

LOCAL LAW INTRO. NO. -2008

A Local Law amending Chapter 825 of the Laws of Westchester County with respect to Source Separation Requirements For Residential and Nonresidential Waste Generators and Penalties.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Subsection 8 of section 825.30 of the Laws of Westchester County is hereby repealed and a new subsection 8 to section 825.30 is hereby added to read as follows:

8. Recyclables means the following materials:
  - (a) Newsprint: Newspapers as purchased, including any glossy inserts.
  - (b) High-grade paper: Includes high quality paper such as letterhead, copier paper, typing paper, tablet sheets, computer printout paper, and all paper of similar quality. This term shall not include carbon paper, selfcarbonizing paper, coated or glossy paper, envelopes with windows or adhesive labels. Residential waste generators are permitted to commingle high-grade paper with newsprint; however, nonresidential waste generators are required to separate high-grade paper from newsprint.
  - (c) Glass: Glass jars, bottles and containers of clear, green or amber (brown) color, used to store food or beverages only, which

must be empty and rinsed clean. This term excludes ceramics, window or automobile glass, mirrors and light bulbs.

(d) Metals: All ferrous and nonferrous food and beverage containers, including steel, aluminum and bimetal, which shall be empty and rinsed clean.

(e) Bulk metals: Large metal fixtures and appliances, including white goods such as washing machines, refrigerators, etc. This term excludes metal containers utilized to store flammable or volatile chemical materials, such as fuel tanks.

(f) Plastics: All HDPE or PET type plastics coded 1 or 2, including food, beverage, detergent and shampoo containers, which shall be empty and rinsed clean. This term excludes all plastic film, plastic bags, vinyl, rigid plastic (e.g., toys) and plastic foam materials.

(g) Yard waste: Leaves collected during the fall only.

(h) Vehicular batteries: Lead-acid batteries used in automobiles and heavy equipment; excludes household batteries (e.g., for flashlights, radios, cameras, etc.).

(i) Used motor oil: The type used in gasoline and diesel vehicle and equipment engines, delivered in an uncontaminated container.

(j) Cardboard including corrugated cardboard containers, which must be cleaned of excessive amounts of contaminants such

as adhesives, metals and plastics; cereal boxes, tissue boxes, paper towel rolls or any other noncorrugated materials made from cardboard.

Section 2. Subsection 1 of section 825.40 of the Laws of Westchester County is hereby amended to read as follows:

1. Every waste generator in Westchester County shall be responsible for the source separation of solid waste and recyclables at the point of generation. Waste generators shall source-separate additional materials designated as recyclables by a local municipality pursuant to § 120-aa of the General Municipal Law, if that municipality provides or causes to be provided collection of such materials for the waste generator or a location within that municipality for delivery of such materials by the waste generator. Waste generators shall not be required to source-separate recyclables contained in construction and demolition debris, provided that such debris is brought to a facility where recyclables can be separated from the nonrecyclable solid waste. All waste generators shall commence source separation on September 1, 1992.

Section 3. A new section 825.45 of the Laws of Westchester County is hereby added to read as follows:

Sec. 825.45. Unauthorized Confiscation of Certain Recyclables.

Except for authorized employees or agents of a municipality; or authorized employees or agents of haulers or recyclables brokers licensed by the Westchester

County Solid Waste Commission utilized by a waste generator to collect recyclables pursuant to a written service contract required by section 826-a.402 of the Laws of Westchester County, it shall be unlawful for any person to remove and transport by motor vehicle any amount of recyclable paper, cardboard, and/or commingled plastic/glass/metals that have been placed in the location designated for recyclables collection for collection or removal by such municipality or licensed hauler or recyclables broker. This section shall not apply to the removal or transport of: (1) cardboard, if for personal use; and (2) bulk metals or other types of used household/consumer goods.

Section 4. Section 825.70 of Chapter 825 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 825.70. Nonresidential waste generator plans.

1. Except for municipalities, all nonresidential waste generators who own a building or buildings commonly containing more than 100 employees, patients or students during a 24-hour period, including but not limited to commercial establishments, institutions and school districts (“reporting nonresidential waste generators”), shall be required to provide the following plan to the commissioner:
  - (a) A plan to provide for source separation of recyclables;
  - (b) A written schedule for the collection by or delivery of source-separated recyclables to a recyclables broker or other market for recyclables, which shall include identification of the recyclables

broker or market, collection mechanism and anticipated volumes of materials.

2. The commissioner shall provide the required form for such plan to all reporting nonresidential generators.
3. Reporting nonresidential waste generators shall submit their current source separation plan to the commissioner no later than October 1, 2008. New reporting nonresidential waste generators must submit their plan within six (6) months of the commencement of operations in Westchester County. All reporting nonresidential waste generators have a continuing obligation to update such plan every three (3) years. The commissioner also has the authority to require an update of the plan as he or she deems necessary.
4. In the event that a commercial establishment, institution or school district utilizes more than one location, only one plan need be submitted in accordance with subsection 3 above, provided that such plan identifies activities at each location, unless such location's plan is prepared by a building owner pursuant to subsection 5. below, in which case only the owner's name need be identified.
5. In the event that a commercial establishment, institution or school district is located within a multi-tenant building and there are over 100 employees in such building, it shall be the responsibility of the owner of such building to comply with this section.

Section 5. Subsections 1 and 2 of section 825.80 of Chapter 825 of the Laws of Westchester County are hereby amended to read as follows:

1. Any person found guilty in a court of competent jurisdiction of failure to comply with any applicable provisions of this chapter or with any emergency regulation of the commissioner duly issued under this chapter shall be guilty of an offense punishable as follows:

- a. For the first violation, a warning or a fine up to \$100.00;
- b. For the second violation, a fine of up to \$500.00;
- c. For the third violation, a fine of up to \$750.00;
- d. For the fourth and succeeding violations, a fine of up to \$1,000.00.

2. In lieu of, or in addition to, the criminal enforcement provisions and penalties of subsection 1. above, each such compliance violation shall be subject to a civil penalty as follows:

- a. For the first violation, a warning or a fine up to \$100.00;
- b. For the second violation, a warning or a fine of up to \$500.00;
- c. For the third violation, a warning or a fine of up to \$750.00;
- d. For the fourth and succeeding violations, a warning or a fine of up to \$1,000.00.

Each day of a continuing violation shall constitute a separate violation and shall be subject to a separate fine and/or civil penalty.

Section 6. This Local Law shall take effect on the one hundred and eightieth (180th) day after its enactment.