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LOCAL LAW NO. 2 - 2012

A LOCAL LAW ENACTING A NEW ONONDAGA COUNTY SOURCE SEPARATION LAW, AND
REPEALING LOCAL LAW NO. 12-1989, AS AMENDED BY LOCAL LAW NO. 14-1991

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

Section 1. Legislative Findings and Purpose

This Legislature finds and determines that the Onondaga County Resource Recovery Agency (“OCRRA”) has been administering a county source separation law for over 20 years and, through this administration, has reported that the best way to ensure proper recycling of all County Recyclable Materials is to require onsite Source Separation of these materials by Waste Generators. This Legislature further finds and determines that OCRRA has ascertained that no entity is currently in the business of taking mixed streams of Solid Waste and Recyclable Waste from Waste Generators and source separating them offsite. This Legislature further finds and determines that the penalties and enforcement provisions in the prior Onondaga County Source Separation Law are outdated and need to be amended in order to deter violations of the law.

The purpose of the Onondaga County Source Separation Law is (a) to encourage and facilitate the maximum recycling practicable on the part of each and every household, business, apartment complex, industry, and institution within Onondaga County; (b) to establish, implement, and enforce minimum recycling-related practices and procedures to be applicable to all Waste Generators, Waste Haulers/Recyclable Collectors, and Materials Recovery Facilities/Recycling Facilities located within Onondaga County; and (c) to require onsite Source Separation by each and every Waste Generator within Onondaga County and to ensure that those County Recyclable Materials that are Source Separated are recycled properly and kept separate from Solid Waste.

Section 2. Definitions

For purposes of this local law, the terms listed below shall be defined as follows:

A. “County Recyclable Materials” means the following:

- i. Corrugated Paper: Cardboard containers, boxes and packaging, including pizza boxes, which are cleaned of contamination by food wastes or polystyrene commonly called Styrofoam, and which have been flattened for transport;
- ii. Glass: Empty, washed glass jars, bottles and containers of clear, green and amber (brown) that contained food and drink, caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware;
- iii. Metal: All ferrous and non-ferrous metals, including: steel, aluminum and composite cans and containers (cleaned of food wastes) and empty aerosol cans that did not contain hazardous material. Scrap metal, wire, pipes, tubing, motors, sheet metal, etc. are recyclable but must be recycled through scrap dealers;
- iv. Newspapers, Magazines, and Catalogues: Includes common machine finished paper made chiefly from wood pulp used for printing newspapers, as well as glossy inserts, magazines and catalogues. All must be

free of contaminants;

v. Office Paper: All bond paper, and also computer printout, stationery, photocopy and ledger paper of any color from all Waste Generators. This term excludes carbon paper, chemical transfer paper and tyvek or plastic coated envelopes;

vi. Plastics: All HDPE and PET type plastic bottles (#1 & #2), including empty, washed food, beverage, detergent, bleach and hair care containers. This term excludes all photographic film, vinyl, rigid and foam plastic materials, as well as plastics numbered 3, 4, 6, and 7 and HDPE oil bottles, as well as #1 and #2 containers that are not bottles or contained hazardous material. Also included as a recyclable, all #5 polypropylene containers, including baby bottles, cottage cheese/cream cheese containers, yogurt cups, margarine tubs, plastic ice cream containers, food storage containers, and take-out containers marked as #5 plastic;

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

viii. Beverage Cartons: Includes gable topped paper cartons that contained milk and juice products. Also included as a Recyclable, aseptic containers for juice, broth or soup;

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

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

xi. Soft Cover Books: Including paperback books, product manuals, and educational materials that do not have a hard cover, nor a metal or plastic spiral binding.

B. "Collection Service" means the collection, pick-up or removal of Solid Waste originating in any location within the County by a Waste Hauler pursuant to an arrangement with the Waste Generator.

C. "Curb" means that street curb immediately in front of the property from which Solid Waste and County Designated Recyclable Materials are generated or, in the absence of an actual curb, that portion of the property which is immediately adjacent to the street.

D. "Curbside Collection" means the use of collection receptacles for County Recyclable Materials, including, but not limited to, Recycling Containers for Waste Generators and the regular periodic transfer of the contents of such receptacles by a Waste Hauler/Recyclables Collector to a Materials Recovery Facility or Recycling Facility from the location of the Waste Generator.

E. "Disposal Facility" means a solid waste management facility to which solid waste is delivered for permanent disposal.

F. "Materials Recovery Facility" means any person, firm, corporation or other entity in the business of receiving and processing Recyclables into marketable commodities for sale to end markets.

G. "OCRRA" means the Onondaga County Resource Recovery Agency.

H. "Person" means any individual, firm, company, partnership or corporation or other business entity.

I. "Recyclables" means those materials defined in Section 2 above.

J. "Recyclables Collector" means any person, firm, corporation or other entity contracted with for the purpose of collecting Recyclables from Waste Generators for delivery to a Materials Recovery Facility or Recycling Facility.

K. "Recycle" means to process used materials into new products to prevent waste of potentially useful materials.

L. "Recycling Container" means the bin or other container supplied by the Onondaga County Resource Recovery Agency for use by Waste Generators. Such containers shall be used exclusively for the storage of County Recyclable Materials. Such containers shall, at all times, remain the property of the Onondaga County Resource Recovery Agency.

M. "Recycling Facility" means a public or private facility that receives Recyclables that have been separated from the waste stream for handling and resale to end markets without further processing.

N. "Recycling Receptacle" means a tote, dumpster or similar container provided by a hauler, business, apartment complex or institution for aggregating Recyclables.

O. "Recycling Services" means commercial services associated with the temporary storage, collection and transport of recyclable materials by a Waste Hauler or Recyclables Collector to a Materials Recovery Facility or Recycling Facility.

P. "Solid Waste" or "Disposable Materials" means all materials discarded as being spent, useless, worthless or in excess to the owners at the time of discard or rejection, including but not limited to garbage or refuse, but shall not include Recyclables, Yard and Garden Waste, human wastes, rendering wastes, major appliances, regulated medical waste, construction and demolition wastes, residue from incinerators or other destructive systems for processing waste, junked automobiles, pathological, toxic, explosive, liquid, radioactive material or other waste material which, under existing or future federal, state or local laws, require special handling in its collection or disposal.

Q. "Source Separation" means the segregation of County Recyclable Materials and Yard and Garden Waste from non-recyclable Solid Waste at the point of generation by Waste Generators, and the placement of County Recyclable Materials into Recycling Receptacles for collection and delivery to a Materials Recovery Facility or Recycling Facility.

R. "Waste Generator" means any individual or person (as defined herein to include any individual, firm, company, partnership or corporation or other business entity) that produces Solid Waste requiring off-site disposal. Classifications of Waste Generator are as follows:

i. Residential Waste Generator means any individual who resides in a single family residence or residential building that produces Solid Waste requiring off-site disposal.

ii. Nonresidential Waste Generator means the owner and/or operator of an Apartment Complex, a Commercial Facility, an Industrial Facility, or an Educational /Government Facility, referred to herein as Apartment Complex Waste Generator, Commercial Property Waste Generator, Industrial Facility Waste Generator and Educational/Government Waste Generator, that produces Solid Waste requiring off-site disposal.

a. "Apartment Complex" means any building containing more than two residential units.

b. "Commercial Property" means any office, retail location, warehouse or other general business setting.

c. "Industrial Facility" means a factory or manufacturing site or plant.

d. "Educational/Governmental" facility means an entity that produces Solid waste at or from a public or private educational facility or governmental building.

The term "Waste Generator" shall not include individuals or persons located in the Town or Village of Skaneateles.

R. "Waste Hauler" means any person, company, partnership or other entity engaged in the business of providing Collection Service pursuant to any contract, agreement, or other arrangement with any Waste Generator, where Solid Waste is collected for disposal at a permitted solid waste disposal or transfer facility, or a municipal department or other governmental division responsible for collection of Solid Waste from some or all Waste Generators in Onondaga County.

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

Section 3. Source Separation and Disposal

A. Every Waste Generator shall Source Separate, which means the segregation of County Recyclable Materials from non-recyclable Solid Waste at the point of generation by Waste Generators, and the placement of County Recyclable Materials into Recycling Receptacles for collection and delivery to a Materials Recovery Facility or Recycling Facility.

B. Every Waste Generator shall Source Separate Yard and Garden Waste from County Recyclables and Solid Waste, and shall dispose of Yard and Garden Waste pursuant to applicable local laws and ordinances of the pertinent town, village or city.

C. Every Waste Generator shall deliver or arrange for the delivery of County Recyclable Materials to a Recycling Facility or make source separated County Recyclable Materials available for collection by a Waste Hauler/Recyclables Collector and ultimate delivery to a Materials Recovery Facility or Recycling Facility.

D. No Waste Generator shall make Solid Waste that has not been Source Separated available for collection by a Waste Hauler, a Recyclables Collector, or a Materials Recovery Facility.

E. No Residential Waste Generator, Recyclables Collector, Materials Recovery Facility, or Waste Hauler shall dispose or attempt to dispose of County Recyclable Materials or Yard and Garden Waste as Solid Waste.

F. No Waste Generator, Recyclables Collector, Materials Recovery Facility, or Waste Hauler shall dispose or attempt to dispose of Solid Waste as County Recyclable Materials or as Yard and Garden Waste.

G. Every Waste Generator shall set out County Recyclable Materials for recycling collection in such a manner as to prevent the contamination of such County Recyclable Materials by Solid Waste.

H. No Recyclables Collector, Materials Recovery Facility or Waste Hauler shall accept Solid Waste and County Recyclable Materials that have not been Source Separated or mix Solid Waste with County Recyclable Materials after accepting same.

I. No Recyclables Collector or Waste Hauler shall deliver or attempt to deliver County Recyclable Materials mixed with Solid Waste to a Materials Recovery Facility or Recycling Facility or dispose or attempt to dispose of such mixed materials as Solid Waste.

J. Every Waste Hauler and Recyclables Collector shall separately and properly label "trash" and "Recyclables" receptacles which it provides.

K. No Materials Recovery Facility shall accept for processing or transfer Solid Waste mixed with County Recyclable Materials that has not been Source Separated or mix Solid Waste with County Recyclable Materials after accepting same.

L. Every Commercial Property and Educational/Governmental Waste Generator that sells food or drinks for onsite consumption at such facility shall provide for the onsite source separation and recycling of Glass, Metal and Plastics (as defined herein under "County Recyclable Materials") in a manner that is readily accessible to consumers.

M. Every Apartment Complex Waste Generator shall provide recycling services for tenants, if the tenant is not required to directly arrange for such recycling services.

N. Every Residential Waste Generator residing in an Apartment Complex shall Source Separate as herein defined and place County Recyclable Materials into Recycling Containers for collection and delivery to a Materials Recovery Facility or Recycling Facility.

O. Every Waste Hauler and Recyclables Collector shall provide Recycling Services to their Waste Generator customers, unless it can be demonstrated that the Waste Generator customer has separately arranged for the transportation of Source Separated County Recycling Materials to a Materials Recovery Facility or Recycling Facility.

Section 4. Recycling Containers and Receptacles

A. Every Commercial Property Waste Generator shall provide, or require that the occupying tenants provide, an adequate number and capacity of Recycling Receptacles or Recycling Containers in sufficient number and capacity to accommodate the aggregated quantity of County Recyclable Materials.

B. Every Apartment Complex Waste Generator shall provide common area Recycling Receptacles or Recycling Containers in sufficient number and capacity to accommodate the aggregated quantity of County Recyclable Materials generated by all tenants. Recycling Receptacles shall be placed in locations at least as convenient to tenants as trash receptacles.

C. Every Commercial Property Waste Generator, Industrial Facility Waste Generator and Educational/Governmental Waste Generator shall make an adequate number of internal and external Recycling Receptacles as readily accessible as trash receptacles.

D. Every Apartment Complex Waste Generator shall ensure that all interior and exterior Recycling Containers and Recycling Receptacles are properly labeled and designated for "Recyclables", and shall provide recycling information to the residents, including instructions that identify County Recyclable Materials the tenants must Source Separate.

E. No Residential Waste Generator shall remove a Recycling Container from the County; willfully destroy a Recycling Container; dispose of an undamaged Recycling Container other than by returning such container to the issuing municipality at a designated location; or use such Recycling Container for other than the temporary storage of County Recyclable Materials.

F. Every Residential Waste Generator who changes place of residence shall leave the Recycling Container for the subsequent occupant of the property or, in the alternative, shall return the Recycling

Container to OCRRA or the issuing municipality. Every Residential Waste Generator who does not have a Recycling Container shall obtain a Recycling Container from OCRRA or the municipality within two weeks of taking possession of said property.

Section. 5. Unauthorized Removal of Recyclables. No individual other than a Waste Hauler or Recyclables Collector shall pick over, disturb, collect, pick up, remove or cause to be collected, picked up or removed any County Recyclable Materials that have been set out for collection.

Section 6. Violation

It shall be an offense punishable as provided herein for any person, as herein defined, to fail to comply with or violate the provisions of Sections 3, 4 or 5 of this local law.

Section 7. Enforcement

This local law shall be enforced within the geographic boundaries of Onondaga County, except for the Town and Village of Skaneateles, by any law enforcement agency having jurisdiction in the County, including but not limited to the Onondaga County Sheriff and Onondaga County Deputy Sheriffs, and any special deputies duly authorized to enforce this local law.

Section 8. Penalties

A. Conviction of a Waste Generator, Waste Hauler, Recyclables Collector, Materials Recovery Facility or Recycling Facility for failure to comply with any of the provisions of Section 3 or Section 4 of this local law shall result in a written warning for a first violation. Conviction for a repeat violation shall be punishable as set forth below in Sections B, C, D, and E.

B. Conviction of a Residential Waste Generator for failure to comply with any of the provisions of Section 3 or Section 4 of this local law shall be punishable by a fine of Fifteen Dollars (\$15.00) for the second violation; Thirty Dollars (\$30.00) for the third violation; Fifty Dollars (\$50.00) for the fourth violation; and One Hundred Dollars (\$100.00) for each subsequent violation.

C. Conviction of a Nonresidential Waste Generator for failure to comply with any of the provisions of Section 3 or Section 4 of this local law shall be punishable by a fine of not less than \$100.00 and not more than \$500.00 for the second violation. Conviction of each subsequent offense shall be punishable by a fine of not less than \$250.00 nor more than \$1,000.00 per violation.

D. Conviction of a Waste Hauler or Recyclables Collector for failure to comply with any of the provisions of Section 3 or Section 4 of this local law shall be punishable by a fine of not less than \$250.00 and not more than \$500.00 for the second violation. Conviction of each subsequent offense shall be punishable by a fine of not less than \$500.00 nor more than \$1,000.00 per violation. Every day or instance of noncompliance shall constitute a new and separate violation of the provisions of this local law.

E. Conviction of a Materials Recovery Facility or Recycling Facility for failure to comply with any of the provisions of Section 3 or 4 of this local law shall be punishable by a fine of not less than \$250.00 and not more than \$500.00 for the second violation. Conviction of each subsequent offense shall be punishable by a fine of not less than \$500.00 nor more than \$1,000.00 per violation. Every day or instance of noncompliance shall constitute a new and separate offense, including but not limited to a separate offense for acceptance of each load of material by a Materials Recovery Facility or Recycling Facility in violation of this local law.

G. Conviction of an individual for failure to comply with the provisions of Section 5 of this local law shall be punishable by a fine of not less than \$100.00 and not more than \$500.00. Conviction of each subsequent offense within twelve months of a prior conviction for the same offense shall be punishable by a fine of not less than \$250.00 nor more than \$1,000.00 per violation.

Section 9. Repeal and Amendment

Local Law No. 12 - 1989, as amended by Local Law No. 14 - 1991, hereby is repealed, effective January 1, 2012.

Section 10. Effective Date

This local law shall take effect January 1, 2012, and shall be filed pursuant to the New York State Municipal Home Rule Law.

Section 11. Separability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, the judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Section 12. SEQRA

This Onondaga County Legislature, acting as lead agency for purposes of the New York State Environmental Quality Review Act (SEQRA), has had prepared a Short Form Environmental Assessment Form, in which it was determined that the proposed project is an Unlisted Action and will not have an adverse impact upon the environment and, as a result, does hereby adopt a Negative Declaration under SEQRA.

OCRRA - source separation - DRAFT
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I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

1st DAY OF November, 2011.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

FILED WITH CLERK
ONON. CO. LEG.
Oct. 17, 2011
KMB

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