

By Messrs. Thomas and Fedele

Intro. No. 229
LOCAL LAW NO. 3 OF 1991

SOLID WASTE REUSE AND RECYCLING LAW

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF
MONROE, as follows:

Section 1: A new local law entitled, "Solid Waste Reuse and Recycling Law"
shall be enacted to read as follows:

Section I. Short Title.

This law shall be known as the reuse and recycling law.

Section II. Findings.

The County Legislature of Monroe County finds that:

- A. Removal of certain materials from the solid waste stream will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources, and reduce the required capacity of existing and proposed Solid Waste disposal facilities.
- B. The New York Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance by September 1, 1992 requiring that Solid Waste which has been left for collection or which is delivered by the generator of such waste to a Solid Waste Management Facility, shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist.

Section III. Purposes.

This law is adopted pursuant to Chapter 345 of the Laws of 1975 of the State of New York as amended, Chapter 541 of the Laws of 1976 of the State of New York as amended and Chapter 552 of the Laws of 1980 of the State of New York as amended to:

- A. Institute a plan for the management of recyclable materials generated or originated in Monroe County, to promote the safety, health and well-being of persons and property within Monroe County; and to
- B. Implement the express policy of the State of New York encouraging waste stream reduction through recycling.

Section IV. Definitions.

“Administrator” means the Solid Waste Administrator of Monroe County, or such other office or employee of the County who may, from time to time, be designated by the County Executive with the responsibility for the County’s solid waste issues and programs.

“Authorized Recycling Facility” or “Facilities” means any and all permitted or specifically exempt facility or facilities for processing, reprocessing and/or recycling Recyclable Materials which are specified in the rules and regulations promulgated pursuant to Section V(A) of this law. This term shall exclude incineration facilities, waste-to-energy facilities and landfills.

“Container” means a County-provided blue box container with a County logo for Recyclable Materials or any other durable container for Recyclable Materials readily identifiable by the Hauler as a container for Recycling Materials.

“County” means Monroe County.

“Executive” means the County Executive of Monroe County.

“Exempt” means the status granted to any individual who can demonstrate an inability to comply with this Law and applies to the Administrator or the Municipality and receives a certificate of exemption from this Law, or parts thereof, pursuant to the rules and regulations.

“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 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.

“Hauler” means any Person who collects and transports Solid Waste and/or Recyclable Materials within the County whether or not licensed by a municipality within Monroe County.

“Hazardous Waste” means (1) any “hazardous waste” as defined under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., or “hazardous substance” as defined under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., or “hazardous waste” as defined under New York Environmental Conservation Law Section 27-0901 et seq., as each such law may be amended from time to time, and the regulations promulgated thereunder, and any analogous or succeeding federal, State or local law, rule or regulation and any regulations

promulgated thereunder and (2) any other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time cannot be processed at the Facility because it is harmful, toxic or dangerous.

“Other Recoverable Material” means any material, substance, by-product, compound or any other item generated or originated within the County and separated from Solid Waste at the point of generation for separate collection, sale, external reuse or reprocessing and/or disposition other than by disposal in landfills, sewage treatment plants or incinerators. Other Recoverable Materials do not include Recyclable Materials as defined herein.

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

“Recyclable Material” means any Solid Waste generated or originated within the County as designated in the rules and regulations promulgated hereunder, which may include but not be limited to the following:

I. Containers:

1. “Aluminum” Aluminum products and containers fabricated primarily of aluminum and commonly used for soda, beer, beverages or other food or drink products.
2. “Glass Food and Beverage Containers” – New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass, flat glass, make-up, perfume or medicine bottles.
3. “Metal cans” – Containers fabricated primarily of steel or tin, or bi-metal cans of steel, tin and/or aluminum, but not including aluminum cans.
4. “Plastics” – including high-density polyethylene (HDPE), low-density polyethylene (LDPE), polystyrene, and polyethylene terephthalate (PET). Commonly used for soda, milk and other containers.

II. Paper

5. “Boxboard” – Woodpulp-based material which is usually smooth on both sides but with no corrugated center. Excludes material with wax coating.

6. “Corrugated” – Woodpulp-based material which is usually smooth on both sides with a corrugated center. Commonly used for boxes. Excludes material with wax coating.
7. “High grade paper” – White and colored office bond, duplicating paper, computer paper, and other high-quality paper.
8. “Magazines” – Magazines, glossy catalogs, and other glossy paper.
9. “Newsprint” – Common, inexpensive machine finished paper made chiefly from woodpulp and used for newspapers. This term excludes magazines.

III. Other

10. “Construction and demolition debris” – material resulting from the construction, renovation, equipping, remodeling, repair and demolition of structures and roads; and material consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup. Such material includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, plastics, electrical wiring and components, carpeting, foam padding, linoleum, and metals that are incidental to any of the above.
11. “Large appliances” – Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal and excluding air conditioners, microwaves and televisions.
12. “Wood Waste” – including logs, pallets and other wood materials.
13. “Yard Waste” – Grass clippings, leaves, branches up to 4 inches in diameter and other like vegetative garden materials.

“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.

“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, 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 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.

“Source Separation” means the segregation of Recyclable Materials and Other Recoverable Materials from solid waste at the point of generation for separate collection, sale or other disposition.

“Waste Stream Reduction Program” includes Source Separation, Recycling programs, changes to the packaging portion of the waste stream to reduce solid waste generated, 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 Solid Waste or Recyclable Materials otherwise destined for the municipal waste stream. For purposes of this paragraph, such waste stream reduction programs shall not include the processing of waste for incineration or disposal by landfill or other means.

Section V. Administrative Responsibilities.

The Executive is hereby authorized and directed to:

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

1. identify, define, expand and modify categories of Solid Waste and Recyclable Materials consistent with the implementation schedule set forth in Chapter 6.4 of the Monroe County Comprehensive Recycling Analysis (“CRA”) approved by New York State Department of Environmental Conservation; except that in the event of an emergency condition, the Executive may amend the categories of Solid Waste and Recyclable Materials to respond to such emergency conditions. In the event of such an emergency condition, the Executive shall immediately notify the Legislature and report to and confer with the members of the Public Works Committee of the Legislature at its next regularly scheduled committee meeting. The Executive is authorized to expand and modify the categories of Recyclable Materials set forth in the CRA with legislative approval.
2. identify one or more Authorized Recycling Facilities to which Recyclable Materials may be delivered, subject to such exceptions as the Executive may determine with legislative approval to be in the public interest.

3. establish a County-wide program to implement and enforce Source Separation of Recyclable Materials and to maximize the opportunity for and educate and inform the public regarding the reclamation and recovery of Recyclable Materials. These rules and regulations shall 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 Executive shall also give due consideration to existing Source Separation, recycling and other facilities in the area, to the adequacy of markets for separated materials, and any additional expense and effort to be incurred by residents and Authorized Haulers. In addition, the Executive shall consider the capacity, handling, disposal and marketing capabilities of available Facilities, the geographical location of Facilities and such other factors enabling the Executive to determine that the public interest is served by the rule or regulation.
 4. Notwithstanding any provision herein, no material changes shall be made to the schedule of fines set forth in Article H of the Regulations without prior legislative approval.
- B. Pursuant to Section 302 of the County Charter, sign contracts and any amendments there deemed necessary or desirable for the implementation of this law and such rules, regulations and orders promulgated hereunder to the limit of funds appropriated therefor.
 - C. Revise, amend, promulgate and publish other such rules, regulations and orders necessary to carry out the purposes of this law.
 - D. The Executive shall perform the administrative functions, powers and duties specified in this local law on behalf of the County, and may delegate any or all of the administrative functions, powers and duties specified herein. He shall report annually, and at other times he deems necessary, to the County Legislature. Nothing in this local law divests the County Executive or the County Legislature of any functions, powers and duties which they may otherwise have.

Section VI. Advisory Committee.

An Advisory Committee is hereby established to assist and advise the County in the implementation of this Law. The Advisory Committee shall be comprised of fifteen (15) members appointed and confirmed as follows:

1. two members appointed by the Executive and confirmed by the Legislature;

2. two members appointed by the President of the Legislature and confirmed by the Legislature;
3. two members appointed by the Legislature, one recommended, by the Majority Leader and recommended by the Minority Leader, and confirmed by the Legislature;
4. one member from each of the following organizations, each of whom shall be appointed by the Executive and confirmed by the Legislature; the Chamber of Commerce, the Environmental Management Council, the Industrial Management Council, the Town Supervisors' Association, the Village Mayors' Association, and the Waste Haulers Association;
5. one member recommended by the Mayor of the City of Rochester, appointed by the Executive and confirmed by the Legislature; and
6. one operator of a materials recycling facility and one scrap dealer, each of whom shall be appointed by the Executive and confirmed by the Legislature.

Each member shall serve a term of two (2) years, except that seven (7) members, designated by the Executive, shall be appointed to an initial term of one (1) year in order to stagger the expiration of terms. Committee members shall be appointed or reappointed by October 1 of each year that terms of appointment expire, and at such other times as are necessary to fill committee membership positions vacant due to resignation or other reason.

Section VII. Waste Delivery and Disposal; Source Separation.

- A. Solid waste generated or originated within the County which has been left for collection or which is delivered by the generator of such waste to a Facility shall be handled and disposed of as follows:
 1. Prior to initial collection or transport, such Solid Waste shall be Source Separated into Recyclable Materials and remaining Solid Waste as provided in the rules and regulations promulgated hereunder.
 2. Source Separated Recyclable Materials shall not be commingled with other Solid Waste during collection, transportation, processing or storage following collection.
 3. All Source Separated Recyclable Materials generated or originated within the County must be delivered to an Authorized Recycling Facility or handled through a Waste Stream Reduction Program.

4. No Authorized Recycling Facility or Waste Stream Reduction Program shall receive Recyclable Materials generated or originated within the County except as permitted by law.
- B. Disposal of Solid Waste which is barred from Authorized Recycling Facilities by rules, regulations or orders promulgated pursuant to Section V of this law, or by any other law, regulation or ordinance shall not otherwise be regulated by this law.
- C. No Hazardous Waste may be delivered to an Authorized Recycling Facility.
- D. No Facility other than an Authorized Recycling Facility shall accept for disposal Recyclable Materials which have been Source Separated.
- E. Each City, Town and Village within Monroe County shall enact a mandatory recycling ordinance within 90 days of the adoption of this law which shall be based upon a model ordinance provided by the County.

Section VIII. Collection of Recyclables.

Only Persons acting under the authority of a Hauler or the County shall collect, pick up, remove or cause to be collected, picked up or removed, any Recyclable Materials placed in or adjacent to a Container for collection; each such unauthorized collection, pick up or removal shall constitute a separate violation of this law. Provided, however, where the Hauler or the County has refused to collect Recyclable Materials because they have not been separated, placed or treated in accord with the provisions of this law, the Person responsible for initially placing those Materials for collection may and shall remove those Materials from any curb, sidewalk, streetside or other designated collection place.

Nothing herein shall prevent any Person from making arrangements for the reuse, private collection, sale or donation of Recyclable Materials; provided that Recyclable Materials to be privately collected, sold or donated shall not be placed curbside or at any other designated collection place on or immediately preceding the day for collection of such Recyclable Materials. Any and all Recyclable Materials placed in a County-supplied Container at curbside or at any designated collection place shall immediately become the property of the County.

Section IX. Reporting Requirements.

All persons engaged in the collection of Recyclable Materials and Other Recoverable Materials through a Waste Stream Reduction Program other than as a Hauler shall provide an annual report, on forms to be provided by the County, to the County Executive or his designee who shall then file a summary report with the Clerk of the Legislature.

Section X. Haulers.

A. Haulers shall be subject to the following requirements:

1. Haulers must maintain separate monthly records of Solid Waste and Recyclable Materials collected, transported or disposed of by the Hauler which include the following information:
 - a. the municipality or geographical area and number of households in which the Solid Waste or Recyclable Material was generated;
 - b. the quantity, by ton, of Solid Waste and of each type of Recyclable Material collected;
 - c. the quantity, by ton, of Recyclable Material delivered to each Authorized Recycling Facility; and
 - d. the quantity, by ton, of Solid Waste delivered to each Facility.
2. Reports containing the information required in paragraph (1) of this section shall be compiled and delivered to the Administrator for each reporting period as designated by the Regulations, but which shall be no more frequently than quarterly.
3. Haulers shall indemnify and hold harmless Monroe County for any pending, threatened or actual claims, liability or expenses arising from collection and disposal by the Hauler in violation of this law.
4. Haulers shall offer or cause to be offered collection services for all Recyclable Materials to all residential customers for whom they provide Solid Waste collection services, on the same days as Solid Waste collection services are provided, unless otherwise authorized by the Regulations.
5. Each Hauler shall develop and submit for County approval a generic collection plan for collecting Recyclable Materials from its commercial, industrial and institutional customers.
6. Haulers shall not accept for collection Solid Waste which has not been Source Separated in conformity with the Regulations promulgated hereunder and shall leave a notice with the generator informing the generator of why the Solid Waste or Recyclable Materials were not collected, unless the Hauler reports the violation to the appropriate public official pursuant to Section XI herein.

Section XI. Enforcement

A. Inspections and Appearance Tickets.

1. All portions of vehicles and containers used to haul, transport or dispose of Recyclable Materials, including such containers placed outside of residences, shall be subject to inspection to ascertain compliance with this law and the rules, regulations or orders promulgated hereunder, by any police officer, peace officer, or any other public official designated by the County or Municipality.
2. Police officers, peace officers, and the specified public officials are hereby authorized and directed to issue appearance tickets for violations of this law.

B. Penalties.

1. Civil Sanctions.

The County may commence a civil action to enjoin or obtain any other available legal or equitable remedy for any failure to comply with this ordinance.

2. Criminal Penalties.

- a. In addition to the civil sanctions provided herein, failure to comply with this law or the rules and regulations promulgated hereunder shall be a violation as defined in Section 55.10 of the Penal Law and penalties may be imposed thereunder and/or under Section 10 of the Municipal Home Rule Law. Appeals may be taken by the aggrieved party in the same way as any appeal of a violation under Penal Law §55.10.

3. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.
4. No penalties, fines, civil sanctions or other enforcement actions will be commenced against any generator of Solid Waste or Recyclable Materials until one hundred and eighty (180) days after the effective date of this law in order to permit Persons regulated hereunder to come into compliance with this law.

If any clause, sentence, paragraph, section, or part of this title shall be adjudged by any court of the competent jurisdiction to be invalid, such judgment 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.

The provisions of this law shall be effective four (4) months after the Administrator files a certificate with the Executive and the Clerk of the County Legislature stating that one or more Authorized Recycling Facility or Waste Stream Reduction Program with sufficient capacity to handle the quantities of Recyclable Materials anticipated to be generated is or will be ready to operate on a regular basis to process one or more Recyclable Materials, or January 1, 1992, whichever date is earlier; except that all Haulers shall provide collection for Source Separated Newsprint to all customers as of September 16, 1991. The Executive 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 30 days prior to the effective date.

Public Works Committee: April 2, 1991 – CV: 7-0
File No. 90-0481

EFFECTIVE DATE OF RESOLUTION: May 23, 1991