

Westchester County Solid Waste Commission
2009 Proposed Operating Budget

Mission

The Mission of the Westchester County Solid Waste Commission is to promote the general health, welfare, and safety of the citizens of Westchester County by seeking to eliminate the influence of organized crime in the solid waste and recyclables hauling industries; ensuring that only individuals and companies of good character, honesty and integrity receive licenses to operate in the solid waste and recyclables hauling industries; increasing competition among haulers and enhancing consumer choice; and ensuring that solid waste generated within or brought into Westchester County is disposed of or recycled in an environmentally safe manner by assisting in the implementation of the County's Solid Waste Management Plan.

Goals of the Solid Waste Commission:

- a) To perform background checks on all applicants and principals requesting a license or registration so as to ensure the good character, honesty and integrity of licensees and registrants in Westchester County.
- b) To issue licenses and registrations for the performance of activities for which a license or registration is required by the Westchester County Solid Waste and Recyclables Collection Licensing Law (Chapter 826-a of the Laws of Westchester County).
- c) To ensure that only licensed carters haul solid waste and recyclables within Westchester County, and that licensed carters only use trucks registered with the Solid Waste Commission.
- d) To ensure that transfer stations are accepting solid waste and recyclables only from entities licensed by Westchester County.
- e) To investigate all complaints against haulers that occur within Westchester County.
- f) To encourage entry into the solid waste and recyclables industry and encourage competition within the industry in Westchester County.
- g) To inform the public of its rights under the Westchester County Solid Waste and Recyclables Collection Licensing Law.
- h) To ensure that solid waste generated within or brought into Westchester County is disposed of or recycled in an environmentally safe manner consistent with the requirements of the County's Solid Waste Management Plan.

Department Initiatives:

Recycling Enforcement Task Force

In 2007 County Executive Andrew J. Spano assigned personnel from the Solid Waste Commission, the Department of Environmental Facilities (“DEF”) and the Department of Public Safety to a newly formed Recycling Enforcement Task Force (“RETF”). The goal of the RETF was to increase recycling countywide. The Solid Waste Commission was assigned the task of leading efforts to increase recycling enforcement.

In anticipation of increased enforcement, the RETF sent letters to large waste generators, residents, municipalities, school districts and private carters, reminding them of the requirements of the County’s Source Separation Law (“SSL”) and informing them that recycling enforcement would be increased countywide. In addition, the RETF conducted seminars for municipal officials, school districts, sanitation workers and private haulers during which they were reminded of their responsibilities under the SSL.

RETF inspectors initially conducted inspections at transfer stations, looking for recyclables improperly commingled with garbage. Warnings were issued to the municipalities and private companies dumping such materials, notifying them that after an initial period, violations would be issued to municipalities and private carters that collected recyclables improperly commingled with garbage, and that fines could be assessed against such offending municipalities or carters.

The RETF issued two types of “OOPS” stickers to municipal and private carters to be used when recyclables were found improperly commingled with garbage. Initially, yellow OOPS stickers were used as warnings for waste generators; a carter would collect garbage improperly commingled with recyclables but would leave a yellow OOPS sticker behind, warning a waste generator that beginning February 1, 2008, such materials would not be collected.

Beginning February 1st, the RETF expected municipal and private carters to refuse to collect garbage improperly commingled with recyclables; in such cases, a carter would leave a red OOPS stickers on the materials, explaining that the carter did not collect the materials because they were not properly separated.

Over 120,000 red OOPS stickers have been provided to municipalities and private haulers throughout Westchester County.

Since February 1st, Environmental Facilities Commissioner Thomas Lauro has authorized the issuance of Notices of Violations to municipalities, private haulers and waste generators based upon investigations and inspections conducted by RETF inspectors. The violations are litigated before Westchester County Hearing Officers and have resulted in the assessment of fines or the issuance of warning

letters, depending upon the nature of the inspectors' observations and in the cases of waste generators, the corrective measures, if any, that have been implemented.

In 2008, the RETF has continued to conduct recycling seminars throughout the County. RETF personnel have made presentations to the Council of Governments; the Boards of Trustees or representatives of the Boards of Trustees from numerous municipalities; public works officials and employees; real estate management companies, apartment building superintendents, coop boards, and the Coop and Condo Council of Westchester County; health facilities; schools; and an environmental symposium held in the City of Rye. The RETF also conducted a supplemental recycling seminar for private carters.

Going forward, the RETF intends to continue to conduct inspections at transfer stations; where appropriate, we will attempt to trace a recycling violation back to the waste generator. The addition of new inspectors hired by both the Solid Waste Commission and the Department of Environmental Facilities will enable the RETF to further increase its recycling enforcement initiatives.

Ongoing Commission Initiatives

The Commission continues to receive and investigate complaints filed by citizens, businesses and other carters about pricing, collections, contracts, and possible violations of Chapter 826-a. The Commission continues to receive and investigate complaint calls made to a hotline, which allows individuals to make complaints anonymously, 24 hours per day, 7 days per week. The Commission's Hotline can be reached by calling (914) 813-6855.

The Commission continues to conduct inspections at transfer stations in Westchester County to ensure that only licensed carters are dumping in the County, and that licensed carters are using only vehicles registered with the Commission.

The Commission continues to conduct educational sessions for interested municipal police departments about the municipal enforcement provisions of Chapter 826-a, and continues to field questions from police officers throughout the year about municipal enforcement. Since 2001, the Commission has briefed local government officials and/or police department personnel representing 29 of the County's municipalities.

During seminars conducted by RETF personnel, we remind public officials from both municipalities and school boards that the Commission investigates the backgrounds of, and licenses private carters. We recommend that they consult the list of licensed companies published on the Commission's website in order to ensure that they hire companies that have met our licensing standard of good character, honesty and integrity. We also invite them to contact us if they need

assistance, if they have any questions about finding a licensed carter, or if they have problems with a carter.

The Commission continues to assist the Environmental Crimes Unit of the Westchester County Department of Public Safety as it investigates possible criminal activity related to the solid waste and recyclables hauling industry in Westchester County. In addition, the Commission continues to work with law enforcement and other government officials from municipal, County, state and federal agencies throughout the region concerning Commission investigations.

The Commission continues to strive to ensure that all customers are provided with service contracts, and that all service contracts comply with the provisions of Chapter 826-a, and include a copy of the Customer Bill of Rights specifying a customer's rights under Chapter 826-a. By ensuring that all customers are apprised of their rights, thereby facilitating a customer's ability to change carters when appropriate, the Commission enhances competition and consumer choice.

The Commission continues to review dump records from transfer stations located within Westchester County to ensure that only licensed carters are dumping in the County.

The Commission continues to share licensing information with the Departments of Health and Consumer Protection.

The Commission continues to assist DEF as it collects information about where carters take the waste and recyclables they collect, and how transfer stations handle the waste and recyclables deposited at their facilities.

Department Accomplishments:

New

In 2008, the Commission, as part of the RETF, expanded oversight of recycling efforts throughout the County. This initiative has permitted us to work closely with personnel from DEF; as a result, DEF personnel have been actively looking for evidence of violations of Chapter 826-a. A by-product of the creation of the RETF has been the expansion of the number of inspectors monitoring compliance with the provisions of Chapter 826-a.

On Going

The Commission continues to review license applications and complete background investigations of companies seeking to operate in the solid waste and recyclables hauling industry in Westchester County in order to ensure that only companies and individuals of demonstrated good character, honesty and integrity are operating in the County. By encouraging reputable companies and individuals

to operate in the County's hauling industry, the Commission seeks to promote competition, thereby keeping prices affordable for consumers.

The Commission continues to receive and investigate complaints filed by citizens, businesses and other carters about pricing, collections, contracts, and possible violations of Chapter 826-a. Commission staff interviews the customers, witnesses and when appropriate, carters about these complaints. As a result of the Commission's efforts, disputes between customers and carters have been resolved; customers have been freed, when appropriate, to seek new carting services; and carters have been charged with violations of Chapter 826-a, when appropriate. In addition, the Commission has referred cases to the appropriate law enforcement or governmental agencies.

The Commission maintains an up-to-date website on which it includes a list of carters licensed to operate in the County; a list of transfer stations located in the County; copies of laws applicable to the hauling industry in the County, including the Customer Bill of Rights; and applications for licenses and renewals.

Enforcement

During 2008, through the Commission meeting of July 29, 2008, the Commission authorized the initiation of 28 cases for a variety of violations, to wit:

- Unlicensed Operation
- Failing to register a vehicle used to haul solid waste and/or recyclables
- Use of an improperly labeled vehicle by a licensee to haul solid waste and/or recyclables
- Failing to display Commission decals on a registered truck used to haul solid waste and/or recyclables
- Failure to pay required Commission fees
- Use of a registered truck that did not display Commission decals by a licensee
- Use of an unlabeled solid waste container by a licensee to haul or store solid waste and/or recyclables

In addition, the Commission revoked the License of one company following the completion of an administrative hearing.

Tax Levy:

The Solid Waste Commission proposed budget for calendar year 2009 is "tax levy neutral" as required by law.

The budget is based solely upon application, license and per-truck fees that the Solid Waste Commission anticipates receiving from licensees and applicants during the 2009 calendar year.

Expenditures

The projected expenses for 2009 for the Solid Waste Commission totals \$1,559,230, calculated as follows:

Annual Regular (1000)

The 2009 Proposed is \$7,494 more than the 2008 Adopted.

Overtime (1400)

The 2009 Proposed, \$5,000, is the same as the 2008 Adopted.

Retirement Systems (1650)

The 2009 Proposed is \$7,646 less than the 2008 Adopted. This figure reflects the rate requested by the New York State Retirement System.

FICA/Medicare (1651)

The 2009 Proposed is \$6,444 more than the 2008 Adopted, based upon a percentage of the Commission's expected total salaries.

Employee Health Insurance (1680)

The 2009 Proposed is \$4,161 less than the 2008 Adopted.

Unemployment Insurance (1720)

The 2009 Proposed is \$196 less than the 2008 Adopted.

Replacement Equipment (2300)

The 2009 Proposed of \$25,000, is the same as the 2008 Adopted.

Additional Equipment (2400)

The 2009 Proposed is \$25,500 less than the 2008 Adopted. The Commission does not plan to purchase any additional equipment in 2009.

Automotive Supplies (3010)

The 2009 Proposed, \$5,000, is the same as the 2008 Adopted.

Books and Periodicals (3070)

The 2009 Proposed is \$200 less than the 2008 Adopted.

General Supplies (3240)

The 2009 Proposed, \$7,000, is the same as the 2008 Adopted.

Printing & Office Supplies (3600)

The 2009 Proposed is \$2,000 less than the 2008 Adopted.

Postage (3700)

The 2009 Proposed is \$2,000 more than the 2008 Adopted.

Equipment Service & Rental (4070)

The 2009 Proposed is \$2,000 more than the 2008 Adopted.

Travel and Meals (4110)

The 2009 Proposed, \$1,000, is the same as the 2008 Adopted

Public and Legal Notices (4250)

The 2009 Proposed, \$1,000, is the same as the 2008 Adopted.

Educational Training (4360)

The 2009 Proposed, \$1,600, is the same as the 2008 Adopted.

Contractual Services (4380)

The 2009 Proposed is \$33,788 more than the 2008 Adopted. This increase is due to (i) additional Lexis-Nexis subscriptions; and (ii) an increase of \$10,000 in each hearing officer's contract.

Contribution 6-N Fund (4937)

The 2009 Proposed, \$20,000, is the same as the 2008 Adopted.

Contribution - Workers Comp Fund (4945)

The 2008 Proposed, \$6,984, is the same as the 2008 Adopted.

Fleet Management (5160)

The 2009 Proposed is \$1,170 less than the 2008 Adopted. This expense line covers expenses incurred by the Commission for fleet vehicle usage when one of the Commission's cars is unavailable. This figure was recommended to the Commission by the Department of Public Works.

Automotive (5170)

The 2009 Proposed is \$3,261 more than the 2008 Adopted. This account covers fuel, repairs and maintenance charges for the vehicles owned by the Commission.

Information Support Service (5205)

The 2009 Proposed is \$138 more than the 2008 Adopted based upon figures submitted to the Commission by the Department of Information Technology.

Buildings & Space (5220)

The 2009 Proposed is \$2,738 more than the 2008 Adopted based upon figures submitted to the Commission by the Department of Public Works.

Telecommunications (5250)

The 2009 Proposed is \$2,660 less than the 2008 Adopted based upon figures submitted to the Commission by the Department of Information Technology.

Data Processing (5260)

The 2009 Proposed is \$24,412 more than the 2008 Adopted, based upon figures submitted by the Department of Information Technology.

Services by Department of Law (5325)

The 2009 Proposed is \$123,555 less than the Adopted.

Services by Public Safety (5390)

The 2009 Proposed is \$1,578 more than the 2008 Adopted, based upon figures submitted by the Department of Public Safety.

Services by County Center (5453)

The 2009 Proposed, \$1,000, is the same as the 2008 Adopted.

Services by Records Center (5485)

The 2009 Proposed is \$264 less than the 2008 Adopted based upon figures submitted by the Department of Information Technology.

Revenue

The Solid Waste Commission's revenues are based primarily upon application, licensing and per-truck fees charged to haulers licensed or applying for a license to operate in the Westchester County solid waste and recyclables hauling industries. The Commission's revenues also include fines charged for violations of Chapter 826-a of the Laws of Westchester County.

The projected revenues for 2009 for the Solid Waste Commission totals \$1,559,230, calculated as follows:

Application Fees (9122) and Other Charges (9289)

In 2009, we anticipate receiving application fees (Account 9122) and fines (Account 9289) totaling \$286,230. The decrease from the 2008 Adopted is due to the fact that a large number of companies are not required to re-apply for their bi-annual licenses and pay application fees in 2009.

Vehicle Fees (9137)

In 2009 we anticipate receiving per-truck fees totaling \$710,000 from all licensing categories.

Transfer Station Fees (9138)

In 2009 we anticipate receiving a total of \$407,500. Transfer stations pay annual fees ranging from \$12,500 to \$20,000 depending upon the amount of materials they reuse or recycle. Additionally, the County's incinerator, Resco, pays a fee of \$50,000 per year.

Annual License Fees (9542)

In 2009 we anticipate receiving license fees totaling \$155,500.