



# Solid Waste Committee

## Committee Meeting

~ Agenda ~

60 Central Ave.  
Cortland, NY 13045  
<http://www.cortland-co.org>

Charles Sudbrink

Tuesday, March 14, 2017

11:00 AM

Room 304

### CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Vice-Chair John R Troy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Legislative District 3 Thomas P. Hartnett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Legislative District 10 Gordon Wheelock	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Legislative District 15 George Wagner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Legislative District 6 Mary Ann Discenza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Chair Charles Sudbrink	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Legislative District 11 Christopher Newell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### MINUTES

Tuesday, February 14, 2017

### RESOLUTIONS

*Landfill/Solid Waste*

*Recycling*

### OLD BUSINESS

1. **Resolution (ID # 4193)**

Local Law No. "C" of 2017 - a Local Law to Amend Local Law 8 of 2014 to Allow for the Acceptance of Municipal Solid Waste and Construction and Demolition Debris from Contiguous Counties at the Cortland County Landfill

**HISTORY:**

01/26/17

Cortland County Legislature WITHDRAWN - NOT FINAL

Next: 02/23/17

### DISCUSSION/REPORTS

2. **Discussion Item (ID # 4361)**

Solid Waste Department Report-March 2017

**ATTACHMENTS:**

- Solid Waste Department Activities Report - March 2017 (DOCX)



# Solid Waste Committee

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~ Minutes ~

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Charles Sudbrink

Tuesday, February 14, 2017

11:00 AM

Room 304

### CALL TO ORDER

Attendee Name	Title	Status	Arrived
John R Troy	Vice-Chair	Present	
Thomas P. Hartnett	Legislative District 3 - Committee Member	Absent	
Gordon Wheelock	Legislative District 10 - Committee Member	Present	
George Wagner	Legislative District 15 - Committee Member	Present	
Mary Ann Discenza	Legislative District 6 - Committee Member	Present	
Charles Sudbrink	Chair	Present	
Christopher Newell	Legislative District 11 - Committee Member	Present	
Linda Jones	Legislative District 9	Present	
James Denkenberger	Legislative District 16	Present	
Karen Howe	County Attorney	Present	
Eric Mulvihill	Clerk, County Legislature	Present	
Philip Krey	Highway Superintendent	Present	
Greg Ernst	Landfill Manager	Present	
Peggy Mousaw	Budget and Finance Director	Present	
John Gale	Casella Waste Services	Present	
Alison King	Solon	Present	
Todd Miller	Solon	Present	
Pam Jenkins	Cortlandville	Present	
Victor Siegel	Homer	Present	
Doug Bentley	Cortland	Present	
Mike Barylski	Cortlandville	Present	
Todd McAdam	Cortland Standard	Present	
Greg Leach	Leach's Custon Trash	Present	

### MINUTES

1. Thursday, January 05, 2017
2. Tuesday, January 10, 2017
3. Thursday, January 26, 2017

### RESOLUTIONS

#### Landfill/Solid Waste

1. Resolution 66-17

Minutes Acceptance: Minutes of Feb 14, 2017 11:00 AM (MINUTES)

Abolish/Create Highway Department/Solid Waste Landfill Operations Crew Leader/Heavy Equipment Operator

**HISTORY:**

02/14/17 Highway Committee APPROVED

**COMMENTS - Current Meeting:**

Mr. Krey said a crew leader recently retired and with Mr. Ernst at the Landfill there is no need for an additional supervisor position. By reclassifying the position it will create a cost savings. Mr. Denkenbegrer asked if it is possible to create a lower pay rate. Mr. Sudbrink said he wants to create the position and keep it open while Mr. Ernst asses the changes at the Landfill including the tip fee increase as well as the impact of accepting contiguous county trash or flow control if those proposal are approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>	<b>Next: 2/16/2017 10:00 AM</b>
<b>MOVER:</b>	John R Troy, Charles Sudbrink	
<b>SECONDER:</b>	Christopher Newell, Legislative District 11 - Committee Member	
<b>AYES:</b>	Troy, Wheelock, Wagner, Discenza, Sudbrink, Newell	
<b>ABSENT:</b>	Thomas P. Hartnett	

**2. Resolution 71-17**

Increase Minimum Tipping Fee for Commercial Waste Permit Holders, Private Business/Farm Permit, and Resident Waste Permit Holders-Cortland County Landfill

**COMMENTS - Current Meeting:**

Mr. Sudbrink credited Ms. Jones with bringing this proposal forward. Ms. Jones said she received the recommendation from constituents.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>	<b>Next: 2/23/2017 6:00 PM</b>
<b>MOVER:</b>	John R Troy, Charles Sudbrink	
<b>SECONDER:</b>	Christopher Newell, Legislative District 11 - Committee Member	
<b>AYES:</b>	Troy, Wheelock, Wagner, Discenza, Sudbrink, Newell	
<b>ABSENT:</b>	Thomas P. Hartnett	

**Recycling**

Mr. Gale reported that the number of cathode ray tube televisions brought to the recycling center were down in January. In January 240 tons of material were brought to the recycling center. Mr. Gale reports that paper and cardboard prices were up in January which is a continuation of a 5-6 month trend of increased commodity value.

Ms. Jones said she feels there is still a lot of confusion regarding what is and what is not recyclable. She asked if fliers could be developed to inform consumers about what can be accepted and also asked if better signage could be installed to outline what electronics are recyclable. Mr. Gale said his company has fliers at the recycling center and have previously discussed better signage to outline what can or cannot be accepted.

Minutes Acceptance: Minutes of Feb 14, 2017 11:00 AM (MINUTES)

Mr. Sudbrink discussed adopting a proposal that would require commercial haulers to purchase permits to bring materials to the recycling center. He said the County needs to develop an equitable charge and would like to bring something forward. Mr. Denkenberger asked what the start-up cost of hiring someone to oversee the recycling permit program. He discussed the threshold for levying a charge. Mr. Ernst said the fee could be set on a base rate or could be based on tonnage. Mr. Sudbrink said that would require someone operating the scale at the recycling center. Mr. Krey suggested basing the cost of the permit on the type of vehicle that is used to transport the material.

Ms. Jones said the County should not be accepting recycled material from outside the County. Mr. Ernst said the more volume coming into the facility reduces the loss the County incurs on commodity pricing. Ms. Jones said she is concerned that adding recycling fees will promote more illegal dumping.

**OLD BUSINESS**

**4. Discussion Item (ID # 4284)**

Revisions / Amendments to Proposed Local Law a of 2017-Accepting Contiguous County Trash

COMMENTS - Current Meeting:

Ms. Discenza asked Ms. Howe if she had reviewed proposed amendments to the local laws. Ms. Howe said she had reviewed the proposed amendment related to the acceptance of incinerator ash. Mr. Sudbrink said the intent of the amendment regarding incinerator ash is to assuage concerns related to the acceptance of the material. He said statements have been made that the material could be brought in and that these local laws particularly the law to accept contiguous trash is simply a backdoor method to begin receiving ash. He said he wants this amendment in place requiring Legislative approval to receive ash in order to let the public know we are not sneaking this material in as some have suggested. Mr. Troy said he supports the amendment, while he supports ash and hopes in the future the Legislature moves to accept it but he doesn't want anyone thinking we're sneaking any ash in without proper deliberation.

Mr. Sudbrink moved to amend the resolution to require Legislative approval in order to accept incinerator ash at the County Landfill. Mr. Troy seconded the motion. All in favor, none opposed.

ATTACHMENTS:

- Local Law No A of 2017 a Local Law to Amend Local Law 4 of 2012 to Allow for the Acceptance of Municipal Solid Waste and Construction and Demolition Debris from Contiguous Counties at the Cortland Co (PDF)

**RESULT: COMPLETED**

**5. Discussion Item (ID # 4285)**

Revisions/Amendments to Proposed Local Law B of 2017-Flow Control

ATTACHMENTS:

- Local Law B Flow Control (PDF)

Minutes Acceptance: Minutes of Feb 14, 2017 11:00 AM (MINUTES)

**RESULT: COMPLETED**

**DISCUSSION/REPORTS**

Mr. Denkenberger said he feels the Solid Waste Committee has come along way in the last 3-4 years with regard to discussions on the County Landfill. He said the committee has been provided a lot of information to consider. Mr. Denkenberger said we are starting to see more cooperation and he commended the committee for giving due process to the new information.

Mr. Newell and Mr. Troy both said they would like a meeting to be scheduled with the trash haulers to discuss volume discounts and the impacts of flow control.

**I. Discussion Items**

**1. Discussion Item (ID # 4276)**

Sale of Bradco Brush Head

COMMENTS - Current Meeting:

Mr. Krey said this equipment is rarely used, Tompkins County has offered \$12,000 for this equipment. Mr. Krey recommended selling to Tompkins County, with the money going into the Landfill equipment account.

**RESULT: COMPLETED**

**2. Discussion Item (ID # 4277)**

February Solid Waste Departmental Activities Report

ATTACHMENTS:

- Solid Waste Department Activities Report - Feb 2017(DOCX)

**RESULT: COMPLETED**

Minutes Acceptance: Minutes of Feb 14, 2017 11:00 AM (MINUTES)

**ON MOTION OF CHARLES SUDBRINK, CHAIR**

**AGENDA ITEM NO. 1**

**Local Law No. "C" of 2017 - a Local Law to Amend Local Law 8 of 2014 to Allow for the Acceptance of Municipal Solid Waste and Construction and Demolition Debris from Contiguous Counties at the Cortland County Landfill**

WHEREAS, the Cortland County Solid Waste Committee has reviewed and recommended the adoption of the attached Local Law; AND

WHEREAS, said local law has been in its final form upon the desks of the members of the Legislature at least seven days exclusive of Sunday, prior to this date, AND

WHEREAS, a public hearing was held January 26, 2017, and proper notice of said public hearing was provided, NOW THEREFORE BE IT

RESOLVED, that, upon approval of the County Attorney, the attached local law, titled Local Law No. "C" of 2017, "A Local Law To Amend Local Law No 8 of 2014, to Allow for the Acceptance of Municipal Solid Waste and Construction and Demolition Debris from Contiguous Counties at the Cortland County Landfill", is hereby adopted by the Cortland County Legislature.

**LOCAL LAW NO. \_C\_ FOR THE YEAR 2017**

**A LOCAL LAW TO AMEND LOCAL LAW NO. 8 OF 2014,  
TO ALLOW FOR THE ACCEPTANCE OF MUNICIPAL SOLID WASTE AND  
CONSTRUCTION AND DEMOLITION DEBRIS FROM CONTIGUOUS COUNTIES AT THE  
CORTLAND COUNTY LANDFILL**

**Be it enacted by the County Legislature of the County of Cortland as follows:**

**Local Law No. 8 of 2014 is hereby amended to read as follows:**

**Be it enacted by the County Legislature of the County of Cortland as follows:**

**SECTION I.**

**LEGISLATIVE INTENT**

The County Legislature hereby finds that a safe, sanitary, efficient, economical and environmentally sound manner of conducting solid waste management is declared to be of importance to the health, safety, and welfare of the inhabitants of the County of Cortland. Control of the collection, transportation, and disposal of solid waste and recyclables in the county is essential to the economy and general welfare of the citizens of Cortland County.

This local law is intended to supersede all prior local laws and enactments relative to solid waste and recyclable programs in Cortland County; including, but not limited to, Local Laws Number 3 of 1981, Number 5 of 1992 and Number 3 of 2002.

## SECTION II.

### DEFINITIONS

- a. The term “Beneficial Use Determination” shall mean a designation made by the NYS Department of Environmental Conservation as to whether the 6 NYCRR Part 360 Solid Waste Management Facilities regulations have jurisdiction over waste material which is to be beneficially used. Once the Department of Environmental Conservation grants a Beneficial Use Determination (or “BUD”), the waste material ceases to be considered solid waste for the purposes of Part 360 when used as described. There are 16 pre-determined BUDs listed in 6 NYCRR Part 360-1.15(b). In situations where a particular reuse is not specifically identified in Part 360-1.15(b), generators and potential users can petition the Department of Environmental Conservation for a case-specific BUD in accordance with the 6 NYCRR Part 360-1.15(d).
- b. The term “Board of Hearing” shall mean the board described in Section V(1) of this local law.
- c. The term “Cortland County Legislature” shall mean the duly elected County Legislature of Cortland County.
- d. The term “Commercial Waste” shall mean solid waste generated by stores, offices, institutions, restaurants, warehouses, non-manufacturing activities in industrial facilities and agricultural enterprises.
- e. The term “Commercial Waste Permit” shall mean the permit issued pursuant to Section IV (1) of this local law.
- f. The term “Construction and Demolition Debris” shall mean solid waste resulting from construction, remodeling, repair and demolition of structures, roads, buildings, and land clearing. Such wastes include, but are not limited to, bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree and bush stumps.
- g. The term “Contractor” shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution or any other person so deemed by the department, engaged in the commercial collection, pickup, transfer, removal and/or disposal of Commercial Waste, Construction and Demolition Debris and/or Industrial Waste excluding Refuse.
- h. The term “County” shall mean Cortland County, a municipal corporation of the State of New York, with offices at 60 Central Avenue, Cortland, New York 13045.
- i. The term “County Landfill” shall mean the landfill owned and operated by the County of Cortland and located on Town Line Road in the Towns of Cortlandville and Solon, New York, or any other landfill owned and/or operated, or caused to be operated by, the County of Cortland.
- j. The term “Department” shall mean Cortland County Solid Waste/Recycling as a part of the Cortland County Highway Department, or its successor.
- k. The term “Electronic Equipment Recycling” shall have the meaning specified in the NYS Environmental Conservation Law, Article 27, Title 26, also known as the “*NYS Electronic Equipment Recycling and Reuse Act*”.

- l. The term “Facility” shall mean any Solid Waste management facility owned or operated, or caused to be operated by the County, or any such other facility or facilities in or out of County that accepts or disposes of Solid Waste and/or Recyclables generated, originated or brought into the County, including, but not limited to landfills, transfer stations, materials, recovery facilities, drop-off centers, and resource recovery facilities.
- m. The term “Hazardous Waste” shall mean those materials, substances, or wastes including, but not limited to, pesticides and containers used for pesticides, other waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the New York State Commissioner of the Department of Environmental Conservation, (6 NYCRR Parts 370, 373, 376), and any other material determined, now or in the future, to be hazardous by state or federal rule, regulation and/or statute.
- n. The term “Farm” shall have the meaning specified in 6 NYCRR §360-1.2, as the same may be amended, suspended or replaced.
- o. The term “Industrial Waste” shall mean Solid Waste generated by manufacturing or industrial processes. Such waste may include, but is not limited to the following manufacturing processes: electric power generation, fertilizer/agricultural chemicals, inorganic chemicals, iron and steel manufacturing, leather and leather products, non-ferrous metals manufacturing/foundries, organic chemicals, plastics and resins manufacturing, pulp and paper industry, rubber and miscellaneous plastic products, stone, glass, clay and concrete products, textile manufacturing, transportation equipment, and water treatment. This term does not include oil or gas drilling, production and treatment wastes (such as brines, oil, and fluids) or overburden, spoil or tailings resulting from mining, or solution mining brine and insoluble component wastes.
- p. The term “Infectious Waste” shall have the meaning specified in 6 NYCRR 360-1.2 as the same may be amended, superseded or replaced.
- q. The term “M.R.F. Recycling Facility” shall mean the materials recovery facility located at 137 South Pendleton Street, Cortland, New York.
- r. The term “Open Dump” shall mean a Solid Waste disposal area which does not comply with the required public health and environmental control practices.
- s. The term “Person” or “Persons” shall mean any individuals, company, partnership, association, firm, corporation, municipality or any other entity.
- t. The term “Private Business/Farm Permit” shall mean the permit issued pursuant to Section IV(2) of this local law.
- u. The term “Processor” shall mean a primary user of the particular material such as Recyclables, including, but not limited to, glass factories, detinner, plastic recovery facility, paper mill or a consolidator of the material.
- v. The term “Prohibited Materials” shall mean the following materials, as may be modified from time to time by the Department, and these materials shall not be accepted at the County Landfill or any other Facility in the County:
  - i. Well drilling debris (i.e., tailings from the drilling of wells or hydraulic fracturing)



- ii. Septic tank pumpings
- iii. Liquid wastes
- iv. Pesticides and chemicals
- v. Junked vehicles, car parts, motor parts
- vi. Explosives
- vii. Compressed gas tanks
- viii. Fluorescent bulbs (including compact fluorescent bulbs)
- ix. Hot ashes, other burning or hot loads
- x. Sealed containers
- xi. Hazardous waste
- xii. Large dead animals
- xiii. Motor oil
- xiv. Toys, swing sets
- xv. Friable asbestos
- xvi. Sludge (without a permit)
- xvii. Batteries
- xviii. Fuel contaminated soil

**xix** **Incinerator waste, incinerator ash and/or incinerator residue shall be a prohibited item (material) not withstanding its permitted use unless incinerator waste, incinerator ash and/or incinerator residue acceptance is specifically authorized by further resolution of the Cortland County Legislature.**

- w. The term “Recyclables” shall mean such material designated from time to time by the Department which under any applicable law or regulation is not Hazardous Waste and which can be reasonably separated from the Solid Waste stream and held for its material recycling or reuse value. The following materials as may be modified from time to time by the Department, shall be considered Recyclables:

- i. glass
- ii. newspapers
- iii. corrugated cardboard
- iv. metal containers
- v. plastic containers (marked with recycling triangle, numbers 1 through 7)
- vi. residential metal appliances (with statement of purging CFC or Freon)
- vii. tires (for an additional fee)

- x. The term “Refuse” shall mean putrescible and incidental non-putrescible Solid Waste including, but not limited to, animal, vegetable and paper waste. Refuse originates primarily in homes, business and restaurants, and has characteristics similar to that Solid Waste collected and disposed of as part of normal residential and commercial collections.

- y. The term “Resident” shall mean any individual who is a legal resident of the County or any individual who is a temporary resident of the County.

- z. The term “Residential Waste Permit” shall mean the permit issued for the disposal of Solid Waste generated from houses, apartments and other residential dwellings.

- aa. The term “Solid Waste” shall mean 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, 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 not including sewage and other highly diluted water carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies characteristics of hazardous waste promulgated by the New York State Commissioner of the Department of Environmental Conservation. (See also NYS County Law §226-b)

- bb. The term “Source Separation” shall mean the dividing of solid waste into some or all of its component parts at the point of generation, including the separation of recyclables from each other, or the separation of recyclables from other solid waste. (6 NYCRR §360-1.2 (160)). The residue remaining after recyclables are removed from the waste stream is not considered source separated material.
- cc. The term “Waste Collector” shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution, or any other person so deemed by the Department, engaged in the commercial collection, pick-up, transfer, removal and/or disposal of Solid Waste and/or Recyclables generated, originated or brought within the boundaries of the County.

### **SECTION III.**

#### **ADMINISTRATION**

- a. The Department, or its successor, shall be primarily responsible for all ministerial and administrative duties described or reasonably required by the terms of this local law.
- b. The Cortland County Legislature, pursuant to New York State County Law §226-b, may, by resolution, establish schedules of rates or fees to be charged for any solid waste collection or management facilities or services provided, including, but not limited to, the establishment of solid waste permit, tipping and user fees. Such fees shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded.
- c. The Department, or its successor, shall administer the program of registering and permitting all waste collectors, contractors and other persons collecting, transporting or disposing of Solid Waste and Recyclables in the County. This includes the issuance, renewal, and revocation of all permits described in this local law.
- d. The Department, or its successor, may promulgate rules in connection with the operation of the County Landfill or any other Facility.
- e. The Department, or its successor, shall issue warning notices, and may initiate proceedings pursuant to Section V of this local law subject to the approval of the Cortland County Legislature or its designee.
- f. The Department, or its successor, may encourage and conduct studies, investigations and research relating to various aspects of Solid Waste Management as it deems necessary or as requested by the Cortland County Legislature.

### **SECTION IV.**

## STANDARDS AND REGULATIONS

### 1. Commercial Waste Permit Requirements

- a. No waste collector or contractor shall collect, transport or dispose of Solid Waste at the Cortland County Landfill without obtaining a Commercial Waste Permit issued by the County.
- b. All applications for Commercial Waste Permits shall be in writing and shall contain such information as requested by the Department, but at a minimum, as set forth in this local law. All Commercial Waste Permit information shall be verified by the applicant as required by this local law and the Department. The applicant shall file with any application proof of insurance and shall pay the required permit fee as set forth in this local law.
- c. All Commercial Waste Permit holders must provide curbside recycling pick-up to their residential and commercial customers, either directly or by subcontracting a duly licensed contractor to provide this service to their commercial and residential customers.
- d. Each Commercial Waste Permit applicant shall be required to pay a Commercial Waste Permit fee per vehicle. The fees, rates, or charges for Commercial Waste Permit holders shall be established by resolution of the Cortland County Legislature and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded.
- e. Proof of insurance shall be filed with the application executed by the representatives of an insurance company, duly authorized and qualified by the Department, evidencing that said insurance company has issued motor vehicle liability and property damage insurance policies covering the following:
  - i. All operations of the applicant or any other person, firm or corporation employed by him in transporting Solid Waste and/or Recyclables.
  - ii. The disposal of such Solid Waste and/or Recyclables to and within the designated and approved County Landfill and/or Facility.
  - iii. Protecting the public and any person from injuries or damages sustained by reason of transporting Solid Waste and/or Recyclables.
  - iv. The certificate or affidavit to be filed with the application shall be executed by the representatives of a duly qualified insurance company evidencing that said insurance company shall provide to the County of Cortland at least 30 days notice of any cancellation or reduction of coverage, and further evidencing that said insurance company has issued commercial vehicle insurance policies.
- f. Upon receipt of the application and the proper proof of insurance and the payment of the Commercial Waste Permit fee, the Department shall thereupon issue the applicant a Commercial Waste Permit. A Commercial Waste Permit shall expire on the next December 31<sup>st</sup> following the date of issue. Upon issuance of the Commercial Waste Permit the Department shall affix the Commercial Waste Permit to each and every vehicle, on which shall be set forth clearly the official number of such Commercial Waste Permit and/or the license plate number of the vehicle

to which the Commercial Waste Permit is affixed.

- g. Renewal of Commercial Waste permits shall be in the same manner and subject to the same conditions as original Commercial Waste Permits, and also shall be subject to any additional requirement in effect at the time of application for renewal as specified by the Department or the Cortland County Legislature.
- h. Whenever proof, by means of an affidavit, is submitted to the Department that a Commercial Waste Permit issued for the purpose set forth in this local law has been lost or destroyed, the Department shall, upon payment of \$5.00 by the applicant, issue a new Commercial Waste Permit in lieu of the one which was lost or destroyed.
- i. No Commercial Waste Permit issued pursuant to the provision of this local law shall be transferrable.
- j. All collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be in strict conformance with the rules and regulations prescribed in this local law and as such rules and regulations may hereafter be amended or supplemented by the Department.
- k. All vehicles used in the collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be maintained in a sanitary condition and shall be constructed as to prevent leakage in transit. The body of the vehicle shall be wholly enclosed or shall at all times be kept covered with an adequate cover. Operation of vehicles shall be done in such a manner as to prevent spilling or loss of contents.
- l. Any Commercial Waste Permit issued pursuant to this local law shall be in the nature of a privilege subject to the terms and conditions set forth in this local law and as amended or supplemented by the Department, and shall not be deemed to create a property interest with respect to the Commercial Waste Permit in the holder.
- m. All such Commercial Waste Permit requirements specified herein, including, but not limited to, Commercial Waste Permit fees and insurance coverage amounts, may be amended or adjusted from time to time by resolution of the Legislature of Cortland County.

## 2. Residential Waste Permit and Private Business / Farm Permit Requirements

- a. Individuals collecting, transporting or disposing of their own Solid Waste and/or Recyclables will be required to obtain a Residential Waste Permit from the Department. The fees, rates or charges for Residential Waste Permit holders shall be established by resolution of the Cortland County Legislature, and such charges shall commence upon the adoption of effective date of such resolution and continue until modified, amended or rescinded. Permits issued to vehicle must correlate with license plate number.
- b. Residential Waste Permits shall be available and are required for passenger cars, vans, station wagons and pick-up trucks (up to one ton capacity). All other vehicles must be registered under the provisions applicable to a Commercial Waste Permit or Private Business/Farm Permit. The Department, in its sole discretion, may require any vehicle, regardless of type or size, transporting

Solid Waste and/or Recyclables for compensation paid to the owner or operator, to comply with the provisions applicable to a Commercial Waste Permit or Private Business/Farm Permit.

- c. Persons and contractors not holding Commercial Waste Permits may obtain a Private Business/Farm Permit for the collection, transportation and/or disposal of Solid Waste other than Refuse at the County Landfill. A Private Business/Farm Permit must be obtained from the Department. The fees, rates or charges for Private Business/Farm Permit holders shall be established by resolution of the Cortland County Legislature, and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded. Holders of a Private Business / Farm Permit shall be required to make immediate cash payment of the required fee for the first 90 days, and once a month thereafter.
- d. The Department may, at its sole discretion, require certain Private Business/Farm Permit holders to provide proof of insurance in a form and amount satisfactory to the Department before such Private Business/Farm Permit holder may dispose of Solid Waste and/or Recyclables at the County Landfill or any other Facility.
- e. Residential Waste Permit holders and Private Business/Farm Permit holders shall strictly comply with all rules and regulations prescribed by the Department.
- f. All Residential Waste Permit and Private Business/Farm Permit requirements specified herein, including, but not limited to, Resident(ial) Waste Permit fees and Private Business/Farm Permit fees, may be amended or adjusted from time to time by resolution of the Cortland County Legislature.

### 3. Disposal of Solid Waste

- a. No waste collector, contractor, or other person shall dispose of Solid Waste at the County Landfill or any Facility for the disposal of Solid Waste, without a Commercial Waste Permit, Residential Waste Permit, or Private Business/Farm Permit.
- b. *Solid Waste generated from CONTIGUOUS Counties bordering Cortland County which included Cayuga County, Chenango County, Madison County, Tompkins County, Broome County, Onondaga County, and Tioga County WILL be accepted at the County Landfill or at any other Facility located in the County. Combined loads containing Solid Waste from within the County as well as from outside the County WILL be accepted for disposal at the County Landfill or at any other Facility located in the County.*
- c. The County Landfill will accept BUD material as defined and allowed under the rules and regulations of the NYS Department of Environmental Conservation.
- d. The County Landfill is authorized to accept construction and demolition debris from **contiguous Counties** bordering Cortland County subject to prior approval.
- e. Anyone entering the County Landfill or any other Facility to dispose of Solid Waste must adhere to the rules and regulations as posted, and must follow the instructions of the attendant on duty.
- f. Nothing within this local law shall be construed at any time to restrict the ability of the Department to refuse to accept Hazardous Waste or other Prohibited Materials at the County Landfill or any other Facility.

- g. No Waste Collector, Contractor, or other Person shall dispose of Solid Waste at the County Landfill or at any other Facility unless such Person or entity shall pay the tipping fee.
- h. Tipping fees for Commercial Waste Permit holders, Private Business/Farm Permit holders, and Resident(ial) Waste Permit holders shall be established by resolution of the Cortland County Legislature, and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded. A minimum fee per transaction shall be established by resolution of the Cortland County Legislature, and such charges shall commence upon the adoption or effective date of such resolution and continue until modified, amended or rescinded.
- i. Commercial Waste Permit holders and Private Business/Farm Permit holders will be billed monthly by the County. Such bills must be paid within 30 days of the mailing of the fee statement. Such bills unpaid within 30 days of mailing will be charged an additional 2% per month finance charge. Failure to make payments when due shall result in suspension or revocation of the Commercial Waste Permit or Private Business / Farm Permit.
- j. All Solid Waste Permit disposal requirements specified in this subsection including, but not limited to, tipping fees, permit costs, etc., may be amended or adjusted from time to time by resolution of the Cortland County Legislature.
- k. There shall be no Open Dumps in the County. This shall not be construed as to prohibit disposal areas located within the property boundaries of a farm for Solid Waste generated from that farm as otherwise permitted by law except in cases creating a public health nuisance.

#### 4. Disposal of Recyclables

- a. All persons generating Solid Waste, and/or Waste Collectors and Contractors operating in the County, must separate from the Solid Waste stream those Recyclables designated by the Department. The Solid Waste stream, as may be further modified from time to time by the Department:
- b. Any individual, firm or corporation depositing contaminated and/or non-recyclable material as recyclable will be charged accordingly and any license or permit is subject to suspension or cancellation.
- c. Electronic Equipment Recycling shall comply with the requirements of Environmental Conservation Law Article 27, Title 26. Manufacturers of covered electronic equipment (CCE) are required to provide the county with at least one convenient method of recycling. Municipalities are not required to provide electronic waste collection and recycling programs. If the County of Cortland chooses to do so, with the permission of the Cortland County Legislature by resolution, the county may voluntarily enter into agreements with manufacturers or collective electronic waste acceptance programs to provide collection services to assist manufacturers in meeting their obligations under the Electronic Equipment Recycling and Reuse Act; and/or collect electronic equipment that is not included in the Act as covered electronic equipment.
- d. Recyclables and Solid Waste must be separately packaged or contained in proper containers as specified in this local law or as designated by the Department. If plastic bags are utilized for this

purpose, the bags shall be transparent to facilitate viewing of their contents.

- e. Commercial Waste generators may elect to contract with a Processor of Recyclable material and have such material delivered directly to the Processor from the place of generation or place of business. All Recyclables sold in this manner must be reported to the Department for inclusion in data required by the New York State Department of Environmental Conservation.
- f. The Department may maintain Recyclable drop-off stations under agreement with the various municipalities for use by existing Recyclable drop-off stations located in the Towns. The Department reserves the right to increase, decrease, or eliminate the number, or relocate such Recyclable drop-off stations.
- g. Tipping fees or disposal charges may be imposed by resolution of the Cortland County Legislature at any Facility located in the County for the disposal of Recyclables.
- h. All Recyclable disposal requirements specified in this subsection may be adjusted from time to time by resolution of the Cortland County Legislature.

## **SECTION V.**

### **ENFORCEMENT**

- 1. Civil Sanctions (except for non-payment of tipping fees covered in Section V)
  - a. The Department shall have the right to impose a civil penalty and/or suspend or revoke any Commercial Waste Permit, Residential Waste Permit, or Private Business/Farm Permit if the holder of such permit violates any of the provisions of this local law. Revocation, suspension or civil penalty may only follow a written notice of violation and, if demanded, a hearing as provided for in this local law.
  - b. Upon any violation of the provisions of this local law, the Department shall serve notice of violation in person or by ordinary and certified mail sent to the holder of any permit issued pursuant to this local law at the address set forth in the permit application on file with the Department. Such notice shall state the Department's intent to revoke or suspend, and/or impose a civil penalty upon the permit holder.
  - c. Any holder of a Commercial Waste Permit, Resident(ial) Waste Permit or Private Business/Farm Permit may demand a hearing as allowed by Section V(1) of this local law by serving upon the Department a written request for a hearing. Such request must be received by the Department within twenty (20) days of the date of service of notice. Upon receipt of such demand, a hearing shall be scheduled and held at the offices of the County of Cortland during regular business hours.
  - d. Upon the expiration of such twenty (20) day notice period provided for in Section V(1)(c) of this local law, or the majority determination of the Board of Hearing, the revocation, suspension and/or civil penalty for in the notice or as modified by the Board of Hearing, shall be effective.
  - e. The Board of Hearing shall consist of the three (3) members, each appointed by a majority vote of the Cortland County Legislature. The term of office shall coincide with that of the

Legislature appointing the members. The Chairman of the Board of Hearing shall be selected by the Chairman of the County Legislature. Members shall be residents of the County of Cortland. One member shall be an elected or appointed officer or employee of the County. In no instance shall elected or appointed officers or employees constitute a majority of the Board of Hearing.

- f. The Board of Hearing shall promulgate rules and regulations in furtherance of its powers and duties, including rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of civil penalties authorized by this local law. The Board of Hearing shall have the authority to conduct investigations necessary to carry out the provisions of this law. Pursuant to this power and duty, the Board of Hearing may administer oaths or affirmations, subpoena witnesses (whether or not a County officer, employee or appointed official), compel their attendance and require the production of any document, book or record deemed relevant or material to resolving the adjudicatory proceeding.
- g. The Board of Hearing shall make a complete record of all adjudicatory proceedings conducted before it. A final decision, determination or order adverse to a party in an adjudicatory proceeding shall be in writing and stated in the record and shall include findings of fact and conclusions of law or reasons for the decision, determination or order. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision, determination or order shall include a ruling upon each proposed finding. A copy of the decision, determination or order shall be delivered or mailed forthwith to each party and to his attorney of record.
- h. Any person who violates any of the provisions of this local law may be required to pay a civil penalty not to exceed \$2000.00 for each violation. Such civil penalty must be paid in full before any permit issued pursuant to this local law can be reinstated.

## **SECTION VI.**

### **SEVERABILITY**

If any part of this local law, as originally enacted or as amended from time to time, is found to be illegal, or its application to any person or circumstances is held to be invalid, the remainder and the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

## **SECTION VII.**

### **EFFECTIVE DATE**

This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.



## MARCH 2017 SOLID WASTE DEPARTMENT REPORT

### Landfill

#### Administration

Preparation and submittal of landfill and recycling year-end reports;  
Continued permit renewal for commercial and residential customers;  
Continued search for acceptable BUD material for use as Alternative Daily Cover.

#### Operations

**Leachate Hauling** – Continued transport of leachate to the City’s WWTP, current reading at 10.2' total tank.

**Site Maintenance** – Road repair, clear drainage channels, stockpile shale, snow removal and pick litter as weather allows.

**Equipment** – Service and repair front-end loader; on-going service and repair of compactor (Unit 207), routine service of vehicles.

### Recycling

- CRT Recycling from January 2017 was approximately 11.39 tons at a cost to the County of \$3,809.96. On February 27, 2017, the NYSDEC requested current NYS Disability Benefit Insurance documentation and execution of a Consultant/Contractor Detailed M/WBE-EEO Utilization Plan in order to proceed with the grant process. This information/documentation was submitted to the NYSDEC on March 3<sup>rd</sup>. Total reimbursement requested from NYSDEC is \$38,116.22.
- No further response from the NYSDEC regarding the pre-application for NYSDEC \$200,000 reimbursement grant for recycling program upgrades consisting of Recycling Coordinator salary, educational and promotional assistance, and recycling equipment purchase. The proposed projects in the grant application total approximately \$172,400 which we have requested approximately \$86,200 in reimbursement from the NYSDEC.
- Environmental Improvement Committee did not meet in February 2017. The committee has scheduled its next meeting for March 9, 2017.