

Local Law Filing

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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

~~CITY~~

of St. Lawrence

~~TOWN~~

~~VILLAGE~~

Local Law No. 2 of the year 1997

A local law Amending Local Law #5 for the Year 1991, St. Lawrence County
(Insert Title)

Source Separation Law

Be it enacted by the Board of Legislators of the
(Name of Legislative Body)

County

~~CITY~~

of St. Lawrence

~~TOWN~~

~~VILLAGE~~

as follows:

Section 1, Purpose: It is the purpose of this Local Law to encourage and facilitate the maximum recycling practicable on the part of every person, household, business and institution within St. Lawrence County by more fully regulating segregation and management of municipal solid waste and requiring that generators of solid waste source separate recyclable materials in accordance with law. It is the further purpose to encourage more environmentally responsible waste management practices, reduce the physical burden on waste disposal facilities and the economic burden on generators and provide fair and equitable treatment to all involved in the management of solid waste.

Section 2, Authorities: This Local Law is mandated by Section 120-aa of the General Municipal Law (hereinafter GML 120 aa).

Section 3, Definitions:

"County" shall mean the St. Lawrence County Board of Legislators.

"Designated Facility" shall mean any solid waste disposal facility, materials recovery facility or other facility designated by the County to receive deliveries of Recyclable Materials and/or other solid waste.

"Disposal" shall mean landfilling and/or other final disposition with or without energy recovery.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

"Recyclable Materials" shall mean those components of solid waste determined by and set forth by the County as meeting the economic markets test described in GML 120 aa and therefore being undesirable for Disposal.

"Solid Waste" shall mean all putrescible and non-putrescible solid waste, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at 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, sludge 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 excluding 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 the Department of Environmental Conservation.

"Source Separation" shall mean the segregation of Recyclable Materials from other Solid Waste at the point of generation for separate collection, sale, disposal or other disposition.

"Waste Generator" shall mean any person or legal entity which produces Solid Waste requiring management.

"Waste Haulers" shall mean those persons or legal entities who are permitted or designated by the County for the purpose of collecting Recyclable Materials and/or other Solid Waste from Waste Generators for handling at one or more Designated Facilities.

Section 4, Source Separation and Disposal Regulations: Every Waste Generator in St. Lawrence County shall comply with the "St. Lawrence County Source Separation and Disposal Regulations".

Section 5, Administration: The administration of this Local Law shall be the responsibility of the County, under such rules and regulations, including fees and charges, as it may promulgate in the public interest including but not limited to:

- a. designating Recyclable Materials and publishing specifications for their preparation,
- b. providing for direct delivery of Recyclable Materials and/or other Solid Waste to Designated Facilities,
- c. providing an appeal procedure from the application of such rules and regulations, and

- d. such other provisions as may be necessary or desirable in implementing this Local Law.

 **Section 6, Violations:** It shall be a violation for a Waste Generator and/or a Waste Hauler to dispose of, or attempt to dispose of, Recyclable Materials as Solid Waste or Solid Waste as Recyclable Materials.

Section 7, Enforcement: Failure of a Waste Generator and/or of a Waste Hauler to comply with the provisions of this local law, including Sections 4 and 7 hereof, shall carry a fine of:

-not more than Two Hundred Fifty (\$250.00) Dollars for the first violation;

-not less than Two Hundred Fifty (\$250.00) Dollars nor more than Five Hundred (\$500.00) Dollars for a second violation;

-not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for a third violation;

-not less than One Thousand (\$1,000.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars for each subsequent violation.

Section 8, Severability: In the event that any article, section, paragraph, subparagraph, or any part of this local law, as originally enacted or as amended from time to time, is found to be illegal, or its application to any person or circumstance is held invalid, the remainder of the local law and the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

Section 9, Conflicts with Other Laws:

- a. Nothing in this local law shall be construed as limiting the ability of local governments to adopt and enact local source separation and/or recycling statutes that are at least as restrictive as this local law regarding enumerated recyclables, recyclables preparation and delivery and/or non-compliance provisions.
- b. All ordinances and local laws, or parts thereof, in conflict herewith are preempted by this local law; provided, however, that the provisions of this law shall not be interpreted as obviating any requirements or restrictions wherever it is possible to conform with the provisions of both this law and any other law or ordinance and provided that local provisions are at least as restrictive as this local law.

Section 10, Effective Date: This Local Law shall take effect May 15, 1997. No penalties shall be assessed and/or no prosecution shall take place for a period of four months following public notice of the initial identification of recyclables and the publication of specifications for their preparation by the County to allow for generators and/or haulers to become familiar with the regulations.

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St. Lawrence County
Source Separation and Disposal Regulations

I. AUTHORITY

1. St. Lawrence County Local Law No. ____ of 1997 requiring source separation of recyclable materials from the solid waste stream.

II. PURPOSE AND DECLARATION

These regulations implement the source separation requirements of St. Lawrence County Local Law No. ____ of 1997.

Local Law No. ____ of 1997 requires that all generators source separate recyclable materials from solid waste generated in St. Lawrence County. The law places the basic responsibility to source separate on waste generators.

III. DEFINITIONS:

"County" shall mean the St. Lawrence County Board of Legislators.

"County Facilities" shall mean any solid waste disposal facility, materials recovery facility or other facility operated by or managed on behalf of the County to receive deliveries of Recyclable Materials and/or other Solid Waste.

"Designated Facility" shall mean any solid waste disposal facility, materials recovery facility or other facility other than County Facilities located in St. Lawrence County and designated by the County to receive deliveries of Recyclable Materials and/or other Solid Waste. This designation may be given to any public, private, or not-for-profit business or organization receiving, processing, and/or marketing Recyclable Materials originating in St. Lawrence County. Facilities which receive Recyclable Materials but whose primary operations involve the active reuse of Recycled Materials or their manufacture into economic products shall not be included in this definition.

"Disposal" shall mean landfilling with or without incineration or other volume reduction methods.

"Recyclable Materials" shall mean those components of Solid Waste determined by and set forth in the regulations of the County as meeting the economic markets test described in GML 120-aa or deemed undesirable for Disposal at County Facilities.

"Solid Waste" shall mean all putrescible and non-putrescible solid waste, 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

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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, excluding 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 the Department of Environmental Conservation.

"Source Separation" shall mean the segregation of Recyclable and other specified Materials from other Solid Waste at the point of generation for separate collection, sale, disposal or other disposition.

"Waste Generator" shall mean any person or legal entity which produces Solid Waste and/or Recyclable Materials requiring disposal. Responsibility for waste generated and Source Separation shall be linked to property ownership. For rental properties, the responsibility shall reside with the landlord unless such responsibility has been contractually conveyed to the renter(s).

"Waste Haulers" shall mean those persons, legal entities, municipalities and not-for-profit organizations which are permitted by the County and designated by the County for the purpose of collecting and/or delivering Recyclable Materials and/or Solid Waste from Waste Generators located within St. Lawrence County including all commercial, institutional and industrial self-haulers. "Waste Hauler" shall not mean individual residential generators of Solid Waste and Recyclables who transport their own materials to the County and/or Designated Facilities.

IV. SOURCE SEPARATION

Every Waste Generator in St. Lawrence County shall source separate at a minimum all designated Recyclable Materials from other Solid Waste. (Refer to Appendix A)

V. APPLICATION

These regulations apply to:

1. Waste Generators (residential, commercial, industrial and institutional) who haul their own Solid Waste to County Facilities and/or who haul their own Recyclable Materials to concentrators, processors, or markets.
2. Waste Generators who employ or have furnished to them the services of Waste Haulers.
3. Private or public Waste Haulers, and
4. Intermediate Solid Waste or Recyclables Materials processors and/or marketers.

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VI. RECYCLABLE MATERIALS

Recyclable Materials are listed in Appendix A hereto and are subject to amendment from time to time as the County may determine.

VII. OTHER MATERIALS

All waste excluded from the definition of Solid Waste and/or additional components of Solid Waste which the County determines are environmentally incompatible with the operation, maintenance and capacity of County Facilities are listed in Appendix B hereto (subject to amendment from time to time as the County may determine) shall be source separated from other Solid Waste and shall be delivered and/or disposed of by the Waste Generator in accordance with applicable law.

VIII. SOLID WASTE AND RECYCLABLE MATERIALS PREPARATION FOR DELIVERY TO COUNTY FACILITIES

1. All Solid Waste, delivered in plastic bags, for acceptance at County Facilities, shall be delivered in clear or translucent plastic garbage type bags. If such Solid Waste is delivered to County Facilities in some other manner, the deliverer shall deliver it in such a manner as to ensure that the County can easily inspect the material for the presence of unacceptable Solid Waste and/or Recyclable Materials. All Recyclable Materials, for acceptance at County Facilities, shall be delivered in clear plastic garbage type bags. Persons wishing to deliver Recyclable Materials to County Facilities in some other manner must apply for and secure the County's authorization for such other manner of delivery.
2. A Waste Generator, or a Waste Hauler on its behalf, may apply to the County and, upon approval, deliver its Solid Waste and/or Recyclable Materials to County Facilities in such other form, condition and/or container as deemed acceptable by the County.
3. All Recyclable Materials shall be separated, prepared and delivered in accordance with the specifications in effect at the County Facility to which they are being taken. Said preparation specifications are subject to amendment from time to time as the County may determine.
4. Solid Waste and/or Recyclable Materials delivered in a manner not in compliance with requirements in effect at County Facilities may be rejected. Any Waste Hauler, as a condition of retaining his/her Waste Hauler Permit (see Section X below) is hereby required to refuse to collect such improperly prepared Solid Waste and/or Recyclable Materials at the point of collection or generation.

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IX. RECYCLABLE MATERIALS PREPARATION FOR DELIVERY TO DESIGNATED FACILITIES

1. All Recyclable Materials, for acceptance at Designated Facilities, shall be separated, prepared and delivered in such manner as the management of the Designated Facility shall from time to time determine.
2. A Waste Generator, or a Waste Hauler on its behalf, may deliver its Recyclable Materials to the Designated Facilities in such other form, condition, and/or container as may have been agreed upon between the parties.
3. Recyclable Materials delivered in a manner not in compliance with the requirements in effect at a Designated Facility to which they are taken may be rejected. Any Waste Hauler delivering Recyclable Materials to a Designated Facility, as a condition of retaining his/her Waste Hauler Permit (see Section X below), is hereby required to refuse to collect improperly prepared Solid Waste and/or Recyclable Materials at the point of collection or generation.

X. WASTE HAULER PERMIT

For entry upon and use of County Facilities and/or Designated Facilities, every Waste Hauler must possess a valid County Permit and must affix the County sticker (issued for each vehicle upon issuance of the permit) to each vehicle in a location easily visible to facility operators.

A Waste Hauler may apply for a Permit by completing the application and agreement form supplied by the County which will require:

1. a description of the waste disposal service area and the waste separation scheme if different from that offered by the County,
2. identification of locations to which Recyclable Materials will be delivered,
3. proof of ownership or lease for each vehicle to use the Facility,
4. submission of vehicle license number(s), inspection sticker number and expiration date,
5. proof of vehicle liability insurance acceptable to the County,
6. agreement that operators of vehicles are properly qualified and licensed,
7. agreement to observe all governmental laws and regulations, including these Regulations, in its operations as Waste Hauler,
8. agreement to provide quarterly reports (see below), and

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9. payment of the established Permit fee.

A Waste Hauler Permit is valid from the date of issuance until revoked or suspended.

Beginning in the month of January of each year and continuing during every quarter thereafter that a Permit is in force, a Permit Holder shall submit a quarterly report to the County. This quarterly report shall identify for the previous permit quarter of the year, tonnages of Solid Waste hauled and the tonnage (if any) of Recyclable Materials delivered to Designated Facilities and/or Recyclable Materials which were processed/marketed by the Waste Hauler directly. The quarterly report for January, February and March must be filed by May 15. The quarterly report for April, May and June shall be filed by August 15. The quarterly report for July, August and September shall be filed by November 15 and the quarterly report for October, November and December shall be filed by February 15. Failure to update changes in Section X 1-9 and especially to comply with reporting requirements, will be grounds for permit revocation. Additionally, any significant proposed modifications in service area or operations must be identified.

XI. DESIGNATED FACILITIES

St. Lawrence County Waste Haulers and Waste Generators may deliver Recyclable Materials generated in St. Lawrence County to Designated Facilities located in St. Lawrence County or to Recyclable Materials processors and markets located outside St. Lawrence County.

Persons wishing to operate Recyclable Materials concentrating, processing and/or marketing facilities within the confines of St. Lawrence County must conform to applicable N.Y.S. Department of Environmental Conservation rules and regulations.

As a condition of such designation, all Designated Facilities must provide the County with quarterly reports in which the facility identifies for the previous quarter the tonnages of Recyclable Materials generated in St. Lawrence County and delivered to end-use markets and/or processing or concentrating facilities. The report must identify the tonnages of Recyclable Materials delivered to other Designated Facilities separately from the tonnages of Recyclable Materials delivered to Recyclable Materials processing facilities or markets outside St. Lawrence County and separately from tonnages of Recyclable Materials delivered to markets located in St. Lawrence County. Said quarterly reports must be submitted to the County according to the same report schedule described in Section X above.

XII. WASTE HAULERS RESPONSIBILITIES

A Waste Hauler is required to:

1. deliver for disposal or recycling at County and/or Designated Facilities only properly prepared and source separated Recyclables and/or Solid Waste as prescribed by these regulations;

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2. observe the posted rules and schedules for the use of the County Facilities and/or Designated Facilities;
3. refuse to collect from Waste Generators for delivery to County Facilities, Designated Facilities or out-of-county recycling facilities improperly source separated and prepared Solid Waste and/or Recyclable Materials;
4. provide to Waste Generators similar accessibility to pick-up of Recyclables as to pickup of Solid Waste; i.e., if the Waste Hauler offers curbside pickup of Solid Waste to his/her customers, he/she must also offer curbside pickup of Recyclables Materials;
5. pay the tipping fee at the per ton rate established by the County for Recyclable Materials and/or of Solid Waste delivered to County facilities; and
6. distribute to all Waste Generators serviced by the Waste Hauler such information concerning Solid Waste, Recyclable Materials and Source Separation requirements as shall be supplied by the County and/or by Designated Facilities to which the Waste Hauler may deliver Recyclable Materials and should a Waste Hauler wish to publish and distribute in St. Lawrence County other information concerning Solid Waste, Recyclable Materials and Source Separation, he/she shall not publish and distribute such information which is inconsistent with these regulations and/or applicable State and Local Law. Should a Waste Hauler publish and distribute such information in St. Lawrence County, he/she shall supply a copy or written transcript of such information to the County at the time of publication.

XIII. WASTE GENERATORS' PRIVILEGES

Any Waste Generator may itself deliver to a County or Designated Facility its own Solid Waste and Recyclable Materials subject to the requirements of Section VIII or IX and Section XII subsection 1, 2, 3 and 6 thereof.

The County will continue to offer, as an alternative to paying by load weight, the prepaid pay-by-bag/pay-by-tag system described in APPENDIX C. Those Waste Generators or Waste Haulers who wish to utilize this service shall follow such additional requirements for said systems as the County may from time to time determine and publish.

XIV. EXCEPTIONS FROM RESPONSIBILITY FOR SOURCE SEPARATION UNDER THESE REGULATIONS

1. Emergency Actions. The County shall not penalize Waste Haulers involved in emergency removals of waste as it may from time to time be determined to be in the public interest by appropriate officials as approved by County staff.

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2. Other Exceptions. The County reserves the right to grant other exceptions to compliance with and penalization under these regulations as it may determine to be in the public interest.

XV. OBLIGATIONS OF OTHER PARTIES

Whereas, Waste Generators and Waste Haulers bear primary responsibility for complying with these regulations and Local Law No. ____ of 1997, other interested parties also bear responsibility under these regulations for making a good faith effort to ensure that Waste Generators source separate Recyclable Materials.

1. Public Grounds/Public Events. Owners of facilities open to the public and organizers of public events are required to provide for the separate recovery and collection of Recyclable Materials at the sites or events under their sponsorship.
2. Lease/Rental Property. As noted in the definition of "Waste Generator" in Section III above, responsibility for source separating Recyclable Materials rests with landlords.

A. All landlords shall:

- i. deliver information about tenants' source separation obligations to tenants; and
- ii. incorporate in tenants' lease arrangements a condition that tenants source separate Recyclable Materials according to Local Law No. ____ of 1997 and these regulations.

B. For rental properties at which landlords maintain responsibility for waste disposal, the landlords shall also provide and pay the costs of adequate access to on-site recycling facilities and systems.

XVI. POSTING

All County and Designated Facilities shall post, distribute to Waste Haulers and have available for the public at its offices current rules for the use of each Facility, a schedule of times of operation of each Facility and a schedule of tipping fees at each Facility and for each category of Solid Waste and/or Recyclable Materials.

XVII. PERMIT FEE

The permit fee for a Waste Hauler Permit payable upon application shall be established by the Board of Legislators. This Permit shall not be construed as a grant of credit at any County Facility.

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XVIII. COMPLIANCE WITH THE REGULATIONS

On a random basis, the attendants at the County Facilities will inspect Recyclable Materials and residual Solid Waste to determine compliance with these regulations. Acceptable levels of Recyclable Materials within the Solid Wastes delivered for disposal will be determined by weight according to the schedule found in Appendix D to these regulations. Recyclable Materials will also be randomly inspected to determine whether the materials were properly prepared and separated. Acceptable levels of contamination shall not exceed 5% by weight of said Recyclable Materials.

XIX. PENALTIES FOR NON-COMPLIANCE

1. The County may issue warning citations to Waste Haulers and Waste Generators who deliver to County Facilities unseparated Recyclable Materials with mixed waste and/or Recyclable Materials contaminated with mixed waste.
2. If a contamination problem is identified as a result of visual and/or random sampling of a particular Waste Hauler or Waste Generator, regular tests may be conducted until the contamination problem is alleviated.
3. If, upon sampling, the percentage of Recyclable Materials in a deliverer's load of Solid Waste delivered to County Facilities exceeds the limits described in Appendix D, the County may levy a surcharge fee of 50% of the extant mixed waste tip fee on the entire load being delivered. If, upon sampling, the percentage of Recyclable Materials exceeds 5% by weight, the County may charge the extant full Mixed Waste tip fee on the entire load.
4. A violation of these Regulations may result in suspension or revocation of the Waste Hauler's Permit and/or a denial of the right to deliver materials to a County or Designated Facility.
5. Violations of these Regulations may result in criminal prosecutions.

XX. REVIEW AND APPEAL

Any person aggrieved by a determination of an employee or agent of the County concerning the application of these Regulations may appeal such determination to the County Administrator. Then, if the person aggrieved is not satisfied with the determination of the County Administrator, he/she may take an appeal to the Operations Committee of the St. Lawrence County Board of Legislators, who then hear the appeal and submit it to the full Board of Legislators for final determination with its recommendation.

XXI. AMENDMENT

These Regulations may be amended from time to time, at the discretion of the County.

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XXII. EFFECTIVE DATE

These Regulations shall take effect May 15, 1997.

APPENDIX -A-

RECYCLABLE MATERIALS

The following list of materials have been determined to meet the economic test described in GML 120-aa and/or are deemed undesirable for disposal with Solid Waste:

- Newspaper
- Corrugated Cardboard
- Computer Paper
- White & Colored Office Paper
- Magazines
- Catalogs
- Paper Grocery Bags
- Cereal Boxes & similar fiber packaging
- Envelopes
- Junk Mail
- Clear, Green & Brown Glass Food & Beverage Bottles & Jars
- Aluminum and Ferrous Cans
- # 1, 2, & 3 Plastic Bottles

All paper and corrugated must be clean and dry.

This list defines those minimum categories of items that must be recycled. The County encourages recycling of additional materials whenever economic methods and markets exist.

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APPENDIX -B-

OTHER MATERIALS:

Currently, the County excludes only those materials restricted under the definition of Solid Waste.

The list of specifically excluded material is subject to amendment from time to time as the County may determine.

APPENDIX -C-

APPENDIX C APPLIES ONLY TO MATERIAL COMING TO
COUNTY FACILITIES FOR WHICH THE TIPPING FEE
HAS BEEN PREPAID

PAY-BY-BAG / PAY-BY-TAG SYSTEM:

A Pay-by-Bag and Pay-by-Tag system will offer an alternative to paying by load weight. This allows for the use of a prepaid garbage bag and the use of an appropriate tag affixed near the top of a bag for recyclables.

PAY-BY-BAG - MIXED SOLID WASTE:

This system is designed for customers who elect to prepay for such waste brought to County facilities. There is a charge established by Board action. The weight of the materials in this bag should not exceed 25 pounds. The bag will be colored and marked to distinguish it from other types of bags.

PAY-BY-TAG - RECYCLABLE MATERIALS:

This system is designed for customers who elect to prepay for Recyclable Materials brought to the County Facilities. There is a charge established by Board action. A prepaid tag will be affixed to a clear translucent bag which is provided by the customer. The weight of the material in this bag should not exceed 25 pounds.

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APPENDIX -D-

ACCEPTABLE LEVELS OF RECYCLABLE MATERIALS
IN THE RESIDUAL WASTE STREAM (by composite weight)

<u>Year</u>	<u>Percent</u>
1991	25
1992	20
1993	15
1994	15
1995	15
1996	15
1997	15
1998	15
1999	15
2000	15
2001	15
2002	15
2003	15
2004	15
2005	15
2006	15
2007	15
2008	15
2009	15
2010	15