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Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
City of Seneca
Town
Village

Local Law No. 2 of the year 19 90

A local law also known as the Seneca County Solid Waste Management Law
(Insert title)

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

County
City of Seneca as follows:
Town
Village

Section I. Short Title.

This law shall be known as the Seneca County Solid Waste Management Law.

Section II. Purposes.

This law is adopted pursuant to Chapter 627 of the Laws of 1986 of the State of New York to:

- A. Institute a plan for the management of solid waste generated or originated in the County of Seneca, in cooperation with the Counties of Wayne and Yates, to promote the safety, health and well-being of persons and property within the County of Seneca; and to
- B. Further the governmental and public purposes of the Western Finger Lakes Solid Waste Management Authority; and to
- C. Implement the express policy of the State of New York authorizing the County of Seneca to impose appropriate and reasonable limitations on competition to require that all solid waste generated or originated within the County's boundaries, subject to such exceptions as may be determined to be in the public interest, shall be delivered to a specified facility or facilities.
- D. Implement the express policy of the State of New York encouraging solid waste volume reduction through

Section III. Definitions.

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

Authority means the Western Finger Lakes Solid Waste Management Authority, a public benefit corporation created by Chapter 627 of the Laws of 1986 of the State of New York.

County means the County of Seneca.

Designated Recyclable Materials means recyclable materials designated for source separation by rules and regulations promulgated under Section IV(B).

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

Hazardous Waste means:

1. 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
2. Special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954; as amended.

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

Recyclable materials means solid waste which can be recycled. 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 solid 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-

bish, 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 law.

Solid Waste Volume Reduction Program includes source separation, recycling programs, changes to the packaging portion of the waste stream to reduce solid waste generated, the activities and enterprises of scrap dealers, processors and consumers and other programs designed to reduce the volume of solid waste or enhance reclamation and recovery of materials. For purposes of this paragraph, such volume reduction programs shall not include the processing of waste for incineration or disposal by other means.

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

Specified facility or facilities means a facility or facilities for certain solid waste specified in the rules and regulations promulgated pursuant to Section IV(A) of this law.

Unprocessable Waste means:

- (a) dirt, concrete and other nonburnable 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 Board of Supervisors / Delegation of Powers

The Board of Supervisors shall exercise the following powers, and may by appropriate resolution and action delegate to an employee or officer of the County such authority and powers subject always to the supervision of the Board of Supervisors, to:

- A. Promulgate and publish rules and regulations from time to time which:
 1. aid in identifying and defining categories of solid waste, including acceptable solid waste, recyclable materials and unprocessable solid waste;
 2. specify one or more facilities to which all acceptable solid waste generated or originated in the County shall be delivered;
 3. specify one or more facilities to which designated recyclable materials may be delivered, subject to such exceptions as the Board of Supervisors or its designee may determine to be in the public interest;
 4. direct that acceptable solid waste generated or originated within the County be delivered to or disposed of only at one or more specified facilities, and
 5. prohibit delivery to or disposal of a category of

- A. Acceptable solid waste generated or originated within the County shall be disposed of as follows:
 1. All acceptable solid waste generated or originated within the County must be delivered to a specified facility; and
 2. No facility shall receive acceptable solid waste generated or originated within the County except as permitted under this law.
- B. Disposal of said waste which is barred from all specified facilities by rules, regulations or orders promulgated pursuant to Section IV of this law, shall not otherwise be regulated by this law.
- C. No hazardous waste may be delivered to a specified facility.
- D. Designated recyclable materials shall be handled as follows:
 1. Prior to initial collection or transport, designated recyclable materials shall be separated and bundled as provided in the rules and regulations promulgated pursuant to Section IV of this law.

Section V. Waste Delivery and Disposal; Source Separation.

In the event the Board of Supervisors delegates any or all of these powers to another, then that designee shall perform any of the delegated administrative functions, powers and duties specified in this local law under the supervision of the Board of Supervisors and on behalf of the Board. Such designee shall report periodically to the Board. Nothing in this local law divests the Board of such functions, powers and duties.

- E. Law.
- D. Revise, amend, promulgate and publish rules, regulations and orders necessary to carry out the purposes of this law.
- C. Approve, deny, suspend, revoke solid waste licenses or subject a license holder to reprimand, as provided in Section VIII.

Promulgate and publish rules and regulations for a County-wide program to implement source separation of recyclable materials and encourage solid waste volume reduction and to maximize the opportunity for the reduction and recovery of materials. These rules and regulations shall designate recyclable materials 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. In promulgating such rules and regulations, the Board of Supervisors or its designee shall also consider other ongoing, proposed or reasonably anticipated future solid waste volume reduction programs and shall not interfere with them.

designed by the rule or regulation. designee to determine that the public interest is served by the rule or regulation. factors enabling the Board of Supervisors or its geographical location of facilities and such other Board of Supervisors or its designee shall consider the capacity, handling, disposal and marketing capabilities of available facilities, the geo- In promulgating such rules and regulations, the Board of Supervisors or its designee shall consider the capacity, handling, disposal and marketing ca- solid waste generated or originated within the County at one or more specified facilities.

2. Designated recyclable materials which have been separated shall not be commingled with other solid waste during collection, transportation or storage following collection. The Board of Supervisors or its designee may order such exceptions as he determines are in the public interest.

E. Any recyclable materials generated or originated in the County may be delivered to a solid waste volume reduction program. All designated recyclable materials which have been separated must be delivered to either a solid waste volume reduction program or a specified facility.

Section VI. Payment of Fees and License Requirement.

A. Failure to pay fees and charges as established from time to time by the Authority pursuant to Section 12.5 of the Authority's Bylaws shall constitute a violation of this law.

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

C. No person engaged solely in recycling or a solid waste volume reduction program shall be required to obtain a solid waste license.

Section VII. Issuance and Conditions of Solid Waste License.

A. Solid Waste License Issuance.

1. Solid waste licenses must be obtained and renewed annually from the County.
2. The solid waste license fee for each vehicle used to collect or transport solid waste by or on behalf of the licensee shall be established by resolution of the Board of Supervisors.
3. A solid waste license sticker shall be prominently displayed on each vehicle operated by or on behalf of the licensee as provided by the rules and regulations.
4. Solid waste 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 law during the preceding calendar year.

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 law and the rules, regulations, and orders promulgated pursuant to this law.
2. 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 facility; and
 - e. the facility which received the solid waste.
3. Reports containing the information required in paragraph (2) of this section shall be compiled

4. All licensees shall indemnify and hold harmless the Counties of Seneca, Wayne, Yates and the Authority for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the licensee in violation of this law.

Section VIII. Approval, Denial, Suspension or Revocation of Solid Waste License.

A. When the County determines that a failure to comply with a solid waste license condition in Paragraph VII(B) of this law may have occurred after a second personal violation shall have occurred as specified in Section IX(C) it may recommend to the Board of Supervisors or its designee that the solid waste license application be denied, or the existing solid waste 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 solid waste license application, the suspension or revocation of a solid waste license, or the issuance of a reprimand.

B. The County shall notify the affected solid waste license 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 solid waste license condition allegedly violated, referring to the pertinent 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 10 days before the hearing date.

C. Hearings.
 1. Hearings shall be held before the Board of Supervisors or its designee within a reasonable period, which shall be at least 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. Within 20 days after the close of the hearing, the Board of Supervisors or its designee shall:
 a. determine whether the alleged failure to comply with a solid waste license condition has occurred; and
 b. if it is determined that such a failure has occurred, decide whether the solid waste license application shall be denied, or an existing solid waste license suspended, revoked, or its holder subjected to a reprimand, and issue an order carrying out his decision; and
 c. if it is determined that such a failure has not occurred, the Board of Supervisors or its designee shall approve the issuance of a solid waste 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.

- E. The Board of Supervisors or its designee shall promptly notify the applicant or licensee in writing of its final determination, decision or order. Such determination, decision or order shall become effective 15 days after the date of service or mailing.

Section IX. Enforcement.

- A. Since public awareness of the need for, and benefits of, source separation and recycling will grow with time and experience and since voluntary compliance with the requirements of this local law and any rules and regulations will most likely ensure the ultimate success of any recycling program, the Board of Supervisors or its designee is authorized to encourage such voluntary compliance by the use of informal enforcement or educational activities including, but not limited to, the giving of warnings, the providing of educational or instructional materials and similar notices to advise and inform members of the public of their responsibilities and of any apparent violations of this law or of the rules and regulations.

B. Inspections and Appearance Tickets.

1. All portions of vehicles and containers used to haul, transport or dispose of any category of solid waste, recyclable materials or hazardous waste shall be subject to inspection at the place where they are tipped to ascertain compliance with this law and the rules, regulations or orders promulgated pursuant to this law, by any police officer, peace officer and others designated by the Board of Supervisors.
2. Solid waste generator's containers, regardless of ownership, shall be subject to inspection at the curbside or normal area of placement to ascertain compliance with this law and the rules, regulations or orders promulgated pursuant to this law, by any police officer, peace officer and others designated by the Board of Supervisors.
3. Police officers, peace officers and others designated by the Board of Supervisors are hereby authorized and directed to issue appearance tickets for violations of rules and regulation promulgated pursuant to Section IV, or with the provisions of Sections V(A), V(C), V(D), V(E), VI or X of this law.

C. Penalties.

1. Civil Sanctions.

The County may commence a civil action to enjoin or otherwise remedy any failure to comply with this law or with the rules, regulations and orders promulgated pursuant to this law.

2. Criminal Penalties.

- a. In addition to the civil sanctions provided under Section IX(B)(1) of this law, failure to comply with rules and regulations promulgated pursuant to Section IV, or with the provisions of Sections V(A) or (C), V(D), V(E), VI or X of this 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 \$250.00 for the first violation during a single calendar year,

and a fine of up to \$500.00 per violation for the second and any succeeding violations occurring during the same calendar year.

3. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.

Section X. Solid Waste Generated or Originated Outside of the Counties of Seneca, Wayne and Yates.

No acceptable solid waste which is generated or originated outside the Counties of Seneca, Wayne and Yates may be deposited at an Authority or County facility within the County. The Board of Supervisors or its designee may order such exceptions as he determines are in the public interest.

Section XI. Non-Interference with Solid Waste Volume Reduction.

The County will not act in a manner, nor enter into any contract, that would interfere or have the effect of interfering with the implementation of ongoing or proposed or reasonably anticipated future solid waste volume reduction programs, including but not limited to source separation, recycling programs, changes to the packaging portion of the waste stream to reduce solid waste generation, and the activities and enterprises of scrap dealers, processors and consumers, and shall also provide for the maximum opportunity for the reclamation and recovery of materials. For purposes of this paragraph, such volume reduction programs shall not include the processing of waste for incineration or disposal by other means.

Section XII. 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 judgement 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 judgement shall have been rendered.

Section XIII. Effective Date.

The provisions of this law shall be effective 30 days after the Board of Supervisors adopts and files a certificate with the Clerk of the Board of Supervisors stating that an Authority facility or solid waste volume reduction program is ready to operate on a regular basis. The Clerk of the Board shall give notice of the effective date of this local law by publishing notice thereof at least once in the official newspaper of the County, not less than 10 days prior to said effective date.