

**ROCKLAND COUNTY
ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**

**RULES AND REGULATIONS TO THE COUNTY FLOW CONTROL LAW
REGULATING THE COUNTY-WIDE COLLECTION AND DISPOSITION OF SOLID
WASTE GENERATED IN ROCKLAND COUNTY**

Amended March 16, 2010, October 28, 2010, July 28, 2011 and
September 27, 2012 and January 22, 2015

RULE 1. PURPOSE

These Rules and Regulations serve to establish the requirements for increasing the rate of recycling, and for eliminating or reducing the amount of County-generated Solid Waste disposed of in landfills. These Rules and Regulations are to be administered by the Rockland County Solid Waste Management Authority (the "Authority") in cooperation with the Department of Health (the "Department").

The purposes of these Rules and Regulations are:

- (A) to establish provisions applicable to Commercial entities requesting Authority approval of their Recycling Programs for purposes of Section 350-11(C) of Chapter 350 of the Laws of Rockland County;
- (B) to establish provisions applicable to Landscapers, tree service companies, and green waste recyclers requesting Authority approval of their green waste recycling programs for purposes of Section 350-13(D) of Chapter 350 of the Laws of Rockland County;
- (C) to establish procedures for the appeal of the determination of Designated Facilities; and
- (D) to clarify certain provisions of Chapter 350 of the Laws of Rockland County.

RULE 2. AUTHORITY

These Rules and Regulations are promulgated pursuant to the requirements and provisions of Chapter 350 of the Laws of Rockland County.

RULE 3. FINDINGS AND POLICY

The findings and policy enumerated by the legislature in Section 350-1 of Chapter 350 of the Laws of Rockland County, as amended, are hereby adopted as the administrative findings and policy upon which these Rules and Regulations are based.

RULE 4. APPLICATION

The terms and provisions of these Rules and Regulations shall be construed to permit the

Authority and the Department to effectuate the purposes of Chapter 350 of the Laws of Rockland County, goals, and policies.

RULE 5. DEFINITIONS

For the purposes of these Rules and Regulations the general definitions and abbreviations set forth in Chapter 350 of the Laws of Rockland County shall apply to these Rules and Regulations.

"Authority" means the Rockland County Solid Waste Management Authority, a public benefit corporation organized and existing under the Rockland County Solid Waste Management Authority Act, Title 13-M of Article 8 of the Public Authorities Law, Chapter 43-A of the Consolidated Laws of the State of New York, as amended from time to time.

"Brush" means undergrowth, shrubs, vines, and similar plant material.

"Commercial" means any firm, company, corporation, partnership, association, institution, multi-family residence, townhouse, cooperative or condominium apartment building or complex, joint stock association or any other group of individuals, or other entity providing a public service or engaged in a business for profit, and includes the plural as well as the singular.

"County" means the County of Rockland.

"Department of Health" means the Rockland County Department of Health.

"Designated Facility" means any publicly owned solid waste facility(ies) and/or any solid waste facility(ies) owned and/or operated by the Authority, and designated by the Authority for acceptance or disposal of Yard Waste, Solid Waste, Construction and Demolition Debris, Scrap Metals, and/or Recyclables, including but not limited to transfer stations, materials recovery facilities, drop off centers, and resource recovery facilities.

"Facility" means any structure occupying more than 10,000 square feet, other than a single family dwelling.

"Hauler" means each such individual or carting company, or any municipality providing such collection service, authorized by a valid permit issued by the department of health to collect, pickup, remove, transport and/or dispose or cause to be collected, picked up, removed, transported or disposed any yard waste, solid waste, construction and demolition debris, scrap metals, and/or recyclables generated within the county and placed at curbside or other designated area for collection by such hauler.

"Infectious Waste" means any material containing any organism (such as a virus or bacterium) that is capable of being communicated by invasion and multiplication in body tissues and is capable of causing disease or adverse health impacts in humans.

"Landscape" means any person or entity, commercial or otherwise, who performs the following services for customers within Rockland County for financial consideration: cutting, trimming, lawn care, and maintenance of trees and shrubs; collection, consolidation, and removal of Yard Waste.

"Municipality" means the County, any village, town, city, school district, special district, or public authority located in the County, or any combination thereof.

"Person" shall mean and include any individual; landlord, tenant, owner or manager of a multi-family residence, townhouse, cooperative or condominium apartment building or complex; chief executive officer, owner or manager of a commercial entity; director or manager of any institution, including non-profit or tax-exempt organizations; firm; public or private corporation; municipality; political subdivision; association; partnership; institution; public body; joint stock association or any other group of individuals, including apartment, condominium, and townhouse association, and the term person shall include plural as well as singular.

"Putrescible" means that the material in question is capable of undergoing the process of decomposition resulting in the formation of malodorous byproducts.

"Recyclables" means any material generated within the County and which under any applicable law, is not hazardous and which is designated to be separated from the waste stream to be recycled.

"Recycling Program" means a program that (1) separates for recycling or re-use all source separated materials generated by such entity such as clean paper product (including newspapers, cardboard, and all grades of paper), containers made of all grades of plastic (except Styrofoam), aluminum, glass, and ferrous metals; (2) educates and trains its employees and/or custodial staff about the requirements of the recycling program; and (3) provides for disposal of Recyclables to a facility whose business is to recycle or reuse such materials, or market them for recycling or reuse.

"Regulated Medical Waste" means any medical waste that is a solid waste that is generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that is not excluded or exempted under 6 NYCRR Part 360-I7.2(h)(2).

"Solid Waste" means all Putrescible and non-Putrescible solid wastes resulting from handling, preparation, cooking, serving or consumption of food and other non-recyclable household waste products, as well as residue from the burning of coal or wood, as well as Bulk Items, which are generated within the County. It shall include, but not be limited to, 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, or that are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-product, including, but not limited to, garbage, refuse, industrial, commercial and agricultural waste, rubbish, ashes, contained gaseous material, incinerator residue, offal, but not including sewage sludge and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material 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 the New York State Department of Environmental Conservation.

"Tree" means a woody perennial plant, typically with a single stem or trunk growing to a

considerable height and bearing lateral branches. "Tree" shall also include wood chips, saw logs, pulpwood, firewood and wood fibers.

"Yard Waste" means grass (not including ornamental grass) clippings, leaves, and brush which are generated within the County, and excluding Trees and Tree stumps, and which shall be separated from the Solid Waste stream for collection and/or delivery to a Designated Facility. Yard Waste may also include other types of green waste as designated by the Authority, and modified from time to time, by resolution.

RULE 6. COMMERCIAL ENTITIES REQUESTING APPROVAL OF RECYCLING PROGRAMS PURSUANT TO SECTION 350-11(C) OF CHAPTER 350 OF THE LAWS OF ROCKLAND COUNTY

Pursuant to Section 350-11(C) of Chapter 350 of the Laws of Rockland County, Commercial entities with a Recycling Program approved by the Authority are not required to follow the provisions of Section 350-11 of Chapter 350 of the Laws of Rockland County with respect to the requirements for set out, collection, and disposal of the particular Commercial Recyclables to be recycled under the approved Recycling Program. In order to qualify for Authority approval, a Commercial entity seeking application of the exemption must certify, under oath (via the Certification Affidavit as defined below), that:

- (A) it is operating within the County and has had a Recycling Program in place since June 30, 2008. For Commercial entities with more than one location within the County, the Commercial entity must have had one location with a Recycling Program within the County since June 30, 2008;
- (B) it is in compliance with the Mandatory Reporting Requirements of § 17.7.0 of Article XVII of the Rockland County Sanitary Code, as amended, and has on file with the Department of Health current versions of all documentation required by that section;
- (C) it generates Recyclables only as a byproduct of its normal business operations and is not in the business of recycling, handling, transferring, or processing Recyclables. The exemption shall not be available to recyclers or other entities in the business of recycling, handling, transferring, or processing Recyclables;
- (D) it is in compliance with all applicable laws;
- (E) it owns or operates a Facility and has at least 50 employees. Commercial entities with more than one location within the County may aggregate numbers for Facility space and/or employee totals from different locations within the County;
- (F) the quantity of Recyclables generated and handled by the Company is less than the amount specified in 6 NYCRR Part 360 for registered solid waste facilities;
- (G) it has a designated recycling coordinator; and
- (H) it does not receive Recyclables collected on behalf of any Municipality or any other entity or person.

Commercial entities must submit a written request for approval of a Recycling Program together with an affidavit certifying that the entity and its Recycling Program satisfy the above criteria (“Certification Affidavit”). Form Certification Affidavits are available on the Authority’s website or may be obtained directly from the Authority upon request. The Authority reserves the right to request any additional information that it deems necessary and may withhold approval of a Recycling Program if such information is not timely provided. Commercial entities with an approved Recycling Program must file an annual report with the Authority documenting the continuation of the approved Recycling Program, indicating any changes thereto, and submit an updated Certification Affidavit. Commercial entities with an approved Recycling Program shall immediately inform the Authority of any changes in the information provided in the Certification Affidavit in support of the exemption request and update/amend the Certification Affidavit accordingly.

Approval of a Commercial entity’s Recycling Program shall be revoked if the Commercial entity ceases to meet any of the requirements set forth above. In addition, a Commercial entity with an approved Recycling Program may opt to abandon its Recycling Program once at any time following the approval of the Recycling Program. In the case of such abandonment, the Commercial entity must immediately begin delivering all recyclables to the appropriate Designated Facility. A Commercial entity that has abandoned its approved Recycling Program will not at any time following such abandonment qualify for subsequent approval under this Rule.

RULE 7. REGULATIONS APPLICABLE TO LANDSCAPERS, TREE SERVICE COMPANIES, AND GREEN WASTE RECYCLERS REQUESTING AUTHORITY APPROVAL OF GREEN WASTE RECYCLING PROGRAMS PURSUANT TO SECTION 350-13(D) OF CHAPTER 350 OF THE LAWS OF ROCKLAND COUNTY

Pursuant to Section 350-13(D) of Chapter 350 of the Laws of Rockland County, Landscapers, tree service companies, and green waste recyclers with green waste recycling programs approved by the Authority are not required to follow the provisions of Section 350-13 of Chapter 350 of the Laws of Rockland County with respect to the requirements for Landscaper waste collection and disposal of the particular Yard Waste to be recycled under the approved green waste recycling program. In order to qualify for Authority approval, a Landscaper, tree service company, or green waste recycler seeking application of the exemption must certify, under oath (via the Certification Affidavit as defined below), that:

- (A) it has a place of business located within the County and has continually incorporated Yard Waste recycling as part of its business since June 30, 2008;
- (B) it is in compliance with all applicable laws;
- (C) it services only Yard Waste generated by its business operations and does not accept or process Yard Wasted from any other Landscaper, tree service company, green waste recycler, Municipality, or any other entity or person located within the County;
- (D) it processes Yard Waste into marketable product; and

- (E) it has a designated recycling coordinator.

Landscapers, tree service companies, and green waste recyclers must submit a written request for approval of a green waste recycling program together with an affidavit certifying that the entity and its program satisfy the above criteria (“Certification Affidavit”). Form Certification Affidavits are available on the Authority’s website or may be obtained directly from the Authority upon request. The Authority reserves the right to request any additional information that it deems necessary and may withhold approval of a green waste recycling program if such information is not timely provided. Landscapers, tree service companies, and green waste recyclers with an approved green waste recycling program must file an annual report with the Authority documenting the continuation of the approved program, indicating any changes thereto, and submit an updated Certification Affidavit. Landscapers, tree service companies, and green waste recyclers with an approved green waste recycling program shall immediately inform the Authority of any changes in the information provided in the Certification Affidavit in support of the exemption request and update/amend the Certification Affidavit accordingly.

Approval of a green waste recycling program shall be revoked if the Landscaper, tree service company, and/or green waste recycler ceases to meet any of the requirements set forth above. In addition, a Landscaper, tree service company, and/or green waste recycler with an approved green waste recycling program may opt to abandon its program once at any time following the approval of the program. In the case of such abandonment, the Landscaper, tree service company, and/or green waste recycler must immediately begin delivering all recyclables to the appropriate Designated Facility. A Landscaper, tree service company, and/or green waste recycler that has abandoned its approved green waste recycling program will not at any time following such abandonment qualify for subsequent approval under this Rule.

RULE 8. RECONSIDERATION OF FACILITY DESIGNATION

- (A) Any Hauler may request that the Authority reconsider the designation of a Designated Facility as applied to that Hauler's collection route.
- (B) A request for reconsideration must be in writing.
- (C) The Authority shall review a request for reconsideration and may either request further information or issue a written affirmance of the original designation or a modified designation.
- (D) In reviewing a request for reconsideration, the Authority may consider the following factors:
 - (1) The location of the Hauler's route in relation to the Designated Facility, in terms of travel time and/or distance; and
 - (2) Other considerations deemed relevant by the Authority, including but not limited to other health, safety, and welfare considerations.
- (E) A request for reconsideration shall not stay the designation of a subject Designated Facility pending resolution of the request.

RULE 9. CLARIFICATION OF HANDLING AND DISPOSAL OF INFECTIOUS WASTE AND REGULATED MEDICAL WASTE

Section 350-5(D) of Chapter 350 of the Laws of Rockland County shall not be read to be limited to medical facilities such as doctor's offices, clinics, nursing homes and hospitals. Section 350-5(D) of Chapter 350 of the Laws of Rockland County shall apply to all businesses with lawful disposal and handling programs in place for Infectious Waste and Regulated Medical Waste.

RULE 10. CLARIFICATION OF SECTION 350-9 OF CHAPTER 350 OF THE LAWS OF ROCKLAND COUNTY – REQUIREMENTS FOR SET OUT, COLLECTION AND DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS

- (A) For the purposes of Section 350-9(A) of Chapter 350 of the Laws of Rockland County, the term "dumpster container" shall also include but not be limited to truck beds of any size and areas where construction and demolition debris is placed for disposal purposes.
- (B) Pursuant to Section 350-9(B) of Chapter 350 of the Laws of Rockland County, each person and commercial entity shall dispose of each construction and demolition debris material separately (i.e., concrete and asphalt shall be deposited for disposal in separate dumpster containers for pick up by a hauler and delivery to the designated facility).

RULE 11. RESERVED

RULE 12. ENFORCEMENT

Any Person that fails to meet the requirements of these Rules and Regulations shall be subject to administrative penalties as authorized by Section 350-15 of Chapter 350 of the Laws of Rockland County.

RULE 13. SEVERABILITY

If any provision of these Rules and Regulations or the application thereof to any Person or circumstance is held invalid by a court of competent jurisdiction, the remainder of these Rules and Regulations shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections shall not affect the validity of the remainder of these Rules and Regulations.

RULE 14. EFFECTIVE DATE

The foregoing "Amended Rules and Regulations Regulating the County-Wide Collection and Disposition of Solid Waste Generated in Rockland County," after due notice, shall be mailed to the clerk of the Rockland County Legislature and the clerk of each municipality within Rockland County and shall become effective three (3) days thereafter.