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LOCAL LAW NO. 5 2003

A LOCAL LAW REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTE ORIGINATING IN THE COUNTY OF ONONDAGA

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY AS FOLLOWS:

Section 1. Legislative Findings and Purposes

The reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern because of the increasing cost of Solid Waste collection and disposal and its impact on the environment. In Onondaga County (the "County") the separation and collection of recyclable materials serves the general public's interest by reducing the amount of Solid Waste in compliance with the Onondaga County Source Separation Law (Local Law No. 12 of 1989) and other applicable provisions of law. In 1988, in the interest of public health, safety and welfare and in order to conserve energy and natural resources, the State of New York enacted the New York State Solid Waste Management Act which established the following solid waste management hierarchy: waste reduction, reuse, recycling and waste to energy with land burial as a last resort only when reuse, recycling or waste-to-energy were unavailable. Section B-35 of the State Solid Waste Management Plan - recommended that Onondaga County take immediate steps to develop environmentally acceptable facilities to manage the Solid Waste generated in the County. In December 1991 Onondaga County adopted a comprehensive Solid Waste Management Plan that was subsequently approved by the State Department of Environmental Conservation. The County Plan, applicable to municipalities within the County, preferred waste-to-energy as a safe and sanitary alternative to the threat to the ground water supply and other liabilities posed by the burying of such waste.

This Local Law is enacted after legislative review of the integrated Solid Waste Management System established in Onondaga County in order to implement the County Plan through the joint efforts of Onondaga County and the Onondaga County Resource Recovery Agency (the "Agency"), and pursuant to § 10 of the Municipal Home Rule Law of the State of New York and based upon OCRRA's having

advised the County that it holds legal title to the Rock Cut Road, Ley Creek, and landfill sites, and leases its compost sites from the County. OCRRA has further advised the County that these sites were paid for with bonds issued by OCRRA, that the entire capacity of OCRRA's facility was purchased from the facility manager, that all of the facilities' capacity is exclusively dedicated to waste generated from the 33 participating municipalities in Onondaga County and that OCRRA receives the revenues from tip fees which it uses to pay on the bond debt and for the services of the facility manager. As a result of said review, in order to provide for the public health, safety and welfare, to comply with the provisions of § 120-aa of the General Municipal Law of the State of New York, to comply with the provisions of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C.§6901 et seq. and in conformance with the requirements regarding Solid Waste management set forth in § 27-0701 of the Environmental Conservation Law of the State of New York, it is hereby declared that it is in the public interest to adopt a Local Law to more fully implement and secure the benefits of our integrated system of Solid Waste management for the people of Onondaga County.

Onondaga County established a comprehensive recycling program in 1990 and was among the first to do so on a region-wide basis. This program was developed because it was and is our determination that a comprehensive, integrated Solid Waste management system is both necessary and desirable in order to provide for public health, safety and welfare and to facilitate the conservation of vital natural resources by: a) providing essential Solid Waste management services to the public, including efficient delivery of such services and a fair and equitable system of charging for those services, which promotes reduction and recycling; b) by developing the most appropriate method for handling Solid Waste and Recyclable Materials on a component-by-component basis and serving to ensure that there are markets for all Recyclable Materials required to be separated and recycled under this law; c) by minimizing the dependence on disposal facilities and thereby extending the useful life of current and future disposal facilities; and d) by promoting the use of secondary materials in the manufacture of new consumer products.

It is hereby found and declared, that pursuant to the authorizations and policy determinations set forth above, the Agency has established and maintained an integrated system of solid waste management consisting of the following major components: a) a comprehensive recycling program providing a reclamation site of last resort for all recyclables to be recovered from the waste stream through Source Separation and processing and thereby decrease the tonnage potentially taken to landfills; b) an extensive program of education and promotion of federal, New York State, and Onondaga County Solid Waste Management Plan policy goals of reduction, reuse, recycling, and composting; c) an effective means of collecting and disposing of Household Hazardous Wastes; and d) an environmentally secure and economically advantageous mechanism for the disposal of Non-Recyclable Solid Wastes generated by the people of the County through procurement of disposal capacity for said wastes at the Agency's public waste-to-energy facility on Rock Cut Road in the Town of Onondaga.

It is further found and declared that in order to achieve the public purposes of Onondaga County's integrated System of Solid Waste Management it is necessary to continue to implement and enforce a regulatory system governing Solid Waste collection and disposal in the County. The Onondaga County Legislature hereby finds and distinguishes between the provision of Collection Services with respect to Solid Waste and the provision of Disposal Services with respect to Solid Waste, as said terms are defined herein.

Section 2. Legislative Intent.

The Legislature finds with respect to the provision of Disposal Services for Solid Waste that there is a substantial public interest in ensuring the lawful disposal of said Solid Waste by designating an approved disposal site as defined herein for all solid waste originating in Onondaga County outside of the Town and Village of Skaneateles, and in the disclosure to the generators of Solid Waste of the ultimate place and manner of disposal. Therefore, in compliance with both the State and County Solid Waste Management Plans, Onondaga County has determined that all Solid Waste, both residential and commercial, generated in our County may not be disposed of at any place other than the Approved

Disposal Site designated herein. The basis of that determination is Reference Document No. 1 which is incorporated herein by reference. A copy of Reference Document No. 1 is on file with the Clerk of this Legislature. This Local Law will also establish and refine regulations governing hauler services for the collection and disposal of Solid Waste materials. This Local Law shall not (A) apply to the delivery to a material recovery facility, whether in the County or elsewhere, of Recyclables separated from the rest of the Solid Waste in accordance with Onondaga County's Source Separation Law or (B) apply to the price, route or service of any motor carrier with respect to the transportation of property prohibited by the Federal Aviation Administration Authorization Act of 1994, as amended (49 U.S.C.A. § 14501 et. seq.).

Section 3. Definitions.

(A) "Agency" means the Onondaga County Resource Recovery Agency.

(B) "Agency Facility" means any public facility operated by or designated by the Agency. Agency Facilities include the Agency Transfer Stations at Ley Creek and Rock Cut Road, Rock Cut Road Waste-to-Energy Facility, Agency Yard Waste Composting Facilities at Jamesville and Amboy, Construction and Demolition Processing Facility at Ley Creek and Agency designated Materials Recovery Facilities.

(C) "Approved Disposal Site" means the publicly owned Onondaga County Resource Recovery Waste-to-Energy Facility on Rock Cut Road in the Town of Onondaga or the Ley Creek or Rock Cut Road transfer stations for ultimate disposal at the Onondaga County Resource Recovery Waste-to-Energy Facility.

(D) "Legislature" means the Onondaga County Legislature.

(E) "Collection Service" means the provision of service, provided by a Commercial Hauler, to collect, pick-up or remove Solid Waste originating in any location within the County excluding the Town and Village of Skaneateles, pursuant to any arrangement between the Commercial Hauler and the generator of said Solid Waste.

(F) "Commercial Hauler" means any Person, company, partnership or entity engaged in the business of providing Collection Service pursuant to any contract, agreement or other arrangement with any waste generator or municipality, except the Town and Village of Skaneateles.

(G) "Construction and Demolition Debris" means discarded building material, concrete, stones, earth from excavations or grading and all other refuse material resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

(H) "County" means the County of Onondaga.

(I) "County Designated Recyclable Materials" means those Recyclables designated by the County of Onondaga and the Onondaga County Resource Recovery Agency pursuant to Local Law No. 12, as may be amended from time to time, of 1989, including the following:

Corrugated paper: Cardboard containers, boxes and packaging, including pizza boxes, which are cleaned of contamination by food wastes or polystyrene commonly called styrofoam, and which have been flattened for transport.

Glass: Empty, washed glass jars, bottles and containers of clear, green and amber (brown) that contained food and drink, caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware.

Metal: All ferrous and non-ferrous metals, including: steel, aluminum and composite cans and containers (cleaned of food wastes) and empty aerosol cans that did not contain hazardous material. Scrap metal, wire, pipes, tubing, motors, sheet metal, etc. are recyclable but must be recycled through scrap dealers.

Newspapers, magazines and catalogues: Includes common machine finished paper made chiefly from wood pulp used for printing newspapers, as well as glossy inserts, magazines and catalogues. All must be free of contaminants.

Office paper: All bond paper and also computer printout, stationery, photocopy and ledger paper of any color from all waste generators. Paper should, if possible, be free of tape, adhesives, labels, rubber bands, paper clips, binders and other contaminants. This term excludes carbon paper, chemical transfer paper and tyvek or plastic coated envelopes.

Plastics: All HDPE and PET type plastic bottles (#1 & #2), including empty, washed food, beverage, detergent, bleach and hair care containers with lids removed. This term excludes all photographic film, vinyl, rigid and foam plastic materials, as well as plastics numbered 3 through 7 and HDPE oil bottles, as well as #1 and #2 containers that are not bottles or contained hazardous material.

Kraft paper: As found in brown paper bags and package wrapping.

Beverage cartons: Includes gabled topped paper cartons that contained milk and juice products.

Paperboard: Paper packaging as found in cereal, cracker and tissue boxes, etc. and toilet tissue and paper towel tubes.

Mixed paper: Includes discarded and bulk mail, computer paper, colored paper, greeting cards, wrapping paper and carbonless multi-part forms. Excludes any paper coated with foil or plastic.

(J) "Curb" shall mean that street curb immediately in front of the property from which Solid Waste material and recyclables to be collected are generated or in the absence of an actual curb, that portion of the property which is immediately adjacent to the street.

(K) "Curbside Collection" shall mean the use of collection receptacles for residential, commercial, and institutional Solid Waste generators and the regular periodic pick up and transfer of the contents of such receptacles by a Hauler at the location of a Waste Generator.

(L) "Disposal Service" means the provision of a service to dispose of Solid Waste generated in Onondaga County outside of the Town and Village of Skaneateles and received from Persons providing Collection Service in the County, or from generators of Solid Waste within the County, by means of landfilling, incineration, composting, energy recovery, materials recovery, or other means, including, but not limited to, the acceptance of said Solid Waste at a transfer station for re-transport to facilities located within or without the County and within or without New York State.

(M) "Hauler" - Any person, company or firm or municipality which engages in the collection, transportation, disposal or delivery of Solid Waste generated within our County outside of the Town and Village of Skaneateles.

(N) "Hazardous Waste" means:

(1) Any waste (excluding Household Hazardous Waste) which is defined or regulated as a Hazardous Waste, Toxic Substance, Hazardous Chemical Substance or mixture, or Asbestos (Regulated Waste) under federal, state or local

law, or under rules, regulations, policies or guidelines issued in relation thereof, as they may be amended from time to time including, but not limited to:

(a) The Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sections 6901 et seq., as amended by the Hazardous and Solid Waste Amendments of 1984) and the regulations contained in 40 CFR Parts 260-281;

(b) The Toxic Substances Control Act (15 U.S.C. Sections 2601 et seq.) and the regulations contained in 40 CFR Parts 761-766;

(c) The State Environmental Conservation Law (Title 9 of Article 27) and the regulations contained in 6 N.Y.C.R.R. Parts 370, 371, 372, 373 (Subpart 373-3);

(2) Radioactive materials which are source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. Sections 2011 et seq.) and the regulations contained in 10 CFR Part 40; or

(3) Any other material that by Federal, State or local law, or under rules, regulations, policies, guidelines or orders having the force of law in relation thereto are regulated as harmful, toxic or hazardous to health and ineligible for processing at the Agency Facility.

(O) "Large Household Furnishings" means all other large and/or bulky articles actually used in the home and which equip it for living such as chairs, sofas, tables, beds or carpets.

(P) "Major Appliances" means a large and/or bulky household mechanism such as a refrigerator, washer, dryer, stove, furnace or hot water tank.

(Q) "Materials Recovery Facility" or "MRF" means a private or public facility for receiving and processing Recyclables into marketable commodities.

(R) "Medical Waste" means any Solid Waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals.

(S) "Municipality(ies)" means any village, town or city in the County, except the Town and Village of Skaneateles.

(T) "Non-Recyclable Solid Waste" means Solid Waste which has been source separated to remove recyclable components, or is the residue of a processing system designed to remove recyclable components, or is otherwise not susceptible to the removal of recyclable components.

(U) "Person" shall mean any individual; chief executive officer, owner or manager of a Commercial or industrial establishment; public or private corporation; agency or authority; political subdivision, government, department or bureau of the state or federal government; municipality; industry, partnership, limited liability entity, association, firm, trust, estate or any other legal entity whatsoever.

(V) "Recyclable Materials" or "Recyclables" shall include materials, as designated pursuant to Local Law No. 12 of 1989, which are separated from the waste stream and held for their recycling or reuse value and any other items designated by the Agency from time to time as it deems appropriate. Any material not specifically designated shall be considered a Solid Waste, unless otherwise exempted.

(W) "Recycling Container" means the blue bin or other container supplied by the Agency or their designees for the storage of County Designated Recyclable Materials.

(X) "Recycling Law" means the Onondaga County Source Separation Law, Local Law No. 12, adopted March 6, 1989, as subsequently amended, and as may be amended from time to time.

(Y) "Regulated Medical Waste" means those medical wastes that have been listed in 6 NYCRR 364.9 paragraph (c)(1) and that must be managed in accordance with the requirements of that part.

(Z) "Solid Waste" means all 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, including, but not

limited to, garbage, refuse, residential, governmental, commercial and/or light industrial refuse but shall not include Recyclables, Yard and Garden Waste, human wastes, rendering wastes, major appliances, regulated medical waste, construction and demolition wastes, residue from incinerators or other destructive systems for processing waste (other than now existing individual building incinerators, the residue from which is presently collected as part of normal refuse collection practices), junked automobiles, pathological, toxic, explosive, liquid, radioactive material or other waste material which, under existing or future federal, State or local laws, require special handling in its collection or disposal.

(AA) "Source Separation" means the segregation of Recyclable Materials from the Solid Waste stream at the point of generation for separate collection.

(BB) "System" means Onondaga County's Solid Waste Management System as operated by the Onondaga County Resource Recovery Agency and every aspect thereof, including, but not limited to, the publicly owned Rock Cut Road Waste-to-Energy Facility,Yard Waste Composting Facilities at Jamesville and Amboy, Construction and Demolition processing facility at Ley Creek and the Rock Cut Road and Ley Creek transfer stations.

(CC) "Waste Generator" means any Person that produces Solid Waste requiring off-site disposal.

(DD) "Yard and Garden Waste" means grass clippings, leaves, brush, cuttings from shrubs, hedges and trees.

Section 4. Prohibition Against Unauthorized Dumping or Burning.

Except when undertaken at an Agency Facility, it shall be a violation of this local law for any Person:

(A) to place, without written permission, for the purpose of collection, Solid Waste at a property other than the property generating said material; or

(B) to place Solid Waste in dumpsters and/or containers designated for Solid Waste use by Commercial and/or industrial establishments where the Person has not been specifically authorized to place such Solid Waste; or

(C) to bury and/or burn Solid Waste and or Recyclable Materials on public or private property; or

(D) to throw, or cause to be thrown, dump, deposit or place Solid Waste along the roadside/curbside or on public and/or private property within Onondaga County.

Section 5. Preparation and Collection of Solid Waste

(A) No Person shall dispose of Solid Waste except as follows:

(1) Each Person shall provide for the removal of Solid Waste from the property on which it is generated either through a service provided by the municipality in which the property is situate or by a Commercial Hauler with a permit issued by the Agency or by direct haul by the individual generator to an Agency Facility.

(2) Each Person shall provide for the separation of Recyclables in a suitable container for recyclable material as authorized by the Agency. Recyclable materials shall be separated from other non-Recyclable material and placed in said container; the particular requirements for separation shall be established by the Agency. It shall be a violation of this Local Law for any Person to place at the roadside for collection any can or container other than one which has its contents separated into Solid Waste and/or Recyclable Materials. A resident may dispose of their Recyclable Materials by selling or donating the same, but these Recyclable Materials may not be picked up at the roadside/curbside except as provided by agency or municipal rules and regulations.

(B) Recyclable Industrial and Commercial By-products for recovery shall be exempt from this Local Law.

(C) It shall be a violation of this Local Law for any Person other than a Municipality or a Commercial Hauler with a permit issued by the Agency to pick over, disturb, collect, pick up, remove or cause

to be collected, picked up or removed any Recyclable Materials set out for collection pursuant to this Section. Each such collection, picking up or removal from a premises shall constitute a separate and distinct violation of this Local Law. Persons may dispose of their own Recyclable Materials by selling or by donating them, but these Recyclable Materials may not be picked up at roadside/curbside, except as may be provided by agency or municipal rules or regulations.

Section 6. Construction and Demolition Debris Not Regulated.

This Local Law does not apply to the disposal of Construction and Demolition Debris.

Section 7. Disposal of Yard Waste.

(A) No Commercial Hauler or Person shall deliver Yard Waste for disposal as Solid Waste.

Section 8. Rates and Fees: System Charge for Non-Recyclable Solid Waste.

Nothing herein shall affect the authority of the Agency to fix rates and fees for the services provided by the system.

Section 9. Solid Waste Collection.

(A) The Hauler will deliver all of the non-recyclable Solid Waste (residential and commercial) it collects within Onondaga County for disposal to the Approved Disposal Site specified in Section 3 above, except in the Town and Village of Skaneateles. It shall be unlawful to unload or deposit for disposal any Solid Waste hauled from any premises within the limits of Onondaga County at any place other than the Approved Disposal Site specified herein. Any Hauler failing to dispose of said Solid Waste at the Approved Disposal Site so designated shall be subject to the penalties and fines as set forth in Section 10.

(B) The County has adopted as its Source Separation Legislation, required pursuant to the General Municipal Law, Section 120-aa, the Onondaga County Source Separation Law (i.e. Local Law No. 12 of 1989) as adopted by the Onondaga County Legislature and subsequently amended

under its terms. The Hauler will supply a plan of operation for collection and transportation of Recyclables and which provides for a Recycling Plan as required by Onondaga County Local Law No. 12 of 1989 as it applies to Haulers, which it shall adhere to and comply with.

(C) It shall be a violation of this Local Law for any Commercial Hauler to commingle separated Recyclable Materials and Solid Waste from the time such materials are collected from the generator until they are finally delivered to either a Material Recovery Facility or the Approved Disposal Site. Each such act of commingling separated Recyclable Materials and Solid Waste at one or more premises, shall constitute a separate and distinct offense in violation of this Local Law.

(D) No Hauler shall dispose of Recyclable Materials picked up in Onondaga County as Solid Waste nor shall any Hauler accept Recyclable Materials for disposal as Solid Waste.

(E) Failure to comply with the provisions of this Section 9 or with the conditions and requirements of a permit issued hereunder, may subject the violator to the penalties and fines as set forth in Section 10.

Section 10. Enforcement: Penalties.

(A) Failure to comply with this Local Law by any Person shall be an offense punishable as provided herein.

(B) Conviction of an offense identified in Section 4, 5 and 7 of this Local Law, shall be punishable by a fine of not less than $100.00 and not more than $500.00. Conviction of each subsequent offense within one year of the conviction for a prior offense shall be punishable by a fine of not less than $250.00 nor more than $1,000.00 per violation.

(C) Conviction of any offense defined in this local law in Section 9 shall be punishable by a fine of not less than $250.00 and not more than $500.00 per violation. Conviction of each subsequent

offense within one year of the conviction for a prior offense shall be punishable by a fine of not less than $500.00 nor more than $1,000.00 per violation.

(D) Each day's violation or failure to comply with the provisions of this Local Law shall be considered a new and separate offense, and subject to the penalties set forth therein.

(E) OCRRA shall be authorized and shall undertake enforcement of this Local Law by all appropriate and necessary means. Nothing herein shall preclude OCRRA from enforcing this Local Law in any Court of competent jurisdiction and to pursue any and all available remedies in law and equity, including but not limited to instituting and maintaining an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by temporary restraining order, preliminary and/or permanent injunction any violation of this Local Law.

Section 11. Effective Date.

This Local Law shall become effective upon filing with the State and also upon receipt by the Clerk of the Legislature of Onondaga County of a resolution of the OCRRA Board of Trustees approving this Local Law and accepting enforcement responsibility.

Section 12. Amendment.

Any prior Onondaga County local laws or resolutions relating to collection and disposal of solid waste are hereby amended to the extent necessary to comply with the provisions of this local law.

Section 13. Severability.

If any part of this Local Law is found to be illegal by a court of competent jurisdiction, the remaining Sections shall remain in full force and effect.

Section 14. Limitation of Obligation.

Nothing contained herein shall be construed to obligate the County of Onondaga to pay, pledge, support or assume in any manner existing or future debts of OCRRA. Nothing contained herein shall be construed to impair the delivery agreements assigned to OCRRA by the County or other contracts between OCRRA and third parties.

ADOPTED

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