

**YATES COUNTY  
SOLID WASTE MANAGEMENT LAW**

**RULES & REGULATIONS**

The rules and regulations set forth herein are promulgated pursuant to the Solid Waste Management Law 1-14 and shall be known as the Solid Waste Management Rules and Regulations.

Definitions.

Except as otherwise set forth in these rules and regulations, all terms defined in the Solid Waste Management Law shall have the same definition in these rules and regulations.

Commercial Customer means any person who sets out acceptable solid waste for collection in a one (1) cubic yard or larger container. Also, anyone who leaves a large quantity of recyclable materials at curbside for pick-up or brings a large quantity to a drop-off site shall be considered a "Commercial Customer" for that transaction". For these purposes a large quantity shall be defined as "a quantity of recyclables more than 9 cubic feet, total, or more than 4.5 cubic feet of Corrugated Cardboard (such as a bundle 3' x 6").

Designated recyclable materials means recyclable materials designated for single stream recycling in Section 5 of these rules and regulations.

Economic market means the costs of recycling by proper collection, transportation, and disposal of materials in accordance with these rules and regulations, promulgated pursuant to Section IV, less the amount received from sale of any materials, are greater than the full avoided cost of collection, transportation and disposal of such material as Municipal Solid Waste.

Licensee means the holder of a solid waste license.

Mixed office paper means computer paper, fine white and colored office paper, paper envelopes and bulk mail.

Municipal solid waste means any solid waste which is not a hazardous solid waste, designated recyclable material or un-processible solid waste.

Residential Customer means any person who sets out acceptable solid waste for collection in bags, garbage pails, 90 gallon totes, or any other container less than 1 cubic yard.

Residential mixed paper means bulk mail, paper envelopes, white and colored paper and magazines.

Solid Waste License means a license issued pursuant to Section 8 of these rules and regulations.

Solid Waste Volume Reduction Program includes 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, land filling or disposal by other means.

Single Stream Recycling – means recyclable materials from solid waste at the point of generation commingled for the collection, sale or other disposition.

Facilities means a facility or facilities for certain solid wastes as specified in Sections 3 and 4 of these rules and regulations.

Waste Generator means any person/persons or legal entity which produces waste requiring off-site disposal.

## 2. Administration of the Solid Waste Management Law

- The authority and responsibility for overseeing and administering the Solid Waste Management Law is delegated to the Clerk of the Legislature, hereinafter referred to as Administrator.
- The Administrator shall, in accordance with the Solid Waste Management Law and these rules and regulations, and in addition to any other duties or powers set forth in these rules and regulations
- Issue, approve, deny, suspend or revoke solid waste licenses, or subject a licensee to reprimand or fine as provided in sections 8 and 9 of these rules and regulations.
- Collect fees and charges established by these rules and regulations. NOTE: Any denial, suspension, revocation, or fines will be discussed with the Public Works Committee prior to their implementation.
- Promulgate such forms as are necessary or advisable under the Solid Waste Management Law or these rules and regulations
- Receive, maintain and compile records required to be submitted by licensees
- Interpret these rules and regulations
- Coordinate the enforcement provisions and activities under the Solid Waste Management Law and these rules and regulations
- Execute and enforce all resolutions and orders of the County Legislature promulgated under the Solid Waste Management Law
- Maintain and publish methods and standards of designated single stream recyclable material
- Perform such other duties as may be prescribed in these rules and regulations or as maybe directed by the County Legislature.
- The Administrator shall file a written report with the County Legislature on a quarterly basis detailing operations, accomplishments, and other program activities arising out of the administration of the Solid Waste Management Law.

## 3. Specified Facilities for Municipal Solid Waste.

- 3.1 All licensed haulers who collect municipal solid waste generated or originated in the County shall dispose of it only at a facility for the appropriate type of solid waste.

3.2 Any facility that meets the following requirements shall be deemed a specified facility for municipal solid waste

3.2.1 The facility is permitted to operate as a disposal site for the appropriate type of solid waste by the State or Province in which it is located;

3.3 The Administrator shall maintain and make available to the general public upon request a current list of all specified facilities for municipal solid waste.

4. Specified Facilities for Designated Recyclable Materials.

4.1 All haulers who collect designated single stream recyclable materials generated or originated in the County that have been collected in accordance with these rules and regulations must deliver them to either a specified facility for recyclable materials or a solid waste volume reduction program.

4.2 The following facility or facilities shall be deemed a specified facility for the recyclable materials specified:

4.2.1 Any and all facilities, private and public, permitted under 6NYCRR Part 360-12, or specifically exempt thereunder, or similarly permitted in the state or province where it is located, which processes designated recyclable materials for beneficial use,

4.3 The Administrator shall maintain and make available to the general public upon request a current list of all specified facilities for designated recyclable materials.

5. Designated Recyclable Materials.

5.1 The following materials are designated as recyclable materials.

5.1.1 For residential customers\_Paper Products: Flatten and stack or pile neatly.

- Cardboard boxes: flatten
- Cereal and cracker and gift boxes: flatten
- Office paper: white and all colors
- Magazines
- Junk mail
- Newspaper
- Envelopes: manila and letter
- File folders
- Computer paper
- Phone books
- Shredded paper in clear plastic bags
- Aluminum cans, foil and pans (pie tins & baking pans)
- Tin cans include tops
- Glass bottles and jars: remove tops and discard
- Plastic bottles with numbers on the bottom (#1 - #7)
- Milk cartons

**DO NOT RECYCLE THESE:**

- Wadded papers
- Unflattened boxes

- Frozen food boxes and other boxes with coating
- Juice boxes
- Motor oil containers
- Caps and tops
- Plastic bags
- Plastic cups
- Styrofoam egg cartons, cups or meat trays

5.2 Upon written petition by a licensee or on the Administrator's own initiative for good cause, the Administrator may issue a notice suspending for no more than sixty (60) days, the inclusion of a recyclable material on the list of designated recyclable materials. Such petition must demonstrate to the satisfaction of the Administrator that no economic market for the recyclable material exists, or will exist for a minimum of 90 days subsequent to the application.

5.3 Removal of a designated recyclable material from the list requires action of the legislature after a public hearing.

## 6. Duties and Responsibilities

### 6.1 Waste Generators

#### 6.1.1 Single Stream Recycling

6.1.1.1 All Waste Generators within the County must recycle all designated recyclable materials.

6.1.1.2 No hauler shall pick up solid waste from which the designated recyclable materials have not been separated, nor shall a hauler pick up from a residential customer municipal solid waste that has not been placed in a transparent bag

## 7. Set Out Requirements for Designated Recyclable Materials

7.1 Curb-side pick-up any designated recyclable material that is left for collection by a licensee shall conform to the following requirements:

7.1.2 Containers, Residential Customers shall use containers clearly identifiable as being for recycling purposes to hold designated recyclable materials. Commercial customers shall use containers specified by their hauler of solid waste. Managers of apartment houses, trailer parks, and other multi-family arrangements who provide common containers for disposal of garbage shall provide suitable containers for their tenants to use for set-out of recyclable materials

7.1.3 Condition of Materials. Each waste generator shall prepare designated recyclable materials to be set out in accordance with the standards specified by the Administrator, which may include any special conditions required by the generator's hauler.

7.1.4 Set Out Point. All designated recyclable materials left for collection by residential customers must be left at curbside or at some other point established by their hauler of municipal solid waste. Commercial customers shall use the set out point specified by their hauler of municipal solid waste.

### 7.1.2. Drop-off centers

7.1.2.2.1 All designated recyclable materials that are delivered to a drop-off site shall be prepared by the waste generator in accordance with the standards published by the Administrator.

### 7.1.3 Set Out Requirements for Non-recyclable Solid Waste

7.1.3.1 Residential Customers Residential customers who set out municipal solid waste for collection may use bags for their waste. If so, they must use transparent bags. Tinted bags may be used if they are transparent from a distance of four (4) feet. Opaque bags shall not be used. Residential customers may place their transparent bagged municipal solid waste in a trash can, trash barrel or similar container for set-out.

7.1.3.2 Commercial Customers All commercial customers (those who set out waste in containers or 1 cubic yard or larger) may use bags for their waste. If so, they must use transparent bags. Tinted bags may be used if they are transparent from a distance of four (4) feet. Opaque bags shall not be used.

### 7.2 Licensees

7.2.1 Licensees who collect municipal solid waste shall provide for the collection of designated recyclable materials **for all their customers at no cost to the customer**

7.2.2 Every licensee shall provide separate collection and delivery to a specified facility for designated recyclable material(s) or to a solid waste volume reduction program any and all designated recyclable material(s) set out in accordance with Section 7 by any of his/her customers from whom acceptable solid waste is collected. The licensee is required to collect designated recyclables except designated recyclables that do not conform to the set out requirements. If a licensee has special requirements for materials he/she collects, it is his/her responsibility to so notify his/her customers and the Administrator.

7.2.2.1 No licensee shall give a discount, directly or indirectly, to its customers for not providing this service.

7.2.3 Any licensee who operates a drop off center for municipal solid waste within the County shall provide for the separate collection of designated recyclable materials at the same site, at least twice every month, and during the same time as the drop-off center is in operation.

### 7.2.4 Commingling: Pick-up of Non-transparent Bags

7.2.4.1 Designated recyclable materials No licensee shall commingle municipal solid waste with any designated recyclable materials, nor any designated recyclable material with municipal solid waste, nor collect any material which has been so commingled. If commingled material has been set out, or any material has been set out in non-transparent bags, the licensee shall notify the generator and supply the name and address of the generator to the Yates County Solid Waste Administrator. Effective July 1, 1994, the licensee shall not pick-up the commingled material or any material set out in non-transparent bags.

7.2.4.2 Hazardous Waste No licensee shall commingle any hazardous waste with any designated recyclable materials nor collect any material which has been so commingled, nor shall any hazardous waste be delivered to a specified facility for designated recyclable material or to a solid waste volume reduction program, except under a permitted household hazardous waste program.

7.2.5 Each licensee shall maintain records in the form specified by the Administrator for designated recyclable materials and municipal solid waste collected, transported or disposed of, setting forth.

7.2.5.1 The geographical source of any designated recyclable materials and municipal solid waste collected, by route or community;

7.2.5.2 The quantity in tons disposed of;

7.2.5.3 The specified facility or program that received the material. .

7.2.4 The reports required in Section 7.2.5 shall be submitted to the Administrator on a calendar quarterly basis, in the format prescribed by the Administrator. Reports are due within 21 days of the end of the calendar quarter.

7.2.5 All licensees shall comply with the Solid Waste Management Law and these rules and regulations.

7.3 No person shall mix or include any hazardous waste or oil with the designated Recyclable material.

7.4 Designated Recyclable Materials set out for collection in accordance with these regulations shall not be picked up by anyone not authorized by the owner's hauler.

## 8. Solid Waste Licenses.

8.1 No person required to obtain a solid waste license 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 County.

8.2.1 Persons engaged solely in recycling or a solid waste volume reduction program do need to register, in order to document the county's progress in maximizing recycling. It is important that these persons provide the information required for designated recyclable materials by section 7.2.5;

8.3 Each applicant for a solid waste license shall furnish to the Administrator:

8.3.1 A properly completed and signed application form;

8.3.2 A list of all vehicles to be used by the applicant in the County in the collection, transportation and handling of solid waste, including vehicle identification numbers;

8.3.3 A current certificate of insurance from an insurance company authorized to issue insurance in New York State showing the following minimum insurance coverage:

- Bodily and personal injury, property damage - \$1,000,000 CSL, and
- Workman's Compensation coverage.

8.3.4 A list of all routes served by the licensee.

8.3.5 An indemnification executed by the applicant agreeing to indemnify and hold harmless the County of Yates for any pending, threatened or actual claims, liabilities or expenses arising from waste disposal by the licensee in violation of the Yates County Solid Waste Management Law or these rules and regulations.

8.3.6 Any applicable license fees or other charges.

8.4 All solid waste licenses shall expire one (1) year from the date of issue unless revoked or suspended as herein provided, or renewed.

8.5 License renewal applications shall be filed a minimum of thirty (30) days prior to the expiration date of the current solid waste license.

8.6 Renewal solid waste licenses shall be issued upon compliance with all standards and requirements established for a license under Section 8 of these rules and regulations, provided that the applicant has not had his license revoked during the preceding license term.

## 9. Licensees

### 9.1 Reprimand, Revocation or Suspension of Solid Waste license.

Each licensee, as a condition of obtaining and maintaining a solid waste license, shall comply with the solid waste management law and these rules and regulations.

### 9.1.1 Violations

9.1.1.1 Failure to obtain a license Any person required to be licensed that collects solid waste without a license shall be subject to civil and criminal penalties, as provided in the Law. The failure of a person to obtain or maintain a solid waste license, as required, may be grounds for denial of subsequent applications for a license.

9.1.1.2 Failure to Provide the collection service After a hearing, any licensee that fails to provide collection service as required in section 6 and 7 of these Rules and Regulations shall be subject to the suspension of the license, together with other civil and criminal penalties provided in the law.

9.1.1.3 Commingling. After a hearing, as provided in the law, any licensee that commingles municipal solid waste or hazardous waste with designated recyclable materials, as prohibited in Section 7.2.4 of these Rules and Regulations, shall be ordered to discontinue commingling municipal solid waste with designated recyclable material within seven (7) days. Failure to comply with this order shall subject the offender to suspension of license for thirty (30) days. Subsequent failures shall result in revocation of license.

9.1.1.4 Records. After a hearing, as provided in the Law, any licensee that fails to maintain and submit records as required in Section 7.2.5 of these rules and regulations shall be ordered to submit the required records within 30 days. Failure to comply with this order shall subject the offender to suspension of license. Subsequent failures shall result in revocation of license.

9.1.2 Procedures Upon the failure of a licensee to comply with the conditions of a solid waste license as set forth in these rules and regulations, the Administrator shall notify the licensee in writing of the intent to issue an order, or suspend or revoke the license. The notice shall indicate that a hearing before the Yates County Public Works Committee will take place, and set forth the following information:

9.1.2.1 The time and place of the hearing;

9.1.2.2 The solid waste license condition allegedly violated, including reference to the pertinent law, rule and regulation;

9.1.2.3 A description of the alleged violation; and

9.1.2.4 The proposed action (i.e. reprimand, suspension, revocation).

The notice shall be personally served or sent by certified mail to the licensee's last known address, at least ten (10) days before the hearing date.

### 9.2 Hearings.

9.2.1 The Chairman of the Public Works Committee shall conduct the hearing. The applicant or licensee may be represented by counsel, may offer evidence and may cross-examine witnesses.

9.2.2 Within twenty (20) days after the close of the hearing the Public Works Committee shall determine if a violation has occurred. If so, the Committee shall decide the appropriate action. If not the action shall be discontinued.

9.2.3 The Administrator shall promptly notify the applicant or licensee of the determination, decision or order, which shall become effective fifteen (15) days after service or mailing.

9.2.4 A request for appeal of the Public Works Committee's decision may be made to the Yates County Legislature. The applicant or licensee must provide the Legislature with a concise written explanation of why he /she believes an appeal should be granted. If the request is granted, the applicant or licensee must file with the Clerk of the Legislature this explanation, together with the Legislature's written acceptance of the request for an appeal. The filing of the acceptance of the request for an appeal shall cause the fifteen (15) day period referred to in section 9.2.3 to be suspended pending the determination of the board.

9.2.5 At the time a request for appeal is granted, the order will be delayed until the Legislature confirms or reverses the decision of the Public Works Committee. The Administrator will furnish to the Legislature the complete record of the hearing for consideration at their next meeting. The Administrator shall promptly notify the licensee of the decision of the Legislature. Denial of the appeal by the Legislature shall cause the resumption of the fifteen (15) day delay at the point it had reached at the time of request for repeal. The action shall become effective when a total of fifteen (15) days have elapsed after service or mailing, excluding the time consumed in the appeal process.

9.3 Prosecution. A violation of any subdivision of this article shall be prosecuted by the County Attorney.

10. Waste Generators All waste generators shall comply with the applicable sections of these Rules and Regulations.

10.1 Failure to Single Stream Any waste generator that fails to single stream in accordance with Section 6.1.1 or set out or drop off designated recyclable material in accordance with Section 7.1 and 7.1.2 or any residential customer that fails to use transparent bags in accordance with Section 7 1.3.1 of these rules and regulations shall be subject to criminal penalties as provided in the Solid Waste Management Local Law.

11. Enforcement.

11.1 The enforcement person detecting the violation of the Law or these rules and regulations shall inform the Administrator of the alleged violation.

11.2 Any and all of the following persons may issue appearance tickets in enforcement of the law and these regulations:

11.2.1 Police officers and Sheriffs

11.2.2 Peace officers

12. Licensee Fees The following fee schedule shall apply;

12.1 Application for solid waste license - no fee.