

Chapter 330: RECYCLING

[HISTORY: Adopted by the Rockland County Legislature as indicated in article histories. Amendments noted where applicable.]

Chapter 330: RECYCLING

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Article I: Mandatory Program

[Adopted 5-15-1990 by L.L. No. 6-1990]

- § 330-1 Declaration of legislative intent.

A.
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, to effect the recovery and recycling of waste materials which are currently being disposed of through landfilling or otherwise. Pursuant to these findings and the authority granted to the County by § 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, the Legislature of the County of Rockland has enacted the Rockland County Recycling Law.

B.

It shall be the purpose of this article to encourage and facilitate the maximum recycling practicable on the part of each and every household, business and institution within Rockland County. It shall further be the purpose of this article to establish, implement and enforce reasonable recycling-related practices and procedures to be applicable to all waste generators within the County consistent with New York State law and taking into consideration existing County, Town and Village recycling ordinances and programs. It is not the intent of this article to displace existing recycling or scrap activities undertaken by private entities on a commercial or not-for-profit basis within the County.

§ 330-2 Definitions.

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

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 bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree and brush stumps.

COUNTY EXECUTIVE

The duly elected County Executive of Rockland County.

COUNTY FLOW CONTROL LAW

Any duly enacted local law of Rockland County which directs the flow of solid waste to one or more facilities consistent with the solid waste management plan.

COUNTY LEGISLATURE

The duly elected Legislature of Rockland County.

FARM HAZARDOUS WASTE

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.

GREEN WASTE

Grass clippings, leaves and cuttings from shrubs, hedges and trees. The terms "garbage," "recyclable material," "construction and demolition debris" and "major appliances" shall not be construed to include "green waste."

HOUSEHOLD GARBAGE

Putrescible solid waste, including animal and vegetable waste, resulting from the handling, storage, sale, preparation, cooking or serving of foods. "Household garbage" originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

HOUSEHOLD HAZARDOUS WASTE

The meaning set forth in regulations promulgated pursuant to § 330-7 hereof.

LARGE HOUSEHOLD FURNISHINGS

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.).

MAJOR APPLIANCES

Any large and/or bulky household mechanism (as a refrigerator, washer, dryer, stove, etc., sometimes referred to as "white goods") ordinarily operated by gas or electric current.

PERSON

Any individual head of household, landlord, chief executive officer, owner, partner or manager of a commercial or industrial establishment or institution.

RECYCLABLES

Any solid waste or other material designated, from time to time, by the County by amendment to this article or by regulation hereunder, which under federal or New York State law or regulation is not hazardous and which is separated from the waste stream and held for its materials recycling or reuse value.

SOLID WASTE

All putrescible and nonputrescible 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 use, 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.

SOLID WASTE MANAGEMENT PLAN

The solid waste management plan adopted or to be adopted, as it may be amended from time to time, by Rockland County pursuant to Title 1 of Article 27 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.

TOWNS AND VILLAGES

Each of the towns and incorporated villages in Rockland County, together with any Town or Village solid waste disposal district.

VEHICULAR TIRES

Tires from cars, buses, trucks and other vehicles and their casings.

§ 330-3_Mandatory countywide recycling.

A.

Preparation of solid waste and recyclable material for collection and disposal generally.

(1)

In order to provide for public health and safety and to facilitate the conservation of vital natural resources, each Town and Village shall continue to be responsible for the collection of solid waste and recyclable material. Each municipality shall provide by August 1, 1990, to the County Recycling Coordinator a plan to provide for source separation and collection of recyclable materials. Such plan should demonstrate that regular, reliable source separation and collection of recyclable material will be provided to each property which generates that material in that municipality.

(2)

The County Executive shall determine, subject to the approval of the County Legislature, the schedule of implementation of source separation and collection of recyclable materials throughout the County. All existing or any future 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 Flow Control Law, will fulfill the requirements of this article. It is the County's intention to establish or make available one or more County materials recovery or recycling facilities to be either privately or municipally owned and/or operated to which all recyclables generated within the County may, in accordance with the County Flow Control Law, be directed for marketing and other recycling activities. Existing or future recycling or scrap activities undertaken by private entities in the County on either a commercial or not-for-profit basis are not subject to regulation of this article so long as such activities, upon review by the County Executive, conform with the solid waste management plan and the County Flow Control Law.

B.

Minimum standards and timetables for implementation of countywide recycling.

(1)

It is the intent of this article that all persons generating solid waste and recyclables within the County shall recycle all or a portion of the recyclables which they generate not later than October 1, 1990. It is understood and expected that implementation of mandatory recycling of many recyclables must be undertaken gradually and with thorough and adequate attention to materials recovery and marketing thereof.

(2)

Commencing on a schedule of dates and in a manner, both of which to be determined pursuant to rules and regulations promulgated pursuant to § 330-7 hereof, all persons in the County in control of any premises shall be required to separate from all other solid waste that they set at curbside or otherwise for collection by municipal or private carters the following items:

(a)

Newspaper.

(b)

High-grade paper.

(c)

Corrugated paperboard.

(d)

Other paper grades, including magazines.

(e)

Glass containers.

(f)

Plastic containers.

(g)

Aluminum and bimetal beverage containers.

(h)

Steel food containers.

(i)

Mixed plastics.

(j)

Low-grade paper and paper products.

(k)

Food waste.

(l)

Other recyclables, as determined pursuant to rule or regulation hereunder.

C.

No person shall dispose of recyclable material except as follows:

(1)

In order to facilitate the conservation of vital natural resources through recycling, each person shall provide for the setting-out of recyclables in a suitable container or containers as authorized by his or her Town or Village for recyclable material.

(2)

From the time of placement of recyclable material at the roadside or other designated area approved by the towns or villages by a person for collection in accordance herewith, such recyclable material shall be delivered to the appropriate facility determined in accordance with the County Flow Control Law and the solid waste management plan, as such may be in effect, or designated by the Town or Village where such recyclable material is generated if no County facility or facilities are yet operational and able to accept such materials.

(3)

Tipping fees, if necessary for the collection, handling and disposal of recyclables to a County facility or facilities, shall be established, and modified as necessary from time to time, by the County Executive, subject to the approval of the County Legislature.

§ 330-4_Marketing of recyclables.

A.

It is the intent of this article that the County assume responsibilities for assisting 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 or facilities become operational, the County shall be fully responsible for marketing all such recyclables properly delivered thereto. Until such County facility or facilities are operational, beginning on June 1, 1990, the County, acting through the County Recycling Coordinator, will offer marketing consulting services to all towns and villages in the County which are then engaged in recycling activities, at their request.

B.

In addition, the County shall prepare a recyclables marketing plan to provide for the gradual assumption by the County of full responsibilities for the marketing of recyclables which are source-separated within the County in accordance with this article.

§ 330-5_Additional countywide programs.

A.

The County shall establish and/or revise, through amendment to this article or through the promulgation of regulations pursuant to § 330-7 herein, specific countywide recycling programs for the following additional categories of solid waste:

(1)

Residential, commercial and industrial construction and demolition debris.

(2)

Residential and commercial green waste.

(3)

Major appliances and tires.

(4)

Household and farm hazardous waste.

(5)

Batteries and used oil and oil products.

B.

Any such amendment or regulations shall be consistent with and subject to the provisions of the solid waste management plan and the County Flow Control Law.

§ 330-6 Penalties for offenses.

Failure of any person to comply with the provisions of this article shall carry a fine of \$15 for the first violation, \$50 for the second, \$100 for the third, and \$100 for each subsequent violation.

§ 330-7 Administration; rules and regulations.

This article shall be administered by the Office of the County Executive which shall be empowered to promulgate rules and regulations relative to the administration and enforcement of this article. Any such rules and regulations shall not be effective until they have been approved by the County Legislature and the County Executive and filed with the Clerk to the County Legislature.

Article II: Plastic Bag Recycling

[Adopted 4-15-2008 by L.L. No. 1-2008]

§ 330-8 Title.

This article shall be known as "The Rockland County Plastic Bag Recycling Act of 2008."

§ 330-9 Legislative intent; purpose.

A.

The Rockland County Legislature finds and determines that each year an estimated 500 billion to one trillion plastic bags are used worldwide, and billions of these bags end up as litter. In the United States alone, retail checkout counters distribute about 100 billion plastic bags, and it takes approximately 35 million barrels of oil to produce them.

B.

The Legislature further finds and determines that plastic carryout bags and film plastic do not biodegrade. The bags break down into smaller and smaller toxic bits that contaminate soil and waterways and enter into the food web when animals accidentally ingest those materials, and that these pieces can last for more than 1,000 years.

C.

Instead of being thrown into the garbage where they can eventually contaminate our soil and water, these bags can be collected and recycled into decks, piers and fencing.

D.

The Legislature hereby determines that we must reduce the use of plastic bags and encourage the use of reusable bags in order to reduce our dependence on foreign oil, decrease litter and benefit the environment.

E.

The Legislature hereby finds that the proposed recycling program furthers New York State policy, which favors programs that maximize material reuse and recycling and programs that use energy efficient recycling processes.

F.

Therefore, the purpose of this article is to encourage the use of reusable bags by consumers and retailers, to reduce the consumption of single-use bags, and to require an at-store recycling program for plastic bags.

§ 330-10 Definitions.

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

FILM PLASTIC

Uncontaminated non-rigid film plastic packaging products composed of plastic resins that include, but are not limited to, newspaper bags, dry cleaning bags and shrink-wrap.

OPERATOR

A person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

PLASTIC CARRYOUT BAG

A plastic carryout bag provided by a store to a customer at the point of sale that is not a reusable bag.

REUSABLE BAG

A.

A bag made of cloth or other machine-washable fabric that has handles; or

B.

A durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

STORE

A retail establishment that provides plastic carryout bags to its customers as a result of the sale of a consumer good, and either:

A.

Ten thousand square feet or more of the store's selling area floor space is used for the sale of consumer goods; or

B.

Belongs to a chain of five or more retail establishments, whether operating inside or outside of Rockland County, that are engaged in the same general field of business and:

(1)

Conduct business under the same business name; or

(2)

Operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

§ 330-11_At-store recycling program.

The operator of a store shall establish an at-store recycling program pursuant to the provisions of this article that provides an opportunity for members of the public to return to the store clean plastic carryout bags from any source.

§ 330-12_Program requirements.

An at-store recycling program provided by the operator of a store shall require:

A.

A plastic carryout bag collection bin to be placed at or near the entrance to each store, and such bin shall be highly visible and indicate that the bin is intended for recycling and not for the discarding of garbage. Such collection bin shall be easily accessible to the consumer; and such collection bin shall be clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags only.

B.

That all plastic carryout bags collected by the store are to be collected, transported and recycled in a manner consistent with all applicable laws or any rule or regulation promulgated pursuant to this article.

C.

That the operator of the store having 20,000 square feet or more of the selling area floor space used for the sale of consumer goods shall make reusable bags available to customers within the store, which may be purchased and used in lieu of using a plastic carryout bag or paper bag.

§ 330-13_Penalties for offenses.

Any operator who violates any provision of this article shall be punished by a fine not to exceed \$250 for a first offense; by a fine not to exceed \$500 for a second offense; and by a fine not to exceed \$1,000 for a third and each subsequent offense committed in any twelve-month period. Each day that an operator fails to comply with this article shall constitute a separate and distinct violation.

§ 330-14_Rules and regulations.

The Commissioner of the Rockland County Department of Consumer Affairs shall promulgate any rules and regulations as it deems necessary and appropriate for the implementation and enforcement of any provisions of this article.

§ 330-15_Applicability.

This article shall apply to all actions occurring on or after January 1, 2009.

§ 330-16_Reverse preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent

state or federal administrative agency issues and promulgates regulations preempting such action by the County of Rockland. The Rockland County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.