

## Recycling Resolutions

### No. 164-89

approved as amended August 9, 1989

Mandatory recycling implemented effective May 1, 1990. The resolution authorized that the County, through its recycling coordinator would provide educational and technical assistance to cities, towns, and villages, and the industrial, commercial, institutional, and business concerns, on general issues relating to solid waste and recycling and specific issues relating to the County's program.

The County recommended that existing collection systems be utilized to the fullest extent possible, with the collector's being responsible to pick up source separated waste (refuse separate from recyclables).

The County directed that Request for Proposals be sent out to procure a private Materials Recovery Facility that would be available to accept municipal recyclables.

The County was to offer an incentive program to encourage continued municipal involvement in solid waste collection and encourage recyclable collection.

### No. 240-89

approved as amended September 13, 1989

The County established user fees at the Ellery Sanitary Landfill and transfer stations for individuals and commercial, industrial, and municipal haulers. A surcharge was also established for refuse containing a substantial quantity of recyclable material. The County Executive was given authority to prepare reasonable rules and regulations to implement the user fees.

The fees, surcharges and other revenue collected were to be held in an account designated specifically for landfill construction and operation.

\*\*Regulations were drafted which developed the certification process and defined substantial recyclables which had an effective date as of May 1, 1990. It appears that the regulations were never fully implemented.

### No. 74-90

Approved as Amended March 14, 1990

Resolution authorized revisions to Recycling plan which an ad hoc recycling advisory committee had unanimously approved.

The County's role in the recycling plan was clarified. The County was to be responsible to coordinate the collection and

marketing of recyclables. Municipalities were to remain primarily responsible for the collection of recyclable items from residents. The municipalities were allowed to use independent contractors to carry out the task.

The County agreed to ensure the availability of recycling centers in the Jamestown/Frewsburg area and the Dunkirk/Fredonia area for municipalities and independent contractors.

The County agreed to continue to operate recycling centers for individuals at all its transfer stations and at the Ellery Landfill. The County was to operate recycling centers for municipalities and independent contractors at the Sherman Transfer Station and the Ellery Landfill. Independent contractors were to be treated the same as municipalities at transfer stations, processing centers and the landfill with respect to delivery, processing, and marketing of collected recyclables generated in the County.

The County was to establish a voluntary joint recycling program. The County was to administer the joint recycling program and was to keep all revenues and pay all costs through June 30, 1991. Marketing data, for the periods ending September 30, 1990 and December 31, 1990, was to have been maintained and distributed by the County to municipalities documenting the charges and refunds that would have been assessed.

A nine member monitoring committee was to be established comprised of 2 mayors, 2 supervisors, 1 highway superintendent and 4 County representatives. The committee was to have presented a formal recommendation to the Legislature by February 1, 1991 stating how the charges and refunds would be established. The committee was to review the methods of charging and crediting municipalities for the marketing program and report its findings to the Legislature by October 1 of each year.

The County was to coordinate a public education program about recycling in cooperation with the school districts, Cornell Cooperative Extension, community organizations, and news media and the local recycling officers which the County had requested each municipality to appoint.

The County went on record again about providing technical assistance to municipalities to implement their recycling programs.

The County directed that any available grant funds be applied for.

The recycling coordinator prepared a report dated May 17, 1991 documenting recycling charges and credits for municipalities and haulers. Individuals continue to be charged no expense for recyclables.

No. 150-91

Approved June 12, 1991

The resolution noted the recommendation requirement of resolution number 74-90. (Note recommendation was to have been made in February; resolution was adopted in June.)

The recycling monitoring committee was established and made a preliminary recommendation to the Legislature basically stating that the program should continue to operate as is. Recommendation prepared by Gil Randall dated January 29, 1991.

The County was authorized to charge or credit for recyclables for municipal and commercial haulers beginning July 1, 1991. Subsequent changes to charges or credits were to be based on financial statements prepared by the Division of Solid Waste reflecting all costs and revenues associated with the Recycling program. The total net cost/revenues per commodity were to be divided by the total units processed to determine net unit cost per commodity and the customer was to be billed accordingly until the County wide recycling\marketing plan and program is recommended to the Legislature by the Recycling Monitoring Committee at which time the Legislature intends to enhance solid waste user fees by an amount sufficient to pay for the County wide recycling\marketing program.

No. 173-91

Approved as amended June 26, 1991.

The County was to continue to operate a voluntary recycling program for municipalities, private companies, private refuse haulers and others desiring to participate.

However, the revenues and expenses of the recycling marketing program were changed from being a County responsibility to being shared pro-rata between the participants. The revenues and expenses were now required to be allocated among the participants on the basis of the amount of each recycled material, the revenue from the recycled material, and the costs of recycling the material. This was designed to fairly and equitably allocate costs and revenues among those who were actually using the program.

The county by accepting recyclables established a recycling marketing program eventhough it was more de facto rather than willing participants coming forward and signing up for the program. The county's practice of accepting recyclables from municipalities (no matter how few or often) in effect created the recycling program. Thus participants who drop off recyclables should be charged or refunded revenues. The resolution includes the category others as participants in the voluntary recycling program.

\*\*The inclusion of others as participants in the program as proper parties in the allocation of revenues and expenses begs the question whether individuals are included in the category. The county had not been charging individuals for recyclables. However, the language of the resolution would seem to allow for charging and crediting individuals for their recyclables. Is this workable?

The County was to continue to provide technical advise and assistance to municipalities, private companies, private haulers, and others regarding the advantages of an aggressive recycling program and the best means of implementing the recycling program, regardless if they elected to participate in the voluntary recycling marketing program.

The recycling monitoring committee was to annually review the financing of the County recycling marketing program and make a report to the County Executive and the Legislature by October 1 of each year. Also the committee was to make recommendations to improve and promote the county's recycling efforts.

The County was to continue efforts to develop a regional recycling marketing cooperative to obtain the best price possible for recycled material and urge all municipalities to participate with the County's recycling program and the regional recycling marketing program. The Environmental committee was to continue to monitor and review the overall operation of the County recycling program.

**Local Law No. 12-91**

Approved August 28, 1991; amended June 10, 1992

Purpose of local law was to specify the policy of the County to operate the landfill and transfer stations in a fiscally responsible manner, with the user fees and other charges designed to cover all expenses. Landfill management team given flexibility and authority to operate the landfill as a business as efficiently and cost-effectively as possible including the ability to adjust user fees to take advantage of market conditions and changing costs.

User fees and other charges at the landfill and transfer stations are to be based on projected costs of operation calculated on an accrual accounting method that includes costs of debt service, future landfill closure and groundwater monitoring and all other expenses associated with operation. A surcharge was to be imposed for all refuse from outside the County based on market prices and nature and volume of the refuse, except to the extent otherwise specified by the Legislature pursuant to a duly adopted and approved resolution.

Deputy Director was to develop recommended user fee schedule designed to cover all projected costs at the landfill and transfer stations calculated on the accrual accounting method.

The Deputy Director, from time to time, could recommend changes in the user fees, and other charges to ensure that the fees and charges continue to meet projected expenses. The Deputy Director shall also establish the surcharge for out-of-county refuse based on existing market conditions and the nature and volume of refuse. A copy of the schedule of all user fees and other charges shall be sent to the Clerk of the Legislature for distribution to the appropriate committees and members of the Legislature and shall become effective not less than 30 days after the first regular meeting of the Legislature following submission to the Clerk unless the Legislature enacts a duly adopted and approved resolution rejecting or changing the user fees or other charges.

Local law gives Deputy Director flexibility in managing solid waste facilities. However, earlier resolutions pertaining to recycling are controlling until a recommended user fee schedule is developed which specifically addresses the fees and expenses of recyclables.

**Local Law No. --92**

**Mandating Source Separation and Segregation of Recyclable or Reusable Materials**

The county will be implementing a source separation law pursuant to Section 102-aa of the General Municipal Law. The law will require all solid waste left for collection or delivered by a generator of such waste to a solid waste management facility to be separated into recyclables, reusable, or other components for which economic markets for alternate uses exist. Economic markets refers to instances in which the full avoided cost of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and disposal of source separated materials less the amount received from the sale of said material. Components include paper, glass, metals, plastics, garden and yard waste, and other elements of solid waste.

The County Executive will be authorized to prepare reasonable rules and regulations to implement source separation and segregation of recyclable or reusable materials from solid waste.