable materials. For purposes of this article, the terms "bin" and "tote" shall both refer solely to the ninety-six or sixty-four-gallon totes to be provided by the Town of Eden for the handling of recycling materials. **[Amended 1-10-2018 by L.L. No. 1-2018]**

BULKIES — Large items such as sofas, upholstered chairs, mattresses and white goods such as refrigerators, stoves, dishwashers, washers, dryers, etc.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices, garages, gas stations, manufacturing, repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — Box, garbage bag, garbage can or refuse container for the storage of municipal solid waste until collection.

GENERATOR — The person within the waste-generating unit directly responsible for the municipal solid waste and recyclable materials placed at the roadside for weekly disposal.

INSTITUTIONS — An organization or establishment devoted to the promotion of a particular object or cause, including nursing homes, health facilities, governmental facilities, libraries or fire halls, etc.

MUNICIPAL SOLID WASTE — All putrescible and nonputrescible materials that have been discarded, including garbage, refuse and other solid waste materials resulting from residential, commercial, agricultural and other community activities. It shall not include hazardous wastes as defined by the New York State Department of Environmental Conservation.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE SUBSCRIPTION — The collection of municipal solid waste, bulkies and recyclable materials where the commercial operator or institution contracts directly with the private waste hauler of the subscriber's choice.

RECYCLABLE MATERIALS — Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials shall include, but not be limited to, aluminum products and containers, metal cans, glass containers, plastics, newsprint, magazines, corrugated cardboard and mixed or other paper.**[Amended 10-30-2002 by L.L. No. 5-2002]**

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

SOURCE SEPARATE — To separate the recyclable materials from the municipal solid waste stream at the point of waste generation.

TOWN OF EDEN GARBAGE BAGS — Thirty-gallon garbage bags printed with the "Town of Eden," available for purchase from the Town of Eden.

WASTE-GENERATING UNIT — Any living unit or other residential dwelling or municipal, commercial or institutional establishment which generates municipal solid waste.

WASTE HAULER — A person, firm, corporation, institution or legal entity providing for the collection of municipal solid waste and/or recyclable materials.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 175-8. Solid waste management.

- A. Town of Eden garbage district fee. The Town will raise moneys for the collection and disposal of municipal solid waste and recyclable materials fee by a special district fee on the property owners of all waste-generating units within the Town of Eden. The fee will be determined and adopted annually by the Town Board as part of the Town budget. This garbage district fee pays for the collection and disposal of municipal solid waste, recyclable materials and bulkies.
- B. Collection of municipal solid waste.
 - (1) All municipal solid waste accumulated on any residential, institutional or commercial property in the municipality shall be collected and disposed of by the authorized waste hauler under contract with the Town and in accordance with the provisions of this article.
 - (2) Owners and occupiers of residential and commercial, institutional property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms of the contract between the Town and collector.
 - (3) The first three containers may be the choice of the waste-generating unit. Containers four through eight must be the Town of Eden garbage bags available for purchase at locations throughout the Town as determined by the Town Board.
 - (4) Each waste-generating unit is limited to eight containers of solid waste or garbage weekly. Each container may not exceed 70 pounds and 30 gallons.

- (5) No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned by said person in the municipality.
- (6) Owners and occupiers of residential and commercial property are prohibited from putting their accumulated municipal solid waste containers and recyclable material bins at the roadside earlier than 24 hours before their scheduled pickup, and all such containers and bins must be removed from the roadside no later than the day following the scheduled pickup.

C. Town garbage district fee exemption.

- (1) Any commercial, institutional or industrial operation within the Town of Eden which can provide proof of private subscription with a waste hauler will be exempted from the garbage district fee.
- (2) Private subscription must be an annual contract which includes recycling. Proof must be a copy of the contract, submitted to the Board of Assessors' office, and must be provided annually.
- (3) The private waste hauler must be licensed by the Town of Eden. In such a case where a commercial operation contracts directly with a waste hauler, the fee or payment shall be a matter of private agreement between the owners and occupiers and the waste hauler.

D. Prohibition. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of Eden except as provided in this article.

§ 175-9. Source separation of recyclable materials.

Municipal solid waste generated or originated within the Town of Eden which has been left for collection shall be handled as follows:

- A. Prior to initial collection, source separation shall be required of each and every person discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.
- B. Waste haulers collecting residential, commercial or institutional municipal solid waste generated within the Town of Eden shall refuse to collect solid waste from any such person who has not

properly prepared the recyclable material to the specification of the waste hauler.

§ 175-10. Collection of recyclable materials placed at roadside.

- A. Only authorized waste haulers who are acting under authority of the Town of Eden shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection.
- B. Recyclable materials shall be separated from municipal solid waste and placed at the roadside for collection. Waste-generating units or persons shall separate and prepare recyclable materials for collection as prescribed in the agreement between the Town of Eden and its waste hauler. Such recyclable materials shall be placed in bins at the roadside.
- C. Recycling totes. **[Amended 1-10-2018 by L.L. No. 1-2018]**
 - (1) Each waste-generating unit covered by the Town of Eden Garbage District shall receive one recycling tote from the Town of Eden. Such totes are the property of the Town of Eden.
 - (2) No other container may be used for curbside pickup of recyclable materials in the Town of Eden Garbage District.
 - (3) Recycling totes may not be transferred from one waste-generating unit to another and must remain with the property upon sale of the property.
 - (4) Stolen, lost or damaged recycling totes must be replaced by the property owner at his or her cost.
- D. Recyclable materials shall not be placed in the same container with municipal solid waste for collection.
- E. Nothing herein shall prevent any person from making arrangements for the private collection or donation of recyclable materials prior to the placement at the curbside.

§ 175-11. Waste haulers to be licensed.

- A. All waste haulers must obtain a solid waste collection license from the Town of Eden.
- B. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year,

or such portion thereof remaining. There shall be no reduction in the license fee for a license issued after the beginning of any calendar year.

- C. An authorized waste hauler shall prominently display a Town of Eden sticker on each vehicle operated by or on the behalf of the authorized waste hauler.
- D. Authorized waste hauler applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this article during the preceding calendar year.

§ 175-12. Requirements of licensed waste hauler.

- A. Authorized waste haulers shall offer collection services for all recyclable materials to all waste-generating units on the same days as services are provided for solid waste collection.
- B. Each waste hauler who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the municipal solid waste recyclable materials from its residential, commercial, industrial and institutional customers.
- C. Each waste hauler shall maintain separate monthly records of the solid waste and recyclable materials collected, transported or disposed of, which include the following information:
 - (1) The number of units within the Town of Eden in which the solid waste and recyclable materials was generated;
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected;
 - (3) The quantity, by ton, of recyclable material delivered to a recycling facility(ies) and the location of the recycling facility(ies); and
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- D. Reports containing the information required as stated above shall be compiled and delivered to the Town Supervisor or other designated individual quarterly as follows: January through March, April through June, July through September and October through December, but not later than 30 days after the end of each quarter.

- E. Authorized waste haulers shall not accept for collection municipal solid waste which has not been source-separated in conformity with this article.
- F. All authorized waste haulers licensed by the Town of Eden must indemnify and hold harmless the Town of Eden for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized waste hauler in violation of this article.

§ 175-13. Approval, denial, suspension or revocation of license.

When the designated public official determines that a failure to comply with this article may have occurred, he or she shall recommend to the municipality that the authorized waste hauler application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste or authorized waste hauler license or the issuance of a sanction, fine or penalty.

A. Notice.

- (1) The designated public official shall notify the affected generator, applicant or licensee of the alleged failure, in writing. This notice shall include the following:
 - (a) A statement of the condition allegedly violated, referring to the pertinent law, rule or regulation;
 - (b) A short and plain statement of the alleged misconduct; and
 - (c) A statement of the time, place and nature of the hearing.
- (2) The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address, at least 10 days before the hearing date, with a copy to the Town Supervisor.

B. Hearing.

- (1) Hearings shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of notice.

- (2) The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
- (3) Within 20 days after the close of the hearing, the Town Justice shall:
 - (a) Determine whether the alleged failure to comply with this article has occurred; and
 - (b) If the Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to a fine or penalty, the application shall be denied or an existing solid waste license or authorized waste hauler status shall be suspended or revoked or its holder subjected to a reprimand and issue an order carrying out this decision.

C. Determinations, decisions and orders.

- (1) Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method.
- (2) The Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

D. Enforcement.

- (1) The Eden Town Board is hereby authorized and directed to establish and promulgate reasonable rules and policies for the collection of recyclable materials in accordance with the terms of this article and any other matters required to implement this article.
- (2) Police officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets of this article.
- (3) All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this article by any police officer, code officer and any other public official designated by the Town of Eden.

§ 175-14. Penalties for offenses.

A. Penalties for applicants or licensees.

- (1) Any person engaged in the business of collecting municipal solid waste and/or recyclable materials or rendering solid waste and/or recyclable services who is not authorized by the Town of Eden or who picks up, removes or causes to be collected, picked up or removed municipal solid waste or recyclable materials in a manner not in compliance with this article shall be guilty of a violation, punishable by a fine of not less than \$2,500 and not exceeding the sum of \$5,000.
 - (2) Each day such violation occurs or continues to occur shall constitute a separate violation.
- B. Penalties for waste generators. Failure of a waste generator to comply with the provisions of this article designated as violations shall be punishable as follows:
- (1) For the first conviction: by a written warning clearly stating the nature of the violation and a schedule of fines for future convictions within one year of the first conviction.
 - (2) For the second conviction within one year: by a fine not less than \$40 nor more than \$75.
 - (3) For the third conviction within one year: by a fine of not less than \$75 nor more than \$125.
 - (4) For a fourth and each subsequent conviction within one year: by a fine of not less than \$125 nor more than \$275.
- C. Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity.
- D. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to come into compliance with this article.³

3. Editor's Note: The Garbage District Policies, adopted 1-22-1997, are on file in the Town Clerk's office.

§ 168-1. Title.

This article shall be known as the "Solid Waste Law of the Town of Evans."

§ 168-2. Legislative determinations.

The Town Board of the Town of Evans has determined that:

- A. The reduction, reuse, recycling and proper disposal of solid waste are important public concerns and will benefit public health, safety and welfare and aid in preservation of the environment.
- B. The Solid Waste Management Act of 1988 mandates the adoption of a source separation law by each municipality within New York State by September 1, 1992.
- C. The program established hereunder for the separation, preparation, collection and disposal of solid waste shall be under the supervision of the Town Board of the Town of Evans, directly or through its designated agencies or representatives, as determined by the Town Board.

§ 168-3. Definitions.

The following words and phrases used throughout this article shall have the following meanings:

COLLECTION SITE — The spot or area, curbside or otherwise, specified as the site for placement of solid waste which has been prepared for collection. The Town Board may prescribe standards for designating and maintaining a "collection site" by rule, regulation or order, as it deems appropriate.

NONRECYCLABLE WASTE —

- A. Those items of solid waste, excluding recyclable waste and special solid waste, as defined herein, designated by the Town Board as eligible for curbside pickup. "Nonrecyclable waste" includes, but is not limited to:
 - (1) Garbage: putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.
 - (2) Rubbish: rags, sweepings, excelsior, rubber (other than vehicular tires), leather, crockery, shells, clothing, straw, dirt, filth, wastepaper and waste glass not meeting the definition

and/or specifications for recyclable waste and similar waste materials.

- B. The above list may be modified by rule, regulation or order of the Town Board, as the need arises.

NONRESIDENTIAL GENERATOR — Any person who generates solid waste in the Town of Evans and who is not a residential generator, as defined herein.

PERSON — Any individual, natural person, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR(S) — A person, firm, partnership, corporation or other legal entity providing services for the collection, transportation and/or disposal of solid waste, duly licensed by the Town of Evans pursuant to this article.

RECYCLABLE WASTE — Those materials designated by the Town Board as requiring separation from all other solid waste at the source of generation. They include, but are not limited to, corrugated cardboard, high-grade paper, newspapers, magazines, aluminum and metal beverage containers, clear glass bottles and jars and plastic containers designated No. 1 and No. 2 on their recycling codes. The above list of materials may be modified by rule, regulation or order of the Town Board, as the need arises.

RESIDENTIAL GENERATOR — Any person, including a lessee or other person in possession, who generates solid waste on or at a site or parcel which is a part of the Town of Evans Garbage District.

SOLID WASTE — All putrescible and nonputrescible materials that have been discarded or rejected, including but not limited to recyclable, nonrecyclable and special solid waste, as defined herein, garbage, refuse and rubbish resulting from residential, commercial, industrial and community activities. Not included are hazardous wastes as identified and defined by the New York State Department of Environmental Conservation.

SPECIAL SOLID WASTE — All other solid waste or other waste materials not identified or treated as either recyclable waste or nonrecyclable waste herein, including but not limited to:

- A. Major appliances: stoves, refrigerators, dishwashers, dryers, washing machines, sinks, toilets and other similar large appliances.
- B. Large household furnishings: all other large and/or bulky articles actually used in the home and which equip it for living, such as chairs, sofas, tables, beds, carpets and similar items.

- C. Green waste: leaves, grass clippings from lawns, flowers or gardens, brush and cuttings from shrubs, hedges and trees which are not reused or composted but are intended for disposal as part of the waste stream.
- D. Construction and demolition debris: discarded building materials, concrete, stones, waste earth from excavations or grading and all other refuse matter resulting from the erection, repair, remodeling or demolition of buildings, structures or other improvements of property.
- E. Vehicular tires or tire casings, batteries, motor oil, paint and containers for the same.
- F. Hazardous waste: as defined in the New York State Environmental Conservation Law, Article 27, and also including, but not limited to, low-level radioactive waste and special nuclear or by-product material as defined by Article 29 of the Environmental Conservation Law and the United States Atomic Energy Act of 1954, respectively.

SUITABLE CONTAINER(S) — Such container as shall, from time to time, be designated as acceptable for the collection of recyclable waste, nonrecyclable waste or special solid waste for residential generators by resolution of the Town Board and for nonresidential generators by their private collectors, in compliance with this article.

§ 168-4. Source separation of solid waste.

- A. No person shall prepare solid waste for collection and disposal except as provided herein:
 - (1) Recyclable waste shall be separated from other solid waste at the point of waste generation.
 - (2) Recyclable waste from residential generators shall be separated from other solid waste and placed in one or more suitable containers for curbside collection, prepared for collection in such manner as may be required by rule, regulation or order of the Town Board.
 - (3) Recyclable waste from nonresidential generators shall be separated from other solid waste and placed in one or more suitable containers for collection, prepared for collection in such manner as may be specified by their private collector(s). All such specifications from private collectors shall comply, in all respects, with the purpose, intent and requirements of this article.

- (4) Nonrecyclable waste from residential generators shall be separated from other solid waste and placed in suitable containers for curbside collection, in such allowable quantities and prepared for collection in such manner as may be required by rule, regulation or order of the Town Board.
 - (5) Nonrecyclable waste from nonresidential generators shall be separated from other solid waste and placed in suitable containers and prepared for collection in such manner as may be specified by their private collector(s). All such specifications from private collectors shall comply, in all respects, with the purpose, intent and requirements of this article.
 - (6) Recyclable waste and nonrecyclable waste shall not be commingled with each other or with other solid waste at any point during its preparation for collection, and it shall be a violation of this article for any person to prepare and set out for collection any can, container or bag containing solid waste which has not been separated and prepared as required herein.
- B. Nothing herein shall prevent any person from making arrangements for the private sale or donation of recyclable or reusable goods, provided that such private sale or donation is undertaken in good faith and without the intention of circumventing the purpose, intent and requirements of this article.

§ 168-5. Compliance required.

It shall be a violation of this article for any person to collect, pick up, remove or dispose of or allow to be collected, picked up, removed or disposed of any solid waste within the Town of Evans except as provided in this article.

§ 168-6. Residential generators.

- A. Recyclable and nonrecyclable waste from residential generators shall be collected and disposed of by the Town of Evans, or its authorized collector, in the manner and at the times and places as may be specified from time to time by rule, regulation or order of the Town Board.
- B. No residential generator shall mix or cause to be mixed with his recyclable and/or nonrecyclable waste prepared for collection and disposal by the Town of Evans or its authorized collector any

solid waste not generated by such residential generator within the Town of Evans.

- C. Neither the Town of Evans nor its authorized collector shall have any obligation to collect, and shall not collect, any solid waste not prepared for collection in accordance with this article.
- D. Recyclable waste placed at the curbside or other appropriate place for collection by the town, as provided herein, shall become the property of the Town of Evans upon placement at the collection site. No person who is not acting under authority of the Town of Evans or its authorized collector shall collect, pick up or remove or cause to be collected, picked up or removed any recyclable waste so placed for collection. Each unauthorized collection, pickup or removal shall constitute a separate violation of this article; provided, however, that where the Town has refused to collect certain recyclables because they have not been prepared and placed for collection in accordance with this article, the residential generator may and shall remove such recyclables from the collection site.
- E. All other solid waste from residential generators, including but not limited to construction and demolition debris, major appliances, large household furnishings, tires and auto batteries and green waste, shall be collected and disposed of by private collectors, duly permitted by the Town under this article. The Town Board may, from time to time, authorize special collection and disposal programs for one or more of these items, on such terms and conditions as it may deem appropriate.

§ 168-7. Disposal on streets prohibited. [Added 12-15-1993 by L.L. No. 13-1993]

No person, resident or nonresident, shall throw, deposit or dump or cause to be thrown any garbage, rubbish, solid waste or recyclable or nonrecyclable waste of any type on any public highway, street, roadside or land, whether developed or undeveloped, within the Town of Evans.

§ 168-8. Nonresidential generators.

All solid waste from nonresidential generators shall be collected and disposed of by licensed private collectors, in accordance with the requirements of this article.

§ 168-9. Solid waste collection license.¹

- A. No person shall collect, pick up or remove for disposal, for a fee, any solid waste from any residential or nonresidential generator in the Town of Evans without first obtaining a solid waste collection license (SWC license) from the Town Clerk.
- B. The application for the SWC license shall be on such forms as are prescribed by rule, regulation or order of the Town Board. Each application shall be completed by the applicant or a duly authorized representative of the applicant, shall be accompanied by the appropriate fee and shall contain, at a minimum, the following:
 - (1) The name, business address and business telephone and facsimile number(s) of the private collector.
 - (2) A description of the specific types of solid waste to be collected and disposed of under the license.
 - (3) A description of the manner of collection and the location and method of disposal of the recyclable waste, nonrecyclable waste and other solid waste to be collected and disposed of under the license. (Applicants must provide a copy of their specifications to customers for preparation of solid waste for collection and disposal, and such specifications must comply with the requirements of this article.)
 - (4) A sworn statement that the applicant will not accept for disposal any solid waste which has not been prepared for collection and disposal as required by this article and acknowledging that the issuance of this license is conditioned upon its collection and disposal operations conforming, in all respects, to the purpose, intent and requirements of this article.
- C. Subject to the requirements of this section, the SWC license shall be issued by the Town Clerk upon completion of the application and payment of the appropriate fee and shall be valid for one calendar year, expiring on December 31 of each year unless earlier suspended or terminated as provided for herein. The fee shall be established by resolution of the Town Board on an annual basis. **[Amended 12-15-1993 by L.L. No. 13-1993]**
- D. The SWC license shall require each licensed collector to maintain separate monthly records showing certain information regarding collection and disposal from generators within the Town of Evans.

Such records shall specify the type and number of generators serviced, the quantity of recyclable, nonrecyclable and other solid waste collected and the location and manner of disposal, by tonnage. Such record(s) shall be delivered to the Town Clerk quarterly.

- E. All licensed collectors shall indemnify and hold harmless the Town of Evans for any pending, threatened or actual claims, liability or expenses arising from collection and/or disposal of solid waste by the licensed collector in violation of this article.
- F. Failure of the private collector to comply with all of the above requirements and all requirements of this article shall constitute grounds for suspending or terminating said collector's license or for denying the issuance of said collector's license.
- G. Written notice shall be given to the private collector of the reason for any SWC license denial, suspension and/or termination, and such private collector shall be entitled to demand, within 10 days of its receipt of such written notice, a hearing before the Town Board on the issue. Such hearing shall be held within 10 days of the receipt by the Town of the demand for such hearing, and written notice of the Town Board's decision shall be given to the private collector no later than 10 days after such hearing.

§ 168-10. Promulgation of rules, regulations and orders.

The Town Board is hereby authorized to promulgate such rules, regulations and orders as it may deem reasonable and necessary to carry out the intent and purpose of this article. Such rules, regulations and orders shall be adopted by Town Board resolution, but only after holding a public hearing, notice of which has been published in the same manner prescribed for adoption of a local law.

§ 168-11. Enforcement.

Enforcement of this article will be maintained by any police officer, code enforcement officer or any other person or persons duly designated by the Town Board of the Town of Evans.

§ 168-12. Penalties for offenses. [Amended 5-3-1995 by L.L. No. 8-1995]

- A. Each and every violation of this article shall constitute a separate violation as defined in the Penal Law and shall be punishable as follows: **[Amended 9-7-2016 by L.L. No. 6-2016]**

- (1) A fine of \$500 for the first violation.
 - (2) A fine of \$750 for the second violation.
- B. In the event of succeeding and continuing violations, any person and/or business who shall be convicted of violating or failing to comply with the provisions of this article shall be liable for a fine of \$1,000 per day and/or 100 hours of community service per day of violation.
- C. In addition to the above penalties, the Town Board may also maintain an action or proceeding to compel compliance with this article or to restrain, by injunction, the violation of said article.

Part 3
[Adopted 8-17-1992 By L.L. No. 10-1992]
Recycling

ARTICLE IX
General Provisions

§ 220-23. Title.

This Part 3 shall be known and may be cited as the "Recycling Law of the Town of Hamburg."

§ 220-24. Statutory authority.

This Part 3 is enacted pursuant to the authority granted under the New York State Town Law, New York State General Municipal Law, New York State Municipal Home Rule Law and New York State Environmental Conservation Law regarding solid waste management.

§ 220-25. Purpose.

It shall be the purpose of this Part 3 to encourage and facilitate the maximum recycling practicable on the part of each and every person, household, business and institution within the town. It shall further be the purpose of this Part 3 to establish, implement and enforce minimum recycling-related practices and procedures to be applicable to all waste generators and authorized collectors within the town.

§ 220-26. Definitions.

The following terms shall have the meanings set forth in this Part 3:

AUTHORIZED COLLECTOR — Any person or other legal entity which is licensed by the town for the purpose of collecting recyclables from waste generators for delivery to a recycling facility or market and/or collecting solid waste from waste generators for disposal at a permitted solid waste facility.

COMPONENTS — Those materials which include paper, glass, metals, plastics, garden and yard waste and may include other elements of solid waste.

CURBSIDE COLLECTION — The collection by the town, its authorized agent(s) or an authorized collector of recyclables and/or solid waste placed at the curbside or other designated locations.

DROPOFF CENTER — A private or publicly operated facility to which a person can deliver recyclables for further processing and marketing.

ECONOMIC MARKETS — Those instances in which the full avoided costs of proper collection, transportation and disposal of source-separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials.

MATERIAL RECOVERY FACILITY — A private or public facility for receiving and processing recyclables into marketable commodities.

PERSON — Any individual, firm, partnership, company, institution, corporation, association, joint venture, cooperative enterprise, trust, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this Part 3 prescribing a fine or penalty, the term "person" shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

RECYCLABLES — Those materials, as the Town Board shall designate, able to be practically separated from nonrecycled waste. Such materials may include but are not limited to the following:

- A. Aluminum cans: empty all-aluminum beverage and food containers.
- B. Bimetallic cans: Empty food or beverage containers consisting of ferrous sides and bottoms and an aluminum top.
- C. Corrugated: woodpulp-based material which is usually smooth on both sides with a corrugated center, commonly used for boxes for packing, mailing, shipping or containerized goods, merchandise or other material, but excluding plastic, foam or wax-coated or soiled cardboard.
- D. Ferrous cans: empty steel or tin food or beverage containers.
- E. Glass containers: bottles and jars made of clear (flint), green or brown (amber) glass. Expressly excluded are noncontainer glass, drinking glasses and cups, window and mirror glass, blue glass, light bulbs and porcelain or ceramic products.
- F. Magazines: magazines, glossy catalogs and other matter printed on glossy or slick paper.
- G. Newspapers: common machine-finished paper made chiefly from wood pulp and commonly referred to as "newsprint." Expressly excluded, however, are newspapers which have been soiled or

wet. Glossy-finished papers used for newspaper inserts may also be excluded.

- H. Office paper: all bond, computer printout, stationery, duplicating and other high-quality paper. Expressly excluded are papers with self carbons, chemical transfer paper, carbon paper, windowed envelopes and glossy paper.
- I. Plastic containers: containers composed of high-density polyethylenes (HDPE), polyethylene terephthalate (PET) or other specific plastics as the Town Board may designate, i.e., No. 2 plastic.

SOLID WASTE — All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, commercial waste, sludges, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, but not including designated recyclables, solid or dissolved matter in domestic sewage or substances, materials in noncontainerized gaseous form or hazardous or toxic materials or waste as defined by the Department of Environmental Conservation.

SOURCE SEPARATION — The separation and segregation of recyclables from the solid waste stream into designated categories for recycling by the waste generator at the point of generation.

TOWN — The Town of Hamburg, located within the County of Erie, State of New York.

TOWN BOARD — The duly elected and constituted legislative body of the Town of Hamburg.

VEGETATIVE YARD WASTE — Organic yard and garden waste, prunings, grass clippings, weeds, leaves and brush.

WASTE GENERATOR — Any person or other legal entity which produces waste requiring off-site disposal.

§ 220-27. General provisions.

- A. The designation and definition of recyclables shall be as set forth in this Part 3 and as may be determined from time to time by resolution of the Town Board. In the designation and definition of recyclables, the Town Board shall give due consideration to the public purposes for recycling, to the adequacy of economic markets for separated materials and to any additional effort and

expense to be incurred by waste generators and authorized collectors in meeting the separation requirements.

- B. Every waste generator in the town shall cause recyclables to be source-separated from solid waste. Such source separation shall occur prior to the time that the solid waste is left for collection or is delivered by the generator of such waste to a solid waste management facility.
- C. Waste generators shall cause source-separated recyclables to be properly prepared for collection or dropoff in the manner reasonably prescribed by the authorized collector, dropoff center or material recovery facility.
- D. Waste generators shall cause properly prepared recyclables to be available for collection by an authorized collector or cause properly prepared recyclables to be delivered to a dropoff center or material recovery facility.
- E. It shall be a violation of this Part 3 for any person not authorized by the Town Board to collect or pick up or cause to be collected or picked up any recyclables or solid waste within the town. Each such collection in violation hereof shall constitute a separate and distinct offense.
- F. It shall be a violation of this Part 3 for a waste generator or authorized collector to dispose or attempt to dispose of recyclables as waste. Each such disposal or attempted disposal in violation hereof shall constitute a separate and distinct offense.

§ 220-28. Licensing of collectors; permit; report.

- A. All existing conditions for licensing in current § 220-13 of the Code of the Town of Hamburg shall remain in effect.
- B. All authorized collectors are required to obtain an annual permit upon application and approval by the Town Board.
- C. The Town Board shall determine by resolution the cost of the permit and any requirements to be met by the applicant. By this provision, the Town Board specifically reserves the discretion to determine the requirements for said permit, which shall include but not be limited to the type of vehicles used for collection, hours of collection, frequency of collection, materials collected and provisions against spillage and littering.

- D. In determining the requirements for said permit, the Town Board shall give due consideration to existing source-separation, recycling and other resource recovery activities in the town.
- E. All authorized collectors shall file a periodic report with the Town Board, Town Clerk and Town Building Inspector in a format and at a frequency designated by the Town Board. For all recyclables and solid waste collected from within the town during a given period, the report shall include but not be limited to the following:
 - (1) The weights by category of all solid waste collected, the name and address of each solid waste management facility where said waste was delivered and the weights by category of the waste delivered to each such facility.
 - (2) The weights by category of all recyclables collected, stored, marketed and otherwise disposed of during the period.
 - (3) The names and addresses of any persons or firms who or which have failed to properly source-separate recyclables from solid waste; provided, however, that the authorized collector has made reasonable efforts to educate the persons or firms on the acceptable methods of proper source separation.

§ 220-29. Enforcement.

- A. The Town Board, by its designated officer, is authorized to enforce this Part 3. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclables in accordance with the terms hereof and any other matters required to implement this Part 3. This shall include the licensing of authorized collectors. The Town Board may change, modify, repeal or amend any portion of said rules and regulations at any time.
- B. The town or any authorized collector may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables.
- C. The town or any authorized collector may refuse to collect recyclables from any person who has clearly failed to properly prepare such recyclables.

§ 220-30. Penalties for offenses.

- A. Any action by any person or other legal entity who or which violates or does not comply with any provision of this Part 3 or any regulation thereof shall be given a written notice to remedy upon the first violation and thereafter shall be punishable by a fine not to exceed \$100 upon the first conviction and not more than \$1,000 upon each subsequent conviction.
- B. Any person or other legal entity who or which collects such recyclables without authorization of the owner and of the Town Board shall be punishable by a fine not to exceed \$300 upon the first conviction, not more than \$500 upon the second conviction and not more than \$1,000 upon each subsequent conviction.
- C. Any authorized collector who collects, picks up or removes materials in a manner not in compliance with this Part 3 shall be guilty of a violation punishable by a fine of \$1,000 upon the first conviction. The fine shall be double the previous amount for each subsequent conviction.
- D. Any person improperly disposing of solid waste and/or recyclables either on or off his property shall be subject to a maximum fine of \$250 upon the first conviction. The fine shall be double the previous amount for each subsequent offense.
- E. This Part 3 shall be enforced in the Town of Hamburg Justice Court.

§ 220-31. Collection procedures.

Any person may donate or sell recyclables to individuals or organizations authorized or licensed by the Town Board in its recycling regulations. These recyclables shall either be delivered to the individual's or organization's site or placed at the curb for collection by said individual or organization on days not indicated as recyclables collection days by the Town Board. Said individuals or organizations shall not collect recyclables on or immediately preceding [within 24 hours] a regularly scheduled curbside collection day without written authorization from the Town Board.

§ 220-32. Severability.

The provisions of this Part 3 are severable. If any provision of this Part 3 or its application to any person or circumstances is adjudged unconstitutional or invalid, such judgment shall not affect any other provision or application of this Part 3 which can be given effect without the invalid provision or application of this Part 3.

§ 220-33. Effective date.

This Part 3 shall take effect September 1, 1992, with enforcement procedures to begin January 1, 1993.

§ 198-1. Use of animal, vegetable matter to fill in land.

No sunken places shall be filled in or made land constructed with any materials containing an admixture of putrescible animal or vegetable matter.

§ 198-2. Dead carcasses; unwholesome, offensive substances.

No person shall bring, deposit or leave exposed within this Village any dead carcasses or other unwholesome or offensive substance.

§ 198-3. Offensive, noxious deposits.

No swill, brine, urine of animals or any stinking noxious or offensive liquid of any kind or any foul, filthy matter whatever shall be allowed to drip, run or fall from or out of any building, vehicle or structure into or upon any street or public place.

§ 198-4. Deposits of refuse.

- A. Definition. For the purposes of this section, an "off-street parking area" shall be construed to mean an area maintained by or leased to the Village or maintained by private persons, firms or corporations open to the public or the customers, invitees or licensees of a particular business or group of businesses or maintained by churches, schools or fraternal organizations open to and for the use of their members, attendants, invitees or licensees.
- B. Deposits prohibited. No person shall throw, sweep or deposit any dirt, refuse, garbage, rubbish or filth, including but not limited to wastepaper, ashes, sweepings, dust, garbage, offal, plaster, lint, rags, glass, wrappings, scrap materials or tin cans, and leave the same on any sidewalk or within the limits of any street, alley, public place, park, school grounds, playgrounds or off-street parking areas or upon the banks of or in the Eighteen Mile Creek.
- C. Exception. It shall not, however, be unlawful to place at curbs or between paved portions of the street and the public sidewalk such materials as above in this section defined for collection by public or private refuse and rubbish collectors.

§ 198-5. Penalties for offenses. [Added 6-15-1998 by L.L. No. 3-1998]

Any person violating any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be punishable by a

maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.

§ 198-7. Purpose; effective date; garbage totes and recycling containers.

- A. The reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment, and the Solid Waste Management Act of 1988 mandates passage of a source separation ordinance or law to be passed by each local municipality within New York State by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. The Village of Hamburg establishes mandatory recycling within the Village of Hamburg will be effective on September 1, 1992.
- B. Effective March 1, 2016, all improved real property located in the Village of Hamburg which receives solid waste and/or recyclable collection service from the Village of Hamburg shall be assessed a one-time user fee on the 2017-2018 Village tax bill to cover the cost of a garbage tote(s) and/or a recycling container(s) as required by this Code. The cost of said user fee shall be equal to the amount charged by the third-party private contractor utilized by the Village for the purchase of garbage totes and recycling containers in the Village of Hamburg and shall be charged and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers in the same manner as taxes. In the event that replacement totes and/or containers are required, they shall be purchased directly through the Village of Hamburg at a cost to be determined by the Village of Hamburg. **[Added 3-21-2016 by L.L. No. 4-2016]**
- C. Should any amount of said user fee be due and owing, including any late fees, as of November 1 of the year in which the fee was issued, the property owner shall be mailed an invoice in the amount of the tote fee and penalty. Any amount of said bill, including fees and penalty charges, not paid within 30 days of the date of the invoice shall become a lien upon the real property, superior to any other deed or claim, except the lien of any existing charge imposed by the Village of Hamburg. **[Added 12-18-2017 by L.L. No. 5-2017]**

§ 198-8. Definitions. [Amended 7-18-2016 by L.L. No. 6-2016]

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employee or agent thereof authorized by contract or license with the Village of Hamburg to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this article. In the event of the Village of Hamburg collection, this definition shall include the governing body and employees thereof.

BRUSH — Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

BULKIES — Large items, such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods), such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The Village of Hamburg Department of Public Works or those collectors/haulers engaged in the collection of and/or transportation of solid waste by the Village of Hamburg.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONSTRUCTION AND DEMOLITION DEBRIS — Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

CONTAINER — Can, bin, box, bag or other unit used for storage of recyclable materials or municipal solid waste.

FACILITY — Any solid waste management resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials and medical waste. For purposes of this article, hazardous waste does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.).

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, religious institutions, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of municipal solid waste and/or recyclable materials. To operate in the Village of Hamburg, they shall be required to obtain a license from the Village and be subject to the rules and regulations of the Village.

RECYCLABLE MATERIALS —

A. Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:

- (1) **ALUMINUM** — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverage or other food or drink.
- (2) **METAL CANS** — Containers fabricated primarily of steel and tin or bimetal cans of steel, tin and/or aluminum, but not including aluminum cans.
- (3) **GLASS FOOD AND BEVERAGE CONTAINERS**— New and used glass food and beverage containers which have been

rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex®, leaded glass, mirrored glass or flat glass.

- (4) PLASTIC FOOD AND BEVERAGE CONTAINERS — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as 1, 2 and 3 on the recycling code located on the containers.
- (5) NEWSPRINT — Any common newspaper, including inserts.
- (6) CORRUGATED— Wood pulp-based material which is usually smooth on both sides with a corrugated center, commonly used for boxes; excludes material with a wax coating.
- (7) HIGH-GRADE PAPER— White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- (8) MAGAZINES — Magazines, glossy catalogs and other glossy paper.
- (9) LARGE APPLIANCES— Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal, but excluding air conditioners, microwaves and televisions.

B. The above materials will be reviewed quarterly and will be modified as the need arises by the Superintendent of Public Works or other designated person.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RECYCLABLE CONTAINER — A rigid plastic container or bin, provided to the residents by the Village of Hamburg, or other like metal or rigid plastic container with drainage holes to be used solely for the placement of recyclable materials as defined by this Code. When filled, this container should not exceed 40 pounds in weight.

REFUSE TOTE — A Village-authorized container of a capacity of either 65 gallons or 95 gallons for the storage and collection of municipal solid waste, including but not limited to garbage and nonrecyclable refuse and rubbish. All refuse totes shall be owned by the Village of Hamburg and will be assigned to residential units and/or buildings and structures as more particularly set forth in this Code. Any refuse tote assigned to a residential unit and/or a building

or structure shall remain at that residential unit and/or building or structure and shall not be removed from same.

RESIDENT — A person residing within the Village on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as primary dwellings.

SOLID WASTE MANAGEMENT — The purposeful, systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE SEPARATION — Removing or separating recyclable materials from the municipal solid waste stream at the point of waste generation.

TIRES — Any rubber automobile or truck tires.

TREE PARTS — Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

WASTE GENERATOR — Any person or legal entity which produces waste requiring off-site disposal.

WASTE OIL — Used engine-lubricating oil and any other oil, including but not limited to fuel oil, motor oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residues, animal oil and vegetable oil, which has been contaminated by physical or chemical impurities, through use or accident, and has not subsequently been re-refined.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings, brush and tree parts.

§ 198-9. Duty of owners and occupiers of property. [Amended 7-18-2016 by L.L. No. 6-2016]

- A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the Village of Hamburg. Owners or occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.
- B. Residential properties which receive solid waste and/or recyclable collection services from the Village of Hamburg are required to have a refuse tote(s) and/or recyclable container(s). Single-family households are required to have one refuse tote and one recyclable container, and two-family households are required to have two refuse totes and two recyclable containers. Such containers shall be stored behind the front setback line of the

building on the lot or shall be secured in a separate structure located on the property approved by the Building Inspector until placed to the curb for collection.

- C. An owner or occupier of a property that contains more than two dwelling units, or property conducting commercial or institutional operations and which receives solid waste and/or recyclable collection services from the Village of Hamburg, shall be required to have a minimum of two refuse totes and two recyclable containers or, in the alternative, an appropriate number of said totes and containers as determined by the Superintendent of Public Works that allows the owner/occupier to comply with this Code. All municipal solid waste shall be kept in closed refuse totes, or in dumpsters which have been approved for such use on such property by the Building Inspector, until ready for collection. Such containers shall be kept, until placed for collection, behind the front setback line of the building on the lot or secured in a separate structure on the lot approved by the Building Inspector.
- D. All municipal solid waste accumulated on any residential, commercial, industrial and institutional property in the Village of Hamburg may be collected, conveyed and disposed of by the authorized collector in accordance with the provisions of this article. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Village of Hamburg except as provided in this article.
- E. All municipal solid waste accumulated on commercial and institutional properties may be collected, conveyed and disposed of by authorized collectors under contract with, or licensed by, the Village of Hamburg. In such case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the Village of Hamburg, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this article applicable thereto and New York State Department of Environmental Conservation regulations.

§ 198-10. Properties to be kept clear of solid waste.

- A. It shall be the duty of the owner, lessee or occupant of every dwelling, store or other building within the Village of Hamburg to

keep such buildings free, clear and clean of all kinds of municipal solid waste of any kind or description and to keep sidewalk and yard areas free, clear and clean of all municipal solid waste of any kind or description.

- B. It shall be the duty of the owner, lessee or occupant of every store or other building within the Village of Hamburg, excepting dwellings, to keep all municipal solid waste and recyclable material containers inside the building on the occupied premises or in a suitable structure considered for that particular purpose of approved design from approved noncombustible building materials in accordance with the building regulations of the Village, but nothing herein shall be construed to require the alteration, modification or reconstruction of any existing structure or portion thereof presently in use for such purposes in the Village of Hamburg. Said structure shall be located behind the front setback line of the building on the lot or shall be secured in a separate structure on the lot approved by the Building Inspector. **[Amended 7-18-2016 by L.L. No. 6-2016]**

§ 198-11. Source separation of recyclable materials.

Municipal solid waste generated or originated within the Village of Hamburg which has been left for collection shall be handled in the following manner: Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection. Collectors shall refuse to collect municipal solid waste from any person, residential, commercial, institutional or industrial property or party who has clearly failed to source separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the Village of Hamburg.

§ 198-12. Preparation for collection. [Amended 7-18-2016 by L.L. No. 6-2016]

No person shall dispose of municipal solid waste or recyclable materials except as follows:

- A. All municipal solid waste, including garbage and nonrecyclable refuse and rubbish, shall be stored in a refuse tote or a dumpster as set forth in this Code. All municipal solid waste and nonrecyclable refuse placed into a refuse tote shall be placed either loosely, in a trash compactor bag or in a clear plastic bag.

The lids on all refuse totes and dumpsters must be completely closed. No refuse tote shall exceed 150 pounds in weight when filled.

- B. All recyclable materials shall be placed in a recyclable container as defined in this Code.
- C. From the time of placement of recyclable materials at the curb by a resident for collection in accordance herewith, such recyclable materials shall become and be the property of the Village of Hamburg or its authorized agent. It shall be a violation of this article of the Code of the Village of Hamburg for any person without authority from the Village of Hamburg to collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials, and each such collection, picking up or removal from one or more premises shall constitute a separate and distinct offense in violation of the Code of the Village of Hamburg.
- D. It shall be a violation of this article of the Code of the Village of Hamburg for any person to place at the curb for collection any can or container other than one which contains municipal solid waste or recyclable materials.
- E. The Village of Hamburg will not collect any municipal solid waste or recyclables from any residential, commercial, industrial or institutional property within the Village of Hamburg where the municipal solid waste and recyclables are not separated in accordance with this article.

§ 198-13. Collection and disposal.

Only authorized collectors shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection. Where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 198-14. Construction and demolition debris, large appliances and bulkies.

- A. The Director of Public Works shall determine, subject to the approval of the Board of Trustees, schedules for the collection of construction and demolition debris, large appliances and bulkies.
- B. No person shall place or store construction and demolition debris with municipal solid waste. The person creating construction and demolition debris shall remove same and dispose of same in a sanitary manner. In the event construction and demolition debris results from work performed by an owner or resident individually, the debris may be placed at the curb for pickup by the Village, except that the quantity of such debris may not exceed 10 containers or bundles of not more than 60 pounds each. Quantities of such debris in excess of the amount stated shall be removed by the property owner or resident at his or her expense.
- C. Any and all debris from work done by a contractor must be removed by the contractor that did the work. The Village will not collect any contractor debris.
- D. All large appliances or bulkies which are to be discarded from a residence where the appliance or furnishing was actually in use shall be placed by the owner of said appliance or furnishing at the curb on the scheduled collection day for pickup by the Village. It shall be the sole responsibility of the owner to dismantle the appliance or furnishing so that it will not be a hazard to the public. In this respect, doors shall be removed from the appliance or furnishing before placing it at the curb for collection.
- E. The Village shall have no obligation to pick up and remove any construction and demolition debris, large appliance or household bulkies which were not used in a residence in the Village of Hamburg.

§ 198-15. Collection schedule; time for placement; removal of empty containers.

- A. The Director of Public Works shall designate the days and hours for collection of municipal solid waste and recyclable materials and nonrecyclable rubbish.¹
- B. Village employees or equipment shall not enter private property or structures in making collections.

1. Editor's Note: The current solid waste collection schedule is on file in the Village offices.

- C. All municipal solid waste, recyclable materials, construction and demolition debris, large appliances and bulkies to be picked up must be at the curb no later than 7:00 a.m. on the day of collection, and no material may be placed at the curb before 12:00 noon of the day preceding the scheduled pickup day. **[Amended 4-23-2001 by L.L. No. 3-2001]**
- D. Empty containers shall be removed from the curblane or other places of collection by the occupants of the property before the end of the day on which collection is made from the property.

§ 198-16. Yard waste.

- A. The Director of Public Works is authorized to provide for the collection of brush and tree parts at such times and in such manner as the Board of Trustees shall from time to time provide.
- B. The authorization provided for in the preceding subsection shall apply only to brush and tree parts produced by the individual activity or efforts of the owner or occupant of the property.
- C. Brush and tree parts produced by commercial contractors must be removed from the property by the contractor or by the owner or occupant of the property. Such brush and tree parts may not be placed at or near the curb or street right-of-way, except temporarily as may be necessary in the course of the work which produced the brush and tree parts.
- D. The Village of Hamburg will not collect or remove brush or tree parts produced by commercial contractors.

§ 198-17. Collectors; license; requirements; records.

- A. All authorized collectors must obtain a solid waste collection license from the Village of Hamburg. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the fiscal year, or such portion thereof.² There shall be no reduction in the fee for a license issued after the beginning of any fiscal year. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector. **[Amended 8-17-1998 by L.L. No. 4-1998]**
- B. Authorized collector applications may be denied if the applicant or license has been adjusted or administratively determined to

2. Editor's Note: The current fee schedule is included in the Appendix of this Code.

have committed one or more violations of this article during the preceding fiscal year. All authorized collectors licensed by the Village of Hamburg indemnify and hold harmless the Village of Hamburg for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article. Authorized collectors shall offer collection services for all recyclable materials to all commercial, industrial and institutional customers from whom they provide municipal solid waste services. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the municipal solid waste and recyclable materials from its commercial, industrial and institutional customers. **[Amended 8-17-1998 by L.L. No. 4-1998]**

C. Records.

- (1) Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:
 - (a) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (b) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (c) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (d) The quantity, by ton, of solid waste delivered to each facility.
- (2) Reports containing the information required as stated above shall be compiled and delivered to the Village Director of Public Works or other designated individual for each reporting period as designated by the regulations, but which shall be no more frequently than quarterly.

D. Authorized collectors shall not accept for collection municipal solid waste which has not been source separated in conformity of this article.

§ 198-18. Noncompliance; denial, suspension or revocation of license.

When the designated public officials determine that a failure to comply with this article may have occurred, Director of Public Works shall recommend to the Village of Hamburg that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.

§ 198-19. Notice of violation.

- A. The Director of Public Works shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (1) A statement of the condition allegedly violated, referring to the pertinent law, rule or regulation.
 - (2) A short and plain statement of the alleged misconduct.
 - (3) A statement of the time, place and nature of the hearing.
- B. The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address, at least 10 days before the hearing date, with a copy to the Administrator.

§ 198-20. Hearings; determination; conviction.

- A. Hearings shall be held before the Village Justice within a reasonable period, which shall be at least 10 days after service of notice. The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses. Within 20 days after the close of the hearing, the Village Justice shall determine whether the alleged failure to comply with this article has occurred and, if the Village Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty.
- B. Upon conviction of a violation by the Village Justice, after a hearing or default in appearing by the alleged violator in addition to any fine or penalty, the Director of Public Works may, without further hearing, issue a reprimand, suspend the violators authorized collector's license for a period not to exceed 90 days

from the date of suspension order or revoke the authorized collector's license.

§ 198-21. Final determination.

Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method, prior to final determination by the Village Justice. The Village Justice shall promptly notify the applicant or licensee, in writing, of his or her final determination, decision or order.

§ 198-22. Inspection.

All portions of vehicles and containers used to haul, transport or dispose of municipal solid waste materials, including such containers placed outside residential, commercial, industrial or institutional sites, shall be subject to inspection to ascertain compliance with this article.

§ 198-23. Unauthorized disposal of garbage, recyclable rubbish, nonrecyclable rubbish or construction and demolition debris.

No person shall cart to, dump or deposit any municipal solid waste upon any property in the Village except under the authorization, supervision and direction of the Director of Public Works.

§ 198-24. Penalties for offenses. [Amended 10-3-2016 by L.L. No. 7-2016]

- A. The failure of any person engaged in the business of collecting municipal solid waste and/or recyclable materials or rendering solid waste and/or recycling services, who is not authorized by the Village or who collects, picks up, removes or causes to be collected, picked up or removed municipal solid waste or recyclable materials in a manner not in compliance with this article, shall be guilty of a violation, punishable by a fine of not less than \$500 and not exceeding the sum of \$5,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- B. Violations.
 - (1) Failure of a waste generator to comply with the provisions in this article designated as a violation shall be punishable as follows:

- (a) For the first violation: by a written warning clearly stating the nature of the violation and a schedule of fines for future violations.
 - (b) For the second violation within one year: by a fine of \$50.
 - (c) For the third violation within one year: by a fine of \$100.
 - (d) For the fourth violation and each subsequent violation within one year: by a fine of \$200.
- (2) All fines imposed under this § 198-24B shall double if not paid within 15 days of the date of issuance of the violation notice.
- C. Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to October 17, 2016, in order to permit persons regulated hereunder to come into compliance with this article.

§ 198-25. Enforcement.

The Director of Public Works, a police officer or such other person as may be designated by the Board of Trustees is authorized and directed to enforce these articles and to cause collections to be made accordingly.

Chapter 198

SOLID WASTE

GENERAL REFERENCES

Animal waste — See Ch. 109.

Fire prevention — See Ch. 123.

Outdoor burning — See Ch. 132.

Property maintenance — See Ch. 182.

Sewers — See Ch. 186.

Junk vehicles — See Ch. 233.

ARTICLE I

Health and Sanitation**[Adopted 4-6-1970 by §§ 8-3 through 8-7 of the 1970 Code]****§ 198-1. Use of animal, vegetable matter to fill in land.**

No sunken places shall be filled in or made land constructed with any materials containing an admixture of putrescible animal or vegetable matter.

§ 198-2. Dead carcasses; unwholesome, offensive substances.

No person shall bring, deposit or leave exposed within this Village any dead carcasses or other unwholesome or offensive substance.

§ 198-3. Offensive, noxious deposits.

No swill, brine, urine of animals or any stinking noxious or offensive liquid of any kind or any foul, filthy matter whatever shall be allowed to drip, run or fall from or out of any building, vehicle or structure into or upon any street or public place.

§ 198-4. Deposits of refuse.

- A. Definition. For the purposes of this section, an "off-street parking area" shall be construed to mean an area maintained by or leased to the Village or maintained by private persons, firms or corporations open to the public or the customers, invitees or licensees of a particular business or group of businesses or maintained by churches, schools or fraternal organizations open to and for the use of their members, attendants, invitees or licensees.
- B. Deposits prohibited. No person shall throw, sweep or deposit any dirt, refuse, garbage, rubbish or filth, including but not limited to wastepaper, ashes, sweepings, dust, garbage, offal, plaster, lint, rags, glass, wrappings, scrap materials or tin cans, and leave the same on any sidewalk or within the limits of any street, alley, public place, park, school grounds, playgrounds or off-street parking areas or upon the banks of or in the Eighteen Mile Creek.
- C. Exception. It shall not, however, be unlawful to place at curbs or between paved portions of the street and the public sidewalk such materials as above in this section defined for collection by public or private refuse and rubbish collectors.

§ 198-5. Penalties for offenses. [Added 6-15-1998 by L.L. No. 3-1998]

Any person violating any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be punishable by a maximum fine of \$250 or by a term of imprisonment of not more than 15 days, or both.

ARTICLE II
Solid Waste Management
[Adopted 7-20-1992 by L.L. No. 4-1992]

§ 198-6. Title.

This article shall be known as the "Municipal Solid Waste Law" of the Village of Hamburg.

§ 198-7. Purpose; effective date; garbage totes and recycling containers.

- A. The reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment, and the Solid Waste Management Act of 1988 mandates passage of a source separation ordinance or law to be passed by each local municipality within New York State by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. The Village of Hamburg establishes mandatory recycling within the Village of Hamburg will be effective on September 1, 1992.
- B. Effective March 1, 2016, all improved real property located in the Village of Hamburg which receives solid waste and/or recyclable collection service from the Village of Hamburg shall be assessed a one-time user fee on the 2017-2018 Village tax bill to cover the cost of a garbage tote(s) and/or a recycling container(s) as required by this Code. The cost of said user fee shall be equal to the amount charged by the third-party private contractor utilized by the Village for the purchase of garbage totes and recycling containers in the Village of Hamburg and shall be charged and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers in the same manner as taxes. In the event that replacement totes and/or containers are required, they shall be purchased directly through the Village of Hamburg at a cost to be determined by the Village of Hamburg. **[Added 3-21-2016 by L.L. No. 4-2016]**
- C. Should any amount of said user fee be due and owing, including any late fees, as of November 1 of the year in which the fee was issued, the property owner shall be mailed an invoice in the amount of the tote fee and penalty. Any amount of said bill, including fees and penalty charges, not paid within 30 days of the date of the invoice shall become a lien upon the real property, superior to any other deed or claim, except the lien of any existing charge imposed by the Village of Hamburg. **[Added 12-18-2017 by L.L. No. 5-2017]**

§ 198-8. Definitions. [Amended 7-18-2016 by L.L. No. 6-2016]

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employee or agent thereof authorized by contract or license with the Village of Hamburg to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this article. In the event of the Village of Hamburg collection, this definition shall include the governing body and employees thereof.

BRUSH — Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

BULKIES — Large items, such as sofas, upholstered chairs, mattresses and box springs, but excluding large appliances (white goods), such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The Village of Hamburg Department of Public Works or those collectors/haulers engaged in the collection of and/or transportation of solid waste by the Village of Hamburg.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONSTRUCTION AND DEMOLITION DEBRIS — Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

CONTAINER — Can, bin, box, bag or other unit used for storage of recyclable materials or municipal solid waste.

FACILITY — Any solid waste management resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives, toxic materials and medical waste. For purposes of this article, hazardous

waste does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.).

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, religious institutions, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as solid waste. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of municipal solid waste and/or recyclable materials. To operate in the Village of Hamburg, they shall be required to obtain a license from the Village and be subject to the rules and regulations of the Village.

RECYCLABLE MATERIALS —

A. Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:

- (1) **ALUMINUM** — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverage or other food or drink.
- (2) **METAL CANS** — Containers fabricated primarily of steel and tin or bimetal cans of steel, tin and/or aluminum, but not including aluminum cans.
- (3) **GLASS FOOD AND BEVERAGE CONTAINERS**— New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex®, leaded glass, mirrored glass or flat glass.
- (4) **PLASTIC FOOD AND BEVERAGE CONTAINERS** — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as 1, 2 and 3 on the recycling code located on the containers.

- (5) NEWSPRINT — Any common newspaper, including inserts.
- (6) CORRUGATED— Wood pulp-based material which is usually smooth on both sides with a corrugated center, commonly used for boxes; excludes material with a wax coating.
- (7) HIGH-GRADE PAPER— White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- (8) MAGAZINES — Magazines, glossy catalogs and other glossy paper.
- (9) LARGE APPLIANCES— Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal, but excluding air conditioners, microwaves and televisions.

B. The above materials will be reviewed quarterly and will be modified as the need arises by the Superintendent of Public Works or other designated person.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RECYCLABLE CONTAINER — A rigid plastic container or bin, provided to the residents by the Village of Hamburg, or other like metal or rigid plastic container with drainage holes to be used solely for the placement of recyclable materials as defined by this Code. When filled, this container should not exceed 40 pounds in weight.

REFUSE TOTE — A Village-authorized container of a capacity of either 65 gallons or 95 gallons for the storage and collection of municipal solid waste, including but not limited to garbage and nonrecyclable refuse and rubbish. All refuse totes shall be owned by the Village of Hamburg and will be assigned to residential units and/or buildings and structures as more particularly set forth in this Code. Any refuse tote assigned to a residential unit and/or a building or structure shall remain at that residential unit and/or building or structure and shall not be removed from same.

RESIDENT — A person residing within the Village on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as primary dwellings.

SOLID WASTE MANAGEMENT — The purposeful, systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE SEPARATION — Removing or separating recyclable materials from the municipal solid waste stream at the point of waste generation.

TIRES — Any rubber automobile or truck tires.

TREE PARTS — Cuttings from shrubs, hedges and trees which are more than four inches in diameter.

WASTE GENERATOR — Any person or legal entity which produces waste requiring off-site disposal.

WASTE OIL — Used engine-lubricating oil and any other oil, including but not limited to fuel oil, motor oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residues, animal oil and vegetable oil, which has been contaminated by physical or chemical impurities, through use or accident, and has not subsequently been re-refined.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings, brush and tree parts.

§ 198-9. Duty of owners and occupiers of property. [Amended 7-18-2016 by L.L. No. 6-2016]

- A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the Village of Hamburg. Owners or occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.
- B. Residential properties which receive solid waste and/or recyclable collection services from the Village of Hamburg are required to have a refuse tote(s) and/or recyclable container(s). Single-family households are required to have one refuse tote and one recyclable container, and two-family households are required to have two refuse totes and two recyclable containers. Such containers shall be stored behind the front setback line of the building on the lot or shall be secured in a separate structure located on the property approved by the Building Inspector until placed to the curb for collection.
- C. An owner or occupier of a property that contains more than two dwelling units, or property conducting commercial or institutional operations and which receives solid waste and/or recyclable collection services from the Village of Hamburg, shall be required to have a minimum of two refuse totes and two recyclable containers or, in the alternative, an appropriate number of said totes and containers as determined by the Superintendent of Public Works that allows the owner/occupier to comply with this Code. All municipal solid waste shall be kept in closed refuse totes, or in dumpsters which have been approved for such use on such property by the Building Inspector, until ready for collection. Such containers shall be kept, until placed for collection, behind the front setback line of the building on the lot or secured in a separate structure on the lot approved by the Building Inspector.
- D. All municipal solid waste accumulated on any residential, commercial, industrial and institutional property in the Village of Hamburg may be collected, conveyed and disposed of by the authorized collector in accordance with the provisions of this article. It shall be unlawful for

any person to collect and dispose of any municipal solid waste within the Village of Hamburg except as provided in this article.

- E. All municipal solid waste accumulated on commercial and institutional properties may be collected, conveyed and disposed of by authorized collectors under contract with, or licensed by, the Village of Hamburg. In such case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the Village of Hamburg, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this article applicable thereto and New York State Department of Environmental Conservation regulations.

§ 198-10. Properties to be kept clear of solid waste.

- A. It shall be the duty of the owner, lessee or occupant of every dwelling, store or other building within the Village of Hamburg to keep such buildings free, clear and clean of all kinds of municipal solid waste of any kind or description and to keep sidewalk and yard areas free, clear and clean of all municipal solid waste of any kind or description.
- B. It shall be the duty of the owner, lessee or occupant of every store or other building within the Village of Hamburg, excepting dwellings, to keep all municipal solid waste and recyclable material containers inside the building on the occupied premises or in a suitable structure considered for that particular purpose of approved design from approved noncombustible building materials in accordance with the building regulations of the Village, but nothing herein shall be construed to require the alteration, modification or reconstruction of any existing structure or portion thereof presently in use for such purposes in the Village of Hamburg. Said structure shall be located behind the front setback line of the building on the lot or shall be secured in a separate structure on the lot approved by the Building Inspector. **[Amended 7-18-2016 by L.L. No. 6-2016]**

§ 198-11. Source separation of recyclable materials.

Municipal solid waste generated or originated within the Village of Hamburg which has been left for collection shall be handled in the following manner: Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection. Collectors shall refuse to collect municipal solid waste from any person, residential, commercial, institutional or industrial property or party who has clearly failed to source separate the recyclable materials and/or

who has not properly prepared the recyclable materials to the specifications of the Village of Hamburg.

§ 198-12. Preparation for collection. [Amended 7-18-2016 by L.L. No. 6-2016]

No person shall dispose of municipal solid waste or recyclable materials except as follows:

- A. All municipal solid waste, including garbage and nonrecyclable refuse and rubbish, shall be stored in a refuse tote or a dumpster as set forth in this Code. All municipal solid waste and nonrecyclable refuse placed into a refuse tote shall be placed either loosely, in a trash compactor bag or in a clear plastic bag. The lids on all refuse totes and dumpsters must be completely closed. No refuse tote shall exceed 150 pounds in weight when filled.
- B. All recyclable materials shall be placed in a recyclable container as defined in this Code.
- C. From the time of placement of recyclable materials at the curb by a resident for collection in accordance herewith, such recyclable materials shall become and be the property of the Village of Hamburg or its authorized agent. It shall be a violation of this article of the Code of the Village of Hamburg for any person without authority from the Village of Hamburg to collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials, and each such collection, picking up or removal from one or more premises shall constitute a separate and distinct offense in violation of the Code of the Village of Hamburg.
- D. It shall be a violation of this article of the Code of the Village of Hamburg for any person to place at the curb for collection any can or container other than one which contains municipal solid waste or recyclable materials.
- E. The Village of Hamburg will not collect any municipal solid waste or recyclables from any residential, commercial, industrial or institutional property within the Village of Hamburg where the municipal solid waste and recyclables are not separated in accordance with this article.

§ 198-13. Collection and disposal.

Only authorized collectors shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection. Where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side. Nothing herein shall prevent any person from making arrangements for the private

collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 198-14. Construction and demolition debris, large appliances and bulkies.

- A. The Director of Public Works shall determine, subject to the approval of the Board of Trustees, schedules for the collection of construction and demolition debris, large appliances and bulkies.
- B. No person shall place or store construction and demolition debris with municipal solid waste. The person creating construction and demolition debris shall remove same and dispose of same in a sanitary manner. In the event construction and demolition debris results from work performed by an owner or resident individually, the debris may be placed at the curb for pickup by the Village, except that the quantity of such debris may not exceed 10 containers or bundles of not more than 60 pounds each. Quantities of such debris in excess of the amount stated shall be removed by the property owner or resident at his or her expense.
- C. Any and all debris from work done by a contractor must be removed by the contractor that did the work. The Village will not collect any contractor debris.
- D. All large appliances or bulkies which are to be discarded from a residence where the appliance or furnishing was actually in use shall be placed by the owner of said appliance or furnishing at the curb on the scheduled collection day for pickup by the Village. It shall be the sole responsibility of the owner to dismantle the appliance or furnishing so that it will not be a hazard to the public. In this respect, doors shall be removed from the appliance or furnishing before placing it at the curb for collection.
- E. The Village shall have no obligation to pick up and remove any construction and demolition debris, large appliance or household bulkies which were not used in a residence in the Village of Hamburg.

§ 198-15. Collection schedule; time for placement; removal of empty containers.

- A. The Director of Public Works shall designate the days and hours for collection of municipal solid waste and recyclable materials and nonrecyclable rubbish.¹
- B. Village employees or equipment shall not enter private property or structures in making collections.
- C. All municipal solid waste, recyclable materials, construction and demolition debris, large appliances and bulkies to be picked up must

1. Editor's Note: The current solid waste collection schedule is on file in the Village offices.

be at the curb no later than 7:00 a.m. on the day of collection, and no material may be placed at the curb before 12:00 noon of the day preceding the scheduled pickup day. **[Amended 4-23-2001 by L.L. No. 3-2001]**

- D. Empty containers shall be removed from the curblane or other places of collection by the occupants of the property before the end of the day on which collection is made from the property.

§ 198-16. Yard waste.

- A. The Director of Public Works is authorized to provide for the collection of brush and tree parts at such times and in such manner as the Board of Trustees shall from time to time provide.
- B. The authorization provided for in the preceding subsection shall apply only to brush and tree parts produced by the individual activity or efforts of the owner or occupant of the property.
- C. Brush and tree parts produced by commercial contractors must be removed from the property by the contractor or by the owner or occupant of the property. Such brush and tree parts may not be placed at or near the curb or street right-of-way, except temporarily as may be necessary in the course of the work which produced the brush and tree parts.
- D. The Village of Hamburg will not collect or remove brush or tree parts produced by commercial contractors.

§ 198-17. Collectors; license; requirements; records.

- A. All authorized collectors must obtain a solid waste collection license from the Village of Hamburg. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the fiscal year, or such portion thereof.² There shall be no reduction in the fee for a license issued after the beginning of any fiscal year. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector. **[Amended 8-17-1998 by L.L. No. 4-1998]**
- B. Authorized collector applications may be denied if the applicant or license has been adjusted or administratively determined to have committed one or more violations of this article during the preceding fiscal year. All authorized collectors licensed by the Village of Hamburg indemnify and hold harmless the Village of Hamburg for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article. Authorized collectors shall offer collection services for all recyclable materials to all commercial, industrial and institutional customers from

2. Editor's Note: The current fee schedule is included in the Appendix of this Code.

whom they provide municipal solid waste services. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the municipal solid waste and recyclable materials from its commercial, industrial and institutional customers. **[Amended 8-17-1998 by L.L. No. 4-1998]**

C. Records.

- (1) Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:
 - (a) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (b) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (c) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (d) The quantity, by ton, of solid waste delivered to each facility.
- (2) Reports containing the information required as stated above shall be compiled and delivered to the Village Director of Public Works or other designated individual for each reporting period as designated by the regulations, but which shall be no more frequently than quarterly.

- D. Authorized collectors shall not accept for collection municipal solid waste which has not been source separated in conformity of this article.

§ 198-18. Noncompliance; denial, suspension or revocation of license.

When the designated public officials determine that a failure to comply with this article may have occurred, Director of Public Works shall recommend to the Village of Hamburg that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.

§ 198-19. Notice of violation.

- A. The Director of Public Works shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:

- (1) A statement of the condition allegedly violated, referring to the pertinent law, rule or regulation.
 - (2) A short and plain statement of the alleged misconduct.
 - (3) A statement of the time, place and nature of the hearing.
- B. The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address, at least 10 days before the hearing date, with a copy to the Administrator.

§ 198-20. Hearings; determination; conviction.

- A. Hearings shall be held before the Village Justice within a reasonable period, which shall be at least 10 days after service of notice. The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses. Within 20 days after the close of the hearing, the Village Justice shall determine whether the alleged failure to comply with this article has occurred and, if the Village Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty.
- B. Upon conviction of a violation by the Village Justice, after a hearing or default in appearing by the alleged violator in addition to any fine or penalty, the Director of Public Works may, without further hearing, issue a reprimand, suspend the violators authorized collector's license for a period not to exceed 90 days from the date of suspension order or revoke the authorized collector's license.

§ 198-21. Final determination.

Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method, prior to final determination by the Village Justice. The Village Justice shall promptly notify the applicant or licensee, in writing, of his or her final determination, decision or order.

§ 198-22. Inspection.

All portions of vehicles and containers used to haul, transport or dispose of municipal solid waste materials, including such containers placed outside residential, commercial, industrial or institutional sites, shall be subject to inspection to ascertain compliance with this article.

§ 198-23. Unauthorized disposal of garbage, recyclable rubbish, nonrecyclable rubbish or construction and demolition debris.

No person shall cart to, dump or deposit any municipal solid waste upon any property in the Village except under the authorization, supervision and direction of the Director of Public Works.

§ 198-24. Penalties for offenses. [Amended 10-3-2016 by L.L. No. 7-2016]

- A. The failure of any person engaged in the business of collecting municipal solid waste and/or recyclable materials or rendering solid waste and/or recycling services, who is not authorized by the Village or who collects, picks up, removes or causes to be collected, picked up or removed municipal solid waste or recyclable materials in a manner not in compliance with this article, shall be guilty of a violation, punishable by a fine of not less than \$500 and not exceeding the sum of \$5,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- B. Violations.
- (1) Failure of a waste generator to comply with the provisions in this article designated as a violation shall be punishable as follows:
 - (a) For the first violation: by a written warning clearly stating the nature of the violation and a schedule of fines for future violations.
 - (b) For the second violation within one year: by a fine of \$50.
 - (c) For the third violation within one year: by a fine of \$100.
 - (d) For the fourth violation and each subsequent violation within one year: by a fine of \$200.
 - (2) All fines imposed under this § 198-24B shall double if not paid within 15 days of the date of issuance of the violation notice.
- C. Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to October 17, 2016, in order to permit persons regulated hereunder to come into compliance with this article.

§ 198-25. Enforcement.

The Director of Public Works, a police officer or such other person as may be designated by the Board of Trustees is authorized and directed to enforce these articles and to cause collections to be made accordingly.

Chapter 100
SOLID WASTE

ARTICLE I
Recycling
[Adopted 11-13-1991 as L.L. No. 1-1991]

§ 100-1. Title.

This Article shall be known and may be cited as the "Recycling Law of the Town of Holland."

§ 100-2. Statutory authority.

This Article is enacted pursuant to the authority granted under the New York Town Law and the New York Environmental Conservation Law regarding solid waste reduction.

§ 100-3. Policy.

It is hereby declared the policy of the Town to reduce the volume of solid wastes. To achieve such volume reductions, the Town shall, by resolution, rule or regulation, provide for the implementation of programs to separate recyclable materials from solid wastes and to require solid waste haulers to comply with this policy.

§ 100-4. Definitions.

The following terms shall have the meanings as set forth in this Article:

ALUMINUM CANS — Empty all-aluminum beverage and food containers.

BIMETALLIC CANS — Empty food or beverage containers consisting of ferrous sides and bottoms and an aluminum top.

COMMERCIAL ESTABLISHMENTS — Those properties used primarily for commercial or industrial uses as perceived herein and as may be so identified in Chapter 120, Zoning, of the Town of Holland.

CORRUGATED PAPER — That material consisting of two or more pieces of kraft liner separated by corrugated (fluted) liner board. Excluded are materials without a corrugated interliner and those materials with a corrugated liner made from rice or other non-wood-based materials.

CURBSIDE COLLECTION — The collection by the municipality or its authorized agent(s) of recyclable materials placed at the curbside or other designated locations.

FERROUS CANS — Empty steel or tin food or beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass and porcelain or ceramic products.

HIGH-GRADE OFFICE PAPER — That paper collected from commercial, institutional and municipal establishments that was discarded from xerographic copiers; from nonthermal computer printers; from general

office use forms, memos and correspondence; and from print shops and other commercial printing processes. Material sorting and classification grades will be specified in the regulations specific to this Article. Expressly excluded are papers with self carbons, carbon paper, envelopes and all other grades of paper not meeting the specifications of the regulations.

INSTITUTIONAL ESTABLISHMENT — Those facilities that house or serve groups of people, e.g., hospitals, schools and nursing homes.

LEAF WASTE — Leaves, garden residues and similar materials but not including grass clippings.

MAGAZINES AND PERIODICALS — Printed matter containing miscellaneous written pieces published at fixed or varying intervals and printed on glossy or slick paper. Expressly excluded are all other paper products of any nature whatsoever.

NEWSPAPERS — Paper of the type commonly referred to as "newsprint" and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled.

PERSONS — Owners, lessees and occupants of residences or commercial or institutional establishments, individuals, partnerships or corporations.

PLASTIC CONTAINERS — Empty plastic food and beverage containers. Due to the large variety of types of plastics, the recycling regulations shall stipulate the specific types of plastic which may be recycled as determined by the Town Board from time to time.

RECYCLABLE CONTAINERS — Any type containers approved by the Town Board.

RECYCLABLE MATERIALS — Those materials which may be processed at a recycling facility and specified by the Town Board to be recycled. The list of materials shall be specified in the recycling regulations resulting from this chapter and may be revised from time to time as deemed necessary by the Town Board.

RESIDENCE — Any occupied single- or multifamily dwelling from which a municipal or private waste hauler collects solid waste.

SOLID WASTE — All refuse (garbage and rubbish) and other discarded solid material normally collected by a municipal or private hauler. Hazardous or toxic waste, as defined by the Department of Environmental Conservation, is not included in this definition as regulated by NYCRR 364.

TIRES — Tires of rubber and/or synthetic product used on all types of motor vehicles.**[Added 3-10-2010 by L.L. No. 1-2010]**

TOWN BOARD — The duly elected and constituted legislative body of the Town of Holland.

YARD WASTE — Prunings, grass clippings, weeds, leaves and garden waste.

§ 100-5. Establishment of program.

There is hereby established by the Town of Holland, herein referred to as the "Town," a program that mandates the recyclable materials which shall be kept separate from solid waste by all persons within the municipality.

§ 100-6. Separation of recyclables; placement for collection.

Recyclable materials shall be placed at the curb or in areas designated by the Town separate from solid waste for collection at such times and dates as may be hereinafter established by regulations or by contract with private collectors.

§ 100-7. Collection permit.

All persons or firms engaged in the collection or disposal of solid waste are required to obtain an annual permit upon application and approval of the Town Board. The Town Board shall determine by resolution the cost of the permit and any requirements to be met by the applicant. By this provision the Town Board specifically reserves the discretion to determine the requirements for said permit, which shall include but not be limited to the type of vehicles used for collection, hours of collection, frequency of collection and provisions against spillage and littering. It shall be a violation of this Article for any persons unauthorized by the Town to collect or pick up or cause to be collected or picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense, punishable as hereinafter provided.

§ 100-8. Report of violation.

All persons or firms licensed to collect and dispose of solid waste within the Town of Holland shall file a monthly report no later than the 10th day of the month subsequent to the period of the report, setting forth the names and addresses of any person or firms which have failed to separate recyclable materials from solid wastes. The defining of recyclable materials shall be as set forth in this Article and as may be determined from time to time by resolution of the Town Board.

§ 100-9. Enforcement; administration.

The Town, by its designated officer, is authorized to enforce this Article. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this Article. This shall include the licensing of solid waste collectors. The Town may change, modify, repeal or amend any portion of the said rules and regulations at any time.

§ 100-10. Penalties for offenses.

Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this Article or any regulation thereof shall be given a notice to remedy upon the first violation and thereafter shall be punishable by a fine not to exceed \$100 upon the first conviction, not more than \$300 upon the second conviction and not more than \$1,000 upon each subsequent conviction. Any person, firm, corporation or other entity which collects such recyclable materials without authorization of the owner or of the Town of Holland shall be punishable by a fine not to exceed \$300 upon the first conviction, not more than \$500 upon the second conviction and not more than \$1,000 upon each subsequent conviction. This Article may be enforced in the Town of Holland Justice Court.

§ 100-11. Agreements for collection. [Amended 3-10-2010 by L.L. No. 1-2010]

The Town may administer the collection of items of solid waste and recyclable materials. The Town is authorized to set forth the arrangements for such collection and is authorized to determine and impose fees for such collection as it may determine from time to time.

§ 100-12. Alternative collection procedures.

Any person may donate or sell recyclable materials to individuals or organizations authorized or licensed by the municipality in its recycling regulations. These materials must either be delivered to the individuals' or organizations' site or they may be placed at the curb for collection by said individuals or organizations on days not indicated as recyclable material collection days by the municipality. Said individuals or organizations may not collect recyclable materials on or immediately preceding [within 24 hours] a regularly scheduled curbside collection day.

§ 100-13. Effective date.

This Article shall take effect immediately, with compliance of its terms effective April 1, 1992.

Unable to download City of Lackawanna Solid Waste Code Chapter 190.

It can be found at <https://ecode360.com/9468142>.

Chapter 283

SOLID WASTE

GENERAL REFERENCES

Dumpsters — See Ch. 126.

Nuisances — See Ch. 221.

Littering — See Ch. 205.

§ 283-1. Applicability. [Amended 8-26-1996 by L.L. No. 3-1996; 4-28-2008 by L.L. No. 3-2008]

This chapter does not apply to those businesses and residences which dispose of garbage, rubbish and refuse through the utilization of a dumpster pursuant to a permit issued by the Village of Lancaster. Utilization of dumpsters shall be governed by Chapter 126 of the Code of the Village of Lancaster, New York.

§ 283-2. Containment of garbage, rubbish and refuse. [Added 1-8-2007 by L.L. No. 3-2007]

- A. Section 11 and Section 12 of Town of Lancaster Local Law No. 3-1992 (recyclable materials) as adopted August 17, 1992, by the Town of Lancaster shall be incorporated within the Code of the Village of Lancaster, New York as if fully stated herein.
- B. All municipal solid waste, except recyclable materials and those of the type referenced within § 283-4A, B, D and E of this chapter, shall at all time be contained within containers of the type specified within § 283-3 of this chapter. **[Amended 4-14-2008 by L.L. No. 2-2008]**

§ 283-3. Container requirements. [Amended 9-14-1970]

- A. All cans and containers used for the purposes indicated in this chapter shall be a plastic, rubber or metal container of a style designed and marketed for the holding of waste material, trash and/or garbage. Such container shall not exceed 30 gallons in capacity or, including contents, 50 pounds in weight. **[Amended 11-13-2006 by L.L. No. 5-2006]**
- B. All cans and containers used for the purpose indicated in this chapter shall be cleaned often enough to prevent the spread of disease, foul smell or attraction of flies or other insects.
- C. All cans and containers shall be equipped with handles and a top or lid which shall be applied tightly on the container to secure the contents. **[Amended 11-13-2006 by L.L. No. 5-2006]**
- D. The owner or owners of a building that is occupied as the residence of more than six families, as the term "family" is defined in the Multiple

Dwelling Law, living independent of each other, shall provide a centrally located refuse container or containers in which to store refuse and garbage in a safe manner between collections. **[Amended 8-26-1996 by L.L. No. 3-1996]**

§ 283-4. Preparation for collection. [Amended 9-14-1970; 1-8-2007 by L.L. No. 3-2007; 4-14-2008 by L.L. No. 2-2008]

- A. Old clothes and carpets shall be segregated from other matter and secured tightly in compact bundles or packages and placed upon the sidewalk near the curb.
- B. Cartons, boxes and other containers shall be broken up, flattened or taken apart, and tied in bundles not exceeding five feet in length, one foot in thickness and 50 pounds in weight.
- C. Trimmings, shavings, sawdust and other loose materials shall be taken care of in such manner that they shall not be blown and scattered about.
- D. Large cardboard boxes shall be reduced to three feet in length and tied.
- E. Tree limbs shall be tied and cut into lengths no longer than four feet.
- F. No person shall put out for collection building materials or refuse material caused by the work of contractors, carpenters, plumbers, paperhangers or other tradesmen or workmen.

§ 283-5. Collection regulations. [Amended 9-14-1970]

- A. All garbage, ashes, refuse and other materials covered by this chapter shall be kept off the streets until 12 hours prior to the day of collection in specific areas, but placed at the curb by 7:30 a.m. on the scheduled collection day.
- B. On applicable garbage collection dates all cans, containers and refuse encompassed by this chapter shall be placed at the curb to be emptied. **[Amended 11-13-2006 by L.L. No. 5-2006]**
- C. All cans or containers must be removed within 12 hours after they are emptied.
- D. Whenever one location shall require the removal of more than 1/2 a truckload of garbage, refuse, or any other material included within this chapter, a charge shall be levied, which shall be determined from time to time by resolution of the Board of Trustees.¹ **[Amended 6-11-1979 by L.L. No. 3-1979; 9-8-1980 by L.L. No. 11-1980]**

§ 283-6. Powers of Superintendent and Code Enforcement Officer. [Amended 9-14-1970]

1. Editor's Note: Pursuant to a resolution passed 10-27-1980, truck spot fees shall be raised from \$25 to \$30.

- A. The Superintendent of Public Works shall schedule separate collections for materials which will decay and for refuse and shall cause notification of the dates of collection thereof to be published in the official newspaper.
- B. The Code Enforcement Officer shall be empowered to establish administrative rules and regulations to ensure compliance with this chapter and may prohibit the collection and disposition of chemicals, compounds and explosives to ensure the health and safety of the populace. **[Amended 8-26-1996 by L.L. No. 3-1996]**

§ 283-7. Disturbing of rubbish placed for collection.

No person other than an authorized employee or agent of the Village shall disturb or remove any ashes, garbage or other rubbish or refuse placed, by owners or their tenants or by occupants or their servants, within the stoop or area line or in front of houses or lots for removal, unless requested by residents or by a person having the proper authority.

§ 283-8. Dumping restrictions.

No ashes, vegetables, garbage, cinders, shells, straw, shavings, paper, dirt, filth, broken glassware, crockery, bottles or rubbish or refuse of any kind whatever shall be carted to, dumped or deposited upon any property of the Village, except under the supervision and direction of the Superintendent of Public Works of the Village.

§ 283-9. Penalties for offenses. [Added 6-29-1976 by L.L. No. 10-1976; amended 4-11-2016 by L.L. No. 4-2016]

Any violation by a person, firm or corporation of any provision of this article shall be deemed a violation and shall be subject to the following penalties:

- A. First offense: written warning.
- B. Second offense within twelve-month period: a fine of \$50 to \$100.
- C. Third offense within twelve-month period: a fine of \$100 to \$150.
- D. Fourth offense within twelve-month period: a fine of \$150 to \$300.
- E. Any additional offense within twelve-month period: a fine of \$300 to \$500.

Chapter 372
SOLID WASTE AND RECYCLING

ARTICLE I

Landfill**[Adopted 4-4-1988 (Ch. 171, Art. I, of the 1999 Code)]****§ 372-1. Purpose.**

The purpose of this article is to promote and protect the environment of Marilla, its natural features and vegetation, prevent ecological damage and visual blight, protect the character and values of property, preserve the public health and facilitate the collection and disposition of garbage, rubbish and other waste materials.

§ 372-2. Landfill operations prohibited.

No landfill, disposal area, public or private dump or transfer station providing for the collection, resource recovery, transfer or disposition or any combination thereof of garbage, ashes, rubbish, collision or demolition materials, toxic or noxious substances, or other waste matter shall be operated in the Town of Marilla.

§ 372-3. Exception.

The provisions of this article shall not apply to any landfill, disposal area, dump, transfer station or related facility operated by the Town of Marilla or pursuant to a contract with the Town Board as authorized by Subdivision 9 of § 198 of the Town Law.

§ 372-4. Penalties for offenses.¹

Any person who shall use property for any purpose prohibited by this article shall be guilty of a violation punishable by a fine of not exceeding \$250 or by imprisonment for not exceeding 15 days, or both, and by an additional fine of not exceeding \$25 for each day that such use is maintained in violation of the provisions herein after written notice of such violation has been served by or on behalf of the Town on such person. In addition, the Town of Marilla may institute any proper action, suit or proceeding to prevent, restrain, correct or abate any violation of this article or to compel or cause the removal or discontinuance of any building, structure or activity maintained in violation of the provisions of this article.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE II

Recycling

[Adopted 8-25-1992 by L.L. No. 3-1992 (Ch. 171, Art. II, of the 1999 Code)]

§ 372-5. Title.

This article shall be known as the "Town of Marilla Mandatory Recycling Law."

§ 372-6. Legislative findings.

The Town Board of the Town of Marilla finds that the reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns. The separation and collection of recyclable, reusable or other components for which economic markets for alternate uses exist from the residential, commercial, industrial and institutional establishments in the Town will protect and enhance the Town's physical and visual environment as well as promote the health, safety and well-being of persons and property within the Town. Such program will reduce the need for landfills and conserve existing landfill capacity, facilitate the implementation and operation of other forms of solid waste management, conserve natural resources and ensure compliance with the New York State Solid Waste Management Act. The promotion and use of recyclable materials, goods produced from recycled materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitating recycling.

§ 372-7. Statutory authority.

This article is adopted pursuant to § 10 of the Municipal Home Rule Law of the State of New York.

§ 372-8. Definitions.

As used in this article, the following definitions shall apply:

CANS — Containers comprised of aluminum, tin, steel or a combination thereof, which contain or formerly contained only food and/or beverage substances.

COMMINGLED — Source-separated, nonputrescible, noncontaminated recyclable materials that have been placed in the same container.

DESIGNATED RECYCLABLE MATERIALS OR DESIGNATED RECYCLABLES — Those recyclable materials designated by this article, and/or by resolution of the Town Board pursuant to this article, to be source-separated.

DISPOSITION or DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS — The transportation, placement or arrangement for

transportation or placement of designated recyclable materials for all possible end uses.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, but shall not mean animal feces.

GLASS — All clear (flint), green and brown (amber) colored glass containers and crystal, but shall not mean ceramics or plate, window, laminated, mirrored or wired glass.

HAZARDOUS MATERIAL or HAZARDOUS WASTE — A solid waste or a combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Such materials or wastes shall include, but are not limited to, explosives, hazardous radioactive materials, toxic substances and those substances which have been identified as a hazardous waste pursuant to the above criteria on a list of hazardous waste promulgated by the Department of Environmental Conservation of the State of New York.

NEWSPAPER — Includes newsprint and all newspapers and newspaper advertisements, supplements and enclosures.

PAPER — All high-grade office paper, fine paper, bond paper, xerographic paper, magazines, paperback books, school paper and computer paper, but shall not mean waxed paper or wax-coated food or beverage containers, plastic or foil-coated paper, carbon paper, blueprint paper, food contaminated paper, soiled paper or cardboard.

PERSON — Any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provision of this article prescribing a fine, penalty or term of imprisonment, the term "person" shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

PLASTIC CONTAINERS — Containers composed of high-density polyethylenes, polyethylene terephthalate or other specific plastics as the Town Board may designate which contain or formerly contained food and/or beverage substances.

RECYCLABLE MATERIAL — A material which would otherwise become solid waste, which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLING — Any process by which materials which would otherwise become solid waste are collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLING COLLECTION AREA — Any facility designed and operated solely for the receiving and storing of source-separated designated recyclable material.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to nonrecyclable paper, wrappings, cigarettes, wood, wires, glass, bedding, furniture and similar materials which are not designed recyclable materials.

SOLID WASTE — All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, commercial waste, sludges, ashes, contained gaseous material, incinerator residue and construction and demolition debris, but not including designated recyclable materials, solid or dissolved matter in domestic sewage or substances, materials in noncontainerized gaseous form or hazardous materials or waste.

SOURCE-SEPARATE — To separate recyclable materials from the solid waste stream at the point of waste generation.

TOWN — The Town of Marilla, located within the County of Erie, State of New York.

TOWN BOARD — The Town Board of the Town of Marilla.

VEGETATIVE YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 372-9. Curbside program continued.

- A. The program established within the Town for curbside collection of solid waste and recyclable material existing as of the effective date of this article shall be continued. Collection of such solid waste and recyclable material shall be made once each week in accordance with a schedule advertised by the Town.
- B. The Town Board, by resolution or local law, may expand the curbside program to include, in addition to solid waste, newspaper and glass, the collection in separate containers, bundles or packages, as appropriate, of one or more of the following designated recyclable materials:
 - (1) Paper.
 - (2) Cardboard.
 - (3) Commingled cans and plastic containers.
 - (4) Vegetative yard waste.
 - (5) Other recyclable materials as designated by resolution of the Town Board or local law.

- C. Solid waste and recyclable materials shall not be placed at curbside earlier than 10:00 a.m. on the day prior to the scheduled collection day.²

§ 372-10. Source separation.

All residents of the Town shall, upon the effective date of this article, source-separate newspaper, glass and other designated recyclables from the solid waste and, in the manner designated by the Sanitation Superintendent and on the date specified for collection by the schedule published by the Town, place them at the side of the road fronting their residences or at such other location at or near the residence agreeable to the Town.

§ 372-11. Private collection.

- A. All residential, commercial, industrial and institutional establishments in the Town which utilize private collection of solid waste shall source-separate and arrange for the collection and disposition of all recyclable material. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who owns, manages or operates the residential, commercial, industrial or institutional establishment at which the recyclables are generated, or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Said arrangement may include, without limitation, direct marketing of recyclables, contracts with permitted solid waste collector/haulers for separate collection of any or all designated recyclables or direct delivery to a designated processing facility.
- B. It shall be the duty of any solid waste collector/hauler who is engaged in the private collection of solid waste from any residential, commercial, industrial or institutional establishment located within the Town of Marilla to account, at such times as directed by the Town Board, to the Sanitation Superintendent for the amount of recyclable material and rubbish collected by such solid waste collector/hauler.

§ 372-12. Placement of designated recyclables in recycling collection areas.

All residents of the Town shall, upon the effective date of this article and in the manner designated by the Sanitation Superintendent and during the times specified as being open for collection by the schedule published by the Town, source-separate waste oil and, to the extent not disposed of on their own property, vegetative yard waste by placing them in the appropriate containers or areas located at the recycling collection area established by the Town.

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 372-13. Use of vegetative yard waste for certain purposes permitted.

Nothing in this article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

§ 372-14. Enforcement.

The Sanitation Superintendent and the Code Enforcement Officer are hereby severally authorized to enforce the provisions of this article and to administer the recycling program established herein.

§ 372-15. Unlawful activities.

A. It shall be unlawful for:

- (1) Any person other than those persons authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling collection area pursuant to this article.
- (2) Any person to violate or cause to assist in the violation of any provision of this article.
- (3) Any person to place or cause to be placed any material other than a designated recyclable in or near a recycling collection area.
- (4) Any person to hinder, obstruct, prevent or interfere with this Town, its employees or any other authorized persons in the performance of any duty under this article or in the enforcement of this article.

B. Any unlawful conduct set forth in this section shall constitute a violation.

§ 372-16. Unseparated solid waste not to be collected.

The Town or any other person collecting solid waste generated within this Town may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under an applicable section of this article, and the Town may refuse to accept solid waste containing recyclables designated under an applicable section of this article at any solid waste disposal facility owned or operated by the Town.

§ 372-17. Existing contracts to remain in force; nonrenewal of nonconforming contracts.

- A. Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the Town on the effective date of this article.
- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation,

processing or purchase of solid waste or recyclables shall be entered into by any person after the effective date of this article unless renewal of such contract shall conform to the requirements of this article.

§ 372-18. Penalties for offenses.³

Any person, firm, company, corporation, partnership, limited liability company or other entity who engages in unlawful conduct as set forth in any provision of this Article II, Recycling, other than a violation of § 372-15, upon conviction thereof in a proceeding before a court of competent jurisdiction, shall be sentenced to a fine of not more than \$100 for a first offense, a fine of not more than \$100 and not less than \$25 for the second offense and a fine of not more than \$100 and not less than \$50 for the third and any subsequent offense, or any combination of the above penalties. Each continuing day of violation of this article shall constitute a separate offense.

§ 372-19. Injunction to restrain violation; remedies to be concurrent.

In addition to any other remedy provided in this article, the Town may institute a suit in equity where unlawful conduct exists as defined in this article for an injunction to restrain a violation of this article. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Town from exercising any other remedy provided by this article or otherwise provided.

§ 372-20. Construal of provisions.

The terms and provisions of this article are to be liberally construed so as to best achieve and effectuate the goals and purposes hereof.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 372-1. Purpose.

The purpose of this article is to promote and protect the environment of Marilla, its natural features and vegetation, prevent ecological damage and visual blight, protect the character and values of property, preserve the public health and facilitate the collection and disposition of garbage, rubbish and other waste materials.

§ 372-2. Landfill operations prohibited.

No landfill, disposal area, public or private dump or transfer station providing for the collection, resource recovery, transfer or disposition or any combination thereof of garbage, ashes, rubbish, collision or demolition materials, toxic or noxious substances, or other waste matter shall be operated in the Town of Marilla.

§ 372-3. Exception.

The provisions of this article shall not apply to any landfill, disposal area, dump, transfer station or related facility operated by the Town of Marilla or pursuant to a contract with the Town Board as authorized by Subdivision 9 of § 198 of the Town Law.

§ 372-4. Penalties for offenses.¹

Any person who shall use property for any purpose prohibited by this article shall be guilty of a violation punishable by a fine of not exceeding \$250 or by imprisonment for not exceeding 15 days, or both, and by an additional fine of not exceeding \$25 for each day that such use is maintained in violation of the provisions herein after written notice of such violation has been served by or on behalf of the Town on such person. In addition, the Town of Marilla may institute any proper action, suit or proceeding to prevent, restrain, correct or abate any violation of this article or to compel or cause the removal or discontinuance of any building, structure or activity maintained in violation of the provisions of this article.

§ 372-5. Title.

This article shall be known as the "Town of Marilla Mandatory Recycling Law."

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 372-6. Legislative findings.

The Town Board of the Town of Marilla finds that the reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns. The separation and collection of recyclable, reusable or other components for which economic markets for alternate uses exist from the residential, commercial, industrial and institutional establishments in the Town will protect and enhance the Town's physical and visual environment as well as promote the health, safety and well-being of persons and property within the Town. Such program will reduce the need for landfills and conserve existing landfill capacity, facilitate the implementation and operation of other forms of solid waste management, conserve natural resources and ensure compliance with the New York State Solid Waste Management Act. The promotion and use of recyclable materials, goods produced from recycled materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitating recycling.

§ 372-7. Statutory authority.

This article is adopted pursuant to § 10 of the Municipal Home Rule Law of the State of New York.

§ 372-8. Definitions.

As used in this article, the following definitions shall apply:

CANS — Containers comprised of aluminum, tin, steel or a combination thereof, which contain or formerly contained only food and/or beverage substances.

COMMINGLED — Source-separated, nonputrescible, noncontaminated recyclable materials that have been placed in the same container.

DESIGNATED RECYCLABLE MATERIALS OR DESIGNATED RECYCLABLES — Those recyclable materials designated by this article, and/or by resolution of the Town Board pursuant to this article, to be source-separated.

DISPOSITION or DISPOSITION OF DESIGNATED RECYCLABLE MATERIALS — The transportation, placement or arrangement for transportation or placement of designated recyclable materials for all possible end uses.

GARBAGE — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, but shall not mean animal feces.

GLASS — All clear (flint), green and brown (amber) colored glass containers and crystal, but shall not mean ceramics or plate, window, laminated, mirrored or wired glass.

HAZARDOUS MATERIAL or HAZARDOUS WASTE — A solid waste or a combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Such materials or wastes shall include, but are not limited to, explosives, hazardous radioactive materials, toxic substances and those substances which have been identified as a hazardous waste pursuant to the above criteria on a list of hazardous waste promulgated by the Department of Environmental Conservation of the State of New York.

NEWSPAPER — Includes newsprint and all newspapers and newspaper advertisements, supplements and enclosures.

PAPER — All high-grade office paper, fine paper, bond paper, xerographic paper, magazines, paperback books, school paper and computer paper, but shall not mean waxed paper or wax-coated food or beverage containers, plastic or foil-coated paper, carbon paper, blueprint paper, food contaminated paper, soiled paper or cardboard.

PERSON — Any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provision of this article prescribing a fine, penalty or term of imprisonment, the term "person" shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

PLASTIC CONTAINERS — Containers composed of high-density polyethylenes, polyethylene terephthalate or other specific plastics as the Town Board may designate which contain or formerly contained food and/or beverage substances.

RECYCLABLE MATERIAL — A material which would otherwise become solid waste, which can be collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLING — Any process by which materials which would otherwise become solid waste are collected, separated and/or

processed, treated, reclaimed, used or reused to produce a raw material or product.

RECYCLING COLLECTION AREA — Any facility designed and operated solely for the receiving and storing of source-separated designated recyclable material.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to nonrecyclable paper, wrappings, cigarettes, wood, wires, glass, bedding, furniture and similar materials which are not designed recyclable materials.

SOLID WASTE — All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, commercial waste, sludges, ashes, contained gaseous material, incinerator residue and construction and demolition debris, but not including designated recyclable materials, solid or dissolved matter in domestic sewage or substances, materials in noncontainerized gaseous form or hazardous materials or waste.

SOURCE-SEPARATE — To separate recyclable materials from the solid waste stream at the point of waste generation.

TOWN — The Town of Marilla, located within the County of Erie, State of New York.

TOWN BOARD — The Town Board of the Town of Marilla.

VEGETATIVE YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 372-9. Curbside program continued.

- A. The program established within the Town for curbside collection of solid waste and recyclable material existing as of the effective date of this article shall be continued. Collection of such solid waste and recyclable material shall be made once each week in accordance with a schedule advertised by the Town.
- B. The Town Board, by resolution or local law, may expand the curbside program to include, in addition to solid waste, newspaper and glass, the collection in separate containers, bundles or packages, as appropriate, of one or more of the following designated recyclable materials:

- (1) Paper.

- (2) Cardboard.
 - (3) Commingled cans and plastic containers.
 - (4) Vegetative yard waste.
 - (5) Other recyclable materials as designated by resolution of the Town Board or local law.
- C. Solid waste and recyclable materials shall not be placed at curbside earlier than 10:00 a.m. on the day prior to the scheduled collection day.²

§ 372-10. Source separation.

All residents of the Town shall, upon the effective date of this article, source-separate newspaper, glass and other designated recyclables from the solid waste and, in the manner designated by the Sanitation Superintendent and on the date specified for collection by the schedule published by the Town, place them at the side of the road fronting their residences or at such other location at or near the residence agreeable to the Town.

§ 372-11. Private collection.

- A. All residential, commercial, industrial and institutional establishments in the Town which utilize private collection of solid waste shall source-separate and arrange for the collection and disposition of all recyclable material. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who owns, manages or operates the residential, commercial, industrial or institutional establishment at which the recyclables are generated, or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Said arrangement may include, without limitation, direct marketing of recyclables, contracts with permitted solid waste collector/haulers for separate collection of any or all designated recyclables or direct delivery to a designated processing facility.
- B. It shall be the duty of any solid waste collector/hauler who is engaged in the private collection of solid waste from any residential, commercial, industrial or institutional establishment located within the Town of Marilla to account, at such times as directed by the Town Board, to the Sanitation Superintendent for

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the amount of recyclable material and rubbish collected by such solid waste collector/hauler.

§ 372-12. Placement of designated recyclables in recycling collection areas.

All residents of the Town shall, upon the effective date of this article and in the manner designated by the Sanitation Superintendent and during the times specified as being open for collection by the schedule published by the Town, source-separate waste oil and, to the extent not disposed of on their own property, vegetative yard waste by placing them in the appropriate containers or areas located at the recycling collection area established by the Town.

§ 372-13. Use of vegetative yard waste for certain purposes permitted.

Nothing in this article shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

§ 372-14. Enforcement.

The Sanitation Superintendent and the Code Enforcement Officer are hereby severally authorized to enforce the provisions of this article and to administer the recycling program established herein.

§ 372-15. Unlawful activities.

A. It shall be unlawful for:

- (1) Any person other than those persons authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling collection area pursuant to this article.
- (2) Any person to violate or cause to assist in the violation of any provision of this article.
- (3) Any person to place or cause to be placed any material other than a designated recyclable in or near a recycling collection area.
- (4) Any person to hinder, obstruct, prevent or interfere with this Town, its employees or any other authorized persons in the performance of any duty under this article or in the enforcement of this article.

- B. Any unlawful conduct set forth in this section shall constitute a violation.

§ 372-16. Unseparated solid waste not to be collected.

The Town or any other person collecting solid waste generated within this Town may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under an applicable section of this article, and the Town may refuse to accept solid waste containing recyclables designated under an applicable section of this article at any solid waste disposal facility owned or operated by the Town.

§ 372-17. Existing contracts to remain in force; nonrenewal of nonconforming contracts.

- A. Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the Town on the effective date of this article.
- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into by any person after the effective date of this article unless renewal of such contract shall conform to the requirements of this article.

§ 372-18. Penalties for offenses.³

Any person, firm, company, corporation, partnership, limited liability company or other entity who engages in unlawful conduct as set forth in any provision of this Article II, Recycling, other than a violation of § 372-15, upon conviction thereof in a proceeding before a court of competent jurisdiction, shall be sentenced to a fine of not more than \$100 for a first offense, a fine of not more than \$100 and not less than \$25 for the second offense and a fine of not more than \$100 and not less than \$50 for the third and any subsequent offense, or any combination of the above penalties. Each continuing day of violation of this article shall constitute a separate offense.

§ 372-19. Injunction to restrain violation; remedies to be concurrent.

In addition to any other remedy provided in this article, the Town may institute a suit in equity where unlawful conduct exists as defined

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

in this article for an injunction to restrain a violation of this article. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the Town from exercising any other remedy provided by this article or otherwise provided.

§ 372-20. Construal of provisions.

The terms and provisions of this article are to be liberally construed so as to best achieve and effectuate the goals and purposes hereof.

§ 213-6. Title.

This article shall be known as the "Mandatory Recycling Law of the Town of North Collins."

§ 213-7. Purpose.

The reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment; and the Solid Waste Management Act of 1988 mandates passage of a source-separation ordinance or law to be passed by each local municipality within New York State by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. Therefore, the Town of North Collins establishes mandatory recycling within this municipality, which will be effective on September 1, 1992.

§ 213-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this article. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BULKIES — Large items such as sofas, upholstered chairs, mattresses and box springs but excluding large appliances (white goods) such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The person, firm, agency or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — A can, bin, box, bag or other unit used for storage of recyclable materials.

FACILITY — Any solid waste management - resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land-spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include but not be limited to explosives, toxic materials and medical waste. For purposes of this article, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.)

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as "solid waste." It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Town of North Collins, they shall be required to obtain a license from the Town and be subject to the rules and regulations of the Town.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS — Those materials specified by the municipality for separate collection in accordance with recycling regulations.

A. Such "materials" may include but are not limited to the following:

- (1) ALUMINUM — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- (2) METAL CANS — Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum but not including aluminum cans.
- (3) GLASS FOOD AND BEVERAGE CONTAINERS — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. "Glass" shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.
- (4) PLASTIC FOOD AND BEVERAGE CONTAINERS — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as No. 2 and No. 1 on the recycling code located on the containers.
- (5) NEWSPRINT — Common, inexpensive machine-finished paper made chiefly from wood pulp and used for newspapers.
- (6) CORRUGATED — Wood-pulp-based material which is usually smooth on both sides with a corrugated center and is commonly used for boxes; it excludes material with a wax coating.
- (7) HIGH-GRADE PAPER — White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- (8) MAGAZINES — Magazines, glossy catalogs and other glossy papers.
- (9) LARGE APPLIANCES — Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal but excluding air conditioners, microwaves and televisions.

- B. The above "materials" will be reviewed quarterly and will be modified as the need arises by the Town Engineer or other designated person.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RESIDENT — Any person residing within the Town on a temporary or permanent basis but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as dwellings, including buildings having up to four dwelling units in one building. Multiple-dwelling residential buildings containing more than four dwelling units, for purposes of this article, shall be treated as commercial properties.

SOLID WASTE MANAGEMENT — The purposeful, systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE-SEPARATE — To separate the recyclable materials from the MSW stream at the point of waste generation.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 213-9. Duties of owners and occupiers.

- A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality.
- B. Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof. (This section does not apply to owners, occupiers and tenants of farm property.)
- C. All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by the municipality or by an authorized collector under contract with the municipality (or by a licensed private collector under private subscription) and in accordance with the provisions of this article.
- D. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with or licensed by the Town of North Collins. In such a case where a commercial or institutional establishment contracts directly with a collector, the

fee or payment shall be a matter of private agreement between the owners or occupiers and the other collector. When approved by the municipality, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this article applicable thereto and New York State Department of Environmental Conservation regulations.

- E. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of North Collins except as provided in this article.

§ 213-10. Source separation required.

Municipal solid waste generated or originated within the Town of North Collins which has been left for collection or which is delivered by the generator of such waste to a facility shall be handled in the following manner:

- A. Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.
- B. Collectors collecting residential, commercial and/or institutional MSW generated within the Town of North Collins shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party for the reason of the refusal for collection of the materials by the collector.

§ 213-11. Collection of curbside recyclables.

- A. Only authorized collectors who are acting under authority of the Town of North Collins shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection; each such unauthorized collection, pickup or removal shall constitute a separate violation of this article; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accordance with the provisions of this article, the person

responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.

- B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 213-12. Collector's license required; application; fee.

- A. All authorized collectors must obtain a solid waste collection license from the Town of North Collins. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this article during the preceding calendar year.
- D. All authorized collectors licensed by the Town of North Collins shall indemnify and hold harmless the Town of North Collins for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article.
- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers from whom they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the MSW and recyclable materials from its residential, commercial, industrial and institutional customers. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector, which shall include the following information:
 - (1) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.

- (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- G. Reports containing the information required as stated above shall be compiled and delivered to the Town Clerk or other designated individual for each reporting period as designated by the regulations, but which shall be no more frequently than quarterly.
- H. Authorized collectors shall not accept for the collection MSW which has not been source-separated in conformity with this article.

§ 213-13. Denial, suspension or revocation of license.

When the designated public official determines that a failure to comply with this article may have occurred, she/he shall recommend to the municipality that the authorized collector application or the license be denied, suspended or revoked or its holder be subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.

A. Notice.

- (1) The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (a) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (b) A short and plain statement of the alleged misconduct.
 - (c) A statement of the time, place and nature of the hearing.
- (2) The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address, at least 10 days before the hearing date, with a copy to the administrator.

B. Hearing.

- (1) Hearings shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of notice.
- (2) The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
- (3) Within 20 days after the close of the hearing, the Town Justice shall:
 - (a) Determine whether the alleged failure to comply with this article has occurred; and
 - (b) If the Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to fine or penalty, the application shall be denied or an existing solid waste license or authorized collector status be suspended or revoked or its holder subjected to a reprimand and issue an order carrying out this decision.

C. Determinations, decisions and orders.

- (1) Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method.
- (2) The Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

§ 213-14. Enforcement; penalties for offenses.

A. Inspections and appearance tickets.

- (1) All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this article by any police officer, peace officer, code officer and any other public official designated by the Town of North Collins.
- (2) Police officers, peace officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this article.

B. Penalties.

- (1) During any 12 consecutive months, the failure of any person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Town or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this article shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- (2) Failure of a waste generator to comply with the provisions in this article designated as violations shall be punishable as follows:
 - (a) For the first conviction: a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.
 - (b) For the second conviction within one year: a fine of not less than \$40 nor more than \$75.
 - (c) For the third conviction within one year: a fine of not less than \$75 nor more than \$125.
 - (d) For a fourth and each subsequent conviction within one year: a fine of not less than \$125 nor more than \$275.
- (3) Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity.
- (4) No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to come into compliance with this article.

Chapter 146

SOLID WASTE

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 58.

Littering — See Ch. 112.

ARTICLE I

**Collection, Source Separation and Recycling
[Adopted 11-10-1992 by L.L. No. 1-1992]****§ 146-1. Title.**

This Article shall be known as the "Mandatory Recycling Law of the Village of North Collins."

§ 146-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual or partnership or corporation, employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this Article. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BULKIES — Large items such as sofas, upholstered chairs, mattresses and box springs but not including large appliances (white goods) such as refrigerators, stoves, dishwashers, dryers, etc., which are considered recyclable.

COLLECTOR — The person, firm or agency or public body, employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — Can, bin, box, bag or other unit used for storage of recyclable materials not to exceed a twenty-gallon capacity.

FACILITY — Any solid waste management-resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or landscaping of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include, but not be limited to, explosives,

toxic materials and medical waste. For purposes of this Article, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.).

INSTITUTION — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as "solid waste." It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Village of North Collins, a "private collector" shall be required to obtain a license from the Village of North Collins and be subject to the rules and regulations of the village.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS —

A. Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include, but are not limited to:

- (1) **ALUMINUM** — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- (2) **METAL CANS** — Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum, other than aluminum cans.
- (3) **GLASS FOOD AND BEVERAGE CONTAINERS** — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, pyrex, leaded glass, mirrored glass or flat glass.

- (4) PLASTIC FOOD AND BEVERAGE CONTAINERS — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET) designated respectively as No. 2 and No. 1 on the recycling code located on the containers.
- (5) NEWSPRINT — Common, inexpensive machine-finished paper made chiefly from wood pulp and used for newspapers.
- (6) CORRUGATED — Wood-pulp-based material which is usually smooth on both sides, with a corrugated center. It is commonly used for boxes and excludes material with a wax coating.
- (7) HIGH-GRADE PAPER — White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- (8) MAGAZINES — Magazines, glossy catalogs and other glossy paper.
- (9) LARGE APPLIANCES — Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal but excluding air conditioners, microwaves and televisions.

B. The above materials will be reviewed quarterly and will be modified as the need arises by the Village of North Collins Engineer or other designated person.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other material which would otherwise be disposed of as solid waste.

RESIDENT — Any person residing within the Village of North Collins on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as dwellings, including buildings having up to four dwelling units in one building. Multiple-dwelling residential buildings containing more than four dwelling units, for purposes of this Article, shall be treated as commercial properties.

SOLID WASTE MANAGEMENT — The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE SEPARATE — To separate the recyclable materials from the MSW stream at the point of waste generation.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 146-3. Collection of accumulated waste.

- A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality.

- B. Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof. (This section does not apply to owners, occupiers and tenants of farm property.)
- C. All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by the municipality or by an authorized collector under contract with the municipality and in accordance with the provisions of this Article. **[Amended 7-11-1995 by L.L. No. 1-1995]**
- D. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with, or licensed by, the Village of North Collins. In such a case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the municipality, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this Article applicable thereto and New York State Department of Environmental Conservation regulations.
- E. No person shall set out to the curb any solid waste or recyclable materials for collection more than 24 hours in advance of scheduled pickup. **[Amended 7-11-1995 by L.L. No. 1-1995]**

§ 146-4. Recyclable materials.

- A. Source separation. Municipal solid waste generated or originated within the Village of North Collins which has been left for collection or which is delivered by the generator of such waste to a facility shall be handled in the following manner:
 - (1) Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.
 - (2) Collectors collecting residential, commercial and/or institutional MSW generated within the Village of North Collins shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party for the reason of the refusal for collection of the materials by the collector.
- B. Collection.

- (1) Only authorized collectors who are acting under authority of the Village of North Collins shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this Article; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this Article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street side.¹

§ 146-5. Authorized collectors; license required.

- A. All authorized collectors must obtain a solid waste collection license from the Village of North Collins. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year, or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this Article during the preceding year.
- D. All authorized collectors licensed by the Village of North Collins shall indemnify and hold harmless the Village of North Collins for any pending, threatened or actual claims, liability or expense arising from waste disposal by the authorized collector in violation of this Article.
- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers from whom they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.

§ 146-6. Collection and disposal report.

- A. Each collector who shall apply for a license under this Article shall state the manner of collection and the place and method of disposal of the MSW and recyclable materials from its residential, commercial, industrial and institutional customers. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:

1. Editor's Note: Former Subsection B(2), which immediately followed this subsection, dealing with private arrangements for pickup, was repealed 7-11-1995 by L.L. No. 1-1995.

- (1) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- B. Reports containing the information required as stated above shall be compiled and delivered to the Village Clerk or other designated individual for each reporting period as designated by the regulations, but which shall be no more frequently than quarterly.
- C. Authorized collectors shall not accept for collection MSW which has not been source-separated in conformity with this Article.

§ 146-7. Revocation of license; notice; hearing.

- A. When the designated public official determines that a failure to comply with this Article may have occurred, she/he shall recommend to the municipality that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.
- B. Notice.
- (1) The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (a) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (b) A short and plain statement of the alleged misconduct.
 - (c) A statement of the time, place and nature of the hearing.
 - (2) The notice shall be personally served or sent by registered mail to the generator's, applicant's or licensee's last known address, at least 10 days before the hearing date, with a copy to the administrator.
- C. Hearing.
- (1) Hearings shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of notice.

- (2) The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
- (3) Within 20 days after the close of the hearing:
 - (a) The Town Justice shall determine whether the alleged failure to comply with this Article has occurred.
 - (b) If the Town Justice determines that such a failure has occurred, the Town Justice shall decide whether the generator or applicant shall be subject to fine or penalty, the application shall be denied or an existing solid waste license or authorized collector status be suspended or revoked or its holder subjected to a reprimand and issue an order carrying out this decision.

D. Determinations, decisions and orders.

- (1) Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method.
- (2) The Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

§ 146-8. Inspections; appearance tickets.

- A. All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this Article by any police officer, code officer and any other public official designated by the Village of North Collins.
- B. Police officers, peace officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this Article.

§ 146-9. Penalties for offenses.

- A. During any 12 consecutive months, the failure of any person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Village of North Collins or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this Article shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
- B. Failure of a waste generator to comply with the provisions in this Article designated as violations shall be punishable as follows:

- (1) For the first conviction: a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.
 - (2) For the second conviction within one year: by a fine of not less than \$40 nor more than \$75.
 - (3) For the third conviction within one year: by a fine of not less than \$75 nor more than \$125.
 - (4) For a fourth and each subsequent conviction within one year: by a fine of not less than \$125 nor more than \$275.
- C. Any penalties or damages recovered or imposed under this Article are in addition to any other remedies available at law or equity.
- D. No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to come into compliance with this Article.

§ 146-10. Effective date.

The provisions of this Article shall be effective on September 1, 1992.

§ 146-11. Payment of charges; lien. [Added 3-2-1993 by L.L. No. 2-1993]

All unit charges shall become due and payable at the same time and in the same manner as other village taxes and assessments. Unit charges of the district shall constitute a lien upon the real property of the service unit on the first day of June in each year. Penalties and interest for unit charges in arrears shall be imposed and collected in the same amounts and in the same manner as they are imposed on other village taxes and assessments.

§ 119-1. Purpose.

The collection of recyclable materials from all persons and waste-generating units in the town will serve the general public interest by reducing the volume of municipal solid waste and protecting the environment. This Article is intended to comply with the mandate of the State of New York for recycling.

§ 119-2. Definitions.

The following words and phrases used throughout this Article shall have the following meanings:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this Article. In the event of municipal collection, this definition shall include the governing body and employees thereof.

MUNICIPAL SOLID WASTE — All putrescible and nonputrescible materials that have been discarded or rejected, including but not limited to garbage, refuse and rubbish. Not included are hazardous wastes as defined by the New York State Department of Environmental Conservation.

PERSON — Includes a lessee or other person in possession as well as an owner of real estate, and includes a person, firm or corporation who or which owns real estate.

RECYCLABLE MATERIALS — Those clean, noncontaminated materials designated by the Town Board as requiring separation from municipal solid waste at the source. They include but are not limited to newspapers, corrugated cardboard, clear glass bottles and jars, metal food and beverage cans and plastic containers designated Nos. 1, 2 and 3. The above list of materials may be modified by resolution of the Town Board, as the need arises.

RECYCLING — Any process by which materials which would otherwise become solid waste are collected, separated and/or processed, treated, reclaimed, used or reused.

WASTE-GENERATING UNIT — Any single-family or other residential dwelling and any municipal, commercial or institutional establishment which generates municipal solid waste.

§ 119-3. Establishment of policy.

The Town of Orchard Park hereby establishes a recycling policy for the mandatory separation and collection of recyclable materials from all persons and waste-generating units.

§ 119-4. Separation required; placement for removal.

- A. Any person or occupant or owner of any waste-generating unit within the Town who shall place for collection any recyclable materials shall do so in strict conformity with the following requirements:
 - (1) Recyclable materials shall be separated from municipal solid waste and placed at the roadside for collection.
 - (2) Waste-generating units or persons shall separate and prepare recyclable materials for collection as prescribed in the agreement between the Town of Orchard Park and its contractor for refuse and garbage collection and disposal.
 - (3) Waste-generating units or persons shall place recyclable materials in containers as hereinafter prescribed at the roadside to be collected at times designated by the Town.
- B. Containers for recyclable materials required herein shall be placed prior to collection at the roadside where they shall be readily accessible to the collector. The occupant or owner of the waste-generating unit shall keep the container clean and in condition for safe handling. The container or other items to be collected shall be placed at the roadside after 6:00 p.m. of the day immediately preceding the day of collection. After collection, any empty containers shall be removed from the roadside the same day. Containers shall be supplied by the owner or occupant of the waste-generating unit.
- C. Each waste-generating unit shall maintain and make available for the collection of recyclable materials at least one but not more than three plastic recycling bins, blue in color and approximately 19 inches long, 14 inches high and 13 inches deep.
- D. Recyclable materials shall not be placed in the same container with municipal solid waste for collection. The Town reserves the right to refuse to collect from waste-generating units municipal solid waste containing recyclable materials.
- E. Mixed or other papers are hereby determined to be recyclable materials. **[Added 11-6-2002 by L.L. No. 1-2002]**

§ 119-5. Ownership of recyclable materials.

All recyclable materials placed at the roadside for collection pursuant to this article and any regulations hereunder shall become the property of the Town at the time of placement at the roadside.

§ 119-6. Authorized collectors; licensing.

- A. All authorized collectors must obtain a solid waste collection license from the Town of Orchard Park. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year, or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of a calendar year.
- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this article during the preceding calendar year.
- D. All authorized collectors licensed by the Town of Orchard Park indemnify and hold harmless the Town of Orchard Park for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article.
- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers from whom they provide municipal solid waste services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of municipal solid waste and recyclable material from its residential, commercial, industrial and institutional customers.
- G. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the roadside.
- H. It shall be unlawful to haul or manage waste except by authorized collectors who are properly licensed pursuant to the terms of this article. That is, self-hauling and self-management of waste is hereby declared illegal. **[Added 11-6-2002 by L.L. No. 1-2002]**

§ 119-7. Penalties for offenses.

- A. Penalties for violation of any provision of this article shall be as follows:
- (1) A warning notification for the first violation.
 - (2) A fine of \$25 for the second violation.
 - (3) A fine of \$50 for the third violation.
 - (4) A fine of \$100 for the fourth violation.
 - (5) A fine of \$250 for the fifth violation.
- B. In the event of succeeding and continuing violations, any person who shall be convicted of violating or failing to comply with the provisions of this Article shall be liable to a fine of \$250 per day.
- C. In addition to the financial penalties imposed above, all collectors of solid waste shall refuse to collect materials which are improperly separated and/or prepared.

§ 119-8. Purpose.

The purpose of this article is to promote the proper disposal of garbage, refuse, and rubbish to provide a healthy, clean environment and to prevent the infestation of undesirable rodents and pests.

§ 119-9. Definitions.

- A. As used in this article, the following terms shall have the meanings indicated:

DWELLING — Any building or structure that contain one or more dwelling unit(s), rooming units, or bed-and-breakfast units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING UNIT — A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERMINATION — The control or elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by application of pesticide(s), trapping or by another recognized legal pest elimination method approved by the local or state authority having such administrative authority.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.

NUISANCE (PUBLIC NUISANCE, PUBLIC HEALTH NUISANCE) — Whatever is or could potentially become dangerous to human life or detrimental to health.

OCCUPANCY — The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT — Any individual living or sleeping in a building, or having possession of a space within a building; except that in dwelling units a guest will not be considered an occupant.

OPERATOR — Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER — Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON — An individual, heirs, executors, administrators or assigns, and also includes firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES — A lot, plot or parcel of land, an easement or public way, including any structure thereon.

PUBLIC WAY — A street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet.

RODENT HARBORAGE — Any place where rodents can live, nest, hide or seek shelter.

RAT-PROOFING — A form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk opening and other places that may be reached and entered by rat climbing, burrowing or other methods, by the use of materials impervious to rat gnawing or by other methods approved by the Town of Orchard Park Building Inspector.

REFUSE — All putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.

REFUSE CONTAINERS — A watertight container that is constructed of metal or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers approved by the Town of Orchard Park Building Inspector. Openings into the container such as covers and doors shall be tight fitting.

RUBBISH — Combustible and noncombustible waste materials, except garbage; the term shall include the residue from burning wood, coal, coke and other combustible materials, paper rags, cartons, boxes, wood, excelsior, rubber, mineral matter; glass, crockery, and dust and other similar materials; this term shall also include discarded, abandoned or stored refrigerators.

STRUCTURE — That which is built or constructed or a portion thereof.

- B. Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "bed-and-breakfast," "premises," "structure" are used in this article, they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

§ 119-10. Occupant to dispose of rubbish.

Every occupant of a structure, building, bed-and-breakfast, dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.

§ 119-11. Occupant to dispose of garbage.

Every occupant of a structure, building, bed-and-breakfast, dwelling or dwelling unit shall dispose of and store all his garbage or any other organic waste which might provide food for insects, rodents or any other pest, in a clean, sanitary safe manner. Garbage shall not be allowed to accumulate. Rodent-proof, insect-proof, watertight refuse containers shall be used for storage pending collection. The lid of the refuse container shall be on the container at all times, including when at curb pending collection.

§ 119-12. Refuse containers to be provided for rubbish and garbage.

Every owner of a premises, structure, building, rooming house, bed-and-breakfast, or dwelling shall supply adequate facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage, unless otherwise agreed to in writing by the lessee. Such containers shall be in proper working condition, undamaged and rodent-proof. The maintenance and upkeep of the container shall be the owners and/or occupants responsibility.

§ 119-13. Responsibility for extermination.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in the rooming house, bed-and-breakfast, or two or more dwelling units in any dwelling, or in the shared or public parts of any rooming house, bed-and-breakfast or dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

§ 119-14. Rodent control.

- A. Every owner and/or occupant of a premises, structure, building, bed-and-breakfast, dwelling or dwelling unit shall store and dispose of accumulated rubbish, boxes, lumber, scrap metal, or any other materials in such a manner as to prevent rodent harborage in or about any premises, structure, building, bed-and-breakfast, rooming house, rooming unit, dwelling or dwelling unit. Materials shall be stacked neatly in piles elevated to a level high enough to permit effective cleaning.
- B. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved process which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- C. Every owner or occupant of a dwelling or dwelling unit shall not store, place, or allow to accumulate any material that may serve as food or harborage for rodents in a site accessible to rodents.

- D. No person shall feed in the open any domestic or wild fowl, birds or animals other than in a suitable container and in such a manner so as to prevent scattering of food upon the ground or ground level which can or will provide food for rodents, insects, vermin or other pests. If an area is deemed infested with rodents, insects, vermin or other pests by the Town of Orchard Park Building Inspector, all bird feeding shall be ceased until the area is no longer deemed infested with rodents, insects, vermin or other pests.
- E. If an area is deemed infested with rodents, insects, vermin or other pests by the Town of Orchard Park Building Inspector, all such premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches, so as to prevent rodent harborage. "Weeds" shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers or gardens.

§ 119-15. Nuisances.

All complaints regarding what is dangerous to human life or detrimental to health shall be received and investigated. The Town of Orchard Park Building Inspector or his/her designee may enter upon or within any place or premises where nuisances or conditions dangerous to life and health or which are the cause of nuisances existing elsewhere are known or believed to exist.

§ 119-16. Placement of containers for collection.

- A. All totes and recyclable containers shall be transferred to the curblineline or pavement line in front of the premises by the producer of solid waste.
- B. No garbage, nonrecyclable refuse and rubbish or recyclable rubbish shall be set out for collection before 3:00 p.m. on the day preceding collection, nor subsequent to 6:00 a.m. on the day of collection.
- C. Totes and recyclable containers shall be removed from the curblineline within 12 hours after being emptied to a location behind or beside any structure or building on the premises; said location shall not be in the defined front yard area and shall be a minimum of eight feet from any neighboring structure or building.
- D. For good cause shown, the Building Inspector of the Town of Orchard Park may provide an exemption for the above stated

rules for the placement of containers for collection. "Good cause" may be but is not limited to the property owner's physical disability, short-term absence, or one-time disposal event.

§ 119-17. Penalties for offenses.

- A. Penalties for violation of any provision of this article shall be as follows:
 - (1) A warning notification for the first violation.
 - (2) A fine of \$25 for the second violation.
 - (3) A fine of \$50 for the third violation.
 - (4) A fine of \$100 for the fourth violation.
 - (5) A fine of \$250 for the fifth violation.
- B. In the event of succeeding and continuing violations, any person who shall be convicted of violating or failing to comply with the provisions of this article shall be liable to a fine of \$250 per day.

§ 119-18. Dates of removal.

The Town of Orchard Park will conduct tree waste removal throughout the Town, excluding the Village of Orchard Park, from May 1 to November 1.

§ 119-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

TREE WASTE — Consists of shrubs, tree limbs, tree branches, and tree stumps within the limits set out herein.

§ 119-20. General scope of service.

- A. The volume of tree waste pickup is restricted to that generated by basic tree trimming and occasional small tree removal. Excessive amounts of tree waste comparable to that produced by lot clearing, whether generated commercially or individually, will not be picked up except by special arrangement with the Town of Orchard Park Highway Department charged to the landowner at the hourly rate of the Highway Department's expense set by resolution of the Town Board.

- B. Railroad ties, fencing, lumber, old deck material, construction waste, and other similar items will not be picked up with tree waste

§ 119-21. Specific regulations.

- A. All tree waste is to be placed at the roadside in front of the residence in orderly piles with butt end facing the road. Limbs and branches should not exceed four inches in diameter and 12 feet in length or be piled more than three feet high.
- B. All limbs and tree stock exceeding four inches in diameter must be cut into lengths of 18 inches to 24 inches maximum and piled neatly and separately at the curb.
- C. All stumps and shrubs are to be placed at the curb in a separate pile with dirt removed from the roots. Stumps are not to exceed 200 pounds.
- D. No tree waste out of compliance with these regulations will be picked up by the Town of Orchard Park except by special arrangement with a specific charge as set out above.
- E. The Town of Orchard Park will not pick up tree waste removed from lots where there is not an established occupied dwelling.
- F. Raking leaves or brush onto storm sewer grates or into drainage swales or ditches is specifically prohibited.

§ 183-1. Garbage containers.

All garbage shall be placed and stored on private property in metal or other rigid and leakproof containers with a handle and shall be kept tightly covered at all times. Each container shall be of such size that when filled it can be readily handled by one person.

§ 183-2. Rubbish receptacles; bundling of certain trash.

- A. Generally. All rubbish shall be deposited and stored in galvanized iron receptacles or of other rigid material with two handles which with contents can be readily handled by one person. Each container shall have its own lid and shall be securely fastened at all times.
- B. Exceptions. Boxes containing rubbish which are securely covered and tied and which can be readily handled by one person may be used. Plastic bags may be used for lightweight material, such as leaves, if securely fastened. Newspapers, magazines, branches and similar material may be bundled and securely tied if arranged so that they can be handled readily by one person.
- C. General cleanup. No other type of container or method shall be permitted except when authorized by the Director of Public Works during an authorized general cleanup collection.
- D. Compliance. Rubbish will not be collected by the Village or its designated representative unless the owner or occupant complies with this section.¹
- E. All garbage and rubbish containers shall be placed prior to collection at the roadside or other designated area where they shall be readily accessible to the collector. They shall be placed at the roadside after 3:00 p.m. on the day immediately preceding the day of collection. After collection, containers shall be removed from the roadside on the same day as collection.²

§ 183-3. License to haul or manage waste required.³

It shall be unlawful to haul or manage waste except by authorized collectors who are properly licensed pursuant to the terms of Article II of this chapter; that is, self-hauling and self-management of waste is hereby declared illegal.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 183-4. Unlawful deposits in waterways.

No person shall throw or deposit, in any pond, brook, or natural waterway within the limits of the Village, any dead animal, dead fish or fish waste, rubbish, filth, foul or offensive substance, or any refuse matter whatsoever, fuel, lubricating oil, fish oil or other greasy substance so that the same shall create a danger to the public health, safety, and welfare.

§ 183-5. Penalties for offenses.

Any person who shall violate any provision of this article shall be punished as provided in Chapter 1, Article III, of this Code.

§ 183-6. Statement of purpose and policy.

It is the purpose of the Board of Trustees of the Village of Orchard Park to maximize resource recovery from solid waste on a cost-effective basis through the collection of recyclable materials within the Village to reduce the volume of municipal solid waste and protect the environment. Therefore, the Village of Orchard Park hereby establishes its policy to require the separation and collection of recyclable materials within its boundaries. This article is to comply with the mandate of the State of New York for recycling as set forth in General Municipal Law § 120-aa.

§ 183-7. Definitions.

The following words and phrases used throughout this article shall have the following meanings:

MUNICIPAL SOLID WASTE — All putrescible and nonputrescible materials that have been discarded or rejected, including but not limited to garbage, refuse and rubbish. Not included are hazardous wastes as defined by New York State Department of Environmental Conservation.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity that occupies any part of a waste generating unit.

RECYCLABLE MATERIALS — Those clean, noncontaminated material designated from time to time by the Village Board as requiring source separation and segregation. Such material shall include newspapers, corrugated cardboard, clear glass bottles and jars, metal food and beverage cans, and plastic containers designated Nos. 1,2 and 3. Mixed or other papers are hereby determined to be recyclable materials.**[Amended 6-23-2003 by L.L. No. 5-2003]**

WASTE GENERATING UNIT — Any single-family or residential dwelling, including apartments and duplexes, and any municipal, commercial, or institutional establishment which generates municipal solid waste.

§ 183-8. Source separation and placement for removal.

- A. Any person within the Village who shall place for collection by the Village, its designated collector, or other collector any recyclable materials shall do so in the following manner:
 - (1) Separate recyclable materials from municipal solid waste;
 - (2) Place recyclable materials in bins separate and apart from containers used for municipal solid waste;
 - (3) Use for the collection of recyclable materials at least one but not more than three plastic recycling bins, blue in color and approximately 19 inches long, 14 inches high and 13 inches deep, and such bins shall be kept clean and in a condition for safe handling;
 - (4) Place the bins containing any recyclable materials at the roadside for collection on the day(s) designated by the Village Board for the collection of municipal solid waste and recyclable materials.
- B. Bins containing recyclable materials shall be placed prior to collection at the roadside or other designated area where they shall be readily accessible to the collector. Bins containing recyclable materials shall be placed at the roadside after 3:00 p.m. on the day immediately preceding the day of collection. After collection, bins shall be removed from the roadside on the same day as collection.⁴

§ 183-9. Persons collecting recyclable materials.

- A. All persons collecting municipal solid waste and/or recyclable materials within the Village of Orchard Park must ensure that municipal solid waste and recyclable materials are separated and placed for removal in accordance with this article.
- B. All persons collecting municipal solid waste and/or recyclable materials within the Village of Orchard Park must first obtain a collection permit from the Village Clerk-Treasurer. All such

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

permits shall be effective for a period of one year. The fee for such a permit, if any, shall be established by the Village Board.

- C. It shall be unlawful to haul or manage recyclable materials except by authorized collectors who are properly licensed pursuant to the terms of this article; that is, self-hauling and self-management of recyclable materials is hereby declared illegal. **[Added 6-23-2003 by L.L. No. 5-2003⁵]**

§ 183-10. Penalties for offenses.

- A. Persons violating any provision of this article shall be penalized as follows:

Violation	Penalty
First violation	Warning notification
Second violation	\$25 fine
Third violation	\$50 fine
Fourth violation	\$100 fine
Fifth and subsequent violations	\$250 fine

- B. Each day upon which violation occurs shall constitute a separate offense.
- C. This section is not intended to limit the remedies available to the Village of Orchard Park to enforce this article which include the refusal by collectors of municipal solid waste within the Village of Orchard Park to collect municipal solid waste and/or recyclable materials which are not separated and/or prepared in accordance with the requirements of this article.

ARTICLE I
Recycling
[Adopted 6-3-1992 as L.L. No. 2-1992]

§ 119-1. Purpose.

The collection of recyclable materials from all persons and waste-generating units in the town will serve the general public interest by reducing the volume of municipal solid waste and protecting the environment. This Article is intended to comply with the mandate of the State of New York for recycling.

§ 119-2. Definitions.

The following words and phrases used throughout this Article shall have the following meanings:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this Article. In the event of municipal collection, this definition shall include the governing body and employees thereof.

MUNICIPAL SOLID WASTE — All putrescible and nonputrescible materials that have been discarded or rejected, including but not limited to garbage, refuse and rubbish. Not included are hazardous wastes as defined by the New York State Department of Environmental Conservation.

PERSON — Includes a lessee or other person in possession as well as an owner of real estate, and includes a person, firm or corporation who or which owns real estate.

RECYCLABLE MATERIALS — Those clean, noncontaminated materials designated by the Town Board as requiring separation from municipal solid waste at the source. They include but are not limited to newspapers, corrugated cardboard, clear glass bottles and jars, metal food and beverage cans and plastic containers designated Nos. 1, 2 and 3. The above list of materials may be modified by resolution of the Town Board, as the need arises.

RECYCLING — Any process by which materials which would otherwise become solid waste are collected, separated and/or processed, treated, reclaimed, used or reused.

WASTE-GENERATING UNIT — Any single-family or other residential dwelling and any municipal, commercial or institutional establishment which generates municipal solid waste.

§ 119-3. Establishment of policy.

The Town of Orchard Park hereby establishes a recycling policy for the mandatory separation and collection of recyclable materials from all persons and waste-generating units.

§ 119-4. Separation required; placement for removal.

- A. Any person or occupant or owner of any waste-generating unit within the Town who shall place for collection any recyclable materials shall do so in strict conformity with the following requirements:
 - (1) Recyclable materials shall be separated from municipal solid waste and placed at the roadside for collection.
 - (2) Waste-generating units or persons shall separate and prepare recyclable materials for collection as prescribed in the agreement between the Town of Orchard Park and its contractor for refuse and garbage collection and disposal.
 - (3) Waste-generating units or persons shall place recyclable materials in containers as hereinafter prescribed at the roadside to be collected at times designated by the Town.
- B. Containers for recyclable materials required herein shall be placed prior to collection at the roadside where they shall be readily accessible to the collector. The occupant or owner of the waste-generating unit shall keep the container clean and in condition for safe handling. The container or other items to be collected shall be placed at the roadside after 6:00 p.m. of the day immediately preceding the day of collection. After collection, any empty containers shall be removed from the roadside the same day. Containers shall be supplied by the owner or occupant of the waste-generating unit.
- C. Each waste-generating unit shall maintain and make available for the collection of recyclable materials at least one but not more than three plastic recycling bins, blue in color and approximately 19 inches long, 14 inches high and 13 inches deep.
- D. Recyclable materials shall not be placed in the same container with municipal solid waste for collection. The Town reserves the

right to refuse to collect from waste-generating units municipal solid waste containing recyclable materials.

- E. Mixed or other papers are hereby determined to be recyclable materials. **[Added 11-6-2002 by L.L. No. 1-2002]**

§ 119-5. Ownership of recyclable materials.

All recyclable materials placed at the roadside for collection pursuant to this article and any regulations hereunder shall become the property of the Town at the time of placement at the roadside.

§ 119-6. Authorized collectors; licensing.

- A. All authorized collectors must obtain a solid waste collection license from the Town of Orchard Park. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year, or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of a calendar year.
- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this article during the preceding calendar year.
- D. All authorized collectors licensed by the Town of Orchard Park indemnify and hold harmless the Town of Orchard Park for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article.
- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers from whom they provide municipal solid waste services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of municipal solid waste and recyclable material from its residential, commercial, industrial and institutional customers.

- G. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the roadside.
- H. It shall be unlawful to haul or manage waste except by authorized collectors who are properly licensed pursuant to the terms of this article. That is, self-hauling and self-management of waste is hereby declared illegal. **[Added 11-6-2002 by L.L. No. 1-2002]**

§ 119-7. Penalties for offenses.

- A. Penalties for violation of any provision of this article shall be as follows:
 - (1) A warning notification for the first violation.
 - (2) A fine of \$25 for the second violation.
 - (3) A fine of \$50 for the third violation.
 - (4) A fine of \$100 for the fourth violation.
 - (5) A fine of \$250 for the fifth violation.
- B. In the event of succeeding and continuing violations, any person who shall be convicted of violating or failing to comply with the provisions of this Article shall be liable to a fine of \$250 per day.
- C. In addition to the financial penalties imposed above, all collectors of solid waste shall refuse to collect materials which are improperly separated and/or prepared.

Chapter 91

RECYCLING

§ 91-1. Maintenance of civil action.

§ 91-2. Transmission to Town Clerk; presentation to Town Board.

§ 91-3. Effect on statutory provisions.

§ 91-4. Definitions.

§ 91-5. General provisions.

§ 91-6. Collection permit.

§ 91-7. Enforcement administration.

§ 91-8. Penalties for offenses.

§ 91-9. Alternate collection procedures.

§ 91-10. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 8-12-1992 as L.L. No. 2-1992. Amendments noted where applicable.]

§ 91-1. Title.

This chapter shall be known and may be cited as the "Recycling Law of the Town of Sardinia."

§ 91-2. Statutory authority.

This chapter is enacted pursuant to the authority granted under New York State Town Law, New York State General Municipal Law, New York State Municipal Rome Rule Law and New York State Environmental Conservation Law regarding solid waste management.

§ 91-3. Purpose.

It shall be the purpose of the Recycling Law of the Town of Sardinia to encourage and facilitate the maximum recycling practicable on the part of each and every person, household, business and institution within the town. It shall further be the purpose of the Recycling Law of the Town of Sardinia to establish, implement and enforce minimum recycling related practices and procedures to be applicable to all waste generators and authorized collectors within the town.

§ 91-4. Definitions.

The following terms shall have the meanings as set forth in this chapter:

AUTHORIZED COLLECTOR – Any person or other legal entity which is licensed by the town for the purpose of:

- A. Collecting recyclables from waste generators for delivery to a recycling facility or market; and/or
- B. Collecting solid waste from waste generators for disposal at a permitted solid waste facility.

COMPONENTS – Those materials which include paper, glass, metals, plastics, garden and yard waste, and may include other elements of solid waste.

CURBSIDE COLLECTION – The collection by the town, its authorized agent(s) or an authorized collector of recyclables and/or solid waste placed at the curbside or other designated locations.

DROPOFF CENTER – A private or publicly operated facility to which a person can deliver recyclables for further processing and marketing.

ECONOMIC MARKETS – Those instances in which the full avoided costs of proper collection, transportation and disposal of source-separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials.

MATERIALS RECOVERY FACILITY – A private or public facility for receiving and processing recyclables into marketable commodities.

PERSON – Any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this chapter prescribing a fine or penalty, the term "person" shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

RECYCLABLES – Those materials, as the Town Board shall designate, able to be practically separated from nonrecycled waste. Such materials may include, but are not limited to:

- A. **ALUMINUM CANS** – Empty all-aluminum beverage and food containers.

- B. BIMETALLIC CANS – Empty food or beverage containers consisting of ferrous sides and bottoms and an aluminum top.
- C. CORRUGATED – Woodpulp-based material which is usually smooth on both sides with a corrugated center commonly used for boxes for packing, mailing, shipping or containerized goods, merchandise or other material, but excluding plastic, foam or wax-coated or soiled cardboard.
- D. FERROUS CANS – Empty steel or tin food or beverage containers.
- E. GLASS CONTAINERS — Bottles and jars made of clear (flint), green or brown (amber) glass. Expressly excluded are noncontainer glass, drinking glasses and cups, window and mirror glass, blue glass, light bulbs and porcelain or ceramic products.

MAGAZINES – Magazines, glossy catalogs and other matter printed on glossy or slick paper.

NEWSPAPERS – Common machine-finished paper made chiefly from woodpulp and commonly referred to as "newsprint." Expressly excluded, however, are newspapers which have been soiled or wet. Glossy finished papers used for newspaper inserts may also be excluded.

OFFICE PAPER – All bond, computer, print-out, duplicating, stationery and other high quality paper. Expressly excluded are papers with self carbons, chemical transfer paper, carbon paper, windowed envelopes and glossy paper.

PLASTIC CONTAINERS – Containers composed of high-density polyethylenes (HDPE), polyethylene terephthalate (PET) or other specific plastics as the Town Board may designate.

SOLID WASTE – All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, commercial waste, sludges, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, but not including designated recyclables, solid or dissolved matter in domestic sewage or substances, materials in noncontainerized gaseous form or hazardous or toxic materials or waste as defined by the Department of Environmental Conservation.

SOURCE-SEPARATE – The separation and segregation of recyclables from the solid waste stream, into designated categories for recycling, by the waste generator at the point of generation.

TOWN – The Town of Sardinia located within the County of Erie, State of New York.

TOWN BOARD – The duly elected and constituted legislative body of the Town of Sardinia.

VEGETATIVE YARD WASTE – Organic yard and garden waste, prunings, grass clippings, weeds, leaves and brush.

WASTE GENERATOR – Any person or other legal entity which produces waste requiring off-site disposal.

§ 91-5. General provisions.

- A. The designation and definition of recyclables shall be as set forth in this chapter and as may be determined from time to time by resolution of the Town Board. In the designation and definition of recyclables, the Town Board shall give due consideration to the public purposes for recycling, to the adequacy of economic markets for separated materials and to any additional effort and expense to be incurred by waste generators and authorized collectors in meeting the separation requirements.
- B. Every waste generator in the town shall cause recyclables to be source separated from solid waste. Such source-separation shall occur prior to the time that the solid waste is left for collection or is delivered by the generator of such waste to a solid waste management facility.
- C. Waste generators shall cause source-separated recyclables to be properly prepared for collection or dropoff in the manner reasonably prescribed by the authorized collector, dropoff center or material recovery facility.
- D. Waste generators shall cause properly prepared recyclables to be delivered to a dropoff center or material recovery facility.
- E. It shall be a violation of this chapter for any person not authorized by the Town Board to collect or pick up or cause to be collected or picked up any recyclables or solid waste within the town. Each such collection in violation hereof shall constitute a separate and distinct offense.
- F. It shall be a violation of this chapter for a waste generator or authorized collector to dispose or attempt to dispose of recyclables as waste. Each such disposal or attempted disposal in violation hereof shall constitute a separate and distinct offense.

§ 91-6. Collection permit.

- A. All authorized collectors are required to obtain an annual permit upon application and approval of the Town Board.
- B. The Town Board shall determine by resolution the cost of the permit and any requirements to be met by the applicant. By this provision the Town Board specifically

reserves the discretion to determine the requirements for said permit which shall include, but not be limited to, the type of vehicles used for collection, hours of collection, frequency of collection, materials collected and provisions against spillage and littering.

- C. In determining the requirements for said permit, the Town Board shall give due consideration to existing source-separation, recycling and other resource-recovery activities in the town.
- D. All authorized collectors shall file a periodic report with the Town Board in a format and at a frequency designated by the Town Board. For all recyclables and solid waste collected from within the town during a given period, the report shall include, but not be limited to, the following:
 - (1) The weights by category of all solid waste collected, the name and address of each solid waste management facility where said waste was delivered and the weights by category of the waste delivered to each such facility.
 - (2) The weights by category of all recyclables collected, stored, marketed and otherwise disposed of during the period.
 - (3) The names and addresses of any persons or firms which have failed to properly source-separate recyclables from solid waste; provided, however, that the authorized collector has made reasonable efforts to educate the persons or firms on the acceptable methods of proper source separation.

§ 91-7. Enforcement administration.

- A. The Town Board by its designated officer is authorized to enforce this chapter. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclables in accordance with the terms hereof and any other matters required to implement this chapter. This shall include the licensing of authorized collectors. The Town Board may change, modify, repeal or amend any portion of said rules and regulations at any time.
- B. The town or any authorized collector may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables.
- C. The town or any authorized collector may refuse to collect recyclables from any person who has clearly failed to properly prepare such recyclables.

§ 91.8. Penalties for offenses.

- A. Any action by any person or other legal entity which violates or does not comply with any provision of this chapter or any regulation thereof shall be given a written notice to remedy upon the first violation and thereafter shall be punishable by a fine not to

exceed one hundred dollars (\$100) upon the first conviction and not more than one thousand dollars (\$1,000) upon each subsequent conviction.

B. Any person or other legal entity which collects such recyclables without authorization of the owner and of the Town Board shall be punishable by a fine not to exceed three hundred dollars (\$300) upon the first conviction, not more than five hundred dollars (\$500) upon the second conviction and not more than one thousand dollars (\$1,000) upon each subsequent conviction.

C. This chapter may be enforced in the Town of Sardinia Justice Court.

§ 91-9. Alternate collection procedures.

Any person may donate or sell recyclables to individuals or organizations authorized or licensed by the Town Board in its recycling regulations. These recyclables shall either be delivered to the individual's or organization's site or placed at the curb for collection by said individual or organization on days not indicated as recyclables collection days by the Town Board. Said individuals or organizations shall not collect recyclables on or immediately preceding [within twenty-four (24) hours] a regularly scheduled curbside collection day without written authorization from the Town Board.

§ 91-10. Effective date.

This local law shall take effect immediately with compliance of its terms effective September 1, 1992.

Chapter 69

GARBAGE, RUBBISH AND REFUSE

ARTICLE I

Disposal

§ 69-1. Title.

§ 69-2. Purpose.

§ 69-3. Definitions.

§ 69-4. Restrictions.

§ 69-5. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 6-11-75. Sections 69-4 and 69-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

ARTICLE I

Disposal

[Adopted 6-11-75]

§ 69-1. Title.

This chapter shall be known as the "Refuse Disposal Law" of the Town of Sardinia.

§ 69-2. Purpose.

This chapter is adopted for the purpose of promoting the health, safety and general welfare of the people of the Town of Sardinia, including the protection and preservation of property of the town and its inhabitants by regulating the disposal of refuse within the Town of Sardinia.

§ 69-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GARBAGE – All putrescible or decayable wastes, including vegetable and animal offal and carcasses of dead animals, and shall include all substances accumulated on or removed from all public and private establishments and properties, including residences, and all industrial waste.

PERSON – Any individual, firm, partnership, company, corporation, association, society or group.

REFUSE – Includes rubbish, garbage and trash and any other similar materials.

RUBBISH – General, dry material produced routinely by household, commercial or industrial establishments, such as ashes, paper, cans, bottles, boxes and other containers and any other similar materials.

TRASH – Includes bushes, grass clippings, leaves, weeds, branches, Christmas trees, lawn rakings and similar waste materials, bulky objects, such as discarded automobile tires, household appliances, equipment or furniture, scrap building materials, building demolition and construction wastes.

§ 69-4. Restrictions.³⁵

No person shall throw, place dump, drop or deposit or cause to be thrown, dumped, dropped or deposited any refuse in or upon the right-of-way of any public highway, road or street or in or upon any other public place in the Town of Sardinia or in or upon any private property except a facility licensed by the State of New York.

§ 69-5. Penalties for offenses.³⁶

Any person who violates this chapter shall be guilty of an offense and subject to a fine of not more than two hundred fifty dollars (\$250), plus costs of cleanup, or imprisonment for not more than fifteen (15) days, or both.

³⁵ Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.

³⁶ Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.

Chapter 383

SOLID WASTE

GENERAL REFERENCES

Junk and junk dealers — See Ch. 280.

Property maintenance — See Ch. 342.

Collection and sale of solid waste — See §§ 396-18 and 396-19.

ARTICLE I

Recycling

[Adopted 6-15-1992 by L.L. No. 1-1992 (Ch. 155, Art. I, of the 1989 Code)]

§ 383-1. Title.

This article shall be known as the "Mandatory Recycling Law of the Village of Sloan."

§ 383-2. Purpose; establishment; effective date.

Whereas the reduction, reuse and recycling of solid waste are important public concerns and will aid in the protection and preservation of the environment; and whereas the Solid Waste Management Act of 1988 mandates passage of a source separation ordinance or law by each local municipality within New York State by September 1, 1992, to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist; now, therefore, be it resolved that the Village of Sloan establishes mandatory recycling within this municipality, which will be effective on August 1, 1992.

§ 383-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation, or employer or agent thereof, authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties, as herein defined, under the terms and conditions of this article. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BULKIES — Large items such as sofas, upholstered chairs, mattresses and box springs but excluding large appliances (white goods) such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

COLLECTOR — The person, firm, agency or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

COMMERCIAL OPERATIONS — All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with four or more units, trailer courts, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

CONTAINER — A can, bin, box, bag or other unit used for the storage of recyclable materials.

FACILITY — Any solid waste management/resource-recovery facility employed beyond the initial solid waste collection process, which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource-recovery facilities, sanitary landfills, plants and facilities for composting or landspreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE — Solid waste that is especially harmful or potentially harmful to public health. This shall include but not be limited to explosives, toxic materials and medical waste. For purposes of this article, "hazardous waste" does not include small quantities of such waste available on a retail basis to the homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.)

INSTITUTIONS — An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as "solid waste." It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

PERSON — Any individual, firm, partnership, association, corporation, institution or other entity.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Village of Sloan, they shall be required to obtain a license from the Village and be subject to the rules and regulations of the Village.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS — Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include but are not limited to:

- A. ALUMINUM — — Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink.
- B. METAL CANS — — Containers fabricated primarily of steel or tin or bimetal cans of steel, tin and/or aluminum, but not including aluminum cans.
- C. GLASS FOOD AND BEVERAGE CONTAINERS — — New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.
- D. PLASTIC FOOD AND BEVERAGE CONTAINERS — — Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated, respectively, as No. 2 and No. 1 on the recycling code located on the containers.
- E. NEWSPRINT — — Common, inexpensive machine-finished paper made chiefly from woodpulp and used for newspapers.
- F. CORRUGATED — — Woodpulp-based material which is usually smooth on both sides with a corrugated center, commonly used for boxes, and excludes material with a wax coating.
- G. HIGH-GRADE PAPER — — White and colored office bond, duplicating paper, computer paper and other high-quality paper.
- H. MAGAZINES — — Magazines, glossy catalogs and other glossy paper.
- I. LARGE APPLIANCES — — Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal, but excluding air conditioners, microwaves and televisions. The above materials will be reviewed quarterly and will be modified as the need arises by the Village Engineer or other designated person.

RECYCLING — The separation, collection, processing, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

RESIDENT — Any person residing within the Village on a temporary or permanent basis, but excluding persons residing in hotels or motels.

RESIDENTIAL PROPERTY — Properties used as dwellings, including buildings having up to four dwelling units in one building. Multiple-dwelling residential buildings containing more than four dwelling units, for purposes of this article, shall be treated as commercial properties.

SOLID WASTE MANAGEMENT — The purposeful systematic control of the storage, collection, transportation, processing and disposal of solid waste.

SOURCE SEPARATE — To separate the recyclable materials from the MSW stream at the point of waste generation.

YARD WASTE — Organic yard and garden waste, leaves, grass clippings and brush.

§ 383-4. Responsibilities of owners and occupiers.

- A. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality.
- B. Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof. (These subsections do not apply to owners, occupiers and tenants of farm property.)
- C. All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by the municipality or by an authorized collector under contract with the municipality (or by a licensed private collector under private subscription) and in accordance with the provisions of this article.
- D. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with or licensed by the Village of Sloan. In such a case, where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector. When approved by the municipality, owners of nonresidential properties may collect, convey and dispose of privately generated municipal solid waste by their own containers and/or trucks, provided that they comply with the provisions of this article applicable thereto and New York State Department of Environmental Conservation regulations.
- E. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Village of Sloan except as provided in this article.

§ 383-5. Source separation.

- A. Municipal solid waste generated or originated within the Village of Sloan which has been left for collection or which is delivered by the generator of such waste to a facility shall be handled in the following manner:
 - (1) Prior to initial collection or transport, source separation shall be required of each and every person or party discarding municipal solid waste and/or recyclable materials. Recyclable materials shall not be co-mingled with other solid waste during collection, transportation or storage following collection.
 - (2) Collectors collecting residential, commercial and/or institutional MSW generated within the Village of Sloan shall refuse to collect

MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party for the reason of the refusal for collection of the materials by the collector.

- B. More particularized rules applicable to recycling procedures can be set forth in Schedule A, which is attached hereto, incorporated by reference herewith and made a part hereof.¹ Strict compliance with recycling rules and procedures is mandated under this section. The Village Board reserves the right to amend these rules and procedures by resolution as deemed appropriate in the exercise of its discretion.

§ 383-6. Collection of materials placed at curbside; exceptions.

- A. Only authorized collectors who are acting under authority of the Village of Sloan shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection; each such unauthorized collection, pickup or removal shall constitute a separate violation of this article; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accordance with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or streetside.
- B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

§ 383-7. Deposit at transfer station; exceptions.

- A. Any person(s) may bring all source-separated recyclable materials to the Village of Sloan's owned and operated solid waste management facility. These recyclable materials shall be prepared to the specifications of the Village of Sloan and will be placed in the designated storage containers. Once deposited in the designated containers, the recyclable materials become the property of the Village of Sloan.
- B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to deposition at the facility.

§ 383-8. Licensing requirements for collectors.

1. Editor's Note: Schedule A, Recycling Rules and Regulations, is included at the end of this chapter.

- A. All authorized collectors must obtain a solid waste collection license from the Village of Sloan. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- B. An authorized collector's sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this article during the preceding calendar year.
- D. All authorized collectors licensed by the Village of Sloan indemnify and hold harmless the Village of Sloan for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this article.
- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers from whom they provide MSW collection services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall state the manner of collection and the place and method of disposal of the MSW and recyclable materials from its residential, commercial, industrial and institutional customers. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector which include the following information:
 - (1) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- G. Reports containing the information required as stated above shall be compiled and delivered to the Village Clerk or other designated individual for each reporting period as designated by the regulations, but which shall be no more frequently than quarterly.
- H. Authorized collectors shall not accept for collection MSW which has not been source-separated in conformity with this article.

§ 383-9. Enforcement; penalties for offenses.

- A. When the designated public official determines that a failure to comply with this article may have occurred, she/he shall recommend to the municipality that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties as described herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty.
- B. Notice.
- (1) The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (a) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (b) A short and plain statement of the alleged misconduct.
 - (c) A statement of the time, place and nature of the hearing.
 - (2) The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address at least 10 days before the hearing date, with a copy to the administrator.
- C. Hearing.
- (1) Hearings shall be held before the Cheektowaga Town Justice within a reasonable period, which shall be at least 10 days after service of notice.²
 - (2) The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
 - (3) Within 20 days after the close of the hearing, the Cheektowaga Town Justice shall:³
 - (a) Determine whether the alleged failure to comply with this article has occurred; and
 - (b) If the Cheektowaga Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to a fine or penalty; the application shall be denied or an existing solid waste license or authorized collector status be suspended or revoked or its holder subjected to a reprimand; and issue an order carrying out this decision.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. Determinations, decisions and orders. Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method. The Cheektowaga Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.⁴
- E. Inspections and appearance tickets.
- (1) All portions of vehicles and containers used to haul, transport or dispose of recyclable materials, including such containers placed outside residences, shall be subject to inspection to ascertain compliance with this article by any police officer, peace officer, code officer and any other public official designated by the Village of Sloan.
 - (2) Police officers, peace officers, code officers and the specified public servants are hereby authorized and directed to issue appearance tickets for violations of this article.
- F. Penalties.
- (1) During any 12 consecutive months, the failure of any person engaged in the business of collecting MSW and/or recyclable materials or rendering solid waste and/or recycling services who is not authorized by the Village or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this article shall be guilty of a violation, punishable by a fine of not less than \$200 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.
 - (2) Failure of a waste generator to comply with the provisions in this article designated as violations shall be punishable as follows:
 - (a) For the first conviction: by a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.
 - (b) For the second conviction within one year: by a fine of not less than \$40 nor more than \$75.
 - (c) For the third conviction within one year: by a fine of not less than \$75 nor more than one \$125.
 - (d) For a fourth and each subsequent conviction within one year: by a fine of not less than \$125 nor more than \$275.
 - (3) Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity.

- (4) No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 1993, in order to permit persons regulated hereunder to come into compliance with this article.

Chapter 145

SOLID WASTE

GENERAL REFERENCES

Brush, grass, trees and weeds — See Ch. 70. Nuisances — See Ch. 118.

§ 145-1. Findings.

The Board of Trustees of the Village of Springville finds that:

- A. The current collection and disposal of garbage and waste is not adequate to meet the Village of Springville's long-term solid waste disposal needs.
- B. Continued use of landfills for solid waste disposal poses a threat to human health and safety through increased risk of groundwater pollution and other environmental, health and safety hazards.
- C. Removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources and reduce the required capacity of existing and proposed resource facilities.
- D. The New York Solid Waste Management Act of 1988 and subsequent amendments thereto require that municipalities adopt a local law for separating solid waste into recyclable, reusable or other components for which economic markets for alternate uses exist.
- E. Methods of solid waste management emphasizing resource reduction, recovery, conservation and recycling of solid wastes are essential to the long-range preservation of the health, safety and well-being of the public, to the economic productivity and environmental quality of the Village of Springville and to the conservation of resources.

§ 145-2. Legislative purpose.

In enacting this chapter, the Board of Trustees of the Village of Springville supports the following statutory purposes:

- A. To increase the life expectancy of existing and potential landfill areas and decrease the need for alternative refuse disposal facilities through a comprehensive program of waste stream reduction and recycling.
- B. To decrease the threat to human health and safety posed by the effects of landfill disposal on groundwater quality.
- C. To identify methods of collection, reduction and separation which will encourage the more efficient utilization of solid waste disposal facilities and contribute to more effective programs for the reuse of solid wastes.

- D. To ensure the long-range preservation of the health, safety and well-being of the public and the economic productivity and environmental quality of the Village of Springville by conserving resources and reducing the potential for pollution of the environment.
- E. To conserve energy by using recovered materials in manufacturing.
- F. To improve the efficiency of waste-to-energy facilities by removing metals and glass from the waste stream.
- G. To set forth a methodology for efficiently separating and collecting reusable and recyclable materials from the community's waste stream.
- H. To implement the applicable provisions of the New York State Solid Waste Management Act of 1988 and amendments thereto.

§ 145-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HAZARDOUS WASTE — May include but is not limited to the following products and their empty containers: insecticides, herbicides and caustic chemicals. "Hazardous wastes" generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity.

NONRECYCLABLES[**Amended 6-2-1993 by L.L. No. 3-1993**]: —

- A. That portion of the waste stream not included under recyclables and not treated separately as:
 - (1) Hazardous waste as defined under regulations promulgated pursuant to § 27-0903 of the New York State Environmental Conservation Law;
 - (2) Source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954;
 - (3) Low-level radioactive waste as defined in § 29-0101 of the New York State Environmental Conservation Law; or
 - (4) Regulated medical waste as defined under regulations promulgated pursuant to § 27-1502 of the New York State Environmental Conservation Law.¹
- B. "Nonrecyclables" include but are not limited to:
 - (1) **GARBAGE** — Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods, except grease generated from commercial establishments. "Garbage" originates primarily

1. Editor's Note: Section 27-1502 was repealed by L. 1993, c. 438, § 11, effective 11-23-1993.

in home kitchens, stores, markets, restaurants and other places where food is stored, prepared, sold or served.

- (2) RUBBISH — Rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, straw, dirt, filth, wastepaper including magazines and noncorrugated cardboard and similar waste material, including plastic, metal and wood scraps.
- (3) LARGE HOUSEHOLD FURNISHINGS — Large and/or bulky articles normally used in the home and which equip it for living, such as chairs, sofas, tables, beds, carpets and other such large household items.
- (4) CONSTRUCTION DEBRIS — Waste resulting from remodeling or repair of structures or from new construction.

NR BAG — A bag with the Village of Springville's imprint specially provided and sold by the village or its authorized resale dealers to be used for the disposal of nonrecyclables in accordance with this chapter.

NR STICKER — A serially numbered sticker with the Village of Springville's identifying imprint specially provided and sold by the village or its authorized resale dealers to be used for attachment to plastic bags containing nonrecyclables for disposal in accordance with this chapter.**[Added 12-6-1999 by L.L. No. 8-1999]**

PERSON — Natural persons, corporations, partnerships, sole proprietorships, unincorporated associations or any and all combinations of such persons acting in concert.

RECYCLABLES — Include but shall not be limited to the following:

- A. Aluminum cans (containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages).
- B. Metal cans (containers fabricated primarily of metal or tin, but not including aluminum cans).
- C. Glass bottles (transparent or translucent glass jars, bottles and other containers which are primarily used for packaging and bottling of various matters).
- D. Newsprint (the common, inexpensive, machine-finished paper made chiefly from wood pulp and used for newspapers. This term includes common newspapers but excludes glossy newspapers and glossy inserts and magazines).
- E. Plastic containers (those plastic containers normally used for household purposes, such as plastic milk containers, laundry detergent containers, common plastic food containers, as defined in the Eric County Recycling Guide, and dish soap containers. This term excludes plastic bags and Styrofoam containers).

- F. Large appliances (stoves, refrigerators, dishwashers, dryers, washing machines and other such large appliances).
- G. Brush (cuttings from shrubs, hedges and trees which are less than 10 feet in length).
- H. Leaves.
- I. Vehicular tires and tire casings.
- J. Batteries, motor oil, paint and containers for the same.
- K. Clippings (grass clippings and other such small vegetation cuttings from lawns, flowers, gardens, etc.).
- L. Corrugated cardboard. **[Added 6-2-1993 by L.L. No. 3-1993]**

RESIDENCE — A single dwelling unit designed for occupation by one or more persons as a single household.

WASTE MATERIAL — Includes all recyclables and nonrecyclables which make up the waste stream and which are eligible for curbside pickup under this chapter. "Waste material" does not include the following items, which are not eligible and which will not be picked up by the Village of Springville or any agency or agent thereof:

- A. Hazardous waste as defined under regulations promulgated pursuant to § 27-0903 of the New York State Environmental Conservation Law.
- B. Source, special nuclear or by-product material, as defined in the United States Atomic Energy Act of 1954.
- C. Low-level radioactive waste, as defined in § 29-0101 of the New York State Environmental Conservation Law.
- D. Regulated medical waste, as defined under regulations promulgated pursuant to § 27-1502² of the New York State Environmental Conservation Law.

§ 145-4. Program established.

- A. There is hereby established a program for the separation, preparation for collection and collection of waste materials. The program shall be under the supervision of the Board of Trustees of the Village of Springville, either by the Board of Trustees directly or through its designated representative, as determined by resolution of the Board of Trustees.
- B. All waste material shall be separated, prepared for collection and collected in accordance with the provisions this chapter. **[Amended 6-2-1993 by L.L. No. 3-1993]**

2. Editor's Note: Section 27-1502 was repealed by L. 1993, c. 438, § 11, effective 11-23-1993.

- C. The Village of Springville shall have no obligation to collect and shall not collect or remove any waste material not prepared for collection in accordance with this chapter.
- D. The Village of Springville shall have no obligation to collect and shall not collect or remove any waste material placed for collection at or near the curb or edge of the street which was not produced or generated within the premises upon which it is so placed, and the placing for such collection of any garbage, rubbish or other waste material originating at a location other than the one upon which it is placed for collection is hereby prohibited.

§ 145-5. Preparation of waste material for collection. [Amended 6-2-1993 by L.L. No. 3-1993]

Waste material shall be prepared for collection in accordance with Subsections A through N of this section. No person shall dispose of waste material except as follows:

- A. Containers; NR bags and stickers. **[Amended 12-6-1999 by L.L. No. 8-1999]**
 - (1) Acceptable containers for recyclables, unless otherwise stated in this chapter, shall be provided by the waste generator and shall be separate, galvanized or rigid plastic containers with two handles or a single rigid fall-away loop handle connected to opposite sides of the container. Such containers shall not exceed 33 gallons' capacity and when filled shall not exceed 50 pounds in weight, including the container.
 - (2) Preparation of nonrecyclables for pickup.
 - (a) Nonrecyclables placed for pickup by the village or its authorized contractor shall:
 - [1] Be contained in a securely closed NR bag;
 - [2] Be contained in a securely closed plastic bag having a capacity no greater than 33 gallons with an NR sticker firmly and permanently attached; or
 - [3] In the case of large nonrecyclable items not able to be placed in such plastic bag, shall have an NR bag or NR sticker securely attached to such item.
 - (b) The fee for a single use of such NR bag or NR sticker and any rules for their distribution, sale and acceptable use shall be as established from time to time by resolution of the Board of Trustees of the Village of Springville.³

3. Editor's Note: A fee schedule is on file in the village offices.

- (c) No person shall place nonrecyclables at the curb or pavement edge for collection unless such nonrecyclables are either:
 - [1] Contained in an NR bag or in a plastic bag with an NR sticker firmly and permanently attached that in either case, when filled, weighs no more than 50 pounds; or
 - [2] Properly sized and bundled or otherwise prepared for pickup in accordance with this chapter and have an NR bag or NR sticker attached to each bundle or to each separate item of nonrecyclable waste that will not fit in an NR bag or other plastic bag with an NR sticker attached.
 - (d) All parts of a single identifiable item of large household furnishings (such as a bed, chest of drawers or sectional furniture) shall be considered one item requiring only one NR bag or NR sticker for all of its parts.
 - (e) Carpet shall be bundled and prepared for collection as construction debris.
- B. Aluminum and metal cans shall be separated from nonrecyclables and other recyclables. Aluminum and metal cans so separated shall be clean of contents, have paper or plastic labels removed and be placed in a separate reusable can or other container as described in Subsection A(1) of this section.
- C. Newsprint shall be separated from nonrecyclables and other recyclables and placed at curbside or pavement edge in bundles securely tied with string or placed in sufficiently strong brown paper bags. Such bundles shall not exceed 25 pounds in weight. In the event of inclement weather, such bundles shall be placed in disposable transparent plastic bags having a thickness of at least 1.5 mil. When filled, each such bag shall weigh no more than 25 pounds.
- D. Glass bottles shall be separated from nonrecyclables and other recyclables. Glass bottles so separated shall be clean of contents, with caps, lids and all other metals and nonglass parts removed and placed in separate reusable containers as described in Subsection A(1) of this section.
- E. Plastic containers shall be separated from nonrecyclables and other recyclables. Plastic containers shall be clean of contents, with caps and lids removed, and placed in separate reusable containers as described in Subsection A(1) of this section.
- F. Large appliances shall be prepared for collection by dismantling in such a way that they will not be a hazard to the public. Doors shall be removed before placing at the curb for collection.
- G. Garbage and rubbish shall be separated from recyclables and other nonrecyclables and placed in NR bags or in bags with NR stickers

attached as described in Subsection A(2) of this section. **[Amended 12-6-1999 by L.L. No. 8-1999]**

- H. Construction debris shall be separated from recyclables and other nonrecyclables and placed in NR bags or in bags with NR stickers attached as described in Subsection A(2) of this section or bundled in no more than four-foot lengths not to exceed 50 pounds per bundle, with an NR bag or sticker attached to each bundle. All nails must be removed and all bundles securely tied with string or rope. **[Amended 12-6-1999 by L.L. No. 8-1999]**
- I. Brush shall be placed parallel with the curb or pavement edge and cut in less than ten-foot lengths. Brush less than four feet long shall be securely bundled, tied with string or rope and shall not exceed 50 pounds in weight.
- J. Clippings and leaves placed at the curb shall be separated from nonrecyclables and other recyclables and shall be placed in open reusable containers in accordance with Subsection A(1) of this section, which container shall not exceed 50 pounds in weight, including the container.
- K. Tires, batteries, motor oil and paint shall be separated from other recyclables and nonrecyclables and brought to an area and at a time designated by resolution of the Board of Trustees of the Village of Springville.
- L. At times designated by resolution of the Board of Trustees for seasonal vacuum or other pickup method, leaves may be raked in piles parallel and adjacent to the curb or pavement edge for collection and shall not be placed in containers. At all other times, leaves shall be prepared for pickup in accordance with Subsection J of this section.
- M. Corrugated cardboard shall be separated from nonrecyclables and other recyclables and tied with string or rope in separate bundles no longer than six feet and weighing no more than 50 pounds.
- N. Ashes, sand and all other miscellaneous nonhazardous and nonrecyclable material shall be placed in NR bags or in bags with NR stickers attached in accordance with Subsection A(2) of this section and shall not exceed 50 pounds in weight. **[Amended 12-6-1999 by L.L. No. 8-1999]**

§ 145-6. Collection. [Amended 6-2-1993 by L.L. No. 3-1993]

Waste material shall be collected as follows:

- A. The collection schedule shall be as follows:

Waste Material	Scheduled Collection
Corrugated cardboard	Weekly on a designated day*
Garbage and rubbish	Weekly on a designated day*

Waste Material**Scheduled Collection**

Glass bottles, newsprint, plastic containers

Weekly on a designated day*

Aluminum cans

Weekly on a designated day*

Metal cans

Weekly on a designated day*

Large appliances

*

Large household furnishings

*

Leaves

*

Clippings

*

Brush

*

Paint, batteries, motor oil, tires

*

Construction debris

*

NOTES:

*As specified by resolution of the Village Board of Trustees.

- B. Collection commences at 6:00 a.m. on the scheduled date of pickup. To ensure that all waste material is collected, it must be at the curb or pavement edge no later than 6:00 a.m. on the day of collection, and no material may be placed at the curb or pavement edge before 6:00 a.m. of the day preceding the scheduled collection. No bundles of waste materials or containers or receptacles for waste materials shall be placed closer to the street than the front wall of any building or structure within the village except at such time or times as the village shall specify for collection as provided in this section.
- C. Empty containers and their covers and any uncollected waste shall be removed from the curb or pavement edge or other place of collection by the occupants of the premises before the end of the day on which collection is scheduled to be made from the premises.

§ 145-7. Ownership of recyclables placed for collection.

- A. From the time any person places any recyclable materials at the curb or pavement edge for purposes of collection by the Village of Springville or its designated representatives or agent, those recyclable materials shall become the property of the Village of Springville or its authorized agent. No person who is not acting under authority of the Village of Springville or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this chapter; provided, however, that where the Village of Springville has refused to collect certain recyclables because they have not been placed or treated in accordance with the provisions of this chapter, the person responsible

for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or pavement edge.

- B. Nothing in this chapter shall prohibit any person from making arrangements for private collection of recyclables, provided that recyclables to be privately collected shall not be placed at the curb or pavement edge on or immediately preceding the day for municipal collection of such recyclables; and provided, further, that any container used for private collection shall meet the requirements set forth in § 145-5 or such bulk container or dumpster requirements relating to public health and safety as may be established from time to time by resolution of the Board of Trustees of the Village of Springville.
- C. Nothing in this chapter shall be construed to prohibit any person from separating recyclables from other waste material to be collected by a private collector and placing such recyclables properly contained in accordance with § 145-5 at the curb or pavement edge for collection by the Village of Springville at the designated time as provided in § 145-6.

§ 145-8. Limitations.

- A. The Village of Springville, or any person who is acting under contract with the Village of Springville for the collection of waste material, shall not be responsible to collect more than a total of eight NR bags containing nonrecyclables or bags with NR stickers attached per week from any residence or commercial establishment. Therefore, no person shall place more than a total of eight NR bags or bags with NR stickers attached per week from a single residence or commercial establishment for collection by the Village of Springville or its authorized contractor. This limitation shall not apply to recyclable containers or materials. **[Amended 6-2-1993 by L.L. No. 3-1993; 12-6-1999 by L.L. No. 8-1999]**
- B. Nothing in this chapter shall prohibit any person from making arrangements for the private collection of nonrecyclables in excess of the limitations set forth in this chapter, provided that any container used for private collection shall meet the requirements set forth in § 145-5 or such bulk container or dumpster requirements relating to public health and safety as may be established from time to time by resolution of the Board of Trustees of the Village of Springville.

§ 145-9. Prohibited disposal of garbage and trash.

- A. Public property. No person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, rubbish, paper, trash, hazardous waste or any other material which is the subject of this chapter upon any sidewalk, street, alley, lane, gutter or any public ground in the village or into any stream or upon the banks of any stream running through or adjacent to said village.

- B. Private property. No person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, rubbish, paper, trash, hazardous waste or any other material which is the subject of this chapter upon the private property of any other person.
- C. Burning or burying. No person shall bury or burn or cause to be buried or burned any garbage, rubbish, paper, trash, hazardous waste or any other material which is the subject of this chapter within the village limits unless authorized to do so, in writing, by the Board of Trustees.
- D. Storage or accumulation. No person shall place, throw, deposit, store or accumulate or cause or allow such placing, throwing, depositing, storing or accumulating of any garbage, rubbish, paper, trash, construction debris, hazardous waste or any other material which is the subject of this chapter within the corporate limits of the Village of Springville unless placed, thrown, deposited, stored or accumulated in an acceptable container as defined by § 145-5 and promptly placed at the curb or pavement edge for collection in accordance with the requirements of this chapter.
- E. Nothing in this chapter shall be construed to prohibit the maintenance of up to three compost piles or bins located in the rear yard of residential, commercial or industrial property in which each compost pile/bin has a base area no greater than 64 square feet and is enclosed by wire, plastic, wood or other suitable material which adequately contains the compost. **[Amended 12-1-1997 by L.L. No. 6-1997]**

§ 145-10. Restrictions on use of vehicles.

The collection, removal and carrying of garbage, rubbish, trash, paper, hazardous waste or any other material which is the subject of this chapter on any highway, street, alley or lane of the village must be done in covered watertight vehicles which shall be in accordance with the rules and regulations of the New York State Department of Motor Vehicles and the New York State Department of Environmental Conservation. No garbage, rubbish, trash, paper, hazardous waste or any other material which is the subject of this chapter shall be spilled or scattered along the streets or public places, and the vehicles used for the collection and transportation of such material shall not be allowed to stand or tarry along the public streets for a longer time than shall be reasonably necessary for the loading of the same.

§ 145-11. Disposal of garbage and trash originating outside the village prohibited.

- A. Material originating outside the village. No person shall bring in, place or deposit or cause to be brought into, placed or deposited in the village any garbage, rubbish, trash, paper, hazardous waste or any other material which is the subject of this chapter originating from outside the Village of Springville for the purpose of having the same collected by the village, its agents or contractors.

- B. Permitting disposal of material from outside the village. No person who is a resident of the village or owner, lessee or person in control of real property within the village shall permit any person to bring in, place or deposit garbage, rubbish, trash, paper, hazardous waste or any other material which is the subject of this chapter originating outside the village on any property owned, leased or rented by such person or under such person's control. This section shall not apply to any waste transfer station operated by the County of Erie.

§ 145-12. Enforcement; penalties for offenses.

- A. The Village of Springville shall not be required to collect any waste material which has not been separated and secured or contained as required by the provisions of this chapter or other applicable law, resolution or regulation of the Village of Springville Board of Trustees. A violation of this chapter, other than § 145-11, shall constitute a violation as defined in the Penal Law and shall be punishable, upon conviction thereof, as follows: **[Amended 12-1-1997 by L.L. No. 6-1997]**
- (1) For a first conviction, by a fine of \$75.
 - (2) For a conviction of a second violation within one year, by a fine of \$100.
 - (3) For a conviction of a third violation within one year, by a fine of \$150.
 - (4) For a conviction of a fourth violation within one year, by a fine of not less than \$150 nor more than \$300.
- B. A violation of § 145-11 shall constitute a misdemeanor, as defined in the New York State Penal Law, punishable, upon conviction thereof, by not more than six months' imprisonment and/or a fine not exceeding \$1,000.

§ 145-1. Findings.

The Board of Trustees of the Village of Springville finds that:

- A. The current collection and disposal of garbage and waste is not adequate to meet the Village of Springville's long-term solid waste disposal needs.
- B. Continued use of landfills for solid waste disposal poses a threat to human health and safety through increased risk of groundwater pollution and other environmental, health and safety hazards.
- C. Removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources and reduce the required capacity of existing and proposed resource facilities.
- D. The New York Solid Waste Management Act of 1988 and subsequent amendments thereto require that municipalities adopt a local law for separating solid waste into recyclable, reusable or other components for which economic markets for alternate uses exist.
- E. Methods of solid waste management emphasizing resource reduction, recovery, conservation and recycling of solid wastes are essential to the long-range preservation of the health, safety and well-being of the public, to the economic productivity and environmental quality of the Village of Springville and to the conservation of resources.

§ 145-2. Legislative purpose.

In enacting this chapter, the Board of Trustees of the Village of Springville supports the following statutory purposes:

- A. To increase the life expectancy of existing and potential landfill areas and decrease the need for alternative refuse disposal facilities through a comprehensive program of waste stream reduction and recycling.
- B. To decrease the threat to human health and safety posed by the effects of landfill disposal on groundwater quality.
- C. To identify methods of collection, reduction and separation which will encourage the more efficient utilization of solid waste disposal facilities and contribute to more effective programs for the reuse of solid wastes.

- D. To ensure the long-range preservation of the health, safety and well-being of the public and the economic productivity and environmental quality of the Village of Springville by conserving resources and reducing the potential for pollution of the environment.
- E. To conserve energy by using recovered materials in manufacturing.
- F. To improve the efficiency of waste-to-energy facilities by removing metals and glass from the waste stream.
- G. To set forth a methodology for efficiently separating and collecting reusable and recyclable materials from the community's waste stream.
- H. To implement the applicable provisions of the New York State Solid Waste Management Act of 1988 and amendments thereto.

§ 145-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HAZARDOUS WASTE — May include but is not limited to the following products and their empty containers: insecticides, herbicides and caustic chemicals. "Hazardous wastes" generally display one or more of the qualities of ignitability, corrosivity, reactivity or toxicity.

NONRECYCLABLES[**Amended 6-2-1993 by L.L. No. 3-1993**]: —

- A. That portion of the waste stream not included under recyclables and not treated separately as:
 - (1) Hazardous waste as defined under regulations promulgated pursuant to § 27-0903 of the New York State Environmental Conservation Law;
 - (2) Source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954;
 - (3) Low-level radioactive waste as defined in § 29-0101 of the New York State Environmental Conservation Law; or
 - (4) Regulated medical waste as defined under regulations promulgated pursuant to § 27-1502 of the New York State Environmental Conservation Law.¹

1. Editor's Note: Section 27-1502 was repealed by L. 1993, c. 438, § 11, effective 11-23-1993.

B. "Nonrecyclables" include but are not limited to:

- (1) GARBAGE — Putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods, except grease generated from commercial establishments. "Garbage" originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared, sold or served.
- (2) RUBBISH — Rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, straw, dirt, filth, wastepaper including magazines and noncorrugated cardboard and similar waste material, including plastic, metal and wood scraps.
- (3) LARGE HOUSEHOLD FURNISHINGS — Large and/or bulky articles normally used in the home and which equip it for living, such as chairs, sofas, tables, beds, carpets and other such large household items.
- (4) CONSTRUCTION DEBRIS — Waste resulting from remodeling or repair of structures or from new construction.

NR BAG — A bag with the Village of Springville's imprint specially provided and sold by the village or its authorized resale dealers to be used for the disposal of nonrecyclables in accordance with this chapter.

NR STICKER — A serially numbered sticker with the Village of Springville's identifying imprint specially provided and sold by the village or its authorized resale dealers to be used for attachment to plastic bags containing nonrecyclables for disposal in accordance with this chapter. **[Added 12-6-1999 by L.L. No. 8-1999]**

PERSON — Natural persons, corporations, partnerships, sole proprietorships, unincorporated associations or any and all combinations of such persons acting in concert.

RECYCLABLES — Include but shall not be limited to the following:

- A. Aluminum cans (containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages).
- B. Metal cans (containers fabricated primarily of metal or tin, but not including aluminum cans).

- C. Glass bottles (transparent or translucent glass jars, bottles and other containers which are primarily used for packaging and bottling of various matters).
- D. Newsprint (the common, inexpensive, machine-finished paper made chiefly from wood pulp and used for newspapers. This term includes common newspapers but excludes glossy newspapers and glossy inserts and magazines).
- E. Plastic containers (those plastic containers normally used for household purposes, such as plastic milk containers, laundry detergent containers, common plastic food containers, as defined in the Eric County Recycling Guide, and dish soap containers. This term excludes plastic bags and Styrofoam containers).
- F. Large appliances (stoves, refrigerators, dishwashers, dryers, washing machines and other such large appliances).
- G. Brush (cuttings from shrubs, hedges and trees which are less than 10 feet in length).
- H. Leaves.
- I. Vehicular tires and tire casings.
- J. Batteries, motor oil, paint and containers for the same.
- K. Clippings (grass clippings and other such small vegetation cuttings from lawns, flowers, gardens, etc.).
- L. Corrugated cardboard. **[Added 6-2-1993 by L.L. No. 3-1993]**

RESIDENCE — A single dwelling unit designed for occupation by one or more persons as a single household.

WASTE MATERIAL — Includes all recyclables and nonrecyclables which make up the waste stream and which are eligible for curbside pickup under this chapter. "Waste material" does not include the following items, which are not eligible and which will not be picked up by the Village of Springville or any agency or agent thereof:

- A. Hazardous waste as defined under regulations promulgated pursuant to § 27-0903 of the New York State Environmental Conservation Law.
- B. Source, special nuclear or by-product material, as defined in the United States Atomic Energy Act of 1954.
- C. Low-level radioactive waste, as defined in § 29-0101 of the New York State Environmental Conservation Law.

- D. Regulated medical waste, as defined under regulations promulgated pursuant to § 27-1502² of the New York State Environmental Conservation Law.

§ 145-4. Program established.

- A. There is hereby established a program for the separation, preparation for collection and collection of waste materials. The program shall be under the supervision of the Board of Trustees of the Village of Springville, either by the Board of Trustees directly or through its designated representative, as determined by resolution of the Board of Trustees.
- B. All waste material shall be separated, prepared for collection and collected in accordance with the provisions this chapter. **[Amended 6-2-1993 by L.L. No. 3-1993]**
- C. The Village of Springville shall have no obligation to collect and shall not collect or remove any waste material not prepared for collection in accordance with this chapter.
- D. The Village of Springville shall have no obligation to collect and shall not collect or remove any waste material placed for collection at or near the curb or edge of the street which was not produced or generated within the premises upon which it is so placed, and the placing for such collection of any garbage, rubbish or other waste material originating at a location other than the one upon which it is placed for collection is hereby prohibited.

**§ 145-5. Preparation of waste material for collection.
[Amended 6-2-1993 by L.L. No. 3-1993]**

Waste material shall be prepared for collection in accordance with Subsections A through N of this section. No person shall dispose of waste material except as follows:

- A. Containers; NR bags and stickers. **[Amended 12-6-1999 by L.L. No. 8-1999]**
- (1) Acceptable containers for recyclables, unless otherwise stated in this chapter, shall be provided by the waste generator and shall be separate, galvanized or rigid plastic containers with two handles or a single rigid fall-away loop handle connected to opposite sides of the container. Such

2. Editor's Note: Section 27-1502 was repealed by L. 1993, c. 438, § 11, effective 11-23-1993.

containers shall not exceed 33 gallons' capacity and when filled shall not exceed 50 pounds in weight, including the container.

(2) Preparation of nonrecyclables for pickup.

(a) Nonrecyclables placed for pickup by the village or its authorized contractor shall:

- [1] Be contained in a securely closed NR bag;
- [2] Be contained in a securely closed plastic bag having a capacity no greater than 33 gallons with an NR sticker firmly and permanently attached; or
- [3] In the case of large nonrecyclable items not able to be placed in such plastic bag, shall have an NR bag or NR sticker securely attached to such item.

(b) The fee for a single use of such NR bag or NR sticker and any rules for their distribution, sale and acceptable use shall be as established from time to time by resolution of the Board of Trustees of the Village of Springville.³

(c) No person shall place nonrecyclables at the curb or pavement edge for collection unless such nonrecyclables are either:

- [1] Contained in an NR bag or in a plastic bag with an NR sticker firmly and permanently attached that in either case, when filled, weighs no more than 50 pounds; or
- [2] Properly sized and bundled or otherwise prepared for pickup in accordance with this chapter and have an NR bag or NR sticker attached to each bundle or to each separate item of nonrecyclable waste that will not fit in an NR bag or other plastic bag with an NR sticker attached.

(d) All parts of a single identifiable item of large household furnishings (such as a bed, chest of drawers or sectional furniture) shall be considered one item requiring only one NR bag or NR sticker for all of its parts.

(e) Carpet shall be bundled and prepared for collection as construction debris.

3. Editor's Note: A fee schedule is on file in the village offices.

- B. Aluminum and metal cans shall be separated from nonrecyclables and other recyclables. Aluminum and metal cans so separated shall be clean of contents, have paper or plastic labels removed and be placed in a separate reusable can or other container as described in Subsection A(1) of this section.
- C. Newsprint shall be separated from nonrecyclables and other recyclables and placed at curbside or pavement edge in bundles securely tied with string or placed in sufficiently strong brown paper bags. Such bundles shall not exceed 25 pounds in weight. In the event of inclement weather, such bundles shall be placed in disposable transparent plastic bags having a thickness of at least 1.5 mil. When filled, each such bag shall weigh no more than 25 pounds.
- D. Glass bottles shall be separated from nonrecyclables and other recyclables. Glass bottles so separated shall be clean of contents, with caps, lids and all other metals and nonglass parts removed and placed in separate reusable containers as described in Subsection A(1) of this section.
- E. Plastic containers shall be separated from nonrecyclables and other recyclables. Plastic containers shall be clean of contents, with caps and lids removed, and placed in separate reusable containers as described in Subsection A(1) of this section.
- F. Large appliances shall be prepared for collection by dismantling in such a way that they will not be a hazard to the public. Doors shall be removed before placing at the curb for collection.
- G. Garbage and rubbish shall be separated from recyclables and other nonrecyclables and placed in NR bags or in bags with NR stickers attached as described in Subsection A(2) of this section.
[Amended 12-6-1999 by L.L. No. 8-1999]
- H. Construction debris shall be separated from recyclables and other nonrecyclables and placed in NR bags or in bags with NR stickers attached as described in Subsection A(2) of this section or bundled in no more than four-foot lengths not to exceed 50 pounds per bundle, with an NR bag or sticker attached to each bundle. All nails must be removed and all bundles securely tied with string or rope. **[Amended 12-6-1999 by L.L. No. 8-1999]**
- I. Brush shall be placed parallel with the curb or pavement edge and cut in less than ten-foot lengths. Brush less than four feet long shall be securely bundled, tied with string or rope and shall not exceed 50 pounds in weight.

- J. Clippings and leaves placed at the curb shall be separated from nonrecyclables and other recyclables and shall be placed in open reusable containers in accordance with Subsection A(1) of this section, which container shall not exceed 50 pounds in weight, including the container.
- K. Tires, batteries, motor oil and paint shall be separated from other recyclables and nonrecyclables and brought to an area and at a time designated by resolution of the Board of Trustees of the Village of Springville.
- L. At times designated by resolution of the Board of Trustees for seasonal vacuum or other pickup method, leaves may be raked in piles parallel and adjacent to the curb or pavement edge for collection and shall not be placed in containers. At all other times, leaves shall be prepared for pickup in accordance with Subsection J of this section.
- M. Corrugated cardboard shall be separated from nonrecyclables and other recyclables and tied with string or rope in separate bundles no longer than six feet and weighing no more than 50 pounds.
- N. Ashes, sand and all other miscellaneous nonhazardous and nonrecyclable material shall be placed in NR bags or in bags with NR stickers attached in accordance with Subsection A(2) of this section and shall not exceed 50 pounds in weight. **[Amended 12-6-1999 by L.L. No. 8-1999]**

§ 145-6. Collection. [Amended 6-2-1993 by L.L. No. 3-1993]

Waste material shall be collected as follows:

- A. The collection schedule shall be as follows:

Waste Material	Scheduled Collection
Corrugated cardboard	Weekly on a designated day*
Garbage and rubbish	Weekly on a designated day*
Glass bottles, newsprint, plastic containers	Weekly on a designated day*
Aluminum cans	Weekly on a designated day*
Metal cans	Weekly on a designated day*
Large appliances	*
Large household furnishings	*
Leaves	*

Waste Material	Scheduled Collection
Clippings	*
Brush	*
Paint, batteries, motor oil, tires	*
Construction debris	*

NOTES:

*As specified by resolution of the Village Board of Trustees.

- B. Collection commences at 6:00 a.m. on the scheduled date of pickup. To ensure that all waste material is collected, it must be at the curb or pavement edge no later than 6:00 a.m. on the day of collection, and no material may be placed at the curb or pavement edge before 6:00 a.m. of the day preceding the scheduled collection. No bundles of waste materials or containers or receptacles for waste materials shall be placed closer to the street than the front wall of any building or structure within the village except at such time or times as the village shall specify for collection as provided in this section.
- C. Empty containers and their covers and any uncollected waste shall be removed from the curb or pavement edge or other place of collection by the occupants of the premises before the end of the day on which collection is scheduled to be made from the premises.

§ 145-7. Ownership of recyclables placed for collection.

- A. From the time any person places any recyclable materials at the curb or pavement edge for purposes of collection by the Village of Springville or its designated representatives or agent, those recyclable materials shall become the property of the Village of Springville or its authorized agent. No person who is not acting under authority of the Village of Springville or its authorized agent shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this chapter; provided, however, that where the Village of Springville has refused to collect certain recyclables because they have not been placed or treated in accordance with the provisions of this chapter, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or pavement edge.

- B. Nothing in this chapter shall prohibit any person from making arrangements for private collection of recyclables, provided that recyclables to be privately collected shall not be placed at the curb or pavement edge on or immediately preceding the day for municipal collection of such recyclables; and provided, further, that any container used for private collection shall meet the requirements set forth in § 145-5 or such bulk container or dumpster requirements relating to public health and safety as may be established from time to time by resolution of the Board of Trustees of the Village of Springville.
- C. Nothing in this chapter shall be construed to prohibit any person from separating recyclables from other waste material to be collected by a private collector and placing such recyclables properly contained in accordance with § 145-5 at the curb or pavement edge for collection by the Village of Springville at the designated time as provided in § 145-6.

§ 145-8. Limitations.

- A. The Village of Springville, or any person who is acting under contract with the Village of Springville for the collection of waste material, shall not be responsible to collect more than a total of eight NR bags containing nonrecyclables or bags with NR stickers attached per week from any residence or commercial establishment. Therefore, no person shall place more than a total of eight NR bags or bags with NR stickers attached per week from a single residence or commercial establishment for collection by the Village of Springville or its authorized contractor. This limitation shall not apply to recyclable containers or materials. **[Amended 6-2-1993 by L.L. No. 3-1993; 12-6-1999 by L.L. No. 8-1999]**
- B. Nothing in this chapter shall prohibit any person from making arrangements for the private collection of nonrecyclables in excess of the limitations set forth in this chapter, provided that any container used for private collection shall meet the requirements set forth in § 145-5 or such bulk container or dumpster requirements relating to public health and safety as may be established from time to time by resolution of the Board of Trustees of the Village of Springville.

§ 145-9. Prohibited disposal of garbage and trash.

- A. Public property. No person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, rubbish, paper,

trash, hazardous waste or any other material which is the subject of this chapter upon any sidewalk, street, alley, lane, gutter or any public ground in the village or into any stream or upon the banks of any stream running through or adjacent to said village.

- B. Private property. No person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, rubbish, paper, trash, hazardous waste or any other material which is the subject of this chapter upon the private property of any other person.
- C. Burning or burying. No person shall bury or burn or cause to be buried or burned any garbage, rubbish, paper, trash, hazardous waste or any other material which is the subject of this chapter within the village limits unless authorized to do so, in writing, by the Board of Trustees.
- D. Storage or accumulation. No person shall place, throw, deposit, store or accumulate or cause or allow such placing, throwing, depositing, storing or accumulating of any garbage, rubbish, paper, trash, construction debris, hazardous waste or any other material which is the subject of this chapter within the corporate limits of the Village of Springville unless placed, thrown, deposited, stored or accumulated in an acceptable container as defined by § 145-5 and promptly placed at the curb or pavement edge for collection in accordance with the requirements of this chapter.
- E. Nothing in this chapter shall be construed to prohibit the maintenance of up to three compost piles or bins located in the rear yard of residential, commercial or industrial property in which each compost pile/bin has a base area no greater than 64 square feet and is enclosed by wire, plastic, wood or other suitable material which adequately contains the compost.
[Amended 12-1-1997 by L.L. No. 6-1997]

§ 145-10. Restrictions on use of vehicles.

The collection, removal and carrying of garbage, rubbish, trash, paper, hazardous waste or any other material which is the subject of this chapter on any highway, street, alley or lane of the village must be done in covered watertight vehicles which shall be in accordance with the rules and regulations of the New York State Department of Motor Vehicles and the New York State Department of Environmental Conservation. No garbage, rubbish, trash, paper, hazardous waste or any other material which is the subject of this chapter shall be spilled or scattered along the streets or public places, and the vehicles used

for the collection and transportation of such material shall not be allowed to stand or tarry along the public streets for a longer time than shall be reasonably necessary for the loading of the same.

§ 145-11. Disposal of garbage and trash originating outside the village prohibited.

- A. Material originating outside the village. No person shall bring in, place or deposit or cause to be brought into, placed or deposited in the village any garbage, rubbish, trash, paper, hazardous waste or any other material which is the subject of this chapter originating from outside the Village of Springville for the purpose of having the same collected by the village, its agents or contractors.
- B. Permitting disposal of material from outside the village. No person who is a resident of the village or owner, lessee or person in control of real property within the village shall permit any person to bring in, place or deposit garbage, rubbish, trash, paper, hazardous waste or any other material which is the subject of this chapter originating outside the village on any property owned, leased or rented by such person or under such person's control. This section shall not apply to any waste transfer station operated by the County of Erie.

§ 145-12. Enforcement; penalties for offenses.

- A. The Village of Springville shall not be required to collect any waste material which has not been separated and secured or contained as required by the provisions of this chapter or other applicable law, resolution or regulation of the Village of Springville Board of Trustees. A violation of this chapter, other than § 145-11, shall constitute a violation as defined in the Penal Law and shall be punishable, upon conviction thereof, as follows:
[Amended 12-1-1997 by L.L. No. 6-1997]
 - (1) For a first conviction, by a fine of \$75.
 - (2) For a conviction of a second violation within one year, by a fine of \$100.
 - (3) For a conviction of a third violation within one year, by a fine of \$150.
 - (4) For a conviction of a fourth violation within one year, by a fine of not less than \$150 nor more than \$300.

- B. A violation of § 145-11 shall constitute a misdemeanor, as defined in the New York State Penal Law, punishable, upon conviction thereof, by not more than six months' imprisonment and/or a fine not exceeding \$1,000.

§ 166-1. Title.

This chapter shall be known and may be cited as the "Recycling Law of the Town of Wales."

§ 166-2. Statutory authority.

This chapter is enacted pursuant to the authority granted under the New York Town Law and the New York Environmental Conservation Law regarding solid waste reduction.

§ 166-3. Policy objectives.

It is hereby declared the policy of the Town to reduce the volume of solid wastes. To achieve such volume reductions, the Town shall by resolution, rule or regulation provide for the implementation of programs to separate recyclable materials from solid wastes and to require solid waste haulers to comply with this chapter.

§ 166-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALUMINUM CANS — Empty all-aluminum beverage and food containers.

BIMETALLIC CANS — Empty food or beverage containers consisting of ferrous sides and bottoms and an aluminum top.

COMMERCIAL ESTABLISHMENTS — Those properties used primarily for commercial or industrial uses as perceived herein and as may be so identified in Chapter 200, Zoning, of the Code of the Town of Wales.

CORRUGATED PAPER — That material consisting of two or more pieces of Kraft liner separated by corrugated (fluted) liner board. Excluded are materials without a corrugated interliner and those materials with a corrugated liner made from rice or other non-wood-based materials.

CURBSIDE COLLECTION — The collection by the municipality or its authorized agent(s) of recyclable materials placed at the curbside or other designated locations.

FERROUS CANS — Empty steel or tin food or beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Expressly excluded are noncontainer glass, plate glass, blue glass and porcelain or ceramic products.

HIGH-GRADE OFFICE PAPER — That paper collected from commercial, institutional and municipal establishments that was discarded from xerographic copiers, from nonthermal computer printers, from general office use forms, memos and correspondence and from print shops and other commercial printing processes. Material sorting and classification grades will be specified in the regulations specific to this chapter. Expressly excluded are papers with self-carbons, carbon paper, envelopes and all other grades of paper not meeting the specifications in the regulations.

INSTITUTIONAL ESTABLISHMENT — Those facilities that house or serve groups of people, e.g., hospitals, schools and nursing homes.

LEAF WASTE — Leaves, garden residues and similar material, but not including grass clippings.

MAGAZINES and PERIODICALS — Printed matter containing miscellaneous written pieces published at fixed or varying intervals and printed on glossy or slick paper. Expressly excluded, however, are all other paper products of any nature whatsoever.

NEWSPAPERS — Paper of the type commonly referred to as "newsprint" and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded, however, are newspapers which have been soiled.

PERSONS — Owners, lessees and occupants of residences or commercial or institutional establishments, individuals, partnerships or corporations.

PLASTIC CONTAINERS — Empty plastic food and beverage containers. Due to the large variety of types of plastics, the recycling regulations shall stipulate the specific types of plastic which may be recycled as determined by the Town Board from time to time.

RECYCLABLE CONTAINERS — Any type containers approved by the Town Board.

RECYCLABLE MATERIALS — Those materials which may be processed at a recycling facility and specified by the Town Board to be recycled. The list of materials shall be specified in the recycling regulations resulting from this chapter and may be revised from time to time as deemed necessary by the Town Board.

RESIDENCE — Any occupied single-family or multifamily dwelling from which a municipal or private waste hauler collects solid waste.

SOLID WASTE — All refuse (garbage and rubbish) and other discarded solid material normally collected by a municipal or private

hauler. Hazardous or toxic waste, as defined by the Department of Environmental Conservation, is not included in this definition.

TOWN BOARD — The duly elected and constituted legislative body of the Town of Wales.

YARD WASTE — Prunings, grass clippings, weeds, leaves and garden waste.

§ 166-5. Establishment of program.

There is hereby established by the Town of Wales, herein referred to as the "Town," a program that mandates the recyclable materials which shall be kept separate from solid waste by all persons within the municipality.

§ 166-6. Separation of recyclables; placement for collection.

Recyclable materials shall be placed at the curb or in areas designated by the Town separate from solid waste for collection at such times and dates as may be hereinafter established by regulations or by contract with private collectors.

§ 166-7. Collection permits required.

All persons or firms engaged in the collection or disposal of solid waste are required to obtain an annual permit upon application and approval of the Town Board. The Town Board shall determine by resolution the cost of the permit and any requirements to be met by the applicant. By this provision, the Town Board specifically reserves the discretion to determine the requirements for said permit, which shall include but not be limited to the type of vehicles used for collection, hours of collection, frequency of collection and provisions against spillage and littering. It shall be a violation of this chapter for any persons unauthorized by the Town to collect or pick up or cause to be collected or picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

§ 166-8. Report of violation. [Amended 5-11-1993 by L.L. No. 1-1993]

All persons or firms licensed to collect and dispose of solid waste within the Town of Wales shall file a quarterly report no later than the 10th day of the month subsequent to the period of the report, setting forth the names and addresses of any persons or firms which have failed to separate recyclable materials from solid wastes. The

defining of recyclable materials shall be as set forth in this chapter and as may be determined from time to time by resolution of the Town Board.

§ 166-9. Administration and enforcement.

The Town by its designated officer is authorized to enforce this chapter. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this chapter. This shall include the licensing of solid waste collectors. The Town may change, modify, repeal or amend any portion of said rules and regulations at any time.

§ 166-10. Penalties for offenses.

Any action by any person, firm, corporation or other entity which violates or does not comply with any provision of this chapter or any regulation thereof shall be given a notice to remedy upon the first violation and thereafter shall be punishable by a fine not to exceed \$100 upon the first conviction, not more than \$300 upon the second conviction and not more than \$1,000 upon each subsequent conviction. Any person, firm, corporation or other entity which collects such recyclable materials without authorization of the owner or of the Town of Wales shall be punishable by a fine not to exceed \$300 upon the first conviction, not more than \$500 upon the second conviction and not more than \$1,000 upon each subsequent conviction. This chapter may be enforced in the Town of Wales Justice Court.

§ 166-11. Agreements for collection.

The Town may negotiate and enter into agreements with public or private agencies or firms to authorize them to collect all or part of solid waste and recyclable materials from curbside or elsewhere as designated by the Town. The agreement with the private or public agencies or firms may provide for the sharing of revenues generated from the collection and sale of recyclable materials.

§ 166-12. Alternative collection procedures.

Any person may donate or sell recyclable materials to individuals or organizations authorized or licensed by the municipality in its recycling regulations. These materials must either be delivered to the individual's or organization's site or they may be placed at the

curb for collection by said individual or organization on days not indicated as recyclable material collection days by the municipality. Said individuals or organizations may not collect recyclable materials on or immediately preceding (within 24 hours) a regularly scheduled curbside collection day.

Chapter 101

SOLID WASTE

GENERAL REFERENCES

Dumping — See Ch. 63.

§ 101-1. Title; applicability.

- A. This chapter shall be known and may be cited as the "Recycling and Waste Disposal Law of the Town of West Seneca, New York."
- B. This chapter shall apply to and affect only the Town of West Seneca.

§ 101-2. Purpose. [Amended 5-14-2007 by L.L. No. 5-2007]

This chapter is adopted in order to promote and protect the public health and safety, comfort, convenience, prosperity and other aspects of the general welfare of the residents of the Town of West Seneca; protect property, preserve property values and eliminate fire, safety and health hazards by regulating the collection, storage and disposal of garbage, recyclable material and refuse within the Town of West Seneca; promote reduction and separation which will encourage the more efficient utilization of solid waste disposal facilities and contribute to more effective programs for the reuse of solid wastes; implement the applicable provisions of the New York State Solid Waste Management Act of 1988 and amendments thereto to require that solid waste shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist; and reduce the number of rodents in the Town and reduce the available habitat and food sources for rodents in the Town.

§ 101-3. Definitions. [Amended 11-18-2002; 5-14-2007 by L.L. No. 5-2007]

- A. The following words, as used in this chapter, shall have the meanings hereby ascribed thereto unless the context clearly indicates a different meaning:

AUTHORIZED COLLECTOR — A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial and institutional properties as herein defined under the terms and conditions of this chapter. In the event of municipal collection, this definition shall include the governing body and employees thereof.

BRUSH — Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

CONSTRUCTION DEBRIS — Discarded building material, concrete, stones, earth from excavations or grading and all other refuse matter resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

DUMPING — Throwing, depositing or burning of solid waste in or upon any public highway, street or other public place.

FACILITY — Any solid waste management/resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

GARBAGE — All table refuse, animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; offal from meat, fish and fowl; fruits, vegetables and parts thereof; and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.¹

GARBAGE TOTE — A Town-authorized container of either 95 gallons or 65 gallons for the storage and collection of garbage. One tote shall be assigned to each residential producer or other authorized unit and shall be the property of the Town of West Seneca. A person who is the owner or occupant of a residential producer shall have the option to purchase, at his or her own expense, one additional garbage tote. There shall be no more than two garbage totes at any residential producer or other authorized unit. A person who is the owner or occupant of a business which is an authorized unit shall have the option to purchase, at his or her own expense, up to five additional garbage totes. Each garbage tote provided by the Town of West Seneca shall remain the property of the Town of West Seneca and shall not be removed from the residence or other authorized unit to which it was assigned. Garbage totes purchased by an owner or occupant of a residential unit or other authorized unit shall remain the property of that individual. The cost of either a recyclable tote or garbage tote under this section shall be determined by resolution of the Town Board of the Town of West Seneca.**[Added 2-10-2014 by L.L. No. 1-2014]**

HAZARDOUS WASTE — Medical waste generated by a medical facility regulated by the New York State Department of Health or Social Services and as defined under regulations promulgated pursuant to § 27-0903 of the New York State Environmental Conservation Law,

1. Editor's Note: The former definition of "garbage receptacle," which immediately followed this definition, was repealed 2-10-2014 by L.L. No. 1-2014.

including but not limited to the following products and their empty containers: insecticides, herbicides and caustic chemicals.

LARGE HOUSEHOLD FURNISHINGS — All other large and/or bulky articles actually used in the home and which equip it for living (such as chairs, sofas, tables, beds, carpets, etc.).

MAJOR APPLIANCES — A large and/or bulky household mechanism (such as a refrigerator, washer, dryer, stove, etc.) ordinarily operated by gas or electric current.

MUNICIPAL SOLID WASTE (MSW) — All putrescible and nonputrescible materials, including garbage, refuse and other discarded solid materials, including but not limited to solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Liquids, semisolids and contained gaseous materials are hereby defined as "solid waste." It shall not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

NONRECYCLABLE MATERIALS — Waste material discarded as useless or worthless trash, including but not limited to rags, sweepings, rubber, leather, crockery, shells, clothing, straw, dirt and ashes.

NONRESIDENTIAL PRODUCERS — Any producer of garbage, refuse and recyclable materials other than a residential producer, including but not limited to commercial or industrial businesses, restaurants, plazas, malls and the like.

OTHER AUTHORIZED UNIT — Any property in the Town of West Seneca to which collection of garbage or recyclable materials is offered by the Town of West Seneca. **[Added 2-10-2014 by L.L. No. 1-2014]**

PERSON — An individual, owner, occupant, society, group, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

PRIVATE COLLECTOR — A person, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Town of West Seneca, they shall be required to obtain a license from the Town and be subject to the rules and regulations of the Town.

PRIVATE SUBSCRIPTION — The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

RECYCLABLE MATERIALS — Rinsed food containers, such as metal cans, glass and plastic food containers, newspapers, magazines, cardboard, flat paper and other paper; plastic materials and bottles with metal rings and tops removed.

RECYCLABLE TOTE — A Town-authorized container of recyclable materials with the capacity of either 65 or 95 gallons for the storage and collection of recyclable materials. All recyclable totes shall be the property of the Town of West Seneca, and one shall be assigned to each residential producer and other authorized unit. Any recyclable tote assigned to a residential producer or other authorized unit shall remain at that residence or other authorized unit and shall not be moved from the same. Additional recyclable totes shall be available to owners or occupants of either residential units or other authorized unit in the manner described in the definition of "garbage tote." **[Added 2-10-2014 by L.L. No. 1-2014]**

RESIDENTIAL PRODUCERS — Those persons, owners or occupants of single-family or multifamily dwellings, used exclusively for residential purposes, which produce garbage, nonrecyclable refuse and recyclable material.

SCAVENGER — A person that collects and removes refuse and searches through garbage for salvageable material.

SOLID WASTE — Includes but is not limited to garbage, nonrecyclable material, recyclable material, construction debris, major appliances, large household furnishings, brush and tree parts, grass and leaves.

TREE PARTS — Cuttings from shrubs, hedges and trees which are less than four inches in diameter.

- B. None of the terms defined in this section shall be deemed or construed to include vehicular tires, tire casings, oil or batteries.

**§ 101-4. Program requirements; separation and preparation.
[Amended 11-18-2002; 2-10-2014 by L.L. No. 1-2014²]**

- A. Each person who places items at the curb for collection and disposal by the Town of West Seneca shall separate nonrecyclable material from recyclable material and prepare the same for collection and disposal in accordance with this chapter.
- B. Totes conforming to the specifications of this chapter shall be used when storing or placing garbage and recyclable materials at the curb for collection by the Town. When filled, a tote shall not exceed 150 pounds in weight. Garbage or recyclable material shall not be placed on the curb or on any public street unless the same is in a tote as required by this section, unless otherwise authorized by this section.
- C. An authorized collector shall have no obligation to collect and shall not collect or remove any brush, construction debris, garbage, large household furnishing, major appliance, recyclable material or solid waste not prepared for collection in accordance with this chapter.

2. Editor's Note: With this local law, former §§ 101-4 and 101-5 were amended and, in effect, combined in § 101-4, former §§ 101-6 through 101-13 were redesignated as §§ 101-5 through 101-12, respectively, and § 101-13.1 was redesignated as § 101-13.

- D. An authorized collector shall have no obligation to collect and shall not collect or remove any brush, construction debris, garbage, large household furnishing, major appliance, recyclable material or solid waste which was not produced or generated within the premises upon which it is so placed, and the placing for such collection of any brush, construction debris, garbage, large household furnishing, major appliance, recyclable material or solid waste originating at a location other than the one upon which it is placed for collection is hereby prohibited.
- E. All municipal solid waste shall be collected by an authorized collector under contract with the municipality or by a licensed private collector under private subscription.
- F. Brush, grass clippings, and tree parts may be placed at the curb for collection in a paper bag or containers of not more than 20 gallons capacity which do not meet the definition of totes. Brush, grass clippings and tree parts may not be placed in plastic bags. Bags and containers, when filled shall weigh not more than 50 pounds. Brush, grass clippings and tree parts shall not be placed in totes.
- G. Any and all brush and tree parts produced by the individual activity or efforts of the owner or occupant of the premises shall be tied in bundles not to exceed 36 inches in length and 12 inches in diameter and weighing no more than 50 pounds.
- H. All major appliances or large household furnishings not capable of being placed in receptacles or bundles as provided herein may be placed at the curblane or pavement line only on the scheduled pickup collection day for that area. It shall be the sole responsibility of the owner to dismantle the appliance or furnishing so that it will not be a hazard to the public. Specifically, all refrigerator and freezer doors must be removed.
- I. Any construction debris which results from work performed by an owner or occupant individually may be placed in a tote for collection by the Town of West Seneca. Construction or other debris which results from work by a contractor shall be removed and discarded appropriately by the contractor.
- J. Protruding nails and other sharp objects, including glass that may inflict bodily harm to personnel or residents of the Town of West Seneca, shall be removed from all solid waste prior to being deposited in containers or bundled for collection.
- K. Recyclable material shall be placed in recycling totes supplied by the Town for recycling materials as herein provided.
- L. Tires, batteries, motor oil and paint shall be separated from other recyclables and nonrecyclables and brought to an area and at a time designated by resolution of the Town Board to be disposed of at a nominal charge.

§ 101-5. Receptacles and storage. [Amended 5-4-2007 by L.L. No. 5-2007; 2-10-2014 by L.L. No. 1-2014]

- A. The Town shall provide and assign to each residential unit and other authorized unit one garbage tote and one recycling tote. Additional garbage and recycling totes may be obtained as outlined in this chapter. Garbage totes shall be used for the collection, storage and disposal of all garbage and nonrecyclable refuse and rubbish that may accumulate or be produced by them. Recycling totes shall be used for the collection, storage and disposal of recyclable materials.
- B. Garbage and nonrecyclable refuse and rubbish shall be stored in the garbage tote with the lid completely closed. No garbage tote shall exceed 150 pounds in weight when filled.
- C. Recycling materials shall be stored in the recycling tote with the lid completely closed. No recycling tote shall exceed 150 pounds in weight when filled.
- D. All garbage and recycling totes shall be maintained in good condition. All garbage and recycling totes shall be kept as sanitary as possible in view of the use to which they are put and shall be thoroughly cleaned by the owner or occupant of the premises after garbage or recyclable materials are removed by the collector. Except when placed at the curblane for collection, all totes shall be stored on the property producing the solid waste.

§ 101-6. Placement of totes and receptacles for collection. [Amended 2-10-2014 by L.L. No. 1-2014]

- A. All garbage totes, recycling totes and other receptacles shall be transferred to the curblane or pavement line in front of the premises.
- B. No garbage tote, recycling tote or other receptacle shall be set out for collection before 6:00 p.m. on the day preceding collection and shall be at the curb for collection by 7:00 a.m. on the day of collection.
- C. Garbage totes, recycling totes and other receptacles shall be removed from the curblane within 12 hours after being emptied to a place invisible from the street.

§ 101-7. Collection and disposal. [Amended 2-10-2014 by L.L. No. 1-2014]

- A. The Town of West Seneca shall provide for the collection and disposal of all recyclable material, as well as for the collection and disposal of up to a maximum of two garbage totes per week, from each residential unit or other authorized unit.
- B. The Town of West Seneca will collect cut grass, brush and tree parts produced by owners or occupants, provided that such cut grass, brush

and tree parts were generated at the site upon which they are placed for collection and they are placed for disposal.

- C. Town employees or equipment shall not enter private property or other structures in making collections under the chapter.
- D. The Town shall have no obligation to pick up and remove any solid waste which was not produced within the Town of West Seneca.
- E. Ownership of waste material which has been placed at the curb for collection in accordance with this chapter shall vest in the Town of West Seneca. It shall be unlawful and a violation of this chapter for any person without authority from the Town to collect, pick up, remove or cause to be collected, picked up or removed any rubbish. Each such collection, pickup or removal of waste material from one or more premises shall constitute a separate and distinct offense in violation of this chapter.

§ 101-8. Prohibited deposits or accumulations.

- A. No person shall allow, permit or cause to exist any unsanitary or filthy condition in or about any premises owned, used or occupied by said person. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.
- B. No person shall cart to, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other public place or on any private property, except as provided in this chapter or under the authorization, supervision and direction of the Highway Superintendent or the Solid Waste Coordinator.
- C. Collection and disposal.
 - (1) The Town of West Seneca shall not collect dangerous, hazardous or chemically toxic wastes, including but not limited to the following:
 - (a) Dangerous wastes: wastes that represent an immediate threat to the safety of Town employees and general public, such as jagged or protruding objects, broken glass, nails, etc.
 - (b) Hazardous wastes: wastes as defined in the New York State Environmental Conservation Law and regulations thereto, including but not limited to:
 - [1] Ignitable wastes, such as paint thinners, solvent-based cleaners, degreasers (e.g., acetone and xylene) or gasoline.
 - [2] Corrosive wastes, such as battery acid, metal cleaning, both sludges (e.g., sodium hydroxide, sulfuric or hydrochloric acid).

- [3] Reactive wastes such as cyanide metal plating sludges or any waste that will react violently with water or generates toxic gases, vapors or fumes, (e.g., sodium metal).
 - [4] EP toxicity wastes which produce an extract containing contaminants such as arsenic, lead, chromium, silver or herbicides; or industrial process wastes, contaminated soil from spill or other solids containing any of the metals or organic materials in excess of the concentrations listed in the state law and regulations thereto.
 - [5] Toxic wastes, such as sludges from solvent recovery, solvents and the industry-specific wastes listed in Part 371, § 371.4(b), of the Consolidated Laws of New York Codes Rules and Regulations.
- (2) Dangerous, hazardous and chemically toxic wastes shall be disposed of by the owner or producer of the same and at the sole cost and expense of the producer.
- D. It shall be the duty of every person, owner or occupant of every dwelling within the Town to keep such buildings free and clear of all kinds of solid waste and to keep the sidewalk and yard areas clean.
- E. No dirt, stone, brick, concrete or other substance that may accumulate as a result of building construction, demolition, remodeling or repair operations shall be set out for collection by the Department of Sanitation but shall be otherwise disposed of by the owner or contractor.
- F. Nothing in this chapter shall be construed to prohibit the maintenance of a single compost pile located in the rear yard of a residence.

§ 101-9. Supervision; rules and regulations.

- A. The collection and disposal of solid waste shall be under the supervision and control of the Department of Highway for the Town of West Seneca.
- B. The Superintendent of the Highway Department or his designee shall be empowered to designate the days and hours of collection and to make rules and regulations concerning all matters pertaining to the collection and disposal of solid waste.
- C. The collection and disposal of recyclable waste shall be under the supervision and control of the Recycling Coordinator of the Town of West Seneca.
- D. The Superintendent of the Highway Department or his designee shall be empowered to designate the days and hours of collection and to make rules and regulations concerning all matters pertaining to the collection and disposal of recyclable material.

- E. The Highway Superintendent and Recycling Coordinator are authorized to enforce the provisions of this chapter, including all implementing rules and regulations.

§ 101-10. Authorized collectors; license required. [Amended 12-7-1992]

- A. All authorized collectors must obtain a solid waste collecting license from the Town of West Seneca. A fee for such license shall be set by the governing body on an annual basis, and all licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- B. An authorized collector sticker shall be prominently displayed on each vehicle operated by or on behalf of the authorized collector.
- C. Authorized collector applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this chapter during the preceding calendar year.
- D. All authorized collectors licensed by the Town of West Seneca shall indemnify and hold harmless the Town of West Seneca for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this chapter.
- E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers from whom they provide municipal solid waste collection services at the same times and on the same days as services are provided to their customers for solid waste collection.
- F. Each collector who shall apply for a license under this section shall complete an application for solid waste collection license to be issued by the Town of West Seneca Solid Waste Coordinator. Each collector shall maintain separate monthly records of solid waste and recyclable materials collected, transported or disposed of by the authorized collector, which shall include the following information:
- (1) The municipality or geographical area and number of units in which the solid waste or recyclable material was generated.
 - (2) The quantity, by ton, of solid waste and of each type of recyclable material collected.
 - (3) The quantity, by ton, of recycled material delivered to a recycling facility(ies) and the location of the recycling facility(ies).
 - (4) The quantity, by ton, of solid waste delivered to each facility.
- G. Reports containing the information required as stated above shall be compiled and delivered to the Town of West Seneca Solid Waste Coordinator or other designated individual for each reporting period as

designated by the regulations, but which shall be no more frequently than quarterly.

- H. Authorized collectors shall not accept for collection municipal solid waste which has not been source-separated in conformity with this chapter.
- I. The annual license fee shall be as follows:
 - (1) Master or firm license: \$100.
 - (2) Per truck license: \$50.

§ 101-11. Approval, denial, suspension or revocation of license.

- A. When the designated public official determines that a failure to comply with this chapter may have occurred, she/he shall recommend to the municipality that the authorized collector application or the license be denied, suspended or revoked or its holder subjected to a reprimand or fine or that the generator or originator of the solid waste or recyclable materials be subject to sanctions, fines or penalties herein. Notice and an opportunity to be heard shall be provided prior to the denial, suspension or revocation of a solid waste license or authorized collector permit or the issuance of a sanction, fine or penalty. **[Amended 12-7-1992]**
- B. The designated public official shall notify the affected generator, applicant or licensee of the alleged failure in writing. The notice shall include the following:
 - (1) A statement of the condition allegedly violated, referring to the pertinent ordinance, law, rule or regulation.
 - (2) A short and plain statement of the alleged misconduct.
 - (3) A statement of the time, place and nature of the hearing.
- C. The notice shall be personally served or sent by registered mail to the generator, applicant or licensee's last known address at least 10 days before the hearing date, with a copy to the administrator.
- D. Hearings.
 - (1) Hearings shall be held before the Town Justice within a reasonable period, which shall be at least 10 days after service of notice.
 - (2) The generator, applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.
 - (3) Within 20 days after the close of the hearing, the Town Justice shall:

- (a) Determine whether the alleged failure to comply with this chapter has occurred; and
- (b) If the Town Justice determines that such a failure has occurred, decide whether the generator or applicant shall be subject to a fine or penalty, the application shall be denied or an existing solid waste license or authorized collector status be suspended or revoked or its holder subjected to a reprimand and issue an order carrying out this decision.

E. Determinations, decisions and orders.

- (1) Disposition may be made by stipulation, agreed settlements, consent order, default or other informal method.
- (2) The Town Justice shall promptly notify the applicant or licensee, in writing, of the final determination, decision or order.

§ 101-12. Unlawful activities.

A. It shall be unlawful for:

- (1) Any person other than those persons so authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling collection area pursuant to this chapter.
- (2) Any person to violate or to cause or to assist in the violation of any provision of this chapter or any implementing rule or regulation.
- (3) Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling collection area.
- (4) Any person to hinder, obstruct, prevent or interfere with this Town or its employees or any other authorized persons in the performance of any duty under this chapter or in the enforcement of this chapter.

B. All unlawful conduct set forth in this section shall constitute a violation.

§ 101-13. Rodent control measures. [Added 5-14-2007 by L.L. No. 5-2007]

- A. Every occupant or owner of a dwelling or dwelling unit and any other property shall store and dispose of accumulated rubbish, boxes, lumber, scrap metal, tires or any other materials in such a manner as to prevent rodent harboring in or about such property. Materials shall be stacked neatly in piles elevated to a level high enough to permit effective cleaning.
- B. Every owner of a dwelling containing two or more dwelling units shall supply facilities or make provisions for the storage and disposal of accumulated rubbish, boxes, lumber, scrap metal or any other materials

in such a manner as to prevent rodent harborage in or about the shared or public areas of a dwelling or its premises. Material shall be stacked neatly in piles elevated at a level high enough to permit effective cleaning.

- C. No owner or occupant of any dwelling or dwelling unit and any other property shall store, place or allow to accumulate any materials that may serve as food or harborage for rodents in a site accessible to rodents.
- D. Garbage receptacles shall be kept secure and closed at all times. Areas for storage shall be kept free and clear of any and all accumulation that is not properly secured. At no time may any garbage or trash be stored outside in plastic bags or other non-rodent-proof containers.
- E. No person shall feed in the open any domestic or wild fowl, birds or animals except in such a manner so as to prevent scattering of feed or seed upon the ground or ground level which can or will provide food for rodents, insects, vermin or other pests.

§ 101-14. Nonseparated waste not to be collected.

The Town of West Seneca or any other person collecting solid waste generated within this Town may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables designated under an applicable section of this chapter.

§ 101-15. Existing contracts; nonconforming contracts.

- A. Nothing contained in this chapter shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the Town on the effective date of this chapter.
- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this chapter unless renewal of such contract shall conform to the requirements of this chapter.

§ 101-16. Penalties for offenses.

- A. Any person who engages in unlawful conduct as defined in this chapter may, upon conviction thereof in a proceeding before a court of competent jurisdiction, be sentenced to imprisonment for a term not to exceed fifteen (15) days or to a term of community service related to the purposes of this chapter or to pay a fine of not more than two hundred fifty dollars (\$250.) and not less than twenty-five dollars (\$25.), or any combination of the above penalties.
- B. Each continuing day of violation of this chapter shall constitute a separate offense.

§ 101-17. Injunction to restrain violation; remedies to be concurrent.

- A. In addition to any other remedy provided in this chapter, the Town may institute a suit in equity where unlawful conduct exists as defined in this chapter for an injunction to restrain a violation of this chapter.
- B. The penalties and remedies prescribed by this chapter shall be deemed concurrent. The existence or exercise of any remedy shall not prevent this Town from exercising any other remedy provided by this chapter or otherwise provided at law or equity.

§ 101-18. Construal of provisions.

The terms and provisions of this chapter are to be liberally construed so as best to achieve and effectuate the goals and purposes hereof.

Solara, Inc.
661 Main St.
Niagara Falls, NY 14301

Sent electronically June 29, 2018

Re: HHW Feasibility Study – Final Submission

Erie County Dept. of Environment & Planning
95 Franklin St.
Buffalo, NY 14202
Attn: Bonnie Lawrence, Deputy Commissioner

Dear Mrs. Lawrence,

It has been a pleasure working with you and your fellow department members on the County's HHW Feasibility Study. Solara, Inc. is proud to present a digital copy of the Study.

The following are enclosed as separate PDF packages:

- HHW Feasibility Study
- Appendixes
- Graphs
- Figures

A printed and digital media version will be delivered June 29, 2018.

Looking forward to working with you and your team in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Battaglia'.

Sarah Battaglia
President

Household Hazardous Waste Feasibility Study for the County of Erie

Submitted Electronically June 29, 2018

by Solara, Inc.
661 Main Street
Niagara Falls, NY 14301

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EXECUTIVE SUMMARY

In an effort to provide residents of Erie County (County) with the opportunity to safely dispose of household hazardous waste (HHW), the County, in conjunction with the Erie County Solid Waste Management Boards, currently hosts two annual HHW collection events. These events are free to the participating public and often see over 1,000 participants per five-hour event. Post-event surveys have indicated that participants were in favor of the program, but not pleased with long wait-times and lack of convenient access. The primary goal of this HHW Feasibility Study (study) was to thoroughly review the County's current program and identify areas slated for enhancement and improvement based on experiences of other regional HHW collection programs as well as regulatory, policy and industry trends.

Less than 1% of Erie County households participate in the collection events annually, which underscores the program's limited scope. Funding sources are budgeted annually and have been variable. The County's events are hosted in accessible, populated areas. This creates increased travel distances therefore lower participation from rural community residents. This has encouraged independent municipally-run HHW collection events in outlying areas of Erie County.

The regional HHW program data analysis provided notable observations about HHW collection programs, such as:

- The average cost per participant is \$60. Erie County's cost per participant is just over \$40, almost \$20 less than the average. There are several reasons why the cost is lower. First and foremost, the County's MRU are considered *hidden costs* per *Section 2.2.7 Unrealized Expenses* and are not being quantified in this study. Second, limitations are placed on the types of material accepted. Finally, NOCO and The Battery are handling waste oil and batteries at no charge.
- 70% of the municipal programs that participated in the study are funded by Enterprise Funds. Other funding mechanisms include property tax levy, authorities, councils, and participants themselves.
- Municipally-run programs are successful; they have the highest service rate. Local elected officials and management are involved and enthusiastic. Participant satisfaction is high.
- Programs with a promotional strategy have the highest service rates.
- HHW programs are **not** able to take advantage of economies of scale; as participation and convenience increase, costs increase.

Because Erie County contains urban, rural and suburban communities, selecting one preferred HHW collection alternative is a complex determination. Several criteria must be considered in choosing program parameters such as funding mechanisms, site selection, and available supporting resources. After extensive research, cost-benefit analysis and assessment, the study determined the recommended, preferred alternative to be 20 Regional Events and 1 Permanent Site, phased in over three years. This preferred alternative is designed to efficiently and cost-effectively service 20,000 participants annually, fulfilling the County's annual HHW disposal demand (determined by characterization and quantification of HHW participant demographics presented in *Section 5.1.3, Demographics and Demand*). Events will have a participant cap and

mandated participant pre-registration. These practices will steady traffic flow thereby minimizing participant wait-times. The overall result being an increase in service rate and participant satisfaction, safer homes and a protected environment.

Numerous other alternatives were considered, such as multiple permanent sites, voucher programs, and satellite events. The preferred alternative is based upon precedents set in regional HHW collection programs, such as Niagara County's recently closed multiple permanent sites and piloted Voucher Program, and Monroe County's existing hybrid program.

Erie County has expressed interest in maximizing participation and convenience but doing so in a manner that leverages assets available through the County, Solid Waste Management Boards, and local governments. This commitment by the County and local governments has been demonstrated by the inclusion of a County-wide HHW collection program in the Erie County-Wide Shared Services Plan submitted to and approved by New York State in fall 2017. Under a shared services model, the County can pursue grant funding, offer in-kind services such as technical support, and assist with messaging and promotion.

Long-term solutions are entirely dependent upon the availability of consistent funding sources. Erie County has interest in pursuing a permanent permitted HHW site(s), which is anticipated to qualify for NYS Department of State Local Government Efficiency grant funding. Permanent collection sites are extremely effective at keeping per capita expenses low; however, high start-up costs need to be considered upon initiation. It is recommended that Erie County identify interested stakeholders, initiate discussions to identify practicability and location, and seek sustainable funding.

This preferred alternative for meeting the HHW disposal demand of 20,000 participants per year has the highest annual cost. However, this alternative *also* has the highest *per-participant cost-benefit*, when considering service capacity and participant convenience. This can be seen in **Table T.13, Alternatives' Assumptions and Costs**, summarized here:

- The lowest-cost-per-participant-program is **Alternative D**, at \$53.15 per participant. **Alternative D** is an improvement to the current program, as it provides a hybrid solution (6 events and 1 permanent site via voucher program) however, service capacity is limited to 6,000 participants. This alternative includes an 1,800 permanent site participant maximum. The permanent site may not be centrally-located, therefore overall participant satisfaction will fluctuate.
- The preferred alternative, **Alternative F**, cost-per-participant is \$54.94. **Alternative F** is a significant improvement to the current program, as it provides a hybrid solution (20 events and 1 county-owned permanent site) which meets the HHW disposal demand of 20,000 annual participants. The permanent site will be centrally-located, therefore a convenient solution. Service rate and participant satisfaction will be maximized.
- The difference in cost-per-participant is only \$1.79, a minute price to pay for a tremendous benefit.

The preferred alternative can be implemented in phases over the course of three years:

Phase Year	Program	Number of Participants	Annual Cost*
Phase I 2019	6 Regional Events	4,200	\$228,900
Phase II 2020	8 Regional Events	5,600	\$305,200
Phase III 2021	8 Regional Events 1 Permanent Site	11,600	\$640,903 <i>Section 5.3, Alternative E</i>
Forthcoming Years Add additional events; up to 12 Regional Events* and/or up to 20 Satellite Events*, depending on MRU, to service up to 9,000 additional participants * See <i>Section 5.3, Collection Methods</i> for event descriptions		11,600 – 20,000	Up to \$1,098,703 <i>Section 5.3, Alternative F</i>

** Excluding MRU (Municipal Resources Utilized)*

A permanent site and regional events are a good primary objective for the program, with the intent of revisiting the issue once full realization of costs, effectiveness, and efficiency become apparent. The program will continue to evolve as data is collected and trends are seen.

If resources are not forthcoming, several other program alternatives to increase efficiency and effectiveness at a lower cost are presented. For example, a Voucher Program has been utilized in other counties to supplement collection events.

GLOSSARY

- **Cathode Ray Tubes (CRTs)** – The glass video display component of an electronic device (usually a television or computer monitor).
- **CESQG (Conditionally Exempt Small Quantity Generator)** – If a business generates no more than 220 pounds (100 kilograms) of hazardous waste per month, it is a CESQG. CESQGs must comply with several basic waste management requirements to remain exempt from the full hazardous waste regulations that apply to generators of larger quantities. A generator is a CESQG if, in a calendar month:
 - They generate no more than 220 pounds of hazardous waste, and
 - They generate no more than 2.2 pounds of acute hazardous waste, and
 - They generate no more than 220 pounds of material from the cleanup of a spillage of acute hazardous waste,
AND, at any time:
 - They store no more than 2,200 pounds of hazardous waste, and
 - They store no more than 2.2 pounds of acute hazardous waste.
- **Cost-benefit** – Relationship between the cost of a program and the value of benefits (service capacity, service rate, participant convenience, participant satisfaction).
- **Convenience Standard (Paint Stewardship Program)** – Permanent collection site or annual collection event within a 15-mile radius of a population center, at no charge to the consumer.
- **Covered Electronic Equipment (CEE)** – Electronic equipment covered under NYS Electronic Equipment Recycling and Reuse Act. Includes: computers (including laptops, desktops, tablets and e-readers), televisions, cathode ray tubes (CRTs), small scale servers, computer peripherals, monitors, electronic keyboards, electronic mice or similar pointing devices, facsimile machines, document scanners, and printers (only those intended for use with a computer and weighing less than 100 lbs.), small electronic equipment (including any cable, cord, or wiring permanently affixed to or incorporated into the small electronic equipment), VCRs, digital video recorders, portable digital music players, DVD players (including projectors with DVD player capabilities intended for home-use), digital converter boxes, cable or satellite receivers (including digital media receivers), electronic or video game consoles (including both handheld devices and those intended for use with a video display device)
- **Economies of Scale** – A business term referring to reduced costs per unit that arise from increased total output of a product or service.
- **Enterprise Fund** – In governmental accounting, fund that provides goods or services to the public for a fee that makes the entity self-supporting.
- **Generator** – Any person or organization, by site, whose act or process produces hazardous waste identified or listed in NYSDEC Title 6 Chapter IV Subchapter B Part

371, *Identification and Listing of Hazardous Wastes*, or whose act first causes a hazardous waste to become subject to regulation.

- **HAZWOPER** – Hazardous Waste Operations and Emergency Response Standard program developed by OSHA to protect workers at hazardous waste sites.
- **HHW Facility** – HHW collection site holding a NYSDEC HHW facility permit. According to the NYSDEC List of Active Household Hazardous Waste Facilities, there are two within the County's region, Region 9: American Recyclers Transfer Station (a.k.a. Hazman, privately owned and operated) and Tonawanda HHW Storage Facility (owned and operated by the Town of Tonawanda).
- **Household Hazardous Waste (HHW)** – Chemical products such as cleaning solvents, paints, pesticides, disposed of by residential consumers. These wastes may also contain substances that can catch fire, react with other chemicals, explode, or are corrosive or toxic.
- **Manufacturer** – Company that manufactures products.
- **Municipal Resources Utilized (MRU)** – The resources that are contributed to a public service for the HHW program. Examples include site locations, labor, equipment and supplies. MRU can be quantified based on the expense to the sponsoring municipality.
- **MSW (Municipal Solid Waste)** – Consists of everyday items we use and then throw away, such as product packaging, furniture, clothing, bottles, food scraps, newspapers, appliances, paint, and batteries.
- **NYSDEC** – New York State Department of Environmental Conservation
- **Participant** – A resident of a municipality participating in an HHW collection event.
- **Program Sponsor** – Municipality hosting an HHW collection event or site and/or contributing resources such as funding, labor, location, equipment or supplies.
- **Service Rate** – The number of households participating in the HHW program divided by the total number of households within the County.

Solid Waste Management Boards (SWMB) – Consisting of two groups of all municipalities within Erie County, with the exception of the City of Buffalo. The two boards are the NEST (Northeast Southtowns) and NW (Northwest). The membership for each board is provided in **Appendix A.01 SWMB Members List & Map**.

- **SWOT** – Traditionally used in business: a strategic tool used to outline an entity's Strengths, Weaknesses, Opportunities & Threats.

1. INTRODUCTION

Household hazardous wastes (HHW) are common household products that have reached their end-of-life and have corrosive, flammable, toxic or reactive characteristics. Examples of HHW include oil-based paint, paint thinner, insecticides, herbicides and pool chemicals. Once a homeowner deems their unwanted and unused hazardous product ‘waste’ and brings it to a collection point the hazardous product is now deemed household hazardous waste. Household hazardous waste must be handled by trained and experienced personnel. The personnel sort the HHW according to New York State Dept. of Transportation (NYSDOT) hazard class to ensure safe transportation and disposal. HHW is an expansive and expensive waste stream to manage, making it one of the most problematic waste streams facing municipalities and homeowners alike. Most homes contain 50 – 150 lbs. of HHW at any given time. The cost for proper disposal of HHW in Western New York is approximately \$1,000 per ton, up to twenty times more expensive than regular trash. In New York State (NYS) municipalities are not mandated to provide HHW collection programs, although the state provides financial support for such programs.

In Erie County (County), the Department of Environment and Planning (DEP) has been offering single-day HHW collection events to residents since 1988. The County’s HHW program is cost effective yet only services a small percentage of residents within the County. The purpose of this study is to conduct an assessment of current practices for HHW collection in Erie County and throughout the state, assess what other counties are doing for HHW outreach, collection and disposal and analyze service rates, collection amounts and program cost. The study presents alternatives, cost assessments, funding mechanisms, implementation appraisals and a preferred plan for Erie County to better serve the needs of residents for the proper, efficient and effective collection and disposal of household hazardous waste. As a complement to the text, tables, graphs and figures are provided to present the study data in visual form.

Solara, Inc. (Solara) was selected to conduct this study due to its extensive experience in household hazardous waste program design and implementation. The research has been conducted by the founder, Sarah Battaglia, M.B.A. Ms. Battaglia has worked in the environmental field for five years. Her experience with household hazardous waste is broad; while working for a hazardous waste contractor, she launched the first privately-held household hazardous waste collection site in New York State and designed and organized custom household hazardous waste programs. She worked closely with Niagara County to revamp their household hazardous waste program over the course of 2014-2016. Niagara County recently launched the HHW Voucher Program, a partnership between the private drop-off center and the municipality. The HHW Voucher Program provides a convenient year-round solution for residents while being cost-effective for Niagara County.

2. CURRENT PROGRAM

2.1. BACKGROUND

Since 1988, the County has been offering single-day household hazardous waste collection events to residents. The objective of the collection events is to give residents the opportunity to safely discard hazardous material which has accumulated in homes to minimize risk for children, pets, sanitation workers and emergency responders while protecting the environment from uncontrolled releases and illegal dumping.

2.1.1. About the Program

The current County program consists of two HHW collection events between the months of April and October. The events are free to residents of the County. The collections take place on Saturdays from 9am to 2pm at local community colleges. In 2017, the June event took place at ECC South (Orchard Park, NY) and the August event took place at ECC North (Williamsville, NY).

2.1.2. Site Selection

The SUNY Erie sites were selected as the host locations because of the existing relationship with the County government. The locations were well-suited for collection events due to their familiarity to the public, their proximity to population centers, facility and equipment access, and the availability of large, open parking lots.

2.1.3. Equipment and Supplies

SUNY Erie also provides maintenance staff support, a front-end loader, 2-3 golf carts/gators, and facilities for bathrooms/breaks and food. They also cater a light breakfast, lunch and water, but charge separately for these costs. Security personnel assist with road closures and blocking off parking areas. It should be noted that some members of the public use ECC sites as a dumping ground during the year. ECC maintenance staff collects the materials and have accumulated HHW ready for disposal during events.

Erie County Emergency Services Division provides a Traffic Incident Management Trailer with cones and signs to use for site management, while the Highway Department provides large, lighted signs to direct traffic from roadways onto campus areas. The signs are set up the day before the events.

2.2.2 Material Collected

The County's list of acceptable material mirrors that which is considered eligible for partial reimbursement from the NYSDEC HHW Grant. Accepted and Unaccepted Items are listed below:

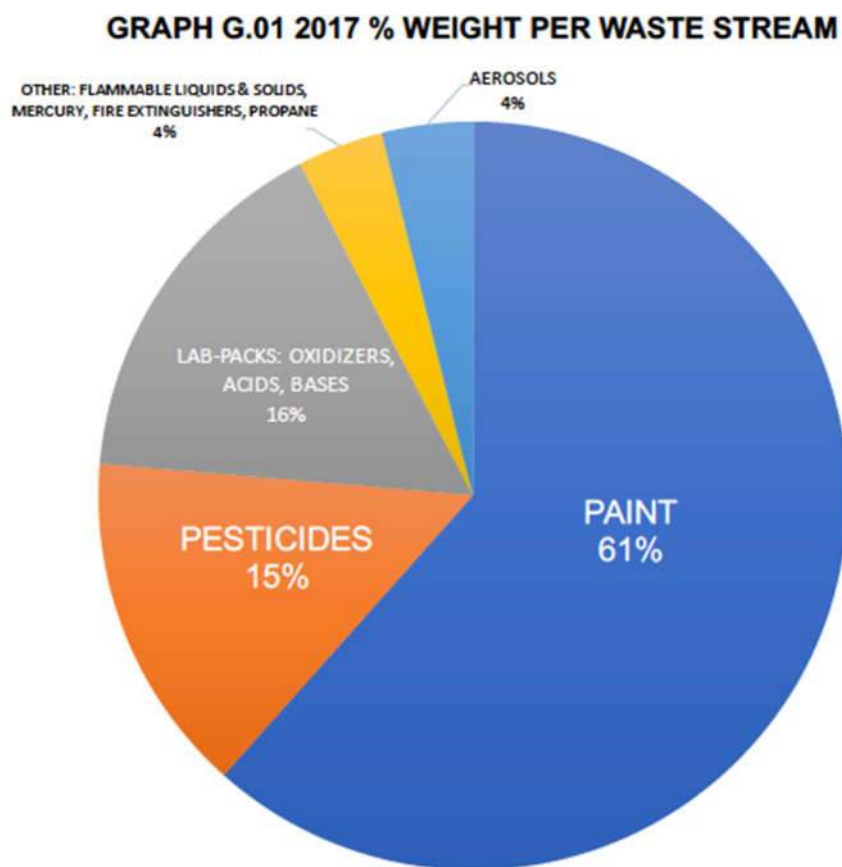
Accepted	Unaccepted
<ul style="list-style-type: none">• Pesticides, Fertilizers, Pool & Household Chemicals / Cleaners (limit 2 gal. or 20 lbs.)• Oil-based Paints, Spray Cans (limit 10 gal.)• Oil, Gasoline, Kerosene, Antifreeze (limit 10 gal.)• Paint Stripper, Thinner & Solvents (limit 2 gal.)	<ul style="list-style-type: none">• Latex Paint• Tires• Lightbulbs• Electronics• Smoke Detectors

<ul style="list-style-type: none"> • Lead-Acid & Rechargeable Batteries • Thermostats & Thermometers • Propane Tanks & Cylinders • Fire Extinguishers 	<ul style="list-style-type: none"> • Alkaline Batteries • Pharmaceuticals • Commercial / Industrial Waste • Compressed Gas Cylinders
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A complete Waste Stream Overview is provided in **Table T.01 Waste Stream Overview**, which outlines residential waste streams and how they relate to the County's current HHW program, including:

- Contractor Info and Pricing
- NYSDEC Waste Classification
- NYSDEC Reimbursement Grant Eligibility
- NYSDEC Post-Event Report Category and Units
- NYS Stewardship Programs / Policies
- Promotional Pieces (e.g., flyers, website, etc.)
- Final Destination

Below is a pie chart of the **2017 Weight per Waste Stream (Graph G.01)**. Paint is the most common waste stream collected at an HHW collection program, followed by pesticides and miscellaneous chemicals (oxidizers, acids and bases).



2.1.4. Promotion

The events are promoted to the public using in-kind services by the County. The means of promotion include a link on the Erie County website to an event flyer (.pdf), social media posts, and free press releases in local newspapers, radio and television. The event flyer file is distributed to municipalities electronically for distribution to communities as they see fit. To date, no funding has been allocated to event promotion. Further promotion, education and outreach has not been pursued due to the lack of dedicated funds and current service rates, which exceed program capacity.

2.1.5. Contractors

The largest expense of the HHW program is the hazardous waste contractor. It is the contractor's responsibility to provide HAZWOPER-trained staff to sort and package waste, chemist(s) to identify waste, and finally the transportation, disposal and/or recycling of the HHW. In 2017, the hazardous waste contractor selected via bid process was Care Environmental Corp. (Care). The invoices from Care for both events totaled \$111,948. There were two additional contractors on-site: The Battery to collect lead-acid and rechargeable batteries and NOCO to collect waste oil, gasoline, antifreeze and automotive fluids. Both The Battery and NOCO provided these services at no cost to the County.

2.1.6. Event Staff

Erie County recruits staff and volunteers to help with day-of-event operations. Primary roles include traffic control, survey data sheet and informational flyer distribution, collection of forms at the exit, site set-up and cleanup and adding additional directional signs around the area. Between 20-30 persons help out at the events, the majority are County staff, 2-3 from the solid waste boards and 2-3 are general volunteers from various environmental organizations. Some County staff receive 'comp time' and others are paid overtime. The Erie County Highway Department provides 10 staff to assist with bringing the public from the street onto the collection site. These staff are scheduled to work Saturdays. It is difficult to quantify the exact in-kind non-contractor costs as the compensation type and rate vary considerably. Based on a number of assumptions, this estimate can be made:

- ~175 man-hours per event
- \$65 per hour (due to overtime)
- Total event staff MRU: \$11,375 per event
- Total event staff MRU with 2 events: \$22,750 per year

2.1.7. Participation

In 2017, there were 2,709 participants, many of whom experienced 60-120 minute wait times in their cars to have their HHW unloaded. While in line, participants had the opportunity to make comments on the HHW Registration Form. A copy of the 2017 HHW Registration Form has been provided in **Appendix A.02 Erie County HHW Registration Form**. According to the tabulated 2016 HHW Registration Form results, over half of the commenting respondents considered the event positive and shared responses such as: *'Thank you!'*, *'Appreciate the program!'* and *'These are great and responsible events!'* 32% of the responses contained constructive criticisms full of observations and suggestions, such as: *'Wish you had these more often!'*, *'Conflicting information between media promotions and Erie County Site. County says 10 GAL limit, TV doesn't mention*

limit. County site can put you into a loop when researching about event.’ and *‘Need better signage.’* The remaining 13% of responses were negative, expressing disbelief that this is how they were spending their Saturday morning and discouraged from ever attending an event again. Comments from this segment included: *‘Waiting for over an hour is excessive and unacceptable.’*, *‘Just heard TODAY on radio.’* and *‘Very, very, very disorganized.’* All remarks are worth considering for future programs.

2.1.8. Funding

The County’s HHW collection program has been funded by three entities: Erie County, Northeast Southtowns (NEST) Solid Waste Management Board, and the Northwest (NW) Solid Waste Management Board. The solid waste boards have supplemented the County’s budgeted costs. Of note, the City of Buffalo runs their own hazardous waste collections for City residents. The amount available is completely dependent on the County’s budget for that year. In 2017, the HHW program exceeded the County allocation of \$70,000, which then cost each board approximately \$30,000. This caused a major depletion of both the NEST and NW funds. To prevent this from happening again, Erie County has increased the 2018 budget to \$120,000. Each board will have a projected \$5,000 for 2018. NEST and NW utilize a per capita member municipal assessment to fund the program.

Each year, the County applies for a NYSDEC HHW Grant. This grant reimburses 50% of eligible HHW program expenses. The reimbursement goes to the County’s General Fund rather than to the Erie County DEP. It should be noted that while it has yet to become an issue, the NYSDEC HHW Grant is not guaranteed. Both boards have also applied for this reimbursement.

2.2. OBSERVATIONS

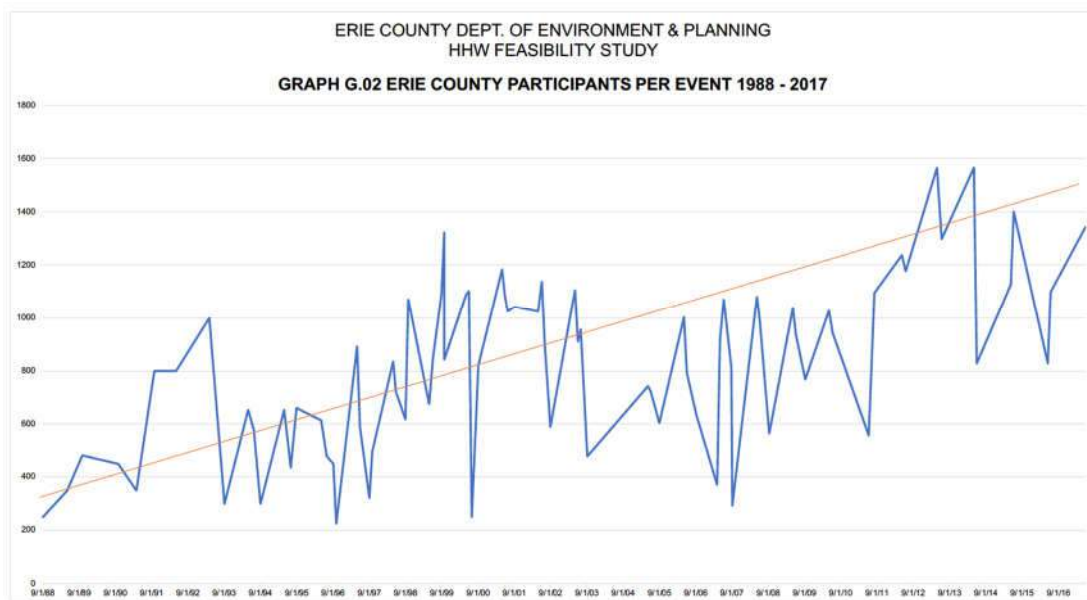
In-depth analysis of the County’s program took place over a six-month period. A variety of methods were used to conduct the research. The following components of the County’s HHW program have been acquired/considered and analyzed:

- August 2017 HHW Event Observations
- 2016 HHW Registration Form Results
- 2011-2016 Participation Summary
- 1988 – 2017 Types and Amounts of Material
- 2016 NEST Dues
- 2014 – 2017 HHW Contractor Manifests and Invoices
- Various Event Photos
- Promotional Pieces (including website, flyers, social media)
- 2017 HHW Registration Form
- Meetings, Email Correspondence, Phone Conversations with Erie County DEP
- Site Maps (requested 06/03/18 via email)

All data and supplements (listed above) can be provided upon request (Erie County HHW Program Data & Supplements). The County’s tabulated and quantified program data is presented in **Table T.02 Current & Notable HHW Program Data Overview, Current Program** and **T.03 Collection Methods Matrix, Current Program.**)

After reviewing the material and analyzing the data, the following observations can be made:

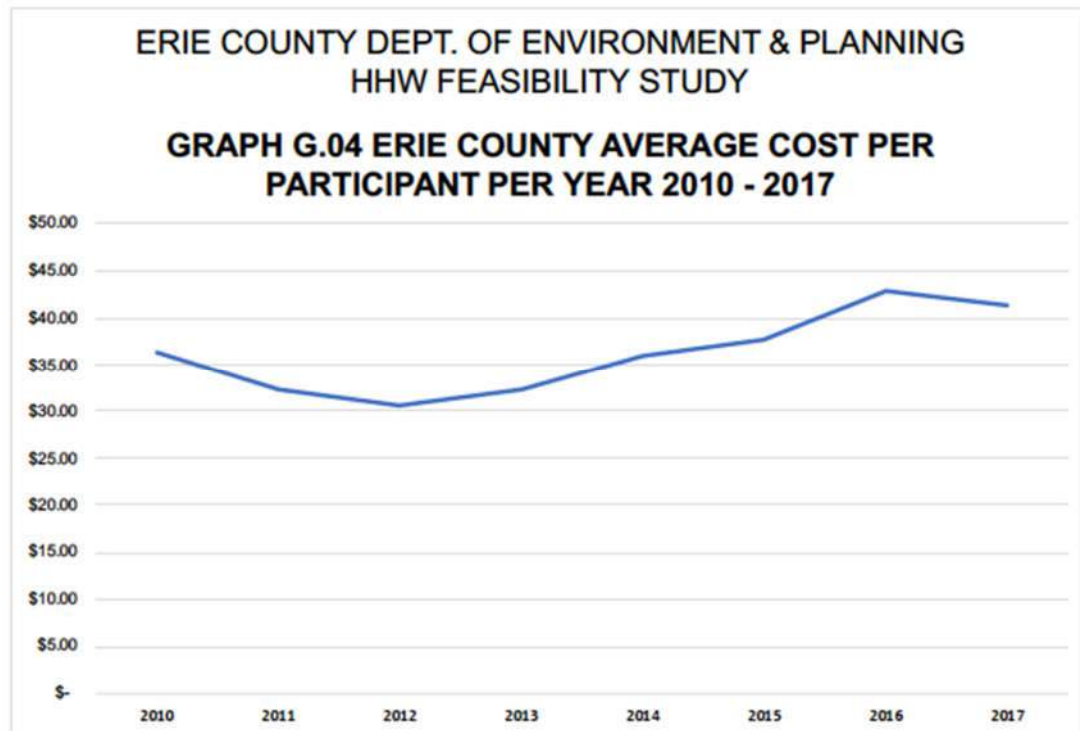
- **Increasing Participation** – Over the twenty years of the program’s existence, the number of participants has steadily increased. See **Graph G.02 Erie County Participants per Event 1988 – 2017** for a visual depiction of this trend.



In the earliest years of the program, there was an average of 500 participants per event. By the early 2000s, there was an average of 900 participants per event. In more recent years, there has been an average of 1,300 participants per event. The largest events are managing as many as 1,500 participants. Over the course of a six-hour collection event, this is equivalent to four vehicles being unloaded each minute. Significantly, there is a correlation of increasing participation with an increase in residential real estate transactions in Erie County. See **Graph G.03 Residential Real Estate Transactions in Erie County 2012 – 2017** for an illustration of this increase.

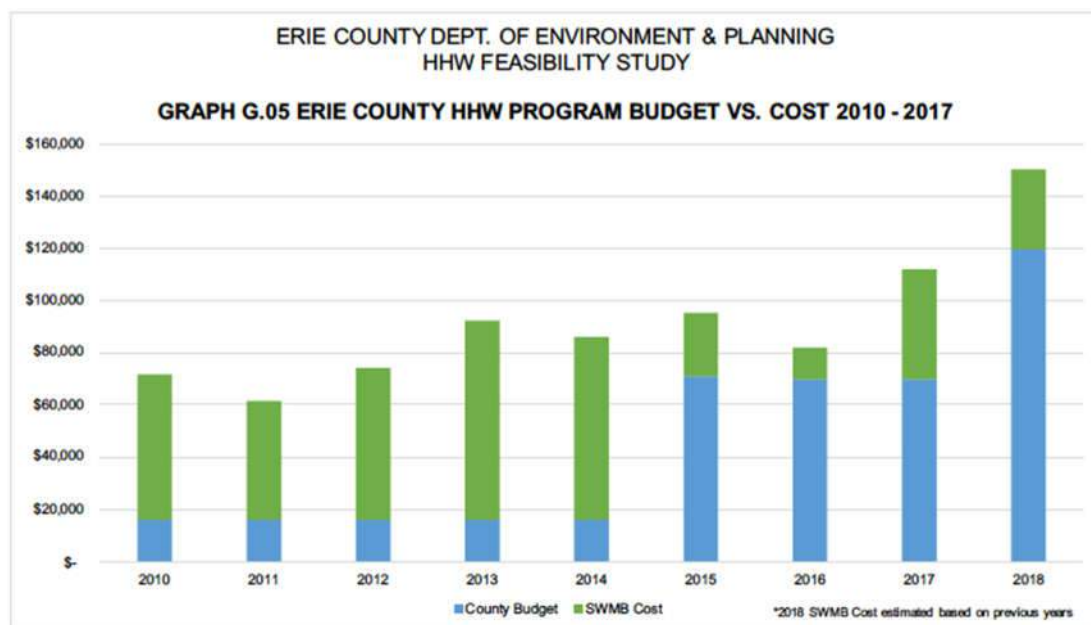
- **Low Service Rate** – According to the US Census Bureau, there are approximately 382,000 households in Erie County. Serving 2,700 households equates to serving less than 1% of the total number of households annually in the County. This low service rate means that the majority of the homes in the County likely retain household hazardous waste.
- **Limiting Participation** – To control cost, the current program is not extensively promoted, and places limits on types and quantities of material to collect. In addition, when participants attend and have a negative experience, it discourages them (and their friends and family) from attending a future event. This creates a whiplash effect on the service rate, as it drastically fluctuates from one year to the next. This cyclical trend can be seen in **Graph G.02 Erie County Participants per Event 1988 – 2017**.

- **Increasing Costs** – A number of factors are contributing to increased program costs. Per-unit disposal bid prices have consistently rises over the study period, although County bidding procedures have kept these increases within reasonable limits. Increases in the participation totals have had a notable impact (**Graph G.02**). The total amount of HHW collected at each event has been increasing as has the amount of material brought by each participant. This may be a result of “wastepooling” by residents where vehicle loads are generated by multiple households. The increased cost trend can be seen in **Graph G.04 Erie County Average Cost Per Participant Per Year 2010 – 2017**.



Since 2012, the cost per participant has increased to about \$41, or about 30% above the low point for the period in 2012. It should also be noted that there has been a change in HHW disposal contractors during this period. In addition to increased unit costs, participation, and waste amounts, other factors contributing to the increased costs may include contractor material characterization and packaging methodologies, changing acceptable HHW types, and contractor staff experience.

- **Inconsistent Funding** – The budget allocation from the County has a history of fluctuation. It has been the responsibility of the NEST and NW boards to pay the difference between the County budget and the contractor cost. Inconsistent County funding combined with increasing contractor costs makes this a volatile line-item for the boards. This can be seen in **Graph G.05 Erie County HHW Program Budget 2010 - 2017**.



Both entities rely on receiving the NYSDEC 50% Reimbursement Grant. However, this is a risk; the Grant Application Package states “*The NYS State Legislature must appropriate funding each state fiscal year for implementation of the HHW State Assistance Program. Accordingly, full 50% reimbursement is not guaranteed.*” For a copy of the full application, see **Appendix A.03 NYS DEC HHW Grant Application**.

- **Unrealized Expenses** – There are substantial unquantified non-contractor event staff and event coordination man-hours. These hours are contributed by both the County and municipal entities each year. Total staffing costs are unquantifiable due to variations in employee pay structures, compensation, and overtime agreements.

2.2.3 Data Limitations

The manifests held by the County were completed by the contractor on the day of the event and generated based upon total shipping containers as opposed to actual container weights. The exact weights of material collected are on the facility-signed manifests, which are held by the contractor. In addition, a definitive comparison of material types and actual weights collected over time could not be completed due to the variety of shipping containers used for specific materials. This may have been caused by the change in contractors and should be better delineated in future bid specifications. For example, 2017 event data was compiled from invoices and manifests into **Table T.04 Erie County 2017 Event Data**. For the purpose of this report, weights from the manifests were used to prepare the table.

2.3 MUNICIPAL & PRIVATE SECTOR RESPONSE

In recent years, public and private entities within the County have responded to the deficient HHW program in various ways. See **Figure F.01 HHW Disposal Solutions in Erie County** to see the location of current events and sites in the County.

2.3.2 Municipal Impact

Local municipalities have contributed and supported the current HHW program through direct financial support, dues paid to the solid waste boards, and employee HHW event staffing. However, some municipalities, in particular those from rural areas of the County, have expressed dissatisfaction with the current program. They have relayed the frustrations of their residents stating that the events are both infrequent and inconvenient. Additional collection events located in more remote areas would mitigate the problem noted by underserved rural communities. Some municipalities have opted to host HHW collection events for their own residents. The Towns of Colden and Holland, Newstead and the Village of Akron, and the Town of Brant have held HHW collection events to service the needs of their residents. In addition, the Town of Tonawanda has an HHW facility permit and collects a limited list of HHW curbside each week. These municipalities are approximately located in the four corners of the County, and represent an area where residents would have to travel the greatest distance to access the current HHW program events at ECC sites. Overall, there is agreement among local municipalities that the County's current HHW program needs improvement. There is a willingness by the majority of municipalities to participate in a dialogue about a collaborative effort to increase program access and effectiveness.

In recognition of the concerns expressed by these communities, and the potential savings in offering a more comprehensive HHW collection service, Erie County has identified the HHW program as a significant part of its Shared Services Plan. The Shared Service Plan states, "Currently, many municipalities simply do not provide HHW services and those that do incur incredible costs. It is believed that an expanded program could cost approximately \$1 million per year, whereas if each municipality managed their own HHW program it would total at least \$3 million per year."

2.3.3 Private Sector Impact

The private sector saw a need in the community to provide a convenient location for homeowners to safely dispose of HHW. In 2012, The Environmental Service Group (ESG) obtained a permit for the first private HHW facility in NYS: Hazman. Hazman is the only permitted and operational HHW collection facility in Western New York. The program is discussed further in *Section 3.5, Notable Programs*. In addition to offering a permanent site, Hazman also works with municipalities to do custom events. Hazman's service bundle includes permitting, reporting, promotion, and day-of-event operations. Hazman is a growing division and currently has 11 collection events scheduled for 2018. Hazman has also developed a pre-registration scheduling tool for streamlining event management and participant communication. In addition, Clean Harbors provides pick-up only for homeowners with hazardous waste. Clean Harbors' website is difficult to navigate, but the County's website instructs homeowners to call for details. Both Hazman and Clean Harbors are listed as HHW companies on the County's recycling website.

3 SUMMARY OF REGIONAL HHW COLLECTION PROGRAMS

3.1 COMPARABLE MUNICIPALITIES / ORGANIZATIONS

HHW collection programs exist across New York State. Agencies and municipalities in Western New York with comparable HHW programs were contacted on behalf of the County for the purpose of gathering program costs and best management practices. Comparable municipalities / organizations / agencies that were contacted include:

- City of Buffalo
- Cattaraugus County
- Chautauqua County
- Development Authority of the North Country (DANC)
- Genesee Livingston Wyoming Region Solid Waste Management Committee (GLW)
- Hazman HHW Drop-off Center, a division of The Environmental Service Group (ESG)
- Monroe County
- Niagara County
- Onondaga County Resource Recovery Agency (OCRRA)
- Steuben County
- Town of Colden & Town of Holland
- Town of Newstead & Village of Akron

3.2 DATA COLLECTION

The data was collected via phone interviews, email correspondence, and file sharing. The following data was collected on each program:

- Point of Contact
 - *Who is the contact to collect data regarding program details and history?*
- Program Information
 - **Collection Type**
 - *Are they hosting events or is there a permanent site? Or is there a combination?*
 - *Is the permanent site privately held or publicly operated?*
 - **Acceptable / Unacceptable Material**
 - *What material is accepted as part of their HHW Program?*
 - *What creative ways are they using to manage the material?*
 - **Eligibility Requirements**
 - *Who is eligible to participate in the program?*
 - **Material Collected** (lbs, assumptions, if any)
 - *Do they collect this data?*
 - *If so, what assumptions do they make when calculating?*
 - **Number of Participants**
 - *How many participants do they have each year?*
 - *Per collection type, event vs. permanent site?*
 - **Number of Eligible Households**

- *What are the requirements / stipulations for participants?*
- **HHW Contractor Name & Cost**
 - *Who collects the material?*
 - *What services are they providing?*
 - *What is the cost for the program?*
 - *Is there a preferred vendor? Why?*
- **Bidding Process**
 - **Frequency**
 - *How frequently is the RFP issued?*
 - *Are there any renewal clauses?*
 - **Metrics**
 - *What is the price structure: per pound, participant, full waste container?*
- **Funding Sources**
 - **Mechanism**
 - *How is the program funded?*
 - *What are the formulas used, if any?*
 - *Do the participants pay for anything out-of-pocket?*
 - **Grant**
 - *Are there any grants contributing toward funding the program?*
 - **Sponsors**
 - *Are there any sponsors for the program? What do they contribute / gain?*
 - **Volunteers**
 - *If using volunteers, what are their roles?*
 - *Training?*
 - *Do they return each year?*
 - **Partnerships**
 - *What types of partnerships are there?*
 - *How have these evolved?*
- **Outreach**
 - **Methods**
 - *How is the program promoted?*
 - *Is it done in-house or via third-party?*
 - *What are the costs associated with promotion?*
 - **Newsletter**
 - *Is there a 'recycling newsletter'?*
 - *Frequency? Content? Costs?*
- **Misc.**
 - **Registration**
 - *Is there mandatory pre-registration?*
 - *What are the prerequisites?*
 - **Post-Event**
 - *Is there a post-event survey?*
 - **Best Practices**
 - *What makes their program successful?*

A list of municipal / industry / agency contact correspondence can be found in **Appendix A.04 Municipal Correspondence List**. In addition, the summary of this data and sources can be found in **Table T.02 Current & Notable Program Data Overview** and **Table T.05 Municipal HHW Program Data Overview**. The compilation of documents containing phone interviews, promotional pieces (screenshots of websites and flyers, etc.), surveys, and tabulated data from agencies and municipalities that participated in the study (Municipal Data Supplements) can be provided upon request.

3.3 OBSERVATIONS

Based on the data collected from the participating municipalities and organizations, the following observations can be made:

- The average cost per participant is \$60. Erie County's cost per participant is just over \$40, almost \$20 less than the average. There are several reasons why the cost is lower. First and foremost, the County's MRU are considered *hidden costs* per *Section 2.2.7 Unrealized Expenses* and are not being quantified in this study. Second, limitations are placed on the types of material accepted. Finally, NOCO and The Battery are handling waste oil and batteries at no charge.
- 70% are funded by Enterprise Funds. Other funding mechanisms include property tax levy, authorities, councils, and participants themselves.
- Municipally-run programs are successful; they have the highest service rate. Local elected officials and management are involved and enthusiastic. Participant satisfaction is high.
- Programs with a promotional strategy have the highest service rate.
- HHW programs are **not** able to take advantage of economies of scale.
 - More advertising and greater convenience results in greater participation and greater cost. Typically, we assume that greater participation means lower cost per participant. However, consumers are not cost-driven, they are convenience-driven. Convenience and communication are the two biggest driving factors; both cost money. What makes participation convenient? Multiple events per year, nearby locations, efficient acceptance process.
- HHW program participants can be broken down into two demographics: socially-driven and economically-driven. These two demographics operate independent of one another.
 - **Socially-Driven** – This group wants to protect the environment and/or prevent accidents at home, and intends to remove hazardous material from their homes on a regular basis. This group will respond to an imposed deadline (i.e., scheduled local collection event) so the event becomes an opportunity as well as a priority. This group is most likely to participate in an *event* collection program. *Convenience* to this demographic means “around-the-corner.”
 - **Economically-Driven** – This group is facing a deadline and/or mandate and needs an immediate solution. Many times, they are from out-of-town and cleaning up a relative's estate or they are sellers of a home who ensured buyers 100% empty basements and garages (e.g., real estate transactions). This group is most likely to participate at a *permanent site* collection program. *Convenience* to this demographic means “immediate.”

3.4 BEST PRACTICES

The most successful programs are mitigating risks, efficiently managing costs, maximizing participation, fostering creative partnerships, and are reaping the benefits of public satisfaction.

HHW Best Practices

Risk Mitigation	<ul style="list-style-type: none"> • Utilization of County-Owned Facilities or Privately-Held HHW Facilities • No Volunteers • Formal Training or Paid HAZWOPER-Trained Employees
Cost Efficient	<ul style="list-style-type: none"> • Control Variables (Pay per Lb. or per Resident) • Enforce Unacceptable Items to Contractor • Use RFP (rather than Bid; Grade Contractors on Evaluation Criteria rather than Price Alone) • Maximize Consolidation of Material • Smart Material Management (Leverage Market and Policies)
Maximum Participation	<ul style="list-style-type: none"> • Host Events in Population Centers • Identify and Serve Both Socially-Driven and Economically-Driven Demographics • Strategic Partnerships for Promotion / Funding • Indoor Collection Point (Minimize Weather Issues)
Creative Partners	<ul style="list-style-type: none"> • Funding: Easy to Justify Putting Money Towards a Program with Stakeholders who Understand Community Benefits and/or Share Mission (e.g., Elected Officials, Waste Water, Storm Water Management, Conservation Groups) • Enthusiasm and Momentum Around Program • Private Companies as Sponsors, Event Hosts, Promoters • Local Organizations as Sponsors, Promoters • Private HHW Contractors as Labor, Collection Site • Elected Officials as Promoters
Public Satisfaction	<ul style="list-style-type: none"> • Convenience (Year-round, Not Weather-dependent, No Wait Time, Close-by) • Awareness (Education Programs, Newsletter, Strong Event Promotion Campaign) • Consistent Dates and Locations

	<ul style="list-style-type: none"> • Clarity (What-to-expect, Breakdown by Location of HHW in Home, e.g., Waste in Garage vs. Basement vs. Garden Shed) • Efficient (Appointments, Registration Packet with Stations, Map)
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3.5 NOTABLE PROGRAMS

The following five programs are unique in their creative partnerships and/or participant cost-sharing. Notable program tabulated and quantified data is provided in **Table T.02 Current & Notable HHW Program Data Overview**.

3.5.1 Onondaga County Resource Recovery Agency (OCRRA) Permanent Site

OCRRA's HHW program has evolved from event style to year-round permanent site. The permanent site is privately owned and operated by an HHW contractor. Interestingly, annual participation has dropped from 3,000 to 2,000 per year since switching to a permanent site.

Funding Mechanism: OCRRA's services are predominantly funded by trash disposal fees and the revenue generated by the sale of electricity at OCRRA's Waste-to-Energy Facility. The NYSDEC HHW Reimbursement Grant is a source of funding as well. OCRRA spends approximately \$97,000 each year on hazardous waste disposal. OCRRA pays the contractor a flat fee of \$48.50 per participant for up to 20 gallons of liquids and up to 30 pounds of solids. Quantities exceeding the limits or materials listed as unacceptable by OCRRA *are* accepted by the HHW contractor for a fee paid by the participant. (e.g., latex paint is considered an unacceptable item, but participants can dispose of it at the HHW contractor's site for \$2.00 per gallon.) For a list of the HHW contractor's pricing structure see **Appendix A.05 EPS HHW Price List for Syracuse Waste Management Facility**.

Operations: Appointments are required, and available Monday – Friday, 6am to 6pm. OCRRA deliberately removed bulbs, batteries and thermostats from their HHW program to maximize the hazardous waste collected, as there are alternative recycling solutions for these waste streams. (See *Section 7.2 Universal Waste* for alternative recycling solutions for bulbs, batteries and thermostats).

Outreach: OCRRA spends approximately \$31,000 on education and awareness each year. They have a consistent recycling campaign that generates email blasts and quarterly newsletters, as well as a user-friendly website, which provides links, photos and videos for proper recycling solutions, and a search tool for how to get rid of waste.

The elements that make OCRRA's HHW solution unique and successful are:

- Budgeted pricing by paying a flat fee per participant
- Providing an HHW solution for "unacceptable" wastes or waste quantities exceeding the limits *for a fee* determined by the HHW contractor.
- Zero capital required due to partnership with local, private, permanent facility
- Excellent educational resources.

3.5.2 Monroe County – EcoPark

Permanent Site & Collection Events

Monroe County operates a year-round recycling facility called the EcoPark. The EcoPark is the closest thing to a “One-Stop-Drop”, as it accepts almost everything ranging from HHW to clothing to sharps and syringes. The EcoPark is open twice per week: Wednesdays from 1pm to 6pm and Saturdays from 7:30am to 1pm. In addition to the permanent site, Monroe County hosts 2-3 collection events in large, surrounding municipalities. The large municipalities are used because they can provide the employees while Monroe County provides the necessary training, logistics support, and permit and grant application submissions.

Funding Mechanisms: Funded by Monroe County’s Enterprise Fund, they budget approximately \$350,000 each year for the program, and usually end up spending \$300,000. In addition to the long list of Monroe County’s acceptable items, there is a handful of items that homeowners can recycle for a fee. **Appendix A.06 Monroe County EcoPark Website Screenshot** shows how they publicize ‘Fee-Based Items’.

The screenshot displays the Monroe County EcoPark website with the following sections:

- Accepted at ecopark During All Operating Hours for Monroe County Residents Only**
 - Appliances
 - Bulky Plastic Items (no fabric/metal components)
 - Clean Styrofoam Packing (no labels or tape)
 - Clothing & Accessories (donation)
 - Cooking Oil
 - Document Destruction (items are destroyed off site)
 - Electronic Waste
 - Fire Extinguishers
 - Flags (U.S.)
 - Fluorescent Lights/CFL Bulbs
 - Paper & Cardboard
 - Pharmaceuticals & Rx Bottles
 - Plastic Bags & Wrap
 - Printer Cartridges
 - Propane Tanks (1# and 20# only)
 - Rechargeable and Button Batteries (NO Alkaline Batteries)
 - Recyclable Glass/Metal/Plastic Containers
 - Sharps & Syringes
 - Scrap Metal (including bare tire rims)
- Fee-Based Items Credit/Debit Card Only**
 - Tube TVs/Monitors \$15
 - Broken Tube TVs/Monitors \$25
 - Flat Screen TVs/Monitors \$5
 - Passenger Vehicle Tires On Rims \$8
 - Tires Off Rims \$5
 - Appliances with refrigerant \$15
- Household Hazardous Waste Appointment Required**
 - Automotive Fluids (antifreeze, brake, power steering and transmission fluids)
 - Cleaners (soaps, waxes, drain cleaners, etc.)
 - Driveway Sealers
 - Flammables (gasoline, thinners, solvents, etc.)
 - Mercury (thermometers, thermostats)
 - Paint: Oil-based & Latex (more than 1/3 can full)
 - Pesticides/Insecticides & Fertilizers
 - Pool & Photo Chemicals
 - Resins & Adhesives
 - Wood Stain & Preservatives

Operations: Two Monroe County employees tend to the collection at the facility at a time. There is a designated Haz Waste Bunker for unknowns. The HHW contractor provides a chemist to review the Haz Waste Bunker as needed, as well as supplies PPE and disposal. The event staff consists of collection and pour-off labor provided by County and town DPW employees, and one chemist provided by the HHW contractor for lab packs and manifesting. In total, Monroe County services approximately 4,000 residents at the recycling facility and 1,500 residents at events for a total of 6,500 residents each year.

The elements that make Monroe County’s EcoPark unique and successful are:

- HHW program stakeholders support the program with ample funding and resources; large department and pool of people that do this as part of their job (30-40 persons)
- This hybrid program is servicing both economically-driven and socially-driven demographics (See *Section 3.3 OBSERVATIONS* for definitions of the two HHW program participant demographics)
- They are a “One-Stop-Drop”, making it easy for residents
- Share some recycling fees with participant as well as accept material from CESQG for a fee.

3.5.3 Niagara County

Collection Events & Voucher Program

Niagara County hosts two or three collection events each year averaging 400 participants per event. In addition, Niagara County piloted a Voucher Program in 2017 from May 1 to August 31 and totaled 101 participants. The Voucher Program pilot offered residents a year-round HHW disposal solution at a Hazman, privately-owned HHW facility, in the event a resident needed an immediate solution. Niagara County residents would go online to obtain a voucher and schedule an appointment. The voucher outlined the program details including acceptable waste, exclusions and limitations, directions to the facility and F.A.Q. See **Appendix A.07 Niagara County 2017 Voucher Sample**. The participant brought their voucher with them to their scheduled appointment at Hazman, where Hazman staff tallied the material and billed Niagara County and the participant accordingly. The Voucher Program was limited to a number of participants each year, on a first-come-first-served basis. The Voucher Program has been suspended. Currently, Niagara County is piloting a project to collect paint and paint-related materials.

Funding Mechanisms: From 2013 to 2016 HHW was a line-item in the Niagara County Refuse Disposal District budget (Enterprise Fund). In 2017, this line was moved to the Department of Public Works. Both lines are funded through the property tax levy.

Community Outreach: Each event is advertised by the host community by newsletter and announcement. Niagara County promotes the events on its website, at public meetings, and by emailing past users. Three weeks prior to each event, a mailer is sent throughout the host community by a sponsoring member of the NYS legislature. In 2017 the Voucher Program was offered to residents who called Niagara County in need of an immediate solution. Niagara County would direct the residents to the website to obtain the voucher.

The elements that make Niagara County’s solution unique and successful are:

- Providing convenient, year-round HHW solutions (via voucher and cost-sharing with participants who exceed limits or have unacceptable items to dispose)
- Mandating pre-registration (helps control traffic and set participant expectations)
- Collecting other material at events, such as pharmaceuticals or paper for shredding.

3.5.4 Hazman, a division of The Environmental Service Group (NY), Inc.

Permanent Site

Hazman was founded in 2012 as the first privately-owned and operated HHW collection facility in NYS. Located in the City of Tonawanda, Hazman accepts HHW, electronics, appliances, and other items from both homeowners and CESQG. Hazman is open Monday to Friday 8am to 4pm and the first Saturday of every month 9am to 12pm.

Funding Mechanisms: There is a recycling fee of \$0.75 per pound for most items, while others are priced by the unit. According to the Hazman data, the average weight of HHW dropped off by a customer is 100 lb., therefore, a customer's average cost is \$75.

Participation: Hazman's top five participating municipalities are Buffalo, Tonawanda, North Tonawanda, Amherst and Cheektowaga. Together, they made up 872 of the 1,340 customers in 2017. There is a correlation between the number of customers per municipality and the municipality's distance from the facility; the greater the distance between the municipality and Hazman, the lower the number of customers. For a more in-depth look at Hazman's program, see **Table T.06 Hazman Drop-off Center Data 2012 – 2017** and **Table T.07 Hazman Event Data 2012 – 2015**.

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING HHW FEASIBILITY STUDY				
TABLE T.06 HAZMAN DROP-OFF CENTER DATA 2012 - 2017				
Year	Number of Participants	Weight (lbs.)	Avg. Weight per Participant	Avg. Cost per Participant
2012	778	77,005	99	\$ 74.23
2013	892	90,066	101	\$ 75.73
2014	1085	115,030	106	\$ 79.51
2015	1145	111,982	98	\$ 73.35
2016	1410	140,318	100	\$ 74.64
2017	1340	121,821	91	\$ 68.18

Conclusions:
Some homeowners are willing to pay
Not many are willing to drive

The elements that make Hazman's HHW solution unique and successful are:

- Year-round, weather-independent solution
- Driven by customer demand, offering both "one-stop-drop" and pick-ups
- Accepts material for a fee from both homeowners and CESQG.

3.5.5 Town of Colden & Town of Holland Collection Event

The Town of Colden and Town of Holland partner up each year to host a joint HHW and e-waste collection event for their residents. They were inspired after receiving a complaint about the long distance and wait-time to participate in the County's HHW program. The first event was held in 2015. Three years later, the supervisors take note of the substantial amount of material they are continuing to collect. They continue to have the events because the need is there, and they have had such positive feedback from the people who have taken advantage of it.

Community Outreach, Participation & Funding Mechanism: The event is promoted by every-door-direct-mailers three weeks prior to the event. They are reluctant to do any more advertising than that as they average a 4% service rate. Town of Holland Supervisor Mike Kasprzyk believes that even if there was a permanent site in the City of Buffalo, his residents would rather wait for the nearby event. Out of the Town of Holland's \$305,000 Waste & Recycling Budget, \$9,000, or 3%, is used to fund the HHW and E-Waste collection event. This equates to \$6.38 per unit (single and multi-unit homes).

The elements that make the Town of Colden and Town of Holland's joint HHW program unique and successful are:

- Shared-services success story
- Highest service rate
- Local, convenient solution for homeowners
- HHW contractor provides an entire event-planning bundle, including permitting, registration and every-door-direct-mailers

4 STATE REGULATIONS & POLICIES IMPACTING HHW

4.1 ENVIRONMENTAL REGULATIONS, PERMITTING & INCENTIVES

Household Hazardous Wastes (HHW) are exempt from solid waste regulations, meaning that disposal of common household products such as paint, cleaners and fuels is not regulated if they are derived from a residential source. Rather, residentially-derived household hazardous wastes are deferred to the solid waste hauler or transfer facility that specifies materials that it will accept or not accept based on operational and liability concerns. Most facilities and transporters managing curbside municipal solid waste (MSW) are prohibited from accepting HHW since the materials pose a risk to their employees and operations. The NYSDEC places regulatory requirements on the organizations and businesses that handle, store and transport HHW to minimize risks to the environment and public health.

4.1.1 HHW Permits

Historically, there have been two types of HHW collection permits available: **event permit** and **permanent site permit**. A program sponsor completes a permit application, in which they are required to describe their facility design and operating plan and how it meets the required criteria. In *most* cases, the operating plan utilizes a private HHW contractor to actually collect and transport the material. It is the HHW contractor's responsibility to provide adequately-trained staff as well as a fleet of vehicles with a waste transporter permit.

In 2018, the NYSDEC issued updated HHW regulations in which a *third* type of HHW permit is offered: **satellite collection event permit**. The main difference between a traditional HHW event permit and a satellite collection event permit is that the HHW **can be transported by the program sponsor to a permitted HHW facility without need for a waste transporter permit**. HHW must be removed from the satellite collection event site within three days of collection, and the site must be returned to its original condition after the collection event is complete. As a transporter of HHW, the program sponsor must comply with the same transportation requirements as if they held a permit (proper sorting and packing, labeling, manifesting, etc.). This provides a significant opportunity for increased municipal participation in the collection of HHW without incurring the cost of transporting HHW, which is up to 25% of an event's cost. It is worth noting that while the municipalities transporting HHW will decrease out-of-pocket HHW program expenses, it will increase MRU, requiring training, labor, fuel as well as an increase in risk and liability.

4.1.2 Grant Program

New York State does not mandate local governments to implement an HHW program, but it is encouraged through a reimbursement program made available each year in the state budget. To incentivize HHW collection by municipalities, the NYSDEC provides an HHW Reimbursement Grant. The grant requires full payment for HHW collection programs and provides reimbursement of up to 50% the following calendar year.

4.1.3 Satellite Collection Event Benefits to Municipalities in Erie County

Erie County can reach out to its municipalities and provide support for them to do their own collection events in the following ways:

- Provide compliance expertise
- Prepare grant application
- Provide partial funding
- Apply for event permit
- Arrange for on-site training and support for workers
- Obtain bids for waste disposal
- Arrange for site equipment and packaging materials
- Provide templates for marketing the event

Many municipalities that are responsible for managing MSW transfer facilities are interested in successful HHW collection programs, which would reduce the volume of HHW that is placed at the curb for collection. Municipalities are best-suited to determine the need for collection events because they know their community members. They can tap into local businesses and grassroots organizations to sponsor and implement a collection program. It can be an opportunity for elected officials to show support for their communities. When well-publicized and well-organized, HHW events are enthusiastically attended by the community.

4.2 CURRENT & PROPOSED POLICIES

Recently, New York has taken legislative steps to impose regulations on specific waste streams through the Extended Producer Responsibility (EPR) policy or Product Stewardship, which establish a collection and management infrastructure to responsibly manage materials at the conclusion of their useful life.

4.2.1 EPR Benefits to Erie County

The ideology associated with EPR is to involve manufacturers and/or retailers in the end-of-life management of items they generate or distribute. EPR policy seeks to develop a collection and management infrastructure funded by manufacturers and/or retailers that is accessible, convenient and free to participants. The role of local governments in the management or collection of specific items is defined with each separate policy. Often, this policy reduces the financial burden of the municipal program, but arguments have been made that a manufacturer-funded program increases the cost of a product at the time of purchase and therefore the consumer bears the brunt of the expense. On the contrary, EPR policy reduces (often eliminates) the financial burden on local government to provide a collection program funded through the tax levy or fees. EPR is also credited with stimulating or generating reuse and recycling markets, which are dependent upon the individual policy language for each specific product.

A summary of successful New York State EPR policy includes:

- Lead-Acid Batteries: New York banned the disposal of lead-acid batteries and established a financial incentive to facilitate collection and recycling by establishing a financial incentive for the return of used batteries and requiring lead-acid battery retailers and

distributors to accept batteries free of charge from the public. Retailers must accept up to two lead-acid batteries per calendar month from any individual at no charge. Consumers purchasing a new lead-acid battery must either offer a lead-acid battery at the time of purchase, or pay a five-dollar fee.

- Mercury Thermostats: New York banned the disposal of mercury thermostats in 2005. The law provides for the mandatory collection and environmentally sound management of mercury thermostats, allowing homeowners more convenient opportunities for the safe drop-off and recycling of out-of-service mercury thermostats.
- Waste Oil: New York has banned the disposal of used oil. Service and retail establishments that meet minimum criteria must accept up to five gallons of used oil per person per day at no charge.
- Rechargeable Batteries: Manufacturers are required to arrange for and finance recycling of all used rechargeable batteries collected by retailers. Any retailer selling a rechargeable battery must post signage advising consumers of a disposal ban and the opportunity to recycle at their location. Rechargeable battery manufacturers are financially responsible for recycling all rechargeable batteries collected.

Currently, New York has introduced, but not yet passed into law, EPR policy for the management of household paints and primary (single-use) batteries.

4.2.2 Paint Stewardship Legislation

New York Senate Bill 881 (S.881) and same-as Assembly Bill 1038 (A.1038) target waste paint. This “Paint Stewardship” policy would task the paint industry, through a third-party organization, with collecting and managing waste paint in New York. According to the New York Product Stewardship Council, it is estimated that nearly four million gallons of leftover paint are generated annually in New York and local governments would need to spend \$31 million to properly manage this waste stream. Currently, New York municipalities are spending \$3.1 million each year to responsibly manage waste paint. The State’s Household Hazardous Waste Grant Assistance Program excludes reimbursement for expenses related to latex paint.

New York’s proposed Paint Stewardship policy is sponsored by PaintCare™, an industry-run non-profit organization, which would implement a program to manage latex and oil-based paint, including transportation, recycling, and processing. PaintCare Inc. is a non-profit 501(c)(3) organization developed by the American Coatings Association (ACA), a membership-based trade association of the paint manufacturing industry, that plans and operates paint stewardship programs in U.S. states and jurisdictions that pass paint stewardship laws.

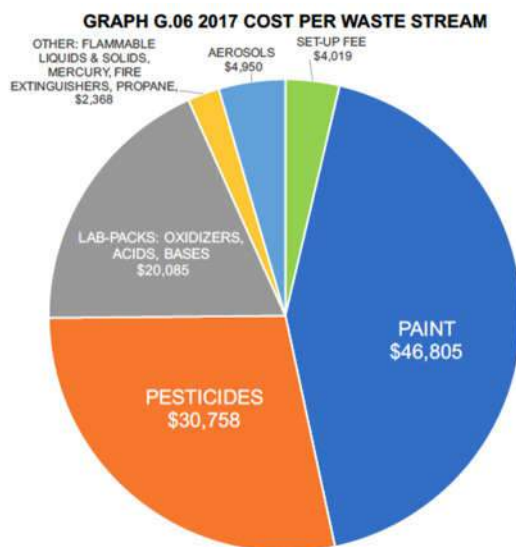
The current policy model of S.881 and A.1038 mimics the policy implemented in eight other states and the District of Columbia by placing a fee on each pint, gallon and five-gallon can of paint sold in the state of New York. For example, in New York it is proposed that a \$0.75 fee per gallon of paint sold would fund a collection program for all unwanted latex and oil-based paint in New York per the convenience standards outlined in the draft policy. Advocates for the bill argue that the policy reduces the role of government-financed collection, establishes new convenient locations for residents to drop off their paint, increases paint reuse and recycling, and creates recycling-sector jobs. Opponents argue that the fee is a tax and are concerned about anti-trust issues associated with management by a third party, private industry.

4.2.3 Primary Battery Policy

New York Assembly bill A.6280-A and Senate bill S.1448-A are EPR bills that would establish a single-use battery recycling collection program (or collection program for single-use (alkaline) batteries) paid for and managed by manufacturers. The proposed bill establishes a convenience standard based on population to ensure that large and rural communities are served. The program laid out by the bill could capture nearly 7 million pounds of primary batteries annually.

4.2.4 EPR Policy Impacts on Erie County HHW Program

Tabulated data from 2017 Erie County Household Hazardous Waste collection events indicate that 61% of the waste stream collected is related to paint, accounting for 39% of the overall expense or nearly \$47,000 in 2017. New York State emphasizes and encourages HHW collection; however, expenses related to non-hazardous wastes, such as latex paint, are not eligible for reimbursement. According to the data provided, the impact of the proposed Paint Stewardship policy would remove the burden of responsibility from Erie County municipally-funded sources by liberating approximately \$47,000 that could be used to expand the existing HHW program or reduce the tax burden to manage a municipally-funded program. Below is an illustration of County's **2017 Cost per Waste Stream (Graph G.06)**.



New York State has also effectively passed a non-EPR policy that targets the toxicity or probability of pollution for materials such as waste oil, lead-acid batteries and plastic bags. This policy has been effective in generating a collection infrastructure accessible to the public, as well as a consistent source of material for reuse or recycling.

4.2.5 Additional Policy Impacting HHW in Other Jurisdictions

The state of Vermont has introduced an HHW EPR bill that covers a broad range of products that contain hazardous substances. The intent of the bill is to improve diversion of HHW from landfills, reduce the financial burden on public entities (i.e., taxpayers), and lessen the environmental and public health risk associated with improperly managed HHW. The manufacturer must register the

household product and pay an annual fee of \$100 for each registered product. The fee would be deposited in an Assistance Fund that will be distributed to solid waste districts and municipalities in the State. This bill has not become law, but serves as a starting point for potential legislation that would identify a funding mechanism and outline specific goals for a safe and effective HHW collection program.

The regional government of Portland, Oregon has also developed a bill that was introduced in March 2017. This bill was shaped by research conducted on the operational and program challenges identified from EPR policy for HHW programs used in British Columbia, Manitoba and Ontario, Canada. The Portland bill was drafted based on key learnings, such as the inclusion of a convenience standard, seen in similar policy that has been active in the three Canadian provinces for nearly twenty years.

The expansion of policy related to management of common products accepted in a community-based HHW program may foster a paradigm shift in how jurisdictions fund HHW programs. For example, financing has been demonstrated to be a major program hurdle. Policy levying responsibility to manufacturers and/or users or the development of a collection infrastructure may reduce the demand for a publicly financed program. In turn, the combined impact of savings and greater access to disposal may substantially reduce the expenses of hosting a program while simultaneously expanding residents' ability to safely dispose of their undesired materials.

5 ALTERNATIVES ANALYSIS

5.1 CONSIDERATIONS & OBJECTIVES

5.1.1 A number of factors have been taken into consideration to provide the criteria for the proposed alternatives to Erie County's existing HHW program. First and foremost are the NYSDEC HHW regulations governing the way HHW is managed. The regulations outline the permit requirements, which in turn dictate the program type. The program type dictates who can participate, staff safety and training requirements, site requirements, limitations on material collected, length of time it is in storage, and transportation requirements. Secondly, the best practices accumulated from the numerous interviews and data collection with HHW program managers throughout the region were considered. The study looked for common characteristics shared by programs with the highest service rates and participant satisfaction. Finally, the study considered the demographics of HHW program participants, as well as current and pending policies related to EPR.

5.1.2 The alternatives described in *Section 5.3 ALTERNATIVES* address the following primary objectives:

- **Increase Participant Satisfaction** – Satisfied participants will be more likely to participate at future programs and promote the program to their friends, families and colleagues.
- **Increase Service Rate** – Monitoring the number of households serviced each year, rather than total amount of material collected, is a significant indicator of a program's impact, as it is a direct result of public education and awareness of the program.
- **Identify the Demographic Served** – Designing a program that services both demographics will increase public satisfaction. (See *Section 3.3 OBSERVATIONS* for definition of HHW program participant demographics and **Table T.08 Quantification of Demographics**.)
- **Optimize Resources** – Utilization of external public/private partnerships while maximizing County/municipal shared services can simultaneously reduce cost and increase participation. There are many combinations of entities and contributions to consider, which will ensure optimization of both the effort and funding being invested in a successful HHW program.

5.1.3 Demographics and Demand

First of all, an HHW solution is not a one-size-fits-all solution. It is important to note that Erie County has three distinct geographic characteristics:

- **URBAN** = Inner Circle (i.e., Buffalo, Tonawanda, Amherst, Cheektowaga, West Seneca, Lackawanna)
- **SUBURBAN** = Next ring of towns (i.e., Grand Island, parts of Amherst, Clarence, Lancaster, Elma, Orchard Park, Hamburg, Evans)
- **RURAL** = Outer ring of towns (i.e., Newstead, Alden, Marilla, Wales, Holland, Sardinia, Concord, North Collins, Collins, Brant, Boston, Colden)

The people and governing bodies in these three rings do things differently, which includes methods and philosophies related to waste management.

Second, there are two different demographics of residential HHW participants that have been identified in this study. (See *Section 3.3 OBSERVATIONS* for definition of HHW program participant demographics.) Both demographics are characterized in **Table T.08 Quantification of Demographics**. The result is the quantified HHW disposal demand to be used for annual HHW program participation goals:

Homeowner Demographic	Estimated Annual Number of Participants (HHW Disposal Demand)	Preferred HHW Program Type
Socially-Driven	15,280	Event
Economically-Driven	6,000	Permanent Site
Total	21,280	Event + Permanent Site

5.2 COLLECTION METHODS

Two HHW program types, events and permanent sites, provide framework for four collection methods:

<p>Event Collection Methods:</p> <ul style="list-style-type: none"> County-run Regional Event (Collection Method #1, below) Municipally-sponsored Satellite Events (Collection Method #3, below)
<p>Permanent Site Collection Methods:</p> <ul style="list-style-type: none"> County-owned Permanent Site (Collection Method #2, below) Privately-owned permanent site with County-issued Voucher (Collection Method #4, below)

See **Collection Methods Matrix (Table T.03)** for an overview of Collection Method features (such as Service Hours and Locations Participation, SWOT Analysis, and Staffing and Capacity Calculations). Each Collection Method is summarized below.

5.2.1 Collection Method #1 – Regional Event

- Summary: Regional events will take place in high-density locations throughout the County between the months of May and October. Each event will take place on a Saturday from 9am to 3pm. The annual event schedule will be promoted at the start of the year, with all dates and locations predetermined. The event schedule will include a map of Erie County with collection sites indicated so participants can plan accordingly. Each event will accommodate a *maximum* of 700 participants. Participants will be required to pre-register. The County should be split into zones and the locations will rotate within the zone each year to ensure that each municipality has the opportunity to host an event. The municipalities within the zones will also partner-up on event promotion. Hosting

municipalities will send a two-sided mailer two weeks prior to the event to their residents, including an annual event schedule and other County HHW program solutions (e.g., permanent site and/or voucher program information).

- Pros: Most cost-effective way to collect HHW. It is easy to promote and provides multiple service locations.
- Cons: If frequency of events is less than monthly then it misses the economically-driven demographic. Introducing a pre-registration system may upset or confuse public.
- MRU: Half-time County employee to oversee compliance, facilitate procurement, logistics and promotion. Hosting municipality to provide mailers to residents.
- Financial Basis: Historical County program cost and performance.
 - 700 participants = \$38,150 / event*
 - Approximately \$54.40 per participant
 - See **Table T.09 Regional Event Costs**

See **Table T.03 Collection Method Matrix, Collection Method #1, Regional Event** for overview of features (such as Service Hours and Locations, Participation, SWOT Analysis and Staffing and Capacity Calculations).

5.2.2 Collection Method #2 – Permanent Site

- Summary: A permanent site located in easily-accessible population-dense regions of the County will be open year-round. The service hours will be two Saturdays per month, 9am to 3pm, and one or two Wednesdays per month, 5pm to 8pm. There will be a strategic plan for education and promotion, as well as mandatory pre-registration. The site will have a service goal of 5,000 participants each year. With regard to site selection, there are five County-owned satellite barns, as well as an existing privately-owned HHW collection facility, that could be utilized. A map of the satellite barn locations is provided as **Figure F.02 Erie County Satellite Barns**. There is confirmed interest from SWMB members to explore joint efforts to operate a permanent site. For example, the Hamburg Sub-Plant satellite barn (8730 Delamater Road, Angola) in the Town of Evans, is conveniently located off a main road and zoned for industrial use. The Town of Evans has expressed sincere interest and enthusiasm about a municipal/County collaboration.
- Pros: This is the most convenient solution for the economically-driven HHW participant. Additional materials, services or recycling fees could be easily added. Weather will minimally affect participation.
- Cons: Potentially misses the socially-driven demographic, which responds best to an imposed recycling deadline. Highest capital cost and longest time to implement.
- MRU: Full-time County employee to oversee compliance, facilitate procurement, logistics and promotion, 3 County/municipal employees for 15 – 20 hours per month to collect and sort material.
- Financial Basis:
 - 6,000 participants = \$335,703 / year*
 - Approximately \$55.95 per participant
 - See **Table T.10 Permanent Site Costs**

See **Table T.03 Collection Method Matrix, Collection Method #2, *Permanent Site*** for overview of features (such as Service Hours and Locations, Participation, SWOT Analysis and Staffing and Capacity Calculations).

5.2.3 Collection Method #3 – Satellite Events

- **Summary:** Rural municipalities will take turns sponsoring collection events. The satellite events will take place on the first Saturday of each month, 9am to 12pm. The municipalities will collect, sort and transport the waste to an HHW facility. The HHW facility responsible for disposing of waste will also provide event training, manifesting, and labeling and packaging material for safety and compliance. Satellite event permitting should be done by third-party due to the complexity of the program.
- **Pros:** Potentially lowest *non-grant* out-of-pocket cost per participant. There is interest from some SWMB members to participate. (e.g., Village of Hamburg).
- **Cons:** This is the most complicated collection type as far as compliance, logistics and promotion. County/municipal event employees may be reluctant as this may not be part of their current job description. In addition, most County/municipal event employees are inexperienced in HHW waste identification and sorting, therefore inefficient and high-risk. Initially, event capacity to be <100 participants initially to maintain participant satisfaction. Satellite event should not exceed 200 participants until municipal staff are experienced and efficient in identifying and sorting HHW.
- **MRU:** Full-time County employee to oversee compliance, facilitate procurement, logistics and promotion, 7 County/municipal employees per satellite event to collect, sort and transport material.
- **Financial Basis:**
 - 200 participants / event x 20 satellite events / year = \$147,134*
 - Approximately \$36.78 per participant
 - See **Table T.11 Satellite Events Costs**

See **Table T.03 Collection Method Matrix, Collection Method #3, *Satellite Events*** for overview of features (such as Service Hours and Locations, Participation, SWOT Analysis and Staffing and Capacity Calculations).

5.2.4 Collection Method #4 – Vouchers

- **Summary:** The County will hire an HHW contractor to provide a permanent site for year-round collection. The County will direct residents to go online to complete a pre-registration process and be issued a voucher. The participant will print the voucher and submit it with their material for disposal. Vouchers will have eligibility requirements, limitations and exclusions for material types. (See **Appendix A.07 Niagara County 2017 Voucher Sample** for a sample of the voucher used for the Niagara County Voucher Program in a partnership with Hazman.) Printed on the voucher will be waste eligibility, financial responsibility and F.A.Q. There will be a maximum voucher cost, a monthly cap on number of participants, and it will be promoted on a first-come-first-served basis. In addition, the HHW contractor should be required to provide a monthly report summarizing cost, participant information and waste stream quantities.

- Pros: Most service hours. Budget friendly. Easily share cost with participants. This is the only collection method having economies of scale (as participation increases MRU remains constant). Most flexibility to County.
- Cons: Farthest average distance. Potentially misses socially-driven demographic and those unwilling to drive.
- MRU: ¼-time County employee to facilitate procurement and promotion.
- Financial Basis:
 - \$50 per participant*
 - See **Table T.12 Voucher Costs**

See **Table T.03 Collection Method Matrix, Collection Method #4, Voucher** for overview of features (such as Service Hours and Locations, Participation, SWOT Analysis and Staffing and Capacity Calculations).

** Costs are approximated. Includes HHW Contractor fees, pre-registration, promotion and education. Does not include MRU or grant funding. To see MRU approximation, see corresponding Collection Methods Costs Tables (T.09 – T.12).*

5.3 ALTERNATIVES

Hypothetical budget caps and participation goals were determined. Then, program alternatives were designed to meet budget caps or participation goals using considerations, objectives and the Collection Methods above. (Excerpt from **Table T.13 Alternatives' Assumptions & Costs** below.)

Alternative A: \$120,000 Program Budget (Current)				Including MRU
Qty.	Collection Method	Participants	Out-of-Pocket (OP) Cost	Total Cost
3	Regional Event	2,100	\$114,450	\$169,450
	Totals	2,100	\$114,450	Avg. Cost per Participant
		Avg. OP Cost per Participant	\$54.50	\$80.69

Alternative B: \$170,000 Program Budget (\$50,000 Increase)				Including MRU
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost
4.4*	Regional Event	3,080	\$167,860	\$222,860
	Totals	3,080	\$167,860	Avg. Cost per Participant
		Avg. OP Cost per Participant	\$54.50	\$72.36

Alternative C: \$320,000 Program Budget (\$200,000 Increase)				Including MRU
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost
6	Regional Event	4,200	\$228,900	\$401,400
1,800	Vouchers	1,800	\$90,000	Avg. Cost per Participant
	Totals	6,000	\$318,900	\$66.90
		Avg. OP Cost per Participant	\$53.15	

Alternative D: \$420,000 Program Budget (\$300,000 Increase)				Including MRU
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost
8	Regional Event	5,600	\$305,200	\$500,200
2,250	Vouchers	2,250	\$112,500	Avg. Cost per Participant
	Totals	7,850	\$417,700	\$63.72
		Avg. OP Cost per Participant	\$53.21	

Alternative E: 11,500 Participation Goal (Half Quantified Demand)				Including MRU
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost
8	Regional Event	5,600	\$305,200	\$900,903
1	Permanent Site	6,000	\$335,703	Avg. Cost per Participant
	Totals	11,600	\$640,903	\$77.66
		Avg. OP Cost per Participant	\$55.25	

Alternative F: 20,000 Participation Goal (Full Quantified Demand)				Including MRU
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost
20	Regional Event	14,000	\$763,000	\$1,358,703
1	Permanent Site	6,000	\$335,703	Avg. Cost per Participant
	Totals	20,000	\$1,098,703	\$67.94
		Avg. OP Cost per Participant	\$54.94	

* 4.4 Regional Events = Five events total. Four events will have a 700-participant cap. One event will have a participant cap of 280 ($0.4 * 700 \text{ max.} = 280$)

After extensive research, cost-benefit analysis and assessment, the study determined the recommended, preferred alternative to be 20 Regional Events and 1 Permanent Site (**Alternative F**), phased in over three years. This preferred alternative is designed to efficiently and cost-effectively service 20,000 participants annually, fulfilling the County's annual HHW disposal demand (determined by characterization and quantification of HHW participant demographics presented in *Section 5.1.3, Demographics and Demand*). The result being an increase in service rate and participant satisfaction, safer homes and a protected environment.

There are a number of benefits to the County for pursuing the preferred alternative, such as:

- Addressing the commitment by the County and local governments to a County-wide HHW collection program per Erie County-Wide Shared Services Plan, submitted to and approved of by New York State in fall 2017,
- Increasing participant capacity and satisfaction,
- Easily contract or expand to service demand in the future,
- Avoiding costs associated with resident HHW dumping and clean-up,
- Easily incorporate municipal satellite events,
- Various opportunities to minimize out-of-pocket cost, such as utilization of permitted and operational HHW facilities, grant funding and participation in EPR programs, deployment of municipal resources, cost-sharing with participants, public-private partnerships for permanent site locations (e.g., Waste Management's Chaffee Landfill, currently hosts 2 events at their facility for Town of Sardinia residents). Potential savings of up to \$400,000 annually.

This preferred alternative has the highest annual cost. However, this alternative *also* has the highest *per participant cost-benefit*, when considering service capacity and participant convenience. This can be seen in Table T.13, excerpt above:

- The lowest-cost-per-participant-program is **Alternative D**, at \$53.15 per participant. **Alternative D** is an improvement to the current program, as it provides a hybrid solution (6 events and 1 permanent site via voucher program) however, service capacity is limited to 6,000 participants. This alternative includes an 1,800 permanent site participant maximum. The permanent site may not be centrally-located, therefore overall participant satisfaction will fluctuate.
- The preferred alternative, **Alternative F**, cost-per-participant is \$54.94. **Alternative F** is a significant improvement to the current program, as it provides a hybrid solution (20 events and 1 county-owned permanent site) which meets the HHW disposal demand of 20,000 annual participants. The permanent site will be centrally-located therefore a convenient solution. Service rate and participant satisfaction will be maximized.
- The difference in cost-per-participant is only \$1.79, a minute price to pay for a tremendous value.

The preferred alternative can be implemented in phases:

Phase Year	Program	Number of Participants	Annual Cost*
Phase I 2019	6 Regional Events	4,200	\$228,900
Phase II 2020	8 Regional Events	5,600	\$305,200
Phase III 2021	8 Regional Events 1 Permanent Site	11,600	\$640,903 <i>Section 5.3, Alternative E</i>
Forthcoming Years Add additional events; up to 12 Regional Events* and/or up to 20 Satellite Events*, depending on MRU, to service up to 9,000 additional participants * See <i>Section 5.3, Collection Methods</i> for event descriptions		11,600 – 20,000	Up to \$1,098,703 <i>Section 5.3, Alternative F</i>

* *Excluding MRU (Municipal Resources Utilized)*

If resources are not forthcoming, several other program alternatives to increase efficiency and effectiveness at a lower cost are presented (Alternatives A – C).

A permanent site and regional events are a good primary objective for the program with the intent of revisiting the issue once full realization of costs, effectiveness, and efficiency become apparent. The program will continue to evolve as data is collected and trends are seen.

Note:

None of the alternatives in **Collection Methods Matrix, Table T.13** include a *Satellite Event* collection method. This is because it is difficult to evenly allocate County funding and/or resources to individual municipalities. However, it is a cost-effective collection method and the County should provide technical assistance to municipalities that opt to provide this service to residents (e.g., sharing templates for procurement, promotion, general best practices and grant application assistance. See **Figure F.03 Role of Erie County**).

6 PROGRAM RECOMMENDATIONS & IMPLEMENTATION STEPS

Based on the data collection and analysis, several recommendations are provided for the County to consider in managing its HHW program as it moves forward.

6.1 RECOMMENDATIONS

6.1.1 Define the County's Role and HHW Program Mission Statement

The County has the opportunity to act as the hub for a successful County-wide HHW program. The County is uniquely positioned to leverage buying power, provide expertise and support, and streamline communications. For a visual depiction of the recommended role of Erie County as it relates to the improved HHW program, see **Figure F.03 Role of Erie County**. As the hub of the program, the County needs to understand the key, high-level elements of a successful program and put them into practice via program implementation, management and operation. See **Figure F.04 Elements & Characteristics of a Successful HHW Program**.

6.1.2 Determine and Create Sustainable Funding Mechanism(s)

The majority of HHW programs in NYS are funded by landfill enterprise funds. The County is at a disadvantage because it doesn't have the funding or leverage that coincides with owning a landfill. Once a government service is offered, it sets a precedent and creates expectations from residents. It is very difficult for a government to take a service away. Therefore, the County needs consistent and sustainable funding for an HHW program so it is not in jeopardy of being cut in the future under new legislation, or change in grant availability. Potential funding mechanisms include:

- Erie County General Fund: Increase the budget to accommodate program cost.
- Erie County Revenue Stream:
 - Mandate a County-wide waste hauler fee-based permit for any business transporting MSW. The fee structure could be based on annual tonnage or quantity of pick-ups.
- SWMB Dues: Restructure the SWMB dues formula to reflect proportionate service costs.
- Participants: Share the cost with participants; the benefits the County brings to participants are convenience and buying power. For example, rather than a homeowner having to drive 30 minutes to the City of Tonawanda and paying \$75 to dispose of 100 lb. of HHW, they have the option to participate at an event just five minutes away and paying just \$20.

6.1.3 Strategically Promote Program And Educate Public

Regardless of which program alternative is selected, it is imperative that there is an imaginative strategy for promoting the program to the public. In addition, there is an opportunity to educate the public on the importance of responsible HHW management both for our environment and within our communities. The promotional and educational strategy will make or break the program. Key elements for promotion and education include:

- Attractive Branding: Designed by professionals to attract awareness. The branding should be clean, concise and consistent. It should incorporate a theme and tagline. For example, the theme idea could be preservation of fresh water, since the entire County borders one of the largest sources of fresh water in the world. The concept of fresh water preservation can

unify County residents. The tagline, “One-Stop-Drop”, makes this program *sound* convenient and easy to residents.

- **Visual Appeal:** Designed by professionals to clearly show the hierarchy of information in an eye-catching manner, including graphics such as icons and a map of sites.
- **Maximize Technology:** Incorporating technology around the program is an efficient way to maintain constant communication with the public. Methods include social media, blog, newsletter, etc. as ways to receive input and questions from the public. An improved website can act as a waste FAQ resource and information hub. The website also needs to be more user-friendly, better-promoted, and able to grow with the program.
- **Clear Dates and Locations:** Make program dates and locations consistent and predictable. If they vary, have a schedule posted in its entirety at the first of the year.
- **Track both Municipal Resources Utilized (MRU) and third-party costs** associated with promotion and education in the HHW Program Cost Summary and Analysis Template, allowing both to be assessed and quantified as needed.
- **Identify Promotion Partnerships:**
 - Municipalities
 - Colleges and Universities
 - Waste Haulers
 - Realtors
 - Industry Associations
- **Identify Education Partnerships:**
 - **County Authorities and Divisions:** Campaign together on fresh water preservation using facts and figures about the County’s unique location and valuable resource (e.g., with Erie County Water Authority or Erie County Division of Sewage Management).
 - **School Districts:** Incorporate sustainability education. Young children will bring good recycling habits home and educate their parents; young adults are potential participants.
- Use the **Table T.14 Resource Matrix** to organize and prioritize program partners.
- Use touch points with the public as an opportunity to educate about alternatives to hazardous products, beginning with the list of alternatives provided by NYSDEC. See **Appendix A.08 Managing and Disposing of Household Hazardous Waste** and **Appendix A.09 Household Hazardous Waste Disposal and Alternatives Chart**.
- See **Appendix A.10 Effective HHW Program Education and Awareness Pieces** for design and content inspiration and ideas.

6.1.4 Mandate Pre-Registration

The benefits of mandatory pre-registration are considerable. Benefits include the ability to control traffic by scheduling arrival times, apply a cap to number of participants, gather emails for post-event surveys, and build a database for future recycling information outreach. In addition, there is the opportunity to provide each participant with expectations for the event via a “Registration Packet”, which includes driving directions, a site map, etc. In addition, most pre-registration systems will send out reminders to registered participants prior to the event. It is estimated that the cost for a pre-registration system will be \$0.75 per participant. Therefore, for the preferred alternative per *Section 5.3.2*, the cost would be \$9,750 per year. This is eligible for the NYSDEC HHW Reimbursement Grant; therefore, the County’s actual cost would be \$4,875 per year. See

Appendix A.11 Effective HHW Program Registration and Surveying Pieces for design and content inspiration and ideas.

6.1.5 Cap Participation and Staff Accordingly

For safety and cost management purposes it is best to have a cap on the number of participants at an event or permanent site. A recommended event cap is 700 participants per event. Monroe County shared two formulas for HHW program participation and staffing:

- Events: 6 participants per employee per hour, 500-700 cars per event
- Site: 2 employees = 4 participants per 30 min., 3 employees = 6 participants per 30 min.

These staffing recommendations have been applied to the preferred alternative presented in *Section 5.3.2.*; calculations can be found in **Table T.03 Collection Methods Matrix, Row #4, Event Staffing & Permanent Site Capacity Calculations.**

6.1.6 Improve Data Collection

Consistent person = consistent data; one person should be the HHW program *data guru*. The data guru should be both Excel™ and HHW savvy. The benefits of improved data collection include the ability to identify trends and patterns in material collection and participant behavior. Utilizing technology to collect and manage material and participant data saves time and resources. In addition, utilizing spreadsheet software (such as Excel™) streamlines calculations; therefore, increasing accuracy. Data collection templates are provided; below is a summary of each:

Template	Description	Objective
Table T.15 HHW Program Data Collection Template	Compilation of individual event/site data including number of participants, amount of materials collected, costs and municipal resources utilized (MRU).	To provide the inputs for the Cost Summary & Analysis and Waste Stream Summary & Analysis
Table T.16 HHW Program Cost Summary & Analysis Template	Compilation of overall program costs incurred.	Input HHW Program Data and Output: cost per participant, cost per pound both including and excluding value of MRU
Table T.17 HHW Program Waste Stream Summary & Analysis Template	Compilation of overall weight and cost per waste stream.	Input HHW Program Data and Output: total weights, cost per waste stream, NYSDEC Post-Event Report Data

6.1.7 Price ‘By the Pound’ or ‘By the Participant’

Either of these pricing alternatives provides the ability for the County to manage a budget while simultaneously improving data collection. Contractors use various methods to sort and package waste; per pound pricing will ensure accurate billing of the material collected and level the playing field when reviewing bids. An illustration of the **Benefits of Budgeting** can be found in **Graph G.07**.

6.1.8 Increase Contractor Responsibility

- **Require Post-Event Waste Stream Summary** – All contractors should be required to provide a post-event waste stream summary. The summary shall include a list of the waste streams and their exact weights, using the weights from facility-signed manifests. It is important to request this with the contractor invoice, to ensure a timely response.
- **Request Collection of Items Not Covered by NYSDEC HHW Grant** – Contractor to provide disposal service for items and impose participant fees.

6.1.9 Review and Reconsider “Acceptable Items” and “Unacceptable Items” Lists

- **Grow the List of Acceptable Items** – Identify problematic waste streams that the County may be able to include in the program. There may be creative partnerships to provide a disposal solution without increasing cost.
- **Management of “Unacceptable Items”** – An important consideration is how to instruct the contractor to manage the wastes classified as “Unacceptable Items”. If the contractor is instructed to not accept them, the County must enforce this by monitoring at the point of collection.
- **Provide County Residents with Disposal Alternative for “Unacceptable Items”** – Especially for common items such as latex paint, waste oil, batteries and bulbs. One solution would be for the contractor to accept these items for a fee to be paid by participants. This way the contractor is not penalized for collecting them, and the participants are able to dispose of their waste safely and efficiently.
- Use **Table T.01 Waste Stream Overview** to evaluate and organize waste stream disposal alternatives.

6.1.10 Complete and Utilize Resource Matrix (Table T.14)

In addition to leveraging municipal resources for promotional and educational purposes, there are other key elements of a successful HHW program that could be contributed by municipal partners. It is recommended that the County complete the provided **Resource Matrix, (Table T.14)**, to ensure a thorough analysis is done to incorporate these measures. The **Resource Matrix** will help to identify opportunities for:

- Promotional and Educational Piggy-Backing
- Shared Services – Sponsor Communities to Provide Labor, Equipment, Location(s)
- Consolidated Funding
- Potential Cost Savings:
 - Eliminate the high-cost expenses of the program (e.g., labor: train county and/or municipal employees to provide the collection and sorting of HHW at events.)
 - Initiate an event fee (for participants or host community)
 - Impose and enforce restrictions

6.2 STEPS TO IMPLEMENT PREFERRED ALTERNATIVE

In order to proceed with implementation of the preferred alternative, Erie County would secure “buy in” by various stakeholders. Public sector support at the state, County and local level would be needed. State Environmental Quality Review (SEQR), siting and operating permits, and local fire and building code approvals would likely all be necessary for permanent HHW collection facilities. The identification of existing, underutilized public facilities ideally located and configured for repurposing would represent a potential cost savings and would expedite implementation. Local public support for the facility would be needed as residents may have concerns about hazardous waste, noise, traffic and other issues. Private sector cooperation, including support for possible revenue streams, would be necessary to ensure sustainability of the program once established.

Steps necessary for implementation would include:

- Municipal zone determination – event rotation and/or satellite events
- Facility/site identification – utilize population density maps **Figures F.05 and F.06**
- Secure long-term sustainable funding
- Permit/SEQR application and acquisition
- Public outreach
- Design and construction for site retrofit for HHW collection and storage
- The identification and training of staff
- Development of operating procedures, guidelines and hours
- RFP for disposal contractor

To facilitate the above, the hiring of a technical consultant with experience in design, permitting and construction of permanent HHW facilities would streamline and expedite implementation.

7 OTHER CONSIDERATIONS: UNIVERSAL & ELECTRONIC WASTE

7.1 UNIVERSAL WASTE

To encourage and facilitate safe materials management, New York has designated specific waste types as Universal Waste. The New York State Universal Waste Rule 6 CRR-NY Part 374-3 designates management criteria for any handler that generates, receives, stores, accumulates and/or transports Universal Wastes. New York State determines that the following materials may be managed as Universal Waste and not hazardous waste:

- Batteries: includes lead acid, nickel-cadmium, silver, lithium or mercury,
- Pesticides,
- Thermostats and other mercury-containing equipment, and
- Lamps

As defined under 6 CRR-NY Part 371.1(e)(2)(1), the following are exempt from management as Universal Waste:

“household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. Household waste means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas).”

Based on this criteria, households generating Universal Waste are exempt from state regulations; however, businesses and municipalities that receive or store these wastes are not. Furthermore, due to the inherent dangers of these items, residential consumers often seek an outlet for these materials at the conclusion of the products’ useful life or if the materials are in excess supply. Conversely, local governments have an inherent interest in providing collection of these materials due to the environmental and public health concerns they pose if used, disposed, or stored improperly.

The purpose of this section is to discuss the regulatory conditions for specific waste types that are often subject to management requests, as there are limitations to what a local hauler or facility will collect, thus creating a situation requiring safe and convenient management options.

7.1.1 Alkaline (Single-Use) Batteries

Alkaline batteries, also known as single-use batteries, have recently been subject to proposed legislation in New York. To date, no law has been passed concerning the disposal or management of household, single-use batteries. Single-use batteries contain fewer heavy metal components than rechargeable batteries, and have not benefited from legislation to develop a recycling infrastructure. Under current state law, alkaline batteries may be disposed in regular trash by residents. Expenses incurred in community HHW programs to collect and dispose of single-use batteries are ineligible for reimbursement.

The most widely used program is the Big Green Box, which is a nationwide program available to companies, consumers, and generators. The program is pre-paid and includes the costs for all shipping, handling and recycling fees at a low, flat rate. Acceptable items include all alkaline, nickel cadmium, nickel-metal hydride and lithium ion batteries. Also, silver oxide, carbon zinc

and portable electronics can be placed in the same box for collection. A single, 40-lb pre-paid box retails for \$63.00, or \$1.57 per pound. A smaller box holding 10 lbs. retails for \$35.00 or \$3.50 per pound.

7.1.2 Thermostats and Mercury-Containing Devices

Common mercury-containing products identified in the residential waste stream include thermostats, thermometers, switches, medical/scientific equipment, and electrical relay applications. New York has banned the sale of many mercury-containing products and requires adequate labeling to advise of proper end-of-life management for mercury-containing products.

Since 2005, New York has banned the disposal of mercury thermostats in the trash. The Mercury Thermostat Collection Act of 2013 provides for the mandatory collection and environmentally-sound management of mercury thermostats. According to policy, thermostat wholesalers and retailers are prohibited from the sale or distribution of thermostats unless they participate in the state's registration program, thus creating a local collection infrastructure.

Mercury is considered a persistent and toxic pollutant, therefore mercury-containing devices derived from in-home use are subject to 50% reimbursement from the NYSDEC Household Hazardous Waste Program. Community HHW programs often accept mercury-containing devices; however, an infrastructure exists for residents to responsibly manage old thermostats and switches. A complete list of acceptable drop-off sites is maintained on the NYSDEC website.

7.1.3 Fluorescent and High-Intensity Discharge (HID) Lamps

Fluorescent lamps, when compared to incandescent lamps, are more energy efficient and last approximately 10 times longer. High-intensity discharge lamps include metal halide, high-pressure sodium, and mercury vapor that are common in commercial indoor and outdoor lighting. Both fluorescent and HID lamps contain mercury that is subject to release once broken or sent for disposal. Mercury poses a significant threat to human health and the environment, specifically as it relates to consumption of fish from contaminated water bodies.

Although households are exempt from regulations concerning specific disposal requirements, the following options exist for residents:

- The NYSDEC encourages residents to recycle fluorescent and HID lamps through their local Household Hazardous Waste Program. The NYSDEC incentivizes local municipalities to develop a program to collect these items by offering 50% reimbursement for expenses related to fluorescent and HID lamp management.
- Absent a locally sponsored collection program, the NYSDEC, through its website, publishes a list of fluorescent lamp recyclers available for residential and commercial applications (<https://www.NYSDEC.ny.gov/chemical/9089.html>).
- Distributors and retailers provide convenient arrangements to buy back spent lamps upon purchase of new lamps.
- Retailers such as the Home Depot and Lowes offer compact fluorescent lightbulb (CFL) recycling as a free service.

7.1.4 Waste Oil

Crude or synthetic oil derived from private citizens, such as automotive, small engine or recreational vehicles, but also including hydraulic fluids, refrigerant coolants and other lubricants that is managed by household do-it-yourself oil changes, is exempt from regulation. Under Article 23, Title 23 of the Environmental Conservation Law, New York requires all service establishments that sell new oil or perform vehicle service, to accept up to five gallons of used oil per person per day. For all non do-it-yourself household-derived waste oil, state and federal regulations apply.

7.2 ELECTRONIC WASTE (E-Waste)

The New York State Electronic Equipment Recycling and Reuse Act (Act) was signed into law in May 2010 and was heralded as one of the nation's most comprehensive and progressive e-waste laws. The Act, through an extended producer responsibility policy approach, requires manufacturers who sell or offer products for sale in New York, to fund and establish a convenient acceptance program for the collection and recycling and/or reuse of electronics. The Act includes three primary product stewardship elements: convenience requirements, performance standards, and environmental standards.

7.2.1 Convenience Requirements

The Act requires manufacturers (also known as Original Equipment Manufacturers or OEMs) to provide year-round, free and convenient access to e-waste recycling for not only household consumers, but small businesses, corporations, not-for-profit corporations, and government entities (including schools and institutions).

Manufacturers are allowed to utilize a variety of acceptance methods to meet the convenience requirements, as long as all expenses remain with the manufacturer and are not passed to the user at the time of recycling. These options include:

- Mail-back programs: Manufacturer must provide packaging, shipping/postage of material based on size or weight limits,
- Collection events: Manufacturer may host single- or multiple-day events,
- Fixed acceptance locations: Manufacturer may identify dedicated acceptance sites that may include local governments, retail sites, and not-for-profit organizations that have agreed to provide facilities for the collection of e-waste.

Based on NYSDEC data from 2015, mail-back programs accounted for 0.7% of total volume of e-waste collected. Collection events accounted for 6.9% and permanent collection sites accounted for 70.1%. The remaining 22.3% of waste was collected from a combination of "other" programs.

7.2.2 Performance Standard

The Act first took effect on April 1, 2011 and began a phased management approach that concluded with a full disposal ban for all Covered Electronic Equipment (CEE) by January 1, 2015. The Act provides for the establishment of performance goals developed by NYS. The first three years' goals were based on population estimates to arrive at a per capita collection rate. Starting in 2014, and annually thereafter, the statewide goal was calculated using an average weight of e-waste collected for recycling during the previous three years (as reported to NYSDEC), which was meant to allow for market adjustments. Once the statewide goals were calculated, manufacturers were

responsible for meeting convenience requirements and collecting for recycling or reuse their share based on their market share of CEE sold in New York.

7.2.3 Environmental Standards

Of the 22 previous e-waste laws passed in the United States, New York's covers the broadest range of items, including computers, computer peripherals, televisions, cathode ray tubes, small-scale servers and small electronic equipment. Additional components such as video game consoles, tablets/e-readers, cable/satellite boxes and VCR/DVR/DVD players are also included. The broad scope of covered products has contributed to the success of diverting millions of pounds of e-waste from the disposal stream.

7.2.4 Municipal Challenges

Prior to the Act's implementation, local governments were tasked with meeting the large public demand for recycling e-waste, which was the fastest growing element of the municipal solid waste stream. In the mid-2000s, due primarily to demand for recycling combined with rapid obsolescence and the plethora of recoverable materials, municipalities assumed responsibility for the high costs to plan, host and manage all collected materials. Two years after the passage of the Act, it was reported by many local governments that the heavy financial burden of providing e-waste collection programs was lifted. In some cases, a revenue stream was provided as manufacturers or recyclers were compensating collection sites in order to meet performance standards. In turn, programs flourished and were enhanced by the revenue generation potential to expand infrastructure at collection points by purchasing storage sheds and staging units, and increasing staff to enhance collection opportunities.

After the first three years of the Act, performance standards shifted and the management of cathode ray tubes (CRT) devices evolved into a major, multi-faceted issue. The market for CRT glass had continued to shrink and proper management expenses had increased significantly. Also complicating matters was the state's weight-based performance standard, which distributed market share based on material weight. While the television and monitor market had transitioned to flat panel displays that were much lighter, the end-of-life waste stream was dominated by heavier CRT devices. Across the state, CRT displays comprised the majority of weight accepted. Data from Region 9 indicates as much as 65% of the volume of e-waste collected is CRT waste, a ratio that climbs to as high as 70% based on location and accessibility to collection events.

The final phase of the Act's implementation resulted in a full disposal ban of all CEE by January 1, 2015. The combined impact of the disposal ban and the lack of consistent manufacturer funding was felt even more by municipalities as CRTs were removed as an eligible expense in the state's HHW grant program. A municipal survey conducted in 2013 by the New York Product Stewardship Council, just as municipalities began facing the reality of e-waste management expenses, produced over 40 responses from local governments who ranked their electronic waste management program needs according to the following priority:

- Top Priority: Having a reliable, year-round service with a consistent provider,
- Middle Priority: Providing an environmentally-sound option at lowest possible cost,
- Low Priority: Maximizing revenue through business relationships with e-waste recycler.

Survey respondents also offered opinions concerning the fate of their local programs, citing inconsistency of funding, rising expenses, and program disruption as manufacturer funding ceased

part-way through the calendar year. Primarily from factors beyond their control, local governments were forced to make critical choices between discontinuing service, charging a fee for service, or absorbing the increased costs. In the post-2% property tax freeze climate in New York State, non-mandated programs such as e-waste collection became expendable and further contributed to a management void for e-scrap materials. As programs were cut or limited, Highway Superintendents reported increased frequency of individuals placing materials at the curb despite the ban, and elevated rates of illegal dumping.

Disruption in New York's e-waste recycling infrastructure not only impacted the collection end, but the recyclers as well. Multiple electronics recyclers servicing the state have reduced or eliminated services to municipal collection locations and several have gone out of business entirely. Many municipalities report that they are unable to identify e-waste recycling service providers offering no-cost services. One upstate planning unit advised that their most recent request for proposals (for e-waste processing services) brought responses with proposed charges ranging from \$0.20 to \$0.40 per pound, with broken CRTs costing in excess of \$1.00 per pound. With a statewide e-waste recycling rate of 90 million pounds per year, these charges would burden local governments with an additional \$18 million to \$36 million in unbudgeted expenses.

A NYSDEC December 2017 Report to the Governor and Legislature identified that the glut of older, heavy CRT units in the recycling stream has made managing CRT glass a challenging task. Despite the success of the Act to effectively recover electronics from the waste stream through the development of a collection infrastructure, the initial success was eroded by the tenuous and unbalanced economics underlying the law. Many recyclers claim they are not being adequately compensated by manufacturers, who may have already achieved their annual performance goals prior to the end of the year, and due to existing contacts and relationships, pass expenses on to collection sites. In many cases, collection sites facing management expenses are local governments, who are left with little choice other than to negotiate a rate to continue to provide disposal options for residents.

7.2.5 Proposed Regulatory Solutions

In the 2017 Report submitted to the governor and legislature, the NYSDEC outlined other recommendations and conclusions to enhance the success of the Act, which include arriving at an earlier acceptance standard for manufacturers, improving manufacturer and collective programs and the development of regulations. Also included in the report was recognition that the manufacturers' responsibility to implement a public education program to inform consumers about their e-waste acceptance programs, was an area lacking attention. As a response, NYSDEC, following review of manufacturers' acceptance programs, may consider enforcement options for manufacturers that have failed to provide the minimum outreach and education requirements under the Act.

The New York Product Stewardship Council, in close cooperation with statewide solid waste organizations, and the New York State Association of Counties (NYSAC) have extensively reviewed and lobbied for statutory and regulatory changes to the Act. NYSDEC identified that municipalities were suffering as a result of the interpretation of the Act and to assist municipalities, implemented a short-term grant opportunity to inject a cash infusion into local programs. New York made available \$3 million in grant funding from the state's Environmental Protection Fund

to help municipalities across the state address the unintended costs associated with the collection and recycling of e-waste, such as environmental fees to manage CRT waste and other expenses paid to a recycler. Labor and infrastructure expenses were non-reimbursable expenses.

7.2.6 Erie County Experience

Prior to passage of the Act, Erie County enjoyed funding from various sources, including the NYSDEC Household Hazardous Waste Grant that previously deemed CRT waste as an eligible expense allowing up to 50% reimbursement. With consistent funding in place, Erie County was able to budget for, and provide multiple collection events from 2000 to 2009.

According to conversations with Erie County staff, sponsorship from local, private sources provided for one event each fall from 2013 to 2016. Attendance at these events fluctuated, averaging between 300 and 400 cars over a four-hour collection event. On the contrary, in 2017 a private recycling company partnered with the County and a second private entity to host an Earth Day e-waste collection event. The turnout was significant in terms of traffic (and resulted in shutting the event down early) and also in the total volume of CRT waste collected. Given the timeframe of 2017 and the downward trend of local e-waste drop off points, it was indicative of a similar statewide trend of underserved communities with substantial volume and nowhere else to take it. When approached to host a second event, the 2017 Earth Day Event recycler quoted a fee ranging between \$15,000 and \$20,000 to host a similar event. The County opted out due to the high cost and revoked state reimbursement grant.

Erie County currently contracts with Sunnking Inc., including both event pricing and residential municipal participation. From the inception of the Act to 2014, nearly all local municipalities participated in e-waste collection. To date, approximately 10 municipalities participate, following the state trend of local government electing not to provide collection services.

7.2.7 Local Solutions

NYSDEC has indicated they are developing draft regulations to clarify and strengthen provisions of the Act. It was anticipated that these regulations would be released in early 2018, however, as of June 20, 2018 they have not been. Until regulatory adjustments are made to tighten up requirements and return responsibility back to a free and convenient manufacturer-funded program, the burden of management remains on local governments.

Communities interviewed as part of this assessment have shared best management practices as they struggle to deliver an “on demand” service often linked as their responsibility to their local highway and sanitation department services. NYSDEC reported from 2013 to 2015 that the number of consumer collection site locations declined by 181. As previously outlined, providing e-waste collection services at the municipal level is a multi-faceted issue complicated by the impact of the 2015 disposal ban, absence of alternatives such as not-for-profit drop-off or retail drop off, poor end markets and low value for CRT glass, and inconsistent manufacturer funding to operate a year-long program. Many Western New York communities are forced to make decisions concerning the fate of their local programs by limiting collection, passing on fees or eliminating the service altogether.

7.2.8 Current Management Practices

Due to a combination of factors that have elevated the cost of managing e-waste, opportunities previously available from retail (e.g., Best Buy) and not-for-profit organizations (e.g., Goodwill, Salvation Army) no longer exist. The burden of management has fallen to municipalities as they are often a resident's only option. Several collection strategies have been employed and are summarized below.

Localized Permanent Drop-off Sites: A common practice among municipalities is to register as a collection site with NYSDEC and commit to waste collection site criteria including registration, annual report preparation, compliance and proper materials storage. The site manager is responsible for establishing collection hours, restricting site access, and assisting the public (if necessary) with unloading and stacking their items. Several local governments interviewed as part of this analysis have cited the following procedures in an effort to minimize expenses:

- Limiting collection days to one weekend day per month,
- Limiting collection hours,
- Limiting the quantity of materials allowed per resident,
- Requiring proof of residency of sponsoring municipality, and
- Restricting the total number of CRT devices allowed per year.

Local governments collecting e-waste as of 2016 include: Alden, Amherst, Akron, Brant, Cheektowaga, City of Tonawanda, Colden, Concord, Evans, Holland, Kenmore, Marilla, Tonawanda and West Seneca.

In most NYSDEC Region 9 municipalities there is an expense associated with the collection, transportation and recycling of CRT devices. The municipality may enter into a contract with a recycler through a competitive Bid or Request For Proposal process. On average, communities generating less than 20,000 lbs. per month (one full trailer load) are paying a \$0.10 environmental fee assessed per pound of CRT devices collected. In 2018, a recycler providing services to Western New York introduced a fee of \$0.05 per pound for all flat-panel displays (excluding tablets and e-readers) and \$0.50 per pound for broken or bare-tube CRT devices. Other fees cited by local governments include transportation surcharges for loads that do not meet minimum weight requirements.

Larger communities that operate permanent collection programs and can consistently fill one tractor trailer load (20,000 lbs.) have benefited from an arrangement with ERI, a leading national e-waste recycler. ERI has eight strategic locations in the United States and is licensed to de-manufacture and recycle CRT and other types of electronic equipment through access to a high-capacity shredder, and efficient transportation and collection means. The City of North Tonawanda, due to providing space for temporary storage and volume, enjoys no-cost processing of all electronic waste, including CRT volume, by means of consistently meeting a full truckload requirement.

In an effort to produce a greater volume of collected materials, Niagara County combined effort with Orleans County to procure electronic waste collection recycling services for materials collected at permanent drop-off sites at single-day events. Due to the volatility in the recycling

market, the contracts have been subject to change, often involving a fluctuation in fees associated with CRT management and transportation (primarily due to minimum load thresholds not being met).

Single Day Collection Events: Single-day collection events are also a strategy employed by local governments and organizations within a community to collect electronics. These pre-scheduled, one-day collection events are often publicized to garner a broad audience and attempt to collect the maximum amount of acceptable CEE during the events' duration. Depending on the event host, a set-up fee or weight-based fee may apply. This is dependent upon factors such as labor source and material volume.

The large volume of materials collected at single-day collection events often has potential to offset the management costs to supply materials, transportation, and any fees associated with the handling of CRT waste. Cases have existed where either recyclers or event sponsors are faced with increased expenses due to the high volume of CRT devices in the event waste stream.

A strategy that has been successful across the state is a program operated by Sunnking Inc., who sponsors collection events along with Spectrum and a local state-elected official. The program involves a public service advertisement provided by Spectrum and promotion throughout the election district of the sponsoring official. For example, on June 30, 2018, Senator Jacobs is the sponsor of an event taking place from 9am to noon at the Tonawanda Middle/High School at 600 Fletcher Street. The specific terms of the program arrangements are volume-dependent and vary based on each sponsor. Similar events have been promoted through not-for-profit fundraising organizations and professional sports teams.

Single-day collection events are not limited to political or organization sponsorship. Municipalities have sought single-day collection events for their residents, which involve the proper registration with NYSDEC and an agreement/contract in place with a recycler to manage the materials. The discretion of event planning is entirely left to the event promoter and may or may not include limitations on participants. For example, the Town of Newfane in Niagara County elected to host several collection events per year instead of staffing a permanent collection site. The Town Supervisor, recognizing a community demand for the service and rising labor and management expenses, opted to host two single-day events each year. The events are financed through the Town's Refuse District tax and through contract pricing with a recycler that is responsible for transporting all accumulated items offsite for recycling and reuse. The Town will only accept waste from residents, thus restricting participation from surrounding communities.

7.2.9 Electronic Waste Conclusion

There is no quantitative data that suggests New Yorkers are taking advantage of mail-back opportunities for CEE. The fact that manufacturers make available the option to mail back items qualifies them to meet their convenience standard, much to the dismay of state solid waste management organizations that have extensively lobbied NYSDEC to eliminate mail-back as an option.

The relationship between distance traveled to safely drop off an item is lacking data and analysis. This, however, could be the result of low retail and not-for-profit participation, limitation of

municipally-operated programs to “residents only”, and the lack of manufacturers adhering to the convenience standard outlined in the Act. In conclusion, due to limitations thoroughly discussed in this section, the Act intended for a manufacturer-funded program, but many local governments have abandoned collection efforts due to a combination of factors. Until regulatory relief is issued through the legislative process, residents and local governments are electing to operate within the confines of programs that are available to them locally. After the statutory and regulatory regulations are approved, the expectation is that the collection infrastructure, as it existed during the first few years of the program, will return to a manufacturer-funded program that meets performance goals, convenience standards, and environmental standards.

7.3 RECOMMENDATIONS

Under 6 CRR-NY 371.1(e)(2)(1), universal waste components such as alkaline batteries, mercury containing devices, fluorescent lamps, and waste oil are exempt from regulatory requirements. This exemption does not diminish the impact improper management of these materials has on the environment; however, the regulations have established disposal alternatives for these materials. It is critical to point out that the infrastructure established for these materials may be underutilized by the general public; therefore, it is recommended that outreach and education, as well as development of relationships/partnerships with retailers required to accept these materials (except alkaline batteries) should be an important first step in enhancing opportunities for safe and proper disposal.

With respect to e-waste, local governments are caught in an interesting dilemma due to differing interpretations of the NYS Electronic Equipment Recycling and Reuse Act. The Act was intended to create a manufacturer-funded program that was convenient and accessible across the state. What has been found is that the language of the Act has exposed portions of it that are in need of clarification, amendment or statutory changes in order to match the state’s intent. NYSDEC has acknowledged, despite the bill’s tremendous success, that regulations are needed, and has indicated their intent to issue these regulations in early 2018.

Local governments are unfortunately faced with budgetary concerns when deciding to continue hosting e-waste collection in their communities. In the short term, until revisions to the Act are released, local governments are encouraged to continue their e-waste collection programs and attempt to employ strategies to mitigate costs and take advantage of economies of scale, such as:

- Host consolidated collection events to collect adequate volume to offset transportation expenses,
- Share expenses with adjacent municipalities to leverage resources,
- Partner with public and or private entities willing to promote and or share costs,
- Implement a fee for the management of CRT devices to cover municipal expenses,
- Implement restrictions at local collection sites such as quantity limitations, residency and date/time of collection.

With regard to the HHW preferred alternative in *Section 5.2.3.* and e-waste, it is recommended that that County work with an e-waste recycler to formulate a synergistic partnership at the permanent site. The table below outlines each partner’s roles and benefits:

	Erie County	E-Waste Recycler
Roles	<ul style="list-style-type: none">• Provide designated storage area in permitted permanent site• Promote e-waste recycling to residents	<ul style="list-style-type: none">• Provide labor to collect, sort and package e-waste• Collect fees from participants to cover costs
Benefits	<ul style="list-style-type: none">• Convenient for residents (One-Stop-Drop)• Saves municipalities from the costs associated with e-waste collection and/or clean-up from illegal dumping	<ul style="list-style-type: none">• Access to consistent, large volume of e-waste without the heavy lift of operating a facility or organizing events

This recommendation mirrors a partnership between Waste Management and Sunnking (e-waste recycler) at Monroe County's EcoPark. See **Appendix A.06 Monroe County EcoPark Website Screenshot** to see how they address 'Fee-Based Items' on their website. The alternative recommendation is for the County to host large collection events where they can maximize economies of scale and reduce cost.

8 CONCLUSION

Erie County Department of Environment and Planning in conjunction with the Erie County Solid Waste Management Boards have been offering single-day HHW collection events to residents since 1988. The current HHW program is cost-effective and well-attended by County residents; however, it is limited in scope and effectiveness. This study assessed current HHW collection practices in Erie County and gathered data from municipal-based HHW collection programs across the region and state.

The objective of the study is to pinpoint ways in which the County can better serve the needs of residents for the proper, efficient and effective collection and disposal of household hazardous waste.

The study presents collection alternatives, cost assessments, funding mechanisms, implementation appraisals and a preferred plan for Erie County to enhance and improve its HHW collection program and offer a solution that will enhance participation and identify funding sources. The collection methods and financial models that were developed illustrate the program options that were considered for the County.

In order to adequately address the removal of HHW from the solid waste stream and provide service commensurate with the County population, the recommended, preferred alternative is a hybrid program with a combination of 20 Regional Events and 1 Permanent Site. The preferred alternative will provide service to those with immediate needs as well as to those who don't want to travel long distances, will more effectively remove HHW to minimize health and safety risk in homes, and protect the environment. Significant costs associated with establishing a permanent site, hosting satellite events and annual disposal expenses were acknowledged for the preferred alternative. The preferred alternative is the most costly of the alternatives and if resources are not forthcoming from stakeholders, then several other options are presented in *Section 5.3, Alternatives* (Alternatives A – E) to increase efficiency and effectiveness at a lower cost.

The study concludes with an assessment of NYS's universal waste and electronic waste programs and alternatives, in particular the role policy plays in managing each waste stream.

APPENDIXES

Solara, Inc.

environmental and business consulting

Appendix A.01

Solara, Inc.

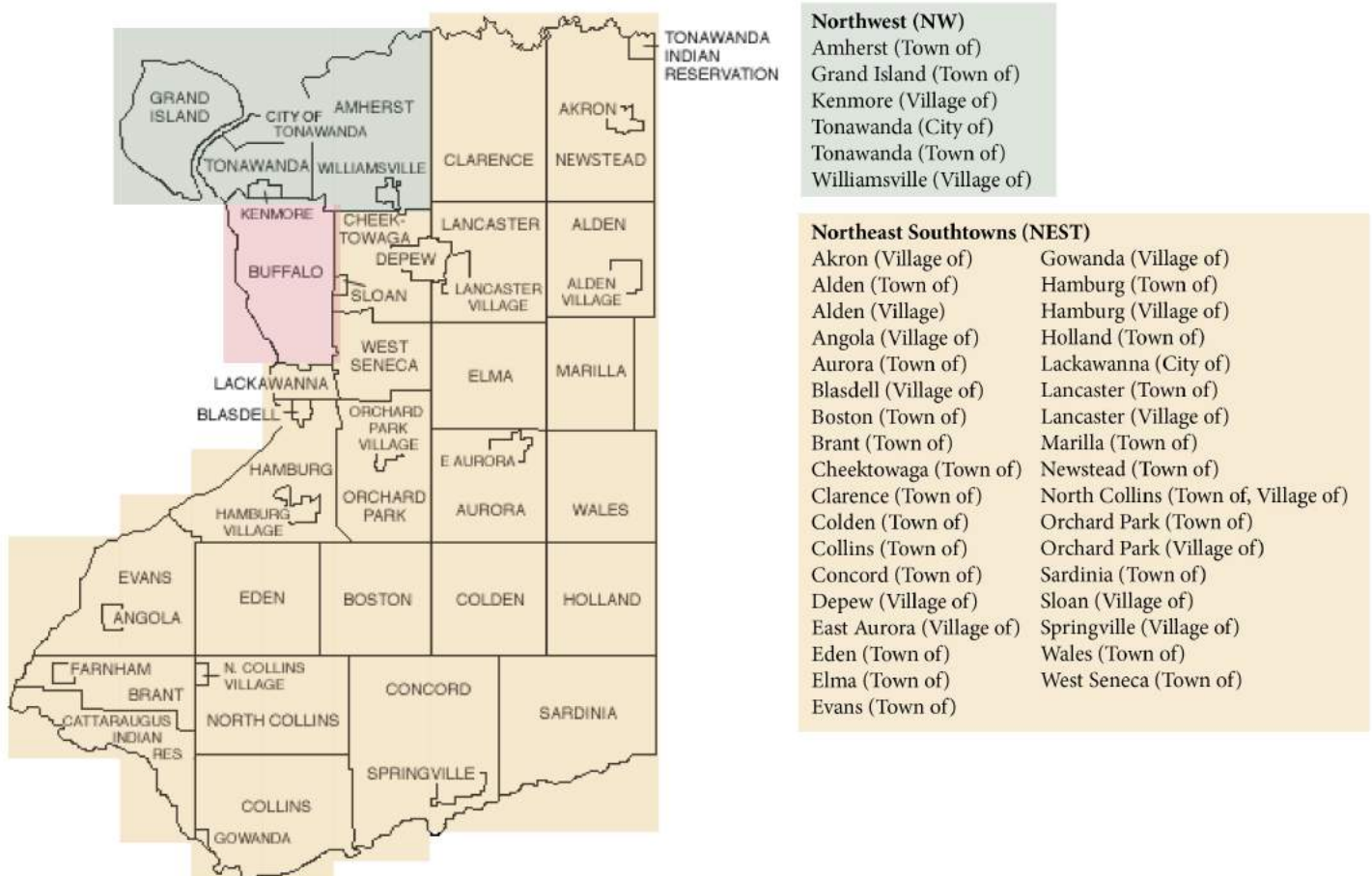
environmental and business consulting

SWMB Members List & Map

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING HHW FEASIBILITY STUDY

APPENDIX A.01 SWMB MEMBERS LIST & MAP

Erie County Solid Waste Management Boards



Appendix A.02

Solara, Inc.

environmental and business consulting

Erie County HHW Registration Form

ERIE COUNTY HOUSEHOLD HAZARDOUS WASTE DROP-OFF

SAFETY IS IMPORTANT!

1. While waiting in line: Please turn your vehicle off.

2. While being unloaded: Our staff will unload your hazardous materials.

Please put your vehicle in **PARK** and **REMAIN INSIDE**. No smoking or cell phone use.

I certify that the material offered for disposal is household generated waste and is not associated with any business, agricultural or commercial operation.

PRINT NAME:

SIGNATURE:

☐ CITY ☐ TOWN ☐ VILLAGE OF:

Have you participated in an Erie County collection event before?

☐ NO ☐ YES: ☐ HHW ☐ Electronics/computers ☐ Pharmaceutical

Acceptable materials:

Automotive products: antifreeze, gasoline, motor oil, transmission/brake fluid, diesel fuel, dry-gas, cleaners

Batteries: re-chargeable (NiCd, NiMH), button (watch), lithium, and lead-acid batteries

Household products: adhesives & glues, oil-based paints/primers/thinners/stripers, rust remover, spray paint (any aerosol can), turpentine, varnish, waxes and polishes, kerosene, drain and oven cleaners, wood preservatives, polyurethane, mothballs, tars, driveway sealers, roof cement, degreasers.

Lawn, garden, and yard: fertilizers, pesticides (bug killers), fungicides, weed killers, rodent poison, pool chemicals, propane tanks & small cylinders

Other: mercury products - thermostats and thermometers

Latex paints and alkaline household batteries are **not hazardous and may not** be accepted at this event.

Not accepted: Material not listed above, including: tires, computers-electronics-appliances, pharmaceuticals, freon, flares, and smoke-detectors.

Please use the space below to write any comments.

Thank you for your participation.

THIS FORM WILL BE COLLECTED FROM YOU AT THE SITE EXIT.

Appendix A.03

Solara, Inc.

environmental and business consulting

NYSDEC HHW Grant Application

Grant Application Package for Household Hazardous Waste State Assistance Program



**New York State Department of Environmental Conservation
Division of Materials Management
Bureau of Permitting & Planning
625 Broadway, 9th Floor
Albany, New York 12233-7260
(518) 402-8678
(518) 402-9024 fax
RecyclingGrants@dec.ny.gov**

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APPENDICES AND WORKSHEETS

- A. Sample Resolution and Certificate of Recording Officer**
- B. HHW State Assistance Program Application Cover Form**
- C. Project Description Worksheet**
- D. Budget Worksheet**
- E. Application Checklist**
- F. M/WBE & EEO Instructions and Forms**
- G. DEC Regional Offices**

I. INTRODUCTION

What is Household Hazardous Waste?

Household hazardous waste (HHW) are materials found in residential wastes that would be regulated as hazardous waste if they were generated outside of a household at a business or industry. Examples of HHW include, but are not limited to, oil-based paints, pesticides, automotive fluids, home hobby chemicals, and compact fluorescent bulbs.

HHW Collection Programs

A HHW collection day is an event where HHW is received from residents, properly packaged, and shipped to appropriate management facilities. Collection days are most often sponsored by a municipality, which hires a contractor to collect, separate and manage the waste received from residents. A collection day sponsor must submit a detailed plan to the appropriate New York State Department of Environmental Conservation (DEC) regional office at least 60 days before a collection day takes place, and must receive DEC's written approval prior to the collection day.

Permitted HHW collection and storage facilities (often referred to as permanent HHW facilities) can receive HHW from residents on a regular basis. These facilities must receive a permit from the DEC before construction or operation may begin. "Mobile HHW facilities" can also be included as a component of a permitted HHW collection and storage facility's permit to collect HHW at different locations throughout a municipality and consolidate it at the permitted facility for processing, packaging and shipping.

Funding Availability

For HHW collection programs to effectively reduce HHW, they must be readily accessible to residents, and must be accompanied by both promotion of the collection program and education about source reduction. To assist in achieving these goals, the State, through authorization provided by the Environmental Protection Act, provides State funding to reimburse up to 50% of the costs of municipal HHW collection programs.

The NYS State Legislature must appropriate funding each state fiscal year for implementation of the HHW State Assistance Program. Accordingly, full 50% reimbursement is **not** guaranteed.

Department Review

Complete applications are received and evaluated by the department on a quarterly basis and, if acceptable, will be approved for state assistance of up to 50% of eligible costs. All applications received during April of each fiscal year will be given that year's highest priority for funding, followed in descending order of priority by those received during July, October, and January. (An application not received in one of the months listed above will be considered received during the next listed month.)

If there are insufficient funds to provide 50% reimbursement to all applications received during the same quarterly review period, the department may either lower the percentage or set a dollar maximum on the level of funding to be provided to each municipality. This lowered percentage or dollar maximum will be the same for all municipalities that submit an application during the same quarter.

Applications that have a lower priority, based on the date of receipt may be assigned a lower level of funding due to insufficient or exhausted funds. Applications received after all funds for that fiscal year have been obligated will not be awarded funding.

II. APPLICATION PROCEDURES

Please follow ALL of these steps in order to properly conduct a HHW collection program and apply for state assistance funding.

STEP 1: OBTAIN HHW COLLECTION EVENT OR HHW PERMITTED FACILITY APPROVAL

Submit a detailed written plan at least 60 days before the date of the collection event addressing all the requirements of 6 NYCRR Part 360-1.7(b)(6) to your DEC Regional office for approval to conduct a HHW collection day. Regional Office contacts are listed in Appendix G or,

Obtain a permit for a HHW collection and storage facility in accordance with the requirements outlined in 6 NYCRR Part 373-4.4.

STEP 2: PASS A RESOLUTION authorizing the filing of the grant application. A Sample Resolution is included in Appendix A.

- a. Use the language in the sample resolution. Write your resolution so that it names an Authorized Representative by **TITLE, *not*** by name, in case that person leaves during the application process. **To avoid rejection of the resolution, DO NOT make changes to the language of the Sample Resolution.**
- b. Place the resolution on your governing body's agenda for passage.
- c. **Certify** both copies by completing the Certificate of the Recording Officer in Appendix A. The recording officer must do this by:
 - ▶ Entering an **original signature** on **each** copy, or
 - ▶ Affixing or **embossing the seal** of the municipality to **each** copy

Two (2) certified copies of the resolution are required with your application.

STEP 3: COMPLETE THE WORKSHEETS in Appendices B-E in this Application Package.

- a. Fill out and sign the **Cover Page** in Appendix B
- b. Answer the questions in the **Project Description Worksheet** (Appendix C)
Include sufficient information to allow DEC to determine whether the level of funding requested is reasonable for the described activities.
- c. Complete the **Budget Worksheet** (Appendix D)

If the application is for a HHW collection program that has already been completed, then the actual costs should be included.

If the application is for a HHW collection program that has NOT been completed, then the estimated costs should be included.

Budget Preparation Tips

- ▶ Provide written justification for any one-time or unusual costs.
- ▶ "Miscellaneous" costs are not eligible.
- ▶ Documentation of actual costs will be necessary to receive payment for reimbursement.
- ▶ In-house reproduction costs are eligible ONLY if an invoice is generated and the invoice has been fully paid.

STEP 4: SUBMIT APPLICATION

Applications must be submitted to the **DEC Central Office** by the final business day of April, July, October, or January of a State fiscal year. Any applications received by DEC in a month other than these months, will be considered to be received during the next month listed. All complete applications received by DEC during the same month, will be considered to be received simultaneously. For collection day activities, municipalities may submit **one** application for HHW State Assistance each state fiscal year (April 1 - March 31) for either the current or the previous state fiscal year. An application is limited to one collection program per year and must therefore include all collection program costs paid or expected to be paid during that year.

For construction of a permitted HHW collection and storage facility, a municipality may only submit one application for funding which must include the total amount of construction costs for the facility, regardless of whether the construction costs are expected to be paid within one state fiscal year period.

SEND only the following items to DEC Central Office:

ONE original of your application components and **TWO (2)** certified resolutions to:

**HHW State Assistance Program
New York State Department of Environmental Conservation
Division of Materials Management
Bureau of Permitting & Planning
625 Broadway - 9th Floor, Albany, NY 12233-7260**

Send only ONE full copy of your application

Do NOT send copies of your Collection Day Plan. The Collection Day Plan must be submitted to the Regional Office at least 60 days prior to the event and be approved prior to the event.

STEP 5: DEC EVALUATES THE APPLICATION FOR PROJECT ELIGIBILITY

- a. Applications that are complete will be reviewed to establish the eligibility of the applicant and the costs for which State assistance is requested.

- b. Applications that are not complete will be returned to the applicant for completion and re-submission.
- c. The DEC will determine if the activities included in the application are eligible under the HHW State Assistance Program, and if the requested level of funding is appropriate for associated HHW activities.
- d. If DEC determines that any activity or cost is not eligible or unreasonable for an associated HHW activity, the DEC will deny funding or a portion of funding. DEC reserves the right to make any necessary changes or adjustments to the cost estimate included in the application.
- e. HHW grant funding is contingent upon DEC Regional Office receipt and approval of the applicants Collection Day Plan and any required State, Federal or local permits or licenses for HHW collection and storage facilities.

STEP 6: SUBMIT REQUIRED HHW REPORTS

Ensure that the required HHW collection day or permitted facility report forms are complete. The required **Collection Day and Permitted Facility Annual Report Forms** are available on the DEC website at: <http://www.dec.ny.gov/chemical/8778.html>.

- a. A copy of your collection day approval letter is required in order to receive reimbursement for eligible Program activities and costs. If a copy of the approval letter is not included as part of the application, it must be included as part of the payment request supporting documentation.
- b. For collection days, the HHW Collection Day Report Form (and all shipping papers) is due to the DEC **10 days** after the collection day.
- c. For HHW collection and storage facilities, a calendar-year report is due to DEC by **February 1st** for collection activities conducted the previous calendar year.

STEP 7: RESPOND TO A CONTRACT AWARD LETTER

- a. When funding becomes available, DEC will send an official award letter to applicants notifying them of the grant award amount and the necessary steps required of the grantee to enter into a NYS Master Grant Contract (MGC) for reimbursement of eligible Program costs. The MGC contains Statewide, Agency and Program specific terms and conditions, a Work Plan, an Expenditure Budget, and Payment and Reporting requirements. The full MGC can be viewed at: <http://www.grantsreform.ny.gov/>. The DEC will send the municipality four (4) copies of the contract.
- b. The municipality's authorized representative (identified in the resolution) must sign the contracts and return all of them to DEC.
- c. After the signed contracts have been returned to DEC, full approval of the contract normally takes 2-3 months. A copy of the fully executed contract will be returned to the municipality.

STEP 8: REQUEST REIMBURSEMENT

- a. Detailed payment instructions will be mailed to the municipality along with the fully approved contract.
- b. All collection activities for which reimbursement is sought must be completed and required reports must be submitted to DEC.
- c. A completed "State Aid Voucher," and an itemized list of costs, must be provided, along with copies of backup documents, including copies of receipts, invoices, payment vouchers and canceled checks to support eligible costs paid by the municipality during the contract term.
- d. DEC or the NYS Office of the State Comptroller may conduct an audit of payment records at any time during this period and up to six years after the final payment is disbursed to the municipality.

III. FREQUENTLY ASKED QUESTIONS (FAQs)

Who is eligible for funding?

Only municipalities are eligible to apply for and receive State assistance under this Program. Under this State assistance program, a municipality is any:

- County, City, Town, or Village,
- Local Public Authority or Public Benefit Corporation,
- School District or Supervisory District, or
- Native American tribe or nation located within New York State.

What costs are eligible?

All costs must be reasonable and necessary, as determined by DEC, for the operation of the HHW Program.

A. Operating Costs - Typical eligible operating expenses are:

1. Contractor costs to accept, segregate, package, transport and properly manage the collected HHW.
2. Costs of safety equipment, such as protective clothing and respirator cartridges, for municipal workers and volunteers.
3. Costs of packaging supplies and containers for HHW, container labels and ground covers used during the collection of HHW.

B. Educational Costs - Educational and outreach activities must focus on educating the public on reducing the volume of HHW generated in the home, or must provide promotion for a HHW collection program. Costs of "mixed-use" brochures/advertisements will be pro-rated only if a minimum of 50% of the materials are dedicated to HHW information. Typical eligible educational expenses are:

1. Costs of preparing and printing posters, brochures, flyers, and other materials that focuses on HHW collection programs;
2. Costs of purchasing advertising space in newspapers or other periodicals, or of providing public service announcements to local radio stations or other media.

Are there any other requirements for funding?

1. Permitted HHW Collection and Storage Facilities must have a valid DEC permit to operate.
2. Collection day programs must have received DEC's written approval prior to conducting the collection day.
3. Educational costs will be eligible for reimbursement only if the municipality offers a collection program for HHW.

Which types of wastes are eligible for reimbursement?

Only the costs of collecting and managing categories of wastes that meet the definition of HHW and do not have separate State or federally mandated take-back, deposit or product stewardship programs, will be reimbursed under this program. Categories of waste potentially eligible for reimbursement may include, but are not limited to:

*Pesticides, corrosives, pool chemicals, driveway sealers, hazardous paints and stains, polishes and waxes, adhesives, solvents, hazardous cleaning products, antifreeze, vehicle fluids, fluorescent light tubes, compact fluorescent lamps (CFLs) and ballasts, photography chemicals, non-rechargeable hazardous batteries, products containing mercury (*excluding thermostats), propane gas cylinders (that still contain propane).*

**For information on thermostat disposal, or to participate in the Thermostat Recycling Corporation program, go to <http://www.thermostat-recycle.org>. For more on managing mercury thermostats, go to <http://www.dec.ny.gov/chemical/92655.html>.*

What costs are NOT eligible?

Items that will **NOT** be reimbursed under this program include, but are not limited to:

1. Costs that are reimbursed to the municipality or paid by outside sources, such as State and Federal Governments, or private donations or funding;
2. In-kind services, employee salaries, general supplies and overhead;
3. Costs paid outside the term of the contract;
4. Costs of issuing bonds, obtaining financing, obtaining permits, applying for State assistance, interest, bid document production or bid document distribution;
5. Cost of recycling waste materials if the recycled product is returned to the municipality, such as through a "buy-back" system;
6. Costs of operating a fluorescent bulb collection program or other similar single material collection programs, unless collected as part of an approved HHW collection program;
7. Costs of any HHW collection program that does not comply with an approved collection day plan or facility permit, and all applicable rules and regulations;
8. Cost of managing hazardous waste not generated by households, such as hazardous waste generated by municipalities, municipal departments, State agencies, schools, farms commercial establishments or industries.;
9. Costs related to and for municipal workers and volunteers except for personal safety equipment (e.g., salary, overhead, travel and medical expenses);
10. Costs incurred from the collection, handling, and disposal of types of solid waste that, except under extraordinary circumstances, would not meet the definition of HHW (e.g., explosives, alkaline batteries, ammunition, asbestos, bulk metal,

construction and demolition debris, empty containers, empty paint cans, empty aerosol cans, empty refrigerant cans, empty propane tanks, unserviceable extinguishers, household medical waste, latex paint, radioactive material, rechargeable batteries, smoke detectors, tires, used oil, white goods, roll-off containers with municipal solid waste, and any miscellaneous materials and packaging received).

Are the costs of collecting electronics eligible?

No. Municipalities have no responsibility under the **New York State Electronic Equipment Recycling and Reuse Act**. In fact, a key purpose of the Act was to remove the burden and expense of managing costly electronic waste acceptance programs from municipalities, and introduce a producer responsibility approach to managing this expanding waste stream.

Instead of requiring municipal collection, the law requires manufacturers of Covered Electronic Equipment (CEE) to provide all counties of the State, and all municipalities which have a population of ten thousand or greater, with at least one convenient method of recycling. Manufacturers and/or collective electronic waste acceptance programs may make arrangement with municipalities to operate electronic waste acceptance programs.

As of **April 1, 2011**, when electronic waste acceptance programs were required to be implemented, costs for municipal collection of CEE were no longer eligible for reimbursement through the Household Hazardous Waste State Assistance Program. Municipalities participating in an electronic waste acceptance program might be able to receive some form of financial assistance through their agreements with those programs.

For further information pertaining to electronics waste collection, please go to our web site at: <http://www.dec.ny.gov/chemical/66879.html>.

Are the costs of collecting rechargeable batteries eligible?

No. Municipalities have no responsibility under the **NYS Rechargeable Battery Recycling Act**. The law requires manufacturers of covered rechargeable batteries to collect and recycle the batteries statewide in a manufacturer-funded program at no cost to consumers or municipalities. Most rechargeable batteries contain toxic metals that can be released into the environment when improperly disposed. As of June 8, 2011, consumers across the state have been able to safely return to retailers rechargeable batteries, from a large number of electronic products, for recycling or proper management at the end of their useful life. Rechargeable batteries covered under the law include: *Nickel-cadmium, sealed lead, lithium ion, nickel metal hydride, any other such dry cell battery capable of being charged and battery packs containing any of the above-mentioned batteries.*

Since retailers that sell covered rechargeable batteries are required to accept used rechargeable batteries from consumers during normal business hours, cost for municipal collection of rechargeable batteries covered under the act are no longer eligible for reimbursement through the Household Hazardous Waste State Assistance Program.

For further information pertaining to The NYS Rechargeable Battery Recycling Act (Article 27, Title 18 of the Environmental Conservation Law), please go to our web site at: <http://www.dec.ny.gov/chemical/72065.html>.

Mercury Thermostats

It has been illegal to dispose of mercury thermostats in the trash in New York State since 2005. The Mercury Thermostat Collection Act of 2013 provides for mandatory collection and environmentally sound management of mercury thermostats, therefore the costs for municipal collection of mercury thermostats are not eligible for reimbursement through the Household Hazardous Waste State Assistance Program. For more information, go to <http://www.dec.ny.gov/chemical/92655.html>.

Automotive Batteries

Retailers have been required to accept automotive lead-acid batteries in New York State since January 1, 1991, therefore the cost for municipal collection of lead-acid batteries are not eligible for reimbursement through the Household Hazardous Waste State Assistance Program. For more information, go to <http://www.dec.ny.gov/chemical/86024.html>.

What if my program collects waste from other than households?

The HHW State assistance program will reimburse the costs of collecting and properly managing waste from households. Municipalities may however, still collect hazardous waste from other than households [e.g., farmers, municipal departments, conditionally exempt small quantity generators (CESQGs)] at a HHW collection program if authorized by DEC and if received from a CESQG. However, costs incurred from the collection or management of wastes that are not from households are not eligible for reimbursement and must be managed as a hazardous waste. Municipal HHW collection programs that also collect non-household waste must meet the following conditions in order to remain eligible for this State assistance program:

1. All participants that are not households must qualify as CESQGs. Please view the following website to determine who qualifies as a CESQG
<http://www.dec.ny.gov/chemical/60838.html>.
2. The sponsor municipality must register participating farmers and businesses to determine their generator status. This information must be provided to DEC upon request.
3. The sponsor municipality must determine the portion of costs from collection of waste from households, exclusive of costs resulting from collection of waste from CESQGs / farms waste, etc. The separation scheme should be described in the State assistance application program description and is subject to DEC approval.

Can I file more than one Application?

For HHW collection day activities, a municipality may submit only **one** application for all HHW State Assistance per State fiscal year (April 1 - March 31) for either the current or the previous State fiscal year. All program costs expected to be paid during that year should be included in the application.

For construction of permitted HHW collection and storage facilities, a municipality may submit only **one** application for funding for the total construction cost of the facility regardless of whether construction costs are expected to be paid in more than one state fiscal year.

Special Guidance for Permitted Household Hazardous Waste Collection and Storage Facilities

In addition to the required information contained in the Grant Application Package for the Household Hazardous Waste State Assistance Program, the following supplemental information is required as part of the application for construction of permitted Household Hazardous Waste Collection and Storage Facilities.

Eligible Costs

1. Reasonable costs, as determined by DEC, incurred in constructing a household hazardous waste collection and storage facility may be eligible for reimbursement. Eligible costs include the following, to the extent that they are necessary for actual facility construction:
 - a. Costs for engineering and architectural services, surveys, plans and specifications;
 - b. Costs for directly related consultant and legal services;
 - c. Costs for lands acquired, to the extent that the lands are used for permitted household hazardous waste collection and storage facilities; and
 - d. Costs for facility construction and other DEC approved directly related expenses.

Project Description

1. Describe the **layout and operation** of the project, detailing methods, schedules, equipment, and services required for each subsystem, including:
 - a. Collection and handling methods at the HHW facility;
 - b. Hours and days of operation, equipment and personnel required for HHW collection, aggregation, and storage;
 - c. Processing design, including:
 1. Design and operational capacities of the facility and component equipment;
 2. Number and design structures;
 3. Overview of all existing and planned equipment;
 4. Floor plans and equipment layout; and
 5. Description of basic processes of all equipment;
 - d. Methods of preparing collected HHW for management;
 - e. Methods to be employed for protecting HHW from contamination and deterioration; and
 - f. Methods for storage and protecting HHW from mixing of non-compatibles.

Project Budget

1. Provide an itemized list of each item for which funding is requested, including:
 - a. Estimated costs;
 - b. Brief summaries of use;
 - c. Dates of purchase or anticipated purchase dates; and
 - d. Vendor specification, equipment brochures, or bid specifications issued by the municipality, for each equipment item, and for buildings to be funded.
2. For **EQUIPMENT COSTS** only, prepare an "Equipment List" to describe items for which funding is requested. The following is a sample of the information that must be provided on the Equipment List:

Reference No.	Equipment / Description	Quantity Unit Cost	Total Cost	Purchase Date	Brief use summary, materials, quantity handled & location
1	Chemical Storage Locker	1 @ \$20,000	\$20,000	9/20/08	6'x3'x8' storage cabinet used to store incompatible chemicals. Anticipated capacity to allow ample storage between pickups. To be located at the Route 66 HHW Facility/Transfer Station.

3. For **CONSTRUCTION OR PROFESSIONAL SERVICES**, provide an estimate of costs and justification for each service. The following are examples of eligible services;
 - a. Engineering and architectural services;
 - b. Surveys;
 - c. Plans and specifications;
 - d. Legal and consultant services; and
 - e. Construction services (general, HVAC, electrical, plumbing).
4. **WORK FORCE ACCOUNT COSTS** (the cost of construction services/time provided by municipal employees). This item MAY be eligible for inclusion in the project budget under the following conditions:
 - a. Only a reasonable amount of the Total Project Cost, as determined by DEC, and only for the following:
 1. Site preparation;
 2. Facility construction; and
 3. Engineering, architectural, legal, and other professional services.
 - b. The applicant must provide an explanation of why using municipal work force is the preferred alternative.

If you have any construction costs which you wish to include in your application, please call the telephone number on the cover page of this application package for further instructions.

Appendix A SAMPLE RESOLUTION

*Note: The text of this resolution has been pre-approved by DEC attorneys.
Use of the language of this pre-approved resolution will reduce time for review.*

A Resolution Authorizing the Filing of an Application for a State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Master Grant Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS _____
(Legal Name of Municipality)

herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE,
BE IT RESOLVED BY _____
(Governing Body of Applicant)

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. That _____,
(TITLE of Applicant's designated Authorized Representative)

or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application, to sign the resulting contract if said application is approved by the STATE; and to provide such additional information as may be required.

3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for share of such costs as indicated in the contract.

4. That two (2) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application.

5. That this resolution shall take effect immediately.

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, authorizing the signing of an application for State Assistance, authorizing the signing of a State Contract, and assuring funding of the municipal portion of the cost of the project as regularly adopted at a legally convened meeting of the

(Name of Governing Body of the Applicant)

duly held on the _____ day of _____, _____,

and further that such Resolution has been fully recorded in the

_____ in my office.
(Title of Record Book)

In witness whereof, I have hereunto set my hand this _____ day
of _____, _____.

If the Applicant has an Official Seal,
Impress here.

Signature of Recording Officer

If not, then please sign both
certificates in original signatures.

Title of Recording Officer



Appendix B

New York State Department of Environmental Conservation **APPLICATION FOR STATE ASSISTANCE** **Household Hazardous Waste State Assistance Program**

1. Applicant _____ 2. County _____ 3. DEC Region _____

4. Type of Applicant: ☐ County ☐ Town ☐ City ☐ Village ☐ Local public authority
☐ Public benefit corporation ☐ School district ☐ Supervisory district ☐ Native American tribe or nation

SFS Number _____

5. Name and Title of

Contact Person: _____

This person should be someone with specific knowledge about the HHW project.

Address: _____ Phone _____

E-mail address (if available) _____

6. Population of municipality _____ ☐ total population or ☐ households

7. Total Project Cost \$ _____ 9. State Assistance Request (50%) \$ _____

10. Period covered by this application _____ - _____

CERTIFICATION: I do hereby certify that the information in this application and in the attached certified copies of resolutions, other statements, and exhibits is true, correct and complete to the best of my knowledge and belief.

Signature of Authorized
Representative _____ Date _____

Name and Title _____

Address: _____

4/2001

Appendix C (Project Description)

Household Hazardous Waste (HHW) State Assistance Program

Answer all questions below. They are REQUIRED to be completed.
You may use these pages or type the questions on a separate sheet of paper:

1. What are the dates and locations of collection days?
Include street addresses of collection site(s)
2. What categories of wastes are collected?
(include ALL wastes collected, even if not eligible for funding)
3. What methods are used to manage the collected HHW?
4. What are your HHW educational and promotional activities?

Project Description Worksheet (page 2 of 2)

5. What coordination/consolidation of HHW services was performed among municipalities?

Write NONE if no coordination among municipalities was performed.

6. Are you using any innovative or cost-effective methods?

Write NONE if no innovative or cost-effective methods were used.

7. Does this project meet all applicable State, Federal and Local laws and regulations?

Yes _____ No _____ If no, please explain.

8. What have you done to secure other financial assistance for your HHW program?

Write N/A if no efforts were undertaken to secure other financial assistance.

9. What inter-governmental or non-governmental arrangements have you entered into to carry out the HHW collection event?

Do NOT submit copies of all your correspondence

Write NONE if no arrangements were necessary.

10. Any other information which you believe may help DEC evaluate the reasonableness of funding for your project. *This may include justifications for equipment needed, or explanations of costs unique to your program.*

11. If you employ any contractors for this project: All contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity,

experience, ability, prior performance, and organizational and financial capacity. Contractors or subcontractors that receive contract funding valued at \$100,000 or more must complete a Vendor Responsibility Questionnaire. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at: http://www.osc.state.ny.us/vendrep/vendor_index.htm or go directly to the VendRep System at: <https://portal.osc.state.ny.us>.

12 You will be required to carry appropriate insurance as specified in the Master Grant Contract, (http://www.dec.ny.gov/docs/materials_minerals_pdf/dmmmgc.pdf) Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency liability insurance, "all-risk" insurance, and workers compensation/disability coverage for the project.

Appendix D
Household Hazardous Waste State Assistance Program
BUDGET WORKSHEET (page 1 of 2)

Attach itemized lists of individual costs used to calculate these amounts.

Miscellaneous amounts will not be approved.

Period covered: April 1, _____ - March 31, _____

1. HHW Management Contractual Costs

Primary Contractor Cost of Collection and Disposal of HHW \$ _____

Secondary Contractor Cost of Collection and Disposal \$ _____

Specify type of waste collected by 2nd contractor _____

Subtract Cost of Ineligible Wastes

Asbestos _____

Electronics _____

Latex Paint _____

Tires _____

Costs received directly from participants for management of waste _____

CESQG/farm/municipality's wastes _____

Other (specify) _____

Subtotal HHW Management Contractor Costs \$ _____

2. Public Education / Promotion Include items used to reach out to the public.

newspaper/radio/TV advertising _____

brochures, flyers _____

mailing costs _____

other promotional items _____

Subtotal Public Education Costs \$ _____

3. Supplies and Materials Must be necessary for carrying out HHW collection

(example: disposable containers, tarps, safety equipment, etc.) \$ _____

Include an itemized list for this category.

4. Equipment Costs

(example: durable containers, carts, etc.) \$ _____

Include an itemized list and justifications for each item requested.

BUDGET WORKSHEET (page 2 of 2)

5. Construction Costs

For work done by contractors, contractor cost \$ _____
(Attach an itemized list of these costs)

For work done by municipal employees, materials cost \$ _____
(Attach an itemized list of these costs)

Total Cost of the Program (add items 1 through 5) \$ _____

Total State Assistance Requested (50% of total costs) \$ _____
(Also, write these amounts on the Cover Page)

Indicate the amount of **outside assistance** or **cost recovery** that the municipality has received or expects to receive for the HHW collection program activities. \$ _____

Provide an explanation of this assistance on a separate page.
Some types of cost recovery do not need to be subtracted from the eligible cost.

Provide the following information (provide estimates, if necessary)

Number of collection days _____

Expected or Actual Total Attendance _____

Total volume of HHW collected
(include the units of measure) _____

Per person cost of collecting HHW \$ _____ /person
(divide total cost by total attendance)

Per unit cost of collecting HHW \$ _____ / _____ (units of measure)
(divide total cost by total volume collected)

Appendix E

Household Hazardous Waste State Assistance Program

APPLICATION CHECKLIST

To complete the application, submit all documentation below and place a check (✓) in each box.
Include this checklist with your application.

Name of Person completing checklist (print) _____

DO NOT bind your application. It needs to be separated for review.

check below when completed	Application Component
	Application Cover Signed by Authorized Representative
	Project Description Worksheet - 2 pages
	Budget Worksheet - 2 pages (include itemized lists, if necessary)
	M/WBE Policy Statement and Utilization Plan Form (for all State contracts in excess of \$25,000)
	Two (2) copies of the Certified Resolution Check for a municipal seal (or original signature) on each certificate
	Vendor Responsibility (Question 11 in Appendix C)
	Proof of Workers Compensation Insurance for the municipality – Question 12 in Appendix C
	Collection Event Approval Letter From Regional Office

If the applicant is a Public Authority,
What is the applicant's Federal Tax ID number? ____ - ____

If the applicant is a county, city, town or village, payments will be sent to the municipality's chief
finance officer.

Reminders:

1. **DO NOT forget to submit a collection plan for approval to your DEC Regional Office at least 60 days prior to the HHW collection day. If you fail to do this you will not be eligible for reimbursement.**
2. **DO NOT send all of your HHW plans and specifications used to obtain a HHW collection day approval letter, or permit. Just send the information required by this Application Package.**

Appendix F

MINORITY & SS ENTERPRISE (M/WBE) AND EQUAL EMPLOYMENT OPPORTUNITIES (EEO) REQUIREMENTS

The DEC is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“MWBE Regulations”) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Applicants subject to executing a future NYS Master Grant Contract agree, in addition to any other nondiscrimination provision of the MGC and at no additional cost to the DEC, to fully comply and cooperate with the DEC in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

Failure to comply with M/WBE and EEO requirements may result in a DEC finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.

Please refer to the NYS Master Grant Contract - Article IV.(J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>

The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.

A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at:

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885>

The following M/WBE-EEO “Fair Share” goals are established as follows:

Minority Business Enterprise (MBE) Participation Goals

Location/Commodity Group MBE Goals

Statewide:

Construction/Engineering 10%

Commodities 10%

Services/Technologies 10%

Women’s Business Enterprise (WBE) Participation Goals

Location/Commodity Group WBE Goals

Statewide:

Construction/Engineering 10%

Commodities 10%

Services/Technologies 10%

Equal Employment Opportunity (EEO) Participation Goals

EEO Minority Workforce Participation Goals

(DEC Regions 1- 9) 10%

EEO Female Workforce Participation Goals

(DEC Regions 1-9) 10%

DEC M/WBE Contact

NYS Department of Environmental Conservation

Bureau of Contract and Grant Development/MWBE Program

625 Broadway, 10th Floor

Albany, New York 12233-5028

Phone: (518) 402-9240

Fax: (518) 402-9023

mwbe@dec.ny.gov

Appendix G

DEC Regional Offices

REGIONAL OFFICE ADDRESS	COUNTIES	TELEPHONE
Regional Materials Management Supervisor NYS DEC, REGION 1 50 Circle Road Stony Brook, NY 11790-3409	Nassau, Suffolk	(631) 444-0375
Regional Materials Management Supervisor NYS DEC, REGION 2 1 Hunters Point Plaza 47-40 21 st Street Long Island City, NY 11101-5407	New York City (Bronx, Kings, New York, Queens, Richmond)	(718) 482-4896
Regional Materials Management Supervisor NYS DEC, REGION 3 21 South Putt Corners Road New Paltz, NY 12561-1696	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester	(845) 256-3141
Regional Materials Management Supervisor NYS DEC, REGION 4 1130 North Westcott Road Schenectady, NY 12306-2014	Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady, Schoharie	(518) 357-2045
Regional Materials Management Supervisor NYS DEC, REGION 5 1115 Route 86, PO Box 296 Ray Brook, NY 12977-0296	Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren, Washington	(518) 897-1241 (518) 623-1200
Regional Materials Management Supervisor NYS DEC, REGION 6 State Office Building 317 Washington Street Watertown, NY 13601-3787	Herkimer, Jefferson, Lewis, Oneida, St. Lawrence	(315) 785-2513
Regional Materials Management Supervisor NYS DEC, REGION 7 615 Erie Boulevard West Syracuse, NY 13204-2400	Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga, Tompkins	(315) 426-7419
Regional Materials Management Supervisor NYS DEC, REGION 8 6274 East Avon-Lima Road Avon, NY 14414-9519	Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Yates	(716) 226-5411
Regional Materials Management Supervisor NYS DEC, REGION 9 270 Michigan Avenue Buffalo, NY 14203-2999	Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Wyoming	(716) 851-7220

Appendix A.04

Solara, Inc.

environmental and business consulting

Municipal Correspondence List

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

APPENDIX A.04 MUNICIPAL CORRESPONDENCE LIST

Municipality / Agency / Organization	Contact(s), Position	Date - Method
<ul style="list-style-type: none"> • Cattaraugus County • Chatauqua County • Development Authority of the North Country (DANC) • Erie County Dept. of Environment & Planning • Genesee Livingston Wyoming Region Solid Waste Management Committee (GLW) • Monroe County • Niagara County • Onondaga County Resource Recovery Agency (OCRRA) • Steuben County 	<i>See HHW Data Overview</i>	<i>See HHW Data Overview</i>
City of Buffalo	Susan Attridge Director of Refuse and Recycling	05/03/18 – HHW and EWaste Interview Templates
Erie County Division of Sewage Management	Joseph Fiegl, P.E. Deputy Commissioner	04/25/18 – Phone Interview
Erie County Water Authority	Paul Whittan Director of Water Quality	04/25/18 – Left Voicemail
Hazman	Justin Rainville Sales & Marketing	05/22/18 – Email Correspondence, Drop-off Center Data
Sunnking	Cindy Jessop Director of Community Outreach & Programs	04/17/18 – Phone Interview
Town of Amherst	Ryan Licata Refuse Control Officer	06/03/18 – Phone Interview Pending
Town of Elma	Dennis Powers Supervisors	06/03/18 – Phone Interview Pending
Town of Evans	Paul Michalec Councilman	04/27/18 – Phone Interview
Town of Holland	Mike Kasprzyk Supervisor	05/21/18 – Phone Interview
Town of Tonawanda	Steve Overbeck Administrative Aide	04/25/18 – Phone Interview
NYSDEC Division of Materials Management	Michael A Dauphinais, Jr. Chief, Waste Transport & State Assistance Section	04/12/18 – Email Correspondence
Village of Hamburg	Marc Shuttleworth Superintendent, Public Works	06/04/18 – Phone Interview Pending

Appendix A.05

Solara, Inc.

environmental and business consulting

EPS HHW Price List for Syracuse Waste Management Facility

Syracuse Waste Management Facility – Household Hazardous Waste Pricing

Waste Stream	Common Names	Container Size	Unit	Quantity	Price	Total
Aerosol Cans	Spray paint, hair spray, etc.	Any Size	Each		\$0.75	
Asbestos	Asbestos – Friable, Non-Friable	Up to 50 pounds	Bag		\$11.50	
		Over 50 pounds	Pound		\$0.50	
Batteries, Dry Cell	Batteries, alkaline , typical household	Any	Pound		\$0.50	
Batteries, Lead Acid	Batteries, automotive, tractor	Any	Each		\$5.00	
Caustic Alkali/Bases	Cleaners, floor, all-purpose, Drano, liquid shoe polish	1 – 32 oz	Each		\$1.00	
		33 – 128 oz (gal)	Each		\$4.00	
Combustible Liquid	Resins adhesives, glues, grout *Note 5 gal pail (\$2.00 X 5 = \$10.00 ea)	1 – 32 oz	Each		\$1.00	
		33 – 128 oz (gal)	Each		\$4.00	
Compressed Gases	Propane, butane, fire extinguishers, etc.	1 lb	Each		\$1.50	
		20 lb	Each		\$5.00	
Computer Parts	CPU's	N/A	Each		\$10.00	
	Monitors	N/A	Each		\$12.50	
	Keyboards	N/A	Each		\$2.50	
	Printers, Mice & Other Peripherals	N/A	Pound		\$0.50	
Cons. Organic Liquid	Soaps, rinse water, etc.	1 – 32 oz	Each		\$0.50	
		33 – 128 oz (gal)	Each		\$2.00	
Construction Debris	Sheetrock, wood, shingles, carpeting	Any	Pound		\$0.50	
Corrosives (Acid)	Acids, metal polish, naval jelly, solid shoe polish	1 – 32 oz	Each		\$1.00	
		33 – 128 oz (gal)	Each		\$4.00	
Driveway Sealer	Driveway sealer, roof cement, tar, etc	1 Gallon	Each		\$2.00	
		5 Gallon	Each		\$10.00	
Ethylene Glycol	Antifreeze	128 oz (gal)	Each		\$1.00	
Fertilizers, Liquid	Plant Food, Lawn Grow, etc.)	1 –32 oz	Each		\$1.00	
		33 – 128 oz (gal)	Each		\$4.00	
Fertilizers, Solid	Turf Builder, Lawn Gro, Nitrogen Plus, etc.	Any Size	Pound		\$1.00	
Flammable Liquid	Thinners, solvents, mineral spirits, turpentine , etc.	1 – 32 oz	Each		\$1.25	
		33 – 128 oz (gal)	Each		\$5.00	
Flammable Solids	Mothballs, Flairs, Stenos	Any Size	Pound		\$2.50	
Florescent Tube	Florescent tube, lighting	4 foot	Each		\$1.00	
		8 foot	Each		\$2.00	
Gasoline	Gasoline, leaded, unleaded	Any	Gallon		\$1.00	
Grease	Auto, cooking	Any	Pound		\$0.50	
Light Ballast	Light Ballast	Any	Each		\$1.00	
Mercury	Thermometer, barometer, pure liquid, etc.	Any	Pound		\$7.50	
Oxidizers	Chlorine, Pool Chemicals, ammonia, bleach, etc	1 – 32 oz	Each		\$1.00	
		33 – 128 oz (gal)	Each		\$4.00	
Paint, Flammable	Oil- base, stains, etc. *Note 5 gal pail (\$3.00 X 5 = \$15.00 ea)	8 oz (pint)	Each		\$0.50	
		16 oz (quart)	Each		\$1.00	
		128 oz (gal)	Each		\$4.00	
Paint, Non-Flammable	Latex, enamel, etc *Note 5 gal pail (\$2.00 X 5 = \$10.00 ea)	8 oz (pint)	Each		\$0.25	
		16 oz (quart)	Each		\$0.50	
		128 oz (gal)	Each		\$2.00	
Pesticides, Liquid	Lawn care prod., insecticides, herbicides	1 – 32 oz	Each		\$1.00	
		33 – 128 oz (gal)	Each		\$4.00	
Pesticides, Solid	Lawn care prod., insecticides, herbicides	Any	Pound		\$1.00	
Photographic Chemicals	Toners, developers	1 – 32 oz	Each		\$1.00	
		33 - 128 oz (gal)	Each		\$4.00	
Tires	Car (<20")	Any	Each		\$5.00	
	Truck (>20")	Any	Each		\$10.00	
Waste Oils	Fuel oil, motor oil, diesel fuel, kerosene	32 oz (quart)	Each		\$0.25	
		128 oz (gal)	Each		\$1.00	
Used Appliances	Microwave, television.	Any	Pound		\$.50	

Appendix A.06

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Monroe County EcoPark Website Screenshot

ecopark + HHW

Appliances

Automotive Waste

Batteries

Bulky Plastic Items

Curbside Recycling

Dangerous Materials

Donations/Textile Recycling

Electronics/Cell Phones

Garbage/Waste

Light Bulbs & Ballasts

Paper Shredding

Pharmaceutical Waste

Plastic Bags/Product Wrap

Scrap Metal

Single Use Plastics

Styrofoam

Yard Waste/Compost Give Back

All Search Terms

ecopark

10 Avion Drive, 14624

Directions

Wed 1pm-6:30pm

Sat 7:30am-1pm

Closed on Holidays & Thanksgiving/Christmas Weekends

Closed Wednesday, July 4th

Appointment Required for Hazardous Household Waste

modes@monroecounty.gov

Recycling Newsletter Signup

Videos

Resources

RECYCLE RIGHT

RECYCLE CURBSIDE

RECYCLE AT THE ECOPARK

Free Recycling Magnet



An innovative partnership between Monroe County and [Waste Management](#) to provide a "one stop drop off" for residential recycling.

For use by Monroe County residents only!

[Click here for information on Small Business, Not-For-Profits and Out-Of County Residential Waste & Recycling Disposal.](#)

Please note that the recycling stations at the ecopark are self-serve (with the exception of Household Hazardous Waste). Residents should be prepared to unload their own items.

10 Avion Drive, Rochester, NY 14624

[Directions](#)

Wed 1pm-6:30pm, Sat 7:30am-1pm

Closed on Holidays &

Thanksgiving/Christmas Weekends

Closed Wednesday, July 4th

[Special Pharmaceutical Collection at Chili-Paul Wegmans on 8/4/2018](#) [Mt Read Wegmans on 9/22](#), both 8am-1pm

Accepted at ecopark During All Operating Hours for Monroe County Residents Only

- Appliances
 - Bulky Plastic Items (no fabric/metal components)
 - Clean Styrofoam Packing (no labels or tape)
 - Clothing & Accessories (donation)
 - Cooking Oil
 - Document Destruction (items are destroyed off site)
 - Electronic Waste
 - Fire Extinguishers
 - Flags (U.S.)
 - Fluorescent Lights/CFL Bulbs
- Paper & Cardboard
 - Pharmaceuticals & Rx Bottles
 - Plastic Bags & Wrap
 - Printer Cartridges
 - Propane Tanks (1# and 20# only)
 - Rechargeable and Button Batteries **NO Alkaline Batteries**
 - Recyclable Glass/Metal/Plastic Containers
 - Sharps & Syringes
 - Scrap Metal (including bare tire rims)

Fee-Based Items **Credit/Debit Card Only**

- Tube TVs/Monitors **\$15**
 - Broken Tube TVs/Monitors **\$25**
 - Flat Screen TVs/Monitors **\$5**
- Passenger Vehicle Tires On Rims **\$8**
 - Tires Off Rims **\$5**
 - Appliances with refrigerant **\$15**

Household Hazardous Waste **Appointment Required**

- Automotive Fluids (antifreeze, brake, power steering and transmission fluids)
 - Cleaners (soaps, waxes, drain cleaners, etc.)
 - Driveway Sealers
 - Flammables (gasoline, thinners, solvents, etc.)
 - Mercury (thermometers, thermostats)
- Paint: Oil-based & Latex (more than 1/3 can full)
 - Pesticides/Insecticides & Fertilizers
 - Pool & Photo Chemicals
 - Resins & Adhesives
 - Wood Stain & Preservatives

Click a date below to make a HHW appointment

< Prev. 4 Months							Next 4 Months >						
June							July						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
27	28	29	30	31	1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31	1	2	3	4
1	2	3	4	5	6	7	5	6	7	8	9	10	11
August							September						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
29	30	31	1	2	3	4	25	26	27	28	29	30	1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31	1	23	24	25	26	27	28	29
2	3	4	5	6	7	8	30	1	2	3	4	5	6

Unavailable Available Multiple Closed

If you are having trouble scheduling a household hazardous waste appointment or do not have a computer contact Monroe County by calling 585-753-7600 (Option #3). You can leave a message and we will return your call as soon as possible.

Not Accepted at ecopark

- 55-Gallon Drums
 - Alkaline Batteries
 - Asbestos
 - Building Materials (wood, carpeting, concrete, dry wall, etc.)
 - Bullets, Flares, Gunpowder, Explosives (call Sheriff's Office or local police department)
 - Dried Paint Can or Less Than 1/3 Can (discard lid, add kitty litter, stir, let dry, place in trash)
- Business Generated Waste
 - Glazing/Spackle/Joint Compound (place in trash)
 - Household Garbage/Trash
 - Radioactive Materials (carbon monoxide & smoke detectors)
 - Styrofoam™ Packing Peanuts and Food Containers (egg cartons, coffee cups, meat trays, etc.)
 - Used Motor Oil (contact service station or retailer)

Appendix A.07

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Niagara County 2017 Voucher Sample

NIAGARA COUNTY Household Hazardous Waste Voucher



NAME John Smith
ADDRESS 123 Main St., Niagara Falls, NY 14301
DROP-OFF TIME Tuesday, October 13 at 10:00am
EXPIRATION DATE October 15 at 10:00am

Instructions

Bring the following items to your Hazman HHW Drop-off Center appointment:

- This Voucher
- Proof of Residency (ex: Driver's License, Phone or Water Bill)
- **up to 100 lbs.** of Acceptable Household Hazardous Waste (HHW)

Once you arrive at Hazman, a Hazman employee will unload, identify and weigh your HHW. Items requiring a recycling fee or exceeding the 100 lbs. voucher allowance will be totaled for payment.

Acceptable HHW (FREE if less than 100 lbs.)

Acids & Bases
 Aerosols
 Antifreeze
 Cleaners
 Driveway Sealer
 Fluorescent Bulbs
 Gasoline
 Glues
 Herbicides
 Kerosene
 Latex Paint

Oil-Based Paint
 Paint Thinner
 Pesticides
 Photo Chemicals
 Pool Chemicals
 Solvents

Spray Cans
 Thermostats
 Thermometers
 Wood Polishes
 Wood Stain



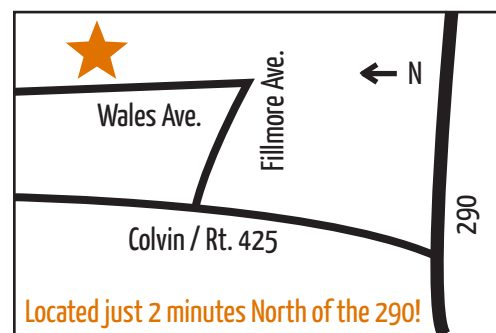
Acceptable Items for Recycling Fee

Alkaline Batteries	\$0.75 / lb.
Electronics	\$0.50 / lb.
Fire Extinguishers	\$10 each
Propane Tanks	\$3 / 5 each
Tires	\$3 / 5 each

Hazman

HHW DROP-OFF CENTER

177 Wales Ave. Tonawanda, NY 14150



Questions?

Call (716) 998-8073

Email info@hazmanusa.com

Surf www.hazmanusa.com

F.A.Q.

What if I exceed the 100 lbs. voucher allowance?

Hazman will accept the additional HHW for a recycling fee of \$0.75 per pound.

How is payment acceptable?

Payment is acceptable by cash, check or credit card.

What if I need to change or cancel my appointment?

Contact Hazman via phone or e-mail.

Appendix A.08

Solara, Inc.

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NYSDEC Managing and Disposing of Household Hazardous Waste Packet

New York State Department of Environmental Conservation
Division of Materials Management
Bureau of Waste Reduction and Recycling

Managing and Disposing of Household Hazardous Waste



Printed on 100% post-consumer recycled paper

Topics in this Publication

Facts on Household Hazardous Waste
General Information
Acids and Bases
Aerosol Containers
Antifreeze and Brake Fluids
Automotive Batteries
Electronics and Household Batteries
Household Cleaners and Personal Products
Medicines

Mercury
Motor Oil and Automobile Products
Paint
Thinners, Strippers and other Solvents
Wood Preservatives
Pesticides
Miscellaneous Chemicals
For Further Information

Facts on Household Hazardous Waste

We like to think of our homes as our castles. But most of us are not thinking of what's stashed in the basement, garage or under the kitchen sink. Take a look sometime. Do you see old cans of cleansers, paint, bug spray and used motor oil? How long has it been since you used this stuff? How will you get rid of it? Those types of waste contain hazardous substances which can pose risks to the environment, wildlife and human health. Hazardous substances have one or more special characteristics which include:

- The potential to cause violent chemical reaction.
- The potential to be dangerously corrosive.
- The potential to ignite.
- The potential to be harmful to human health (toxic).

Every year in New York State, more than 100,000 tons of these household hazardous wastes are emptied into trash cans. They end up in landfills or incinerators, or may be dumped onto backyard soil or into small streams. Household hazardous wastes enter the environment from lawns, backyards, sewers, landfills and incinerators. When disposed improperly, those wastes can poison the air, soil, water, birds, fish, mammals and even people and pets in the following ways:

- Once in the landfill, liquid waste and rainwater can seep down through layers of trash picking up contaminants along the way. This will cause leachate to be more difficult and expensive to treat.
- Streams and lakes, as well as groundwater, can become polluted where rain, melting snow and ice contact contaminated soil, sidewalks, streets and parking lots. Storm sewers drain directly into local waterways.
- Emissions from incinerators can contaminate air and the ash residues, which contain heavy metals, also present disposal problems.

As residents of New York State, we bear the responsibility to dispose of our household hazardous waste properly in order to protect and preserve the quality of our groundwater, streams and lakes. In the following pages, you will find instructions on how to SAFELY dispose of most of the household waste chemicals you may have at home right now. You will also learn how to REDUCE your use of these products by buying or making alternatives so you'll have less to throw out in the future. Follow these steps and you will be making your home, your neighborhood and all of New York State a cleaner, greener place to live. It's easy and it's good for the earth!

General Information

WASTE REDUCTION

- Use non-hazardous alternative products and materials when possible.
- Only buy as much as you need when purchasing hazardous substances.
- If you can't use it up, give it to someone who can. Schools and community groups may be especially grateful for donations of paint.

SAFE STORAGE

- Keep the product in its original container.
- Never mix different chemical products.
- Wrap the waste in newspaper and place in two layers of plastic garbage bags. Label the outside of the bag.
- Store in an out-of-the-way location, away from heat and children or pets. Ignitable wastes should be stored away from the house if possible.

It is always best to avoid disposing of hazardous household products, Try to buy only what you need. Look for less toxic alternatives. Recycle when possible. Give unused products to someone else who can use them (unless the product is a pesticide which has been banned or restricted).

If you are left with a product which is unusable, banned, not recyclable, or which cannot be given away, look on the label for disposal information. Be aware, however, that older containers of pesticides and other wastes may give instructions which are no longer appropriate. In cases such as these, or if the label gives insufficient information, you may need to store the waste until a household hazardous waste collection program is held in your area.

Certain household hazardous wastes identified in the following pages can be safely dried out or solidified. Cat litter (clay type with no chemical additives), disposable diapers, vermiculite and other products specifically designed for use with chemicals do not react with chemical wastes and may be safely used as absorbents. Air drying should always be done in a well-ventilated area away from children and animals.

Explosive wastes usually cannot be handled through household hazardous waste collection programs. Explosives include not only ammunition, but certain chemicals, such as picric acid, ether, and concentrated hydrogen peroxide (household strength is not explosive). If you have any of these wastes, contact your local police department for further information.

This information is provided only for individuals who need to dispose of wastes derived from their residential use. Disposal of wastes which are the result of any commercial or industrial activity **MUST** comply with applicable hazardous waste regulations.

Acids and Bases



Both acids and bases are corrosive materials and may cause damage upon contact with the skin, eyes or respiratory system. They may also react violently if mixed with other substances, including water.

Acids are corrosive materials commonly found in toilet bowl and drain cleaners, swimming pool chemicals and a number of other home cleaning products. These are easily identifiable on ingredient labels because they usually contain the word "acid." Bases are also corrosive, and may be found in bleaches, oven and drain cleaners, disinfectants and other Household products. They may be listed on labels as lye, hydroxide, hypochlorite or a variety of other terms.

ALTERNATIVES

- Keep drains clean by using strainers and keeping grease, hair and coffee grounds out of the drain. Flush drains weekly with boiling water or a cup of warm vinegar. Use a plunger or snake to free blockage.
- To clean the oven, sprinkle baking soda or salt on spills with water and scrub with a steel wool pad.
- Scrub toilets with baking soda or borax.
- To polish metal, rub with a paste of baking soda and water; polish unlacquered brass, bronze or copper with a solution of equal parts of vinegar, flour and salt. Rinse and dry.

DISPOSAL

- If the acid or base is an ingredient in a useable consumer product, try to use it up or give it to someone else who can use it. Do not attempt to neutralize or treat the product yourself, as large amounts of heat may be generated and you could be burned. Never add water to an acid or base to dilute it, as this practice is dangerous. Acids and bases should be saved for a household hazardous waste collection program.

Aerosol Containers

Many hazardous materials, such as spray paints or degreasers, may be packaged in aerosol containers. This type of packaging can be dangerous because aerosol containers may explode under heat or pressure, spreading the hazardous contents and metal throughout the area. Also, the tiny particle size makes hazardous components easier to inhale and therefore more destructive.

ALTERNATIVES

- Use non-aerosol products, such as pump sprays.
- Keep indoor air clean-smelling by keeping an open box of baking soda in a room, or leaving a dish of vinegar or vanilla in a room for about an hour, or simmer in a saucepan of water pieces of orange, lemon or grapefruit to freshen air.

DISPOSAL

- Always try to use up the product or give it to someone else who can use it. The empty container can then be safely discarded with other household trash or recycled in some communities.
- If you cannot use the product for its original purpose and the material that it contains is not hazardous, you may be able to empty it by spraying it outdoors into an empty box or paper bag and allowing the contents to dry. This must be done very carefully in a well ventilated area because the aerosol produce very small particles which may pose a significant health threat if inhaled.
- If you cannot fully empty the aerosol container or if the materials it contains are hazardous, store it until a household hazardous waste collection program is held in your area.

Antifreeze and Brake Fluid

The primary component of new or used antifreeze is ethylene glycol, a toxic substance. Brake fluids are primarily propylene glycol, which is similar to and should be handled the same way as antifreeze. Pets and other animals are highly susceptible to antifreeze poisoning because they enjoy its sweet taste. Therefore it is very important that antifreeze never be allowed to form puddles in the work area. Antifreeze can also contaminate surface waters when improperly disposed.

DISPOSAL

- Clean, used antifreeze may be used as a substitute for the water that would normally be used to dilute the new antifreeze. Also, when replacing hoses, the antifreeze should be captured and reused. These actions reduce the volume of antifreeze requiring disposal.
- Antifreeze can be recycled. Check with a local garage, public works department or motor vehicle salvage yard to see if you can recycle your antifreeze with theirs.
- Never dispose of antifreeze down a storm sewer or on the ground.
- If you cannot find a location to recycle your antifreeze and you are connected to a local sewage treatment plant, call your local sewage treatment plant to see if they can adequately handle this waste. If so, small amounts of antifreeze may be safely poured down the sink or toilet diluted with plenty of water (at least one gallon of water per pint of antifreeze).
- If your waste water leads to a septic tank or cesspool rather than a sewer system, do not dispose of your antifreeze this way. It will damage both systems as well as harm the groundwater. You should ask a friend or relative whose home is connected to a sewer to dispose of it for you, or save it for a household hazardous waste collection program.

Automotive Batteries

Automotive batteries, also known as lead acid batteries, contain sulfuric acid and lead. These components are highly toxic. Lead can threaten groundwater supplies, and acid can severely burn skin. Store these batteries in an out-of-the-way place.



DISPOSAL

- Lead acid batteries are recyclable, and the improper disposal of lead acid batteries is prohibited by New York State Law. All lead acid batteries must be recycled or disposed at a hazardous waste facility. Retailers and distributors are required to accept two batteries per person per month at no charge. A \$5.00 charge will be imposed if you buy a new battery and do not return the old one. Other garages or scrap metal dealers may also be willing to accept batteries. Depending on the market price of lead, you may find that some dealers are willing to pay you for your old battery. Some landfills provide storage areas for used batteries, where they are accumulated for eventual recycling.

Electronics and Household Batteries

Industry experts estimate that U.S. consumers throw away 400 million units of electronic equipment per year. Recycling electronic waste protects human health and the environment by:

- Diverting thousands of pounds of waste from landfills and incinerators.
- Keeping toxins such as lead, mercury and cadmium from contaminating the air, water and soil.

- Conserving natural resources by allowing valuable materials to be reclaimed and reused, rather than using virgin materials.

Electronics include: computers, televisions, cathode ray tubes, small scale servers, computer peripherals, monitors, electronic keyboards, electronic mice or similar pointing devices, facsimile machines, document scanners, and printers, small electronic equipment VCRs, digital video recorders, portable digital music players, DVD players, digital converter boxes, cable or satellite receivers, electronic or video game consoles).

RECYCLING

- The NYS Electronic Equipment Recycling and Reuse Act requires manufacturers to provide free and convenient recycling of electronic waste to most consumers in the state. Check our website - <http://www.dec.ny.gov/chemical/65583.html>

There are many varieties of household batteries. Small "button" batteries, such as those used in cameras and hearing aids, may contain mercury, silver or lithium. Common flashlight batteries, which are usually carbon zinc or alkaline, may contain mercury if manufactured before 1992. Rechargeable batteries most often contain cadmium and nickel. Each of these metal components can pose health hazards. For example, mercury is highly toxic when inhaled, swallowed or absorbed through the skin.

RECYCLING

- The NYS Rechargeable Battery Recycling Act was signed into law on December 10, 2010. The law requires manufacturers of covered rechargeable batteries to collect and recycle the batteries statewide in a manufacturer-funded program at no cost to consumers. Check our website - <http://www.dec.ny.gov/chemical/72065.html>

Household Cleaners and Personal Products

Household cleaners and personal products include a very wide range of products found around the home, with an equally wide range of environmental and health risks.

ALTERNATIVES

- Clean windows with a soft rag or newspaper. Use 1/4 cup of vinegar in 1 quart of water or try 1/4 cup rubbing alcohol in 1 quart of water (use 2 teaspoons detergent for heavy soil). Spray it on and wipe dry.
- Polish wood with a mixture of one tablespoon lemon oil and 1 quart mineral oil. Spray it on and rub in with cloth or just dip a cloth in olive, soybean or raw linseed oil.
- Clean porcelain using a nylon pad or net that has been rubbed with a cut lemon or dabbed with baking soda paste or cream of tartar paste.
- For bathroom and oven cleaners, see the information for *Acids and Bases*.



DISPOSAL

- It is always best to use up the product according to directions. If you can't use it, give it to someone who can. For products that must be disposed, check the label for instructions.
- Never mix household cleaners. Bleach and ammonia, for example, react to form a deadly gas.

- If a product is normally flushed down the drain during use, as most cleaners and detergents are, the product can usually be disposed by pouring it down the drain slowly, with water running. Do not dispose of highly toxic or corrosive materials this way. These materials should be saved for a household hazardous waste collection day.
- Metal polishes, wood polishes and waxes, and other solvent-based cleaners should be used up or safely stored for a household hazardous waste collection program.
- Mothballs are flammable and toxic. Unusable mothballs should be safely stored until a household hazardous waste program is held in your area.
- Avoid the use of septic tank cleaners or drain openers containing tetrachloroethylene, 1,1,1-trichloroethane or dichlorobenzene. Any product that contain any halogenated hydrocarbon, aromatic hydrocarbon, or halogenated phenol in an amount greater than one part per hundred by weight are prohibited from sale and/or use in Nassau and Suffolk Counties (Long Island) due to their potential to contaminate groundwater. If you have any of these products, do not use them up. They should be saved for a household hazardous waste collection program.

Medicines

Until recently, consumers have been told to flush unwanted drugs. With technological advances and research, low levels of drugs are being found in our surface waters. We know that some drugs pass largely unaltered through our wastewater treatment plants and enter rivers and other waters. Drugs from health care facilities, pharmaceutical manufacturing facilities and farms can also find their way into the water.

DISPOSAL

- Check our website for the proper disposal of unwanted drugs - www.dec.ny.gov/chemical/45083.html

Mercury

Mercury is commonly found in older thermometers and some batteries. This substance is readily absorbed through the skin and is highly toxic. Mercury vapors can also be toxic when inhaled.

DISPOSAL

- Mercury can be recycled. Mercury not recycled, should be saved for a household hazardous waste collection program. When storing and transporting mercury, however, be very careful to avoid any contact by keeping it well wrapped in a tightly sealed rigid container. Check our website - <http://www.dec.ny.gov/chemical/285.html>
- Mercury Thermostats can be recycled – check this website for locations that will accept them - <http://www.thermostat-recycle.org/>

Motor Oil & Automobile Products

Used motor oil may contain toxic metals and organic compounds. Motor oil that is disposed on the ground or put into storm sewers may seep into groundwater and may contaminate drinking water supplies.

DISPOSAL

- Do not dispose of motor oil in the ground or sewers. New York State Law requires all service stations that change oil for their customers and retailers who sell more than 1000 gallons of oil per year to accept up to five gallons of used motor oil free of charge from members of the public (unless their storage tanks

are temporarily full). This service may not be limited to customers of the establishment, so you may bring your oil to another station if the one you normally use is full. Some landfills also have used oil storage facilities available for public use.

- Used motor oil can be recycled and service stations generally store used oil in tanks until it is collected by a recycler. Motor oil that is brought in to a service station will be recycled or otherwise handled properly. Your used motor oil can be easily transported by placing it in a clean plastic milk carton or similar container.
- Service stations may also be able to accept transmission fluid, brake fluid, diesel fuel or kerosene. Do not mix these products together or with your used motor oil.
- Gasoline is toxic and extremely flammable and should never be used as a cleaner. If small amounts of impurities are present in leftover gasoline, they may be filtered out using a strainer or coffee filter. Water may be eliminated by adding dry gas. It may then be diluted with fresh gasoline and used as fuel. If the gasoline cannot be used, bring it to a service station or save it in a proper gasoline storage container for a household hazardous waste collection program.

Paint



Most paints in use today are either latex or oil-based. Oil-based paints, including enamel, varnish and lacquer, contain solvents which can damage groundwater supplies unless precautions are taken. Latex paint manufactured before August 1990 may contain mercury, which may cause nerve and kidney damage. Also, some older paints may contain high levels of lead and can cause serious health problems if ingested directly or through contamination of drinking water supplies.

ALTERNATIVES

- Mix up your own whitewash for some jobs. The following recipe is for wood, glass or metal surfaces: Dissolve 15 pounds of salt or 5 pounds of dry calcium chloride in 5 gallons of water. In a separate container soak 50 pounds of hydrated lime in 6 gallons of water. Combine the mixtures, stir and thin with water until it is the consistency of whole milk. Yields 10 gallons and proportions can be reduced.

DISPOSAL

- To avoid disposal problems, try to buy only as much paint as you need. When you have leftover paint, try to use it up on a smaller project or give it away to someone else who can use it. Community groups, theater groups or schools may be able to put your leftover paint to good use. Latex paint which contains mercury should only be used outdoors.
- Some communities now recycle latex paint. If yours does, keep the paint well covered and protected from freezing until the next collection day.
- Paints that are too old or in too small quantities to be reused should be disposed of properly. Nonmercury-containing latex paint can be allowed to dry out and harden. This should be done outdoors in an area with very good ventilation and away from children, animals or heat. This process may be quickened by stirring the paint frequently, pouring the paint in layers into a cardboard box, or "painting" old pieces of wood or other materials. Cans containing hardened paint can then be disposed with other household trash, however, the lids should remain off. The paint may also be solidified by pouring it over clay cat litter and letting it dry out.

- Mercury-containing latex or oil-base paint or paint containing lead should be saved for a household hazardous waste collection program. Different colors of paint may be combined for easier storage, provided that the paints are of the same type (latex or oil-based). Make sure that the label clearly states the type of paint inside.
- Artist paints often contain much higher levels of toxic metals than other paints and should not be handled as ordinary paint. These paints should be saved for a collection program. Aerosol paints must also receive special handling and should be saved for a collection program.

Thinners, Strippers & Other Solvents

Solvents may cause serious health effects if they come into contact with the skin or eyes or are inhaled. Excessive solvent exposure can cause a wide range of symptoms, many quite serious. The most damaging are the halogenated solvents, which are often found in paint strippers, spot removers and degreasers.

USING SOLVENTS SAFELY

- Read labels carefully.
- Use gloves, goggles and respiratory mask when appropriate.
- Never smoke when using solvents and never use them near fires.
- Use excellent ventilation and work outside when possible. Don't use solvents on hot, muggy days.
- Use water-based products where possible - they require less cleanup and less solvent.
- Never eat or drink where solvents are being used - fumes can be absorbed by food or utensils and you may accidentally ingest them.

DISPOSAL

- Most solvents are recyclable, although this is not always practical to do at home. Always try to use up the product in its intended manner. Paint thinners that have paint mixed into them can be reused by capping the container tightly and allowing the paint to settle to the bottom of the container (this process may take several months for large volumes). The clean solvent may then be poured off the top and reused and the sludge that is left can be allowed to dry out (preferably outdoors) and then discarded. Paint thinners can also be used up by mixing them into oil-based paints or can be reused after filtering them through a coffee filter.
- Solvents which contain chlor-, chloro-, or a similar phrase in their chemical name are chlorinated, which is one type of halogenated solvent. Other types may include such phrases as fluoro-, bromo-, or variations of these. These halogenated solvents should be handled carefully.
- Waste solvents should be stored until a household hazardous waste collection program is held in your area. If the solvents must be disposed immediately, then very small amounts (less than one cup) of nonhalogenated solvents can be evaporated by mixing the solvent with an absorbent and leaving the solvent mixture outdoors. When the absorbent is fully dried, it should be wrapped in a plastic bag and placed with other trash. This should be done carefully so that children or animals cannot come into contact with the chemical. Always ensure proper ventilation when evaporating solvents.

Wood preservatives

Wood preservatives are generally a combination of a solvent and a pesticide. These mixtures are highly toxic and must be handled very carefully. Pentachlorophenol and creosote should only be used by individuals who have had training in their safe use. Finally, wood that has been treated with any of these products should never be used as firewood since toxic air contaminants could be emitted during burning.

ALTERNATIVES

- Use wood that is naturally weather -and insect- resistant such as cedar, honey locust or oak. As an alternative, use plastic lumber.
- Employ construction techniques that protect wood from dampness or insects

DISPOSAL

- For more information on creosote wood check our website - <http://www.dec.ny.gov/chemical/42394.html>
- Wood preservatives that do not contain creosote or pentachlorophenol should be used up. If you can't use them, give them to someone who can. Leftover creosote, pentachlorophenol or other unusable products should be left in their original containers, placed in a double plastic bag, stored out-of-the-way and saved for a household hazardous waste collection program. If there is no such program held in your area, then very small quantities (less than one cup) of wood preservatives other than pentachlorophenol or creosote may be solidified with clay cat litter and discarded with your household trash.

Pesticides

Pesticides are chemicals that are intended to kill unwanted insects, animals, plants or microorganisms. These products may also be toxic to humans or pets. Many pesticides are not biodegradable; they accumulate in the environment and could eventually contaminate groundwater and food supplies. Pesticides include not only commonly recognized insecticides and herbicides but also products such as wood preservatives, flea products and some insect repellents.

DISPOSAL

- Many pesticides have been banned from use by both homeowners and licensed applicators within New York State because they pose high risks to human health or to the environment. Others are restricted to use by licensed applicators. These products should not be used by citizens or carelessly thrown away, but should be saved for a household hazardous waste collection program. If the pesticide is not banned or restricted, however, it is best to use the product up according to label directions or give the product to someone else who can use it for its intended purpose. Otherwise, it should be stored until a household hazardous waste collection program is held in your area.
- To safely store pesticides, keep them in their original container, wrap them in newspaper and place them inside a double layer of plastic garbage bags. Always keep them out of the reach of children and away from heat and pets.
- Empty pesticide containers should be triple rinsed before being thrown away. The rinse water should be saved and used as a pesticide. The empty container should then be wrapped in newspaper and discarded with household trash.



For pesticides that are banned or restricted in New York State and should not be used or thrown away (as of November, 1998) check our website - <http://www.dec.ny.gov/chemical/298.html>

Other Chemicals

PHOTOGRAPHIC CHEMICALS may contain a number of toxic or corrosive ingredients and should be handled very carefully. Photographic chemicals that contain silver, such as photographic fixer solutions, can be

reclaimed. Ask a local photographer or photo finishing lab if they can recycle your wastes. Otherwise, the chemicals are best brought to a household hazardous waste collection program. Small amounts (less than one pint) of photographic chemicals may be poured down the drain, if necessary, provided that they do not contain silver, hexavalent chromium or ferrocyanide.

SWIMMING POOL CHEMICALS contain chlorine, acids, or calcium hypochlorite (an oxidizer). These materials are corrosive and may cause burns or injury on contact or if swallowed or inhaled. They may also pose a fire hazard. They should be stored carefully, away from any source of heat or spark, and saved for a household hazardous waste collection program.



SMOKE DETECTORS may be either photoelectric or ionizing. The ionizing variety is radioactive and may pose hazards to human health if large quantities are accumulated. However, single detectors may be safely discarded with household trash. Some smoke detectors can be returned to the manufacturer. Check the package of the new smoke detector to see if they offer a return service.

TRANSFORMERS & FLUORESCENT LIGHTS manufactured before 1978 may contain polychlorinated biphenyls (PCBs). These materials are highly toxic and should be safely stored until they can be taken to a household hazardous waste collection program. Fluorescent light bulbs may also contain mercury, and should be brought to a recycling program or a household hazardous waste collection if one is available in your area. Compact fluorescent light bulbs can be recycled at Home Depot or Lowes retail stores.

ASBESTOS has been shown to be dangerous when inhaled. If your home contains asbestos products, do not attempt to remove them yourself. Improperly removing asbestos may be more dangerous to your health than leaving it undisturbed. If the asbestos is encased or appears to be in a solid mass (not easily crushed), then it may not pose any significant health hazards. If you have any questions regarding asbestos removal, you should consult your local Health Department or a professional asbestos contractor.



GAS CYLINDERS can often be refilled and many retailers will accept used gas cylinders. Cylinders which are completely empty and have the valve removed may be recycled.

For More Information

- Write or call your NYSDEC Regional Office. For your local regional office check our website - <http://www.dec.ny.gov/about/50230.html>
- Contact the NYSDEC Division of Materials Management at 518-402-8706

For Information On Household Hazardous Waste Collection Programs In Your Area

- Contact your local Department of Public Works or Solid Waste Management Authority.

Appendix A.09

Solara, Inc.

environmental and business consulting

NYSDEC Household Hazardous Waste Disposal and Alternatives Chart



New York State Department of Environmental Conservation
 Division of Solid and Hazardous Materials
 Bureau of Waste Reduction and Recycling

HOUSEHOLD HAZARDOUS WASTE DISPOSAL and ALTERNATIVES CHART



- U** - Use up according to label directions
- T** - Wrap and discard with other household trash
- P** - Pour down drain slowly with plenty of water
- S** - Save for a household hazardous waste collection program
- D** - Dry out and then discard with other household trash
- R** - Take to a Recycling center

PRODUCT	DISPOSAL	ALTERNATIVES
Cleaners		
general purpose liquid	U P	vinegar or lemon juice diluted with water; or three tablespoons washing soda in 1 quart water
scouring powder	U T	baking soda, salt, or borax
metal polishes	U S	use baking soda paste
furniture polish	U S	dip cloth in olive, soybean, or raw linseed oil; or mix 2 tablespoons olive oil with 1 tablespoon vinegar and slowly stir into 1 quart water
rug cleaners	U S	sprinkle baking soda on rug then vacuum; use club soda on stains

spot removers	U S	clean spill quickly with club soda, or use baking soda paste on stains
toilet bowl cleaner	U P	flat cola, borax, or baking soda
oven cleaner	U S	wipe up spills quickly; wash with baking soda using a scrubber; or sprinkle with baking soda or salt, let sit, and then rinse

Home Maintenance

latex paint	U D	use whitewash or milk paint
oil-based paint	U S	use latex paint when possible
paint thinner	U S	let paint settle out and then reuse
glues/adhesives	U D S	use white or yellow glue; let glue dry out if it is water based; save if solvent based
drain opener	U S P	prevent problems by using strainer and flushing pipes weekly with boiling water; use a plunger or snake; and put 1/2 cup each vinegar and baking soda down the drain, flushing 15 minutes later
air freshener	U T	use flowers, herbs, or potpourri; place vinegar or vanilla in an open dish; or clean the source of the odor with baking soda
degreasers	U S	detergents
paint stripper	U S	sand or scrape paint

Auto Repair

motor oil	R	none
antifreeze	R P	none
gasoline	S	none; do not use as a cleaner
vehicle batteries	R	none
carburetor cleaner	S	none

Pesticides

bug sprays/insecticides	U* S	handpick or trap pests; keep household clean and food covered; caulk or seal entryways
-------------------------	-------------	--

weed killer	U* S	maintain a healthy lawn by adjusting the pH to 6.5, mowing high with a sharp blade, and watering deeply when the soil is too dry
flea killers	U* S	use a flea comb, vacuum often, and wash pets bedding
wood preservatives	U* S	use wood that is naturally resistant (cedar, honey locust, oak) and protect from dampness and insects; look for recycled plastic lumber
disinfectant	U* S P	borax or pine oil with soap
insect repellant	U* S	don't wear scented products outdoors; and burn citronella candles, punk, or incense
Hobby/Miscellaneous		
photographic chemicals	U S P	none
artist paints	U S	use water-based products whenever possible
swimming pool chemicals	U S P	none
household batteries	R S T	use rechargeable batteries
aerosols	T S	use pump or liquid; if not hazardous, wrap it up and discard with other household trash; save for a household hazardous waste collection program if it contains hazardous materials
mothballs	U S	keep garments clean; wrap in linen or seal in paper packages or cardboard boxes; use cedar chips; kill eggs by running dry garment through a warm dryer

ALWAYS READ ALL PRODUCT LABELS CAREFULLY!

*** - Do Not Use Up Pesticide Products Which Have Been Banned or Restricted**

Disposal recommendations are listed in order of preference. This chart only provides a small example of the known substitutes, not all are completely non-toxic. Use all hazardous products with care. Many of the possible alternatives listed in this chart have been taken from *Household Hazards: A Guide to Detoxifying Your Home*, published by the League of Woman Voters of Albany County, New York.

Appendix A.10

Solara, Inc.

environmental and business consulting

Effective HHW Program Education and Awareness Tools

Town of Newstead & Village of Akron



Household Hazardous Waste & Electronics Recycling Day



NEW!
Pre-Registration
is Mandatory

PRE-REGISTRATION INFORMATION

Please visit www.hazmanusa.com or call the Village.

Village of Akron (716) 542-9636

Monday - Friday 9AM - 3PM

Proof of residency will be required at time of disposal.

**SATURDAY
OCTOBER 1ST
9AM - 12PM**

WHERE

Joint Municipal Facility

12707 Clarence Center Rd. Akron NY

SPONSORED BY

Town of Newstead

Village of Akron

New York State Department of Environmental Conservation

RECYCLING BY



ACCEPTABLE MATERIALS

Aerosols

Antifreeze

Batteries

Computers

Fluorescent Bulbs

Gasoline

Latex Paint

Oil-Based Paint

Paint Thinner

Pesticides & Herbicides

Photo Chemicals

Pool Chemicals

Printers & Copiers

Propane Tanks

Televisions

Thermometers

Thermostats

Waste Oil

Wood Polishes

Wood Stains

**SCAN HERE FOR
EVENT DETAILS**



Community RECYCLING DAY

September 23rd, 2017

9:00am – 12:30pm



Drop-off location:
Cummins Engine Plant
4720 Baker St., Lakewood, NY
(EMPLOYEE DRIVEWAY – FOLLOW THE SIGNS)



We're Collecting:

- Batteries (Lead-Acid, Alkaline, NiCad, NiMH & Lithium)
- Oil Based Paints & Stains
- Electronic Devices (Televisions, Computers, Stereos, etc.)
- Used Motor Oil (Containers no larger than 5 gallons)
- Fluorescent Bulbs (All Types)
- Scrap Metal
- Auto & Lt. Truck Tires (Limit 8 Per Vehicle, No Rims)
- Confidential Record Destruction (Limit 4 Banker Boxes Per Vehicle)
- Gently Used Coats

THIS IS A COMMUNITY EVENT – NO BUSINESSES! WE RESERVE THE RIGHT TO LIMIT QUANTITIES.



eco park

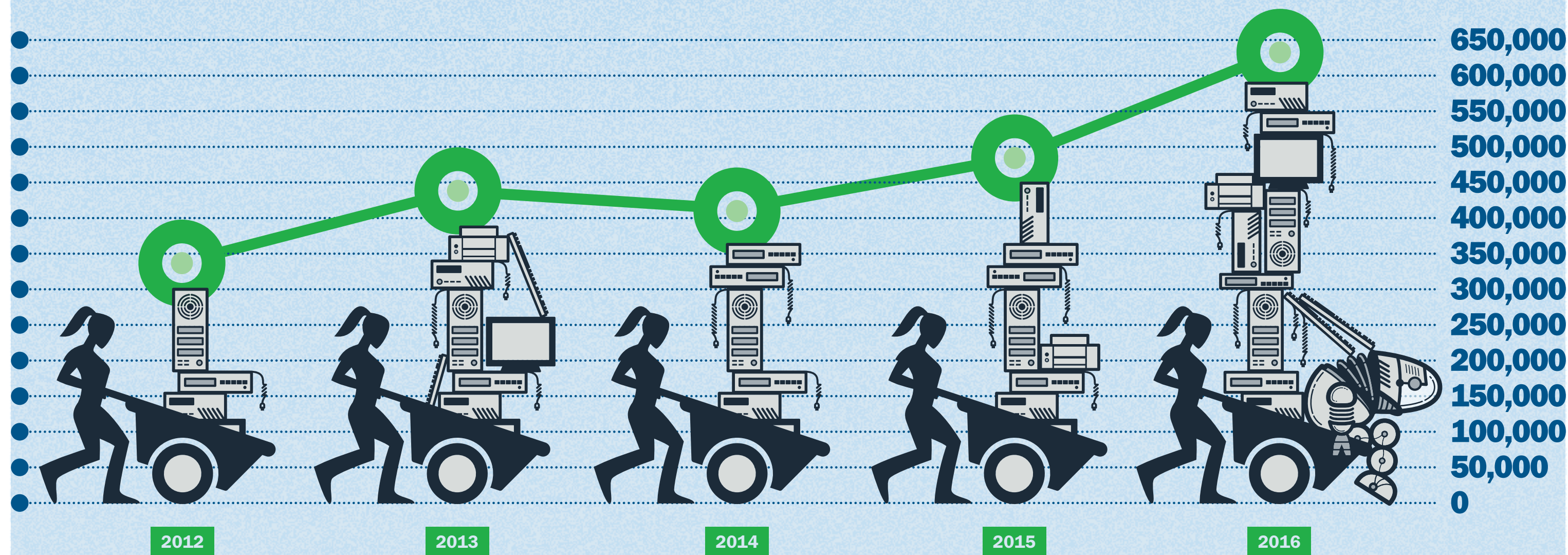


CHERYL DINOLFO
COUNTY EXECUTIVE

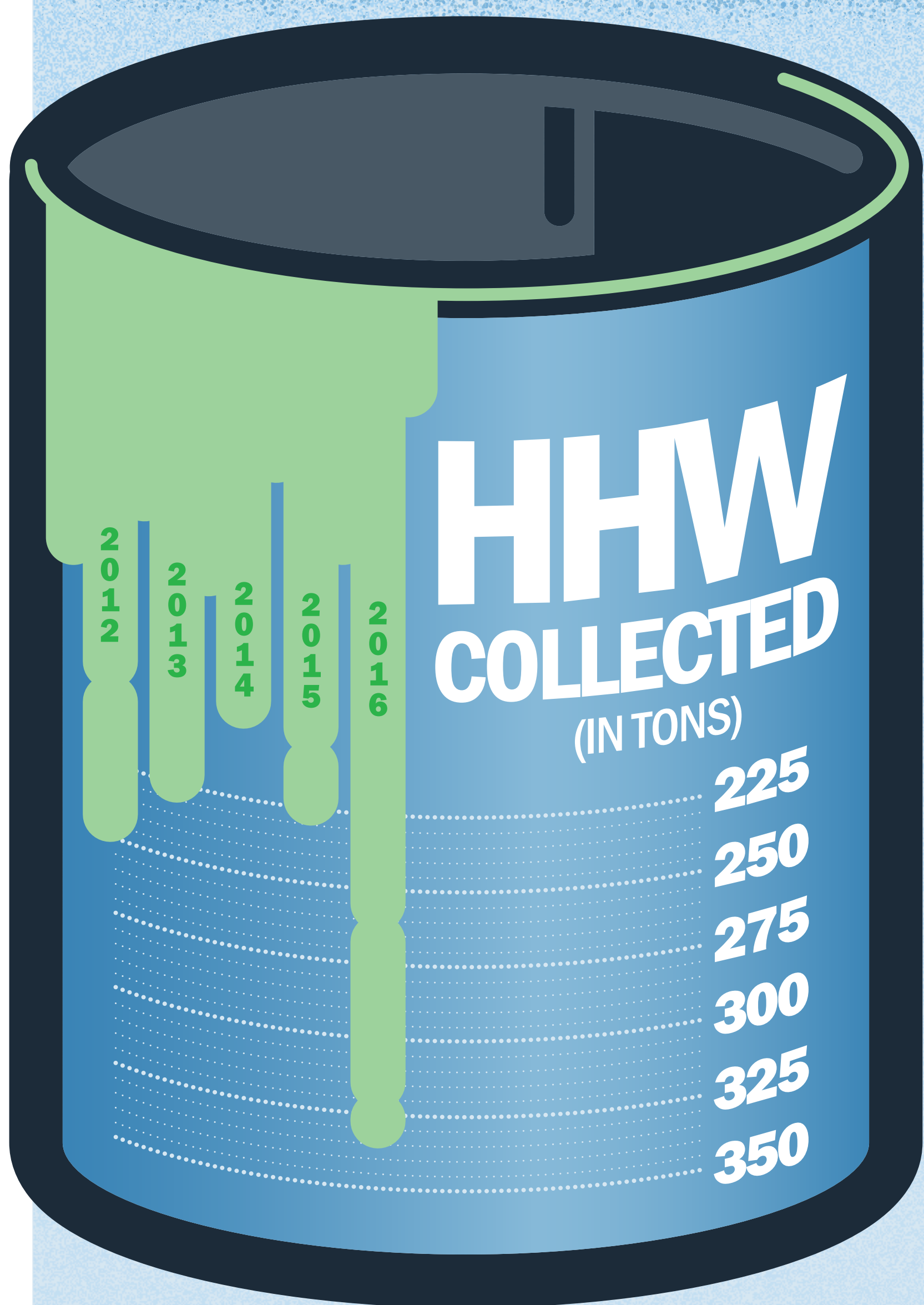
The Monroe County EcoPark is a state-of-the-art recycling facility. Considered one of the first of its kind, the EcoPark is a one-stop shop for any recycling needs, and a great community resource to encourage environmental sustainability. Monroe County's partnership with Waste Management at the EcoPark has accelerated recycling innovation and will continue to protect the environment for years to come.

2.31M e

POUNDS OF WASTE



Since its opening, 2.31 million pounds of electronic waste has been collected at the EcoPark. Televisions, radios, computers and other pieces of electronic equipment have been diverted from landfills, keeping the lead and other hazardous waste out of the ecosystem. The remaining material from this equipment is then recycled and re-used in many new consumer products available in stores.



1.3K TONS

of HOUSEHOLD HAZARDOUS WASTE

Household Hazardous Waste, such as paint, flammable substances and other home chemicals, can become environmental hazards when not disposed of properly.

These substances can leak into the soil and contaminate our drinking water. The trained professionals at the EcoPark have the equipment necessary to recycle these chemicals and convert them into harmless waste.

EcoParkMCNY.com

29,545

POUNDS

of pharmaceuticals have been collected at the EcoPark.

Pharmaceutical waste does not decompose and can do significant damage to our environment if not recycled properly.



103

CUBIC YARD BOXES OF RECYCLED CLOTHING

30

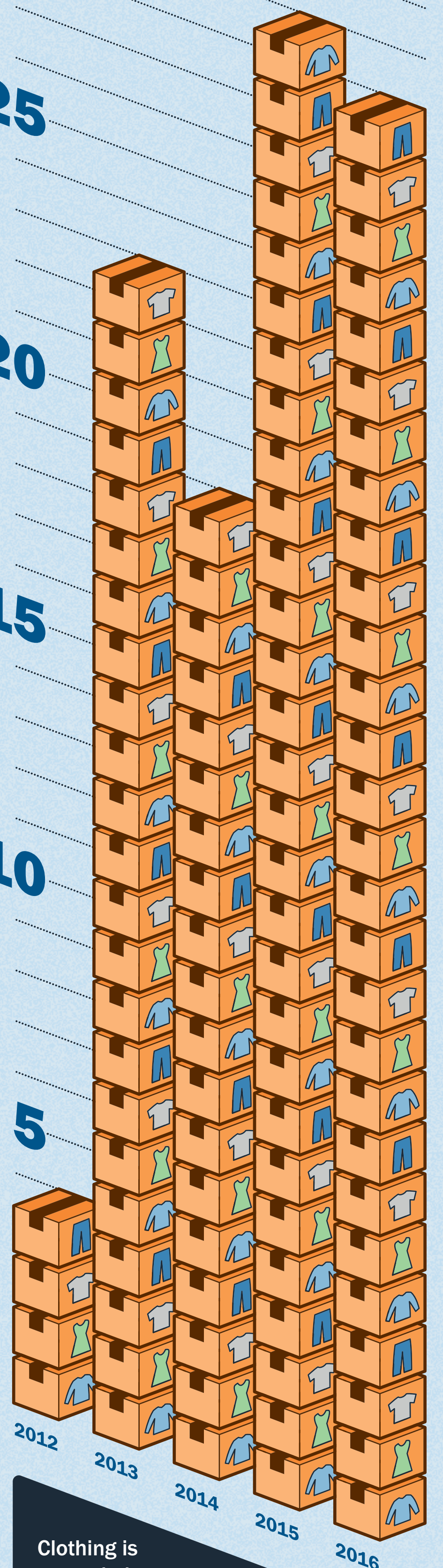
25

20

15

10

5



Clothing is passed along to local donation centers.

Subject: FW: Make it a Toxic-Free Valentine's Day

Date: Thursday, February 1, 2018 at 4:17:36 PM Eastern Standard Time

From: Andrew Radin

To: Sarah Battaglia

Here's an example of our email blasts . . .

From: OCRRA.org [mailto:ocrra@ocrra.ccsend.com] **On Behalf Of** OCRRA.org

Sent: Thursday, February 01, 2018 4:06 PM

To: Andrew Radin <aradin@ocrra.org>

Subject: Make it a Toxic-Free Valentine's Day

Hi, Just a reminder that you're receiving this email because you have expressed an interest in OCRRA. Don't forget to add ocrra@ocrra.org to your address book so we'll be sure to land in your inbox!

You may [unsubscribe](#) if you no longer wish to receive our emails.



4

February
2015

Make it a Toxic-Free Valentine's Day

Enjoy more TLC with less HHW



- Show your love for Mother Earth, and safely manage your **Household Hazardous Waste (HHW)** with help from OCRRA.
- Most homes have **household cleaners, pesticides, oil-based paints** and **automotive products** hanging about that shouldn't be poured down the drain, or anywhere else.

Cleaning out the clutter is easy and free!

Register for a drop-off appointment year-round.

You can pick a time and day at your convenience to drop off your toxic household materials (6:30 am - 6:00 pm, Mon. - Fri.).

Appointments must be made 5 business days in advance.

- [What can I bring?*](#)
- [Where is the drop off?](#)
- [How do I register?](#)

Make your appointment today!

Click [here](#) to make your appointment online.

**Latex paint is not accepted. Click [here](#) to learn how to properly manage latex paint.*

Quick Link

- [DIY: Recipes for environmentally-friendly cleaning products](#)



Sincerely,
Your Friends at OCRRA

Save the world a little each day.



Share this with a friend or co-worker!



Subscribe to this monthly e-mail if you are a new reader.

Email: info@ocrra.org
Web: www.OCRRA.org

Monroe County ecopark
10 Avion Dr.
Rochester, NY 14624

HOURS OF OPERATION
Wed: 1pm to 6:30pm
Sat: 7:30am to 1pm
(Closed on Holidays)



SCRAP METAL

CFCs \$15
• AC units
• dehumidifiers
• Refrigerators

Tires \$5

Pop tab Donations
Cellphones for Soldiers

CFL Bulbs
(place gently)

Ink/toner
Cartridges

Empty Pharm Bottles

American Flags

NO ALKALINES
Rechargeable Batteries
• Ni-Cd, Ni-MH
• Lithium-ion
• Small lead acid
Button Batteries

Sharps

Used Cooking Oil

Old
Medicines

BULKY PLASTIC
vinyl siding, plastic lawn
furniture, large kids toys

CLEAN Co-mingle
plastic, paper, glass, cans

CLEAN Co-mingle
plastic, paper, glass, cans

Clean Packing Peanuts

STYROFOAM
Clean, white, no tape or labels

CORRUGATED CARDBOARD

Electronics
• Electronic equipment,
mobile devices
• Computers
• Televisions
• Flat screens
• **CRTs \$10 fee**



Goodwill Donations

Paper and
document
shredding

CLEAN Co-mingle
plastic, paper, glass, cans

CLEAN Co-mingle
plastic, paper, glass, cans

CLEAN Co-mingle
plastic, paper, glass, cans

CORRUGATED CARDBOARD



Recycling
Enter
(Left)

HHW
Enter
(Right)

HOUSEHOLD HAZARDOUS WASTE
(BY APPOINTMENT ONLY)



EXIT

ENTRANCE

Plastic bag recycling bin (clean, dry)



10 Avion Drive | Rochester, New York 14624



Cheryl Dinolfo
County Executive



**ecopark is your one stop drop off
facility for expanded recycling options**



Hours of Operation

Wednesday (New Evening Hours) . . . 1pm - 6:30pm

Saturday 7:30am - 1pm

(Closed on Holidays)

..... **Need More Options?**

Find alternate drop off locations and times by using
the "Locator" tool at www.monroecounty.gov/ecopark

Compost Give Back Program

1 Unwanted leaves are collected from
City of Rochester residents and
brought to ecopark.

2 ecopark turns
the leaves into
compost and it is
made available
to residents for
FREE.



3 County flower gardens
and landscapes flourish
with the use of recycled
leaf compost.



Monroe County's recycling program is
grant-funded, in part, through the New York State
Department of Environmental Conservation.



Printed on Recycled Paper



ecopark accepts the following during all hours of operation:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Appliances (without refrigerant) | <input checked="" type="checkbox"/> Paper & Cardboard |
| <input checked="" type="checkbox"/> Bulky Plastic Items | <input checked="" type="checkbox"/> Pharmaceuticals & Rx Bottles |
| <input checked="" type="checkbox"/> Clean Styrofoam Packing | <input checked="" type="checkbox"/> Plastic Grocery Bags |
| <input checked="" type="checkbox"/> Clothing & Accessories
(Donation) | <input checked="" type="checkbox"/> Printer Cartridges |
| <input checked="" type="checkbox"/> Cooking Oil/Grease | <input checked="" type="checkbox"/> Propane Tanks (1# & 20# only) |
| <input checked="" type="checkbox"/> Document Destruction
(Items are destroyed off site) | <input checked="" type="checkbox"/> Rechargeable and Button
Batteries (No Alkaline) |
| <input checked="" type="checkbox"/> Electronic Waste | <input checked="" type="checkbox"/> Recyclable Glass/Metal/Plastic
Containers |
| <input checked="" type="checkbox"/> Flags (U.S.) | <input checked="" type="checkbox"/> Sharps & Syringes |
| <input checked="" type="checkbox"/> Fluorescent Lights | <input checked="" type="checkbox"/> Scrap Metal |

FEE-BASED ITEMS *Credit/Debit Card Only*

- ☒ Appliances with Refrigerant
- ☒ Tube TVs/Monitors
- ☒ Passenger Vehicle Tires with/without Rims



HOUSEHOLD HAZARDOUS WASTE *Appointment Required**

(30-gallons liquid and 75 lb. solid limit per appointment)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Automotive Fluids (antifreeze,
brake, power steering and
transmission fluids) | <input checked="" type="checkbox"/> Mercury (thermometers,
thermostats) |
| <input checked="" type="checkbox"/> Cleaners (soaps, waxes, drain
cleaners, etc.) | <input checked="" type="checkbox"/> Paint: Oil-based & Latex
(more than 1/3-can full) |
| <input checked="" type="checkbox"/> Driveway Sealer | <input checked="" type="checkbox"/> Pesticides & Fertilizers |
| <input checked="" type="checkbox"/> Flammables (gasoline,
thinners, solvents, etc.) | <input checked="" type="checkbox"/> Pool & Photo Chemicals |
| | <input checked="" type="checkbox"/> Wood Stain & Preservatives |

** HHW appointments can be made online at monroecounty.gov/hhw*

Not Accepted at ecopark

- ☒ 55-Gallon Drums
- ☒ Asbestos (see Yellow Pages - 'Asbestos Abatement')
- ☒ Bullets, Flares, Gunpowder, Explosives (call 911)
- ☒ Dried Paint Can or Less Than 1/3 Can
(discard lid, add kitty litter, stir, let dry, place in trash)
- ☒ Alkaline Batteries (see WM's Battery Tracker)
- ☒ Glazing/Spackle/Joint Compound (place in trash)
- ☒ Industrial-Use Products (call 753-7600 opt. 3)
- ☒ Used Motor Oil (contact service station or retailer)

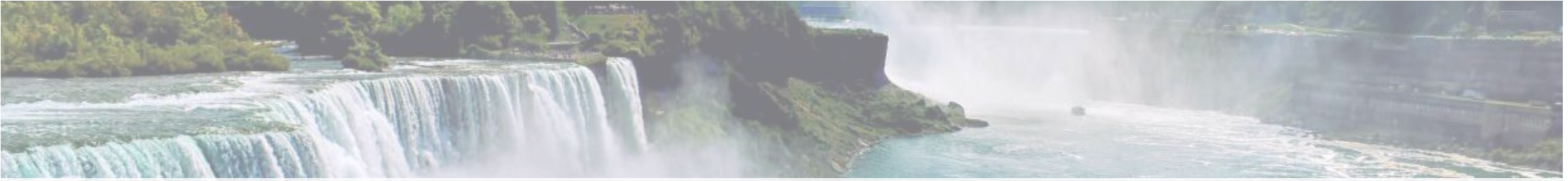


QUESTIONS?

Visit www.monroecounty.gov/ecopark
Or email mcdes@monroecounty.gov



Cheryl Dinolfo
County Executive



City of Niagara Falls

SPECIAL WASTE DROP-OFF DAY

Please join State Senator Robert Ortt in collecting household hazardous waste and old, unwanted medications and prescriptions for safe disposal and recycling!

This one time, FREE collection event is available to all Niagara County residents. Those who wish to dispose of household hazardous waste must **schedule an appointment** by visiting www.rethinkyourwaste.com or calling 439-7250.

State Senator Rob Ortt said, "This is a great opportunity to get rid of dangerous household items in a safe manner. I hope to see you there!"

SATURDAY, JUNE 18TH

10AM - 2PM

PUBLIC WORKS GARAGE

1785 NEW ROAD



**State Senator
Robert Ortt**



For More Information:

Phone: 716-439-7250

E-Mail: recycling@niagaracounty.com

Household Hazardous Waste Collection is a service provided by the New York State DEC and the Niagara County Refuse Disposal District





City of Niagara Falls

SPECIAL WASTE DROP-OFF DAY

State Senator Ortt invites you to participate



Saturday, June 18th

10am - 2pm

Public Works Garage

1785 New Road

WWW.RETHINKYOURWASTE.COM



Recycling brought to you by **Hazman** www.hazmanusa.com



RECYCLE RIGHT



CHERYL DINOLFO
COUNTY EXECUTIVE

ecopark

WM
WASTE MANAGEMENT



RECYCLE CURBSIDE

CURBSIDE
RECYCLING
ITEMS
MUST BE
CLEAN!



RECYCLE at the ECOPARK

- PAINTS AND OTHER CHEMICALS
- DOCUMENT DESTRUCTION
- USED ELECTRONICS
- APPLIANCES AND SCRAP METAL
- CLEAN USED CLOTHING
- BULKY PLASTIC
- PHARMACEUTICAL WASTE

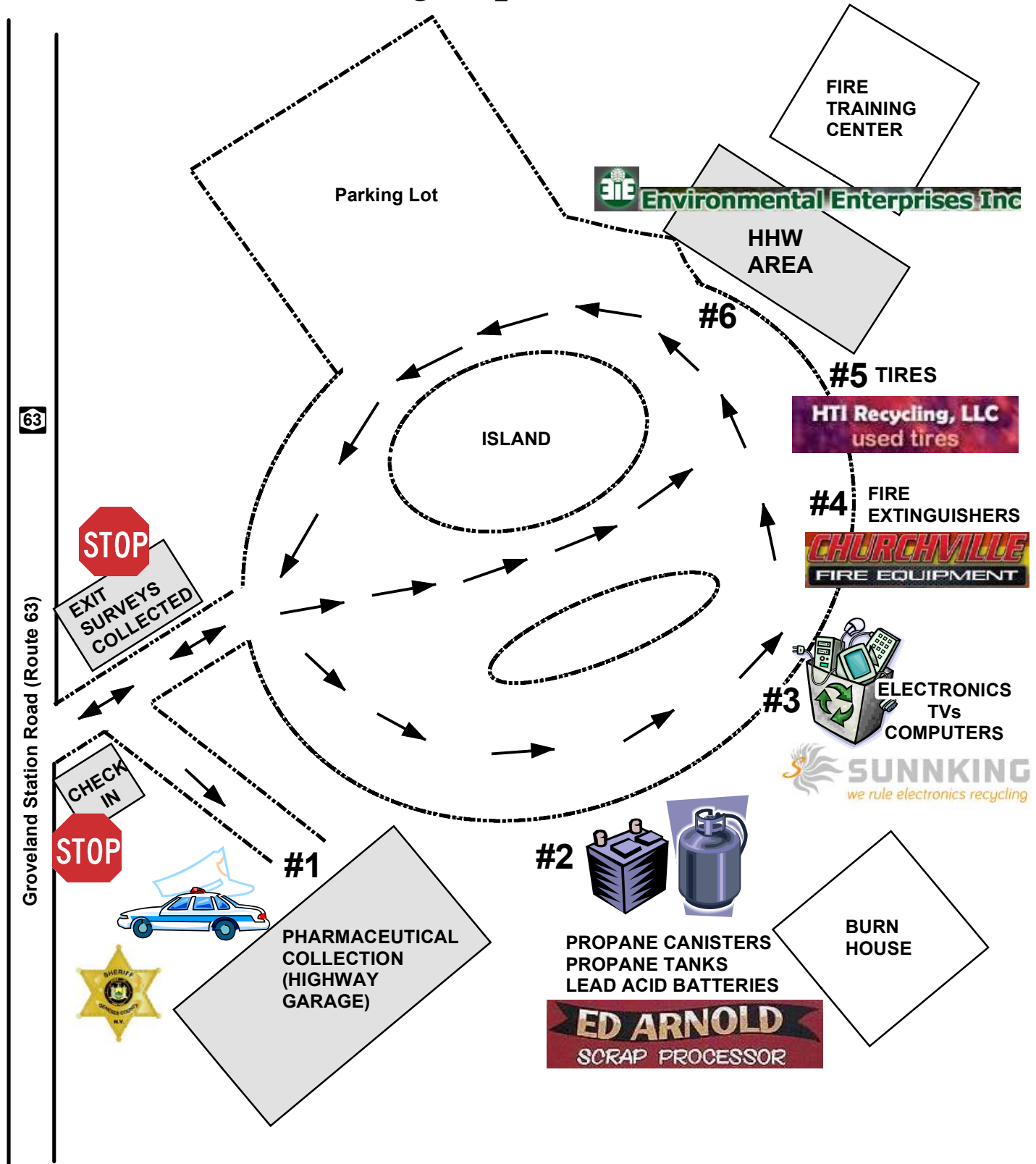
BRING THESE ITEMS TO THE ECOPARK



ECOPARK
10 AVION DRIVE
14624

FOR ECOPARK HOURS AND A FULL RECYCLING LIST VISIT ECOPARKMCNY.COM

GLOW Solid Waste Committee
Household Haz. Waste/Pharmaceutical Collection
Livingston County Fire Training Center/Highway Garage
Mt. Morris, New York
Saturday, Sept. 16, 2017





Spring 2017 Newsletter | Volume 26 | No. 1



SHRED-O-RAMA... PG 2

Confidential paper shredding event hits NBT Bank Stadium on Saturday, May 6.



COMPOST PG 4

Learn about the three different ways you can get OCRRA Compost.



RECYCLING INSTRUCTIONS PG 5

Cut out this handy reference guide that reminds you what items go in the blue bin.



WASTE-TO-ENERGY PG 6

Understand the benefits of the capital improvements OCRRA is making to the Facility.



TV RECYCLING..... PG 7

Find out where you can recycle your old TVs.

Be Part of Our County's Litter Solution

Volunteer to collect litter with OCRRA on April 21 or 22; register by April 14

Theresa Evans, Recycling Specialist

Have you ever wondered how you could personally make an immediate, positive difference for the local environment, as well as in the quality of life for you and your neighbors? It is easy! Join OCRRA's award-winning Earth Day Litter Cleanup campaign.

Organized community litter cleanup programs like this are an excellent way to get lots of people simultaneously involved in hands-on environmental conservation. Neighbors, colleagues, classmates and families all come together for a short time yet their collective efforts result in a massive physical impact on the environment. Further, when community members get involved in cleaning their neighborhoods, parks and open spaces, they are less likely to litter and more likely to keep them clean in the future.

Last year, more than 7,200 Onondaga County residents cared enough to make a difference in our



Huntington School students and parents and Girl Scout Troop 10714 amassed 30 bags of litter (including a lot of candy wrappers) cleaning along Sunnycrest Road and the school grounds during the 2016 Earth Day Litter Cleanup. Join groups like this for the 2017 Earth Day Litter Cleanup. Register at OCRRA.org or by filling out the form below. The deadline for registration is Friday, April 14.

community. They scoured the roadsides, streets, parks, ditches and gullies to collect over 95,000 pounds of litter (that is more than the weight of 30 electric cars).

Let us aim to make an even greater impact in 2017. Gather your co-workers for a lunchtime cleanup on Friday, April 21, or get your family, friends and neighbors together on Saturday, April 22. You could even do both.

In total, our community has collected more than 2,400,000 pounds of litter since OCRRA's first litter cleanup began 26 years ago.

How to Register:

Visit OCRRA.org, mail in the form below or call 453-2866. Groups will receive stickers to attach to their litter bags and instructions on where and when to take the bags for free disposal.

Theresa Evans can be reached at tevans@ocrra.org.

WHEN:

Friday, April 21, and
Saturday, April 22.

WHERE:

Any public area in
Onondaga County –
your choice.

Register By:

Friday, April 14.

2017 Earth Day Litter Cleanup Registration Form

Name of Group: _____ Number of Workers: _____

Name of Contact Person (one name only): _____

Address of Contact (where information/stickers are to be sent):

Street: _____ City: _____ Zip: _____

Phone #: (W) _____ (H) _____ (Fax) _____

E-Mail: _____

Day(s) Your Group Will Be Cleaning: ☐ Friday, April 21 ☐ Saturday, April 22 ☐ Both

You will receive two trash bag stickers per worker. Please indicate if you will need more.

Number of ADDITIONAL Stickers _____

Municipality (city/town/village) where you are cleaning. This info is used to provide instructions on litter drop off.

What area are you cleaning? _____

You may choose any public space in the county. Be as specific as possible to avoid cleanup overlap.

Register Online at
OCRRA.org

OR RETURN REGISTRATION
VIA FAX 453-2872
OR MAIL TO: OCRRA
100 Elwood Davis Road
North Syracuse, NY 13212

**Registration
Deadline
April 14**

Cleanup supplies are your group's responsibility. OCRRA provides stickers for free disposal through your municipality.

Any questions, please call OCRRA at 453-2866, ext. 202.

Shred Confidential Docs and Protect Your Identity

OCRRA partners with local shredding companies May 6 at NBT Bank Stadium to help community

Theresa Evans, Recycling Specialist

Safeguard your identity by shredding and recycling your confidential documents in bulk at OCRRA's spring Shred-o-Rama event. Bank information, tax forms, credit card statements, medical papers and more can all be shredded at no charge on Saturday, May 6, from 8 am to 12 pm at NBT Bank Stadium in Syracuse. No reservations are required to attend.

OCRRA asks attendees to:

- Bring no more than five banker size boxes per vehicle,
- Pack confidential documents, loosely, in durable boxes, containers or paper bags. Do not bring items in plastic bags as they slow down the shredding process,
- Remove binders or other non-paper items (plastic

bags; folders; spiral notebooks; laminated items; electronic media including computer disks, CDs, etc.). Staples, paperclips and tape are fine,

- Enter the stadium parking lot from the Grant Boulevard / Hiawatha Boulevard intersection,
- Stay in your vehicle.

Please note the event is **FREE** and open to **household residents** in Onondaga County only. Business materials will not be accepted. If your workplace needs shredding services, visit www.OCRRA.org for details on commercial shredding options.

Since OCRRA started hosting annual Shred-o-Rama events in 2004, more than **560 tons** of personal papers have been safely shredded and recycled in

Onondaga County.

Many thanks go to:

- The NBT Bank Stadium Facilities and Management Team, as well as the Syracuse Police, who respectively enable the use of the stadium's spacious parking lot and direct the traffic, resulting in a convenient and safe event.
- Confidata / SMR Fibre and Shred Solvers who provide a generous donation of staff time and mobile shredding vehicles.

Not able to attend the event in May? Have no fear - a second Shred-o-Rama event will take place in September 2017; stay tuned for details regarding the fall event.

Interested in reducing the amount of confidential documents you amass in the first place? Consider



Event staff empty confidential documents into Toters before shredding them at OCRRA's May 2016 Shred-o-Rama event. On Saturday, May 6, OCRRA again partners with Confidata and Shred Solvers for the spring event, which takes place at NBT Bank Stadium. The event is open to households only; reservations are NOT needed and the event is free.

signing up for e-statements with your bank, utilities, etc. and minimize the sensitive documents

you accumulate at home. Theresa Evans can be reached at tevans@ocrra.org.

Students Lead Charge with Cafeteria Waste Reduction

Theresa Evans, Recycling Specialist

A quarter of our community's trash is food scraps that could be turned into a material that enriches the soil of our lawns and gardens, instead of being discarded. Our waste is not really waste at all, it could be turned into compost.

Did you know that over 7,000 students, in 17 schools, across 5 districts in Onondaga County are already doing their part in combatting this problem by participating in compost programs in their cafeterias? Our community's young people in the Marcellus, Jordan-Elbridge, Westhill, Fayetteville-Manlius and LaFayette school districts are leading the charge in the fight against excess school food waste. They are making a significant environmental impact every day because of this effort.

Composting at school is

not only a creative and efficient way to reduce cafeteria trash, it also serves as a valuable teaching tool. When students take part in a hands-on compost program, they explore threads of relevance that connect a wide array of curriculum standards such as environmental science, chemistry, mathematics, economics, sociology and communication.

Through food scrap recovery, students learn about local systems of food production and waste disposal. They are encouraged to think critically about their habits, as they learn what happens to their waste once it disappears into a compost bin or trash can.

How does cafeteria composting work in the local schools? It is a collaboration between school administration, custodial and food prep staffs, waste haulers,

OCRRA and the students themselves.

All students, whether they bring or buy lunch, separate their uneaten food scraps for composting by scraping leftovers into the proper receptacle. All food scraps are brought to OCRRA's Amboy Compost Facility in Camillus where they are turned into a nutrient-rich soil amendment that bolsters plant growth.

"Since starting the composting program in two of our school buildings, I observed a drastic drop in trash," said Jordan-Elbridge Director of Facilities, Vinny Smith. "On a daily basis, we would have produced about 16 bags of trash [from the cafeteria]. Now we are down to just four bags of trash per day. The trend is continuing, and recycling is also increasing as a result."

At Enders Road Elemen-



Students at Jordan-Elbridge Middle School separate their cafeteria food scraps from their recycling and trash. Their school is one of 17 in Onondaga County that send their food scraps to OCRRA to be turned into nutrient-rich compost. Contact your child's elementary, middle or high school principal to request their school get involved in this innovative waste reduction effort.

tary School in Manlius, the total number of cafeteria trash bags per day went from 10 bags down to 2 bags as a result of the cafeteria compost program. That is an 80% reduction in their daily cafeteria trash.

Will your child's school come on board next? Will

your district help lead our community to environmental excellence? Call your principal today to voice your support for cafeteria composting, and encourage them to contact OCRRA right away to get started.

Theresa Evans can be reached at tevans@ocrra.org.



The Garden GURU

Terry Ettinger
Instructional Support Specialist, SUNY - ESF

One of the more significant milestones in my horticultural career occurred during the summer of 1993 when my wife and I bought our first pickup truck. Soon after, I started referring to it as my “mulch-mobile,” as I no longer had to haul mulch from the compost site to our home in buckets and plastic bins stuffed into the back seat and trunk of my tiny Nissan Sentra.

I’m sure you may have had – or maybe still have – the same experience each year when you visit the Amboy and / or Jamesville Compost Sites...

So, what are your options if you don’t have a mulch-mobile – and family, friends or neighbors don’t either?

One option is to rent a pickup or small flatbed truck from a local vehicle rental company or a big-box store. If you split the cost with a neighbor, for far less than \$100 per day, your delivery woes will be a thing of the past.

Another option might be to explore the new, Syracuse-based truck-hailing service, Truxx (www.truxxit.com). I have not used the service and, therefore can’t offer a personal recommendation, but you download the app, put in a request, and one of the service’s drivers will contact you for details.

And, though easy to overlook, many local landscape and trucking companies

Three Ways to Haul Compost or Mulch Without a Truck

offer hauling services, too.

“We have nine and eighteen ton capacity dump trucks that have multiple compartments,” says Todd Schanbacher, President of Green Scapes in Jamesville. “That way, if one homeowner needs three (cubic) yards of compost or mulch, and their neighbor needs eight yards, we can accommodate both in one delivery, reducing the cost.”

And, if having a pile of compost or mulch sitting in your driveway for a week or two while you gradually spread it throughout your landscape and garden isn’t an option, Schanbacher says his company can deliver OCRRA compost or mulch in one and one-half cubic yard, reinforced nylon “bulk bags.” The bag keeps the mulch from blowing around and when it’s empty they’ll pick



With OCRRA's new compost and mulch loading service you can readily get large volumes of material for a great price, but what if you don't have a truck or trailer to haul it? Rent or use the internet (www.Truxxit.com) to get a truck or hire a local landscape and trucking company to transport your compost or mulch for you.

it up, or you can return it to their store.

So, while you may not have a mulch-mobile of your own, there are enough reasonably priced options available, that you probably don't need to fill the trunk of your car with mulch or compost!

Terry Ettinger can be reached at Tlettinger@esf.edu.



Recycling Rhoda



Cleaning Out Your Household Hazardous Waste

Talks Trash – and Recycling!

Dear Rhoda,

This year, with spring cleaning in mind, I am determined to finally tackle my garage. I hate to admit this, but, there are things in my garage that have been there since I bought my house - in 1987! Thirty years later, it's truly time to get rid of this junk, and I'm hoping you can provide some guidance.

I'm clear on what to do with the cardboard (recycle it) and the obvious trash items (throw them out), but what should I do with the ancient paints, old gasoline, and garden pesticides leftover from the last millennium?

Procrastinating in Pompey

Dear Procrastinating,

Thank goodness for spring cleaning! Said no one ever. Except today, says Rhoda, because OCRRA has a Household Hazardous Waste Program where you can drop off unwanted toxic items for sound environmental disposal, at no charge.

There are a boatload of items in a modern household that should NEVER go in the trash or down the drain - or in the backyard (shudder). So, OCRRA set up this nifty year-round program specifically for household toxics including

automotive products, cleaning supplies, smoke detectors, lighter fluid, oil-based paints*, mercury thermometers, and more.

The drop off runs by appointment only, year-round, Monday–Friday. Visit: OCRRA.org, or call OCRRA at 453-2866, to make an appointment today! Once your appointment is set, you will receive instructions on how to prepare your items and directions on where to bring them (Environmental Products and Services of Vermont, located on State Fair Boulevard in Syracuse).

The Household Hazardous Waste Program serves residences in the OCRRA Service Area (Onondaga County, excluding the Town and Village of Skaneateles), and is supported in part by a grant from the New York State Department of Environmental Conservation.

Have I said it yet? Never, NEVER put household toxics in your blue bin.

Never.

Ever.

Not even once.

Nope.

Don't even think about it.

When household toxics end up in the blue bin (or

the trash), their containers are likely to break, which endangers you, your neighbors, the waste hauler and the environment. So don't do it, okey-dokey?

Oh, and, maybe, just maybe don't wait 30 years to declutter...

Recycling Rhoda

**Latex paints are non-hazardous and should be dried out and placed in the trash with the tops off. Some inexpensive kitty litter can be used to soak up the paint.*

OCRRA Compost is a Sure Bet

Ann Fordock, Recycling Operations Manager

Are you thinking of starting a new garden or expanding an existing garden? Or will you be repotting plants this spring? If so, OCRRA has an ace up our sleeve for you! Using one of OCRRA's two types of Certified Compost (1/4" and 1/2" screened) offers many benefits:

- Adds nutrients and organic matter to the soil, so plants grow better,
- Helps retain moisture, so you water less,
- Naturally suppresses plant diseases, so your garden stays healthy,

- Reduces the need for chemicals and pesticides, so you keep pollutants out of our water supply.

OCRRA's Certified Composts are made from a blend of local yard waste and food waste, and are registered Pride of NY products. OCRRA's Certified Composts are tested to meet the US Composting Council's Seal of Testing Assurance standards. This means you always get safe, consistent, weed-free and seed-free compost to nurture your soils and plants.

Ann Fordock can be reached at afordock@ocrra.org.



OCRRA's Certified Composts (1/2" or 1/4" screened) are available for purchase at the Amboy and Jamesville Compost Sites in bulk (by the yard). You can also get 1/2" Compost with a Site Pass (3 yards that you load yourself or that we load for you). The 1/4" Compost is also sold by the 1 cubic foot bag at over 30 local retailers. Visit OCRRA.org to purchase a pass online or to find the retailer closest to you.

Mother's Day Gift Idea

Is your mom (or dad) an avid gardener? Well, look no further for your Mother's Day (or Father's Day) gift. Buy an OCRRA Compost Site Pass online! There are several types of passes available, with price points at \$20, \$35 and \$50; one is sure to fit the bill. Visit OCRRA.org to order online.

For timely arrival, all Mother's Day or Father's Day orders must be made 10 days in advance of the holiday. When ordering, please specify Mother's Day or Father's Day delivery.



Three Ways to Get OCRRA Compost

Get a Site Pass*

Buy a Compost Site Pass online:
www.tinyurl.com/2017CompostPass

- **Plus Pass costs \$35** and allows for the self-loading of three cubic yards of 1/2" screened compost (you can also drop off unlimited amounts of yard and food waste),
- **Premium Pass costs \$50** and OCRRA will load up to three cubic yards of 1/2" screened compost to your truck or trailer (you can also drop off unlimited amounts of yard and food waste).

Buy in Bulk

Purchase both types of compost by the yard at the Amboy or Jamesville Compost Site

- OCRRA General Purpose Compost (1/2" screened) costs \$15 per cubic yard; OCRRA loads your truck or trailer for you.
- Premium Compost (1/4" screened) costs \$25 per cubic yard; it is loaded for you and is only available at the Amboy Compost Site.

Purchase by the Bag

Buy 1 cubic foot bags (~40 lbs.)
at over 30 local retailers

- Each store sets its own price point for this 1/4" screened compost. Check out page 5 for a list of retailers or visit www.tinyurl.com/Compost-2017 to find the location nearest you.

**Both the Plus and Premium Pass allow for mulch pick-up too.
(3 cubic yards of compost OR 6 cubic yards of mulch.)*

OCRRA COMPOST SITES

AMBOY COMPOST SITE

6296 Airport Road, Camillus

JAMESVILLE COMPOST SITE

4370 Route 91, Jamesville

Hours at both sites*:

December 1 – March 31:

Monday–Friday, 7:30 am–4:00 pm.

April 1 – November 30:

Monday–Saturday, 7:30 am–4:00 pm.

**Holiday Closings: New Year's Day,
Memorial Day Weekend, Independence Weekend,
Labor Day Weekend, Thanksgiving Day,
Christmas Day.*

Buy OCRRA's Bagged Compost at the Following Local Retailers*:

- Ace Village Hardware: Baldwinsville, Fayetteville, Weedsport
 - Aspinall's Tree Nursery & Landscaping, Chittenango
 - Ballantyne Gardens, Liverpool
 - Buyea's True Value, Cazenovia
 - B'ville Supply, Baldwinsville
 - Carol Watson Greenhouse, LaFayette
 - CountryMax Stores: Cicero, Dewitt, Cortland, Norwich, Seneca Falls
 - Deaton's Agway, Pulaski
 - EverGreen Landscaping & Garden Center, Syracuse
- Green Acres Garden Center, Liverpool
 - Green Hills Farms, Syracuse
 - Greenscapes, Jamesville
 - Lan's Flower Farm, Clay
 - Lee's Feed Store, Syracuse
 - Maldonado Gardens, Elbridge
 - Manlius True Value Hardware, Manlius
 - Neil Casey's Farm Market, Tully
 - Oliver B. Paine Greenhouses, Fulton
 - Silver Spring Farm Market, Syracuse
 - Skaneateles Town Square Ace Hardware, Skaneateles
- T.J.'s Lawns Plus, Phoenix
 - Valley View Gardens, Cortland
 - Vollmer Farms & Farm Market, East Syracuse
 - Wagner Farms, Rome
 - Watson Farms, Lafayette
 - Westvale Gardens, Syracuse
 - Zerrillo Gardens, East Syracuse



*Each retailer sets their own price. Call ahead for details.

OCRRA's 2016 Achievements

1

Collected more than 15,000 **mercury containing fluorescent lamps** (4 tons+) in partnership with local Ace, TrueValue and Valu Home Center hardware stores.

Over 92,000 fluorescent lamps collected / recycled since 2007.

2

Improved or **established recycling programs** at **over 65 apartment complexes, 130 schools and 130 local businesses.**

3

Organized more than 7,200 volunteers who collected over 95,000 pounds of litter as part of OCRRA's annual **Earth Day Cleanup program.**

Over 2 million pounds of litter collected since 1994!

4

Received **GreeningUSA's Sustaining Our Community Award** for our **Earth Day Litter Cleanup program** and the **Solid Waste Association of North America's Gold Excellence Award** for our **interactive education program.**

5

Composted 6,900 tons of **food waste**, which is a 138% increase over the amount of waste composted in 2015.

OCRRA's Amboy Compost Site is the largest municipal food scrap recycling facility in New York State.

RECYCLE



Newspapers, Magazines, Catalogs and Softcover Books
Keep loose, don't tie.



Papers, Mail, Envelopes



Cardboard, Pizza, Pasta and Cereal Boxes
Flatten.



#1 and #2 Plastic BOTTLES
Empty and rinse.



Cans and Jars
Empty and rinse out, labels are okay.



#5 Plastic Tubs
Empty and rinse, no lids.

Save the world a little each day.



Want to know about an item not listed?
Try our searchable database at OCRRA.org

TODAY'S RECYCLING



WASTE-TO-ENERGY | COMPOSTING | RECYCLING

TOMORROW'S RESOURCES



OCRRA Invests in WTE Facility Improvements

Amy Miller, OCRRA Engineer

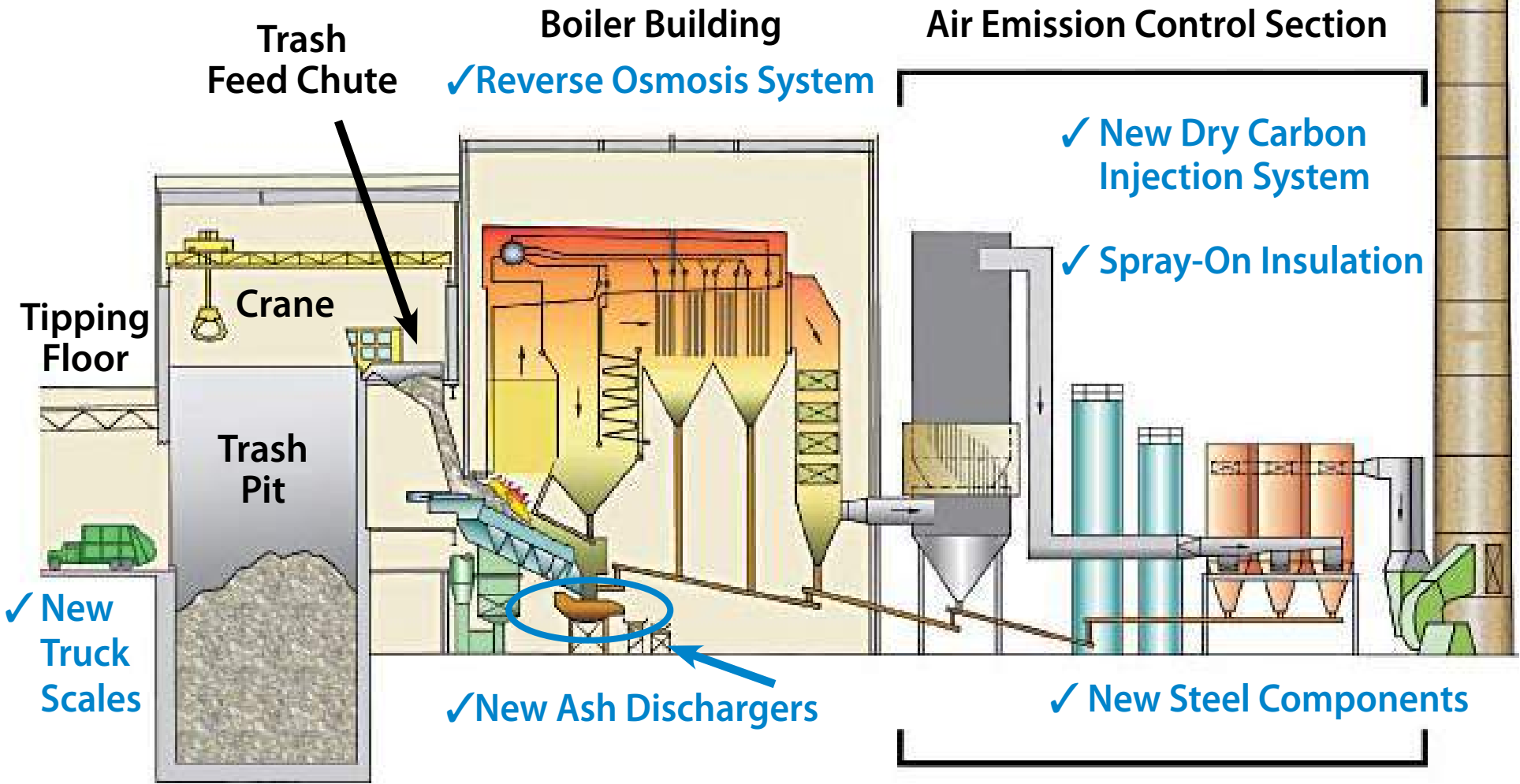
The Onondaga County Waste-to-Energy (WTE) Facility has a 22-year track record of operational and environmental excellence. As the foundation of OCRRA’s environmentally-sound and innovative resource recovery system, the WTE Facility annually converts over 325,000 tons of non-recyclable trash into electricity. That is enough to power the Facility itself and approximately 30,000 households, while also recovering about 9,000 tons of metal. The Facility uses advanced air pollution controls to ensure compliance with a strict air permit. Without this Facility, garbage would be hauled many miles to out-of-County landfills, as was

the case before the Facility was constructed. Instead, the WTE Facility enables responsible, local management of the community’s non-recyclable waste. In 2015, OCRRA extended its ownership of the Facility’s capacity, and partnership with Covanta Energy (the Facility operator) through 2035. As part of the agreement, OCRRA committed to funding \$15 million in capital improvements to the WTE Facility that would ensure its long-term reliability through at least 2035. These projects have been underway over the past two years, and we are already seeing tangible benefits from efficiency, reliability, safety and emissions perspectives.

Of particular note, significant improvements are being made to the steel components of the air emissions control section of the Facility, which will improve the overall efficiency and reliability of the Facility. As part of this project, a new type of spray-on insulation was applied in place of traditional insulation and siding. This innovative approach has led to increased worker safety and improved monitoring ability. Other upgrades include replacement of the existing truck scales, an upgrade to a reverse osmosis system for boiler water treatment to replace the existing, outdated demineralizer treatment system, an upgrade to a dry carbon injection system (from a wet injection

system) for improved emissions control and efficiency, and new and improved ash dischargers for increased boiler reliability. As a result of the new dry carbon injection system, the Facility has had its lowest mercury emissions of all time, in fact they were below laboratory detection limits, as indicated in the 2016 air emissions testing results (available on **OCRRA.org**). These projects exemplify teamwork and collaboration; Covanta, OCRRA, OCRRA’s WTE engineering consultant (HDR, Inc. of Syracuse), and many contractors continue to see great results from “pulling in the same direction.”


OCRRA would like to extend sincere gratitude to Stan Longo, Covanta Onondaga Facility Manager, for working tirelessly on ensuring the success of these projects, while also striving for excellence in Facility operations. Stan, thanks for all you do on a daily basis to make sure that the Onondaga County WTE Facility continues to be one of the top performing WTE facilities throughout the country. Amy Miller can be reached at amiller@ocrra.org.



PLASTIC BAGS:
Cannot go in the blue bin – recycle them at big box stores or supermarkets.



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This quarterly publication is brought to you by
OCRRA
100 Elwood Davis Road,
North Syracuse, NY 13212-4312

KRISTEN LAWTON • Public Information Officer
Printed on Recycled Paper

OCRRA's waste reduction, reuse and recycling program efforts (including this newsletter) are partially financed by a grant from the NYS Department of Environmental Conservation.

Show Your Green On St. Patty's Day

Make an appointment to properly dispose of your household toxics through OCRRA's free drop off program. (This can be done year-round, not just in March.)

Oil-based paints, automotive products, garden supplies, cleaning chemicals, fluorescent light bulbs, mercury thermometers / thermostats and more are accepted.

Monday – Friday, 6:30 am – 6:00 pm;
register at OCRRA.org and give the gift of "green" to future generations.





From the Executive Director's Desk...

Save the World a Little Each Day

DERETH GLANCE, Executive Director, OCRRA

Thank you for saving the world a little each day. Every tin can, milk jug, pile of junk mail and day old newspaper you place in the blue bin conserves resources. Recycling these items means they get to live another life without having to mine raw resources. Our community's commitment to sustainable solid waste is one of the many reasons to be proud to call Onondaga County home.

More than a tag line, the Onondaga County community "saves the world a little each day" by supporting and participating in a sustainable solid waste system that is reliable, environmentally sound and fiscally responsible. In Onondaga County, recycling is convenient, landfilling trash is minimized, and metal and energy resources are recovered.

The Onondaga County community boasts one of the largest litter clean up events in North America

and excels in responsible curbside recycling. Less than 5% of the items placed in the blue bin are actually trash. Good job, folks.

In the early 1980s, Onondaga County requested that the NYS Legislature create OCRRA to steward solid waste management in our community. OCRRA became operational in 1990 and for more than a quarter-century it has evolved to serve our community's needs. Every day, OCRRA composts food and yard waste, conducts award-winning public education outreach efforts, including to all schools in Onondaga County, operates trash facilities and oversees the Waste-to-Energy Facility.

OCRRA facilitates our community's sustainable solid waste system with more than a little help from a network of private and public partners. As a public benefit corporation, OCRRA insulates local partners, such as haul-

ers and recycling facilities from the volatility of market forces, which ensures that the reliable and essential public service of solid waste management continues in strong and weak economic times.

Greatness must be renewed, and it is through public engagement that OCRRA is able to collaborate with the community to turn what would be "one man's trash into our County's treasure." OCRRA's dedicated Board of Directors and its staff are first-class in their passion and professionalism for recovering resources from what we commonly call "trash." However, it is your voice that is truly essential. Get active with OCRRA on social media and join the almost 10,000 folks keeping up with OCRRA on Facebook. **OCRRA.org** houses a litany of tools for the home, business, classroom and more. You can schedule an appoint-

ment to drop off household toxics, find out the best way to dispose of any waste, register for Earth Day and discover when the next OCRRA event or meeting is happening.

Keep saving the world a little each day. Together we do make a difference.

Dereth Glance can be reached at dglance@ocrra.org.



OCRRA's tagline, "Save the World a Little Each Day," reminds us that everyone's small, daily actions add up to large-scale environmental conservation. Whether through recycling, composting or trash conversion to energy, we are all working together to make a healthier environment for future generations. Thanks for doing you part.

OCRRA Announces New Board Member Appointment

OCRRA welcomes Anthony J. Geiss, Jr. of Van Buren to its board of directors.

Anthony J. Geiss, Jr.



Geiss has over 45 years of engineering experience, most recently having served as the Deputy Director and Chief Engineer at the Onondaga County Water Authority.

Prior to that, Geiss managed the design and construction of municipal facilities with O'Brien and Gere Engineers.

Geiss also served 35 years on the Town of Van Buren Planning and Zoning Board.

Television Recycling



The Salvation Army on Erie Boulevard in Syracuse accepts working and non-working TVs of any size for free. TVs cannot be physically broken. Call (315) 445-0520 before dropping items off.

Best Buy locations and Battery World (East Molloy Road, Syracuse) accept TVs for a fee, pending size. Call ahead for details.

OCRRA Spotlight Dorsey Williams

Title: Laborer II.

Start Date: January 29, 2016.

Fun Fact: Dorsey is an avid sports fan, especially of SU (basketball / football) and the Dallas Cowboys.

What makes OCRRA great?:

"The many opportunities you have to learn all aspects of the business from start to finish, including how to operate different pieces of machinery."



Dorsey Williams stands in the Carrier Dome enjoying Syracuse University's 76-53 basketball win over Boston College on Saturday, January 14, 2017. Some 21,625 other fans joined Dorsey, a long-time season ticket holder, at this game including his dad, who sits right next to OCRRA's Accountant, Vince Latorre, in Section 319!



Q: How do I recycle smoke detectors!

A: Smoke detectors contain a radioactive element and should not go in the trash, so thanks for asking. First, contact the manufacturer and ask about their take back programs.

If you have other household toxics that need to be properly managed besides your smoke detector, make an appointment for OCRRA's Household Hazardous Waste Program. This is a Monday – Friday, 6:30 am – 6:00 pm operation where you can drop off a host of items

(including oil-based paints, automotive supplies, garden supplies, etc.), free of charge – thanks to OCRRA and a grant from the NYS Department of Environmental Conservation. You must make a reservation in advance of dropping off your materials.

Visit **OCRRA.org** to make a reservation.



OCRRA Drop-Off Sites: Acceptable Material

ACCEPTABLE WASTE (C&D)

- Bricks, concrete and masonry (size restrictions apply.)
- Electrical wiring
- Glass
- Metal (small quantities.)
- Non-asbestos insulation
- Paint cans (must be empty and dry. Lids must be off.)
- Plumbing fixtures
- Roofing shingles
- Siding
- Wall covering, drywall, plaster, etc.
- Wood, untreated (including pallets - size restrictions apply.)

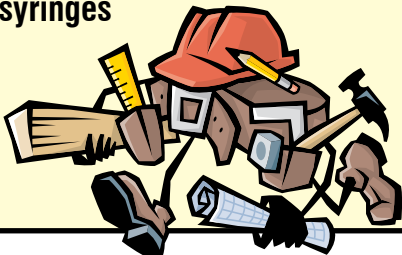
ACCEPTABLE WASTE (Trash)

- Carpeting
- Furniture
- Mattresses
- Metal (no large machinery.)
- Microwaves (surcharge applies.)
- Tires (surcharge applies. Less than ten only, no tires by the ton; off road tires are not acceptable.)
- White goods (surcharge for items with refrigerants.)
- Wood, treated (size restrictions apply.)

The acceptable materials listed here can be received at either of our Drop-Off Sites. This list is not all-inclusive. Please contact us if you have a question about a waste not listed.

UNACCEPTABLE ITEMS:

- Asbestos-contaminated material, including transite
- Electronic waste including computers and televisions
- Explosives
- Liquid wastes
- Propane tanks and compressed gas cylinders
- Radioactive materials, including smoke detectors
- Sharps and syringes
- Yardwaste



OCRRA Drop-Off Site: HOURS

ROCK CUT ROAD

5808 ROCK CUT ROAD, JamESVILLE, 13078

- **RESIDENTIAL USERS:**
Tuesday – Saturday: 7:00 am to 2:30 pm

LEY CREEK

5158 LEY CREEK DRIVE, LIVERPOOL, 13088

- **RESIDENTIAL USERS:**
Second and fourth Saturday of each month: 8:00 am to 12 pm
- **COMMERCIAL AND PERMITTED USERS:**
Monday – Friday: 7:00 am to 2:00 pm
Second and fourth Saturday of each month: 8:00 am to 12 pm

Both sites are closed on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

OCRRA Drop-Off Site: FEES

FLAT RATE FEES (both sites):

- Cars, mini-vans, sport utility vehicles (SUVs) **\$15**
- Pickup trucks, vans, single-axle trailers **\$30**
(Loads may be assessed an additional fee, depending on vehicle modifications or load size)

SCALE FEES (Ley Creek only):

- Trash (MSW) per ton
(for business users with an OCRRA permit) **\$89 / ton**
- Trash (MSW) per ton
(for users without an OCRRA permit) **\$104 / ton**
- Construction debris **\$48 / ton**
- Roofing material **\$39 / ton**
- Clean wood **\$35 / ton**
- Minimum scale charge **\$25**



Mark Your Calendar

COMPOST
SEASON

KICKS OFF
APRIL 1

Buy a Compost Site
Pass or Buy in Bulk
See page 4 for details.



APRIL 21 & 22
Register at
OCRRA.org by
April 14.

SHRED-o-RAMA

**SATURDAY,
MAY 6**

**NBT Bank Stadium
8 am - Noon**

Enter from Grant Blvd.

ELECTRONICS
RECYCLING

YEAR-ROUND

**At various local
businesses.**

See page 7 for details.

HOUSEHOLD HAZARDOUS
WASTE DROP-OFF

**Year-Round by Appointment
ENVIRONMENTAL PRODUCTS
& SERVICES**

6:30 am – 6:00 pm

Register at **OCRRA.org.**

FACT: Bathroom items including shampoo bottles, toilet paper tubes, soap boxes and body wash bottles are all recyclable.

Household Hazardous Waste Drop-Off



When: Monday - Friday, 6:30 am to 6:00 pm

Register: www.OCRRA.org or call (315)453-2866

You must have an appointment.

Latex paint, fire extinguishers, batteries and motor oil are not accepted.

See reverse for a list of acceptable items.

Visit OCRRA.org for directions to the new drop-off location.

Acceptable Items:

- **Automotive products** such as transmission or brake fluid, engine degreaser, anti-freeze, diesel fuel, gas cans, and contaminated gasoline.
- **Painting supplies**, including OIL-BASED paints, stains, or finishes, paint thinner, turpentine, brush cleaner, paint stripper, and wood preservatives. *Place **empty** oil-based, latex or aerosol paint cans in your trash.*
- **Garden supplies and pesticides.**
- **Cleaning supplies**, such as oven cleaner, drain cleaner, lye, toilet bowl cleaner, floor and furniture polish, mothballs and products containing petroleum.
- **Miscellaneous products**, such as fluorescent light bulbs, pool chemicals, lighter fluid, kerosene, driveway sealer, mercury thermometers and thermostats, nail polish remover, smoke detectors, loose asbestos that has been double bagged, and any product labeled with toxic, flammable, poisonous, or corrosive.

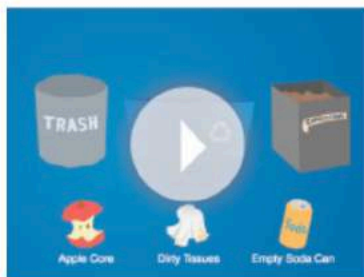
Overview



Wonder what OCRRA is and how we operate here in Onondaga County? This video:

- Provides an overview of the history of recycling and trash disposal in our community
- Explains how OCRRA came to be
- Outlines OCRRA's four-part system, which preserves resources and keeps our community beautiful

Download Video



Curriculum addressed:

- CCSS ELA RI 3.7, 4.7, 5.7
- CCSS ELA RI 3.1, 4.1, 5.1
- CCSS ELA RI 3.4, 4.4, 5.4
- NYS Science Standard 4: Living Environment

View Activities

Do you know the difference between trash, recycling and composting? This educational sorting game will help teach you what belongs where!

Download Game

Appendix A.11

Solara, Inc.

environmental and business consulting

Effective HHW Program Registration and Surveying Pieces

2017 HHW/PHARMACEUTICAL EXIT SURVEY

(Will be collected as you exit the collection)

1. How did you learn of this event?
☐ Newspaper or Pennysaver ☐ Friend or Family Member ☐ Other
2. Are you bringing materials to this event because?
☐ Purchased New Home ☐ Been Saving For Future Use ☐ Waiting For A Collection
3. Have you participated in our household hazardous waste collections in the past? ☐ Yes ☐ No
4. How often would you like to see collections of this type held?
☐ Annually ☐ Every Other Year ☐ Other
5. Would you like to see pharmaceuticals continue to be collected at future collections? ☐ Yes ☐ No
6. This collection was funded in part by NYS DEC. If funding was not available, would you be willing to pay an out-of-pocket fee (approximately \$40) for disposal? ☐ Yes
☐ No
7. On a scale of 1 to 5 (5 being excellent), how would you rate this collection? _____

Additional Comments?

CHAUTAUQUA COUNTY HOUSEHOLD HAZARDOUS WASTE DROP-OFF DAY - FREE DISPOSAL!

CITY OF DUNKIRK DEPARTMENT OF PUBLIC WORKS LOCATION: LUCAS AVENUE DUNKIRK, NY SATURDAY, JUNE 9, 2018 9 A.M. TO 2 P.M.	TOWN OF CHAUTAUQUA HIGHWAY GARAGE LOCATION: 50 PATTERSON ST. MAYVILLE NY SATURDAY, JULY 14, 2018 9 A.M. TO 2 P.M.	CHAUTAUQUA COUNTY D.P.F. BUILDING LOCATION 454 NORTH WORK FALCONER, NY SATURDAY, SEPT 8, 2018 9 A.M. TO 2 P.M.
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REGISTRATION FORM

Submit the completed form during the day of the event.

NAME: _____ TELEPHONE #: _____

ADDRESS: _____

I certify that the materials, I am dropping-off for disposal, were household generated waste and were not in any way associated with any business or commercial use or practice.

SIGNATURE: _____

LIST ITEMS & AMOUNTS BELOW: Example: 2cans Oil Based Paints

FROM THE GARAGE

☐ Transmission Fluids
☐ Used Antifreeze
☐ Brake Fluid
☐ Carburetor Cleaner
☐ Engine Degreaser
☐ Waxes and Polishes

AROUND THE HOUSE

☐ Chemistry Sets
☐ Alkaline Batteries
☐ Dry Cleaning Solvents
☐ Drain & Toilet Cleaners
☐ Nail Polish
☐ Fluorescent Light Bulbs
☐ Oven Cleaners
☐ Airplane & Hobby Glues
☐ Rubber Cement
☐ Photography Chemicals
☐ Flea Powder & Spray
☐ Non-empty Aerosol Cans
☐ Furniture & Floor Polish
☐ Mercury Thermometers

FROM THE WORKBENCH

☐ Varnishes
☐ Stains
☐ Floor/tile Adhesive
☐ Roofing Tar
☐ Paint Stripper
☐ Turpentine
☐ Paint Thinners
☐ Sealants
☐ Wood Preservatives

☐ Oil Based Paints
☐ Resins & Adhesives

AROUND THE YARD or GARDEN

☐ Chemical Fertilizers
☐ Herbicides
☐ Pesticides
☐ Pool Chemicals
☐ Ant Spray
☐ Weed Killers

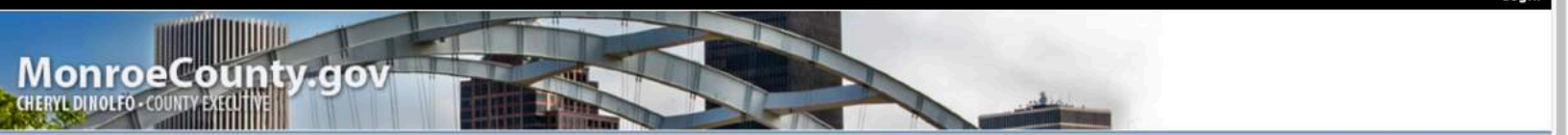
WE DO NOT ACCEPT LATEX PAINT AND WASTE OIL

- LATEX PAINT COULD BE DRIED UP WITH KITTY LITTER & BE DISPOSED OF WITH YOUR HOUSEHOLD GARBAGE.
- WASTE OIL COULD BE DISPOSED AT ANY FACILITY PERFORMING OIL CHANGES.

FOR MORE INFORMATION CALL

1-800-835-9362 OR 985-4785

Sponsored by Chautauqua County, New York State Department of Environmental Conservation
Storer's Container Service, City of Dunkirk, Town of Sheridan, and Chautauqua County Hazmat



HHW Appointment Scheduler

ecopark Household Hazardous Waste (HHW) Appointment Scheduler

Welcome to the Household Hazardous Waste (HHW) online appointment scheduler

You are making an appointment for **03/10/2018 09:30 AM** at **Monroe County ecopark** Progress: **Step 2 of 5**

For your safety and ours, ALL HHW drop-offs are by APPOINTMENT ONLY!

- Residential drop-off is free of charge for Monroe County, NY residents.
- Out-of-county residents, please click here to view and complete the out-of-county Hazardous Household Waste form.
- Non-household customers (small business) must apply for participation in our conditionally exempt small quantity generator (CESQG) collection program. This includes business, not for profit groups, schools, churches and government agencies. Click here for more information.

Waste for disposal was not generated from a business, not for profit group, school, church, farm, government agency or any other non-residential source.

- ☐ Agree
- ☐ Disagree: View the Conditionally Exempt Small Quantity Generator (CESQG) Collection Program

I am a resident of Monroe County, NY.

- ☐ Yes
- ☐ No: Complete the Out-of-County HHW Form

Continue

For questions or more information, email mcdes@monroecounty.gov

FIGURES

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FIGURE F.01 HHW DISPOSAL SOLUTIONS IN ERIE COUNTY MAP

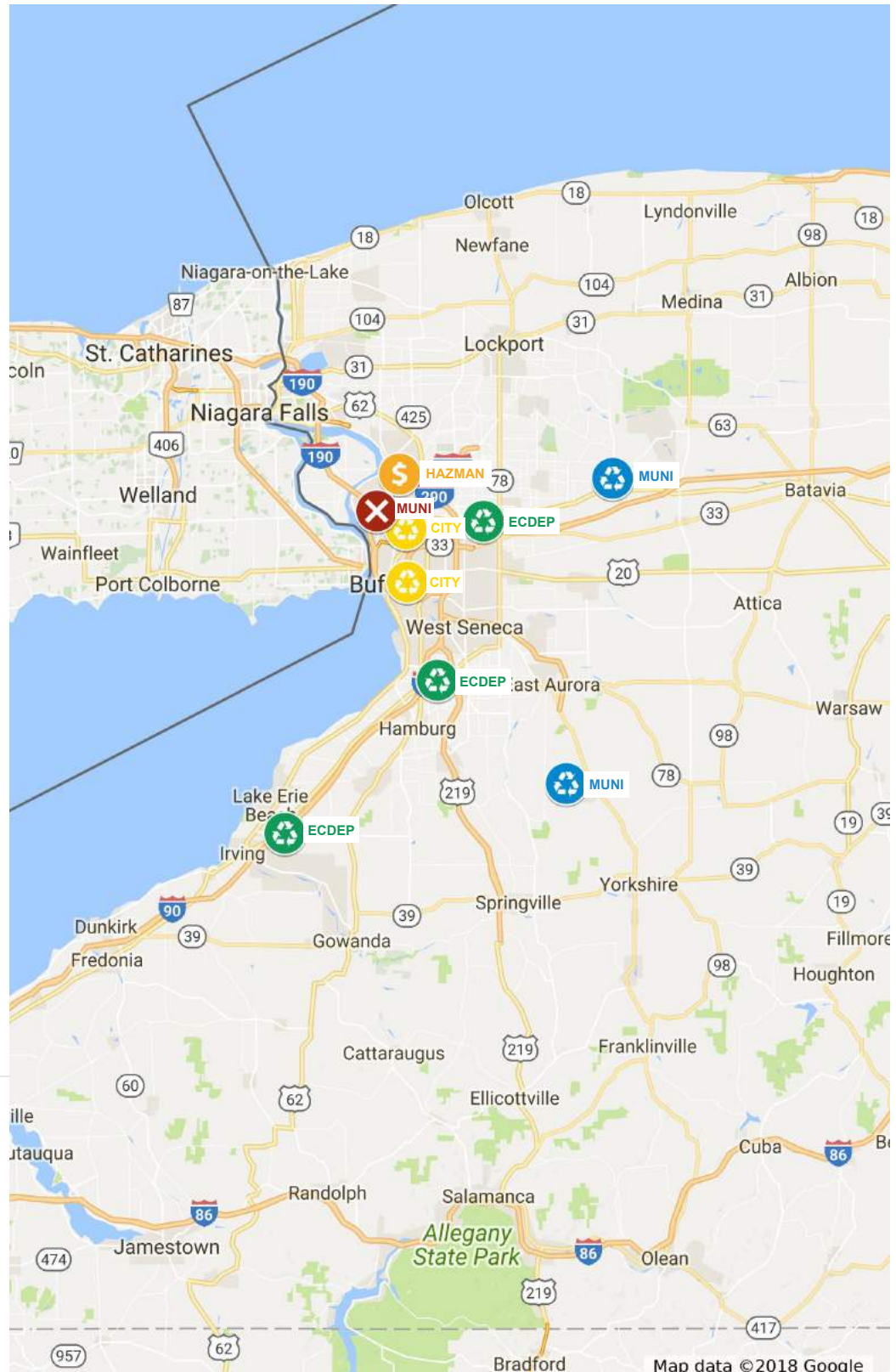
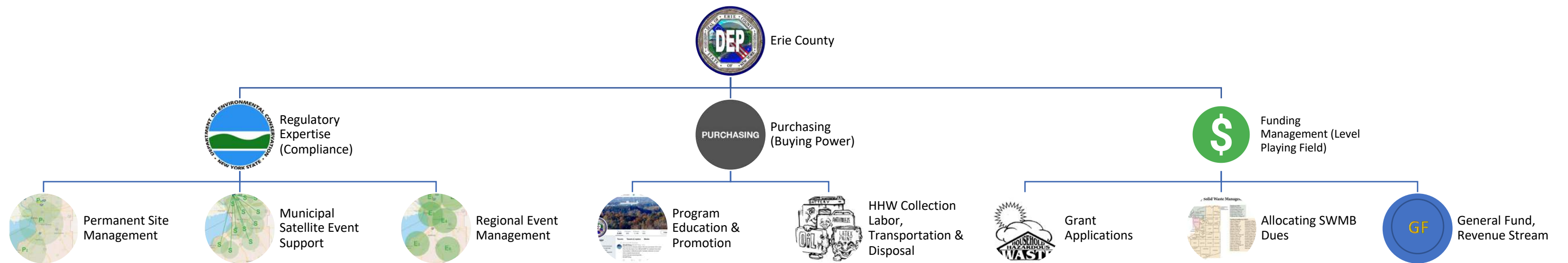


FIGURE F.02 ERIE COUNTY SATELLITE BARNs MAP



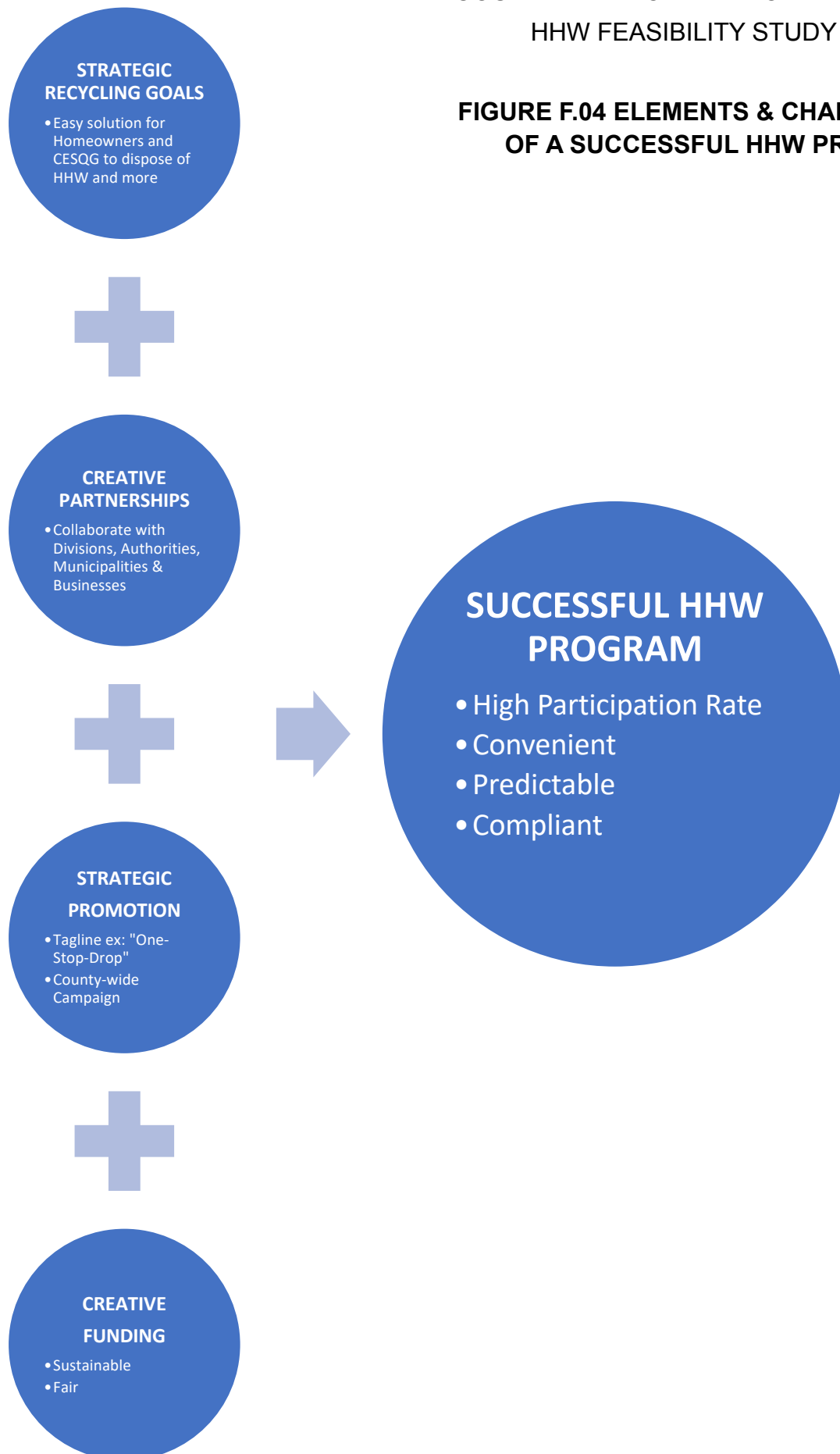
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FIGURE F.03 ROLE OF ERIE COUNTY



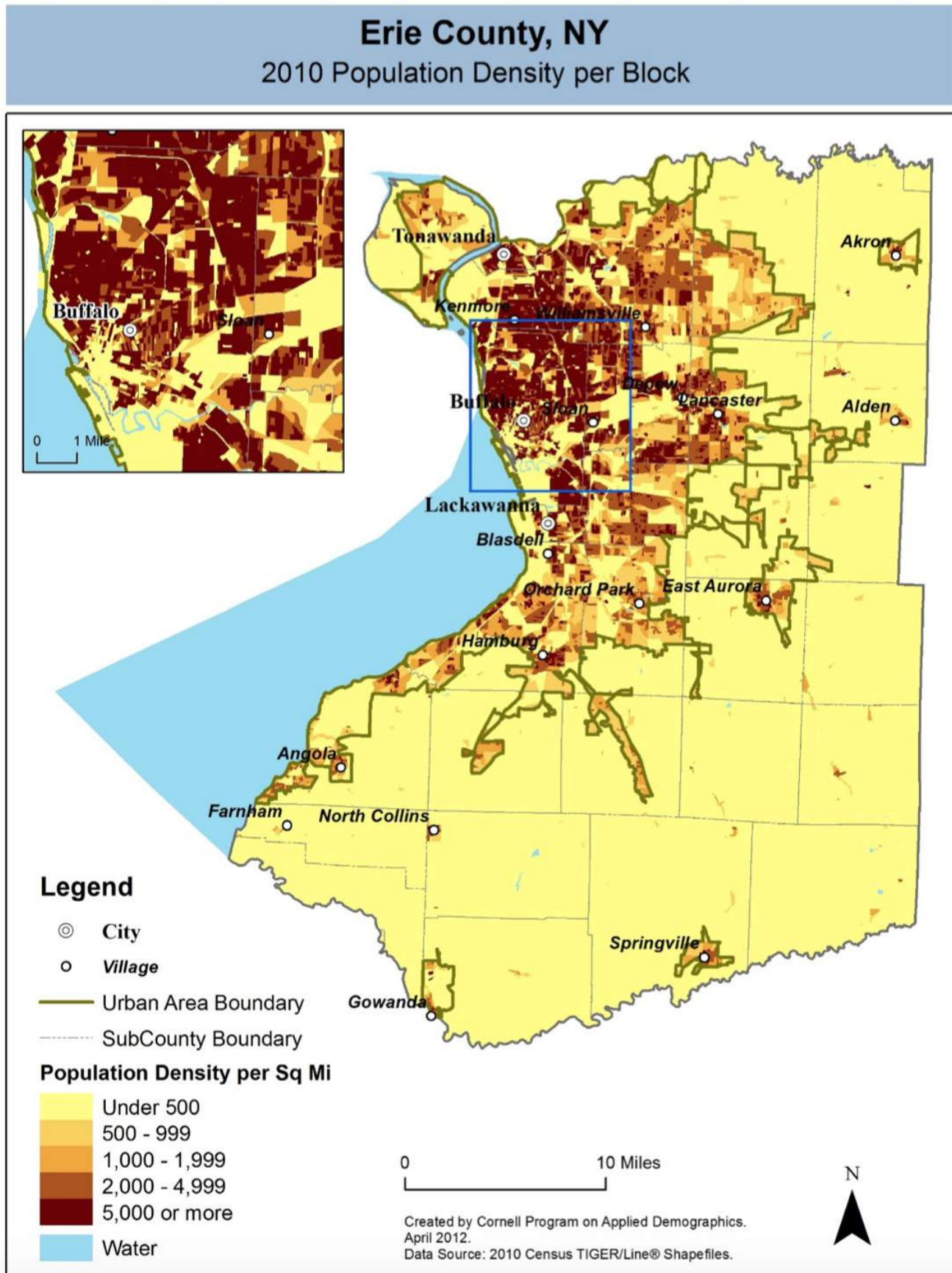
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**FIGURE F.04 ELEMENTS & CHARACTERISTICS
OF A SUCCESSFUL HHW PROGRAM**



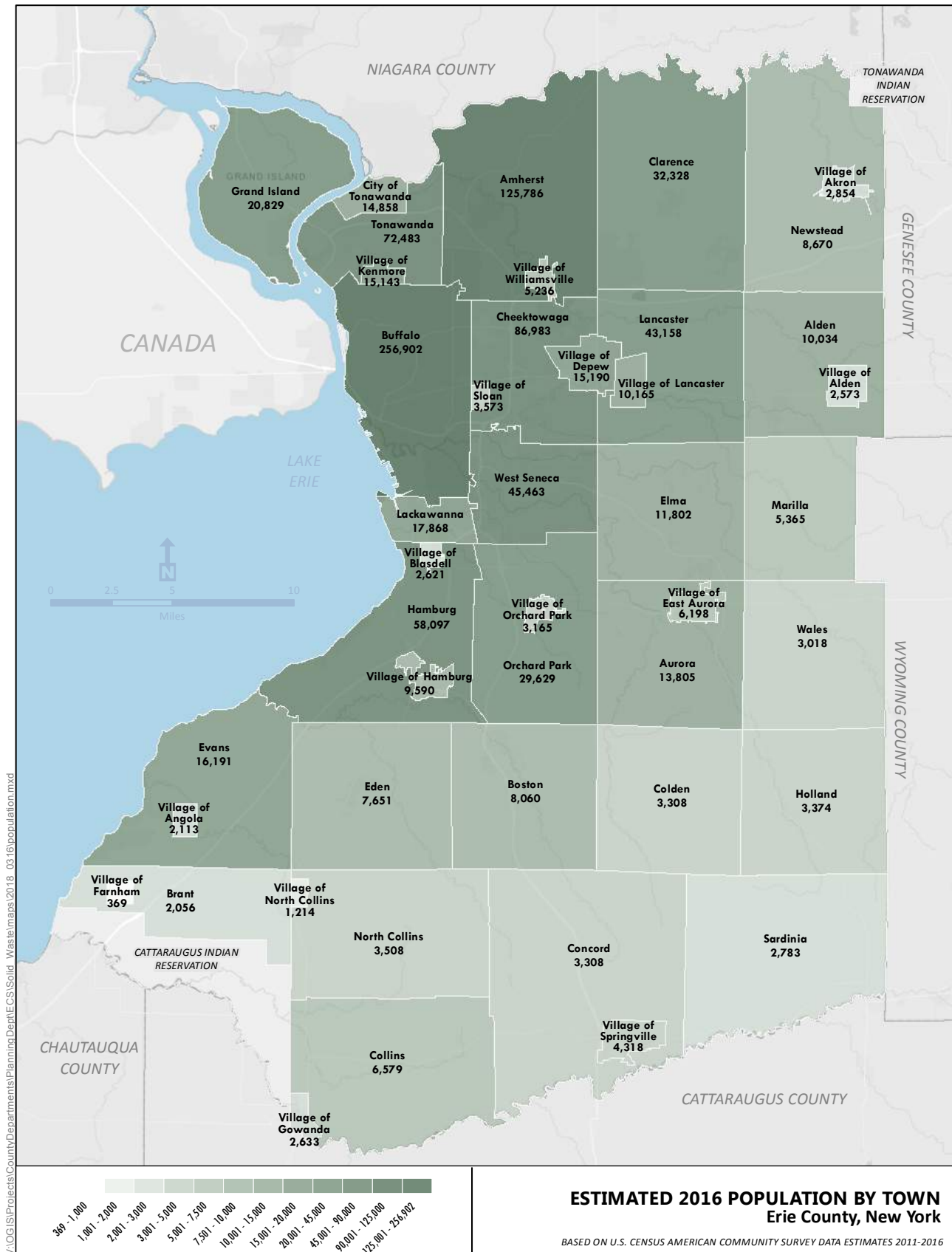
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FIGURE F.05 ERIE COUNTY 2010 POPULATION DENSITY MAP



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FIGURE F.06 ERIE COUNTY 2016 POPULATION BY MUNICIPALITY MAP



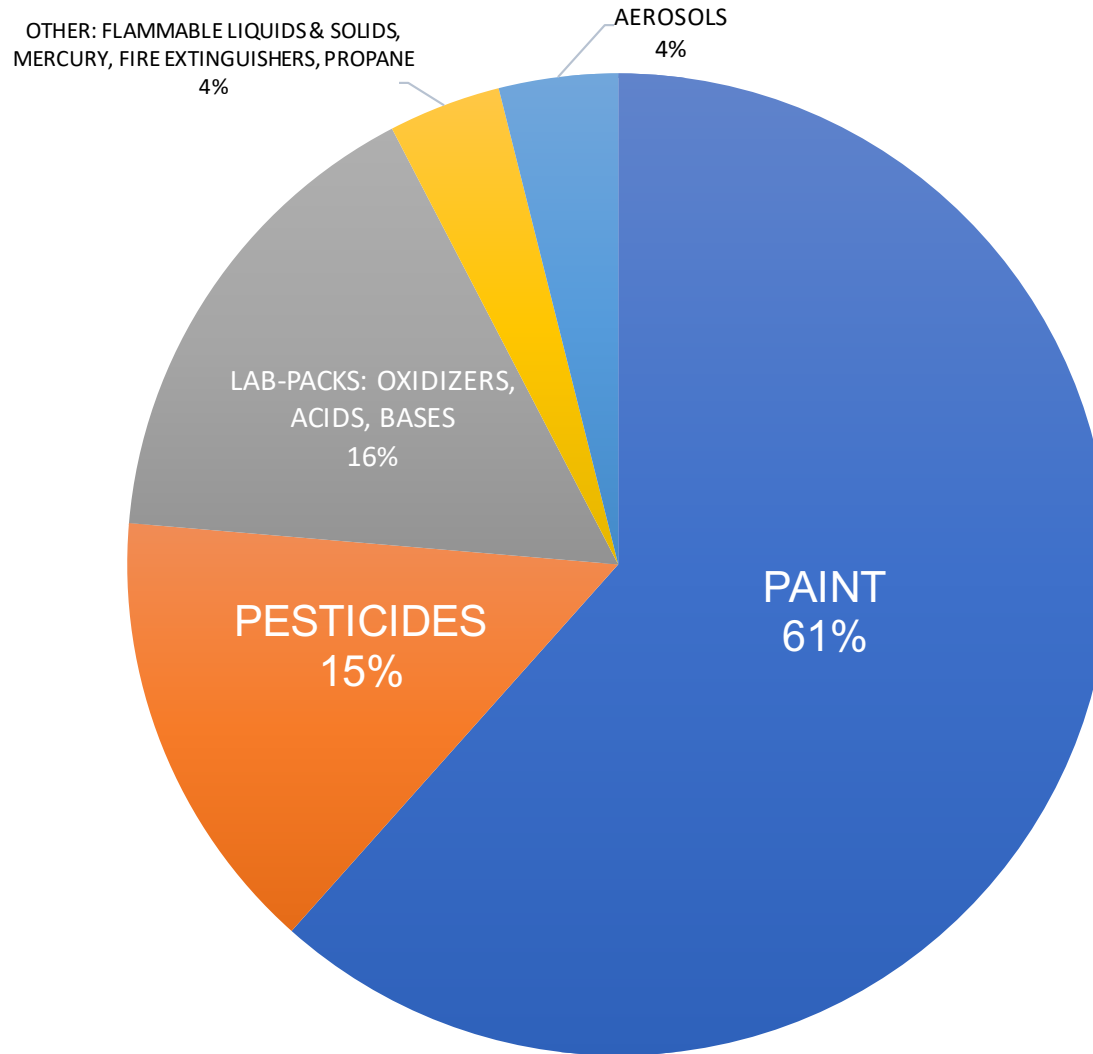
GRAPHS

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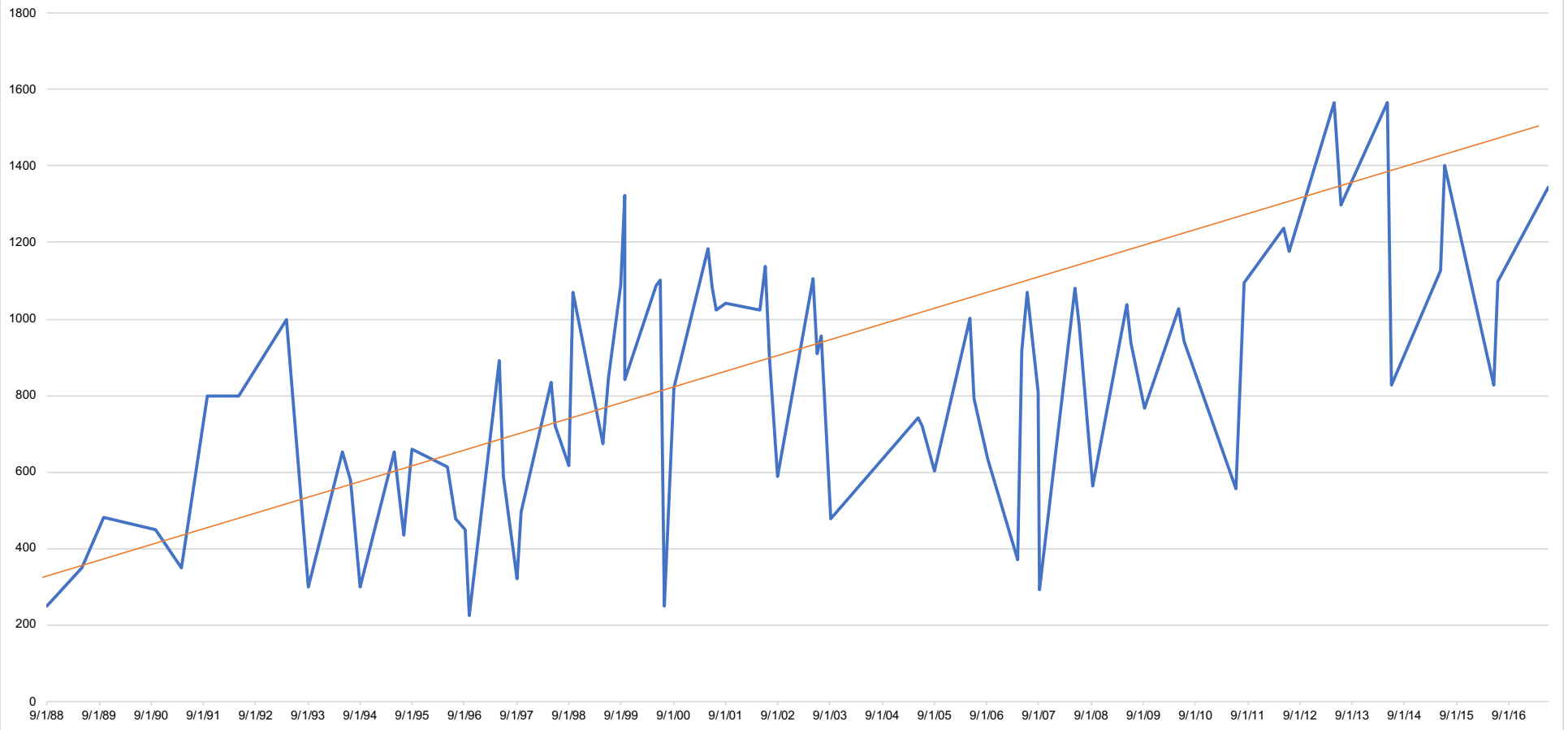
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GRAPH G.01 2017 % WEIGHT PER WASTE STREAM



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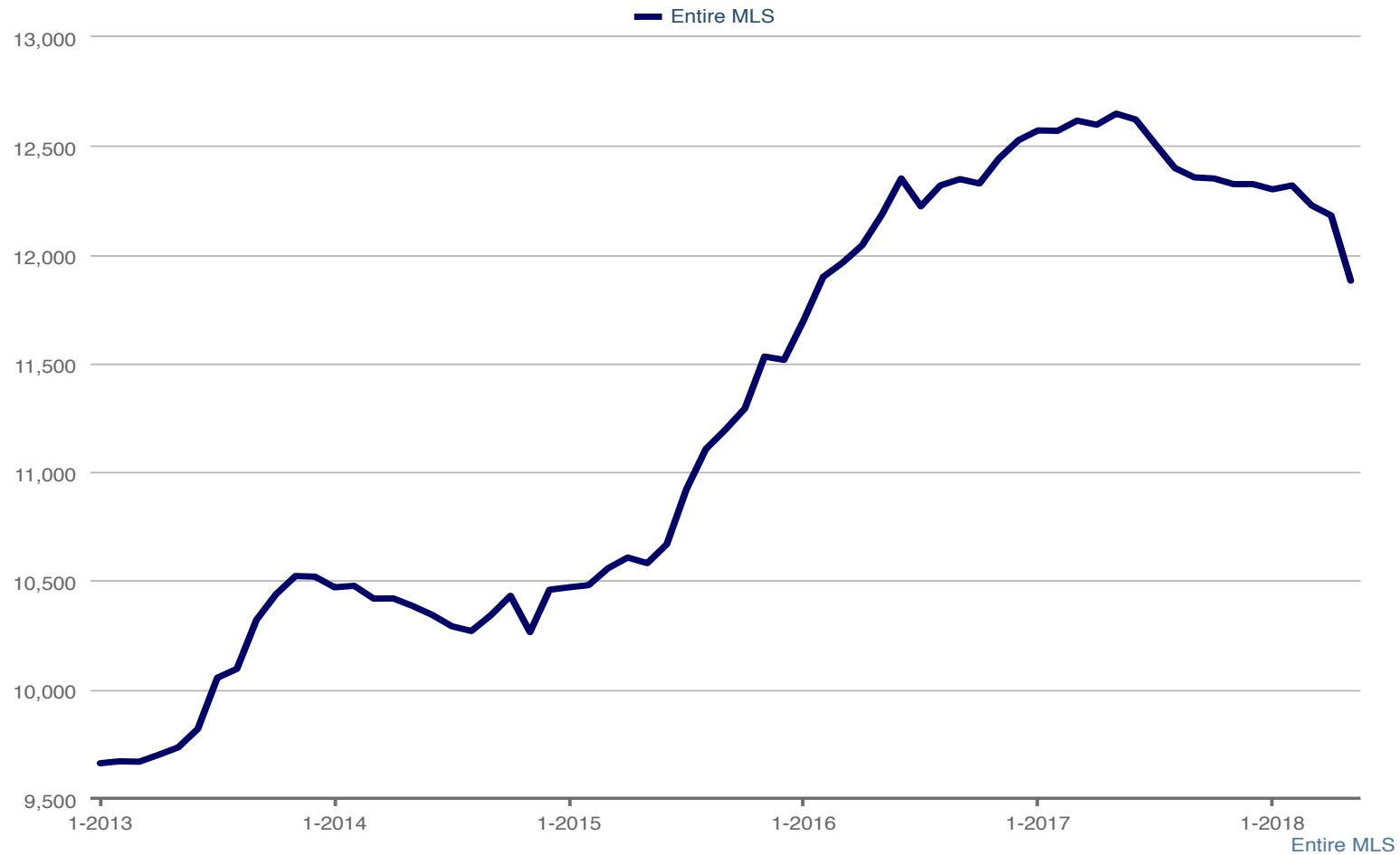
GRAPH G.02 ERIE COUNTY PARTICIPANTS PER EVENT 1988 - 2017



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GRAPH G.03 RESIDENTIAL REAL ESTATE TRANSACTIONS IN ERIE COUNTY 2012 - 2017

Closed Sales

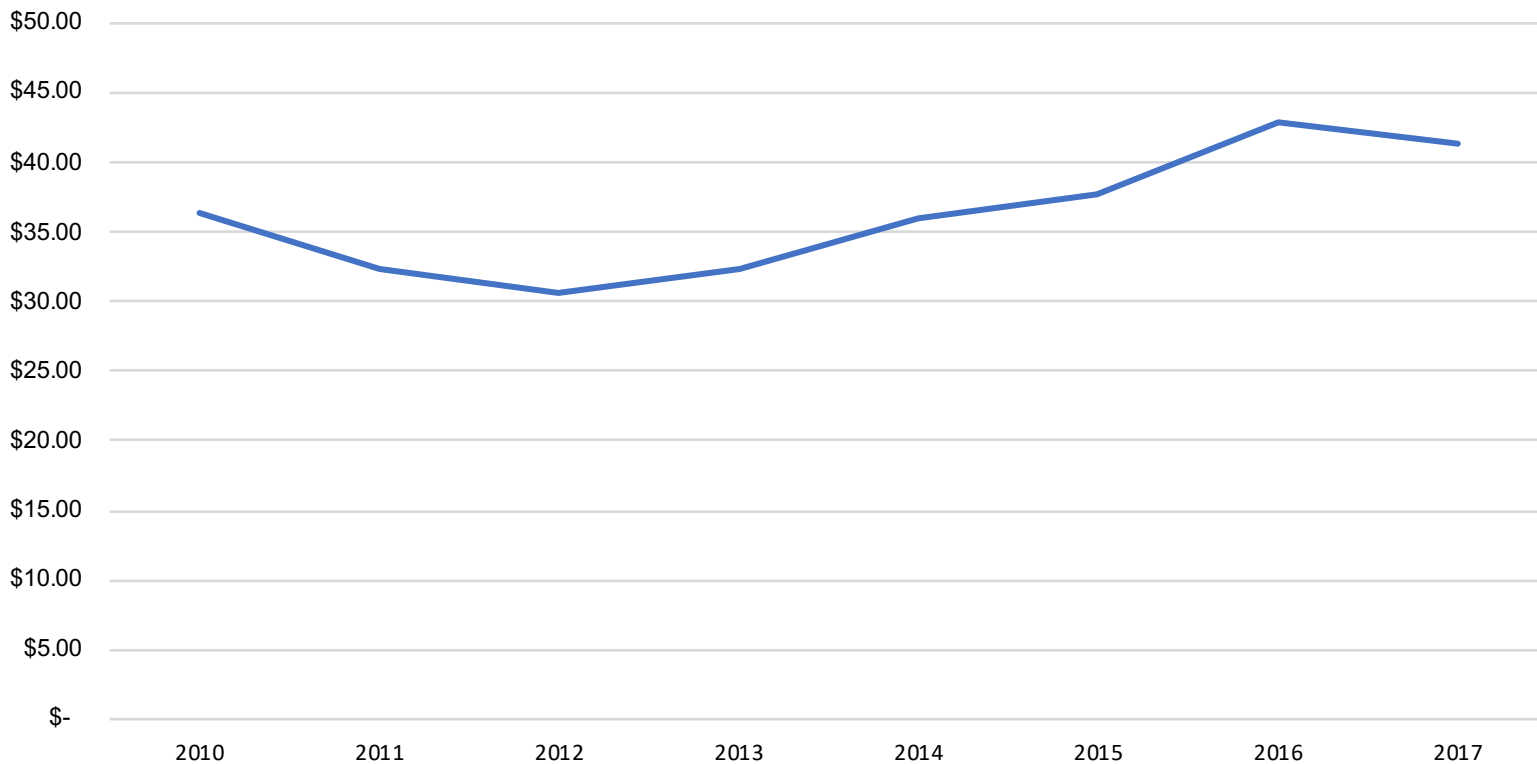


Each data point is 12 months of activity. Data is from June 4, 2018.

All data from Western New York Real Estate Information Services, LLC Multiple Listing Service. InfoSparks © 2018 ShowingTime.

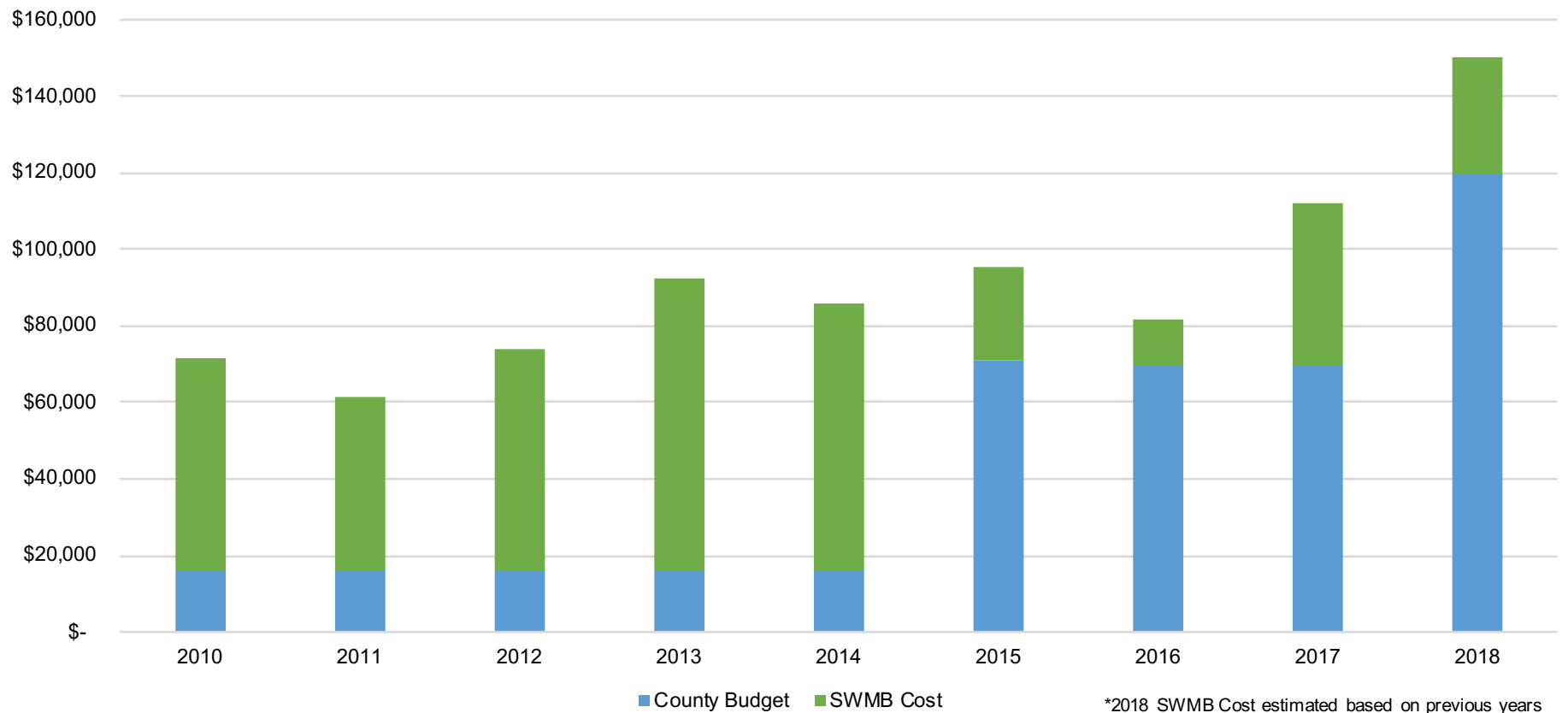
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**GRAPH G.04 ERIE COUNTY AVERAGE COST PER
PARTICIPANT PER YEAR 2010 - 2017**



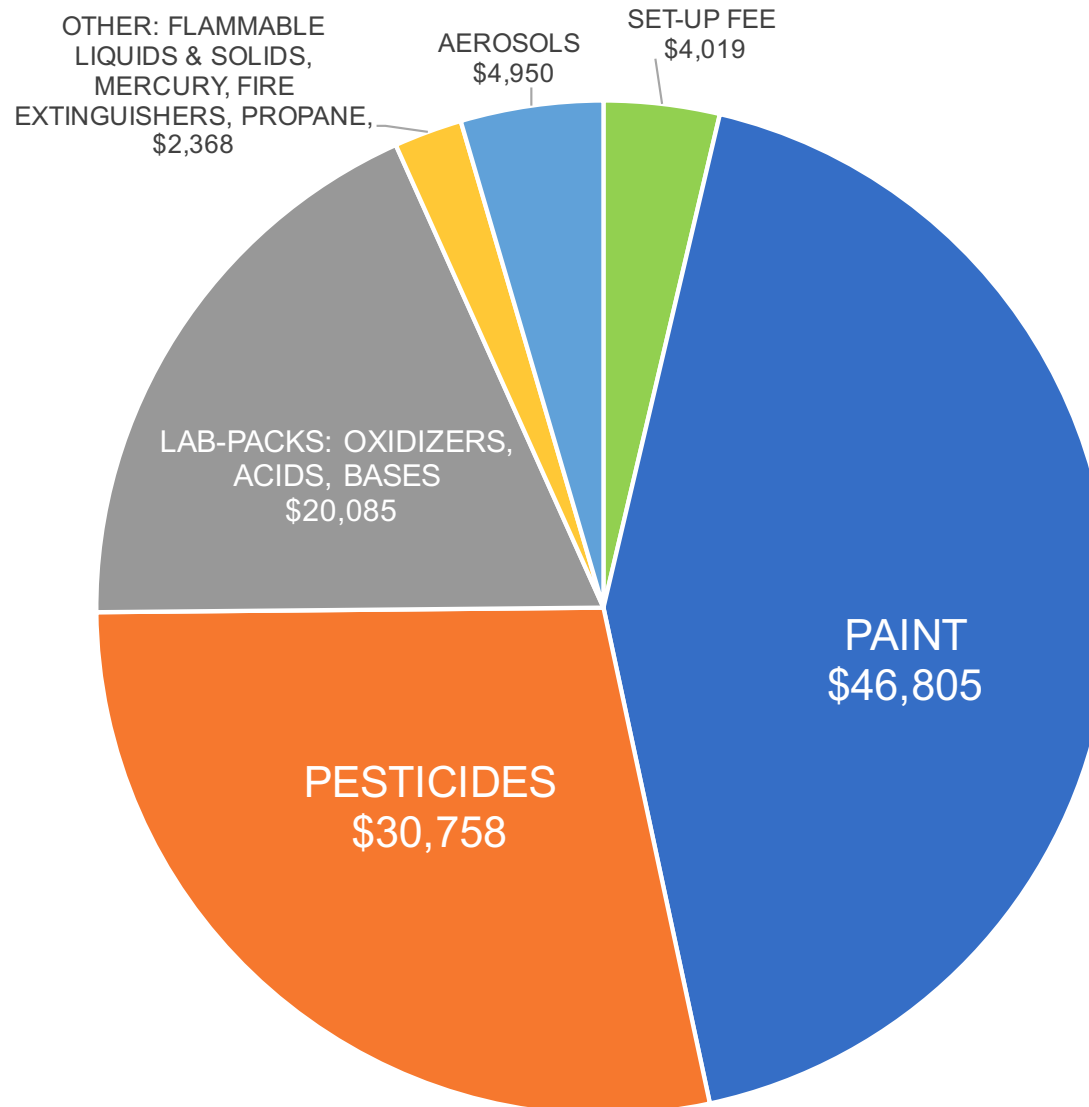
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GRAPH G.05 ERIE COUNTY HHW PROGRAM BUDGET VS. COST 2010 - 2017



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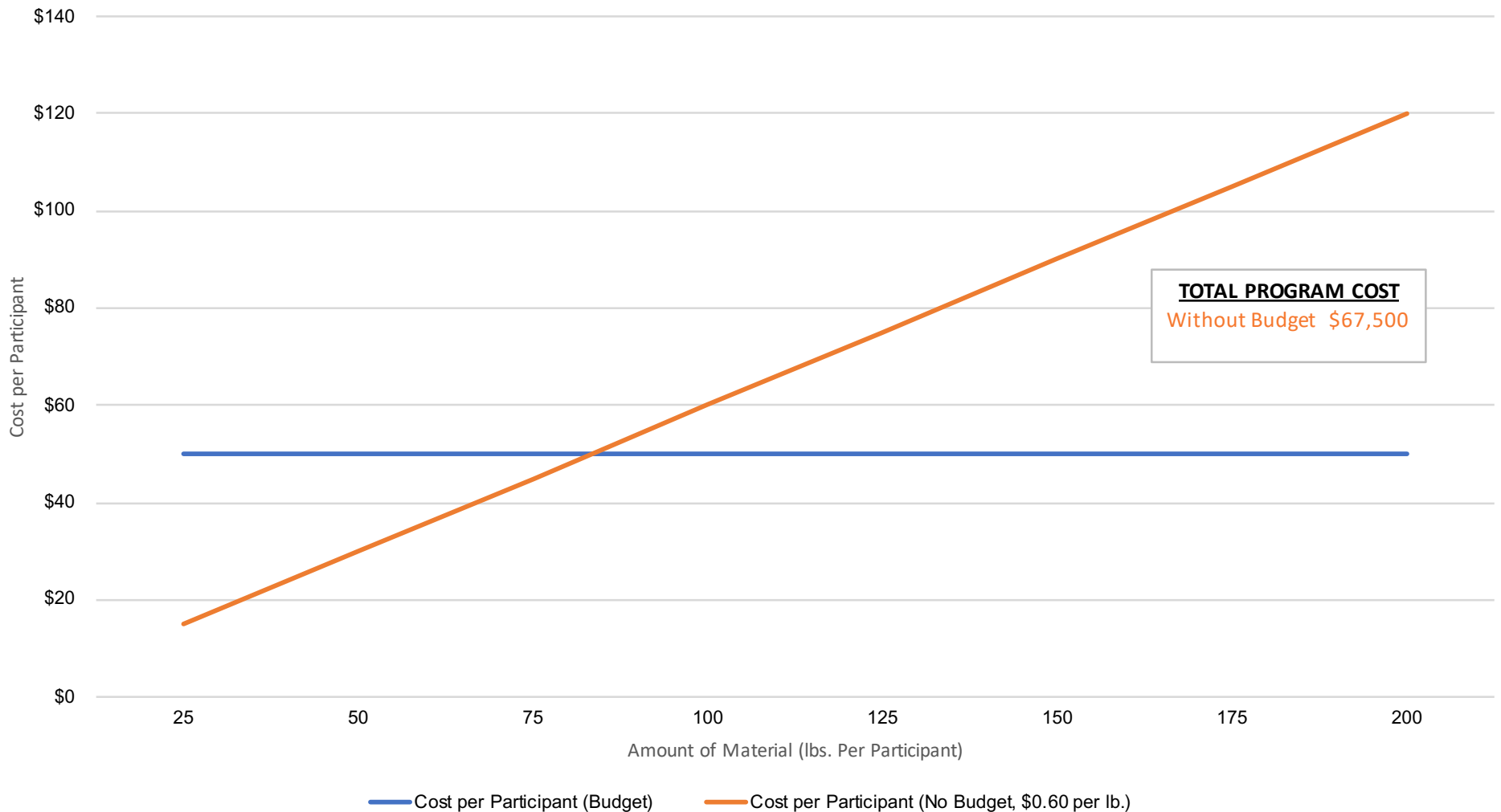
GRAPH G.06 2017 COST PER WASTE STREAM



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Assuming 1,000 participants
with 100 lb. per participant

GRAPH G.07 BENEFITS OF BUDGETING



TABLES

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HHW FEASIBILITY STUDY

TABLE T.01 WASTE STREAM OVERVIEW (PAGE 1 OF 2)

<u>WASTE STREAMS</u>	<u>Contractor Info & Pricing</u>				<u>NYS</u>				<u>Misc.</u>	
<u>Materials Currently Collected:</u>	<u>Contractor</u>	<u>Instructions</u>	<u>Rate</u>	<u>Unit</u>	<u>DEC Waste Classification</u>	<u>DEC HHW Grant Eligibility</u>	<u>Post-Event Report Category and Units</u>	<u>Stewardship Programs / Policies</u>	<u>How Material is Promoted</u>	<u>Final Destination</u>
Oil-Based Paint	Care Environmental	Accept	\$275.00	CYD	Hazardous	Yes		Pending - NYS Paint Stewardship Policy	Acceptable (10 gal. limit)	TBD
Latex Paint	Care Environmental	Do Not Accept	\$275.00	CYD	Non-Hazardous	No		Pending - NYS Paint Stewardship Policy	Unacceptable	TBD
Lab Packs (acids/bases/oxidizers)	Care Environmental	Accept	\$195.00	55-gal Drum	Hazardous	Yes		N/A	Acceptable (2 gal. limit)	TBD
Pesticides	Care Environmental	Accept	\$1.05	LB	Hazardous / Universal	Yes		N/A	Acceptable (2 gal. limit)	TBD
Flammable Liquids (non-paint)	Care Environmental	Accept	\$110.00	55-gal Drum	Hazardous	Yes		N/A	Acceptable (2 gal. limit)	TBD
Flammable Solids	Care Environmental	Accept	\$0.00	5-gal	Hazardous	Yes		N/A	Acceptable (2 gal. limit)	TBD
PCB Paint	Care Environmental	Accept	\$110.00	55-gal Drum	Hazardous	Yes		N/A	Not Listed	TBD
Resins / Adhesives	Care Environmental	Accept	\$275.00	CYD	Hazardous	Yes		N/A	Not Listed	TBD
Aerosols	Care Environmental	Accept	\$275.00	CYD	Hazardous / Non Hazardous	Yes, unless empty		Pending - NYS Paint Stewardship Policy	Acceptable (10 gal. limit)	TBD
Dry Cell Batteries	Care Environmental	Do Not Accept	\$45.00	5-gal	Hazardous	No		NYS Rechargeable Battery Recycling Act	Not Listed	TBD
1# Propane Cylinders	Care Environmental	Accept	\$275.00	CYD	Hazardous / Non Hazardous	Yes, unless empty		N/A	Acceptable	TBD
Mercury-Containing Equipment	Care Environmental	Accept	\$100.00	5-gal	Universal	Yes, excluding thermostats		NYS Mercury Thermostat Collection Act	Acceptable	TBD
Fluorescent Tube Light Bulbs	Care Environmental	Do Not Accept	\$0.04	Foot	Universal	Yes		N/A	Unacceptable	TBD
Compact Fluorescent Bulbs	Care Environmental	Do Not Accept	\$0.95	Unit	Universal	Yes		N/A	Unacceptable	TBD
Fire Extinguishers	Care Environmental	Accept	\$0.95	Unit	Non-Hazardous	No		N/A	Not Listed	TBD
Waste Oil	NOCO	Accept	\$0.00	N/A	Hazardous / Non Hazardous	No		6 NYCRR: 374-2 Standards for the Management of Used Oil	Acceptable (10 gal. limit)	TBD
Antifreeze	NOCO	Accept	\$0.00	N/A	Non-Hazardous	Yes		N/A	Acceptable (10 gal. limit)	TBD
Lead-Acid Batteries	The Battery	Accept	\$0.00	N/A	Universal	No		NYS Rechargeable Battery Recycling Act	Acceptable	TBD
Alkaline Batteries	The Battery	Accept	\$0.00	N/A	Non-Hazardous	No		N/A	Unacceptable	TBD

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.01 WASTE STREAM OVERVIEW (PAGE 2 OF 2)

<u>WASTE STREAMS</u>	<u>Contractor Info & Pricing</u>				<u>NYS</u>				<u>Misc.</u>	
<u>Materials Currently Collected:</u>	<u>Contractor</u>	<u>Instructions</u>	<u>Rate</u>	<u>Unit</u>	<u>DEC Waste Classification</u>	<u>DEC HHW Grant Eligibility</u>	<u>Post-Event Report Category and Units</u>	<u>Stewardship Programs / Policies</u>	<u>How Material is Promoted</u>	<u>Final Destination</u>
<u>Add'l Materials to Consider Collecting:</u>	<i>(in order of priority based on assumed demand)</i>									
E-Waste					Universal	No		The NYS Electronic Equipment Recycling and Reuse Act	Unacceptable	TBD
Pharmaceuticals					Hazardous	No		N/A	Unacceptable	TBD
CESQG Waste					Hazardous	No		N/A	Unacceptable	TBD
Mercury-Containing Thermostats					Hazardous	No		Thermostat Recycling Corporation (TRC)	Acceptable	TBD
Mattresses					Non-Hazardous	No		N/A	Not Listed	TBD
Appliances					Non-Hazardous	No		N/A	Not Listed	TBD
Clothing					Non-Hazardous	No		N/A	Not Listed	TBD
Bulky Plastic Items					Non-Hazardous	No		N/A	Not Listed	TBD
Styrofoam Packaging					Non-Hazardous	No		N/A	Not Listed	TBD
Cooking Oil					Non-Hazardous	No		N/A	Not Listed	TBD
Sharps & Syringes					Regulated Medical	No		N/A	Not Listed	TBD
Document Destruction					Non-Hazardous	No		N/A	Not Listed	TBD
Flags (U.S.)					Non-Hazardous	No		N/A	Not Listed	TBD
Plastic Bags & Wrap					Non-Hazardous	No		N/A	Not Listed	TBD
Printer Cartridges					Non-Hazardous	No		N/A	Not Listed	TBD
Scrap Metal					Non-Hazardous	No		N/A	Not Listed	TBD
Tires					Non-Hazardous	No		ECL Article 27. Title 19. Waste Tire Management and Recycling Act	Unacceptable	TBD
Paper & Cardboard					Non-Hazardous	No		N/A	Not Listed	TBD
Recyclable Glass/Metal/Plastic Containers					Non-Hazardous	No		N/A	Not Listed	TBD

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.02 CURRENT & NOTABLE HHW PROGRAM DATA OVERVIEW (PAGE 1 OF 2)

		Column #1	Column #2	Column #3	Column #4	Column #5
Contact	Municipality	Erie County	OCRRA	Monroe County	Niagara County	Town of Colden / Town of Holland
	Name	Paul Kranz, PE	Andrew Radin	Steve Peletz	Dawn Timm	James DePasquale (Colden) Michael Kasprzyk (Holland)
	Position	Environmental Engineer	Recycling & Waste Reduction Director	Engineer - Pure Waters	Director: Division of Environmental/Solid Waste	Town Supervisors
	Phone	(716) 858-7897	(315) 453-2866, ext. 214	(585)753-7564	(716) 439.7242	James (716) 474-0579 Michael (716) 537-9443 ext. 1
	Email	Paul.Kranz@erie.gov	aradin@ocrra.org	speletz@monroecounty.gov	dawn.timm@niagaracounty.com	James: james.depasquale@townofcolden.com Michael: hollandsupr@roadrunner.com
2017 HHW Program Stats	Material (lbs) Collected	189,630	200,000	548,298	110,073	25,855
	Material (lbs) Assumptions, if any	70 lbs. per Participant	100 lb. per Participant	N/A, Actual	N/A, Actual	N/A, Actual
	Number of Participants	2,709	2,000	6,442	1,051	281
	Number of Eligible Households	382,000	150,000	275,000	99,116	65,000
	HHW Contractor Cost	\$111,948	97,000	\$319,442	\$72,775	\$21,961
	HHW Contractor	Care Environmental	EPS	Clean Harbors	Environmental Service Group / Hazman	Environmental Service Group / Hazman
	Cost per Participant (Includes Marketing \$)	\$41.32	\$64.00	\$49.59	\$69.24	\$78.15
	% of Population Served	0.709%	1.333%	2.343%	1.060%	0.432%
	Cost of 2%	\$ 315,719	\$ 192,000	\$ 272,731	\$ 137,263	\$ 101,599
	Cost of 3%	\$ 473,578	\$ 288,000	\$ 409,096	\$ 205,894	\$ 152,398
	Cost of 5%	\$ 789,297	\$ 480,000	\$ 681,827	\$ 343,157	\$ 253,997
Bidding Process	Frequency	1-year Contract with (2) 1-year extensions	Every 2-3 years	Annual	1-year Contract with (3) 1-year extensions	Discretionary Purchase
	Metrics	Per Unit	\$48.50 per car	Per Unit	Per Unit	Event Fee + Unit Cost (per lb.)
Funding Sources	Mechanism	County Budget \$75,000 per Year, SWMB	Enterprise Fund - County Landfill	Enterprise Fund, \$350,000 Budgeted for T&D, Chemist, % in water sewer rate goes towards funding their operation. They don't want people putting this down storm drains into sewer / septic	DPW - Property Tax Levy	Colden - Garbage Fee
	Grant	NYS DEC HHW Grant	NYS DEC HHW Grant	NYS DEC Grant	NYS DEC HHW Grant	NYS DEC HHW Grant
	Sponsors	NOCO (Oil) The Battery (Batteries)	N/A	Baker Commodities (Cooking Oils) ABVI (Clothing) Boy Scouts (Promotion) 10NBM (Promotion)	N/A	N/A
	Volunteers	20 County, 10 Other - Traffic Control, Reception, Exit, General Clean-up	N/A	N/A, too risky for County, uses Paid Employees from Munis & County	1-2 from County - Registration	1-3 from Host DPW
	Partnerships	N/A		Muni's Employees in Host Communities Waste Management - Facility	N/A	Bordering Town

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.02 CURRENT & NOTABLE HHW PROGRAM DATA OVERVIEW (PAGE 2 OF 2)

		Column #1	Column #2	Column #3	Column #4	Column #5
	Municipality	Erie County	OCRRA	Monroe County	Niagara County	Town of Colden / Town of Holland
Outreach	Methods	Website, Flyer	Online Ad: (Syracuse.com) Email blasts OCRRA Newsletter (Qtrly, Print in Paper & Some Weeklies) Facebook stuff, including paid posts	Website, Muni's, School Districts, County Leg., Elected Officials, Solid Waste & Environmental Educator in Schools / Interest Groups, Outreach Trailer, Cross Promo from Storm Water Dept, Radio, TV, Billboard, Recycling Magnet!	Mailers, Website, Social Media, Events, Newsletter	Mailers, Posters
	Newsletter	No	Yes	Yes	Yes	
	Cost	0	\$31,000	0	0	0
Misc.	Registration	No	Yes, mandatory. Helps to control traffic & build email list.	Yes, Mandatory appointments	Yes, Mandatory pre-registration	Yes, Mandatory via hazmanusa.com
	Newsletter	No	Yes	Yes	Yes	
	Historical Participation Rates	Increasing			Increasing	
	Post-Event	News Reports	Email blast & newsletters	Ongoing	Yes, Email to Newsletter Recipients	None
	Best Practices	Little event promotion - at capacity	Pulled Bulbs, Batteries, Thermostats from Program to Max. HHW	Consistent Funding (County, State) HHW is part of many people's job description, benefits to community from program across the board ∴ is easier to justify funding. Waste Water out of leachate, Solid waste out of landfill. Accepting other material at ecopark for recycling RATIOS Perm. Site: 2 employees = 4 participants / 30 min. 6 participants per County employee per hour Contractor: 1 Chemist, T&D	3-weeks prior to each event a mailer is sent throughout the cost community by a Sponsoring member of the State delegation. Also Paper Shredding, Pharmaceutical Collection	Local, smaller event.
Sources	Email Correspondence	12/14 re: SWMB Members, Fee Structure 12/14 re: Sponsors 1/3 re: Participant Breakdown 1/31 re: Volunteers 2/1 re: Volunteers	1/19 re: Program Overview 1/26 re: Costs, Demographic Stats 2/1 re: Promo Methods 2/1 re: Digital Promotion Spending	3/6: Promo Overview	1/10 re: Program Overview, Includes Event Data	1/31 re: Participants, Cost, Material
	Phone Interview	1/2 re: Promo, Participant Feedback, Budget	1/24 re: Program Overview	1/25 re: Program Overview	N/A	Colden - 5/21 re: Program, funding
	Data	Various Spreadsheets Event Data (Material Type, Participation, Cost)	N/A	Various Spreadsheets Inventory, Participation, Material Types	From Email Correspondence HHW Permanent Site Data 2013	N/A
	Flyers / Downloads	Event Flyer Latex Paint Flyer	Newsletter	Magnet Brochure Map Infographic Elected Official Announcement	Specialty Waste Brochure Mailer	Mailer Poster Newspaper
	Website Link	http://www2.erie.gov/recycling/	http://ocrra.org/services/dispose/household-toxics	https://www.monroecounty.gov/ecopark/	www.rethinkyourwaste.com	N/A
	Website Pages / Notes	Recycling - Beyond the Curb, Refers to HHW HHW - Lists Fee-based Options	HHW Drop-off Make an Appointment	EcoPark Details HHW Appointment Scheduler Calendar	HHW FAQ Events	N/A
	Misc.	Exit Survey	2015 RFP Videos & Games - Education Program	Registration via Appointment Scheduler Program History	Event Registration via hazmanusa.com HHW Voucher	

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.03 COLLECTION METHODS MATRIX

	Current Program 2 Events		Collection Method #1 Regional Event		Collection Method #2 Permanent Site		Collection Method #3 Satellite Events		Collection Method #4 Voucher	
	Annual Service		Annual Service		Annual Service		Annual Service		Annual Service	
Row #1	Number of Events	2	Number of Events	1	Number of Sites	1	Number of Events	20	Number of Sites	1
	Location(s)	County Owned Facilities; ECC North, ECC South	Location(s)	1 North East 2 North West 4 Central 1 South East 2 South West	Location(s)	Northtowns City Southtowns	Location(s)	Municipal Selected Sites	Location(s)	Privately Operated HHW Collection Facility
	Day(s), Time(s)	(1) Saturday per Location per Year 9am - 3pm	Day(s), Time(s)	(1) Saturday per Location per Year 9am - 3pm	Day(s), Time(s)	(2) Saturdays per Month, 9am - 3pm (2) Wednesdays per Month, 5pm - 8pm	Day(s), Time(s)	Saturdays 8am - 12pm	Day(s), Time(s)	Every Monday - Friday, 8am - 4pm (1) Saturday per Month, 9am - 12pm (1) Wednesday per Month, 5pm - 8pm
	Hours per Event	6	Hours per Event	6	Hours per Month	15 for 5,000 participants per year 20 for 6,000 participants per year	Hours per Event	3	Hours per Month	178
	Hours per Year	12	Hours per Year	Varies	Hours per Year	180 - 240	Hours per Year	720	Hours per Year	2136
Row #2	Participation		Participation		Participation		Participation		Participation	
	Demographics		Demographics		Demographics		Demographics		Demographics	
	1: Social YES	2: Economic NO	1: Social YES	2: Economic MAYBE	1: Social MAYBE	2: Economic YES	1: Social MAYBE	2: Economic MAYBE	1: Social MAYBE	2: Economic YES
	Number of Participants		Number of Participants		Number of Participants		Number of Participants		Number of Participants	
	Per Event 1,350	Per Year 2,700	Per Event 700	Per Year Varies	Per Month 600	Per Year 7,200	Per Event 210	Per Year 4,200	Per Month Varies	Per Year Varies
	Distance to Event (Miles)		Distance to Event (Miles)		Distance to Event (Miles)		Distance to Event (Miles)		Distance to Event (Miles)	
	Average 15	Maximum 30	Average 5	Maximum 15	Average 10	Maximum 25	Average 5	Maximum 15	Average 20	Maximum 40
	Wait Time (Minutes)		Wait Time (Minutes)		Wait Time (Minutes)		Wait Time (Minutes)		Wait Time (Minutes)	
Row #3	SWOT ANALYSIS		SWOT ANALYSIS		SWOT ANALYSIS		SWOT ANALYSIS		SWOT ANALYSIS	
	STRENGTHS	WEAKNESSES	STRENGTHS	WEAKNESSES	STRENGTHS	WEAKNESSES	STRENGTHS	WEAKNESSES	STRENGTHS	WEAKNESSES
	Best bang for the buck.	Inconvenient. Over-crowded.	Multple Service Locations.	Weather Dependent.	Convenient.	Highest Cost. Longest Time to Implement.	Multiple Service Locations.	Weather Dependent. Participation Rates Unknown	Existing Facility. Most Service Hours. Economies of Scale Applies.	Farthest Distance to Facility.
	OPPORTUNITIES	RISKS	OPPORTUNITIES	RISKS	OPPORTUNITIES	RISKS	OPPORTUNITIES	RISKS	OPPORTUNITIES	RISKS
	Add Registration System	Heavy traffic = Safety Risk Long wait-times = Discourages Participation	Promote all (6) Events Simultaneously. Share Cost with Participants.	Potentially Missing Economically Driven Demographic.	Easily Add Materials for Recycling And/or Services. Share Cost with Participants.	Potentially Missing Socially Driven Demographic.	\$ Savings if Using Municipal Resources (Trans., Labor)	Complicated Logistics & Schedule. Reluctant Municipal Staff.	Budget Friendly. Share Cost with Participants. Low ECDEP Overhead, Zero Capital Investment.	Potentially Missing Socially Driven Demographic.
Row #4	EVENT STAFFING & PERMANENT SITE CAPACITY									
	FORMULA									
	Event: Staffing	6 participants per employee per hour								
	Permanent Sites: Participant Capacity	3 employees = 6 participants per 30 min. 3 employees = 12 participants per hour 6 employees = 24 participants per hour								
Annual Participant Capacity			700	700 Participants per Event 19 Unloading Staff per Event		20 Hours per Month 3 Number of Staff 600 Participant Capacity per Month		3 Hours per Month per Satellite Event 7 Number of Staff per Satellite Event 210 Participant Capacity per Satellite Event		Not Applicable

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING HHW FEASIBILITY STUDY

TABLE T.04 ERIE COUNTY 2017 EVENT DATA

**All weights are approximate except Pesticides*

2017 Totals & Averages								
Waste Stream / Item	Total Cost	% Total Cost	Total Weight (lbs.)	% Total Weight	Avg. Cost per Pound	Participation		
						Total Number of Participants	Avg. Weight per Participant (lbs.)	Avg. Cost per Participant
	\$108,985.28		199,113		\$0.55	2,709	73.5	\$40.23
SET-UP FEE	\$4,019.48	3.69%	N/A	N/A	N/A	N/A	\$1.48	
PAINT	\$46,805.00	42.95%	56,600	28.43%	\$0.83	20.89	\$17.28	
PESTICIDES *	\$30,757.65	28.22%	13,561	6.81%	\$2.27	5.01	\$11.35	
LAB-PACKS: OXIDIZERS, ACIDS, BASES	\$20,085.00	18.43%	14,740	7.40%	\$1.36	5.44	\$7.41	
FLAMMABLE LIQUIDS	\$550.00	0.50%	1,000	0.50%	\$0.55	0.37	\$0.20	
FLAMMABLE SOLIDS	\$0.00	0.00%	30	0.02%	\$0.00	0.01	\$0.00	
AEROSOLS	\$4,950.00	4.54%	3,600	1.81%	\$1.38	1.33	\$1.83	
PROPANE	\$1,100.00	1.01%	1,200	0.60%	\$0.92	0.44	\$0.41	
FIRE EXTINGUISHERS	\$168.15	0.15%	1,050	0.53%	\$0.16	0.39	\$0.06	
MERCURY	\$550.00	0.50%	125	0.06%	\$4.40	0.05	\$0.20	
Collected by Vendors, Weights Unknown:								
WASTE OIL								
ANTIFREEZE								
BATTERIES								
BULBS								

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.05 MUNICIPAL HHW PROGRAM DATA OVERVIEW (PAGE 1 OF 2)

		Column #1	Column #2	Column #3	Column #4	Column #6	Column #7
Contact	Municipality	Chautauqua County	Cattaraugus County	GLW Region Solid Waste Management Committee	Development Authority of the North Country	Steuben County	Town of Newstead / Village of Akron
	Name	Tracy Pierce (TJ)	Linda McAndrew	Peggy Grayson	Hope VanBrocklin	Rich Bills	Justin Rainville (Hazman)
	Position	Solid Waste Analyst	Waste Management Coordinator	Recycling Administrator	Recycling Specialist	Asst. Land Supervisor	Event Coordinator
	Phone	716-985-4785, ext. 203	716-938-2486	585-815-7906	315-661-3234	607-776-3191, c 607-685-1898	716-998-8073
	Email	piercet@co.chautauqua.ny.us	lbmcandrew@cattco.org	margaret.grayson@co.genesee.ny.us	hvanbrocklin@danc.org	bathlandfill@hotmail.com	jrainville@hazmanusa.com
2017 HHW Program Stats	Material (lbs) Collected	30,000	15,968	22,979		38,000	36,472
	Material (lbs) Assumptions, if any	46 lb. per Participant	N/A	N/A, Actual		19 Tons	N/A, Actual
	Number of Participants	650	231	541	1,044	180	486
	Number of Eligible Households	54,000	35,000	67,000	110,400	38,000	3,400
	HHW Contractor Cost	\$30,350	\$17,731	\$20,778	55,000	\$24,500	\$32,119
	HHW Contractor	Care Environmental	Clean Harbors, Inc.	EEL	Clean Harbors, Inc.	MXI	The Environmental Service Group
	Cost per Participant (Includes Marketing Spend)	\$46.69	\$88.01	\$50.42	\$52.68	\$136.11	\$66.09
	% of Population Served	1.204%	0.660%	0.807%	0.946%	0.474%	14.294%
	Cost of 2%	\$ 50,428	\$ 61,609	\$ 67,565	\$ 116,322	\$ 103,444	\$ 4,494
	Cost of 3%	\$ 75,642	\$ 92,414	\$ 101,347	\$ 174,483	\$ 155,167	\$ 6,741
	Cost of 5%	\$ 126,069	\$ 154,023	\$ 168,912	\$ 290,805	\$ 258,611	\$ 11,235
Bidding Process	Frequency	Every 3 Years	Every 3 Years	1-year Contract with (2) 1-year extensions	Contract for 3 Years	Annual	Discretionary Purchase
	Metrics	Per Unit	Per Unit	Per lb.		Mobilization Fee + Unit Cost (per lb. / gal.)	Event Fee + Unit Cost (per lb.)
Funding Sources	Mechanism	Enterprise Fund - County Landfill	Cattaraugus County Water Quality Council Tax Levy	County based on Population, \$72,000 per Year	Authority	Self-generated by Enterprise Fund	TBD
	Grant	NYS DEC HHW Grant	NYS DEC HHW Grant	NYS DEC HHW Grant	NYS DEC HHW Grant	NYS DEC HHW Grant	NYS DEC HHW Grant
	Sponsors		N/A	N/A		Corning, Inc. In past	N/A
	Volunteers	1-2 from County & 1-2 from Host Muni's	5 from County	N/A		4 from County	1-3 from Host DPW
	Partnerships	Potentially SUNY Fredonia, Earth Day	N/A	N/A			Town / Village
Outreach	Methods	University professors, Host muni's send out notices, 1 week prior press release via County Executive	Website, Flyers at Transfer Stations, Newspaper Ads, Radio	Postcards to those on notification list, 5 advertisements, radio ads, brochures at fairs		Newspaper, Flyers, Website, Facebook	Newspaper Ads, Website
	Newsletter		No	Yes (Old School: Notification List)			
	Cost	0	\$2,600	\$6,500	0	0	0

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.05 MUNICIPAL HHW PROGRAM DATA OVERVIEW (PAGE 2 OF 2)

		Column #1	Column #2	Column #3	Column #4	Column #6	Column #7
	Municipality	Chautauqua County	Cattaraugus County	GLW Region Solid Waste Management Committee	Development Authority of the North Country	Steuben County	Town of Newstead / Village of Akron
Misc.	Registration	No, Not Necessary	Yes, Call for Appointment	Yes, Mandatory via Phone		Yes, Mandatory via hazmanusa.com	Yes, Mandatory via hazmanusa.com
	Newsletter		No	Yes (Old School: Notification List)			
	Historical Participation Rates	Increasing (Between 390 and 650)		Increasing			
	Post-Event	News Reports	No	Exit survey - completed with recycled-plastic pen. Fill out that day or mail back.		None	None
	Best Practices	Consistent Dates (Always first Saturdays of June, July & Sept., Dates Announced in Jan.), Registration Sheet Lists Items by Where They're From, Contractor gets Dates in Fall Recognize Deadlines > No Deadlines Recognized HHW Demographics - Real Estate, Recyclers Enforce Unacceptable Items	Accept everything Highest pre-registration rate	Registration Packet including Stations, Map, Give-away			Local, smaller event.
Sources	Email Correspondence	2/1 re: Event Promotion	2/1 re: Material Qty.	1/29 re: Program Overview	2/8 re: Program Overview	1/25 re: Participants, Costs	1/31 re: Participants, Cost, Material
	Phone Interview	N/A	2/1: Program Overview	N/A	N/A	1/23 re: Program Overview	N/A
	Data		N/A	2017 HHW Final Report 2017 HHW Executive Summary	N/A	N/A	N/A
	Flyers / Downloads	N/A	Newspaper Ad	All Available on Brochures Page: 2018 Info Sheet NYS DEC HHW Brochure Notification Form	2017 HHW Poster	N/A	Newspaper Poster
	Website Link	http://www.co.chautauqua.ny.us/345/Unacceptable-Items	http://www.cattco.org/events/2017/09/30/fr	http://www.glowsolidwaste.org/programs.htm	Link to Poster	https://www.steubencony.org/pages.asp?PID=1825	N/A
	Website Pages / Notes	Unacceptable Items - Latex Paint, Redirects to PDF of Registration Form		Brochures Page with Downloads	N/A	Lists Private Company Options	N/A
	Misc.	Registration Form Cummins - Community Collection Event Poster		Registration Packet Exit Survey		2016 RFP	

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING

HHW FEASIBILITY STUDY

TABLE T.06 HAZMAN DROP-OFF CENTER DATA 2012 - 2017

Year	Number of Participants	Weight (lbs.)	Avg. Weight per Participant	Avg. Cost per Participant
2012	778	77,005	99	\$ 74.23
2013	892	90,066	101	\$ 75.73
2014	1085	115,030	106	\$ 79.51
2015	1145	111,982	98	\$ 73.35
2016	1410	140,318	100	\$ 74.64
2017	1340	121,821	91	\$ 68.18

Conclusions:

Some homeowners are willing to pay

Not many are willing to drive

Number of Participants

Participant Municipality	2012	2013	2014	2015	2016	2017	Total
Buffalo	201	201	310	269	329	232	1542
Tonawanda	182	205	234	231	284	254	1390
North Tonawanda	92	107	127	92	156	175	749
Amherst	52	83	130	104	161	118	648
Cheektowaga	42	56	76	88	93	93	448
Niagara Falls	16	16	26	94	56	111	319
Lockport	28	28	28	40	34	74	232
Lancaster	15	21	26	39	34	34	169
Wheatfield	12	19	19	29	49	40	168
Depew	23	29	25	38	25	25	165
Lackawanna	16	26	37	23	20	20	142
Orchard Park	21	9	9	19	29	29	116
West Seneca	8	11	13	9	33	25	99
Clarence	12	17	13	13	13	13	81
Lewiston	14	8	13	7	13	13	68
Blasdell	4	10	8	11	13	8	54
Sanborn	5	5	5	5	15	18	53
Snyder	3	6	6	8	11	14	48
Pendleton	1	4	4	6	10	16	41
Angola	9	4	2	5	7	3	30
Batavia	3	7	2	1	11	3	27
Newfane	2	2	2	4	6	10	26
Youngstown	3	3	4	4	2	6	22
Boston	1	3	1	2	4	4	15
Akron	1	7	3	0	1	0	12
Colden	2	1	1	2	1	1	8
Alden	2	1	0	1	0	1	5
Rochester	1	2	2	0	0	0	5
Medina	1	1	0	1	0	0	3
Basom	1	0	0	0	0	0	1
Beavercreek	1	0	0	0	0	0	1
Lake View	1	0	0	0	0	0	1
Syracuse	1	0	0	0	0	0	1

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.07 HAZMAN EVENT DATA 2012 - 2015

Town of Newstead & Village of Akron										
Number of Residents		8,300								
Event Number	1	2	3	4	5	6		7	Total	Average
Year	2012	2013		2014		2015				
Month	November	May	October	June	October	May		October	1114	159
Invoiced Amount	\$13,650	\$12,500	\$12,300	\$14,105	\$10,654	\$18,753		\$ 12,720.85		
Cost per Participant	\$64.69	\$81.70	\$93.18	\$101.47	\$77.76	\$87.63		\$99.38		
Cost per Lb.	\$0.47	\$0.72	\$0.85	\$0.81	\$0.77	\$0.80		\$0.92		
Number of Participants	211	153	132	139	137	214		128	129,058	18,437
% of Community who Participated	2.54%	1.84%	1.59%	1.67%	1.65%	2.58%		1.54%		
Total HHW Collected (Lbs.)	28,880	17,392	14,520	17,376	13,759	23,372		13,759		
Avg. Lbs. per Participant	136.9	113.7	110.0	125.0	100.4	109.2		107.5		115

Town of Brant						
Number of Residents		2,100				
Event Number		1	2	Total	Average	
Year		2014	2015			
Month		August	October	142	71	
Invoiced Amount	\$	9,125.10	\$ 15,142.00			
Amount Paid by Residents	\$	116.00	\$ -			
Cost per Participant	\$	196.62	\$ 159.39			
Cost per Lb.	\$	0.67	\$ 1.15			
Number of Participants		47	95	142	71	
% of Community who Participated		2.24%	4.52%		3.38%	
Total HHW Collected (Lbs.)		13,588	13,198	26,786	13,393	
Avg. Lbs. per Participant		289.1	138.9		214	

* High Average due to 3 large dump trucks of material

Town of Colden & Town of Holland					
Number of Residents		6,812			
Event Number		1	2	Total	Average
Year		2014	2015		
Month		September	September	563	281.5
Invoiced Amount		\$ 20,893.00	\$ 22,842.90		
Amount Paid by Participants		\$ -	\$ 45.00		
Cost per Participant		\$ 75.70	\$ 79.59		
Cost per Lb.		\$ 0.65	\$ 0.89		
Number of Participants		276	287	563	281.5
% of Community who Participated*		4.05%	4.21%		4.13%
Total HHW Collected (Lbs.)		32,341	25,633	57,974	28,987
Avg. Lbs. per Participant		117.2	89.3		103

* High Percentage due to the Direct Mailers that went out two weeks prior

Niagara County						
Number of Residents		216,469				
Event Number		1	2	3	Total	Average
Year		2015				
Month		April	June	August	1286	429
Invoiced Amount		\$ 30,178	\$ 17,444	\$ 28,975		
Amount Paid by Participants		\$ 183	\$ -	\$ 36		
Cost per Participant		\$ 62.60	\$ 49.70	\$ 64.47		
Cost per Lb.		\$ 0.55	\$ 0.44	\$ 0.58		
Number of Participants		485	351	450	1286	429
% of Community who Participated		0.22%	0.16%	0.21%		0.20%
Total HHW Collected (Lbs.)		54,913	39,503	50,301	144,717	48,239
Avg. Lbs. per Participant*		113.2	112.5	111.8		113

HEFT						
Number of Residents		n/a				
Event Number		1		2	Total	Average
Year		2015				
Month		October		November	85	43
Invoiced Amount		\$ 6,214.00		\$ 10,705.50		
Cost per Participant		\$ 621.40		\$ 142.74		
Cost per Lb.		\$ 4.14		\$ 1.46		
Number of Participants		10		75	8,833	4,417
% of Community who Participated		n/a		n/a		
Total HHW Collected (Lbs.)		1,500		7,333		
Avg. Lbs. per Participant*		150.0		97.8		124

Also provided e-waste for community

This table was provided as is by Hazman, unable to reformat or edit.

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING

HHW FEASIBILITY STUDY

TABLE T.08 QUANTIFICATION OF DEMOGRAPHICS

KNOWN:	382,000 Households in Erie County 12,000 Residential Real Estate Transactions in Erie County Each Year 23,000 Total Real Estate Transactions in Erie County Each Year 4% Highest HHW Program Service Rate Seen (Using Every-Door-Direct-Mailers)		
ASSUMPTIONS:	100% of Residential Real Estate Transactions Involve HHW 50% of Residential Real Estate Transactions Would Follow-Through with Proper HHW Disposal 11,000 Commercial Real Estate Transactions in Erie County 75% of Commercial Real Estate Transactions in Erie County are CESQG 75% of CESQG Real Estate Transactions in Erie County Require HHW Solution There are two types of HHW Program Participants: Socially-Driven and Economically-Driven There are Socially-Driven Businesses in Erie County; however, quantities, HHW weights, and participation rate are unknown.		
DEMOGRAPHICS:	Socially-Driven HHW Participants	Economically-Driven HHW Participants	
ASSUMPTIONS:	Respond to an imposed deadline at a conveniently-located program View HHW solutions as an opportunity to recycle Are most likely to participate at an event Likely associated with warmer months (fair-weather fans)	Require a timely HHW solution View HHW disposal as a time-sensitive obligation Are most likely to participate at a permanent site Likely associated with real estate transactions	
POTENTIAL QUANTITY	15,280 Households	6,000 Households	21,280
HHW PARTICIPANTS:	Unknown CESQG	6,188 CESQG	

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.09 Regional Event Costs

INPUT DATA					
Number of Locations	1				
Annual Events Per Yr	1 Events / Location_Year				
Participants	700 Per Event_Location				
Total Participants	700				
Generation Rate	85 lbs/Participant				

ANALYSIS DATA					
Annual Location Costs	Unit Price	Units	QTY	Annual Cost	Notes / Assumptions
Maintenance and Repairs	\$0	/Loc	1	\$0	
Labor	\$0	/hr	36	\$0	
Equipment / Supplies	\$0	/Loc	1	\$0	
HHW Contractor	\$0	/Loc	1	\$0	
			SubTotal	\$0	
Annual Event Costs					
Set-up Fee	\$1,500	/Event	1	\$1,500	
Disposal	\$0.30	/lb	59,500	\$17,850	
Transportation	\$0.15	/lb	59,500	\$8,925	
Labor	\$0.10	/lb	59,500	\$5,950	
			SubTotal	\$32,725	
Annual General / Administration					
Administrative Labor	\$55	\$/hr	1,000	\$55,000	1/2 Person - Municipal Resources Used
Registration	\$0.75	/Par	700	\$525	
Promotion & Education	\$7	/Par	700	\$4,900	Complex, Needs to Be Well Done
			SubTotal	\$60,425	
Cost of Capital					
Capital					
Annual Capital (15 yr, 5%)				\$0	
Cost Summary					
Annual Location Costs	\$0	/Event	1	\$0	
Variable	\$32,725	/yr	1	\$32,725	
G/A	\$60,425	/yr	1	\$60,425	
Capital	\$0	/yr	1	\$0	
Total Annual Cost				\$93,150	
Cost Per Participant				\$133.07	<-- This looks high because we have only 1 event in worksheet.
Cost Excluding MRU				\$38,150	With 6 events, cost per participant = \$67.60 including MRU.
Cost Per Participant				\$54.50	

Costs are approximated. MRU assumptions are notated. Excludes grant funding considerations.

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.10 Permanent Site Costs

INPUT DATA					
Number of Locations	1				Open 15-20 hours per week, collection & sorting labor by municipality plus contractor chemist as needed.
Annual Events Per Yr	1	Events / Location_Year			
Participants	6,000	Per Event_Location			
Total Participants	6,000				
Generation Rate	85	lbs/Participant			

ANALYSIS DATA					
Annual Location Costs	Unit Price	Units	QTY	Annual Cost	Notes / Assumptions
Maintenance and Repairs	\$12,000	/Loc	1	\$12,000	3 People - Muncipal Resources Utilized
Labor	\$50	/hr	3,000	\$150,000	
Equipment / Supplies	\$10,000	/Loc	1	\$10,000	
Technology / Insurance	\$10,000	/Loc	1	\$10,000	
Chemist	\$75	/Loc	324	\$24,300	
			SubTotal	\$206,300	
Annual Event Costs					
Set-up Fee	\$0	/Event	1	\$0	
Disposal	\$0.30	/lb	510,000	\$153,000	
Transportation	\$0.10	/lb	510,000	\$51,000	
Labor	\$0.00	/lb	510,000	\$0	
			SubTotal	\$204,000	
Annual General / Administration					
Administrative Labor	\$55	\$/hr	1,000	\$55,000	1/2 Person - Muncipal Resources Utilized Year-Round, Semi-Complex
Registration	\$0.75	/Par	6,000	\$4,500	
Promotion & Education	\$7	/Par	6,000	\$42,000	
			SubTotal	\$101,500	
Cost of Capital					See table below for a breakdown of Capital Costs. There is a savings potential of \$250,000 per location with utilization of County Satellite Barns or pre-permitted HHW facilities. NYS DEC and DOS grant funding available for facility construction.
Capital	\$ 300,000	/Loc	1	\$300,000	
Annual Capital (15 yr, 5%)				\$28,903	
Cost Summary					
Annual Location Costs	\$206,300	/Event	1	\$206,300	
Variable	\$204,000	/yr	1	\$204,000	
G/A	\$101,500	/yr	1	\$101,500	
Capital	\$28,903	/yr	1	\$28,903	
Total Annual Cost				\$540,703	
Cost Per Participant				\$90.12	
Cost Excluding MRU				\$335,703	
Cost Per Participant				\$55.95	

Permanent Site Capital Costs

Architecture & Design	\$ 50,000
Operating Plan and Permitting	\$ 20,000
Construction	\$ 125,000
Air & Fire Control Systems	\$ 50,000
Equipment & Supplies	\$ 20,000
Staff Training	\$ 35,000
Total	\$ 300,000

Costs are approximated. MRU assumptions are notated. Excludes grant funding considerations.

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.11 Satellite Events Costs

INPUT DATA					
Number of Locations	20				Worked performed at numerous satellite events.
Annual Events Per Yr	1	Events / Location_Year			Collection labor by municipality plus contractor chemist as needed.
Participants	200	Per Event_Location			
Total Participants	4,000				
Generation Rate	85	lbs/Par			

ANALYSIS DATA					
Annual Location Costs (Total)	Unit Price	Units	QTY	Annual Cost	Notes / Assumptions
Maintenance and Repairs	\$0	/Loc	20	\$0	7 People - Municipal Resources Utilized
Labor	\$50	/hr	420	\$21,000	
Equipment / Supplies	\$0	/Loc	20	\$0	
Chemist	\$75	/Event	20	\$1,500	
			SubTotal	\$22,500	
Annual Event Costs					
Set-up Fee	\$1,000	/Event	20	\$20,000	Transport Material to Site - Municipal Resources Utilized
Disposal	\$0.25	/lb	340,000	\$85,000	
Transportation	\$0.05	/lb	340,000	\$17,000	
Labor	\$0.00	/lb	340,000	\$0	
			SubTotal	\$122,000	
Annual General / Administration					
Administrative Labor	\$55	\$/hr	2,000	\$110,000	1 Person - Municipal Resources Used Year-Round, Most Complex, Multiple Dates & Locations
Registration	\$0.75	/Par	4,000	\$3,000	
Promotion & Education	\$7	/Par	4,000	\$28,000	
			SubTotal	\$141,000	
Cost of Capital					
Capital	\$5,000	/Loc	20	\$100,000	
Annual Capital (15 yr, 5%)				\$9,634	
Cost Summary					
Annual Location Costs (Total)	\$22,500	/yr	1	\$22,500	
Variable	\$122,000	/yr	1	\$122,000	
G/A	\$141,000	/yr	1	\$141,000	
Capital	\$9,634	/yr	1	\$9,634	
Total Annual Cost				\$295,134	
Cost Per Participant				\$73.78	
Cost Excluding MRU				\$147,134	
Cost Per Participant				\$36.78	

Costs are approximated. MRU assumptions are notated. Excludes grant funding considerations.

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.12 Voucher Costs

INPUT DATA					
Number of Locations	1				
Annual Events Per Yr	1 Events / Location_Year				
Participants	2,250 Per Event_Location				
Total Participants	2,250				
Generation Rate	85 lbs/Participant				

ANALYSIS DATA					
Annual Location Costs	Unit Price	Units	QTY	Annual Cost	Notes / Assumptions
Maintenance and Repairs	\$0	/Loc	0	\$0	
Labor	\$0	/hr	0	\$0	
Equipment / Supplies	\$0	/Loc	0	\$0	
Chemist	\$0	/Loc	0	\$0	
			SubTotal	\$0	
Annual Event Costs					
Set up Fee	\$0	/Event	1	\$0	
Disposal	\$0.50	/lb	191,250	\$95,625	
Transportation	\$0.00	/lb	191,250	\$0	
Labor	\$0.00	/lb	191,250	\$0	
			SubTotal	\$95,625	
Annual General / Administration					
Administrative Labor	\$55	\$/hr	500	\$27,500	1/4 Person - Muncipal Resources Used
Registration	\$0.50	/Par	2,250	\$1,125	Discounted
Promotion & Education	\$7	\$/Par	2,250	\$15,750	Year-Round, Simple
			SubTotal	\$44,375	
Cost of Capital					
Capital	\$0	/Loc	1	\$0	
Annual Capital (15 yr, 5%)				\$0	
Cost Summary					
Annual Location Costs	\$0	/Event	1	\$0	
Variable	\$95,625	/yr	1	\$95,625	
G/A	\$44,375	/yr	1	\$44,375	
Capital	\$0	/yr	1	\$0	
Total Annual Cost				\$140,000	
Cost Per Participant				\$62.22	
Cost Excluding MRU				\$112,500	
Cost Per Participant				\$50.00	

Costs are approximated. MRU assumptions are notated. Excludes grant funding considerations.

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.13 ALTERNATIVES' ASSUMPTIONS & COSTS

Assumptions					
Qty. per Collection Method	Number of Participants	Out-of-Pocket Cost (Excluding MRU)		Including MRU	
		Cost	Avg. Cost per Participant	Cost Including MRU	Avg. Cost per Participant
1 Regional Event	700	\$38,150	\$54.50	\$93,150	\$133.07
3 Regional Events	2,100	\$114,450	\$54.50	\$169,450	\$80.69
4.4 Regional Events	2,800	\$167,860	\$59.95	\$222,860	\$79.59
6 Regional Events	4,200	\$228,900	\$54.50	\$283,900	\$67.60
8 Regional Events	5,600	\$305,200	\$54.50	\$360,200	\$64.32
20 Regional Events	14,000	\$763,000	\$54.50	\$818,000	\$58.43
Permanent Site	5,000	\$335,703	\$67.14	\$461,453	\$92.29
Permanent Site	6,000	\$335,703	\$55.95	\$540,703	\$90.12
20 Satellite Events	4,000	\$147,134	\$36.78	\$295,134	\$73.78
1,000 Vouchers	1,000	\$50,000	\$50.00	\$140,000	\$140.00
1,650 Vouchers	1,650	\$82,500	\$50.00	\$110,000	\$66.67
1,800 Vouchers	1,800	\$90,000	\$50.00	\$117,500	\$65.28
2,250 Vouchers	2,250	\$112,500	\$50.00	\$140,000	\$62.22
3,000 Vouchers	3,000	\$150,000	\$50.00	\$177,500	\$59.17
3,750 Vouchers	3,750	\$187,500	\$50.00	\$215,000	\$57.33
4,000 Vouchers	4,000	\$200,000	\$50.00	\$227,500	\$56.88

Alternative A : \$120,000 Program Budget (Current Budget)				Including MRU	
Qty.	Collection Method	Participants	Out-of-Pocket (OP) Cost	Total Cost	
3	1 Regional Event	2,100	\$114,450	\$169,450	
Totals		2,100	\$114,450	Avg. Cost per Participant	
Avg. OP Cost per Participant			\$54.50	\$80.69	

Alternative B: \$170,000 Program Budget (\$50,000 Budget Increase)				Including MRU	
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost	
4.4	Regional Event	3,080	\$167,860	\$222,860	
Totals		3,080	\$167,860	Avg. Cost per Participant	
Avg. OP Cost per Participant			\$54.50	\$72.36	

Alternative C: \$320,000 Program Budget (\$200,000 Budget Increase)				Including MRU	
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost	
6	Regional Event	4,200	\$228,900	\$401,400	
1,800	Vouchers	1,800	\$90,000	Avg. Cost per Participant	
Totals		6,000	\$318,900	\$66.90	
Avg. OP Cost per Participant			\$53.15		

Alternative D: \$420,000 Program Budget (\$300,000 Budget Increase)				Including MRU	
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost	
8	Regional Event	5,600	\$305,200	\$500,200	
2,250	Vouchers	2,250	\$112,500	Avg. Cost per Participant	
Totals		7,850	\$417,700	\$63.72	
Avg. OP Cost per Participant			\$53.21		

Alternative E: 11,500 Participation Goal (Half Quantified Demand)				Including MRU	
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost	
8	Regional Event	5,600	\$305,200	\$900,903	
1	Permanent Site	6,000	\$335,703	Avg. Cost per Participant	
Totals		11,600	\$640,903	\$77.66	
Avg. OP Cost per Participant			\$55.25		

Alternative F: 20,000 Participation Goal (Full Quantified Demand)				Including MRU	
Qty.	Collection Method	Participants	Out-of-Pocket Cost	Total Cost	
20	Regional Event	14,000	\$763,000	\$1,358,703	
1	Permanent Site	6,000	\$335,703	Avg. Cost per Participant	
Totals		20,000	\$1,098,703	\$67.94	
Avg. OP Cost per Participant			\$54.94		

Costs are approximated.
See corresponding Collection Method Costs Tables (T.09 - T.12) for MRU assumptions.
Excludes grant funding considerations.

TABLE T.14 RESOURCE MATRIX

Potential Contributions / Synergies

[illegible]

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.15 HHW PROGRAM DATA COLLECTION TEMPLATE

Date(s)		Notes
Type of Program		
Location		
Number of Participants		
Total Weight Collected (lbs)	from Waste Stream Summary & Analysis	
Total Education & Promotion Cost		
Total Waste Collection, Transportation & Disposal Cost	from Waste Stream Summary & Analysis	
Total Value of Municipal Resources Utilized (MRU)		

[illegible]

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
HHW FEASIBILITY STUDY

TABLE T.16 HHW PROGRAM COST SUMMARY & ANALYSIS TEMPLATE

[illegible]

APPENDIX D
PUBLIC MEETING NOTICE
DOCUMENTATION

The Public Meeting for the Northwest Solid Waste Management Board's Draft Local Solid Waste Management Plan (LSWMP) was held on July 31, 2019 at 6:00 pm. The public meeting was sponsored jointly by the Northeast Southtowns (NEST) Local Solid Waste Board and their LSWMP was presented at the same time.

45 days prior to the public meeting, a public notice about the public meeting, and a downloadable copy of the draft LSWMP were placed on the www.erie.gov/recycling web-page. The notice provided information on how to send questions or comments about the report.

To increase participation in the public meeting Erie County created and held an interactive recycling forum titled "Let's Talk About Recycling" starting at 5:00 pm on the same evening prior to the public meeting. (see attached flyer).

On July 14, 2019, the official public notice was published in the Sunday edition of the Buffalo News. (see attached documentation from the newspaper).

Erie County heavily promoted the July 31, public meeting and recycling forum event through a press release, and social media posts on the county's facebook and twitter feed. The event was also promoted by the NWSWMB members in their communities.

The public meeting was attended by approximately 40 individuals. Most of the audience were concerned citizens who were interested in learning more about changes in recycling and the 10-year plan. Representatives from local haulers, landfills, and MRFs also attended the meeting and participated in the conversation. Amy Alduino, Recycling Coordinator from Erie County provided an overview on the state of solid waste management and recycling in Erie County and the challenges and opportunities. Ryan Licata, the Solid Waste & Recycling Specialist from the Town of Amherst provided insight on how municipalities were handling changes in the recycling market particularly higher prices for process recycling materials. Next there was a wide ranging conversation with the audience that lasted till after 8:00 pm. In addition to the conversation, all participants were given cards to complete if they had questions about recycling or the plan. All written questions were addressed in the Responsiveness Summary included as Appendix E.

Several audience members asked for more recycling forums in different parts of the county. Erie County will work with the local solid waste management boards to plan additional events.

THE BUFFALO NEWS

-Ad Proof-

The pages that follow show proofs of your ad scheduled to run on the dates indicated below.

Please confirm placement prior to deadline, by contacting your account rep at .

Date:	07/09/19
Account #:	151240
Company Name:	County of Erie/Env. & Planning
Contact:	Tracy Nieman
Address:	95 Franklin St. Room 1053 Buffalo, NY 14202
Telephone:	(716) 858-6005
Fax:	8587248

Ad ID:	1516611
Start:	07/14/19
Stop:	07/14/19
Total Cost:	\$809.02
# of Lines:	88
# of Inserts:	1
Ad Class:	758
Account Rep:	Matthew Crawford
Phone #	
Email:	mcrawford@buffnews.com

Run Dates:
Buffalo News (P1) 07/14/19
Web-BuffNews/Buffalo.com (P6)
07/14/19

Ad proof

Proof is for text only.
Graphics will not show here.



NOTICE OF PUBLIC HEARING

**FOR THE NORTHWEST
SOLID WASTE
MANAGEMENT BOARD'S
LOCAL SOLID WASTE
MANAGEMENT PLAN:**

Notice to the Citizens of
Erie County

A public hearing on the Erie County – Northwest Solid Waste Management Board's Draft Local Solid Waste Management Plan (LSWMP) will be held on:

Wednesday, July 31, 2019
6:00 PM
Erie County Emergency
Training Facility Auditorium
3359 Broadway,
Cheektowaga NY

The purpose of the meeting is to provide an opportunity for citizens to express their opinions and for the Board to receive public comment on this Plan. The purpose of the LSWMP is to: serve as a framework to coordinate solid waste management in the Northwest Solid Waste Management Board for the next 10 years; establish solid waste reduction goals and methods for monitoring progress towards the goals; and to satisfy the NYS Department of Environmental Conservation legal requirements for solid waste planning and comprehensive recycling analysis.

Copies of the LSWMP are available at the Erie County web-site on the recycling page <http://www.erie.gov/recycling> or from the Erie County Department of Environment & Planning office at 95 Franklin Avenue, Room 1082 Buffalo, NY 14202. Written comments on the draft plan will be accepted until August 10, 2019.

The Northwest Solid Waste Management Board is composed of the City of Tonawanda, the Towns of Amherst, Grand Island, and Tonawanda, and the Villages of Kenmore and Williamsville.

The Auditorium is wheelchair accessible. Non-English speaking persons or persons with Limited English Proficiency or special needs should contact Amy Alduino at (716) 858-4715 or alduino@erie.gov for further assistance.



**LET'S TALK ABOUT WHAT GOES WHERE, HOW & WHY WE
SHOULD KEEP RECYCLING TODAY AND THE PLAN FOR WASTE
REDUCTION FOR THE NEXT 10 YEARS**



July 31, 2019 5-7 PM

Erie County Emergency Training Facility Auditorium
3359 Broadway Cheektowaga, NY 14227

The community recycling discussion and public meeting are
presented by Erie County Recycles, The Northwest and
NE Southtowns Solid Waste Management Boards.

**Register for the event and review the draft Local Solid Waste Management Plans
at www.Erie.Gov/recycling**

APPENDIX E

RESPONSIVENESS SUMMARIES

Attached are responsiveness summaries for all comments received for the Northwest Solid Waste Management Board & the Northeast South Towns Local Solid Waste Management Plans.

LSWMP Responsiveness Summary

Erie County response to Village of Springville Comments on NEST Solid Waste Board, Draft Local Solid Waste Management Plan

Main concern – Who is going to pay for these items?

This article summarizes how market forces are impacting community recycling throughout the country. <https://www.wastedive.com/news/what-chinese-import-policies-mean-for-all-50-states/510751/>

Answers to questions are listed in the tables below. The questions were related to report sections.

Make Less Waste

Education & outreach about single use plastics	Existing part of funded Recycling Coordinator position – Recycling Coordinator provides limited strategic education & outreach by attending science fairs, environmental nights, and community festivals with a booth exhibit. EC is part of BYOB single use plastic coalition and the coalition decides on local goals and collaborates to provide coordinated messages and outreach. Main outreach project has been reusable t-shirt bags. Recycling Coordinator seeks additional small grants to run complimentary programs (i.e. Pollution Prevention through Art project).
Financial Incentives	The County currently has limited financial incentives available for residents related to waste generation or recycling. These include lower priced home composting equipment. Financial incentives are generally provided at the state rather than local level. New York State and other funders offer limited financial incentives for municipal or private businesses to undertake different initiatives which divert waste from landfills. Current state financial incentives are focused on food waste prevention and diversion from landfill.
Systems to Manage Materials	The following are current initiatives at EC: encouraging use of the existing bottle bill and supporting expansion to include wine bottles and liquor bottles and still liquids (i.e. sports drinks); supporting state initiatives to increase product stewardship; promoting and partnering with organizations that provide reuse and repair opportunities; managing food waste created by some county operations; creating a county-wide standardized recycling menu, and creating a permanent HHW site.
PAYT – Are haulers looking to collect PAYT or is this on the munis?	In the next 10 years, municipalities and their providers may choose to highlight the importance of residential waste reduction by charging for these services based on the amount of waste (bags) produced. Springville currently has a PAYT system in Erie County.

PAYT systems can be run by either haulers or municipalities. This is the method used by businesses to manage their waste and the ability to manage costs has resulted in reuse or recycling initiatives at these businesses. PAYT systems in various municipalities throughout the country have resulted in an increase in recycling.

Divert Organics

Pilot Projects – when are where would these pilots be?

Erie County currently has a pilot project underway funded by a NYSDEC grant to create a compost site that will provide work for incarcerated citizens to manage food waste generated at the EC Correctional Facility. EC also applied for a food waste reduction grant from NYSDEC to reduce food waste at five institutions through training and gaining awareness of the types of food being wasted by using an industry leading food waste measurement system.

The Town of Amherst is planning to run its own food waste collection pilot program and other municipalities may follow. In Summer 2019 The City of Buffalo will be collecting food waste at five sites throughout the City.

Throughout the next 10 years, EC staff will continue to apply for grants for pilot projects and to provide equipment and services for EC residents and businesses.

There is a new NY food waste reduction requirement that takes effect on Jan. 1, 2022. It will apply to any entity that generates an annual average of two tons a week of food scraps at a single location. Edible leftovers are to be donated. If the generator is within 25 miles of a food recycler with enough capacity as determined by the state Department of Environmental Conservation, it must send its scraps there or recycle them itself through aerobic or anaerobic digestion or composting.

What are examples of a private household's flow of food waste from food prep to the compost facility? How are food waste items stored, picked up and hauled?

There is currently one private company in the Buffalo area that provides this service to households within a limited geographic region. Farmers Pirate's process is: "for \$135 the Farmer Pirates Compost Crew provides you with a full year of compost pick-up service. After you sign up we'll deliver your official five-gallon compost bucket and compostable liner. Over 2 weeks you fill it with organic matter. After 2 weeks pass, leave the bucket out in the spot you designate; The Compost Crew empties it and leaves a fresh, clean liner. You then rinse your bucket and repeat! It's that simple. Each year you also have the option to receive back some of the finished compost *you helped create!*"

In the City of Buffalo, residents can store food waste in small containers at home which they then transport and empty at the food waste collection bins.

It is assumed that there will be additional private companies in the area that will handle organic materials after the 2022 NY food reduction requirement. These services will become more common for urban areas with more density. It is assumed that there will not be curbside food waste pickup for more rural areas because it is not cost-effective. Perhaps in these areas a series of centralized locations can be established.

Recycle Right NY

Solid Waste Board Web-site. Who is maintaining this? Are all haulers on the same page so the info given out matches each carrier?

EC has been speaking to Recycle Coach about customized recycling information pages for each municipality in Erie County for approximately \$15,000/year. EC would ask for partial funding through the NYSDEC recycling coordinator grant and from both solid waste management boards. EC has also made a request that the NYSDEC offer this service all municipalities in the state. New Jersey currently offers this service to all of its municipalities.

Recycle Coach would work with the municipalities and their haulers to create a customized product which includes the waste pickup and recycling schedules and information on where different wastes go. Recycle Coach offers web-site information, an app, and connection to smart speakers. Recycling Coach is providing this service to all municipalities in the State of New Jersey. A link to the service in Patterson NJ is included
<https://www.patersonnj.gov/departments/division.php?structureid=109>.

County-wide visual map-again all the haulers and private muni collectors need to be on the same page.

This will definitely require coordination with all the municipalities and haulers. Connecticut has a nice webpage using this concept.
<http://www.recyclect.com/>

Recycle Right NY – funding for this campaign is from what source?

The Recycle Right NY campaign funding comes from The Recycling Partnership. <https://recyclingpartnership.org/>

Oops tag pilot programs – who is staffing this? Springfield does not have staff to be garbage police nor the fund to support an added position for this purpose.

Oops tag programs that look at contents of recycling bins will probably be implemented in a limited number of communities that receive grants to accomplish these tasks. In 2018, Amherst received a grant from NYSDEC which will be used in part to run a short duration oops program in different neighborhoods using paid interns. Oops tag programs in other communities have resulted in behavior changes that decreases the amount of contamination in curbside recycling bins. Combating

contamination is the number one problem facing curbside recycling, and significantly increases costs to the municipalities.
<https://cronkitenews.azpbs.org/2018/10/09/phoenix-recycling-program-gives-feedback-to-residents/>.

Keep It Out Programs

Permanent HHW collection facility – where is the funding from this coming from? Where is the proposed location? Is one location enough for the area covered under this plan?

Erie County received a three-year grant for \$1 million from NY Department of State to expand HHW services in Erie County. Tasks that will be completed under the grant are: expanded HHW one-day collection events; convening of a HHW task force (which will include representatives from the local solid waste management boards) to assist with scoping and siting a permanent HHW collection site in Erie County; and construction and permitting of the HHW site. The task force will also work with Erie County to define revenue sources for ongoing operation of the HHW facility. To date no decisions have been made on the location or number of facilities or the menu of items that will be accepted. It is also unknown if county will run facility themselves or work with a private firm to operate the facility.

Mattress recycling program – the munis would store these or the haulers? Space is an issue.

<https://mattressrecyclingcouncil.org/why-recycle/> The mattress recycling council runs product stewardship programs in states (CA, RI, CT) with mandated fees on new mattresses that provide a revenue stream to support a system for collecting, deconstructing, and recycling many components of mattresses and springs. In the states, communities will have special mattress collection events, businesses and institutions with large numbers of mattresses (i.e. hotels or universities) may get pickups, and residents have mattress drop off locations at recycling facilities. In WNY, Triad Recycling & Energy currently runs mattress programs for several NY counties. Currently there is no funding stream in New York State or Erie County to support these activities but this may become a higher priority as landfills may increase prices for accepting mattresses and other bulk items.

Other states special waste programs – Have other states recycling programs that work been studied to see how they handle the items listed in this section?

Erie County Recycling staff learn about the successes and lessons learned from other state and municipal special waste programs through conferences, workshops, webinars, and list serves. The NYS Product Stewardship Council works on a number of these issues and reports on success stories in the state and nationwide.

Response Ready

Debris removal contracts – are they location specific or

It is envisioned that the contracts will be a shared service contract similar to the E-waste contract where municipalities are able to use the

the same vendor for the entire NEST area? Is the contract with the County with language allowing the muni to piggyback on the contract?	contracts for their own activities.
Who's paying for the educational materials? Is there grant money for only educational materials and how will they be distributed? Through schools, online, senior centers and muni's offices?	These are great questions. It is hoped that as this project progresses, government or foundation funding could be found to create disaster recovery kits. We would work with the health department to choose the items and information. Items could include rubber gloves, disposable air masks, and some laminated cards with information and resources. The kit would be geared toward flooding. Information would focus on safe removal and proper disposal of water logged building materials, furnishings, and appliances.

NY State Association for Reduction, Reuse & Recycling

What is this organization (NY State Association for Reduction, Reuse & Recycling) and who should be a member?	This is a statewide organization focused on the recycling and reuse industry. The organization provides education, outreach, and serves as an advisory organization for legislative and regulatory matters in reduction, reuse and recycling. Members are from municipalities for and non-profit businesses focused on recycling, waste disposal, and composting. NYSDEC representatives sit on the NYSAR Board as non-voting members to facilitate communication and informed decision making.
Statewide conferences – who is attending and paying for attendance?	NYSDEC values grantee attendance at state conferences and the costs of attendance are written into the Municipal Waste Reduction and Recycling (MWRR) grant. Erie County recycling staff attends conferences. Municipal representatives are also encouraged to attend.
State level stewardship support – the County is speaking on behalf of each muni through NEST?	Erie County speaks on behalf of Erie County. If NEST would like to offer support or comments on an issue, a letter would be drafted to be signed by the NEST chairperson.
Bring Your Own Bag campaign coalitions – what is this? Do we need more organizations to discuss recycling matters or can't stakeholders attend NEST meetings?	This is a group of local non-profits including Buffalo Zoo, local environmental organizations and Erie County who have combined efforts to work on the issue of reduction of regional use of single use plastics. This coalition is not focused on meeting regulations or recycling the plastics, instead it is focused on reduction through community engagement and education about the environmental impacts of single use plastics and encouraging use of reusable bags, bottles, and food ware.

Next Generation

Education in schools on reduce, reuse and recycle needs to be monitored to ensure that materials are being presented.

Erie County does not have the authority or capacity to monitor education in schools about these issues. We can serve as a resource and attend community or school based events. As a part of grant deliverables, EC has worked with other organizations including Erie 1 BOCES to create curriculum specifically tailored to the project outcomes.

Data Gaps

Chapter 2 – several examples of data are based on data more than 10 years old or projections from NYSDEC calculator. Should there be an actual study done for the categories that are not tracked by munis?

There is currently no available staffing or funding stream to track comprehensive MSW generation in Erie County, particularly commercial waste generation and where it goes. Therefore Erie County relies on state generated data sets. The latest statewide dataset compiled and analyzed by NYSDEC is from 2014.

Section 2.5 data gaps. What is the plan for the timeframe to address this data gap? Plans are going to be made on data that is missing or old.

There is currently no funding identified in the future to address the data gaps described in section 2.5. (see above)

Springville Specific Comments

Chapter 3 Section 3.1.1
Springville uses garbage stickers as a revenue stream to offset the costs of garbage pickup so the cost of this service is not all included in taxes. Currently 60% sticker

The section will be modified to add this information.

revenue and 40% taxes.

Table 3.10 Springville furniture, carpeting, mattresses are allowed at curbside each week as long as they have a sticker on them. Starting June 1, 2019 each residence will be limited to 2 bulk items a week. C&D Debris – hire a private hauler.

Table will be modified to add this information.

3.9 Programs: Financial Incentives – Springville uses a sticker system to throw out trash. \$2.50 per 33 gallon bag weighing no more than 50 lbs. Proportional PAYT system. No credible enforcement system in Springville.

Section will be modified to add this information.

Typographic Mistakes

3.5.1 Town of Concord – needs capital on town to match others

Change made to document

Page 51 under commercial services – Village of Hamburg needs capital on village

Change made to document

Discussion of Alternatives Evaluation & Selection

The PU will need to prepare and launch education and outreach materials... How is this going to be achieved through NEST? Is the County handling this, funding through dues increases or

Erie County has been researching Recycle Coach, a subscription service that would provide a customized portal on each municipal web-site as well as a companion app for smart phones. They can set up personalized recycling and trash pickup calendars for individual residents as well as provide a menu of what is collected curbside and other places to take materials. The County would try to provide a portion of the funding via the NYS MWRR grant and the solid waste

grants?	<p>boards would pay the rest of the subscription fee.</p> <p>The County continues to find and create education and outreach materials as part of the work of the Department of Environment & Planning.</p> <p>In addition, the County will convene a meeting with the solid waste boards, municipalities, waste haulers, mrfs, and landfills to discuss a consistent county-wide recycling menu. The Recycling Partnership can provide limited technical support for this activity.</p>
<p>Oops tags – Springville uses Waste Management and as they paragraphs state the enforcement would be on the hauler through a condition in the contract. Adding the oops tag would increase the price of the contracts, which have already gone up 10-30% due to the declining recycling market. Funding a temporary workforce for 3-6 months is not an option in Springville. The program is labor intensive and if not utilized over the entire village it will cause issues with residents saying they are being singled out.</p>	<p>Oops tag programs have been used throughout the nation to reduce the amount of contamination in recycling streams through direct education and personalized feedback. As more municipalities sign waste and recycling hauler and disposal contracts which include additional fees for elevated contamination levels in curbside recycling, they may find that certain routes or areas are recycling in ways that generate additional fees. These unexpected and unbudgeted costs could negatively impact local budgets. If these conditions exist, communities may wish to implement educational feedback programs to reduce contamination.</p> <p>Oops tag programs have proven to be replicable and successful in different regions and localities. Oops tag programs will not be implemented in every community, and as you have indicated would require significant outreach before the program is implemented to explain the purpose and reason for the program and to address local concerns about targeted enforcement.</p> <p>There is not currently a funding stream to pay for Oops program costs. Communities could apply for grants, or work with local workforce training or volunteer organizations to implement the program.</p>
<p>Separated recycling – since most munis are now using carts for recycling, returning to a separate sort for recyclables in carts would be an educational and administrative nightmare.</p>	<p>It appears that the feasibility of returning to dual stream curbside recycling is low. However, there is much discussion about removing glass from curbside recycling and collecting it in other ways (i.e. community bins) or increasing glass items returned via the bottle bill.</p>
<p>Throughout the plan outreach and education are important. What are potential funding sources for these action items?</p>	<p>Current funding sources for Erie County staff to implement these activities are grants provided by New York State and matched by Erie County and the solid waste boards. In the future, outreach and education positions could be created with a dedicated funding stream for staff positions. There are continuing opportunities to obtain smaller project based grants but then there are capacity issues when staff is</p>

	needed to write grants, implement and monitor the project activities.
Targeted assistance to towns to increase yard waste diversion? Who is funding this? Are the Code Enforcement Officers going to be handling smell, rodent and other issues with composting in a densely populated area.	<p>Throughout the NEST municipalities, yard waste diversion programs vary from nonexistent to robust disposal programs. Perhaps targeted assistance could include several smaller communities banding together to purchase a vacuum leaf collector and cooperatively managing a leaf composting site. Perhaps the assistance will be problem solving regarding the problem of leaf collection that stretches into winter, pestilence related organic debris or storm debris management. The funding sources will depend on the solutions that are required.</p> <p>Some home and commercial composting sites are going to be problematic for the communities that host these activities. Perhaps the first step would be to survey NEST municipalities to determine if they have any municipal code which specifically addresses home or commercial composting. The Town of Amherst has backyard composting regulations. Perhaps NEST could work with other organizations to develop an implementable model code regarding backyard and commercial composting. It is assumed that the Code Enforcement Officers would have this added to their duties.</p>
Why isn't the person that creates the waste, especially with organics, held accountable? Many people are very wasteful in what is in dinner one minute and trash next. Shouldn't the individual be educated and held responsible in generating less waste?	<p>Americans waste approximately 40% of food purchased. Better education on this issue is a priority.</p> <p>Residential organics diversion is optional throughout NEST at this time. Therefore a self-selected group of residents often with strong connections to gardening or environmental sustainability are currently most active in managing their organic consumption and waste generation.</p> <p>There are enforcement and incentive opportunities available when organics diversion from landfills is mandated by law. This is most effective when a larger entity: i.e. state or province requires residential and commercial food scrap pickup to preserve landfill space.</p>

Final Thoughts

Throughout the report there was a mention that data is provided by county but the planning units divide the county. Is the option of combining both boards into one board being explored? ... If the goal is one web page	That could be added into the plan as a goal if NEST wishes to pursue this outcome. NYSDEC would also like the City of Buffalo to join a Local Solid Waste Planning Board but this has not occurred to date.
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with information that is
uniform there needs to be
one solid waste board instead
of two.

LSWMP Responsiveness Summary

Questions and comments were submitted by Patrick Martino, a representative of Waste Management in a letter dated July 30, 2019. Answers to questions and comments are listed in the tables below. The questions and comments were related to report sections.

Recycle Right NY – More & Less

Education the public on “recycling right” has already helped Waste Management reduce contamination at our Material Recovery Facility (MRFs) by 20%.

Erie County is pleased to hear that coordinated Recycle Right campaigns are helping to reduce contamination at MRFs. We will continue to focus on education and outreach to encourage more recycling of the right things with less contamination.

Market conditions have resulted in waste companies reframing recycling contracts with municipalities using new contract language that ensures the processors cover the cost of processing first, and then share the remaining commodity revenues.

Thank you very much for your comment. Local municipalities have noted that contract language is different than it was in previous years. Erie County will continue to support our municipalities as they manage their residential waste and recycling services by contracting with private companies. Erie County also hopes that our privately owned local MRFs remain profitable and in business.

One area of concern mentioned in this goal is developing a “county wide standard” for recyclable materials. We encourage a harmonized standard that will facilitate educational efforts while requiring significant input without heavy handed-mandates.

Erie County would like to create a standardized visual menu of recycling items for the county or perhaps a multi-county area. The project will be based on the model program used in the Minneapolis Metro region (five counties) for the last five years. A stakeholder committee consisting of representatives from municipalities, residents, waste haulers, environmental groups, and businesses met to create a standardized visual recycling menu for the metro region. They then created a photo library of standard educational materials and stickers for residential and business users that is used in all the participating counties.

The Minneapolis Metro program was not mandated by legislation but fueled by a common desire to make recycling easier and more consistent by focusing on a consistent picture based menu of accepted items. The links below are to the repositories where the labels can be accessed by business and the public.

<https://environmentalresources.hennepin.us/business> and
<https://recyclingsigns.hennepin.us/Residents>

Divert Organics from the Landfill

Diverting organics may seem outwardly as a practical and proactive measure to alleviate a large waste stream, yet forethought needs to be shown and more data presented to circumvent any unintentional environmental disruption or additional costs that might prove to be prohibitive to customers.

Thank you for this insight. Erie County looks forward to continuing a dialogue with you as we move forward on these issues.

Food waste contributes to 22% of municipal solid waste in Erie County. Waste Management supports managing food for maximum benefit and has completed studies with the Oregon Department of Environmental Quality. These studies show that efforts to prevent and reduce food waste offer seven times the benefit as managing food at end-of-life.

Erie County will review the Oregon Department of Environmental Quality studies and utilize these best practices as we help formulate actions for the local solid waste management boards.

We encourage Erie County to review Oregon's Food Strategy and to consider focusing its efforts on upstream prevention and reduction efforts.

Erie County agrees with your suggestion about focusing on upstream activities to prevent food from becoming a waste.

LSWMP Responsiveness Summary

Main concern – How can we make recycling more widespread and effective.

Questions were generated by participants at the Public Meeting for the Local Solid Waste Management Plan held on July 31, 2019. Names have been withheld to protect the privacy of the questioners.

Answers to questions are listed in the tables below. The questions were related to report sections.

Make Less Waste

How can we make Wegmans/Tops (tons of plastic in packaging) part of the solution?	Erie County appreciates your concerns. We suggest that you use your purchasing power as a consumer to demand less packaging on your food. Erie County will continue to be part of local and state initiatives to raise awareness and educate residents about the environmental costs of single use plastics. Erie County will also continue to work with local stores including Wegmans & Tops to encourage and celebrate their efforts to reduce plastics in their stores.
I think the importance of banning plastic bags is under realized. It is the first big step of stopping the problem at its source. The government needs to apply this process in other directions, such as preventing things from being made of non-reusable plastic when they could be made of reusable materials.	Erie County is pleased to be helping residents develop new habits as they adjust to the NY plastic bag ban implementation in Spring 2020. This one piece of legislation will result in one billion fewer plastic shopping bags being made and used in 2020. The visual difference of less plastic bag contamination in communities and the unseen benefits of using less resources may help inspire additional legislation that bans single use plastics in a variety of settings. This will require action by State Government that is inspired and required by its citizens. Erie County will continue to support legislation that reduces plastic waste.
Where can I find more information on what happened w/ China in 2017 re: taking our recyclable goods.	This article summarizes how international (China) market forces are impacting community recycling throughout the country. https://www.wastedive.com/news/what-chinese-import-policies-mean-for-all-50-states/510751/
The manufacturers and producers are off the hook once the consumer has the product. Then the consumer is held responsible for the pollution. What I'm trying to say is that producers need to be held responsible for the disposal of the product they sold. That's the next big step.	Erie County agrees with you that producer responsibility for the end stages of products and packaging are an important part of reducing waste that enters the landfill. For these policies to be broadly effective they would have to be enacted on a statewide basis through legislation. This will require action by State Government that is inspired and required by its citizens. Erie County will continue to support legislation that requires product stewardship particularly for hard to dispose of items and to work with businesses as they start and expand voluntary efforts.

Recycle Right NY – More & Less

I want to know the specifics on what is recyclable. (For instance Freezer Card Board (waffles) vs. Cereal Box cardboard. Or vitamin pill bottles vs. Rx pill bottles)	The answers as to what is and isn't recyclable in one's area can vary quite a bit. This is why Erie County is working on the recycling app mentioned in the LSWMP. At present, you can find the answers to what is recyclable in your community at your local municipality's website.
Try to emulate top 10 recycling countries—don't need to reinvent the wheel! (i.e. Sweden, Austria, Germany)	Erie County is aware of practices used in countries you mentioned. At the international level there are wide variances in political and environmental salience at the constituent level. As much as we can, we at the county examine case studies at the state, national, and international level to cherry pick practices that would help Erie County.
Why aren't more municipalities offering electronic recycling locations (like Amherst)? What does Amherst do w/ their electronics they collect? And is it cost effective for Amherst?	The commodity prices for materials generated through recycling E-waste recycling have decreased while processing costs have increased. E-waste recycling has become more difficult and expensive. Local governments, additionally, have a surprising lack of wiggle room when it comes to discretion on spending. Municipal E-waste recycling initiatives are at the discretion of the given municipality. Amherst works with a commercial recycling company to process and recycle the E-waste materials. Please contact Amherst to find out if their E-waste collection program is cost effective.
Use non-violent prison inmates to pre-sort trash and recyclables.	The Material Recycling Facilities (MRFs) utilized by Erie County municipalities are privately owned and operated businesses.
Has County or State Looked into reuse of plastics via Conceptos Plasticos recycling. Conceptos Plasticos is a for profit company that makes plastic bricks.	Erie County does not actually have much of a hand in the procedures of materials recovery facilities (MRFs). As recycling is a for-profit, privatized industry here. These firms most certainly know about the state of recycling markets and the modalities of recycled plastic application, as their bottom line depends on it.

Next Generation

What about engaging student ambassadors (service hours) to assist in outreach (at schools, events, etc.). Outreach/education is so	You are correct, education and outreach are extremely important facets to meet our goals—they can never have enough resources. This is an excellent suggestion, we at the county are grateful. We will consider
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critical and needs resources. this as a goal for educational outreach.

Final Thoughts

Love this forum- would like to see it repeated at town levels. (w/ participation from waste companies, recyclers, town mgmt.)	We always love to hear positive experiences from the public. It is the goal of Erie County to include as much of the public as possible. It is always encouraging to see individuals taking an active role in their communities and participating in local government.
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LSWMP Responsiveness Summary

Questions and comments were submitted by a Katie Dugan-Haas, a local commercial composting specialist in an email dated August 5, 2019. Answers to questions and comments are listed in the tables below. The questions and comments were related to report sections.

Section 3.1 Modern Landfill is in Lewiston not Youngstown. Tonnage from New York City?	The section has been revised to include the corrected location for Modern Landfill. The information provided by Modern Disposal indicates the waste generated in Erie County per year versus the total amount of waste disposed of at the facility.
Section 3.1 EcoVerde is not located within the NW planning unit.	This section has been revised in the NW report with the supplied information.
Section 3.1 Ecoverde is smaller than Good Earth; SRG no longer has a facility – just consulting; BRC now exists in City of Buffalo and accepts Food Waste; Natural Upcycling is a hauler, not a facility.	This section has been revised with the supplied information.
Section 3.1 Ecoverde no longer in East Aurora; SRG no longer on Ambuster	This section has been revised with the supplied information.
Section 3.1 Quasar is now part of Denali Water Solutions	This section has been revised with the supplied information.
Section 3.1 C&D landfill in Niagara County – shut down?; Modern in Lewiston	The NYSDEC records from 2018 indicate that Republic Landfill in Niagara Falls was accepting C&D waste in 2018. The section has been revised to remove Modern Landfill and add Heinrich Services to C&D facilities in Niagara County.
Sections 3.13 and 4.2 Mention passage of NYS Food Waste Diversion Law	A paragraph on the NYS Food Waste Diversion Law has been added to this section.
Section 5.2 Distinguish between permitted vs registered compost facilities. There are very different in terms of DEC requirements. Update that BRC does food waste so at least two.	The report has been modified to add information about different types of composting facilities and to identify permitted facilities. Composting operations in New York State are regulated by 6 NYCRR Part 361-3.2 in one of three ways: exempt, registered or permitted. Regulation of composting facilities depends on the location, quantity and type of material composting.
Section 5.7 The Planning Units currently lack infrastructure within it for	A sentence regarding this issue has been added to the organics paragraph in the Alternatives Section of the report.

processing food waste.
Zoning rules in and near the
Planning Units limit
availability of parcels where
commercial compost
operations are allowed, so
that siting a facility is also
quite challenging.
