



WAYNE COUNTY SOLID WASTE MANAGEMENT RULES AND REGULATIONS

(RES. NO. 474 - 7/17/90 AS AMENDED BY RES. 292 - 5/18/93 AND RES. NO. 420 - 6/20/00)

1. Title. The rules and regulations set forth herein, as amended, are promulgated pursuant to the Solid Waste Management Law and shall be known as the Solid Waste Management Rules and Regulations.

2. Definitions

2.1. Except as otherwise set forth in these rules and regulations, all terms defined in the Solid Waste Management Law shall be the same definition in these rules and regulations.

2.2. Solid Waste Management Law means Wayne County Local Law No. 7-1989 and any amendments thereto.

2.3. Board of Supervisors means the Wayne County Board of Supervisors.

2.4. Director means the Wayne County Planning Director.

2.5. Solid waste license means a license issued pursuant to Section 8 of these rules and regulations.

2.6. Licensee means the holder of a solid waste license.

2.7. Waste generator means any person or legal entity that produces solid waste in Wayne County requiring disposal.

2.8. Residential generator means a waste generator disposing of household solid waste at a residence or dwelling of four units or less.

2.9. Multi-family generator means a waste generator disposing of household solid waste at a residence or dwelling of five units or more.

2.10. Commercial, industrial and institutional generators mean waste generators disposing of solid waste generated at commercial, industrial or institutional establishments and includes all waste generators that are not residential generators. This includes stores, offices, restaurants, warehouses, manufacturing and industrial facilities, educational institutions, hospitals, hotels, governmental facilities and trailer parks.

2.11. Public area generators means waste generators disposing of household type waste in outdoor facilities that are open to use by the public, such as public pedestrian areas, campgrounds, and parks.

2.12. Unprocessable waste means (a) dirt, concrete and other non-burnable construction material and demolition debris; (b)

refrigerators, washing machines and similar "white goods"; (c) large items of machinery and equipment, such as motor vehicles and major components thereof (e.g. transmissions, rear ends, springs and fenders), agricultural equipment, trailers and marine vessels, or any other items of waste exceeding six feet in any one of its dimensions; and (d) liquid waste, large concentrations of plastics other than PET and HPDE containers, explosives, oil, sludge, highly inflammable substances, tires, ashes, contained gaseous materials, incinerator residue, and offal.

3. Administration

3.1. The authority and responsibility for administering the Solid Waste Management Law and the rules and regulations promulgated thereunder is delegated to the Director, who shall perform such delegated administrative functions, powers and duties under the supervision of and on behalf of the Board of Supervisors.

3.2. The Director shall, in accordance with the Solid Waste Management Law and these rules and regulations, and in addition to any other duties or powers set forth in these rules and regulations:

- 3.2.1. Receive and review applications for solid waste licenses and approve or deny issuance of licenses;
- 3.2.2. Collect fees and charges established by these rules and regulations;
- 3.2.3. Promulgate such forms as are necessary or advisable under the Solid Waste Management Law or these rules and regulations;
- 3.2.4. Receive, maintain and compile records required to be submitted by licensees;
- 3.2.5. Grant exemptions from compliance with all or part of the requirements of Sections 4 or 5 of these rules and regulations, in accordance with Section 7 hereof.
- 3.2.6. Administer these rules and regulations
- 3.2.7. Execute and administer all resolutions and orders of the Board of Supervisors promulgated under the Solid Waste Management Law;
- 3.2.8. Perform such other duties as may be prescribed in these rules and regulations or as may be directed by the Board of Supervisors.

3.3. The Director shall file a written report with the Board of Supervisors on a quarterly basis detailing operations, accomplishments, and other program activities arising out of the administration of the Solid Waste Management Rules and Regulations.

4. Designated Recyclable Materials

4.1. The following materials are designated recyclable materials for residential generators and multi-family generators:

- A. newsprint, including inserts
- B. clear, amber and green glass food and beverage containers
- C. aluminum, ferrous, and bimetal cans
- D. Plastic containers #1 - #7 inclusive
- E. corrugated cardboard
- F. junk mail, including magazines and glossy inserts

4.2. The following materials are designated recyclable materials for commercial, industrial and institutional generators:

- A. newsprint, including inserts
- B. clear, amber and green glass food and beverage containers
- C. aluminum, ferrous and bimetal cans
- D. aluminum food cans, foil and foil pans
- E. Plastic containers #1-#7 inclusive
- F. corrugated cardboard
- G. fine office paper
- H. junk mail, including magazines and glossy inserts"

4.3. The following materials are designated recyclable materials for public area generators:

- A. clear and amber glass food and beverage containers
- B. aluminum, ferrous and bimetal cans
- C. PET (No. 1) plastic
- D. HDPE (No. 2) plastic

4.4. The Director may issue a notice suspending the inclusion of a material on the list of designated recyclable materials for no more than ninety (90) days whenever the Director reasonably determines that no economic markets, as defined in Section 120-aa of the General Municipal Law exist for the recyclable material.

4.5. A material may be removed from the list of designated recyclable materials only by resolution of the Board of Supervisors.

5. Source Separation.

5.1. Prior to initial collection, transport or disposal, all designated recyclable materials shall be source separated from other solid waste by the waste generator.

5.2. Residential generators shall use a licensee Waste Hauler's recycling curbside collection program or dispose of the designated recyclable materials at a solid waste volume reduction program.

5.3. Residential generators using a licensee Waste Hauler's recycling curbside collection programs shall separate, prepare and set out for collection all designated recyclable materials in accordance with procedures prescribed by the Director.

5.4. Commercial, industrial and institutional generators shall arrange for source separated designated recyclable materials to be delivered to a facility or handled through a solid waste volume reduction program.

5.5. Haulers of designated recyclable materials may prescribe additional requirements for separation and preparation of designated recyclable materials that are not inconsistent with the requirements prescribed by the Director.

5.6. Any persons who provides containers for waste disposal for visitors or members of the general public (e.g., campgrounds, parks, pedestrian areas) shall:

5.6.1. Provide separate containers of designated recyclable materials.

5.6.2. Label all disposal and recycling containers.

5.6.3. Post recycling rules conspicuously.

5.6.4. Provide for the collection and removal of the designated recyclable materials in accordance with these rules and regulations.

5.6.5. Comply with any other directive of the Director regarding the source separation and collection of designated recyclable materials from visitor and or public areas.

6. Collection and Disposal of Designated Recyclable Materials.

6.1. Any person who collects designated recyclable materials generated or originated in the County that have been source separated in accordance with these rules and regulations must deliver them to a solid waste volume reduction program for the appropriate type of recyclable materials.

6.2. Designated recyclable materials shall not be co-mingled with other solid waste during collection, transportation, or storage following collection. The Director may order such exceptions as the Director reasonably determines to be in the public interest.

6.3. Designated recyclable materials that have been source separated by residential generators and are set out for curbside collection become the property of the licensee Waste Hauler.

7. Exemptions

7.1. Any individual may apply to the Director for an exemption from the requirements of Sections 4 and 5 of these rules and regulations by filing with the Director a Request for Exemption, on a form provided by the Director.

7.2. Exemptions may be granted upon a showing of inability to comply with the requirements of Sections 4 or 5 hereunder, in whole or in part, due to physical handicap, medical disability, or other physical condition of the individual and upon a showing that no other individual in the household is able to comply with the requirements. The Director shall grant or deny requests for exemptions in writing to the applicant within thirty (30) days of receipt of the request.

8. Solid Waste Licenses.

8.1. Except as provided in Section 8.2, no person may engage in the business of collecting, transporting, or handling solid waste generated or originated within the County without a solid waste license issued by the Director, provided that only persons who collect, transport or handle solid waste for compensation shall be required to obtain a solid waste license.

8.2. The following persons are not required to obtain a solid waste license:

- 8.2.1. Persons engaged solely in recycling or a solid waste volume reduction program; (see Section VI (B) of Local Law revisions above.)
- 8.2.2. Persons engaged solely in the collection, transportation or handling of unprocessable waste;
- 8.2.3. Persons who collect, transport or handle solid waste incidentally to providing a service not involving the collection, transportation or handling of solid waste;
- 8.2.4. An individual who collects, transports or handles solid waste solely as an employee of a licensee.

8.3. An applicant for a solid waste license shall submit to the Director:

- 8.3.1. A properly completed and signed application on the form prescribed by the Director;
- 8.3.2. A list of all vehicles to be used by the applicant in the County in the collection, transportation and handling of solid waste, including vehicle identification numbers;
- 8.3.3. A list of all routes served by the applicant, provided, however, that if portions of a route extend beyond Wayne County's boundaries, only that portion of the route located in Wayne County need be listed;
- 8.3.4. The required license fee.

8.4. Within ten (10) days of receipt of a license application complying with the requirements of Section 8.3, the Director shall either issue a license or inform the applicant in writing that the license has been denied, with an explanation for the denial. Notification of denial of the license shall be sent to the applicant by certified mail.

8.5 Upon issuance of a license, the Director shall provide to the licensee a sticker for each vehicle to be used in the County

for the collection, transportation or handling of solid waste. The sticker shall be prominently displayed on the vehicle at a location to be determined by the Director after consultation with the New York State Department of Transportation. The licensee shall not use any vehicle in the collection, transportation or handling of solid waste unless the vehicle has a valid sticker properly affixed to it. The licensee shall remove the sticker from any vehicle which will no longer be used in the collection, transportation or handling of solid waste and shall advise the Director in writing within thirty (30) days of removing such vehicle from service.

8.6. A solid waste license shall expire one (1) year from the date of issuance.

8.7. License renewal applications shall be filed a minimum of thirty (30) days prior to the expiration date of the current solid waste license. A complete and timely submitted application for renewal shall result in the applicant's existing license remaining in effect until the renewal application is acted upon by the Director.

8.8. Upon compliance with all standards and requirements established for issuance of a license under Section 8.3, the Director shall issue a renewal license, provided that the applicant has not been convicted of a violation of the Solid Waste Management Law or the rules and regulations promulgated thereunder during the preceding license term.

8.9. Each solid waste license and renewal shall be subject to the following conditions:

8.9.1. The licensee shall comply with the provisions of the Solid Waste Management Law and the rules and regulations promulgated thereunder.

8.9.2. The license shall not be transferred or assigned by the licensee to any other person.

8.9.3. All licensees must maintain records, in the form specified by the Director, for acceptable solid waste collected, transported or disposed of by the licensee setting forth:

A. the geographical source of the solid waste;

B. the quantity, by ton, of the solid waste;

C. the date of collection;

D. the date of delivery to a facility; and

E. the facility which received the solid waste.

F. the amount of designated recyclable materials collected and the facility to which they were delivered.

8.9.4. Reports containing the information required in Paragraphs 8.9.3 of this section shall be compiled quarterly, in the format prescribed by the Director, and delivered to the Director by the 20th day following the end of the quarter.

8.9.5. A licensee shall not accept for collection solid waste which has not been source separated in conformity with these rules and regulations.

8.10. The following fee schedule shall apply:

8.10.1. Solid waste license - \$25.00 per vehicle;

8.10.2. Vehicle sticker - no fee.