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CHAPTER 50: SOLID WASTE

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COLLECTION AND DISPOSAL OF SOLID WASTE

§ 50.01 DECLARATION OF POLICY AND PURPOSE.

(A) 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.

(B) 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.

Warren County - Solid Waste

(C) 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 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.

(D) 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. (Local Law 3 of 1991, passed 6-14-1991)

§ 50.02 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL WASTE. 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 N.Y. Codes Rules and Regulations Parts 325.4 and 325.5.

BUSINESS. Any individual, association, partnership, firm or corporation having an established business domiciled or operating within Warren County.

BYPASS WASTE. 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.

COLLECTOR. Any individual, association, partnership, firm or corporation in the business of collecting solid waste, other than their own solid waste.

CONTRACTOR. 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.

COUNTY. The County of Warren.

DEPARTMENT OF PUBLIC WORKS. The Warren County Department of Public Works.

GARBAGE. Putresible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods.

HAZARDOUS WASTE. 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 to N.Y. Env'tl. Conserv. Law § 27-0903; 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.

INDIVIDUAL HAULER. Any person that hauls with a car, van, small trailer or pickup truck, his own solid waste.

MUNICIPALITY. 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 or more of the foregoing which are acting jointly in connection with a solid waste management facility.

PERSON. A municipality or other governmental body, public corporation or authority, private corporation, partnership or individual.

PROCESSIBLE WASTE. 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.

PUTRESIBLE. The tendency of organic matter to decompose with the formation of malodorous by-products.

RECYCLABLE MATERIALS. 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.

RECYCLING. Segregating solid waste materials from the solid waste stream for purposes of processing or recovery for future use, sale or other disposition to include, among other materials, but not limited to newspapers, corrugated box board, glass, metals and plastics.

RECYCLING FACILITY. 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.

REFUSE. Anything putresible or non-putresible that is discarded or rejected as useless or worthless.

RESIDUE. All solid waste remaining after treatment including, but not limited to, ash residue and other solid waste which is not recovered or combusted.

RESOURCE RECOVERY. The separation, extraction and recovery of usable materials or energy from solid waste.

RESOURCE RECOVERY FACILITY. 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 pyrolyzation of solid wastes, incinerators, and other solid waste disposal, reduction or conversion facilities.

SANITARY LANDFILL. 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 N.Y. Codes Rules and Regulations, Title 6, Part 360.

SOLID WASTE. 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 N.Y. Env'tl. Conserv. Law § 27-0903, 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.

SOLID WASTE MANAGEMENT FACILITY.

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.

SOURCE SEPARATION. The segregation of recyclable materials from the solid waste stream at the point of generation or collection for separate collection, sale or other disposition.

SUPERINTENDENT. The Superintendent of Public Works of Warren County.

TRANSFER STATION. 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.

YARD WASTE. Leaves, grass clippings, garden debris, and small or chipped branches.
(Local Law 3 of 1991, passed 6-14-1991)

§ 50.03 RECYCLABLE MATERIALS.

(A) Pursuant to Local Law 2 of 1991 adopted by the Board of Supervisors on March 15, 1991, effective April 1, 1991, as codified in §§ 50.25 through 50.30, 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 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 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.

(Local Law 3 of 1991, passed 6-14-1991)

§ 50.04 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 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 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 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 (N.Y. Pub. Off. Law § 89) 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 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:

(1) The application;

(2) Where appropriate, the proper proofs of insurance;

(3) 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

(4) 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.

(F) Permits shall expire annually on December 31 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:

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

(2) 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 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.

(Local Law 3 of 1991, passed 6-14-1991)

§ 50.05 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 § 50.04 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 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 § 50.06 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.

(Local Law 3 of 1991, passed 6-14-1991)

§ 50.06 PROHIBITED ACTIVITIES.

(A) No hazardous waste and no waste generated, originated or brought within Warren County which is likely:

(1) 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

(2) To violate the terms of any permit issued to a solid waste management facility to which solid waste is delivered pursuant to § 50.05(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 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 N.Y. Env'tl. Conserv. 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 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.
(Local Law 3 of 1991, passed 6-14-1991)

§ 50.07 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.
(Local Law 3 of 1991, passed 6-14-1991)

§ 50.08 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. (Local Law 3 of 1991, passed 6-14-1991)

§ 50.09 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. (Local Law 3 of 1991, passed 6-14-1991)

§ 50.10 ENFORCEMENT.

(A) An offense under this law shall, after criminal prosecution for said offense and criminal conviction thereof, be treated as a violation under the N.Y. Penal Law, punishable by a term of imprisonment not to exceed 15 days or by a fine not to exceed \$250, for each day or part thereof during such offense.

(B) Following three 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:

(1) The individual hauler or permittee willfully refuses or demonstrates an inability to substantially comply with the requirements of this Local Law; or

(2) 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 days notice. However, where the proceeding is sought to be maintained based upon the circumstances in division (B)(2) above 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.

(Local Law 3 of 1991, passed 6-14-1991; Res. 535 of 1992, passed - -1992; Local Law 6 of 1992, passed 11-6-1992)

§ 50.11 VIOLATIONS.

(A) *Violation of Local Law or rules.*

(1) 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.

(2) An offense under this law shall, after criminal prosecution for said offense and criminal conviction thereof, be treated as a violation under the N.Y. Penal Law, punishable by a term of imprisonment not to exceed 15 days or by a fine not to exceed \$250, for each day or part thereof during such offense.

(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 \$1,000 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 division (D) above, 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.
(Local Law 3 of 1991, passed 6-14-1991; Res. 535 of 1992, passed - -1992; Local Law 6 of 1992, passed 11-6-1992)

§ 50.12 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.
(Local Law 3 of 1991, passed 6-14-1991)

SEPARATION AND SEGREGATION OF RECYCLABLE OR REUSABLE MATERIALS FROM SOLID WASTE STREAM

§ 50.25 DECLARATION OF POLICY.

The policy of this Local Law is to require the source separation and segregation of recyclable or reusable materials from solid waste and to require that solid waste which has been left for collection or which is delivered by the generator of such solid waste to a solid waste management facility shall be separated into recyclable, reusable or other components for which economic markets for alternative uses exist.
(Local Law 2 of 1991, passed 3-15-1991)

§ 50.26 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COLLECTOR. Any individual, association, partnership, firm or corporation in the business of collecting solid waste, other than their own solid waste, within Warren County.

COMPONENTS. Paper, glass, metals, plastics, garden and yard waste and such other items as may be designated by the Superintendent.

CONTRACTOR. Any individual, association, partnership, firm or corporation in any business dealing with construction or collection of junk; and any individual, association, partnership, firm or corporation which owns a packer truck and is not a collector.

COUNTY. County of Warren.

INDIVIDUAL HAULER. Any person that hauls with a car, van or pickup truck, his own solid waste.

SANITARY LANDFILL. A 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 N.Y. Codes Rules and Regulations, Title 6, Part 360.

SOLID WASTE. All 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.

RESOURCE RECOVERY FACILITY. Any facility defined in N.Y. Env'tl. Conserv. Law § 27-0701(2).

RECYCLABLES. Those materials designated by this Local Law and/or by order of the Warren County Superintendent of Public Works as recyclable, reusable or other components for which economic markets exist for alternative uses.

SUPERINTENDENT. The Warren County Superintendent of Public Works.

TRANSFER STATION. 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 debris landfill.

(Local Law 2 of 1991, passed 3-15-1991)

§ 50.27 ADMINISTRATION.

(A) The Warren County Superintendent of Public Works is hereby authorized to and shall 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 authorized by this Local Law.

(B) The Superintendent of Public Works shall administer the provisions of this Local Law and the rules and regulations in furtherance thereof.

(Local Law 2 of 1991, passed 3-15-1991)

§ 50.28 SOURCE SEPARATION REQUIRED.

(A) 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) Solid waste which has been left for collection or which is delivered by the generator of such wastes to a solid waste management facility, shall be separated into recyclable, reusable or other components as described and directed by the rules and regulations promulgated by the Superintendent.

(C) Each town, city and village within the County shall be responsible for the separation, segregation and storage on site for disposal, the material described in the orders, rules and regulations promulgated by the Superintendent and shall adopt such uniform Local Laws or ordinances to accomplish the objectives of this Local Law.

(D) Each municipality in the County shall be responsible for the operation of a recycling/solid waste transfer station. Any municipality may join with one or more municipalities in establishing and operating a joint recycling/solid waste transfer station.

(E) Each municipality shall pay one-half of the cost of all recycling equipment eligible under the rules and regulations of the New York State Grant funds used or required to be used in the operation of its recycling/solid waste transfer station.

(F) Each municipality shall have full responsibility for:

(1) Having all materials segregated and ready for loading in the manner designated by the Superintendent;

(2) Maintaining on site equipment such as compactors and total maintenance of the transfer station and landfill area;

(3) Receiving applications for and issuing permits required by such municipality for access to any recycling or solid waste transfer station; and

(4) Adopting such Local Laws and ordinances required to implement the source separation, segregation and recycling effort.
(Local Law 2 of 1991, passed 3-15-1991)

§ 50.29 POWERS DELEGATED TO THE SUPERINTENDENT.

The Superintendent of the Public Works of Warren County is hereby empowered with such powers and duties required to cooperate with and assist each municipality in the County to implement the separation and segregation of recyclable materials from solid waste generated or existing in Warren County. The Superintendent is empowered to establish rules and procedures relating to the segregation and separation of recyclables from non-usable solid waste and to designate the sites for transfer stations and recycling centers in cooperation with the town boards in the County.
(Local Law 2 of 1991, passed 3-15-1991)

§ 50.30 ENFORCEMENT.

Each town, city or village within the County shall be responsible for the adoption, implementation and enforcement of Local Laws, rules and regulations adopted by such municipality relating to the source separation and segregation of recyclables or reusable material from solid waste.
(Local Law 2 of 1991, passed 3-15-1991)

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person violating any provision of §§ 50.01 through 50.12 shall be subject to the penalty provisions of §§ 50.10 and 50.11.
(Res. 535 of 1992, passed - -1992; Local Law 6 of 1992, passed 11-6-1992)

CHAPTER 51: SEWER RENTS

Section

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contract with the Washington County District and to pay all costs for operation, maintenance and repair of the sewer system hereinafter defined.
(Res. 542 of 1993, passed - -1993; Local Law 2 of 1993, passed 10-15-1993)

§ 51.02 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

§ 51.01 DECLARATION OF POLICY AND PURPOSE.

(A) There is hereby established a Sewer Rent Law, pursuant to N.Y. Gen. Mun. Law Article 14-F in order to pay the operation and maintenance costs and repair of the sewer system within the Warren County Sewer District (Industrial Park) including amounts to be paid to the Washington County Sewer District (Industrial Park) for the treatment of sewage transported to the Washington County Sewer District Treatment Plant.

(B) The County of Warren, acting on behalf of Warren County Sewer District (Industrial Park) situated on the west side of County Line Road in the Town of Queensbury, Warren County, New York, has entered into a contract with the Washington County Sewer District (Industrial Park) for the collection, treatment and disposal of sewage and wastewater disposal at the Washington County Sewer District Treatment Plant in the Town of Kingsbury, Washington County, New York. It is the purpose of this Local Law to impose appropriate sewer rents on real property within the geographical boundaries of Warren County Sewer District (Industrial Park) in order to pay the District's costs incurred under the

INDUSTRIAL WASTE. Any liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

LOCAL LEGISLATIVE BODY. The Board of Supervisors of the County of Warren.

OTHER WASTES. Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals, and all other discarded matter not sewage or industrial waste.

PART. As used in relation to the term "sewer system": all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, and private on-site wastewater disposal systems, each **PART** with necessary appurtenances including sewage pumping stations.

SEWAGE. The water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such

ground water infiltration and surface water as may be present. The admixture with sewage as above defined of industrial waste or other wastes as hereafter defined, also shall be considered **SEWAGE** within the meaning of this article.

SEWER RENTS.

(1) A scale of annual charges established and imposed by the Warren County Board of Supervisors on real property and the improvements thereon situated within the geographical boundaries of Warren County Sewer District (Industrial Park) pursuant to this Local Law for the use of a sewer system or any part or parts thereof within the District.

(2) Such charges may be based on either:

(a) The consumption of water on the premises connected with and served by the sewer system or such part or parts thereof;

(b) The number and kind of plumbing fixtures on the premises connected with and served by the sewer system or such part or parts thereof;

(c) The number of persons served on the premises connected with and served by the sewer system or such part or parts thereof;

(d) The volume and character of sewage, industrial waste and other wastes discharged into the sewer system or such part or parts thereof; or

(e) Upon any other equitable basis determined by the Board of Supervisors, including but not limited to any combination of the foregoing.

SEWER SYSTEM. All sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes and which are owned, operated or maintained by the Warren County Sewer District (Industrial Park) in the Town of Queensbury, Warren County, New York, including sewage pumping stations and sewage treatment and disposal works and private on-site

wastewater disposal systems owned and operated by Washington County Sewer District #1 (Industrial Park).

(Res. 542 of 1993, passed - -1993; Local Law 2 of 1993, passed 10-15-1993)

§ 51.03 ESTABLISHMENT OF SEWER RENTS.

There is hereby established and imposed a scale of sewer rents for services rendered by the sewer system to the real property within the limits of the Warren County Sewer District (Industrial Park) in the Town of Queensbury, Warren County, New York, as set forth below:

(A) For nonresidential properties: \$9 per thousand gallons of water consumption as indicated by the current water meter readings as billed on a quarterly basis by the Town of Queensbury Water Department for the period of November, 1993 to November, 1994 and to be billed quarterly commencing January 1, 1994 and quarterly thereafter on the first day of April, July and October thereafter.

(B) Said sewer rent charges shall be adjusted annually based upon operation and maintenance costs as determined by the Administrator of the Washington County Sewer District and upon adoption of a resolution confirming such charges by the Board of Supervisors of Warren County.

(Res. 542 of 1993, passed - -1993; Local Law 2 of 1993, passed 10-15-1993)

§ 51.04 SPECIALLY METERED WATER.

Quantities of water, used at any premises, which are used exclusively for lawn watering or in a manufacturing process, results in said water not being deposited in the town sewer system and are metered by a separate and specially installed and dedicated water meter to record such use shall not be used in calculating the total amount of charges or sewer rents due by the owners of the said premises under this Local Law. The meter referred to shall be installed in

accordance with the rules and regulations of the Water Department, and any and all meters installed pursuant to this provision shall be at the expense of the property owner and become property of the town which shall maintain the same.

(Res. 542 of 1993, passed - -1993; Local Law 2 of 1993, passed 10-15-1993)

§ 51.05 ADDITIONAL CHARGES FOR ADDITIONAL TREATMENT.

For treatment of industrial wastes or other wastes as defined herein, if any additional treatment is required because of undue concentration of solids or any other substances which add to the operating costs, the Board is authorized to fix and determine such additional sewer rent charges therefor, as shall be equitable, in addition to the sewer rents set forth in the preceding section. The discharges will comply with the Rules and Regulations of Washington County Sewer District #1.

(Res. 542 of 1993, passed - -1993; Local Law 2 of 1993, passed 10-15-1993)

§ 51.06 ADMINISTRATION.

(A) *Billing.* Sewer rents shall begin to occur as of January 2 each year for use in that year and shall be billed as early in the year as possible, but not later than May 1 of any year.

(B) *Where payable.* All sewer rents shall be due and payable at the Office of the Warren County Treasurer.

(C) *Mailing of bills.* Bills will be sent out to all property owners by the Warren County Treasurer and the failure of any property owner to receive a bill promptly shall not excuse nonpayment of the same, and in the event that the property owner fails to receive a bill promptly, he shall demand the same at the Warren County Treasurer's Office.

(D) *When due.* Bills will be rendered at the net amount and will be due on the last business day of the calendar month when rendered.

(E) *Penalty for nonpayment.* If bills are not paid by the last business day of the calendar month when rendered, a penalty of 10% shall be added to each billing not paid, except that there shall not be assessed a penalty on a penalty until October 31 when said bills shall be turned over to Warren County for payment and assessed on taxes due the next year.

(F) *Unpaid rents a lien.* Sewer use rents shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents are hereby established. The lien shall be prior to and superior to every other lien or claim except the lien of an existing tax assessment or other lawful charge imposed by or for the State or a political subdivision or district thereof.

(Res. 542 of 1993, passed - -1993; Local Law 2 of 1993, passed 10-15-1993)

§ 51.07 LEVY OF UNPAID RENTS AS TAXES; COLLECTION.

The Warren County Treasurer shall annually, on or before November 1, certify the amounts of all unpaid sewer rents, including penalties, computed to October 31, with a description of the real property affected thereby and shall present such certificate to the Clerk of the Board of Supervisors who shall enter the same in the minutes of the meeting. The County Board of Supervisors shall levy such amounts against the real property liable therefor as part of the annual County tax levy, setting forth such amounts in separate columns in the annual tax roll. The Sewer Rent Fund shall be credited with the amount of all such unpaid sewer rents, including penalties, and such amounts, when collected, shall be credited to the General Fund. The amounts so levied shall be collected and enforced in the same manner and at the same time as other town charges.

(Res. 542 of 1993, passed - -1993; Local Law 2 of 1993, passed 10-15-1993)

§ 51.08 STATUTORY AUTHORITY.

The authority for this Local Law is the N.Y. Mun. Home Rule Law of the State of New York and N.Y. Gen. Mun. Law Article 14-F.

(Res. 542 of 1993, passed - -1993; Local Law 2 of 1993, passed 10-15-1993)

CHAPTER 52: ILLICIT DISCHARGES

Section

- 52.01 Intent and purpose
- 52.02 Definitions
- 52.03 Applicability
- 52.04 Responsibility for administration
- 52.05 Prohibition of illegal discharges
- 52.06 Discharge exemptions
- 52.07 Prohibition of illicit connections
- 52.08 Prohibition against activities contaminating stormwater
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- 52.10 Suspension of access to county-owned municipal separate storm sewer system; illicit discharges in emergency situations
- 52.11 Industrial or construction activity discharges
- 52.12 Access and monitoring of discharges
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- 52.15 Appeal of notice of violation
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is essential to protect the health, safety and general welfare of the citizens of Warren County.

(B) This Board further finds and determines that controlling the introduction of pollutants into the County-owned municipal separate storm sewer system is critical in order to comply with requirements of the State Pollution Discharge Elimination System General Permit No. GP-02-02 for Municipal Separate Storm Sewer Systems.

(C) Therefore, the purpose of this Local Law is to regulate the contribution of pollutants to the County-owned municipal separate storm sewer system by prohibiting illicit connections, activities and discharges and to establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Local Law.

(D) The further purpose of this Local Law is to promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the County-owned municipal separate storm sewer system.

(E) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Local Law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.01 INTENT AND PURPOSE.

(A) This Board of Supervisors ("Board") finds and determines that the regulation of non-stormwater discharges to the County-owned municipal separate storm sewer system to the maximum extent practicable

§ 52.02 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEST MANAGEMENT PRACTICES. (Also referred to as *BMPs*). Schedules of activities, prohibitions of practices, general good house-keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. *BMPs* also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

COUNTY-OWNED MUNICIPAL SEPARATE STORM SEWER SYSTEM. (Also referred to as *MS4*.) A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by the County of Warren, and located in an area of the County known, identified or delineated, from time to time, by the New York State Department of Environmental Conservation, as an urbanized area, which includes roads and facilities designed or used for collecting or conveying stormwater which is not a combined sewer and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. Part 122.2. A copy of County owned roads

and properties is on file with the Clerk of the Warren County Board.

DEPARTMENT. The New York State Department of Environmental Conservation.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the County-owned municipal separate storm sewer system, including but not limited to:

(1) Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the County-owned municipal separate storm sewer system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the County-owned municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any direct or indirect non-stormwater discharge to the County-owned municipal separate storm sewer system, except as exempted in § 52.06 of this Local Law.

INDUSTRIAL ACTIVITY. Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MUNICIPALITY or COUNTY. The County of Warren.

NON-STORMWATER DISCHARGE. Any discharge to the County-owned municipal separate storm sewer system that is not composed entirely of stormwater.

PERSON. Any individual, association, organization, partnership, firm, corporation or other entity recognized by Local Law and acting as either the owner or as the owner's agent.

POLLUTANT. Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards.

PREMISES. Any building, structure, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

SPECIAL CONDITION. The condition in the County-owned municipal separate storm sewer system permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an County-owned municipal separate storm sewer system discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

SPECIAL CONDITION: DISCHARGE COMPLIANCE WITH WATER QUALITY STANDARDS. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its County-owned

municipal separate storm sewer system permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

SPECIAL CONDITION: 303(d) LISTED WATERS. The condition in the County-owned municipal separate storm sewer system permit that applies where the County-owned municipal separate storm sewer system discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

SPECIAL CONDITION: TOTAL MAXIMUM DAILY LOAD (TMDL) STRATEGY. The condition in the County-owned municipal separate storm sewer system permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the County-owned municipal separate storm sewer system discharges.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. A permit issued by New York State Department of Environmental Conservation.

STORMWATER. Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER. (Also referred to as *SMO*.) A person, persons, or other public official(s) designated by the Chairman of the Board to enforce this Local Law. The **STORMWATER MANAGEMENT OFFICER** may also be designated to accept, review, and inspect stormwater pollution prevention plans.

303(d) LIST. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by § 303(d) of the Clean Water Act. **303(d) LISTED WATERS** are estuaries,

lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TOTAL MAXIMUM DAILY LOAD. (Also referred to as **TMDL**.) The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.03 APPLICABILITY.

This Local Law shall apply to all water entering the County-owned municipal separate storm sewer system generated on any developed and undeveloped lands in any area or areas of the County known, identified or delineated, from time to time, by the New York State Department of Environmental Conservation as urbanized area(s) unless explicitly exempted by an authorized enforcement agency.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.04 RESPONSIBILITY FOR ADMINISTRATION.

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this Local Law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the Stormwater Management Officer as may be authorized by the County.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.05 PROHIBITION OF ILLEGAL DISCHARGES.

No person shall discharge or cause to be discharged into the County-owned municipal separate storm sewer system any materials other than stormwater except as provided in § 52.06. The

commencement, conduct or continuance of any illegal discharge to the County-owned municipal separate storm sewer system is prohibited except as described in § 52.06.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.06 DISCHARGE EXEMPTIONS.

(A) The following discharges are exempt from discharge prohibitions established by this Local Law, unless the Department or the County has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(B) Discharges approved in writing by the Stormwater Management Officer to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the Stormwater Management Officer may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this Local Law.

(C) Dye testing in compliance with applicable State and Local Laws is an allowable discharge, but requires a verbal notification to the Stormwater Management Officer prior to the time of the test.

(D) The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and

administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the County-owned municipal separate storm sewer system.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.07 PROHIBITION OF ILLICIT CONNECTIONS.

The construction, use, maintenance or continued existence of illicit connections to the County-owned municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this Local Law if the person connects a line conveying sewage to the County-owned municipal separate storm sewer system, or allows such a connection to continue.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.08 PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER.

(A) Activities are prohibited that cause or contribute to a violation of the County-owned municipal separate storm sewer system SPDES permit or cause or contribute to the County being subject to the special conditions as defined in § 52.02 of this Local Law.

(B) Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the county-owned municipal separate storm sewer system SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the County's MS4 SPDES permit authorization.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.09 REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

(A) Where the Stormwater Management Officer has identified illicit discharges as defined in § 52.02 or activities contaminating stormwater as defined in § 52.08, the County may require the implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

(B) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the County-owned municipal separate storm sewer system through the use of structural and non-structural BMPs.

(C) Any person responsible for a property or premise, which is or may be, the source of an illicit discharge as defined in § 52.02 or an activity contaminating stormwater as defined in § 52.07, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the County-owned municipal separate storm sewer system.

(D) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.10 SUSPENSION OF ACCESS TO COUNTY-OWNED MUNICIPAL SEPARATE STORM SEWER SYSTEM; ILLICIT DISCHARGES IN EMERGENCY SITUATIONS.

(A) *Imminent danger.* The Stormwater Management Officer may, without prior notice, suspend County-owned municipal separate storm sewer system discharge access to a person when such

suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the County-owned municipal separate storm sewer system. The Stormwater Management Officer shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the Stormwater Management Officer may take such steps as deemed necessary to prevent or minimize damage to the County-owned municipal separate storm sewer system or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge.* Any person discharging to the County-owned municipal separate storm sewer system in violation of this Local Law may have their County-owned municipal separate storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The Stormwater Management Officer will notify a violator in writing of the proposed termination of its county-owned municipal separate storm sewer system access and the reasons therefor. The violator may petition the Stormwater Management Officer for a reconsideration and hearing. Access may be granted by the Stormwater Management Officer if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the Stormwater Management Officer determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates County-owned municipal separate storm sewer system access to premises terminated pursuant to this section, without the prior approval of the Stormwater Management Officer.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.11 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be

required in a form acceptable to the County prior to the allowing of discharges to the County-owned municipal separate storm sewer system.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.12 ACCESS AND MONITORING OF DISCHARGES.

(A) *Applicability.* This section applies to all facilities that the Stormwater Management Officer must inspect to enforce any provision of this Local law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Local Law.

(B) *Access to facilities.* The Stormwater Management Officer shall be permitted to enter and inspect facilities subject to regulation under this Local Law as often as may be necessary to determine compliance with this Local Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Stormwater Management Officer.

(1) Facility operators shall allow the Stormwater Management Officer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this Local Law.

(2) Unreasonable delays in allowing the County access to a facility subject to this Local Law is a violation of this Local Law. A person who is the operator of a facility subject to this Local Law commits an offense if the person denies the County reasonable access to the facility for the purpose of conducting any activity authorized or required by this Local Law.

(3) If the Stormwater Management Officer has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Local Law, or that there is a need to inspect and/or sample as part of a

routine inspection and sampling program designed to verify compliance with this Local Law or any order issued hereunder, then the Stormwater Management Officer may seek issuance of a search warrant from any court of competent jurisdiction.

(C) *Monitoring.*

(1) The county shall have the right to set up on any facility subject to this Local Law such devices as are necessary in the opinion of the Stormwater Management Officer to conduct monitoring and/or sampling of the facility’s stormwater discharge.

(2) The County has the right to require the facilities subject to this Local Law to install monitoring equipment as is reasonably necessary to determine compliance with this Local Law. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.13 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the County-owned municipal separate storm sewer system, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and the County Stormwater Management Officer. In the event of a release of non-hazardous materials, said person shall notify the County Stormwater Management Officer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be

confirmed by written notice addressed and mailed to the County within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least ten years.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.14 ENFORCEMENT.

When the County’s Stormwater Management Officer finds that a person has violated a prohibition or failed to meet a requirement of this Local Law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(A) The elimination of illicit connections or discharges;

(B) That violating discharges, practices or operations shall cease and desist;

(C) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(D) The performance of monitoring, analyses and reporting;

(E) Payment of a fine; and

(F) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.15 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Stormwater Management Officer to Warren County within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the County Clerk and mail a copy of its decision by certified mail to the discharger.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.16 CORRECTIVE MEASURES AFTER APPEAL.

(A) If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal, within five business days of the decision of the County authority upholding the decision of the Stormwater Management Officer, then the Stormwater Management Officer shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

(B) If refused access to the subject private property, the Stormwater Management Officer may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the Stormwater Management Officer may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.17 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Local Law. If a person has violated or continues to violate the provisions of this

Local Law, the Stormwater Management Officer may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.18 ALTERNATIVE REMEDIES.

(A) Where a person has violated a provision of this Local Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the County Attorney and concurrence of the Stormwater Management Officer, where a determination is made that:

- (1) The violation was unintentional;
- (2) The violator has no history of previous violations of this Local Law;
- (3) The environmental damage was minimal;
- (4) The violator acted quickly to remedy violation; and
- (5) The violator cooperated in investigation and resolution.

(B) Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops;
- (2) Storm drain stenciling or storm drain marking; and/or
- (3) River, stream or creek cleanup activities.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.19 REMEDIES NOT EXCLUSIVE.

The remedies listed in this Local Law are not exclusive of any other remedies available under any

applicable Federal, State or Local Law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Local Law 2 of 2008, passed 1-18-2008)

§ 52.99 PENALTY.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Local Law shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this Local Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

(Local Law 2 of 2008, passed 1-18-2008)

