

PUBLIC WORKS COMMITTEE – SOLID WASTE & RECYCLING
DPW AGENDA
April 20, 2021

Committee Members: *Conover*, Hogan, Dickinson, Thomas, Bruno, Geraghty and Merlino

I. Committee meeting called to order by Chair

II. Approval of minutes of prior Committee Meeting

III. Action Agenda/New Business Items

1. Request: Approval of the Waste Hauling Permitting requirements.
Rationale: To approve the Waste hauling permitting requirements based on Local Law #3 of 1991

2. Request: Approval of the County Local Solid Waste Management Plan (LSWMP)
Rationale: To approve the LSWMP per 6 NYCRR 366-4.1

IV. Discussion Items:

V. Referrals/Pending Items

VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)

VII. Motion to Adjourn

Attachments:

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: DPW

DATE: 4/20/21

- (a) Purpose of Request: Approval of Waste Hauling Permit and Fee Schedule

- (b) Details: Local Law #3 of 1991 established a permitting system to be obtained from the Superintendent of Public Works by all collectors, for the transfer, collection and disposal of solid waste generated, originated or brought within Warren County

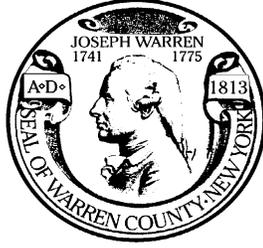
- (c) Previous Resolution Number: Associated with Local Law #3 of 1991

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Department of Public Works



Waste Hauler Permit Application for Collection and Transportation of Solid Waste and Recyclable Materials in Warren County

Please return completed application and direct questions to:

Kevin J. Hajos, P.E.
Warren County Department of Public Works
Solid Waste and Recycling Program
4028 Main Street
Warrensburg, NY 12885
Phone: (518) 761-6556
Fax: (518) 623-2772

To be completed by WCDPW Staff

Transporter/Collector Name: _____

Reviewed By: _____ Date: _____

Approved By: _____ Date: _____

Fee Paid /Check #: _____

Permit Issued Date: _____

Permit #: _____ Expiration Date: _____ # of Stickers Issued: _____

WARREN COUNTY DEPARTMENT OF PUBLIC WORKS



MAIN OFFICES

4028 Main Street
Warrensburg, N.Y. 12885
Tel (518) 623-4141
(518) 761-6556
Fax (518) 623-2772

KEVIN J. HAJOS, P.E.
Superintendent of Public Works

DIVISIONS

Airport
Sewer Administration
Parks & Recreation
Recycling
Highway & Traffic
Engineering
Buildings & Grounds

March 2021

Dear Applicant,

Pursuant to Local Law #3 of 1991 of Warren County and in accordance with Title 1 & 3, Article 27 of the New York State Department of Environmental Conservation, and the Warren County Solid Waste Management Plan, any organization that transports waste generated or disposed of within Warren County must obtain a permit from the Warren County Department of Public Works on an annual basis. An application or renewal may be denied by the Department for the failure of the applicant to properly complete the annual report as provided. In order to obtain a valid permit and permit stickers, this application (which includes annual reporting forms) must be completed in its entirety and returned to the Department for approval, along with the annual fee of \$ 200.00 by certified check or money order made payable to the Warren County Department of Public Works. This fee covers a permit sticker for one vehicle. Additional stickers will be provided for \$100.00 for each truck. Once the Certificate of Registration and permit stickers are obtained, the stickers must be displayed prominently on each of the permitted vehicles. Failure to comply with all sections of the Local Law #3 of Warren County will result in permit (s) being revoked, enforcement actions pursued and penalties incurred. Permits will expire on December 31 of the issuing year. Renewal applications received after January 15th, will be subject to a late fee of \$50.00.

Please be advised, as a condition for the permit, the Warren County Department of Public Works shall require the transporter to complete the annual report forms, including volumes and nature of waste products, including recyclables, disposed of and the place and manor in which waste products were finally disposed, and such other information the Department may require. Failure to submit such information shall result in the automatic denial of the permit application.

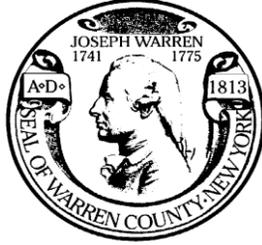
The information requested in this application is to allow Warren County to properly gauge the size and nature of its solid waste stream, waste generated or disposed of in Warren County, and to assess the type and variety of services available to manage it as required by the New York State Department of Environmental Conservation in accordance with the New York State Solid Waste Management Act of 1988.

A list of permitted haulers will be posted on the County website every April. Should you have any questions in filling out this application (including the annual report), or require additional information, please feel free to contact this office.

Sincerely,

Kevin J. Hajos P.E.
Superintendent of Public Works

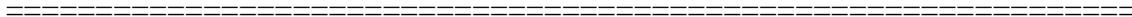
Warren County Department of Public Works



Waste Hauler Permit Application for Collection and Transportation of
Solid Waste and Recyclable Materials in Warren County

Please return completed application and direct questions to:

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4028 Main Street
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Phone: (518) 761-6556
Fax: (518) 623-2772



To be completed by WCDPW Staff

Transporter/Collector Name: _____

Reviewed By: _____ Date: _____

Approved By: _____ Date: _____

Fee Paid /Check #: _____

Permit Issued Date: _____

Permit #: _____ Expiration Date: _____ # of Stickers Issued: _____

Dear Applicant,

Pursuant to Local Law #3 of 1991 of Warren County and in accordance with Title 1 & 3, Article 27 of the New York State Department of Environmental Conservation, and the Warren County Solid Waste Management Plan, any organization that transports waste generated or disposed of within Warren County must obtain a permit from the Warren County Department of Public Works on an annual basis. An application or renewal may be denied by the Department for the failure of the applicant to properly complete the annual report as provided. In order to obtain a valid permit and permit stickers, this application (which includes quarterly reporting forms) must be completed in its entirety and returned to the Department for approval, along with the annual fee of \$ 200.00 by certified check or money order made payable to the Warren County Department of Public Works. This fee covers a permit sticker for one vehicle. Additional stickers will be provided for \$100.00 for each truck. Once the Certificate of Registration and permit stickers are obtained, the stickers must be displayed prominently on each of the permitted vehicles. Failure to comply with all sections of the Local Law #3 of Warren County will result in permit(s) being revoked, enforcement actions pursued and penalties incurred. Permits will expire on December 31 of the issuing year. Renewal applications received after January 15th, will be subject to a late fee of \$50.00. Please be advised, as a condition for the permit, the Warren County Department of Public Works shall require the transporter to complete the quarterly report forms, including volumes and nature of waste products, including recyclables, disposed of and the place and manor in which waste products were finally disposed, and such other information the Department may require. Failure to submit such information shall result in the automatic denial of the permit application. The information requested in this application is to allow Warren County to properly gauge the size and nature of its solid waste stream, waste generated or disposed of in Warren County, and to assess the type and variety of services available to manage it is required by the New York State Department of Environmental Conservation in accordance with the New York State Solid Waste Management Act of 1988.

A list of permitted haulers will be posted on the County website every April. Should you have any questions in filling out this application (including the quarterly report), or require additional information, please feel free to contact this office.

Sincerely,

Kevin J. Hajos P.E.
Superintendent of Public Works

Instructions for acquiring a waste hauler permit to collect and transport Solid Waste and Recyclable Materials in Warren County

The attached annual application for a permit should be completed in its entirety and returned to this department on or before January 15 of each year and include the following:

- Completed permit application for Collection & Transportation of Solid Waste and Recyclable Materials in Warren County.
- Completed Quarterly Report forms based on the previous three months of business Haulers subject to this regulation shall submit quarterly reports to the Department on forms approved by the Superintendent. Reports shall cover a time period from Jan 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31 and shall be received by the Department within thirty (30) days after period end.
- A **Certified Check or Money Order** made payable to the Warren County Department of Public Works in the amount of \$ 200.00, plus \$100.00 for each additional vehicle
- For new applications only: If the business is a corporation, a copy of the Certificate of Incorporation, if a sole proprietorship, a copy of the Certificate of Business or if a partnership, partnership papers need to be attached, signed and notarized.
- Proof of insurance for each vehicle for which a permit sticker is requested, proof of Workman's Compensation and Disability Benefits Insurance (**forms C-105.2 and DB-120.1**) If such insurance coverage is not required, **WC/DB CE-200** exemption (see attachment 1) certificate must be submitted with this application. ACORD forms are not acceptable.
- Copy of valid Waste Transporter Permit from the NYS DEC (applicable to haulers of Regulated Medical/Infectious Waste)
- The attached "Notarized Certificate of Applicant" must be completed, signed and notarized.

**The completed application should be returned to the:
Warren County Department of Public Works
4028 Main Street Warrensburg NY 12885
Att: Kevin J Hajos**

If requesting a renewal, failure to return completed application may result in a lapse of your permit. In the future, at the discretion of the Department of Public Works, arrangements may be made for an inspection of your vehicle (s). Please note that the following items would be inspected:

- The vehicle containers must prevent the loss or discharge of offensive material during transportation.
- The identification of the owner of the vehicle or the business name and address must be clearly posted on both sides of the vehicle.
- The Warren County Permit sticker is to be displayed prominently on each truck or vehicle registered.
- All materials must be collected, stored and transported properly separated in accordance with the Local Law #2 of 1991 of Warren County.

Please contact Kevin J. Hajos at (518) 761-6556 if further information is required. Your cooperation is greatly appreciated.

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Section 1 - Identity of Applicant / Business

Section 2 - Type of Business (corporation, sole proprietorship, partnership)

Section 3 - Other Licenses and Permits

Section 4 - Vehicle Identification

Section 5 - Intent

Section 6 - Days and Hours of Operations

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Section 8 - Physical / Chemical Nature of Waste Handled

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Section 10 - Type of Services Provided

Section 11 - Collection Frequency

Section 12 - Disposal of Waste

Section 13 - Certification of Applicant

Section 14 - Notarized Certification

Attachment 1 - Workers Compensation / Disability Form Instructions

Attachment 2 - Warren County Local Laws #2 and #3 of 1991 and quarterly
Report Form

**Waste Hauler Permit Application for Collection and Transportation
of Solid Waste and Recyclable Materials in Warren County**

1st Time Applicant

Renewal Application

SECTION 1 – IDENTITY of APPLICANT /BUSINESS

Name of Applicant/Business: _____

Name of Owner: _____

DBA (if different from above): _____

Trade Names (if different from above): _____

Business Address: (Official business address as listed in Certificate of Incorporation or DBA)

Mailing Address: _____

Is Business or Mailing address a residence: _____ Yes _____ No

Location of Vehicle Garage: _____

Business Phone #: () _____

Business Fax #: () _____

Cell Phone #: () _____

24 hr Emergency #: () _____

Email Address: _____

Website Address: _____

**Designated employee/officer of Applicant/Business for communication with Warren
County Department of Public Works:**

Name: _____ Title: _____

Telephone #: () _____ Fax #: () _____ Cell #: () _____

Alternate Designee:

Name: _____ Title: _____

Telephone #: () _____ Fax #: () _____ Cell #: () _____

**Waste Hauler Permit Application for Collection and Transportation
of Solid Waste and Recyclable Materials in Warren County**

SECTION 5 - INTENT

Please describe, in detail the nature of the waste hauler services which applicant will provide upon issuance of a permit:

SECTION 6 - Days and Hours of Operation:

(check all that apply and fill in times of operation, circle am/pm)

_____ Monday	from _____	am/pm to _____	am/pm
_____ Tuesday	from _____	am/pm to _____	am/pm
_____ Wednesday	from _____	am/pm to _____	am/pm
_____ Thursday	from _____	am/pm to _____	am/pm
_____ Friday	from _____	am/pm to _____	am/pm
_____ Saturday	from _____	am/pm to _____	am/pm
_____ Sunday	from _____	am/pm to _____	am/pm

Do you adjust your schedule for holidays? (please explain)

SECTION 7 – WORKERS COMPENSATION & DISABILITY

This is to certify, under the penalties of perjury, that this operation has Workers' Compensation & Disability Benefits coverage required by law: **(Attach copies. ACORD Forms are NOT acceptable. Acceptable forms are: U-26.3, C105.2 or the Certificate of Attestation of Exemption CE-200 – attachment 1)**

Workers' Compensation Carrier : _____

Workers' Compensation Policy # : _____ Exp. Date: _____

Disability Benefits Carrier : _____

Disability Benefits Policy # : _____ Exp. Date: _____

-or-

Workers' Compensation Board has endorsed Exemption Form **CE-200** stating that such coverage is not required. Follow directions to obtain Attestation of Exemption Form **(Attach signed and dated copy)**

**Waste Hauler Permit Application for Collection and Transportation
of Solid Waste and Recyclable Materials in Warren County**

SECTION 8 – Physical / Chemical Nature of Waste Handled (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Municipal Solid Waste | <input type="checkbox"/> Septage/Sewage/Sludge |
| <input type="checkbox"/> Comingled Glass/Plastic/Cans | <input type="checkbox"/> Medical Waste |
| <input type="checkbox"/> Paper/Cardboard | <input type="checkbox"/> Hazardous Materials/Chemical |
| <input type="checkbox"/> Construction & Demolition | <input type="checkbox"/> Tires |
| <input type="checkbox"/> Yard Waste | <input type="checkbox"/> Waste Cooking Oil |
| <input type="checkbox"/> Food Waste | <input type="checkbox"/> Scrap Metals |
| <input type="checkbox"/> Grease Trap Waste | |
| <input type="checkbox"/> Other (please explain): _____ | |

SECTION 9 – Which Towns do you Service in Warren County? (check all that apply)

- Bolton Chester Glens Falls Hague Horicon Johnsburg
- Lake George Lake Luzerne Queensbury Stony Creek Thurman
- Warrensburg

SECTION 10 – Which Type of Service Do You Provide? (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial/Businesses |
| <input type="checkbox"/> Public Institutions | <input type="checkbox"/> Government / Municipalities |
| <input type="checkbox"/> Bulk Pick-Up | <input type="checkbox"/> Roll-Off Service |
| <input type="checkbox"/> Drop Off Center | <input type="checkbox"/> Other (please explain) |

SECTION 11 – Collection Frequency (fill in all that apply) ie: once a week, twice a month, as needed

<i>Type of Account</i>	<i>Collection Frequency</i>
Residential	
Commercial / Businesses	
Public Institutions	
Government / Municipalities	
Bulk Pick-Up	
Roll Off Service	
Drop Off Center	

**Waste Hauler Permit Application for Collection and Transportation
of Solid Waste and Recyclable Materials in Warren County**

Type of Waste Disposed	Total Weight or Volume Specify Tons, Gallons, or Cubic Yards	Disposal Site	Fees for Tipping or Disposal (ie: \$\$ per gallon, Cont., CY or Ton)
Municipal Solid Waste			
Glass			
Plastic			
Cans			
Comingled Glass/Plastic/Cans			
Paper			
Cardboard			
Mixed Paper/Cardboard			
Single Stream			
Food Waste			
Yard Waste			
Scrap Metal			
Tires			
Construction & Demolition			
Wood			
Asphalt			
Concrete/Rock			
Other C & D			
Medical			
Hazardous/Chemical			
Waste Cooking Oil			
Grease Trap Waste			
Used Motor Oil			
White Goods			
Electronics			
Roll Offs			
Bulk Pick Up			
Septage/Sewage/Sludge			
Other: (explain)			

(Make copies of this page if more than one disposal facility is used)

**Waste Hauler Permit Application for Collection and Transportation
of Solid Waste and Recyclable Materials in Warren County**

SECTION 13 –CERTIFICATION

By signing and submitting this Application, I hereby request that the Corporation, Municipality, or Person named in Section 1 be granted a permit by the County of Warren for the Transportation of Source Separated Waste Material and Recyclables in accordance with the Warren County Department of Public Works.

I further agree the County has the right to verify the information contained herein before and after granting of a permit, and that inaccurate information will be grounds for the denial or revocation of said permit.

I understand that _____ shall be granted permission to collect,
(Applicant)
transport or dispose of source separated waste and recyclable material in Warren County under the following conditions:

- Vehicles are maintained in a clean, sanitary and leak-proof condition to prevent loss or discharge of offensive material during transportation;
- The identification of the owner of the vehicle or the business name and address is clearly posted on both sides of the vehicle;
- Current permit is prominently displayed on the vehicle (s) at all times;
- All source separated waste and recyclable materials are covered or maintained in a closed truck;
- All materials are collected, stored and transported properly separated in accordance with Local Laws #2 and #3 of 1991 of Warren County pertaining to waste hauling and source separation within Warren County.
- Permit (s) are granted subject to any/all state and local laws, ordinances, codes, rules and regulations. Failure to comply with Local Law #2 and #3 of 1991 of Warren County will result in your permit (s) being revoked, enforcement actions pursued and penalties incurred.

Signed: _____ Date: _____

Waste Hauler Permit Application for Collection and Transportation
of Solid Waste and Recyclable Materials in Warren County

SECTION 14 – NOTARIZED CERTIFICATION

Notarized Certificate of Applicant

This certification must be completed and executed, individually, by the person completing the application on behalf of the Applicant and shall be notarized.

State of New York
County of Warren

I, _____, being duly sworn, state that I am the _____
(Name of person executing application) (Title)
_____ of _____ and that I have
(Title) (Applicant or Business)
been duly authorized to complete and execute this application on behalf of _____.
(Applicant)

I, _____, hereby certify that I have read and understand the
(Name of person executing application)
instructions and the questions set forth in this application; and

that to the best of my knowledge the information provided in response to the questions set forth herein is full, complete and truthful, and has been prepared based upon my personal knowledge, as well as diligent search of all business and other records in my possession and control; and

that I understand the that Warren County Department of Public Works, by any legal means it deems necessary and appropriate, determine the accuracy and truth of the statements made in this applications; and

that I understand that the Warren County Department of Public Works shall rely upon and issue a determination as to _____'s permit status based upon the
(Applicant)
information provided herein, along with any further information provided during the verification process.

(Signature) (Title)

(Print or Type Name)

Sworn to before me this _____ day
of _____, 20____

(Notary Public)

LOCAL LAW NO. 3 OF 1991

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

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

SECTION 1. Declaration of Purpose and Policy.

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

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

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

Local Law No. 3 of 1991 - Continued

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

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

SECTION 2. Definitions.

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

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

Local Law No. 3 of 1991 - Continued

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

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

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

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

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

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

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

Local Law No. 3 of 1991 - Continued

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

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

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

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

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

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

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

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

Local Law No. 3 of 1991 - Continued

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

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

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

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

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

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

Local Law No. 3 of 1991 - Continued

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

w. **"Solid Waste"** - means all putresible and non-putresible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including, but not limited to, garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but shall not include sewage and other highly diluted water-carried materials or substances and those in gaseous form, waste which appears on the list of Hazardous Waste promulgated by the Commissioner of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law, as amended, but shall not include any scrap or other material of value separated from the waste stream and held for purposes of materials recycling.

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

Local Law No. 3 of 1991 - Continued

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

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

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

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

SECTION 3. Recyclable Materials.

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

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

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

Local Law No. 3 of 1991 - Continued

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

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

SECTION 4. Collection and Transportation of Solid Waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. Disposal of Solid Waste.

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

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

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

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

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

SECTION 6. Prohibited Activities.

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

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

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

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

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

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

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

f. No sewage or other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of Hazardous Waste promulgated by the Commissioner of Environmental Conservation Law, shall be deposited at or delivered to any solid waste management facility in Warren County.

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

SECTION 7. Administration.

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

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

SECTION 8. Fees.

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

SECTION 9. Inspection.

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

SECTION 10. Enforcement.

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

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

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

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substantially comply with the requirements of this Local Law; or

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

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

SECTION 11. Violations.

A. Violation of Local Law or Rules.

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

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B. Violation by Failure to Comply with Written Orders.

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

C. Order to Remedy.

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

D. Civil Penalty.

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

E. Alternative Action or Proceeding.

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

SECTION 12. Remedies.

A. Action or Proceeding by County.

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

B. Issuance of Appearance Ticket.

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

SECTION 13. Severability.

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

SECTION 14. Effective Date.

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

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: DPW

DATE: 4/20/21

- (a) Purpose of Request: Is the adoption of the County Local Solid Waste Management Plan (LSWMP)

- (b) Details: As required by 6 NYCRR 366-4.1, a certified resolution from the County needs to be completed for the 1) adoption of the LSWMP, 2) that the County will implement and maintain the solid waste management system as described in the final LSWMP and 3) the County will submit biennial updates to the LSWMP.

- (c) Previous Resolution Number: N/A

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Bureau of Solid Waste Management
625 Broadway, Albany, New York 12233-7260
P: (518) 402-8678 | F: (518) 402-9024
www.dec.ny.gov

April 14, 2021

Kevin Hajos, Superintendent
Warren County Department of Public Works
4028 Main Street
Warrensburg, NY 12885
khajos@warrencountydpw.com

Dear Kevin Hajos:

Re: Warren County Draft Local Solid Waste Management Plan (LSWMP)

The New York State Department of Environmental Conservation (Department) has completed the review of the Warren County (County) Local Solid Waste Management Plan received as a final draft on March 16, 2021.

Based on this review, the Department has determined that the County LSWMP provides substantive consideration of the elements set forth in New York State Environmental Conservation Law, (Section 27-0107) and the State's Solid Waste Management Facilities regulations (6 NYCRR Part 366-2), and constitutes an approvable plan.

For the Department to grant final approval of County's LSWMP, the following items must be submitted:

1. A complete stand-alone final LSWMP which contains all revisions to the draft LSWMP resulting from department review.
2. As required by 6 NYCRR 366-4.1, a certified resolution from Warren County stating: 1) that the LSWMP is adopted by the County, 2) that the County will implement and maintain the solid waste management system as described in the final LSWMP and 3) that the County will submit biennial updates. This certified resolution should be included in the final LSWMP

The Department will continue to work with the County through the finalization process. Please contact Kate John at (518) 623-1230 or planning@dec.ny.gov if you have any questions concerning this matter.

Sincerely,



Digitally signed by Richard
Clarkson
Date: 2021.04.14 09:27:52 -04'00'

Richard Clarkson, P.E.
Director
Bureau of Solid Waste Management

cc: T. Beadnell (tbeadnell@warrencountydpw.com), Warren County