

LOCAL LAW 2-20
CHAUTAUQUA COUNTY

A LOCAL LAW PROVIDING SOLID WASTE FLOW CONTROL
IN CHAUTAUQUA COUNTY

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

SECTION 1. GENERAL PROVISIONS

A. Legislative Intent and Purpose

The purpose and intent of this Local Law is to ensure that Solid Waste generated within Chautauqua County continues to be managed in a manner which protects public health, public safety and the environment, and which provides for the financial stability of the County solid waste system. During the 1960's, the County faced a solid waste crisis as environmentally sound disposal of solid waste was beyond the financial means of small local governments. County involvement began in 1967 with a permit requirement for the approximately forty (40) town, village, and private waste dumps that were in operation at the time. Gradually the small open dumps were closed and the County created a comprehensive County-wide solid waste disposal system. Currently, the County operates its solid waste system in accordance with the following:

- 1) New York State solid waste management policies set forth in Environmental Conservation Law (ECL) §27-0106;
- 2) Local Law 9-92 of the County of Chautauqua, entitled *Mandating Source Separation and Segregation of Recyclable or Reusable Material*, and rules, regulations, and permit requirements promulgated pursuant thereto;
- 3) Local Law 13-95 of the County of Chautauqua, entitled *A Local Law Establishing User Fee Policy and Procedure*;
- 4) Local Law 14-95 of the County of Chautauqua, entitled *A Local Law Regulating the Use of Chautauqua County Sanitary Landfill & Transfer Stations*, and rules, regulations, and permit requirements promulgated pursuant thereto; and
- 5) The Local Solid Waste Management Plan for the County of Chautauqua, with pending updates under review.

The County Legislature finds and determines that in addition to the laws, rules, regulations, permit requirements, policies, and plan set forth above, establishing local flow control over the collection and disposal of certain Solid Wastes generated within the County of Chautauqua is in the public interest and assists the County in achieving the intent and purposes of this enactment.

This Legislature recognizes that regulation of Solid Waste is a proper and necessary exercise of the County of Chautauqua's police powers as it is fundamentally related to the public health, safety and well-being of persons and the environment within the County of Chautauqua. Moreover, regulation of Solid Waste is a necessary and proper exercise of the County's home rule powers under N.Y. Const., Art. IX, § 2[c][ii][10], Sections 10 and 20 of the Municipal

Home Rule Law, Section 120-aa of the General Municipal Law and Section 226-b of the County Law.

B. Declaration of Policy

The Legislature recognizes that the County's solid waste system, comprised of a solid waste landfill, transfer stations, landfill gas-to-energy plant, and other assets, is a critical part of the environmental infrastructure of Chautauqua County and provides facilities and services which are necessary to protect public health and the environment. It is hereby declared to be the public policy of the County of Chautauqua to provide for the continued operation and viability of its comprehensive, publicly owned and operated solid waste management system and to provide mechanisms for the continued financial viability of its system in light of state and federal regulations and requirements. The Legislature intends to maintain the County solid waste system's historic economical rate structure for the benefit of in-County users, and continue to operate the solid waste system in a manner that provides a competitive business environment for the County's residents and industries.

The County's solid waste management program is intended on a County-wide basis to provide environmentally sound disposal of solid wastes, to provide special collections for household hazardous waste, to safely monitor and maintain closed landfill facilities, to provide for a program of recycling electronic and other waste, to encourage the growth of recycling in both the public and private sectors, to provide public education on proper waste management methods, to provide assistance in the disposal of code enforcement demolition wastes for all local governments in the County in order to reduce neighborhood blight, to provide assistance for all local governments in the County in the event of emergencies such as floods, lake fish kills, and lake weed infestations, to recover energy from the generation of landfill gas, and to employ new techniques of waste management as they become available. This Local Law is intended to ensure the orderly and reliable collection of solid waste by municipalities and qualified collection firms, to provide a means to gather relevant information regarding waste generation for planning and administration of the solid waste program, to assist in the enforcement of recycling laws, to provide a sufficient and reliable source of landfill gas for energy production as a renewable natural gas (RNG), and to advance the goals of the Solid Waste Management Plan and its periodic updates.

This law regulates only the collection, transport, processing and disposal of Solid Waste generated within the incorporated limits of Chautauqua County. This Local Law shall not be construed to extend the jurisdiction of the County of Chautauqua beyond the incorporated limits of the County of Chautauqua. It shall be the policy of the County of Chautauqua, in the adoption, implementation and enforcement of this Local Law, to treat all persons subject to its provisions in a fair and impartial manner without regard to their location or legal residence, within or without the boundaries of the County of Chautauqua, the State of New York, or any other state.

SECTION 2. DEFINITIONS

A. Chautauqua County Department of Public Facilities (DPF). An administrative unit of the County of Chautauqua with responsibility for the operation of the County's Solid Waste Facilities and Solid Waste and Recycling programs.

B. County Solid Waste Facility. Any facility owned or operated by the County of Chautauqua, which includes, but shall not be limited to, the Chautauqua County Landfill, the County transfer stations, the County landfill gas-to-energy plant, and all facilities identified by the Deputy Director for the receipt of household hazardous waste, electronic waste and such other facilities as may be established by the County from time to time.

C. Commercial Hauler. Any person who is engaged in the business of collecting and transporting solid waste for disposal from the locations within the County of Chautauqua at which such waste is generated. For purposes of this definition, “person” shall mean any individual, public or private corporation, political subdivision, government agency, department or bureau of New York State or United States government, municipality, industry, partnership, association, limited liability company, trust, estate, non-profit entity, tax-exempt entity, or any other legal entity.

D. Deputy Director. The Deputy Director of the Division of Solid Waste of the Chautauqua County Department of Public Facilities (DPF).

E. Solid Waste and Related Terms. The terms Solid Waste, Construction and Demolition Debris, Organic, Recyclable, Regulated Medical Waste, and other terms in common usage in the solid waste industry, shall, unless otherwise specifically defined herein, have the meanings set forth in 6 NYCRR 360.2 or successor provision.

SECTION 3. FLOW CONTROL

A. All Solid Waste, including, but not limited to, Construction and Demolition Debris, and wastes generated and collected from residences, businesses, institutions and other locations within the County of Chautauqua shall be delivered for disposal to the County Solid Waste Facility designated by the Deputy Director pursuant to this Local Law, except as otherwise provided pursuant to Section 3 (B), below.

B. This Local Law shall not be applicable to collection and disposal of source separated Recyclables, source separated Organic Wastes, Regulated Medical Wastes, wastes processed pursuant to environmental sustainability programs approved by the Deputy Director, and any materials that are not authorized for acceptance at County Solid Waste Facilities by New York State law or regulation or Local Laws 9-92 and 14-95 of the County of Chautauqua, or as otherwise provided by rules, regulations, and permit requirements promulgated pursuant to Local Laws 9-92, 14-95, and this Local Law.

C. Compliance with the provisions of this Local Law shall be a term and condition of all permits issued by the Landfill in furtherance of this Local Law and Local Laws 9-92 and 14-95 of the County of Chautauqua. It shall be unlawful for any Commercial Hauler to collect, transport or dispose of Solid Waste or Recyclables generated within Chautauqua County without a Landfill permit. Violations of the provisions of this Local Law, and/or rules, regulations, and permit requirements promulgated pursuant to this Local Law, shall subject the violator to the penalties set forth in said Local Law 14-95.

D. In order to ensure proper compliance with this Local Law, the Deputy Director is hereby empowered to promulgate rules and regulations to implement the Solid Waste flow control required by this Local Law, including, but not limited to, permit requirements. The rules and regulations promulgated by the Deputy Director shall be subject to policies and procedures specified by the County Legislature pursuant to a duly adopted and approved resolution.

SECTION 4. UPDATING OF ADMINISTRATIVE REFERENCES IN PRIOR LOCAL LAWS

References to the “Division of the Environment” and “DPW”, in prior Local Laws 13-95 and 14-95 of the County of Chautauqua, are hereby updated and deemed to be, respectively, the “Division of Solid Waste” and “DPF”.

SECTION 5. SEVERABILITY

If any part of this Local Law or the application thereof to any person should be adjudged to be invalid by any court of competent jurisdiction, such judgment shall, unless otherwise provided in said judgment, be confined in its operation to the application, part or provision of this Local Law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this Local Law or the application thereof to other persons or circumstances. The Chautauqua County Legislature hereby declares that it intends that the provisions of this Local Law that are not specifically adjudged to be invalid shall remain in full force and effect.

SECTION 6. COUNTY NOT LIABLE

Nothing in this enactment shall be deemed to impose any civil or criminal liability upon, or give rise to, a cause of action against any official, employee or agency of the County of Chautauqua for failing to act in accordance with this Local Law or by enforcing same in good faith.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect January 1, 2021.

Emailed: 06/12/2020

Adopted by Legislature: 06/24/2020

Public Hearing by County Executive: 07/06/2020

Adopted As Local Law 2-20

R/C Vote: 19 Yes

Date State Filed: 7/20/2020