

LOCAL LAW NO. 3 OF 1991

A LOCAL LAW RELATING TO THE COLLECTION OF AND  
DISPOSAL OF SOLID WASTE IN WARREN COUNTY, NEW YORK

BE IT ENACTED, by the Board of Supervisors of the  
County of Warren, New York, as follows:

SECTION 1. Declaration of Purpose and Policy.

The County of Warren finds and declares that the proper management of solid waste is necessary to protect the public health, safety and general welfare of the residents of Warren County and the environment. It is the intent of the Board of Supervisors of Warren County to institute and facilitate an orderly program for the collection, transportation, treatment and disposal of solid waste generated, originated or brought within Warren County and to require that the collection, transportation, treatment and disposal of solid waste generated, originated or brought within Warren County be conducted only as permitted by this Local Law and such rules and regulations promulgated by the State of New York and within the design of the Solid Waste Management Plan of the State and Warren County.

The County of Warren has entered into an Intermunicipal Waste Agreement with the County of Washington whereby Warren County has committed the County to participate in a waste-to-energy resource recovery facility (the "facility") under construction on the west side of River Street in the Village of Hudson Falls, Washington County, New York, and has agreed to deliver or cause to be delivered to the facility, all processible waste generated within the boundaries of Warren County.

Chapter 71 of the Laws of 1987 duly enacted by the New York State Legislature empowered Warren County to adopt and amend local laws imposing appropriate and reasonable limitations on competition with respect to collecting, receiving, transporting, delivering, storing, processing and disposing of solid waste or the

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recovery by any means of any material or energy product or resource therefrom, including local laws requiring that all solid waste generated, originated or brought within the County shall be delivered to a specific solid waste management resource recovery facility, and that such local law or laws shall take precedence over and shall supersede any inconsistent provisions of any local law enacted by a municipality within the County, relating to the disposal of solid waste in Warren County.

It is the policy of the Board of Supervisors to encourage and support the role of the private sector in the collection and disposal of solid waste in Warren County. It is the intention of this Local Law to impose appropriate and reasonable limitations on competition with respect to collecting, receiving, transporting, delivering, storing, processing, and disposing of solid waste generated, originated or brought within Warren County and no provision of this Local Law shall be interpreted as authorizing unfair competition among municipalities, collectors, processors and consumers.

SECTION 2. Definitions.

a. "Agricultural Waste" - means that waste disposed of in a disposal area located within the property boundary of a farm, generated from that farm, to include crop residuals, animal manure, and animal carcasses and parts generated from that farm and shall also include those waste pesticides generated by the farmer who used them, if the farmer complies with Parts 325.4 and 325.5 of the New York Code Rules and Regulations.

b. "Business" - means any individual, association, partnership, firm or corporation having an established business domiciled or operating within Warren County.

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c. **"Bypass Waste"** - means any solid waste that is either within the control of the operator of a solid waste incinerator or processing facility or within the control of another person, that is destined for treatment at the facility but cannot be so treated at a particular time.

d. **"Collector"** - means any individual, association, partnership, firm or corporation in the business of collecting solid waste, other than their own solid waste.

e. **"Contractor"** - means any individual, association, partnership, firm or corporation in any business dealing with construction or collection of solid waste; and any individual, association, partnership, firm or corporation which owns a packer truck and is not a collector.

f. **"County"** - means the County of Warren.

g. **"Department of Public Works"** - means the Warren County Department to Public Works.

h. **"Garbage"** - means putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods.

i. **"Hazardous Waste"** - means a waste or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed; or (3) waste which appears on the list of Hazardous Waste promulgated by the Commissioner of Environmental Conservation pursuant

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to Section 27-0903 of the Environmental Conservation Law; or (4) any waste which any municipality or governmental agency having appropriate jurisdiction shall determine to be so harmful, toxic or dangerous such that the health, safety, or welfare of the public is at risk, or the operation of solid waste management facilities may be adversely affected.

j. **"Individual Hauler"** - means any person that hauls with a car, van, small trailer or pickup truck, his own solid waste.

k. **"Municipality"** - means a county, town, city or village, or any designated public agency thereof, an improvement district, a public authority, or any garbage or sanitary district; or any two (2) or more of the foregoing which are acting jointly in connection with a solid waste management facility.

l. **"Person"** - means a municipality or other governmental body, public corporation or authority, private corporation, partnership or individual.

m. **"Processible Waste"** - means solid waste having the characteristics of Processible Waste as defined in the Intermunicipal Waste Disposal Agreement by and between the County and the County of Washington.

n. **"Putresible"** - means the tendency of organic matter to decompose with the formation of malodorous by-products.

o. **"Recyclable Materials"** - means scrap or other materials of value separated from the solid waste stream including, but not limited to, newspapers, paper box board, paper, glass, metals, plastics and yard waste which have the potential to be recycled and reused.

p. **"Recycling"** - means segregating solid waste materials from the solid waste stream for purposes of processing or recovery for future use, sale or other

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disposition to include, among other materials, but not limited to newspapers, corrugated box board, glass, metals and plastics.

q. **"Recycling Facility"** - means any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture, or other real or personal property which is to be used, occupied or employed in the pursuit of and for the purpose of recycling, and, for the purpose of storage, processing, packaging, selling, marketing, or otherwise utilizing recyclable materials.

r. **"Refuse"** - means anything putresible or non-putresible that is discarded or rejected as useless or worthless.

s. **"Residue"** - means all solid waste remaining after treatment including, but not limited to, ash residue and other solid waste which is not recovered or combusted.

t. **"Resource Recovery"** - means the separation, extraction and recovery of usable materials or energy from solid waste.

u. **"Resource Recovery Facility"** - means any facility, plant, works, system, building, structure, improvement machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed beyond the initial solid waste collection process for the storage, processing, or disposal of solid waste through resource recovery or the recovery by any means of any material or energy product or resource therefrom including, but not limited to, processing systems, or other facilities for reducing solid waste volume, plants and facilities for compacting, composting or pyrolization of solid wastes, incinerators, and other solid waste disposal, reduction or conversion facilities.

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v. **"Sanitary Landfill"** - means any facility which includes types of operations in which solid waste is deposited by plan on a specified portion of open land, is compacted by force applied by mechanical equipment, and then is covered by a layer of earth, all in accordance with or intended to be in accordance with Part 360 of the New York State Environmental Conservation Law, Rules and Regulations.

w. **"Solid Waste"** - means all putresible and non-putresible 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 and commercial 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 shall not include sewage and other highly diluted water-carried materials or substances and those in gaseous form, waste which appears on the list of Hazardous Waste promulgated by the Commissioner of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law, as amended, but shall not include any scrap or other material of value separated from the waste stream and held for purposes of materials recycling.

x. **"Solid Waste Management Facility"** - means any facility, employed beyond the initial solid waste collection process for the 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, transfer stations, rail haul or barge haul facilities, resource recovery facilities, or other facilities for reducing solid waste volume, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators, and other solid waste disposal, reduction or conversion facilities, but does not mean a recycling facility.

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y. "Source Separation" - means the segregation of recyclable materials from the solid waste stream at the point of generation or collection for separate collection, sale or other disposition.

z. "Superintendent" - means the Superintendent of Public Works of Warren County.

z(i) "Transfer Station" - means a facility where solid waste is transferred by a collector, contractor or individual hauler, to a container for transport to a sanitary landfill, recycling facility or resource recovery facility, material market or construction and demolition debris landfill.

z(ii) "Yard Waste" - means leaves, grass clippings, garden debris, and small or chipped branches.

**SECTION 3. Recyclable Materials.**

a. Pursuant to Local Law No. 2 of 1991 adopted by the Board of Supervisors on March 15, 1991, effective April 1, 1991, source separation and segregation of recyclable or reusable materials from solid waste shall be required by every person and business generating such waste in Warren County.

b. Pursuant to said Local Law No. 2 of 1991, every town, city and village within the County shall adopt uniform laws or ordinances to accomplish the goals and objectives of the State and County Solid Waste Management Plans to reduce the amount of solid waste generated in the County and to assure the disposal of solid waste in the County in the most environmentally acceptable manner and promoting the recovery of all recyclable materials which can be marketed or used for secondary purposes.

c. All recyclable materials collected in each municipality in Warren County shall be delivered to a

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recycling facility having been duly permitted to operate as a recycling facility for the materials being processed under the rules and regulations promulgated by the Commissioner of Environmental Conservation of the State of New York or by the designated state agency in another state.

d. Nothing herein shall prohibit the institution of recycling programs or source separation programs consistent with the policy, rules and regulations promulgated by the Commissioner of Environmental Conservation and the local ordinances, laws and rules enacted by the various municipalities in Warren County.

**SECTION 4. Collection and Transportation of Solid Waste.**

a. Effective October 1, 1991, no collector, contractor, business or municipality shall collect, transport or dispose of solid waste generated, originated or brought within the County of Warren or solid waste which is generated outside of Warren County and transported through and disposed of in Warren County, without first obtaining a permit to be issued by the Superintendent of Public Works of Warren County or his designee.

b. All applications for permits shall be in writing on a form prescribed by the Superintendent and shall contain such information as is required by the Superintendent and shall be verified by the applicant. The applicant, other than an individual hauler, shall file with his application proof of insurance as hereinafter set forth and shall pay the required application and permit fees.

c. The applicant, at the time of making the application, shall furnish the Superintendent with an affidavit listing the number of residences, commercial



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establishments, or other generators of solid waste located in Warren County and served or to be serviced by the applicant. This list shall be updated every six (6) months by the applicant and filed in the Office of the Superintendent of Public Works of Warren County at Warrensburg, New York. All information set forth on any application submitted to the Superintendent pursuant to this Section 4 shall be confidential. As such the same may not be reviewed by or copies delivered to any person other than the employees of Warren County responsible for the processing of that application. In addition the provisions and procedures of the Freedom of Information Law which allow for a person to request exemptions from public disclosure for confidential information (Public Officers Law Section 89.5) shall apply to all information requested by the Superintendent under this Local Law.

d. The applicant, other than an individual hauler, shall furnish with his application, proof of vehicle insurance, which will include proof that the same will not be cancelled except for at least thirty (30) days written notice to the Superintendent. Upon the cancellation or termination of any such policy of insurance any permits issued to the applicant on the basis of such insurance shall be immediately revoked and of no further force or effect.

e. Upon receipt of (i) the application, (ii) where appropriate, the proper proofs of insurance, (iii) an affidavit listing the number of residences, commercial establishments or other generators of solid waste located in Warren County and served or to be served by the applicant, and (iv) the payment of the required fees, the Superintendent shall thereupon issue to the applicant an identifying sticker or stickers, to be placed in a conspicuous place in each and every vehicle owned or operated by the applicant, along with a permit.

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f. Permits shall expire annually on December 31st in each year. Renewal permits shall be issued in the same manner and subject to the same conditions as original permits, and also shall be subject to any additional requirements in effect at the time of the application for renewal.

g. Permits issued under the provisions of this Local Law shall not be transferable.

h. All transportation of solid waste shall be in strict conformity with all Federal and New York State Laws and with this Local Law and the rules and regulations, adopted under its authority.

i. It shall be a violation of this Local Law for any individual hauler, collector, contractors, business or municipality to deposit solid waste generated, originated or brought within the County at a property, place or designation, other than those authorized by the Superintendent. Those methods and designated places of disposal that are specifically prohibited shall include, but not be limited to, the following:

(i) to bury and or burn solid waste at any location in Warren County other than a location designated by the Superintendent;

(ii) to discard or litter by throwing, dumping, depositing, or placing solid waste and/or recyclable material along any public or private road or on lands bordering such roads, or on any public or private property in Warren County, excepting therefrom solid waste or recyclable materials placed for collection and transportation as per the provisions of this Local Law.

j. The body of the vehicle used in the transportation of solid waste shall be wholly enclosed or shall at all times be kept covered with an adequate

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cover. Operation of vehicles shall be in such manner as to prevent spilling or loss of contents.

**k.** Nothing in this Law is deemed to supersede any local public health law or any state or federal law which may be applicable to the subject matter contained herein.

**l.** No permits shall be issued to any business, collector, contractor, or municipality while: (1) any permit previously issued is under suspension, revocation, or review; or (2) where any expired permit was either revoked, or was suspended and the conditions for reinstatement were not met.

**SECTION 5. Disposal of Solid Waste.**

**a.** No business, collector, contractor or municipality shall dispose of any solid waste generated, originated or brought within Warren County at any place or places without a permit issued pursuant to Section 4 of this Local Law and other than as designated in the permit issued by Warren County, or as designated by other rules or regulations specifying specific place or method for disposal, method of transportation, storage or processing.

**b.** No individual hauler, business, collectors, contractors or municipal entities shall dispose of any solid waste generated, originated or brought within Warren County except at a transfer station, sanitary landfill or a licensed resource recovery facility, as directed by the Superintendent of Public Works of the County of Warren. No individual hauler shall be authorized to use any solid waste management facility while the permit of such hauler, business, collector or contractor shall have been suspended or revoked.

**c.** In the event that an individual hauler, collector, contractor, business or municipality causes

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to be deposited or delivered or is responsible for causing to be deposited or delivered to any transfer station, sanitary landfill or resource recovery facility any hazardous waste or solid waste prohibited by this Local Law, as provided by Section 6 hereof, or as provided by the Laws and/or rules and regulations of the State of New York, then the party or parties so responsible shall be responsible for effecting a clean up of said prohibited material and shall be accorded all liability and assessed all costs incident thereto and any civil and criminal penalties that may attach thereto.

d. All persons, individual haulers, businesses, collectors, contractors or municipal entities using any solid waste management facility or resource recovery facility will be required to adhere to the rules and regulations posted at such facility and abide by the instructions of the personnel on duty.

**SECTION 6. Prohibited Activities.**

a. No hazardous waste and no waste generated, originated or brought within Warren County which is likely (i) to cause Warren County to violate any of the terms of any agreements pursuant to which it delivers solid waste to any solid waste management facility or (ii) to violate the terms of any permit issued to a solid waste management facility to which solid waste is delivered pursuant to Section 5 b. hereof shall be deposited at or delivered to any solid waste management facility in Warren County. Provided, however, that upon compliance with all applicable rules and regulations relating to the deposit or collection of hazardous waste, a municipality shall be permitted to hold a "once a year" type household hazardous waste container drop off event at a permitted collection site.

b. No solid waste, except that which is generated by individual haulers, generated outside of or

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within Warren County shall be transported on the roads, streets or highways within the County of Warren, except under permit issued by the Superintendent; and no solid waste generated, originated or brought within Warren County shall be delivered to a solid waste management facility located in Warren or any other County, for the purpose of disposal, except under and according to a permit issued by the Superintendent; nothing herein contained shall be deemed to impose a burden on interstate commerce in violation of the Commerce Clause of the Constitution of the United States of America.

c. No solid waste generated outside Warren County shall be accepted at any solid waste management facility in Warren County unless the same is delivered pursuant to a written agreement with Warren County and approved by the Board of Supervisors.

d. No solid waste generated outside of Warren County shall be combined with or mixed with solid waste generated in or found within the boundaries of Warren County. Combined loads of such solid waste will not be allowed to be delivered to any resource recovery facility or County landfill or any other solid waste management facility in Warren County. Delivery or attempted delivery of such combined loads shall be grounds for revocation of any permit issued by the Superintendent.

e. No regulated medical waste as defined by the Environmental Conservation Law, including, but not limited to, waste generated in the diagnosis, treatment or immunization of human beings or animals, and research pertaining thereto, or in the production or testing of biologicals shall be accepted at any Warren County solid waste management facility unless previously incinerated in a regulated medical waste incineration facility approved and under permit from the State of New York which provides complete combustion of the waste to carbonized or mineralized ash; sterilization by heating in a steam sterilizer or by other decontamination

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technique approved by the New York State Department of Health; or by any other method approved in writing by the New York State Commissioner of Health.

f. No sewage or other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product materials 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 Law, shall be deposited at or delivered to any solid waste management facility in Warren County.

g. No solid waste generated, originated or brought within Warren County shall be transported or disposed of outside of Warren County except at a specific solid waste management facility or resource recovery facility designated by the Superintendent and approved by the Administrative Committee.

**SECTION 7. Administration.**

a. The Warren County Board of Supervisors shall by resolution formulate, adopt, promulgate, amend and repeal rules and regulations in furtherance of this Local Law and shall enforce the provisions of this Local Law and the rules and regulations.

b. The Chairman of the Board shall appoint the Solid Waste Committee of the Board of Supervisors as an Administrative Committee to administer the provisions of this Local Law and the rules and regulations in furtherance thereof including, but not limited to, the operation and maintenance of all County operated transfer stations, the operation of County sanitary landfills within the County and the operation of County operated sanitary management - resource recovery facilities, in coordination with the Superintendent of Public Works of Warren County.

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SECTION 8. Fees.

The Board of Supervisors of Warren County is hereby authorized by resolution to adopt and amend a schedule of fees for the application and issuance of permits, as well as for use of any solid waste management facility within the County of Warren, and the Superintendent of Public Works is authorized to collect such fees in any manner authorized by law.

SECTION 9. Inspection.

All vehicles transporting solid waste or hazardous waste in the County of Warren, and any waste delivered to or deposited at a transfer station, sanitary landfill or solid waste management facility, shall be subject to inspection by the County of Warren or its designee at any time.

SECTION 10. Enforcement.

a. Warren County may initiate civil and/or criminal actions in any court of competent jurisdiction for any violations(s) of this Local Law.

b. Following three (3) or more convictions of an individual hauler or permittee for violating the provisions of this Local Law, Warren County may permanently bar the individual hauler from collecting or transporting solid waste in Warren County or using any solid waste management facility, including any transfer station, sanitary landfill or resource recovery facility located in Warren County or may revoke or suspend a permit issued hereunder where the following circumstances exist:

(i) the individual hauler or permittee willfully refuses or demonstrates an inability to

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substantially comply with the requirements of this Local Law; or

(ii) the actions of the individual hauler or permittee constitute an immediate and substantial threat to the public health and safety of the citizens of Warren County or the safe operations of a solid waste management facility.

c. Proceedings for the revocation or suspension of any permit or imposition of a bar against any permittee or individual hauler shall be special proceedings and may be maintained by Warren County in a court of competent jurisdiction. Such proceedings shall be initiated by Notice of Petition on at least seven (7) days notice. However, where the proceeding is sought to be maintained based upon the circumstances in Section 10(b)(ii) that an immediate and substantial threat exists to the public health and safety, Warren County may initiate an action by an Order to Show Cause and seek a temporary restraining order immediately suspending a permit or temporarily barring an individual hauler immediately pending the hearing and determination on the Petition.

**SECTION 11. Violations.**

**A. Violation of Local Law or Rules.**

It shall be a violation of this Local Law for any person, collector, contractor, business or municipality to collect, transport or dispose of solid waste generated, originated or brought within the County of Warren or solid waste which is generated outside of Warren County and transported through and disposed of in Warren County except as authorized by this Local Law and such rules and regulations as may be promulgated by the Superintendent from time-to-time.



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**B. Violation by Failure to Comply with Written Orders.**

It shall be a violation for any person to fail to comply with a written order of the Superintendent relating to the disposal of solid waste in Warren County.

**C. Order to Remedy.**

Upon determination by the Superintendent that a violation of this Local Law has occurred, the Superintendent shall order in writing the remedying of the condition. Such order shall state the specific provision of this Local Law which the particular condition violates. Such order shall be served personally or by registered mail.

**D. Civil Penalty.**

Any person, firm or corporation who violates any provision of this Local Law, or any rules or regulations issued by the Superintendent, shall be liable to a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the County on its own initiative or at the request of the Superintendent.

**E. Alternative Action or Proceeding.**

Alternatively or in addition to an action to recover the civil penalties provided by subsection (D), the County of Warren may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Local Law or any rules or regulations issued by the Superintendent.

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SECTION 12. Remedies.

**A. Action or Proceeding by County.**

An action or proceeding in the name of the County of Warren may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Local Law, any rules or regulations adopted pursuant to this Local Law or otherwise remedy the violation. Such remedy shall be in addition to penalties otherwise prescribed by law.

**B. Issuance of Appearance Ticket.**

The Superintendent may issue appearance tickets for violations of this Local Law or any rules and regulations adopted pursuant to this Local Law.

SECTION 13. Severability.

If any term, part, provision, section, subdivision, paragraph or subparagraph of this Local Law shall be held unconstitutional or ineffective, in whole or in part, then, to the extent that it is not unconstitutional or ineffective, this Local Law and such term, part, provision, section, subdivision, paragraph or subparagraph thereof shall be in full force and effect; and such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions, paragraphs or subparagraphs thereof.

SECTION 14. Effective Date.


This Local Law shall take effect upon adoption by the Board of Supervisors of Warren County and upon the filing in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

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STATE OF NEW YORK )  
  )ss.:  
COUNTY OF WARREN  )

I, HAROLD E. ROBILLARD, Clerk of the Board of Supervisors of the County of Warren, do hereby certify that the foregoing is a true and correct copy and whole thereof, of a Local Law duly adopted by the Board of Supervisors of the County of Warren on the 14th day of June, 1991.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this 14th day of June, 1991.

  
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Harold E. Robillard, Clerk