

SOLID WASTE REUSE AND RECYCLING REGULATIONS - September 13, 1991

The Monroe County Executive, Thomas R. Frey, pursuant to his authority under the Monroe County Solid Waste Reuse and Recycling Law, Local Law No. 3 of 1991, hereby promulgates the following regulations:

ARTICLE A – DEFINITIONS

Terms defined in the Monroe County Solid Waste Reuse and Recycling Law, Local Law No. 3 of 1990, (the “Law”) shall have the same meaning in the regulations as in the Law.

ARTICLE B – IDENTIFICATION OF VARIOUS CLASSES  
OF SOURCES OF RECYCLABLE MATERIAL

The following classes of sources of Recyclable Materials shall apply herein:

1. **Drop-Off Center Users:** Persons who do not contract with Haulers or otherwise arrange for the collection and transportation of Solid Waste or Recyclable Materials, but who themselves may transport Solid Waste or Recyclable Materials to a transfer station or community drop-off center or otherwise dispose of Solid Waste or Recyclable Materials.
2. **Individually-Served Residential:** Residential-based sources of Recyclable Materials with individual collection service for each residential unit. For the purpose of newsprint collection beginning September 16, 1991, only Individually-Served Residential sources shall be classified as “customers” as that term is used in Section XIII of the Solid Waste Reuse and Recycling Law.
3. **Centrally-Served Multi-Unit Residential:** Residential-based sources of Recyclable Materials with collection service at centralized accumulation points.
4. **Small Commercial or Industrial:** Commercial or industrial facilities with fifty (50) or fewer employees per site.
5. **Large Commercial or Industrial:** Commercial or industrial facilities with greater than fifty (50) employees per site.
6. **Construction and Demolition Projects:** All construction, excavation, demolition or other similar projects, whether residential, commercial, industrial, institutional or municipal, which generate Construction and Demolition Debris.
7. **Institutional:** Schools, universities, colleges, hospitals, long- and short-term health care facilities and similar facilities.

8. **Exempt:** The status granted to any individual who can demonstrate an inability to comply with this Law and applies to the Administrator or his or her local municipality and receives a certificate of exemption from the Law, or parts thereof.

#### ARTICLE C – RECYCLABLE MATERIALS TO BE SOURCE SEPARATED

1. The following Recyclable Materials shall be source-separated in the manner set forth in Article F hereunder:
  - I. Containers
    - a. Aluminum
    - b. Metal cans
    - c. Glass food and beverage containers
    - d. Plastics: only high-density polyethylene (HDPE) and polyethylene terephthalate (PET)
  - II. Paper
    - e. Corrugated
    - f. High-grade paper
    - g. Magazines
    - h. Newsprint
  - III. Other
    - i. Large appliances
2. No Recyclable Materials shall be commingled with any Hazardous Waste.

#### ARTICLE D – IMPLEMENTATION OF REGULATIONS

1. The regulations shall be effective on the same date as the Law becomes effective.

#### ARTICLE E – AUTHORIZED RECYCLING FACILITIES AND WASTE STREAM REDUCTION PROGRAMS

1. An authorized Recycling Facility or Waste Stream Reduction Program (“Program”) shall be deemed ready to operate on a regular basis either:
  - a. after a successful acceptance test for a new Authorized Recycling Facility or Program; or
  - b. the Effective Date for the Monroe County Materials Recycling Center (MRC) as defined in the Service Agreement for the MRC; or
  - c. after an existing recycling facility or Program has filed with the Administrator a complete application requesting inclusion in the list of Authorized Recycling Facilities and Waste

Stream Reduction Programs, on forms to be provided by the County and the Administrator has approved such application.

2. The Administrator shall compile and maintain a list of Authorized Recycling Facilities which shall constitute the only facilities within the County to which Recyclable Materials may be transported by Haulers and which shall include any and all of the following facilities within the County which file a complete application complying with Article E(1) hereof:
  - a. Drop-off centers operated by or on behalf of the County or other municipality within the County.
  - b. Any and all facilities, private or municipal, permitted under 6 N.Y.C.R.R. Part 360-12 or specifically exempt thereunder which process Recyclable Materials for beneficial reuse.
3. Authorized Recycling Facilities and Waste Stream Reduction Programs must comply with all necessary local, state and federal laws, including zoning laws, and possess all necessary construction and operating permits or operate under provisions of the New York State Administrative Procedures Act, copies of which must be made available to the Administrator for inspection.
4. Authorized Recycling Facilities and Waste Stream Reduction Programs must agree to comply with all record-keeping and reporting requirements under this Law and these Regulations.
5. Authorized Recycling Facilities and Waste Stream Reduction Programs shall not knowingly accept Recyclable Materials belonging exclusively to other Facilities or Programs; for example, Recyclable Materials placed in County “Blue-Box” Containers shall be delivered only to such authorized Recycling Facilities or Waste Stream Reduction Programs as the County may direct.
6. A list of authorized Recycling Facilities and Waste Stream Reduction Programs shall be published and amended as required at the discretion of the Administrator.

#### ARTICLE F – SOURCE-SEPARATION AND COLLECTION REQUIREMENTS

1. **Haulers:**
  - A. Each Hauler shall distribute individual Containers to each of its individually served Residential and other appropriate residential customers for Recyclable Materials, which Containers, if provided by the County shall remain the property of the County. All Recyclable Materials placed in a County-provided Container shall be transported to specific authorized Recycling Facilities designated by the County for such purpose.
  - B. Upon suspicion of a customer’s failure to comply with the law or Regulations, Haulers shall examine or cause to be examined Solid Waste and Recyclable Materials at the point of collection and shall refuse to collect any Solid Waste which has been commingled with Recyclable Materials or any Recyclable Materials which have been commingled with

Solid Waste unless Hauler properly reports the violation under Article F (1)(D) herein and a citation is issued to the Person generating the mixed Solid Waste under Article I herein.

- C. Haulers shall report repeat violators to the municipality with a copy to the Administrator on forms to be provided by the County.
- D. All vehicles used to transport Recyclable Materials within the County shall be equipped, maintained and operated to prevent litter and contamination of loads.
- E. The Administrator, the County Director of Public Works and their designees are authorized to inspect all Authorized Recycling Facilities, Containers and vehicles used to transport Recyclable Materials within the County. Penalties for violations shall be imposed as specified under Article I hereof.
- F. Haulers shall develop a generic collection plan for collecting Recyclable Materials from commercial, industrial and institutional customers on a form to be provided by the County Division of Solid Waste, and submit such plans to the Administrator for approval by November 15, 1991.

2. **Individually-Served Residential:**

- A. In Individually-Served Residential facilities, the tenant or homeowner is responsible for Source Separation of Recyclable Materials from Solid Waste. Such tenants and homeowners shall be responsible for maintaining their own Containers.
- B. Homeowners and tenants shall separate from Solid Waste Aluminum and Metal Cans, Plastic Containers, Glass Food and Beverage Containers, all clean of contents, and Newsprint, Corrugated and Magazines. Such Recyclable Materials shall be placed in or adjacent to a clean Container at curbside for collection. Corrugated which does not fit into the Container shall be flattened and tied into manageable bundles.
- C. Large appliances shall be separated from Solid Waste and placed at curbside for collection. Doors shall be removed from hinges.

3. **Centrally-Served Residential:**

- A. Landlords of Centrally-Served Residential facilities must provide educational materials and centrally located recycling containers to their tenants.
- B. Tenants shall separate from Solid Waste Aluminum and Metal Cans, Plastic Containers and Glass Food and Beverage Containers, clean of contents, and place in a recycling container provided by the landlord or his/her designee.
- C. Tenants shall separate from Solid Waste Newsprint, Corrugated, and Magazines and place in a recycling container provided by the landlord or his/her designee. Corrugated which does not fit into the Container shall be flattened and tied into manageable bundles.

4. **All Commercial, Industrial and Institutional Generators shall:**

- A. Separate or cause to be separated Corrugated from Solid Waste and set it out for collection and recycling.
- B. Separate or cause to be separated High Grade Paper from Solid Waste and set it out for collection and recycling.

- C. Separate or cause to be separated and set out for collection and recycling Food and Beverage Containers made of Glass, Aluminum, Metal or Plastic, clean of contents, which are generated in food service facilities constituting all or a significant part of a particular commercial, industrial or institutional facility. Food and beverage facilities consisting solely of vending machines are encouraged but are not required to separate food and beverage containers.
- D. Choose one of the following options:
  - 1. Contract with a Hauler who has developed a Commercial, Industrial and Institutional Recyclable Materials Plan pursuant to Article F(1)(G) herein, which has been approved by the County, or
  - 2. Complete a Solid Waste and Recycling Materials Audit and a Recycling Plan and shall separate and set out for collection and recycling any Recyclable Materials which are in addition to those Recyclable Materials identified in this Article F(4), or other Recoverable Materials identified in that Plan, there shall be a rebuttable presumption that any additional Recyclable Material identified in an Audit (other than Corrugated, High Grade Paper, or Food and Beverage Containers) which comprises at least fifteen percent (15%) by volume of the Generator's total solid waste stream shall be recyclable unless the Generator demonstrates that reasonable Markets do not exist. The Generator shall maintain a copy of the Audit and the Plan on file for inspection by the Administrator, his designee or the Hauler.

5. **Drop-Off Center Users:**

- A. All Drop-off Center Users shall separate Recyclable Materials as defined in Article 5(2) herein, and shall dispose of those materials in separate containers that shall be made available to Persons at the drop off center. Once deposited in the containers provided, all Recyclable Materials become the property of the operator of the drop-off center.

**ARTICLE G – RECORDKEEPING AND REPORTING REQUIREMENTS**

- 1. Haulers must maintain separate monthly records, on forms to be provided by the County, of Solid Waste and Recyclable Materials (other than those Recyclable Materials delivered to the County Recycling Center) collected, transported or disposed of by the Hauler which include the following information:
  - a. the municipality or geographical area and number of households in which the Solid Waste or Recyclable Material was generated;
  - b. the quantity, by ton, of Recyclable Materials delivered to each Authorized Recycling Facility other than the MRC; and
  - c. the quantity, by ton, of Solid Waste delivered to each Facility other than the Monroe County Transfer Station.

Such reports shall be compiled and delivered to the Administrator on or before February 1<sup>st</sup>, May 1<sup>st</sup>, August 1<sup>st</sup>, and November 1<sup>st</sup> of each calendar year for each preceding quarter.

2. Authorized Recycling Facilities shall maintain quarterly records, on forms to be provided by the County, of Recyclable Materials received and marketed which include the quantity of Recyclable Materials received from each Hauler, and quantity, by type of each Recyclable Material shipped to market. Such reports shall be compiled and delivered to the Administrator on or before February 1<sup>st</sup>, May 1<sup>st</sup>, August 1<sup>st</sup> and November 1<sup>st</sup> of each calendar year for each preceding quarter.
3. All Persons engaged in the operation of a Waste Stream Reduction Program other than as a Hauler shall provide an annual report to the County on the quantities of each type of Recyclable Materials, by ton, which are collected, processed or transferred to market and the Facilities or Waste Stream Reduction Programs to which the Recyclable Materials were transported, if located within the County, on forms to be provided by the County.

#### ARTICLE H – EXEMPTIONS

1. Any Person may apply to the Administrator or his or her local municipality for an exemption from the Law or these Regulations, or parts thereof, by filing with the Administrator or local municipality a Request for Exemption on a form provided.
2. Exemptions may be granted upon a show of inability to comply with the Law or Regulations, in whole or in part, due to physical handicap or other medical disability, and a showing that no other individual in the household is able to comply with the Law or Regulations. The Administrator shall grant or deny Exemptions in writing to the applicant within ten (10) working days of receipt of the request, and a copy of such approval or denial shall be sent to the Hauler identified on the Request for Exemption form completed by the applicant.
3. If a Hauler is willing to provide service other than at the curbside for pickup and removal of the solid waste, Hauler shall provide the same pickup and removal service for Recyclable Materials for Persons who would otherwise qualify for an exemption under these Regulations.

#### ARTICLE I – ENFORCEMENT

1. Any Person violating the Law or Regulations shall be subject to a warning by the Administrator, police officer, peace officer or any designated public official for the first violation.
2. Any Person violating the Law or its regulations shall be subject to a fine of up to \$50.00 for the second violation.
3. Any Person violating the Law or its regulations shall be subject to a fine of up to \$1,000.00 for the third or any additional violation.

4. Any and all of the following Persons may inspect solid Waste Containers set out for collection, recycling containers at centrally served residential facilities or at Commercial, Industrial or Institutional facilities and collection vehicles for violations:

- Administrator
- Director of Public works
- Their designers
- Police Officers
- Peace Officers
- Municipal Code Officers

#### ARTICLE J – AMENDMENT OF REGULATIONS

1. These regulations may be amended at the discretion of the Executive, with the advice of the Advisory Committee.
2. Any amendment to these regulations must be published in a newspaper of general circulation in the County at least sixty (60) days before the effective date of the amendment, except for any amendment to the list of Recyclable Materials set forth in Article C, which must be published in a newspaper of general circulation in the County at least six (6) months before the effective date of the amendment.
3. The Executive also shall publicize or cause to be publicized amendments to the extent he/she deems necessary.
4. Any Persons, including but not limited to Haulers and Authorized Recycling Facilities, who wish to receive individual notification of amendments shall file their request with the Administrator, and shall pay in advance such postage and handling charges as may be necessary. Individual notifications made pursuant to this paragraph shall be by first class mail to the name and address on file with the Administrator.

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THOMAS R. FREY  
MONROE COUNTY EXECUTIVE