

REGULATIONS
SOLID WASTE HAULER LICENSING

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ORANGE COUNTY
SOLID WASTE HAULER LICENSING REGULATIONS

SECTION 1 - AUTHORITY, INTENT AND PURPOSE

- A) These regulations are enacted pursuant to the authority granted to the Commissioner under section IX of Local law No. 2 of 1989.
- B) It is the intent of the Legislature to mandate Source Separation Recycling of Solid Waste by all generators, and to provide for the collection of such Source Separated Recyclables by Solid Waste haulers.

SECTION 2 - DEFINITIONS

General definitions. When used in this part:

- 1) **6NYCRR** means Title 6 of the Official Compliance of Codes, Rules and Regulations of the State of New York.
- 2) **Commissioner** means the Commissioner of the Department of Environmental Facilities and Services or a duly authorized representative of.
- 3) **Container** means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
- 4) **Department** means the Orange County Department of Environmental Facilities and Services.
- 5) **Designated Recyclables** means those materials and source separated components of solid waste for which the Commissioner has determined that an economic market exists.
- 6) **Economic Market** means an instance in which the full avoided costs of proper collection, transportation, and disposal of source separated materials are equal to or greater than the cost of collection, transportation, and sale of said materials less the amount received from the sale of said materials.

- 7) **Garbage** means putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared, or served.
- 8) **Generator** means any person whose act or process produces a solid waste or whose act first causes solid waste to be subject to this regulation.
- 9) **Hazardous Waste** means a waste as defined in 6NYCRR Part 371, as amended.
- 10) **Orange County Solid Waste Management Facility** means any solid waste management facility operated by Orange County.
- 11) **Person** means any individual, public or private corporation, political subdivision, government agency, authority, department or bureau of the state, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever.
- 12) **Recycle** means to use recyclables in place of virgin materials in manufacturing a product.
- 13) **Recyclables** means solid waste that exhibits the potential to be used repeatedly in place of virgin materials.
- 14) **Refuse** means anything putrescible or non-putrescible that is discarded or rejected as useless or worthless.
- 15) **Regulated Medical Waste** means any waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, when listed pursuant to Section 27-1502 of the ECL, provided, however, that “regulated medical waste” shall not include any hazardous waste identified or listed pursuant to section 27-0903 of the ECL, or any household waste as defined in regulations promulgated under such section. Regulated medical waste shall include:
 - a) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures;

- b) Human pathological wastes, including tissues, organs, body parts and body fluids that are removed during surgery or autopsy or other medical procedures, and specimens of body fluids and their containers;
 - c) Waste human blood and products of blood, including serum, plasma, and other blood components and their containers;
 - d) Sharps that have been used in animal or human patient care or in medical, research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glassware and scalpel blades, blood vials, test tubes, needles with attached tubing, and such unused sharps that have been discarded;
 - e) Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals;
 - f) Wastes from surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, and surgical gloves;
 - g) Laboratory wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats and aprons;
 - h) Dialysis wastes that were in contact with the blood of patients undergoing hemodialysis or renal dialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats;
 - i) Biological waste and discarded materials contaminated with blood, excretion, exudates or secretion from human beings or animals who are isolated to protect others from highly communicable diseases; and
 - j) Any other waste material designated by the administrator as a regulated medical waste under the provisions of the MWTAA (Medical Waste Tracking Act of 1988, public law 100-582) and the regulations promulgated pursuant thereto.
- 16) **Site** means the geographically contiguous property of a solid waste management facility and includes at a minimum the land area of that facility and its access roads, appurtenances, and land buffer areas.

- 17) **Solid Waste** means all putrescible and non-putrescible materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejections, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.
- 18) **Solid Waste Hauler** means any person engaged in the business or activity of collecting, storing, and transporting solid waste.
- 19) **Solid Waste Management Facility** means any facility employed beyond the initial solid waste collection process and managing solid waste including, but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; disposal facilities; solid waste incinerators; landspreading facilities; composting facilities; surface impoundments; and waste oil storage, reprocessing, rerefining facilities, recyclables handling and recovery facilities and waste tire storage facilities.
- 20) **Source Separation** means dividing solid waste into some or all of its component parts at the point of generation.
- 21) **Storage** means the containment of any solid waste such that it does not constitute disposal of that waste.
- 22) **Vehicle** means any device or contrivance which is required by law to be registered with a state, province or the federal government for conveyance over public roads and which actually contains or carries a solid waste, for example, in the case of a tractor-trailer combination, the trailer is considered to be the vehicle; and in case of a roll-off container or other removable containment device, it is the mobile flatbed or the undercarriage that is considered to be the vehicle.

SECTION 3 - EXEMPTIONS

- a) Rail, water, and air carriers are exempt.

- b) Persons and vehicles engaged exclusively in the collection, transportation, and disposal of hazardous waste as defined in NYSDEC regulations 6NYCRR Part 360, as amended.
- c) Persons and vehicles engaged exclusively in the collection, transportation, and disposal of regulated medical waste as defined in Section 27-1501 of the Environmental Conservation Law, as amended.
- d) Persons and vehicles engaged exclusively in the collection, transportation, and disposal of radioactive material and low-level radioactive waste as defined in the Atomic Energy Act of 1954 and the Low-Level Radioactive Waste Policy Amendments Act of 1985, as amended.
- e) All persons and vehicles in transit through the County provided they do not collect solid waste in the County.
- f) All persons and vehicles who use Solid Waste Management Facilities located within the County provided that they do not collect solid waste within the County.
- g) Any individual transporting residential solid waste and/or recyclables to any County Solid Waste Management Facility where the transportation of such waste is incidental to the primary function of such vehicle.
- h) Persons who collect, transport, and dispose of solid waste on-site. Provided, however, that the person responsible for the origination, generation, or occurrence of such waste has a valid NYSDEC permit for such solid waste management activities under 6NYCRR Part 360 as amended, or is specifically exempted by it. As used in this subparagraph, “on-site” means the same as “site” or geographically contiguous property. It may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing, as opposed to going along, the right-of-way. Noncontiguous properties owned by the same person, but connected by a right-of-way which that person controls and to which the public does not have access, are also considered on-site property.
- i) All solid waste that is regulated under 6NYCRR Part 364, as amended.
- j) Persons and vehicles that are engaged exclusively in the collection, transportation, and disposal of solid waste that is regulated under 6NYCRR Part 364, as amended.

SECTION 4 - LICENSE REQUIRED

After July 1, 1991, no Solid Waste Hauler shall engage in the business of hauling, collecting, storing or transporting solid waste for disposal and or recycling in an Orange County Solid Waste Management Facility without first obtaining from the Commissioner a license to carry on such business.

SECTION 5 - FEES

The fee for a license to haul solid waste within the County shall be \$100.00 for the first vehicle plus \$15.00 for each additional vehicle. The fee shall be payable to the County of Orange prior to the issuance of the license. Fees shall not be prorated.

SECTION 6 - APPLICATIONS

- a) All applications for a license shall be made by the applicant on forms provided by the Commissioner. Said application shall set forth the name, business and residence address of the applicant, the names and residence addresses of the officers and stockholders or partners if the applicant is a corporation or partnership, a statement of the number, type and kinds of vehicles to be used by the applicant, including their unladen weight and capacity, trade name, body type, serial and motor number, state registration, a list of roll-off containers with their capacity, a schedule of curbside recycling collection for each municipality served, the kind of service the applicant desires to perform in the County and such information as may be required by the Commissioner, and supplementary applications shall be verified by the applicant; if a partnership, by one (1) of the partners, if a corporation, by one (1) of its officers.
- b) Within five (5) days of occurrence of any change in the facts stated in any application, the applicant shall report the same in a supplementary application to the Commissioner. If additional vehicles are used in such business, an additional, fee

shall be paid for such vehicles; all changes made on any license shall be made only by the Commissioner or his designated representative.

SECTION 7 - INSURANCE REQUIREMENTS

Each applicant for a license shall file with the Commissioner evidence in the form of a certificate or other evidence of insurance that a policy of automobile liability insurance is in full force and effect with personal injury limits of no less than three hundred thousand/one million dollars (\$300,000/\$1,000,000) and property damage coverage with limits of two hundred fifty thousand dollars (\$250,000), and that a policy of general liability insurance is in full force and effect with limits of no less than five hundred thousand/one million dollars (\$500,000/\$1,000,000) covering personal injury, including death, and with limits of no less than two hundred fifty thousand dollars (\$250,000) covering property damage, and covering the applicant and each and every vehicle engaged in the collection of refuse. Such policies shall be endorsed to indemnify and save harmless the County from any and all claims for personal injury or property damage arising out of the operations of the applicant covered by the license and the operation, ownership and maintenance of any vehicle used by the applicant in the County. Such policies or certificates of insurance shall name the County as an additional insured. Each applicant shall file with the Commissioner evidence in the form of a certificate of insurance that the proper workmen's compensation is in force and effect covering each and every person employed by the applicant in the collection of such solid waste and designated recyclables. Said certificates of insurance shall be approved by the County. The insurance policies shall have a term which will expire June 30 of the license year.

SECTION 8 - TERM OF LICENSE

All licenses issued under this regulation shall be granted for a term to end on the 30th day of June next following the issuance thereof.

SECTION 9 - REFUSAL AND REVOCATION OF LICENSE, PENALTIES

- a) A license may be refused or revoked if the applicant, any partner, stockholder, or corporate officer shall have been found, subsequent to a hearing before the Commissioner or his duly authorized representative, to be in violation of any section of Local Law No. 2 of 1989 or this regulation.
- b) In the alternate, the Commissioner may determine to enforce this regulation by imposition of a civil penalty for each violation thereof in the amount of one thousand dollars (\$1,000.00) and suspension of disposal privileges at all County Solid Waste Management Facilities for such period of time as shall be determined by the Commissioner. Any such civil penalty imposed by the Commissioner shall be collected in an action at law commenced and maintained in the name of Orange County by the County Attorney. No such civil penalty shall be imposed by the Commissioner unless he shall have given alleged violator and opportunity to be heard at an administrative hearing held by him or his designee.

SECTION 10 - OPERATING REQUIREMENTS

- a) Haulers shall provide regularly scheduled collection services for designated source separated recyclables for their customers and accounts.
- b) Collected recyclables shall, at a minimum, consist of those materials that have been designated by the Commissioner as having an economic market.
- c) Collection of designated recyclables shall commence no later than thirty (30) days subsequent to the Commissioner's public notice that economic markets exist for said recyclables.
- d) Haulers shall either provide appropriate containers for customers to store recyclables in or shall inform them in writing at least two (2) weeks prior to collection as to what type of container to place their source separated recyclables in.
- e) At least two (2) times per year, haulers shall inform all customers and accounts in writing of the type of material to be collected, preparation of material by customer,

and the schedule of collection for recyclables with a copy of the letter sent to the County.

- f) Haulers shall not collect, transport, or dispose at a County Solid Waste Management Facility any refuse that contains designated recyclables.
- g) If, the same vehicle and/or container is alternately used to collect, and transport both refuse and recyclables, they shall be cleaned prior to collecting and transporting recyclables to prevent contamination of recyclables.
- h) County license number and inspection sticker shall be prominently displayed on all equipment, vehicles, and containers subject to this regulation.

SECTION 11 - NONASSIGNABILITY OF LICENSE

A license shall not be assignable. Any holder of a license granted under this regulation who allows it to be used by any person, and any person who uses a license granted to any other person shall be each in violation of this regulation.

SECTION 12 - INSPECTION OF VEHICLES

All vehicles subject to this regulation shall be annually inspected and approved by the Department for conformance to this regulation and the provision of Local Law No. 8 of 1988 as amended.

SECTION 13 - REPORTS

Haulers subject to this regulation shall submit semi-annual reports to the Department on forms approved by the Commissioner. Reports shall cover a time period from July 1 to December 31 and January 1 to June 30 and shall be received by the Department within thirty (30) days after period end.

Reports shall include but shall not be limited to the annual total weight of designated recyclables, by category, material and type collected and the disposition of the recyclables. Haulers must submit copies of receipts from their Recycling Market(s).

SECTION 14 - SEVERABILITY

If any provision of this regulation or the application thereof to any person as circumstance is held invalid, the remainder of this regulation and the application of such provisions to persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.

SECTION 15 - PAYMENT

All users of a County Solid Waste Management Facility shall pay for disposal of solid waste in accordance with the provision of Local Law No. 9 of 1990.