

Chapter 140
SOLID WASTE

ARTICLE I
Recycling

- § 140-1. Title.
- § 140-2. Findings.
- § 140-3. Declaration of purpose.
- § 140-4. Definitions.
- § 140-5. Powers to adopt rules and regulations.
- § 140-6. Source separation and waste handling.
- § 140-7. Collection of regulated recyclables.
- § 140-8. Reporting requirements.
- § 140-9. Additional requirements; handling charge.
- § 140-10. Enforcement.

ARTICLE II
Tag System for Collection

- § 140-11. Legislative declaration.
- § 140-12. Purposes.
- § 140-13. Definitions.
- § 140-14. Tag system.
- § 140-15. Enforcement.
- § 140-16. Penalties for offenses.

ARTICLE III
Facilities; Licensing of Haulers

- § 140-17. Title.
- § 140-18. Purposes.
- § 140-19. Legislative findings.
- § 140-20. Definitions.
- § 140-21. Designation of specified facility.
- § 140-22. Rules and regulations.
- § 140-23. Solid waste license requirement.
- § 140-24. Issuance and conditions of solid waste license.
- § 140-25. Suspension or revocation of license.
- § 140-26. Hearings.
- § 140-27. Permits.
- § 140-28. Enforcement.
- § 140-29. Penalties for offenses.

ARTICLE IV
Disposal

- § 140-30. Declaration of purpose.
- § 140-31. Definitions.
- § 140-32. Prohibited activities.
- § 140-33. Enforcement; penalties for offenses.

[HISTORY: Adopted by the Board of Representatives of Tompkins County as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Recycling

[Adopted 8-11-1992 by L.L. No. 8-1992]

- § 140-1. Title.

This article shall be known as the "Mandatory Recycling Law."

§ 140-2. Findings.

The Board of Representatives of Tompkins County finds that:

- A. Removal and reduction 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 and associated costs of existing and proposed solid waste disposal facilities.
- B. The New York State Solid Waste Management Act of 1988 mandates that all municipalities 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.
- C. Methods of solid waste management emphasizing source reduction, reuse and recycling are essential in Tompkins County for long-term preservation of public health, economic productivity, and environmental quality.

§ 140-3. Declaration of purpose.

This article is adopted pursuant to the laws of the State of New York, including General Municipal Law § 120-aa, to:

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

§ 140-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED RECYCLING FACILITY — Any and all state-permitted or specifically exempt facilities for accumulation, processing, recovery, reprocessing and/or recycling materials which are specified in the rules and regulations promulgated pursuant to § 140-5A of this article, including but not limited to the county's recycling dropoff centers and to the recycling and solid waste center. This term shall exclude incineration facilities, waste-to-energy facilities, and landfills.

BOARD OF REPRESENTATIVES — The Tompkins County Board of Representatives.

COUNTY — The County of Tompkins.

COUNTY RECYCLING HAULER — The county or a hauler under contract with the county that collects recyclables from waste generators as part of a county-sponsored recycling program.

COUNTY-SPONSORED RECYCLING PROGRAM — Any program sponsored or administered by the county to handle recyclable materials, including but not limited to programs for the collection of recyclables by county employees or agents.

ECONOMIC MARKETS — Instances in which the full avoided costs of proper collection, transportation, and disposal of a source separated recyclable material is equal to or greater than the cost of collection, transportation, and sale of the recyclable material, less the amount received from the sale of the recyclable material.

EXEMPT — The status granted to any person who can demonstrate an inability to comply with this article and who applies to the Solid Waste Manager and receives a certificate of exemption from this article, or parts thereof, pursuant to the rules and regulations, or who by rules and regulations promulgated hereunder is exempt from this article or parts thereof.

HAZARDOUS WASTE:

- A. Any waste that by reason of its quality, concentration, composition or physical, chemical or infectious characteristics may do any of the following: cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise mismanaged; or any waste that is defined or regulated as a hazardous waste, hazardous substance, toxic substance, hazardous chemical substance or mixture, or asbestos under applicable law, as amended from time to time, including but not limited to: the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., and the regulations contained in 40 CFR Parts 260-281; the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq., and the regulations contained in 40 CFR Parts 761-766; and future additional or substitute federal, state or local laws pertaining to the identification, treatment, storage or disposal of toxic substances or hazardous waste; except that hazardous waste shall not include household hazardous waste which is accorded treatment as other than hazardous waste under applicable law;
- B. Radioactive materials that are source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., and the regulation contained in 10 CFR Part 40;
- C. Radioactive waste that has been deregulated or is not regulated by the United States Environmental Protection Agency or Nuclear Regulatory Commissioner, or the New York State Department of Health or Environmental Conservation; or
- D. Solid waste so designated by the rules and regulations promulgated pursuant to this article.

LICENSED HAULER — A person licensed by Tompkins County pursuant to the Tompkins County Solid Waste and Haulers Licensing Local Law¹ to collect, transport or handle solid waste or regulated recyclables.

¹ Editor's Note: See Article III, Facilities; Licensing of Haulers, of this chapter.

OTHER RECOVERABLE MATERIAL — Any material, substance, by-product, compound, or any other item generated or originated within the county not treated by the waste generator as solid waste, and separated from solid waste at the point of generation for separate collection, donation, sale, external reuse, recycling, or reprocessing and/or lawful disposition other than by disposal in landfills, sewage treatment plants or incinerators. The disposition of other recoverable material is not regulated by this article, except to the extent of certain reporting requirements set forth in § 140-8 of this article.

PERSON — Any natural person, partnership, association, joint venture, corporation, estate, trust, county, city, town, village, improvement district, school district, governmental entity, or any other legal entity.

RECYCLABLE MATERIALS or RECYCLABLES — Materials that would otherwise be solid waste, and which can be collected, separated, and/or processed, treated, reclaimed, used or reused so that its component materials or substances can be beneficially used or reused.

RECYCLING CONTAINER — A bin or other container, whether set at curbside or at recycling dropoff centers, supplied by the county or its designee for use by waste generators within the county, or any other durable container readily identifiable by a hauler as a container for recyclable materials. Containers supplied by the county shall be used exclusively for the storage and collection of recyclables pursuant to a county-sponsored recycling program, and such containers shall, at all times, remain the property of the county.

RECYCLING DROPOFF CENTER — Any supervised county-coordinated facility to which a person can deliver recyclables during designated hours and in accordance with appropriate preparation standards and utilizing designated containers.

REGULATED RECYCLABLES or REGULATED RECYCLABLE MATERIALS — Recyclables which the waste generator has left for collection or has delivered to a solid waste management facility for disposal, and which are designated for source separation, pursuant to this article and the rules and regulations. Recyclables that are not designated as regulated recyclables may also be recycled and reused.

SOLID WASTE — All putrescible and nonputrescible solid waste materials 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 being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use; or a manufacturing by-product, including but not limited to garbage, refuse, waste materials resulting from industrial, commercial, community, and agricultural 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 article; or any unregulated recyclable materials, but shall include regulated recyclable materials.

SOLID WASTE MANAGER — The Tompkins County Solid Waste Manager or designee thereof.

SOURCE SEPARATION — The segregation of recyclables and other recoverable materials from nonrecyclable solid waste at the point of generation for separate collection, donations, sale or other disposition.

WASTE GENERATOR — Any person or legal entity which produces solid waste in Tompkins County requiring disposal.

WASTE REDUCTION PROGRAM — Programs designed to reduce the volume of solid waste, to enhance reclamation and recovery of solid waste or recyclables otherwise destined for the municipal waste stream, and includes recycling programs; changes to the packaging portion of the waste stream to reduce solid waste generated; and activities and enterprises of scrap dealers, processors and consumers. For purposes of this definition, such waste stream reduction programs shall not include the processing of waste for incineration or disposal by landfill or other means.

§ 140-5. Powers to adopt rules and regulations.

- A. The Board of Representatives is authorized to promulgate, revise, amend and publish rules, regulations and orders necessary to carry out the purposes of this article. Such rules, regulations and orders may, but shall not be limited to or required to, include the following:
- (1) Designate, define and modify categories of recyclable materials for which economic markets exist as regulated recyclable materials to be source separated pursuant to this article.
 - (2) Prescribe methods and standards of source separation for regulated recyclable materials.
 - (3) Identify one or more authorized recycling facilities to which regulated recyclable materials may be delivered, subject to such exceptions as the Solid Waste Manager may determine to be in the public interest.
 - (4) Establish criteria and procedures to identify persons exempt from all or parts of this article and the rules and regulations hereunder.
 - (5) Establish county programs to implement source separation of recyclable materials.
 - (6) Provide notice and public education consistent with this article and the rules and regulations promulgated hereunder.
 - (7) Determine the form, content and procedures of reports and records to be maintained pursuant to this article.
- B. The Board of Representatives, in promulgating the rules, regulations, and orders, may reflect local differences in types of waste generators, population density, accessibility and capacity of markets and facilities, collection practices, and waste composition. The Board of Representatives 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 to any additional expense and effort to be incurred by waste generators and haulers. In addition, the Board of Representatives shall consider the capacity, handling, disposal, marketing capabilities, and geographical location of available facilities, and such other factors as enable the Board of Representatives to determine that the public interest is served by the rule or regulation.

- C. The Board of Representatives may delegate to its designee all or part of its power to promulgate rules, regulations, and orders.

§ 140-6. Source separation and waste handling.

- A. Solid waste generated or originated within the county that is left for collection or that is delivered by the waste generator to a solid waste management facility shall be handled and disposed of as follows:
 - (1) Prior to initial collection or transport, such solid waste shall be source separated by the waste generator into regulated recyclables and remaining solid waste as provided in the rules and regulations promulgated hereunder.
 - (2) Source separated regulated recyclables shall not be commingled with other solid waste during collection, transportation, processing, or storage following collection.
 - (3) All source separated regulated recyclables must be either collected by a licensed hauler or county recycling hauler, delivered to a recycling dropoff center or authorized recycling facility, or handled through a waste reduction program.
 - (4) Any waste generator using a county recycling dropoff center or authorized recycling facility shall source-separate regulated recyclable material from other solid waste, and shall dispose of regulated recyclables in separate containers that shall be made available at each dropoff center or authorized recycling facility. Once deposited in the containers provided, all recyclable materials become the property of Tompkins County.
- B. Disposal of solid waste that is barred from authorized recycling facilities by rules, regulations, or orders promulgated pursuant to § 140-5 of this article, or by any other law, regulation, or ordinance, shall not otherwise be regulated by this article.
- C. No hazardous waste and no solid waste other than recyclable materials may be put in a recycling container or delivered to a recycling dropoff center or authorized recycling facility.
- D. No facility other than an authorized recycling facility or a waste reduction program shall accept regulated recyclables that have been source separated.
- E. No person shall deliver or dispose of solid waste at any solid waste management facility unless the regulated recyclables have been separated and removed from the solid waste for separate handling.

§ 140-7. Collection of regulated recyclables.**A. Authority to collect.**

- (1) Only persons acting under the authority of a county recycling hauler shall collect, pick up, remove, or cause to be collected, picked up, or removed, any recyclables placed in or adjacent to a recycling container for collection by the county as part of a county-sponsored program.
- (2) Only persons acting under the authority of a licensed hauler shall collect, pick up, remove, or cause to be collected, any recyclables left by the waste generator for collection by the licensed hauler.

B. Empty curbside recycling containers shall be removed from the curbside or other place of collection by the waste generator responsible for placing the recycling container at curbside no later than 8:00 p.m. the day on which collection is made from the premises.

C. A licensed hauler may refuse to collect or pick up solid waste from which the designated recyclables have not been removed. In instances where the licensed hauler or the county recycling hauler has refused to collect solid waste or recyclables because the recyclables have not been separated, placed, treated or prepared in accord with the provisions of this article and the rules and regulations promulgated hereunder, the person responsible for initially placing those materials for collection shall remove those materials from any curb, sidewalk, streetside or other designated collection place no later than 8:00 p.m. the day on which collection is scheduled for the premises.

D. Nothing herein shall prevent any person from making arrangements for the reuse, private collection, sale, or donation of recyclables; provided that recyclables 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 scheduled collection of such recyclable materials pursuant to a county-sponsored recycling program; and provided that all reporting requirements of this article, rules, and regulations are complied with.

§ 140-8. Reporting requirements.

A. All parties. To the extent provided in the rules and regulations, all persons engaged in the collection of regulated recyclables and other recoverable materials, including but not limited to tires, lead-acid batteries, scrap metal, clothing, through a waste reduction program, or through any other such activities (e.g., paper drives, bottle redemption, waste exchanges, etc.) shall provide an annual report to the Solid Waste Manager, who shall then file a summary report with the Board of Representatives. Such information is essential for the county to maintain data and comply with waste reduction and recycling goals required by the New York State Department of Environmental Conservation.

B. Haulers.

- (1) All licensed haulers must maintain separate records of recyclables collected, transported or disposed of by the licensed hauler, as provided by the Flow Control and Hauler Licensing Law² and the rules and regulations thereunder.
- (2) All licensed haulers shall keep records of the county-provided notice (given pursuant to § 140-9C) given to customers who do not comply with this article and the rules and regulations promulgated hereunder, which records shall include: the customer's name, address, and date of issuance of each notice. The record maintained by the licensed hauler shall be made available for review upon request by the county, and shall be compiled and delivered to the Solid Waste Manager on or before February 1, May 1, August 1 and November 1 of each calendar year for each preceding quarter.

§ 140-9. Additional requirements; handling charge.

- A. No person shall bring into any county solid waste management facilities any waste materials from which regulated recyclables have not been source separated. If a person delivers to a county-owned or operated solid waste management facility solid waste from which regulated recyclables have not been properly separated, the county may, at its option, refuse to accept the load of solid waste, or accept the solid waste and charge the person a handling charge. The handling charge shall be \$25 per load for any person delivering under a residential permit and \$100 per load for all others, in addition to the regular tipping fee. The handling fee shall be collected in the same manner and subject to the same conditions as the regular tipping fee.
- B. Licensed haulers shall deliver county-supplied recycling containers to the haulers' customers, to the extent required by any county-sponsored recycling program.
- C. The county shall supply county recycling haulers and licensed haulers with notice forms that the hauler must use to notify its customers if solid waste or recyclables left for collection do not conform or comply with the requirements of this article and the rules and regulations promulgated hereunder.
- D. Licensed haulers shall indemnify and hold harmless Tompkins County for any pending, threatened or actual claims, liability or expenses arising from collection, transport, handling and disposal by the licensed hauler in violation of this article.

§ 140-10. Enforcement.

- A. Inspections and appearance tickets.
 - (1) All portions of vehicles, dumpsters, garbage cans, garbage bags and other containers used to collect, haul, transport or dispose of solid waste or regulated recyclables, including recycling containers or other containers placed outside of residences or other establishments, shall be subject to inspection to ascertain compliance with this article and the rules, regulations or orders promulgated hereunder, by any police officer, peace officer, or any other public official designated by the county.

² Editor's Note: See Article III, Facilities; Licensing of Haulers, of this chapter.

- (2) Police officers, peace officers, the Solid Waste Manager and other public officials designated by the Board of Representatives are hereby authorized and directed to issue appearance tickets for violations of this article.

B. Penalties.

- (1) Civil sanctions. The county may commence a civil action to enjoin or otherwise remedy any failure to comply with this article or the rules, regulations and orders promulgated pursuant to this article.
- (2) Criminal penalties.
 - (a) Except as provided below, failure to comply with this article or the rules, regulations or orders promulgated pursuant to this article, shall be a violation as defined in § 55.10 of the Penal Law.
 - (b) Any waste generator convicted of a violation shall be liable for a fine of \$15 for the first violation, \$30 for the second violation and \$50 for each succeeding violation.
 - (c) Any person, other than a waste generator, convicted of a violation shall be liable for a fine of \$50 for the first violation, \$100 for the second violation and \$250 for each succeeding violation.
 - (d) If any person is convicted of three violations of this article within a period of 24 months, each subsequent failure to comply with this article or the rules, regulations or orders promulgated pursuant to this article, shall be a misdemeanor as defined in § 55.10 of the Penal Law. Any person convicted of a misdemeanor shall be liable for a fine of up to \$2,500.
- (3) Each commission of a single act shall constitute a separate violation of this article, and each day such violation occurs or continues shall constitute a separate offense, which may be punished and prosecuted as such.
- (4) Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity.

ARTICLE II

Tag System for Collection

[Adopted 6-30-1993 by L.L. No. 3-1993]

§ 140-11. Legislative declaration.

- A. It is hereby declared that waste stream recycling and reduction is of importance to the health, safety, and welfare of the residents of the County of Tompkins.
- B. It is further declared that the imposition of solid waste disposal costs upon generators of solid waste on the basis of the weight of solid waste disposed of provides a necessary incentive to reduce the generation of solid waste by recycling and waste reduction.

§ 140-12. Purposes.

This article prescribes the methods of payment for disposal of solid waste through private and municipal solid waste haulers and encourages the recycling of solid waste.

§ 140-13. Definitions.

As used in this article, the following terms shall have the following meanings:

CONTAINER PROGRAM SOLID WASTE — Any solid waste generated or originated on residential property and any solid waste generated or originated on commercial property that is placed at curbside for collection. Container program solid waste shall not include hazardous waste under any applicable law or regulation, or construction or demolition debris.

DISPOSAL FEE — The cost per pound for the disposal of solid waste at the facility or facilities specified by the Tompkins County Board of Representatives pursuant to L.L. No. 3-1992.³ The disposal fee shall not include any fees charged by solid waste haulers for the collection, hauling or handling of solid waste.

SOLID WASTE — All putrescible and nonputrescible 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, industrial, commercial, and agricultural waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, tires, 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, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to § 27-0903 of the Environmental Conservation Law. Solid waste shall not include any scrap or other material of value separated from the waste stream and held for purposes of materials recycling.

SOLID WASTE HAULER — Any person, corporation or partnership in the business of collecting, transporting or handling solid waste generated or originated within the county. For purposes of this article, "solid waste hauler" includes municipalities providing hauling services.

§ 140-14. Tag system.

- A. All container program solid waste placed at curbside for collection must, to the extent practical, be placed in a garbage can or a plastic bag.
- B. All containers holding container program solid waste collected by solid waste haulers in Tompkins County must bear a tag stating the current disposal fee. The tag may also include

³ Editor's Note: Local Law No. 3-1992 was superseded by L.L. No. 6-1993. See now Article III, Facilities; Licensing of Haulers, of this chapter.

a cost for hauling, administrative and collection fees charged by the solid waste hauler if those costs are listed separately from the disposal fee.

- C. It shall be a violation of this article for any person to place solid waste at curbside for collection without a tag required by this article.
- D. No solid waste hauler may pick up container program solid waste unless the container holding the solid waste bears a tag required by this article.
- E. All solid waste haulers must sell tags to their customers suitable for display on garbage cans and bags. Such tags shall be issued in weight denominations determined by the Commissioner of Public Works or his designee. All solid waste haulers must make single trash tags available for purchase by the public at at least one location or by mail.
- F. Trash tags shall expire at the effective date of a change of the tipping fee charged by the county, or earlier if stated on the trash tag. All solid waste haulers must refund the cost of the trash tag to purchasers if the request for refund is made 90 days after the expiration date or sooner.
- G. All solid waste haulers required to use the above described tag system are required to itemize administration, collection and hauling charges separately from trash tag fees on all billings or invoices provided to customers.

§ 140-15. Enforcement.

The Commissioner of Public Works or his designee, in consultation with the County Attorney, shall enforce the provisions of this article and all rules, regulations and designations made pursuant thereto. Such enforcement shall include but not be limited to legal or equitable proceedings, including without limitation an action for specific performance brought in the name of the county.

§ 140-16. Penalties for offenses.

- A. Any person, including any solid waste hauler, who violates this article shall be guilty of an offense and subject to a fine of not more than \$500 and/or imprisonment for not more than 15 days. Each and every act committed which is prohibited by § 140-14 of this article shall constitute a separate violation.
- B. Upon the failure of any solid waste hauler to comply with the requirements of this article, the hauler's solid waste license shall be subject to suspension, revocation or to the imposition of conditions. The Commissioner of Public Works or his designee may initiate such action in the manner prescribed by L.L. No. 3-1992.⁴

⁴ Editor's Note: Local Law No. 3-1992 was superseded by L.L. No. 6-1993. See now Article III, Facilities; Licensing of Haulers, of this chapter.

ARTICLE III
Facilities; Licensing of Haulers
[Adopted 12-21-1993 by L.L. No. 6-1993]

§ 140-17. Title.

This article shall be known as the "Flow Control of Solid Waste and Haulers Licensing Law."

§ 140-18. Purposes.

This article is adopted pursuant to the laws of the State of New York to:

- A. Advance the implementation of a plan for the management of solid waste generated, originated, or brought within the County of Tompkins, to promote the safety, health and well-being of persons and property within the County of Tompkins;
- B. Allow for the equitable payment of solid waste management costs by those responsible for generating the solid waste and thereby foster waste reduction, recycling and integrated solid waste management;
- C. Carry out the policy of the state to foster efficient solid waste management and disposal organized and administered by the county as the appropriate planning unit; and
- D. Foster the state legislative purpose of encouraging the development of economical and environmentally sound projects for the present and future collection, treatment and management of solid waste.

§ 140-19. Legislative findings.

- A. The county currently owns and operates a transfer station and anticipates owning and contracting for the operation of a transfer station in the foreseeable future.
- B. Requiring the delivery of all acceptable solid waste to a designated facility or facilities allows the county to ensure that regulated recyclable materials are being separated from solid waste and that solid waste does not contain hazardous waste or other harmful products.
- C. By requiring the delivery of acceptable solid waste to a designated facility or facilities, the county can ensure that solid waste is disposed of in an environmentally safe manner and at an environmentally safe location.
- D. Requiring the delivery of all acceptable solid waste to a designated facility or facilities allows the county to accurately determine the quantity of solid waste generated in the county, and thereby allows the county to plan accordingly and to accurately meet reporting requirements.
- E. By requiring the delivery of acceptable solid waste to a designated transfer station, the county can ensure that the waste is loaded into vehicles suitable for economical and environmentally sound transportation.

- F. By requiring the delivery of solid waste to a particular facility or facilities, the county can collect fees from the producers of solid waste, and thereby encourage the reduction of solid waste.
- G. Solid waste that is loaded into transfer trailers at a transfer station for shipment may economically travel a greater distance than solid waste which is not reloaded at a transfer station, and, therefore, the reloading of solid waste encourages and facilitates the transportation of solid waste in interstate commerce.

§ 140-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCEPTABLE SOLID WASTE — All solid waste generated, originated or brought within the county other than waste that is defined herein as hazardous waste, unregulated recyclable materials, regulated recyclable materials, or unacceptable waste. Acceptable solid waste excludes solid waste traveling through the county while being transported from a place outside the county to a destination outside the county.

BELOW REGULATORY CONCERN RADIOACTIVE WASTE — Radioactive waste that has been deregulated or is not regulated by the United States Environmental Protection Agency or Nuclear Regulatory Commission, or the New York State Department of Health or Environmental Conservation.

BOARD OF REPRESENTATIVES — The Tompkins County Board of Representatives.

COMMISSIONER — The Commissioner of the Department of Public Works of Tompkins County or designee thereof.

COUNTY — The County of Tompkins.

FACILITY — Any solid waste management or resource recovery facility employed beyond the initial solid waste collection process that 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 but not limited to 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, reuse facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities.

HAZARDOUS WASTE:

- A. Any waste that by reason of its quality, concentration, composition or physical, chemical or infectious characteristics may do any of the following: cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise mismanaged; or any waste that is defined or regulated as a hazardous waste, toxic substance hazardous chemical substance or

mixture, or asbestos under applicable law, as amended from time to time including, but not limited to:

- (1) The Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. and the regulations contained in 40 CFR Parts 260-281;
 - (2) The Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. and the regulations contained in 40 CFR Parts 761-766;
 - (3) Future additional or substitute federal, state or local laws pertaining to the identification, treatment, storage or disposal of toxic substances or hazardous waste; except that hazardous waste shall not include household hazardous waste which is accorded treatment as other than hazardous waste under applicable law;
- B. Radioactive materials that are source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq. and the regulations contained in 10 CFR Part 40;
- C. Below regulatory concern radioactive waste; or
- D. Solid waste so designated by the rules and regulations promulgated pursuant to this article.

PERSON — Any natural person, partnership, association, joint venture, corporation, estate, trust, association, county, city, town, village, improvement district, governmental entity or other legal entity.

RECYCLING or RECYCLED — 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.

REGULATED RECYCLABLE MATERIALS — Materials separated or required to be separated from the waste stream pursuant to a mandatory source separation law adopted by the county pursuant to § 120-aa of the General Municipal Law.

SOLID WASTE — All putrescible and nonputrescible solid wastes, 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 that are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or that are a manufacturing by-product, including but not limited to garbage, refuse, industrial, commercial and agricultural waste, sludges 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 article, or any unregulated recyclable materials, but shall include regulated recyclable materials.

SPECIFIED FACILITY OR FACILITIES — A facility or facilities for certain solid waste specified by the Board of Representatives pursuant to § 140-21 of this article.

UNACCEPTABLE WASTE — Sludges from air treatment facilities, industrial wastewater sludges that are actual point source discharges, foundry sand, loads of fly and bottom ash,

discarded automobiles or major components thereof, large items of machinery and equipment from commercial sources, offal, regulated infectious or medical waste, domestic sewage, in-situ mining residues, below regulatory concern radioactive waste, and other solid waste so designated by the rules and regulations promulgated pursuant to this article.

UNREGULATED RECYCLABLE MATERIALS — Scrap or other material of value separated from the waste stream and held for purposes of material recycling, including but not limited to manufacturing by-products of value, but not including materials separated from or required to be separated from the waste stream pursuant to a mandatory source separation law adopted by the county pursuant to § 120-aa of the General Municipal Law.

§ 140-21. Designation of specified facility.

- A. The Board of Representatives is hereby authorized to designate, by resolution, from time to time, one or more specified facilities, to which certain acceptable solid waste or regulated recyclable materials, generated or originated, or brought within the county, must be delivered. Any so specified facility or facilities shall be the only facility or facilities to which such acceptable solid waste or regulated recyclable materials shall be delivered. Such designation shall be subject to such exceptions as are set forth in the rules and regulations promulgated pursuant to this article or as the Commissioner may determine to be in the public interest.
- B. Should the Board of Representatives designate one or more specified facilities pursuant to Subsection A above, no person shall dispose of or deliver such acceptable solid waste or regulated recyclable materials except at the designated facility or facilities.
- C. Should the Board of Representatives designate one or more specified facilities pursuant to Subsection A above, no facility shall accept such acceptable solid waste or regulated recyclable materials, other than the designated facility or facilities.
- D. Any solid waste generated or originated or brought within the county that has not been designated to be delivered to a specified facility shall be disposed of only as permitted under other state, federal and local laws.

§ 140-22. Rules and regulations.

- A. The Board of Representatives is authorized to promulgate, revise, amend and publish rules, regulations and orders necessary to carry out the purposes of this article. Such rules, regulations and orders may, but shall not be limited to or required to, include the following:
 - (1) Establish or modify the disposal or other fee charged or imposed at any county owned, operated or contracted facility, which authority may not be delegated to a designee.
 - (2) Establish or modify the fee or fees charged for any solid waste license, or renewal, required by this article, which authority may not be delegated to a designee.
 - (3) Establish or modify the fee or fees charged for any permit required by this article, which authority may not be delegated to a designee.

- (4) Identify, designate and refine categories of solid waste, including categories of acceptable solid waste.
 - (5) Establish and maintain standards for solid waste that may be delivered and accepted at any county owned, operated or contracted solid waste facility, including prohibiting one or more categories of solid waste from being delivered or disposed of at a county owned, operated or contracted facility.
 - (6) Establish the detailed requirements and procedures for solid waste license applications and renewals, as well as license revocations and suspensions, consistent with the provisions of this article.
 - (7) Determine the form, content and procedure of records to be maintained by solid waste licensees.
- B. Except as limited above, the Board of Representatives may delegate to its designee all or part of its power to promulgate rules, regulations and orders.

§ 140-23. Solid waste license requirement.

- A. Except as otherwise provided in this section or in the rules and regulations promulgated pursuant to § 140-22, no person shall engage in the business of collecting, transporting or handling solid waste generated or originated or brought within the county without a solid waste license issued by the Commissioner, provided that only persons who collect, transport or handle solid waste for compensation shall be required to obtain a solid waste license.
- B. All applications for solid waste licenses or renewal of licenses shall be in writing and shall contain such information as is required by this article and the rules and regulations promulgated pursuant to this article, and shall be verified by the applicant.
- C. Within 30 days of receipt of the properly completed and signed application, the Commissioner shall either issue a solid waste license or inform the applicant, in writing, that the solid waste license applied for has been denied with an explanation of the denial. (See § 140-24 for conditions for a solid waste license.) Any decision denying a license shall be sent to the applicant by registered mail.
- D. If a solid waste license application or renewal application is denied, the applicant may, within 15 days of the date the denial was mailed, file a written petition with the Commissioner demanding that a hearing be held. The hearing shall be held before the Hearing Board in accordance with § 140-26 herein.
- E. Renewal licenses shall be applied for and issued in the same manner and subject to the same requirements as original licenses, and shall also 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 (provided that such license has not been suspended or revoked) until the expiration of the license or until the renewal application is acted upon by the Commissioner, whichever is later. If the application is denied and the applicant demands a

hearing, the Hearing Board may, in its discretion, grant the applicant a temporary license pending the final determination of the hearing.

§ 140-24. Issuance and conditions of solid waste license.

A. Solid waste licenses required by § 140-23 shall be issued as follows:

- (1) Solid waste licenses must be obtained and renewed on an annual basis from the Commissioner.
- (2) The solid waste license fee or fees, including fees, if any, for each vehicle used to collect or transport solid waste by or on behalf of the licensee, shall be established by the Board of Representatives.

B. Solid waste licenses and renewals shall be subject to the following conditions:

- (1) All licensees must comply with this article and the rules, regulations, and orders promulgated pursuant to this article. A solid waste license application or renewal application may be denied based on the failure of the applicant to comply with this article and the rules, regulations and orders promulgated pursuant to this article, or with any other federal, state or local law governing the licensee's operations.
- (2) All licensees must maintain records of acceptable solid waste and regulated recyclables collected, transported or disposed of by the licensee, in accordance with the rules and regulations promulgated pursuant to this article.
- (3) The licensee shall provide evidence of security from a reliable insurer or surety authorized to do business in New York State, in the form of policies for insurance or surety bonds providing for coverages as determined by the rules and regulations promulgated pursuant to this article.
- (4) As a term and condition of being issued a solid waste license, a licensee shall consent that any vehicle being operated by or on behalf of the licensee may be searched and its contents examined by any police officer, County Inspector or other person designated by the Board of Representatives at any facility or while engaged in the collection, transportation or carrying of solid waste.
- (5) No solid waste license shall be issued upon original application or renewal application to any applicant convicted of a misdemeanor or felony violation of any federal, state or local law pertaining to the collection or disposal of solid waste, unless the Commissioner finds the denial of a solid waste license to such person would not be in public interest.
- (6) As a condition for renewal of a solid waste license, the licensee shall file with the Commissioner a certificate executed before a notary public attesting that the licensee has complied with this article and any and all rules, regulations and orders promulgated pursuant thereto during the term of the prior license.
- (7) If the Board of Representatives has designated a facility pursuant to § 140-21 of this article, all licensees must deliver any solid waste required to go to a particular facility within 48 hours of picking up the solid waste. Weekends and holidays shall be

excluded from the forty-eight-hour computation. If any solid waste is delivered to the designated facility or facilities in a different vehicle from that in which the solid waste was picked up, the licensee must inform the Commissioner prior to or upon delivery that the delivery vehicle contains solid waste that was picked up in other vehicles, and the other vehicles must be identified. The Commissioner may excuse a licensee from the time limit for a particular pickup if the licensee notifies the Commissioner prior to the expiration of the time period that the time requirement cannot be satisfied because of a vehicle mechanical failure or other unanticipated delay.

- (8) All licensees shall be required to post a bond, security deposit or other guaranty or payment as determined by the Director of Finance. [Amended 10-4-1994 by L.L. No. 6-1994]
 - (9) The time for payment of all fees, including but not limited to the per-ton fee for solid waste, shall be determined by the Commissioner, and all licenses must comply with these payment requirements.
- C. The Commissioner is hereby empowered to administer the issuance, denial, revocation or suspension of solid waste licenses, in accordance with this article and the rules and regulations promulgated hereunder.

§ 140-25. Suspension or revocation of license.

- A. Upon the failure of a licensee to comply with the solid waste license conditions of this article and the rules and regulations promulgated thereunder, or any other state, federal or local law governing the licensee's operation, the Commissioner shall notify the licensee, in writing, personally served or sent by registered mail to the licensee's last known address. Such notice shall state the Commissioner's intent to revoke, suspend or impose conditions on the licensee's solid waste license, together with the reasons for the Commissioner's action.
- B. The licensee may demand a hearing by serving upon the Commissioner a written request for a hearing within 10 days from the date the Commissioner's notice is served or mailed. Hearings shall be held as provided in § 140-26 herein. If the licensee does not demand a hearing, the Commissioner may revoke, suspend or impose conditions on the license and shall promptly advise the licensee, in writing, of such action.
- C. If in the judgment of the Commissioner the failure of the licensee to comply with the solid waste license conditions or the rules and regulations or other law pose a threat to the health or safety of the county or any resident of the county or if the violations will continue if action is not taken within the time period enumerated in Subsection B, the Commissioner may revoke, suspend or impose conditions on a license at any time without providing an opportunity for a prior hearing. Upon receipt of notice of revocation, suspension or the imposition of conditions, the licensee shall be entitled to a hearing within five days of receipt of demand for such hearing by the county.

§ 140-26. Hearings.

- A. Hearings shall be held before a Hearing Board, which shall consist of the following people:

- (1) One member of the Board of Representatives appointed by the Chair of the Board of Representatives;
 - (2) One member of the County Solid Waste Management Advisory Committee appointed by the Chair of the Committee;
 - (3) The County Administrator or designee thereof; and
 - (4) The County Attorney, or designee thereof, shall be an ex-officio, nonvoting member of the Hearing Board.
- B. Except as provided in § 140-25C, hearings shall be scheduled to be held before the Hearing Board within 10 days of the receipt of the demand for the hearing. The hearing shall be held during regular business hours and may be adjourned or continued thereafter as the Hearing Board shall deem necessary or convenient. The Commissioner shall notify the licensee or applicant, in writing, of the time and place of the hearing at least five days before the hearing date.
- C. The licensee or applicant may be represented by counsel at the hearing, and may offer evidence and cross-examine witnesses. Upon request of the licensee or applicant, the hearing shall be recorded by a stenographer.
- D. The Hearing Board shall make a final determination within 10 days after the last day of the hearing, except for hearings held pursuant to § 140-25C. Final determination, on hearings held pursuant to § 140-25C shall be made within two days after the last day of the hearing.
- E. The Hearing Board shall promptly notify the licensee, in writing, of its final determination, including the effective date.

§ 140-27. Permits.

- A. To the extent provided in the rules and regulations promulgated hereunder, no person shall dispose of solid waste or recyclables at a facility owned or operated by or contracted for by the county without a permit issued by the county.
- B. Permits must be obtained from the Commissioner.
- C. The Board of Representatives shall establish the fee(s) for permits.
- D. The terms and conditions for the permit shall be determined by the rules and regulations promulgated pursuant to this article.

§ 140-28. Enforcement.

This article shall be enforced by:

- A. Any peace officer or police officer, as provided by the Criminal Procedure Law of the State of New York.
- B. The Commissioner or designee, by issuance of an appearance ticket pursuant to Article 150 of the Criminal Procedure Law of the State of New York.

§ 140-29. Penalties for offenses.**A. Civil penalties.**

- (1) The county may commence a civil action to enjoin or otherwise remedy any failure to comply with this article or the rules, regulations and order promulgated pursuant to this article. Any such action may include a claim for any losses suffered by the county as a result of the failure to comply.
- (2) In addition to any other penalties prescribed in this article, the county may maintain an action in a court of competent jurisdiction to impound the vehicle(s) and/or equipment used in violating this article of a person required to maintain a solid waste license who is operating without a solid waste license or is operating with a suspended, revoked or expired solid waste license, or has been found guilty of or liable for serious repeated violations of this article or the rules, regulations and orders promulgated thereto.

B. Criminal procedures.

- (1) Failure to comply with this article or the rules, regulations or orders promulgated pursuant to this article, shall be a violation as defined in § 55.10 of the Penal Law.
- (2) Any person convicted of a violation, other than a violation of § 140-27, shall be liable for:
 - (a) A fine of up to \$1,000 for the first violation, and a fine of up to \$2,500 for the second violation, and a fine of up to \$5,000 for any succeeding violations; or
 - (b) Imprisonment for a term of up to 15 days per violation; or
 - (c) Both a fine and imprisonment; and/or
 - (d) Community service.
- (3) A person convicted of a violation of § 140-27 shall be liable for a fine of not less than \$50 nor more than \$500.
- (4) Each commission of a single act shall constitute a separate violation of this article, and each day such violation occurs or continues shall constitute a separate offense, which may be punished and prosecuted as such.

C. Any penalties or damages recovered or imposed under this article are in addition to any other remedies available at law or equity.**ARTICLE IV****Disposal****[Adopted 9-6-1994 by L.L. No. 4-1994]****§ 140-30. Declaration of purpose.**

- A. The purpose and intent of this article is to prohibit the disposal of solid waste at any location other than at properly authorized facilities or sites and to prevent the unauthorized use of dumpsters and other solid waste containers.

- B. The Tompkins County Board of Representatives acknowledges the growing costs associated with the disposal of solid waste and the resulting inclination of those who may seek to avoid such costs by depositing such material along highways, in vacant lots, on business sites, in the private dumpsters of others and in other unauthorized places. Such activities are hereby deemed to pose an imminent hazard to the public health, safety, and welfare of the residents of the county.
- C. The adoption and vigorous enforcement of this article is intended to be an effective deterrent to dumping of solid waste. This article shall be liberally construed to effectuate its objectives and purposes.

§ 140-31. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BELOW REGULATORY CONCERN RADIOACTIVE WASTE — Radioactive waste that has been deregulated by the United States Environmental Protection Agency or Nuclear Regulatory Commission, or the New York State Department of Health or Environmental Conservation.

DISPOSE — To abandon, discharge, deposit, inject, dump, spill, leak, or place any substance into or on any land or water or so that such substances or any constituent thereof may enter the environment. The placement of biodegradable material in a properly maintained compost pile is not disposal of solid waste.

HAZARDOUS WASTE — Includes radioactive waste (including below-regulatory-concern radioactive waste, or any radioactive waste that has been deregulated) and that waste defined to be hazardous by any federal or New York State law, code, rule or regulation.

PERSON — Any individual, firm, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, institution, trust, estate or any other legal entity whatsoever.

PROPERLY MAINTAINED COMPOST PILE — Refers to a compost pile of less than 25 cubic yards that:

- A. Is maintained and operated in a safe nuisance-free manner;
- B. Contains no sewage, sludge, or septage; and
- C. Follows acceptable methods of composting that minimize odors and produce a useful stable end product.

SOLID WASTE — All putrescible and nonputrescible materials of substances that are discarded or rejected as being spent, worthless, useless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

§ 140-32. Prohibited activities.

- A. [Amended 12-5-1995 by L.L. No. 5-1995] No person shall dispose of solid waste in the County of Tompkins except at:
- (1) A disposal facility exempt from the requirements of 6 NYCRR Part 360 if its exempt status is unaffected by such disposal, except that there shall be no exemption under this article for disposal areas within the property boundaries of a single-family residence or farm for solid waste generated on that residence or farm unless such disposal is either otherwise exempt or the solid waste disposed of is entirely construction and demolition debris, ashes or yard waste as defined by state law.
 - (2) A disposal facility authorized to accept such waste for disposal pursuant to said Part 360 or pursuant to an order issued by the New York State Department of Environmental Conservation or a court having jurisdiction.
- B. No person shall own, operate, or maintain a disposal area in Tompkins County that is not authorized as provided for in Subsection A(2) or exempt as provided in Subsection A(1).
- C. No person shall violate any rules or regulations promulgated by the Tompkins County Solid Waste Manager or designee with respect to activities at any solid waste facility owned, operated or leased by the County of Tompkins.
- D. No person shall dispose of hazardous waste at any solid waste facility owned, operated or leased by the County of Tompkins.
- E. All vehicles transporting solid wastes or recyclable materials to and/or entering any solid waste or materials recovery facility owned, leased or operated by the county or any solid waste facility in the county shall have the solid waste or recyclable materials appropriately covered or confined in the vehicle by the use of tarpaulins, nets, or other devices that prevent papers, plastics, litter, and other substances from blowing or falling out of the vehicle. Said tarpaulin, net, or cover shall not be removed until said vehicle passes a designated point within the solid waste or materials recovery facility. No person may operate a vehicle without following these requirements.
- F. Each person is strictly liable for ensuring that solid waste he/she generates is properly disposed of. If solid waste generated by a person is illegally disposed of, the person generating said solid waste shall be subject to civil liability as defined in § 140-33 of this article, in addition to any other fines or penalties that may be applicable. Any indicia of ownership, including but not limited to the person's name on some or all of the solid waste, is deemed sufficient proof of ownership of said solid waste.
- G. No person may place any solid waste in a dumpster, garbage can, or other solid waste container belonging to another person without the permission of the owner or person legally entitled to use said dumpster or solid waste container.

§ 140-33. Enforcement; penalties for offenses.

- A. Any person who commits a violation of § 140-32A, B, C, or G above is subject to arrest. Punishment upon conviction shall be as follows:

- (1) First offense. Conviction of a first offense under this article shall be punishable by a fine of not less than \$100 nor more than \$500, and/or a term of imprisonment not to exceed 15 days, together with restitution based on avoided disposal fees and cost of collection and hauling, and/or community service. Violation of this provision shall be a violation as defined by § 55.10(3) of the Penal Law of the State of New York.
 - (2) Second or subsequent offense. Conviction of a second or subsequent offense within a year of the first offense shall be punishable by a fine or not less than \$500 nor more than \$1,000 and/or a term of imprisonment not to exceed six months, together with restitution based on avoided disposal fees and cost of collection and hauling, and/or community service. Violation of this provision shall be a misdemeanor as defined by § 55.10(2) of the Penal Law of the State of New York.
 - (3) Conviction of any company, partnership, municipality, or any entity other than an individual person shall be subject to a fine of not less than \$500 nor more than \$2,500 and/or community service and/or restitution.
- B. Any person who violates § 140-32D above shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine or not less than \$500 nor more than \$5,000 for a first offense; and for a second and each subsequent offense, he/she shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable for a fine of not less than \$3,000 nor more than \$20,000 or a term of imprisonment of not more than six months, or both.
- C. Any person who commits a violation of § 140-32E above is subject to arrest and punishment, upon conviction, of a fine of not less than \$50 and/or a term of imprisonment not to exceed 15 days and/or community service.
- D. Each day during which an offense continues shall be deemed to be a separate offense.
- E. Enforcement of Subsections A through D shall be effected as follows:
- (1) By a peace officer or police officer as provided by the Criminal Procedure Law of the State of New York;
 - (2) By the Tompkins County Solid Waste Manager and/or the Public Health Director or their designees by issuance of an appearance ticket pursuant to Article 150 of the Criminal Procedure Law of the State of New York.
- F. Persons violating § 140-32F shall be liable for a civil penalty of \$50 for the first offense, \$100 for a second offense and \$500 for a third or subsequent offense. Said persons shall also be liable for any expense in removing the illegally disposed of waste. This provision shall be enforced by a delivery of a notice of civil penalty by a police officer, peace officer, or the Solid Waste Manager or designee thereof, either in person or by certified mail. Failure to pay said civil penalty may result in the commencement of a civil action by the County Attorney or his designee. Upon commencement of an action, the person shall be liable for attorneys' fees in an amount of \$100, in addition to the civil penalty.
- G. Civil enforcement. Notwithstanding the penalties set forth above, the Tompkins County Attorney may institute a civil action to obtain restitution to the County of Tompkins from such offender for the actual costs incurred in rectifying the problem created by the

aforesaid violation or improper disposal of solid waste, or to abate, enjoin, or otherwise compel cessation of the violation of any provision of this article.

- H. Any person who commits a violation of this article, including any activity described in § 140-32, shall, in addition to any other fines and penalties provided for by this article, be liable to pay restitution to the county or any other person that incurs costs in collecting, hauling, or properly disposing of solid waste or hazardous waste incurred as a result of the offense.
- I. Enforcement. This article is enforceable throughout the county. It does not supersede ordinances enacted by municipalities within Tompkins County that regulate the disposal of solid waste if such ordinances are not inconsistent with this article.