

LOCAL LAW NUMBER 3 OF 1990

A LOCAL LAW mandating source separation of recyclable materials.
Be it enacted by the County Legislature of the County of Greene as follows:

SECTION I. SHORT TITLE

This Local Law shall be known as the Source Separation Law.

SECTION II. PURPOSES

This Local Law is adopted pursuant to Chapter 627 of the Laws of 1986 of the State of New York to institute a plan for the management of solid waste generated or originated in the County of Greene, to promote the safety, health and well-being of persons and property within the County of Greene; implement the express policy of the State of New York authorizing the County of Greene to impose appropriate and reasonable limitations on competition to require that all solid waste generated or originated within the County shall be delivered to a specified facility or facilities, and to implement the express policy of the State of New York encouraging solid waste volume reduction through recycling.

SECTION III. DEFINITIONS

Acceptable Solid Waste means all solid waste which is not hazardous waste, designated recyclable material or unprocessable waste.

Superintendent means the superintendent of Solid Waste of Greene County or his duly authorized representative.

County means the County of Greene.

Solid Waste Facility means all solid waste management or resource recovery employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the transporting, receiving, storage, processing, or disposal of solid waste or the recovery by 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 and 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.

Hauler means a person engaged in the business of collecting or transporting solid waste.

Hazardous Waste means waste which appears on the list of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law or special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954 as amended.

Legislature means the Greene County Legislature.

Person means any natural person, partnership, association, joint venture, corporation, estate, trust, county, town, village, improvement district, governmental entity or other legal entity.

Recyclables means any material designated, from time to time, by the County which is not hazardous waste and which is separated from the waste stream and held for its material recycling or reuse value.

Recycling or Recycled means any method, technique or process utilized to separate, process, modify, convert, treat or otherwise prepare solid waste so that its component materials or substances may be beneficially used or reused as raw materials.

Solid Waste means all putrescible and non-putrescible solid wastes generated or originated within the County, including, but not limited to, materials, or substances discarded or rejected, whether as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection or for any other reason, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded, have served their intended use, or are a manufacturing by-product, including, but not limited to, garbage, refuse, and other discarded materials, including solid waste materials, resulting from industrial, commercial and agricultural operations and from community activities, 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, or hazardous waste as defined in this Local Law.

Source Separation means the segregation of recyclables from solid waste at the point of generation for separate collection, sale or other disposition.

Specified Solid Waste Facility or Facilities means a solid waste facility or facilities for certain solid waste specified in the rules and regulations promulgated pursuant to this Local Law.

Unprocessable Waste means (a) dirt, concrete and other non-burnable construction material and demolition debris; (b) refrigerators, washing machines and similar "white goods"; (c) large items of machinery and equipment, such as motor vehicles and major components thereof (e.g., transmission, rear ends, springs and fenders), agricultural equipment, trailers and marine vessels, or any other item of waste exceeding six feet in any one of its dimensions; and (d) liquid waste, large concentrations of plastics other than PET and HPDE containers, explosives, oil, sludges, highly inflammable substances, tires, ashes, contained gaseous materials, incinerator residue, and offal.

SECTION IV. POWERS OF THE GREENE COUNTY LEGISLATURE

The Greene County Legislature shall:

- A. Promulgate and publish rules and regulations for a Countywide program to implement source separation of recyclables and encourage solid waste volume reduction and to maximize the opportunity for the reclamation and recovery of materials. These rules and regulations shall designate recyclables to be source separated and prescribe methods of source separation, and may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices and waste composition.

- B. Deny, suspend or revoke solid waste licenses or subject a license holder to reprimand, as provided in Section X.
- C. Revise, amend, promulgate and publish rules, regulations and orders necessary to carry out the purposes of this Local Law.
- D. In promulgating rules and regulations under this Local Law, the Legislature shall seek input from commercial entities affected by this local law, the legislature shall seek input from commercial entities affected by this local law with the intent of preserving the economic viability of the private sector.

SECTION V. DUTIES OF THE SUPERINTENDENT OF SOLID WASTE

The Superintendent is hereby authorized and directed to:

- A. Define categories acceptable solid, including acceptable solid waste, recyclables and unprocessable solid of solid **waste**;
- B. Specify the solid waste facilities to which all acceptable solid waste and/or designated recyclables may be delivered;
- C. Prohibit delivery to or disposal of a category of solid waste at one or more specified solid waste facilities;
- D. Approve solid waste licenses as provided in Section IX.
- E. The Superintendent shall perform the administrative functions, powers and duties specified in this Local Law under the supervision of the Legislature and on behalf of the Legislature. He shall report periodically to the Legislature. Nothing in this Local Law divests the Legislature of such functions, powers and duties.

SECTION VI. SOURCE SEPARATION OF RECYCLABLES

A. General Requirements

All persons shall separate recyclables from other solid waste when preparing the same for transportation, collection, pickup, or removal by placing recyclables in one or more separate containers. It shall be a violation of this Local Law for any person to willfully place for collection any container which contains recyclables mixed with other solid wastes.

Recyclables delivered to a solid waste facility shall be prepared in accordance with all rules and regulations promulgated by the Legislature, which may include, but shall not be limited to:

1. Removal of glossy inserts or wet or damp materials from newsprint;
2. Washing of glass and/or metal containers;
3. Flattening of cans and plastic containers;
4. Removal of caps, lids, and metal or plastic neck bands from glass containers;

5. Removal of broken glass;
6. Placement in designated or properly labeled containers, where practical;
7. Sorting into different categories of recyclables.

B. Requirements for Households

Wherever household collection of recyclables is available from a commercial or municipal hauler, persons choosing to use such collection services shall place their recyclables for collection properly separated, prepared, and containerized, and in accordance with any rules established by said commercial or municipal hauler.

Wherever household collection of recyclables is not available, or where persons choose not to use such collection service, persons wishing to dispose of recyclables must deliver or make arrangements to have them delivered, properly separated and prepared, to a designated solid waste facility. It shall be a violation of this Local Law for any person without authority of the County to collect, pick up, remove, or cause to be collected, picked up, or removed, any recyclables placed for collection at a solid waste facility.

C. Requirements for Businesses, Industries and Institutions

Businesses, industries and institutions shall deliver or make arrangements with a business or municipal hauler to deliver recyclables, properly separated and prepared, to a solid waste facility duly designated pursuant to County rules and regulations.

Although all businesses, industries and institutions must separate recyclables from other solid waste in accordance with the general provisions of this Local Law, they need not deliver or make arrangements with a hauler to deliver said recyclables to a solid waste facility when all of the following apply:

1. They have access to markets for recyclables which provide a material economic benefit compared to disposal at the designated solid waste facility; actually deliver or cause to be delivered recyclables to such markets on a regular basis; and can document access, material economic benefit, and actual delivery with contracts, receipts, bills of lading, affidavits, letters of intention, or other suitable records indicating the facts justifying exemption.
2. They file an application for exemption annually with the Superintendent, which application shall set forth all information or facts justifying exemption from the above requirements. They shall include copies of all pertinent documentation with such application.
3. They obtain: written approval of the exemption from the Superintendent, which approval shall not be unreasonably withheld or delayed.

D. Requirements for Persons Responsible for Third Party Solid Waste Removal

Any person, except haulers, responsible for the collection and removal of the solid waste and recyclables of another person or household or any person who places waste containers in an area out of their control and for use by the general public shall:

1. Label all containers,

2. Provide recycling containers,
3. Provide written recycling rules,
4. Provide for the collection and removal of solid waste and recyclables, and
5. Comply with any other rules and **regulations** promulgated by the Legislature for persons responsible for third party solid waste removal.

SECTION VII. WASTE DELIVERY AND DISPOSAL

- A. Acceptable solid waste generated or originated within the County shall be delivered to a specified solid waste facility and no solid waste facility shall receive acceptable solid waste generated or originated within the County except as permitted under this Local Law.
- B. Recyclables shall not be commingled with other solid waste during collection, transportation or storage following collection. The Superintendent may order such exceptions as he determines are in the public interest.
- C. Prior to initial collection or transport, recyclable materials shall be separated and bundled as provided in the rules and regulations promulgated by the Legislature.
- D. No hazardous waste may be delivered to a solid waste facility.

SECTION VIII. REQUIRED LICENSES

No persons may engage in the business of collecting, transporting or handling solid waste generated or originated within the County without a solid waste license issued by the County pursuant to Section IX of this Local Law, provided that only persons who collect, transport or handle solid waste for compensation shall be required to obtain a solid waste license.

Persons engaged solely in recycling shall be required to obtain a recycling license.

SECTION IX. ISSUANCE AND CONDITIONS OF LICENSES

A. License Issuance

1. All License's must be obtained from the Superintendent and renewed annually.
2. All applications for licenses shall be accompanied by the required license fee as well as a fee for each vehicle used to collect or transport solid waste by or on behalf of the licensee. Such fees shall be established by the Legislature. The failure to pay fees and charges as established from time to time by the Legislature shall constitute a violation of this Local Law.
3. License applications may be denied if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this Local Law during the preceding calendar year.
4. A license sticker shall be prominently displayed on each vehicle operated by or on behalf of the licensee as provided by County rules and regulations.

B. Conditions of Solid Waste License

Solid waste licenses and renewals shall be subject to the following conditions:

1. All licensees must comply with this Local Law and the regulations and orders promulgated pursuant to this Local Law.
2. All licensees must offer collection services for designated recyclables.
3. All licensees must maintain records of acceptable solid waste collected, transported or disposed of by the licensee which include the following information:
 - a. The geographical source of the solid waste;
 - b. The quantity, by ton, of the solid waste;
 - c. The date of collection;
 - d. The date of delivery to a solid waste facility;
 - e. The solid waste facility which received the solid waste;
 - f. Any other records required by the State of New York or by the Superintendent.
4. Reports containing the information required in paragraph (3) of this section shall be compiled quarterly by the 20th day following the end of the quarter. They shall be delivered to the Superintendent upon request.
5. All licensees shall indemnify and hold harmless the County of Greene for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the licensee in violation of this Local Law.
6. Licensees shall not accept for collection solid waste which has not been source separated in conformity with the regulations promulgated by the County.

SECTION X. DENIAL, SUSPENSION OR REVOCATION OF LICENSES

- A. When the Superintendent determines that a failure to comply with any license condition may have occurred, he shall recommend to the Legislature that the license application be denied, or the existing license be suspended, revoked or its holder subjected to a reprimand. Notice and an opportunity to be heard shall be provided prior to the denial of a license application, the suspension or revocation of a **license, or** the issuance of a reprimand.
- B. The Superintendent, at the direction of the Legislature, shall notify the affected license applicant or licensee of the alleged failure in writing. The notice shall include:
 1. A statement of the time, place and nature of the hearing;
 2. A statement of the license condition allegedly violated, referring to the pertinent Local Law, rule or regulation; and
 3. A short and plain statement of the alleged misconduct.

The notice shall be personally served or sent by registered mail to the applicant or licensee's last known address, at least ten (10) days before the hearing date.

C. Hearings

1. Hearings shall be held before the County Administrator, or his designee, within a reasonable period, which shall be at least ten (10) days after service of notice.
2. The applicant or licensee may be represented by counsel at the hearing, and may offer evidence and cross-examine witnesses.
3. The Superintendent, or his designee, will be present at the hearing, and may offer evidence and cross-examine witnesses.
4. Within twenty (20) days after the closing of the hearing, the County Administrator shall determine whether the alleged failure to comply with a license condition has occurred and shall report to the Legislature. If the Legislature determines that such a failure has occurred, it shall decide whether the license application shall be denied or an existing license be suspended, revoked, or its holder subjected to a reprimand, and issue an order carrying out its decision.

If the Legislature determines that such a failure has not occurred, it shall direct the Superintendent to approve the issuance of the license.

D. Determinations, Decisions and Orders

1. Disposition may be made by stipulation, agreed settlement, consent, order, default or other informal method.
2. A final determination, decision or order adverse to a party shall be in writing and shall include a statement of facts and reasons supporting the determination, decision or order.
3. The Legislature shall promptly notify the applicant or licensee in writing of its final determination, decision or order. Such determination, decision or order shall become effective fifteen (15) days after the date of service or mailing.

SECTION XI. ENFORCEMENT

A. Inspections and Appearance Tickets

1. All portions of vehicles and containers used to haul, transport or dispose of any category of solid waste, recyclables or hazardous waste, including such containers placed outside of residences, shall be subject to inspection to ascertain compliance with this Local Law and County rules, regulations or order promulgated pursuant to this Local Law, by any police officer, peace officer or any duly authorized representative of the Greene County Department of Solid Waste Management.

The County shall promulgate regulations establishing reasonable times and frequency of inspections sufficient to ensure compliance with the provisions of this Local Law.

2. Police officers, peace officers and duly authorized representatives of the Greene County Department of Solid Waste Management are hereby authorized and directed to issue appearance tickets for violations of rules and regulations promulgated pursuant to Section VI, or with the provisions of this Local Law.

B. Penalties

1. Civil Sanctions

Upon request of the Superintendent, the County may commence a civil action to enjoin or otherwise remedy any failure to comply with this Local Law or with rules, regulations and orders promulgated pursuant to this Local Law.

2. Criminal Penalties

In addition to the civil sanctions provided under this Local Law, failure to comply with rules and regulations promulgated pursuant to Section IV, or with the provisions of this Local Law shall be a violation as defined in Section 55.10 of the Penal Law. Any person convicted of a violation shall be liable for a fine of up to \$50.00 for the first violation, up to \$100.00 for the second violation, up to \$250.00 for the third violation, and up to \$1,000.00 for any succeeding violations, or imprisonment for a term of up to fifteen (15) days per violation, or both a fine and imprisonment.

3. Recovered Damages

Any penalties or damages recovered or under this Local Law are in addition to any other remedies available at Local equity.

SECTION XII. SOLID WASTE GENERATED OR ORIGINATED OUTSIDE OF GREENE COUNTY

No solid waste which is generated or originated outside the County of Greene may be deposited at a County solid waste facility. The Legislature may order such exceptions as it determines are in the public interest.

SECTION XIII. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this title 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.

SECTION XIV. EFFECTIVE DATE

The provisions of this Local Law shall be effective 30 days after the County Superintendent of Solid Waste files a certificate with the Clerk of the Legislature stating that a solid waste facility is ready to operate on a regular basis. The Clerk of the Legislature shall give notice of the effective date of this Local Law by publishing notice thereof at least once in the official newspapers of the County, not less than twenty (20) days prior to said effective date.