

WAYNE

BOARD OF SUPERVISORS
WAYNE COUNTY

RESOLUTION NO. 292-93

ADOPTING AMENDED SOLID WASTE MANAGEMENT
RULES AND REGULATIONS

Mrs. Chittenden presented the following:

WHEREAS, pursuant to Local Law No. 7-1989, as amended by Local Law No. 3-1991, the Board of Supervisors approved and adopted the Solid Waste Management law for the County of Wayne; and

WHEREAS, pursuant to Resolution No. 474-90, the Board of Supervisors approved and adopted the Solid Waste Management Rules and Regulations for the County of Wayne, and delegated the Authority the responsibility for administration of the Solid Waste Management Law and the Solid Waste Management Rules and Regulations to the County Planning Director; and

WHEREAS, the Planning Director has recommended that the Solid Waste Management Rules and Regulations be amended and has prepared a draft of the amended Rules and Regulations dated May 14, 1993, which has been approved by the Planning Committee of the Board of Supervisors and filed with the Clerk of the Board of Supervisors; now, therefore, be it

RESOLVED, that the amended Solid Waste Management Rules and Regulations dated May 14, 1993, are hereby approved and adopted effective immediately.

Mr. Pascarella moved the adoption of the resolution. Seconded by Mr. DeLisio. Upon roll call, all Supervisors voted Aye, except Supervisor Spickerman who voted Nay. The Chairman declared the resolution adopted.

Office Clerk of Board of Supervisors,
County of Wayne

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Board at a session held on the 18th day of May, 1993 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said Board, this 19th day of May, 1993.

Kay S. Groover, County Clerk

COUNTY OF WAYNE

LOCAL LAW NO. 7-1989

(SOLID WASTE MANAGEMENT LAW)

NOTICE OF EFFECTIVE DATE

NOTICE IS HEREBY GIVEN that Wayne County Local Law No. 7-1989 entitled "A local law establishing a plan for the management of solid waste generated or originated in the County of Wayne", as amended by Local Law No. 3-1991, will take effect on December 19, 1991.

Local Law No. 7-1989, as amended, provides as follows:

LOCAL LAW NO. 7-1989

A local law establishing a plan for the management of solid waste generated or originated in the County of Wayne.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

Section I. Short Title

This law shall be known as the 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 Wayne, in cooperation with the Counties of Seneca and Yates, to promote the safety, health and well-being of persons and property within the County of Wayne; 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 Wayne 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; and to

D. 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.

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.

Board of Supervisors means the Board of Supervisors of the County of Wayne.

County means the County of Wayne.

Designated Recyclable Materials means recyclable materials designated for source separation by rules and regulations promulgated pursuant to Section IV(A)(2) of this law.

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 waste, 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 and the regulations thereunder or waste which exhibits any of the characteristics of hazardous waste identified in 6 N.Y.C.R.R. §371.3.

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, 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, ashes, contained gaseous material, incinerator residue, demolition and construction debris or 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 for 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., transmissions, 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

A. The Board of Supervisors is authorized and empowered to:

1. Promulgate and publish rules and regulations from time to time which:

a. aid in identifying and defining categories of solid waste, including acceptable solid waste, recyclable materials and unprocessable solid waste;

b. specify one or more facilities to which all acceptable solid waste generated or originated in the County shall be delivered;

c. specify one or more facilities to which designated recyclable materials may be delivered, subject to such exceptions as the Board of Supervisors may determine to be in the public interest;

d. 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

e. prohibit delivery to or disposal of a category of solid waste generated or originated within the County at one or more specified facilities.

In promulgating such rules and regulations, the Board of Supervisors or its designee shall consider the capacity, handling, disposal and marketing capabilities of available facilities, the geographical location of facilities, and such other factors as will enable the Board of Supervisors or its designee to determine that the public interest is served by the rule of regulation.

2. Promulgate and publish rules and regulations for a program to implement source separation of recyclable materials and encourage solid waste volume reduction and to maximize the opportunity for the reclamation 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 on-going, proposed, or reasonably anticipated future solid waste volume reduction programs and shall not interfere with them.

3. Approve or deny solid waste licenses.

4. Promulgate, revise, amend, and publish rules, regulations, and orders necessary to carry out the purposes of this law.

B. The Board of Supervisors, by appropriate resolution and action, may delegate such authority and powers to an officer or employee of the County. In the event the Board of Supervisors delegates any or all of these powers to an officer or employee of the County, then the designee shall perform any of the delegated administrative functions, powers and duties specified in the local law under the supervision of the Board of Supervisors and on behalf of the Board. Such designee shall report periodically to the Board of Supervisors. Nothing in this local law divests the Board of Supervisors of such functions, powers and duties.

Section V. Waste Delivery and Disposal: Source Separation

A. Subject to the promulgation of applicable rules and regulations pursuant to Section IV(A) of this local law, all 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 solid 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 not be commingled with other solid waste, and shall be handled as follows:

1. Prior to initial collection or transport, designated recyclable materials shall be separated, prepared, and set out for collection as provided in the rules and regulations promulgated pursuant to Section IV of this law.

2. Designated recyclable materials 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 they may reasonably determine to be 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 must be delivered to either a solid waste volume reduction program or a specified facility.

Section VI. License Requirement

A. Except as otherwise provided in this Section VI or in the rules and regulations promulgated pursuant to Section IV of this law, no person 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 Board of Supervisors or its designee pursuant to this law, provided that only persons who collect, transport or handle solid waste for compensation shall be required to obtain a solid waste license.

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

C. All applications for licenses or renewal of licenses shall be in writing and shall contain such information as required by the rules and regulations promulgated pursuant to this law and shall be verified by the applicant.

D. Within ten days of receipt of the properly completed and signed application, the Board of Supervisors or its designee shall either issue a license or inform the applicant in writing that the license applied for has been denied with an explanation for the denial. The decision shall be sent to the applicant by certified mail.

E. If a license application or renewal application is denied, the applicant may, within fifteen (15) days of the date of denial, file a written petition with the Clerk of the Board of Supervisors to request that a hearing be held. Such petition may be accompanied by a request for issuance of a temporary license to the applicant. The Clerk of the Board of Supervisors shall mail the applicant a notice which shall state the date, place and time of the hearing, which shall be not more than twenty (20) days after the receipt of the petition by the Clerk of the Board of Supervisors. The Board of Supervisors or its designee may also issue a temporary license for a period of time not to exceed thirty (30) days from the date the temporary license is issued. The hearing shall be held by the Board of Supervisors. The applicant may be represented by an attorney at the hearing. The Board of Supervisors shall issue a decision in writing within ten (10) days of the hearing and the decision shall be final. One copy of the decision shall be filed with the Clerk of the Board of Supervisors, and one copy shall be served on the applicant by certified mail.

F. Renewal licenses shall be applied for and issued in the same manner and subject to the same requirements as original licenses, and also shall be subject to any additional requirements in effect at the time of application for renewal. A complete and timely submitted application for renewal shall result in the applicant's existing license remaining in effect until the renewal application is acted upon by the Board of Supervisors or its designee.

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.

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 quarterly and delivered to the Board of Supervisors or its designee by the 20th day following the end of the quarter.

4. All licensees, as a term and condition of being issued a solid waste license, shall agree to indemnify and hold harmless the Counties of Seneca, Wayne, and Yates for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the licensee in violation of this law.

5. The license shall not be transferred or assigned by the licensee to any other person.

6. Licensees shall not accept for collection solid waste which has not been source separated in

conformity with the regulations promulgated under Section IV(B).

Section VIII. Enforcement

Police officers and such persons as may be designated by the Board of Supervisors pursuant to the provisions of Section 10(4) of the Municipal Home Rule Law are hereby authorized to issue and serve appearance tickets for violations of this law.

Section IX. Civil Remedies; Criminal Penalties

A. Civil Remedies

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

B. Criminal Penalties

1. Failure to comply with the rules and regulations promulgated pursuant to Section IV(A)(2) of this law or with the provisions of Section V(D)(1) of this law shall be a violation as defined in Section 55 of the Penal Law. Any person convicted of such a violation shall be liable for:

- a. A fine of \$25.00 for the first conviction;
- b. A fine of \$50.00 for the second conviction;
- c. A fine of \$100.00 for the third conviction;
- d. A fine of \$250.00 for the fourth conviction and each succeeding conviction; or
- e. Imprisonment for a term not to exceed fifteen days; or
- f. Both a fine and imprisonment.

Each day such violation occurs or continues shall constitute a separate offense.

2. Failure to comply with Sections V(A), V(C), V(D)(2), V(E), VI(A), or Section X of this law shall be a violation as defined in Section 55 of the Penal Law. Any person convicted of such a violation shall be liable for:

- a. A fine of \$250.00 for the first conviction;

- b. A fine of \$500.00 for the second conviction and each succeeding conviction; or
- c. Imprisonment for a term not to exceed fifteen days; or
- d. Both a fine and imprisonment.

Each day such violation occurs or continues shall constitute a separate offense.

C. 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 in the County. The Board of Supervisors or its designee may order such exceptions as they may reasonably determine to be 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 on-going 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 wastestream 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 the purposes of this section, 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 law 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 judgment shall have been rendered.

Section XIII. Effective Date.

The provisions of this law shall be effective thirty days after the Board of Supervisors adopts a resolution stating that an Authority facility or solid waste volume reduction program is ready to operate on a regular basis. The Clerk of the Board of Supervisors 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 ten days prior to said effective date.

Dated: November 25, 1991

Helen R. Maddock Clerk
Wayne County Board of Supervisors