

May 5, 1997

Operations Committee: 4-14-97

RESOLUTION NO. 148-97

FILLING A VACANT POSITION IN SOLID WASTE DEPARTMENT

By Mr. Greenwood, Chairman, Operations Committee

WHEREAS, the St. Lawrence County Solid Waste Department had a position become vacant effective February of 1997 due to the transfer of an employee, and

WHEREAS, this position is a temporary part time position (seasonal) with an hourly rate of \$7.46, and

WHEREAS, the filling of this position is necessary because the incumbent performed recycling activities at the Ogdensburg Transfer Station, and

WHEREAS, he/she assisted the public with recycling and assured proper preparation of recyclables and limited or removed contaminated materials,

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Board of Legislators approves the filling of this seasonal vacancy in the Solid Waste Department.

* * *

Mr. Greenwood moved to adopt resolution number 148-97, seconded by Mr. FitzRandolph, and carried by a voice vote with fourteen (14) yes votes and one (1) Legislator absent (Carey).

Operations Committee: 4-14-97

RESOLUTION NO. 149-97

ADOPTING PROPOSED LOCAL LAW B FOR THE YEAR 1997
AMENDING LOCAL LAW #5 OF 1991, ESTABLISHING THE
ST. LAWRENCE COUNTY SOURCE SEPARATION LAW

By Mr. Greenwood, Chairman, Operations Committee

WHEREAS, a public hearing on proposed Local Law B for the Year 1997 has been held,

NOW, THEREFORE, BE IT RESOLVED that Proposed Local Law B for the Year 1997, A Local Law Amending Local Law #5 of 1991, Establishing the St. Lawrence County Source Separation Law is hereby adopted.

May 5, 1997

* * *

Mr. Greenwood moved to adopt resolution number 149-97, seconded by Mr. MacKinnon, and carried by a roll call vote with thirteen (13) yes votes, one (1) no vote (Morri!!) and one (1) Legislator absent (Carey).

PROPOSED LOCAL LAW B FOR THE YEAR 1997

AMENDING LOCAL LAW #5 OF 1991, ESTABLISHING ST. LAWRENCE COUNTY
SOURCE SEPARATION LAW

BE IT ENACTED by the Board of Legislators of the County of St. Lawrence that [Local Law No. 5 of 1991 is amended to read] as follows:

Section 1, Purpose: It is the purpose of this Local Law to encourage and facilitate the maximum recycling practicable on the part of every person, household, business and institution within St. Lawrence County by more fully regulating the ~~designation,~~ segregation and management of municipal solid waste and requiring that generators of solid waste source separate recyclable materials ~~and cause the same to be delivered~~ in accordance with law. It is the further purpose to encourage more environmentally responsible waste management practices, reduce the physical burden on waste disposal facilities and the economic burden on generators and provide fair and equitable treatment to all involved in the management of solid waste.

Section 2, Authorities: This Local Law is mandated by Section 120-aa of the General Municipal Law (hereinafter GML 120 aa).

Section 3, Definitions:

"County" shall mean the St. Lawrence County Board of Legislators.

"Designated Facility" shall mean any solid waste disposal facility, materials recovery facility or other facility designated by the County to receive deliveries of Recyclable Materials and/or other solid waste.

"Disposal" shall mean landfilling and/or other final disposition with or without energy recovery.

"Recyclable Materials" shall mean those components of solid waste determined by and set forth by the County as meeting the economic markets test described in GML 120 aa and therefore being undesirable for Disposal.

"Solid Waste" shall mean all putrescible and non-putrescible solid waste, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-product, including, but not limited to, garbage, refuse, industrial, commercial and agricultural waste, sludge from air

May 5, 1997

or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but excluding 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 the Department of Environmental Conservation.

"Source Separation" shall mean the segregation of Recyclable Materials from other Solid Waste at the point of generation for separate collection, sale, disposal or other disposition.

"Waste Generator" shall mean any person or legal entity which produces Solid Waste requiring management.

"Waste Haulers" shall mean those persons or legal entities who are permitted or designated by the County for the purpose of collecting Recyclable Materials and/or other Solid Waste from Waste Generators for handling at one or more Designated Facilities.

Section 4, Source Separation and Disposal Regulations: Every Waste Generator in St. Lawrence County shall comply with the "St. Lawrence County Source Separation and Disposal Regulations".

Section 5, Administration: The administration of this Local Law shall be the responsibility of the County, under such rules and regulations, including fees and charges, as it may promulgate in the public interest including but not limited to:

- a. designating Recyclable Materials and publishing specifications for their preparation,
- b. providing for direct delivery of Recyclable Materials and/or other Solid Waste to Designated Facilities,
- c. providing an appeal procedure from the application of such rules and regulations, and
- d. such other provisions as may be necessary or desirable in implementing this Local Law.

Section 6, Violations: It shall be a violation for a Waste Generator and/or a Waste Hauler to dispose of, or attempt to dispose of, Recyclable Materials as Solid Waste or Solid Waste as Recyclable Materials.

Section 7, Enforcement: Failure of a Waste Generator and/or of a Waste Hauler to comply with the provisions of this local law, including Sections 4 and 7 hereof, shall carry a fine of:

May 5, 1997

-not more than Two Hundred Fifty (\$250.00) Dollars for the first violation;

-not less than Two Hundred Fifty (\$250.00) Dollars nor more than Five Hundred (\$500.00) Dollars for a second violation;

-not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for a third violation;

-not less than One Thousand (\$1,000.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars for each subsequent violation.

Section 8, Severability: In the event that any article, section, paragraph, subparagraph, or any part of this local law, as originally enacted or as amended from time to time, is found to be illegal, or its application to any person or circumstance is held invalid, the remainder of the local law and the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

Section 9, Conflicts with Other Laws:

- a. Nothing in this local law shall be construed as limiting the ability of local governments to adopt and enact local source separation and/or recycling statutes that are at least as restrictive as this local law regarding enumerated recyclables, recyclables preparation and delivery and/or non-compliance provisions.
- b. All ordinances and local laws, or parts thereof, in conflict herewith are preempted by this local law; provided, however, that the provisions of this law shall not be interpreted as obviating any requirements or restrictions wherever it is possible to conform with the provisions of both this law and any other law or ordinance and provided that local provisions are at least as restrictive as this local law.

Section 10, Effective Date: This Local Law shall take effect (blank). No penalties shall be assessed and/or no prosecution shall take place for a period of four months following public notice of the initial identification of recyclables and the publication of specifications for their preparation by the County to allow for generators and/or haulers to become familiar with the regulations.

The St. Lawrence County Source Separation and Disposal Regulations can be found on pages 147 through 157 of the April 7 Board meeting minutes.