

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~CHX~~ of PUTNAM
~~TENN~~
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Local Law No. 11 of the year 19 97

A local law TO AMEND LOCAL LAW #6 OF 1990, WHICH AMENDED LOCAL LAW #5 OF 1988 ESTABLISHING
(Insert Title) A COUNTY RECYCLING LAW.

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County
~~CHX~~ of PUTNAM as follows:
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SECTION 1. DECLARATION OF LEGISLATIVE INTENT AND PURPOSE:

The Legislature finds that the County faces an increasing threat to its environmental and economic well-being from the solid waste disposal crisis. It further finds that a significant amount of material which could be productively recycled is discarded each year, exacerbating the solid waste disposal crisis. The Legislature also finds that it is in the public interest, in order to protect the environment and the health of the citizens of the County, and to conserve energy and natural resources, to effect the recovery and recycling of waste materials which are currently being disposed of through landfilling or otherwise. Pursuant to these findings, and pursuant to the authority granted to the County by Section 120-aa of the New York General Municipal Law, which requires municipalities to adopt a local law to require the source separation and segregation of recyclable or reusable materials from solid waste by September 1, 1992, and Section 27-0107 of the New York Environmental Conservation Law, which authorizes planning units to adopt local plans to accomplish the solid waste management policies and goals delineated by the State at Section 27-0106 thereof, the Legislature of the County of Putnam has enacted the Putnam County Recycling Law.

It shall be the purpose of the Putnam County Recycling Law to require source separation of recyclable materials in order to facilitate recycling to the maximum extent possible on the part of each and every household, business and institution within Putnam County. It shall further be the purpose of the Putnam County Recycling Law to establish, implement and enforce recycling related practices and procedures for the separation of all recyclable materials from solid waste, as those terms are defined herein, for separate curbside collection and/or drop-off disposal. The practices and

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(1)

procedures prescribed herein shall be applicable to all waste generators and transporters within Putnam County and shall be consistent with New York State Law, taking into consideration existing local recycling ordinances and programs.

SECTION 2. DEFINITION:

As used in this Local Law, the following terms shall have the following meanings:

A. "Commingled" means source separated, non-putrescible, uncontaminated recyclables placed in the same container.

B. "Construction and Demolition Debris" means waste resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. Such waste includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps. "Construction and Demolition Debris" shall not be construed to include "Garden and Yard Waste".

C. "County Executive" means the duly elected County Executive of Putnam County.

D. "County Legislature" means the duly elected Legislature of Putnam County.

E. "Curbside" means in a dumpster designated for the collection of solid waste, or within five (5) feet of the town, county, or state highway, or driveway nearest to a residence or business.

F. "Farm Hazardous Waste" means all containers containing pesticides and/or pesticide residue, as well as herbicides, fertilizers and antibiotics and which can no longer be utilized for farm purposes.

G. "Garden and Yard Waste" means grass clippings, leaves, and cuttings from shrubs, hedges and trees.

H. "Household Garbage" means putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of food. Household garbage originates primarily in home kitchens, stores, markets, restaurants, and other places where food is stored, prepared or served. "Household Garbage" shall not be construed to include "Garden and Yard Waste".

I. "Household Hazardous Waste" (HHW) means all containers containing pesticides, herbicides, paints, solvents, turpentine, and/or their residue. Household hazardous wastes are those materials found in the residential waste stream that would be regulated as hazardous wastes if they had been

generated by industry. Additional examples of household hazardous waste include oil-based paint and other home maintenance products, pesticides, automotive fluids, and hobby chemicals.

J. "Large Household Furnishings" means all large and/or bulky articles actually used in the home (other than major appliances) and which equip it for living (as chairs, sofas, tables, beds, carpets, etc.).

K. "Major Appliances" means any large and/or bulky household mechanism (as refrigerator, washer, dryer, stove, etc., sometimes referred to as "White Goods") ordinarily operated by gas or electric current.

L. "Person" means any individual head of household, landlord, chief executive officer, owner, partner or manager of a commercial or industrial establishment or institution.

M. "Plastic Container" means any container made from high density polyethylene (HDPE), or polyethylene terephthalate (PET), including, but not limited to, a plastic bottle which previously contained beverage, detergent, bleach, antifreeze, and/or a hair care product.

N. "Recyclables" means any solid waste or other material which is separated from the waste stream and held for its materials recycling or reuse value. Recyclables include, but are not limited to paper, glass, metals, plastics, and garden and yard waste.

O. "Solid Waste" means all putrescible and non-putrescible solid wastes, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended purpose, or as a manufacturing by-product, including, but not limited to, garbage, refuse, industrial commercial and agricultural waste sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of Environmental Conservation.

P. "Solid Waste Management Plan" means the solid waste management plan to be adopted by Putnam County pursuant to Title 1 of Article 27 of the Environmental Conservation Law.

Q. "Source Separation" means the segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

R. "Towns and Villages" means each of the towns and incorporated villages in Putnam County, together with any town or village solid waste disposal district.

S. "Vehicular Tires" means tires from cars, trucks and other vehicles and their casings.

SECTION 3. MANDATORY COUNTY-WIDE RECYCLING:

In the interest of public health, safety and welfare, and in order to conserve energy and natural resources in Putnam County, each town and village within Putnam County shall be responsible for controlling the collection of recyclables within its jurisdiction in accordance with the provisions of this Law and the Putnam County Solid Waste Management Law. To the extent they have not already done so, each such municipality shall provide to the Putnam County Department of Solid Waste a plan to provide for source separation and collection and/or drop-off of recyclable materials in accordance with the provisions contained herein and the Putnam County Solid Waste Management Law. Such plan shall require regular source separation by all waste generators within the municipality and regular, reliable collection of recyclable materials by registered waste collectors from each property that generates such material within the municipality.

The County Legislature shall determine the schedule of implementation for source separation and collection of recyclable materials throughout the County, except that in no event shall implementation occur later than September 1, 1992. All mandatory recycling local laws or programs implemented by any town or village, so long as such ordinances or programs meet the minimum standards and timetables for such implementation set forth herein and conform with the County Solid Waste Management Law, will fulfill the requirements of this Putnam County Recycling Law.

A. MINIMUM STANDARDS AND TIMETABLES FOR IMPLEMENTATION OF COUNTY-WIDE RECYCLING.

To the extent not already done so, implementation of all mandatory local recycling laws and/or plans shall have occurred no later than September 1, 1992.

1. Commencing on or before January 1, 1992, all persons in the County in control of any premises shall be required to separate from all other solid waste that they set aside for disposal the following items:

- a) Newspaper
- b) Corrugated Paperboard
- c) Glass Containers
- d) Plastic Containers
- e) Aluminum and Bi-metal Beverage Containers
- f) Steel Food Containers

2. Commencing on or before January 1, 2000 all persons in the County in control of any premises shall be required to separate from all other solid waste that they set aside for disposal the following additional items:

- a) Magazines
- b) Junk Mail
- c) Office Paper
- d) Brown Kraft Paper (i.e., Grocery Bags)
- e) Garden and Yard Waste
- f) Such other recyclables as may be determined from time to time by rule or regulation promulgated by the Putnam County Recycling Coordinator.

If a town or village plan so indicates, recyclable materials may be commingled for collection purposes.

B. SOURCE SEPARATION AND HANDLING OF RECYCLABLES

All generators of solid waste shall separate out all recyclable materials designated in Sections 3(B) and 6 of this law for separate curbside or drop-off collection. No person or persons shall dispose of recyclables, except by placing the same at curbside or other designated drop-off area which has been approved and designated as such by the municipality in which such person resides.

All recyclable materials which have been source separated and placed at curbside or deposited at a designated drop-off center for separate collection shall, at all times, be collected, stored and transported separately from all other solid waste and shall be delivered to facilities duly permitted for the processing and marketing of recyclables.

All waste transporters operating within Putnam County shall be responsible for collecting from their accounts all source

separated recyclable materials, as specified in Section 3(A) herein, and shall, at all times, keep all recyclable materials separate from all other solid waste throughout the collection, transportation, and delivery processes.

C. MULTI-DOMICILE BUILDINGS AND COMPLEXES

All owners, managers, and/or persons otherwise responsible for multi-domicile buildings and/or complexes within Putnam County shall provide and maintain in a neat and sanitary condition, a drop-off area complete with separate containers for the separate storage and collection of each recyclable material category generated by the residents of such building and/or complex. Such drop-off area shall be located on the premises and shall be conveniently accessible by all residents of such premises. It shall be the resident's responsibility to separate all designated recyclable materials from the solid waste they generate and deposit such materials into each separate designated container at the drop-off area. The owner, manager and/or person otherwise responsible for such building or complex shall be responsible for ensuring the separate collection and transport to market of all recyclable materials from such drop-off areas in accordance with the provisions of this law.

SECTION 4. PERMITS FOR WASTE TRANSPORTERS:

A. Permit Required

In accordance with Article 27-0305 of the New York State Environmental Conservation Law, no person shall engage in the transportation of regulated waste originating or terminating at any location in this County without first having obtained a permit to do so in accordance with the provision of this Local Law. Further, no person receiving a permit hereunder shall loan, rent, or permit any person to use or receive the benefit of such license, directly or indirectly, by any arrangement whatsoever, and any person so doing shall subject his license to revocation as set forth in Sections 8 and 9 hereof.

1. Applications for permit shall be made available at the Putnam County Department of Solid Waste and shall be distributed upon request to all waste transporters operating in Putnam County. Each permit issued hereunder shall expire on the next succeeding 31st day of December and shall be renewed within thirty (30) days preceding such expiration by applying to the Putnam County Department of Solid Waste.

2. The Putnam County Recycling Coordinator of the Putnam County Department of Solid Waste (hereinafter, the "Recycling Coordinator"), who may act in conjunction with the Putnam County Department of Health, shall review all timely received applications and, if acceptable, shall issue a permit to the waste transporter.

3. Any application which is deemed unacceptable and rejected by the Recycling Coordinator shall be promptly returned to the waste transporter, together with a written explanation of the reasons for the rejection thereof. Such waste transporter shall thereafter be afforded a reasonable amount of time, as determined by the Recycling Coordinator, to remedy any deficiency in their application. If necessary, the Recycling Coordinator may waive the thirty (30) day renewal period provided for in Subdivision 1 herein.

4. In all cases, applications submitted by waste transporters who have outstanding violations and/or unpaid fines and/or penalties on file with the Putnam County Department of Solid Waste and/or Putnam County Department of Health shall be denied until such time that such violation is remedied and/or such fine and/or penalty is paid in full.

5. Violations of this Section shall be subject to the enforcement and penalty provisions contained in Sections 8 and 9 herein.

B. Annual Report

As a condition for the permit the Putnam County Department of Solid Waste shall require the transporter to make an annual report to the Department, including the volume and nature of waste products, including recyclables, disposed of and the place and manner in which such waste products were finally disposed, and such other information as the Department may require. Failure to submit such annual report shall result in the automatic denial of the permit application.

C. Annual Renewal

Such permit shall be renewed annually. A renewal may be denied by the Department for failure of the applicant to properly report as provided in Subdivision B of this Section.

SECTION 5. MARKETING OF RECYCLABLES:

It is the intent of the Putnam County Legislature, that the County assist the towns and villages in the marketing of all recyclables generated in the County. At such time as a County Materials Recovery or Recycling Facility becomes operational, the County shall be responsible for marketing all recyclables properly delivered thereto. Until such facility is operational, or contracted for by the County, the County, acting through the Putnam County Department of Solid Waste, will offer ongoing marketing consulting services to all towns, villages and/or approved organizations engaged in recycling activities within Putnam County.

SECTION 6. ADDITIONAL COUNTY-WIDE RECYCLING PROGRAMS:

In accordance with the New York State Environmental Conservation Law, and the rules and regulations promulgated thereunder at 6 NYCRR Part 360 (Chapter 152, Laws of 1990), the following specified waste stream items shall be disposed of in the manner prescribed herein:

A. Household Hazardous Waste

In accordance with 6 NYCRR Subpart 373-4, Household Hazardous Waste may be separated from other household solid waste and self hauled and dropped off at the location designated for the annual Household Hazardous Waste Collection Day hosted by the County of Putnam for such purpose; or if the generator of such hazardous household waste so chooses, they may contract with a duly registered hazardous waste transporter for the collection, transportation and disposal of the generator's hazardous household waste.

All such hazardous waste transporters operating in Putnam County, and their disposal facilities, must possess a valid and current permit issued pursuant to Title 7 of the New York State Environmental Conservation Law, Article 27.

B. Lead-Acid Batteries

1. Legislative Authority

In accordance with New York State Environmental Conservation Law, Article 27-1701, the Putnam County Legislature finds that the improper disposal for lead-acid batteries constitutes a threat to the health and safety of the citizens of this County. To address such threat the following practices relating to the recycling and disposal of lead-acid batteries are now required by law.

- a) Mixing and/or disposal of lead-acid batteries with solid waste is strictly prohibited.
- b) All lead-acid batteries shall be disposed of by delivering the same to a retailer, distributor, collector, battery recycling facility or, as a method of last resort, to an authorized hazardous waste facility.
- c) Every retailer and distributor shall accept, at no charge, up to two (2) used lead-acid batteries per calendar month from any individual.
- d) Distributors shall accept, at no charge, used lead-acid batteries from any retailer to which the distributor sells new batteries.

- e) A five dollar (\$5.00) "return incentive payment" shall be imposed on consumers purchasing a new lead-acid battery who do not return a used lead-acid battery to the retailer at the time of purchase. This payment shall be refunded if the consumer returns a used lead-acid battery to such retailer within thirty (30) days of the purchase date. If, after the thirty (30) day period expires, the consumer has not returned a used lead-acid battery to the retailer, then such retailer may retain the "return incentive payment".
- f) Every retailer and distributor shall post a conspicuous sign displaying the universal recycling symbol and stating: "IT IS ILLEGAL TO DISCARD VEHICLE BATTERIES. STATE LAW REQUIRES US TO ACCEPT VEHICLE BATTERIES AT NO CHARGE FOR RECYCLING."
- g) The local Department of Motor Vehicles is required to provide information materials describing lead-acid battery collection requirements and used oil management practices at the time of vehicle registration.

2. Administrative and Civil Sanctions

- a) In conjunction with the procedures provided for in Section 8 of this Law, any person who knowingly or intentionally violates any of the provisions or fails to perform a duty imposed by Section 6(B) of this Law, except the duty to accept a lead-acid battery pursuant to Section 6(B)(1)(d), shall be liable for a civil penalty not to exceed fifty dollars (\$50.00) for each violation, provided that such civil penalty shall be in addition to any other penalties authorized under this or any other local or state laws governing the illegal disposal of lead-acid batteries.
- b) Any retailer or distributor who refuses to accept a lead-acid battery as required pursuant to Section 6(B)(1)(d) of this Law shall be liable for a civil penalty not to exceed five hundred dollars (\$500.00).
- c) Penalties under this Section shall be assessed by the Putnam County Recycling Coordinator of the Putnam County Department of Solid Waste pursuant to Section 8 of this Law. For the purposes of this Section, disposal of each lead-acid battery, except as authorized pursuant to Section 6(B)(1)

(b) of this Law, shall constitute a separate violation.

C. Used Motor Oil

1. Defined

For the purpose of this Section the term "used oil" means all petroleum-based lubricating oils which have, through use, been contaminated by physical or chemical impurities which have not been removed by subsequent re-refining.

2. Legislative Authority

In accordance with Title 23 of the New York State Environmental Conservation Law, regarding the re-refining of used oil, the following practices and policies governing the disposal and recycling of used oil are now required by law:

- a) No person shall engage in the improper disposal of used oil. Used oil shall only be deposited in an available used oil retention facility or disposed of as otherwise authorized or permitted by the Putnam County Recycling Coordinator of to the Putnam County Department of Solid Waste.
- b) Every service and/or retail establishment, and every other person, industrial operation, airport, trucking terminal or government facility generating at least five hundred (500) gallons of used oil annually shall provide and maintain used oil retention facilities in accordance with regulations contained in 6 NYCRR Subpart 360-14, or contract for used oil storage with another such establishment or municipality with an on-premises used oil retention facility. The used oil shall be periodically removed from the retention facility by a duly permitted waste transporter, who may dispose of used oil only by delivery to a re-refiner, except where otherwise permitted by the Putnam County Recycling Coordinator.
- c) Every retail and/or service establishment that sells over one thousand (1,000) gallons of motor oil per year shall be required to accept during the normal business hours of the establishment, at no additional charge, used oil in quantities not exceeding five (5) gallons per day from any individual. This requirement does not apply if the used oil retention facility is temporarily filled to capacity; and provided further that such establishment need only accept used oil that is uncontaminated and in screw-top, rigid, closed

containers. In no event shall a used oil retention facility be allowed to remain at capacity for a period exceeding one (1) week.

- d) Every service and retail establishment with an on-premises used oil retention facility shall post a conspicuous sign open to public view, stating: "WE ACCEPT USED OIL FOR RECYCLING AT NO CHARGE".
 - e) Every service and retail establishment that contracts with another retail or service establishment, shall post a conspicuous sign, open to the public view stating: "USED OIL FOR RECYCLING WILL BE ACCEPTED BY (name of contracted establishment) AT (address of contracted establishment) AT NO CHARGE".
 - f) A retail or service establishment shall not be required to accept used oil if such establishment has been granted a hardship waiver by the Commissioner of the New York State Department of Environmental Conservation for the inability to provide for on-premises use oil retention facilities or to contract for off-premises use oil collection. Written proof of such hardship waiver shall be presented to the Putnam County Recycling Coordinator in defense of a charged violation of this Section.
3. Administrative and Civil Sanctions

- a) In conjunction with the procedures provided for in Section 8 of this Law, any person who knowingly or intentionally violates any of the provisions or fails to perform a duty imposed by Section 6(C) of this Law shall be liable for a civil penalty not to exceed fifty dollars (\$50.00), except that any service or retail establishment that refuses to accept used oil as required by Section 6(C)(2)(c) or who fails to post a sign pursuant to Section 6(C)(2)(d) or Section 6(C)(2)(e) shall be liable for a civil penalty not to exceed five hundred dollars (\$500.00).
- b) Penalties under this Section shall be assessed by the Putnam County Recycling Coordinator of the Putnam County Department of Solid Waste pursuant to Section 8 of this Law. Such civil penalty shall be in addition to any other penalties authorized under this or any other local or state laws governing the illegal disposal of used motor oil.

D. Tires

1. Disposal

In accordance with the New York State Environmental Conservation Law and the State of New York Codes, Rules and Regulations, Title 6, Part 360 (6 NYCRR Part 360), tires shall be disposed of in the following manner:

- a) Disposal of whole tires in any landfill is prohibited.
- b) Mixing and/or disposing of tires in any form with solid wastes is prohibited.
- c) Used tires shall be delivered to a duly authorized tire retailer at the time of purchase of new tires; or delivered to a local recycling drop-off center duly authorized to accept used tires; or delivered to a tire retailer that is authorized to accept used tires for disposal from the general public.

2. Storage

- a) No person shall engage in storing one thousand (1,000) or more waste tires at a time without first having obtained a permit to do so in accordance with 6 NYCRR Part 360.

E. Appliances and Scrap Metal

1. Defined:

For purposes of this Local Law, an Appliance shall include any large industrial, commercial and/or residential appliance, including, but not limited to, such items as refrigerators, freezers, washing machines, clothes dryers, dishwashers, hot water heaters, stoves, ovens and the like.

For purposes of this Local Law, Scrap Metal shall include, but not be limited to, various types of metals from equipment, appliances and fixtures.

2. All appliances and scrap metal shall be recycled by one of the following methods:

- a) Picked up, transported and delivered to an appropriate scrap metal recycling facility by the appliance retailer, vendor and/or distributor who delivers a new replacement appliance to a consumer at the time of such delivery; or

- b) picked up, transported and delivered by a duly permitted waste hauler to an appropriate scrap metal recycling facility; or
- c) otherwise delivered to the appropriate local recycling drop-off center or scrap metal recycling facility that accepts used appliances and/or scrap metal.

3. Once a consumer delivers an appliance to either a duly permitted waste hauler or appliance vendor, distributor and/or retailer, such consumer's responsibilities under this subsection shall be deemed to have been satisfied. Thereafter, full responsibility for the proper disposal of any appliances so delivered shall rest with the waste hauler, vendor, retailer and/or distributor who accepts such delivery.

4. Disposal of appliances and scrap metal in any manner not prescribed herein is expressly prohibited.

F. Additional Regulations to be Promulgated

The County may also establish, through amendment to this Putnam County Recycling Law or through the promulgation of regulations, (pursuant to Section 7 herein,) specific County-wide recycling programs for the following additional categories of solid waste:

1. Residential, commercial and industrial construction and demolition debris;

2. Sewage sludge.

Any such amendment or regulations shall be consistent with and subject to the provisions of the Putnam County Solid Waste Management Plan, once adopted, and the Putnam County Solid Waste Management Law.

SECTION 7. SCAVENGING:

To ensure full compliance with the provisions of this Law, all recyclables, once separated from solid waste and placed at curbside for separate collection, or deposited at any designated drop-off center, immediately become the property of the registered and authorized recyclables collector and/or transporter for any curbside location or drop-off center where such recyclables are deposited. It shall be unlawful for any unauthorized person or organization to scavenge or remove recyclables for any purpose whatsoever from their collection containers at any location.

SECTION 8. ENFORCEMENT:

A. Investigation

The Putnam County Recycling Coordinator of the Putnam County Department of Solid Waste or any representative authorized in writing by the Putnam County Recycling Coordinator for such purpose, may investigate any application, complaint or alleged violation of any provision of this law by conducting site inspections, informal interviews or preliminary hearings pertaining thereto.

B. Notice

Upon the finding of a violation of and/or non-compliance with any provision of this law or the rules, regulations and orders promulgated and issued pursuant hereto, the Putnam County Recycling Coordinator or a duly authorized representative shall serve upon the alleged violator a Notice of Violation, in writing, setting forth the exact nature of such violation and/or non-compliance.

1. Such notice may be served in person; by mail; by telegraph; or by posting such notice conspicuously on the premises.

2. Such notice shall set forth the date or dates of violation and/or non-compliance, or best approximation thereof, and section of law claimed to have been violated.

3. Such notice shall provide that the violation and/or non compliance shall be abated or removed within the period of time set forth in such notice as determined by the Putnam County Recycling Coordinator.

C. Hearing

In the event that the party served with a Notice of Violation in accordance with Subdivision (B) of this Section, desires to challenge or contest the accuracy or legitimacy of such Notice and/or the findings contained therein, then such person or persons may request a hearing on the violation.

1. A request for hearing shall be made in writing to the Putnam County Recycling Coordinator or duly authorized representative and shall clearly state the basis upon which the Notice of Violation is being contested.

2. In the event such written request for hearing is not received by the Putnam County Recycling Coordinator or duly authorized representative within fourteen (14) days from the date of service of the Notice of Violation, then such hearing shall be deemed waived.

3. Upon receipt of a timely written request, a hearing shall be set down for a day certain and shall be on due and adequate notice to the person or persons concerned. In no event shall such hearing be held within thirty (30) days after receipt of such written request.

4. The notice of hearing shall set forth; the time and place of the hearing; the name of the person or person(s) concerned; the purpose of the hearing; general specifications with reference to the particular provisions of law, or rules and regulations, if any, involved; the right to present evidence and to examine and cross-examine witnesses; and the right to be represented by counsel.

5. The Putnam County Department of Law shall appear on behalf of the Putnam County Department of Solid Waste and shall function as the Presentment Agency with respect to the alleged violation.

6. On the return day of the hearing, a duly appointed hearing officer shall note the appearance of the person(s) in attendance; swear in all witnesses; and record their testimony.

7. The hearing officer shall thereafter prepare findings of fact, conclusions and recommendations upon which the Putnam County Recycling Coordinator shall make a formal order, setting forth the determination, conditions, if any to be complied with, and civil penalties, if any. Civil Penalties shall be assessed in accordance with the provisions of Section 9 of this law.

8. The Order of the Putnam County Recycling Coordinator shall be filed in the Putnam County Department of Solid Waste and Putnam County Department of Health, and a copy thereof shall be served upon the person or person(s) concerned.

D. Administration

This Putnam County Recycling Law shall be administered by the Putnam County Department of Solid Waste in collaboration with the Putnam County Health Department. The Office of the County Executive shall have oversight responsibilities.

E. Additional Rules and Regulations

Additional rules and regulations as may be promulgated by the Putnam County Department of Solid Waste, in conjunction with the Putnam County Department of Health, for the administration and/or enforcement of this Recycling Law shall be subject to the approval of the Putnam County Legislature. Following approval by the Putnam County Legislature, such additional rules and regulations shall be filed with the Clerk of the

Putnam County Legislature.

SECTION 9. CIVIL PENALTIES:

A. Subject to the provisions of Section 6(B)(2)(a) and 6(C)(3)(a), violations of this Local Law shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) for every such violation. All civil penalties and fines collected for any violation of this Law shall be paid over to the Putnam County Recycling Coordinator for deposit in a general fund.

B. Each day on which a violation or failure to comply with any provision of this Law continues shall constitute a separate violation.

C. The penalties provided for by Subdivision A of this Section may be recovered, if necessary, by an action instituted by the Putnam County Attorney in any court of competent jurisdiction.

D. Nothing contained herein shall prohibit the Putnam County Recycling Coordinator or duly authorized representative from seeking to obtain voluntary compliance with the provisions of this Law by way of notice, warning or educational means.

E. In addition to the penalties provided for herein, any person, persons or entity who disposes of said solid waste in any manner inconsistent with the provisions contained herein shall further be subject to such criminal and/or civil penalties as may be imposed under applicable New York State Law.

F. Any transporter of solid waste who fails to comply with the provisions of this Putnam County Recycling Law shall be subject to suspension or revocation of their permit, as provided for in Section 4 hereof.

SECTION 10. EFFECTIVE DATE:

This Putnam County Recycling Law shall become effective immediately.

SECTION 11. REPEALER:

To the extent that this Local Law is inconsistent with Local Law #5 of 1988 entitled, "Newspaper Recycling Law", and Local Law #6 of 1990, which amended Local Law #5 of 1988, such Local Laws are hereby repealed.

SECTION 12. SEVERABILITY:

If any part of this Local Law is found to be invalid by a court of competent jurisdiction, the remaining sections shall remain in full force and effect.