

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF IRA AS FOLLOWS:

SANITARY LANDFILL USE LAW
TOWN OF IRA
CAYUGA COUNTY, NEW YORK

LOCAL LAW NO. 1 OF 1989

SECTION 1. LEGISLATIVE FINDINGS AND PURPOSE.

The Town Board finds that solid waste is a deleterious substance; that improperly maintained, solid waste management facilities omit obnoxious fumes and odors; that such facilities cast dust and particles upon neighboring persons and properties; that such facilities emit harmful noises; that such facilities attract rodents, scavengers, birds, vermin and other beasts and become breeding places therefore; that the burning of solid waste causes smoke and oxidized material to be given off into the air which the community- must breathe; that solid waste can produce harmful liquids which drain off into the soil; that certain solid wastes contribute to an increase in mortality or an increase in serious irreversible, or incapacitating illness; that solid wastes cause or significantly contribute to a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed. or otherwise managed; that the purpose of this local law is to protect and preserve the health, safety and welfare of the residents of the Town of Ira by regulating solid waste located within the Town; and that this local law relates to the property, affairs and government of the Town.

SECTION 2. DEFINITIONS.

All definitions as set forth in 6 N.Y.C.R.R. 360 applies to this local law but in particular the following definitions are of primary concern:

(a) "Facility" means a solid waste management facility as defined in 6 N.Y.C.R.R. 360.

(b) "Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or biological characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating Reversible illness; or

(2) Cause or significantly contribute to a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

Such hazardous waste shall include, but not be limited to, wastes which are bioconcentrative, highly flammable, explosive, highly reactive, toxic, poisonous, radioactive, irritating, sensitizing or infectious, and shall include wastes that are solid, semisolid, liquid or contained gases. The final determination of whether or not a waste is hazardous shall be made by the Town.

(c) "Industrial waste" means wastes in liquid, semisolid or solid form that result

from industrial or commercial processes, including, but not limited to, factories, processing plants, and repair and cleaning establishments, which wastes include, but are not limited to, sludges, oils, solvents, spent chemicals and acids.

(d) “Leachate” means liquid which has percolated through solid soil.

(e) “Runoff” means the portion of precipitation that drains from an area surface flow.

(f) “Sanitary landfill” means a land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards and meets the design and operation requirements of 6 N.Y.C.R.R. 360.

(g) “Septage” means the contents of a septic tank, cesspool or other individual sewage treatment facility which receives domestic sewage wastes.

(h) “Sewage” means the accumulated semisolid suspension of solids deposited from waste waters from municipal or private sewage treatment plants.

(i) “Sludge” means the accumulated semisolid suspension of settled solids deposited from wastewaters or other fluids.

(j) “Solid waste” means materials or substances discharged or rejected as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, except sewage and other highly diluted water—carried materials or substances and those in gaseous form. Such waste shall include, but are not limited to, garbage, sludge, rubbish, ashes, incinerator residue, street cleanings (dead animals, offal, abandoned vehicles, agricultural waste, industrial waste, commercial waste and construction and demolition debris.

(k) “Solid waste management facility” means any facility employed beyond the initial solid waste collection process, including, but not limited to: storage areas or facilities; transfer stations; rail—haul or barge—haul facilities; processing facilities, including resource recovery facilities; sanitary landfills; secure land—burial, facilities; incinerators; landspreading facilities; composting facilities; surface impoundments and waste oil storage, and; reprocessing and refining facilities.

(l) “Surface water” means ponds, impounding reservoirs, springs, rivers, streams, creeks and marshes, within the territorial limits of the Town, and all other bodies of surface water, natural or artificial, public or private.

(m) “Town” means the Town of Ira. Whenever this local law refers to any action which is to be taken or authorized by the Town, the provision shall be deemed to refer to the Town Board of the Town of Ira unless otherwise specified.

(n) “Treatment” means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any solid waste, including hazardous waste, so as to neutralize such waste; or so as to recover energy or material resources from the waste; or so as to render such waste non-hazardous or less hazardous, safer to transport, store or dispose of, or amenable for recovery, or amenable for storage or reduced in volume.

SECTION 3. EXEMPTIONS.

The following waste management facilities as defined herein or pursuant to 6 N.Y.C.R.R. 360 are exempt from this local law:

- (a) Disposal areas for solid waste generated from a one-family residence or from a farm, when such wastes, other than hazardous wastes, are generated and disposed of within the property boundaries of such residence or farm.
- (b) Transfer, storage, incineration and processing facilities located at, and used for solid Waste other than hazardous waste, generated at apartment houses, schools, parks, industries, hospitals, commercial establishments, individual residences and farms.
- (c) Sites used solely for the deposition of inert, nonputrescible construction and demolition debris.
- (d) A facility and/or transporter as defined herein or pursuant to 6 N.Y.C.R.R. 360 which has a current, valid permit as issued by the DEC, except that such facility and/or transporter shall comply with the licensing provisions as set forth in Sections 14 and 15, but shall not be required to comply with Section 15(j).
- (e) The Town of Ira, except that said Town shall comply with all applicable state and federal laws.

SECTION 4. FACILITY REQUIREMENTS.

(a) General requirements for all solid waste management facilities.

Any person who designs, constructs, maintains or operates any solid waste management facility shall do so in conformance with the requirements of this local law and 6 N.Y.C.R.R. 360.

- (1) Solid waste shall not be deposited in, and shall be prevented from entering, surface waters or ground waters.
- (2) Solid waste management facilities shall not be placed on agricultural land designated Class I and/or Class II land (New York State Inventory of Soil and Water Conservation Needs 1967) if such land is being actively used as cropland within an agricultural district formed, pursuant to the Agricultural and Markets Law.
- (3) Leachate from a solid waste management facility shall not be allowed to drain or discharge into surface waters and shall not contravene groundwater quality standards established by the New York State Department of Environmental Conservation pursuant to ECL Section 17—0301.
- (4) Access to and use of facilities shall be controlled by fences, gates, signs and other suitable means as the Town shall determine.
- (5) Blowing papers and litter shall be confined to refuse holding and operating areas by fencing or other suitable means.
- (6) Vectors, dust and odors shall be controlled by effective means so that they shall not constitute nuisances or hazards to health, safety or property.
- (7) Safety hazards to all persons on and near the facility shall be minimized.
- (8) No open burning shall occur at any time. All fires shall be extinguished immediately. The facility shall at all times contain fire extinguishing equipment sufficient to extinguish any fires which occur at the facility.
- (9) Solid waste shall be confined to an area which can be effectively maintained,

operated and controlled.

(10) Hazardous wastes shall not be accepted, stored nor deposited at any solid waste management facility in the Town. No person shall transport or bring into the Town, or cause or permit to be transported or brought into the Town, any hazardous wastes.

(11) Reports on forms acceptable to or provided by the Town shall be submitted on April 15, July 15, October 15 and January 15 of each year, covering the quarters ending March 31, June 30, September 30 and December 31, respectively. The reports shall show income, operating expenses, other expenses, cash flow and other financial details, and the following data concerning vehicles entering the facility: vehicle descriptions, vehicle weights, number of trips to facility per day, and weight of each load of solid waste deposited.

(12) A proposed plan of operation for each facility shall be filed with the Town which shall include, in addition to any other items which the Town may require, the following: the property boundaries of the facility; property lines of all properties immediately adjacent thereto; existing and proposed structures located on the facility; existing structures off-site, within 1000 feet of the facility boundary; existing and proposed on-site roads existing and proposed off-site access roads and public highways to be used for access; all on-site utilities, including storm sewers, sanitary sewers and water mains; all off-site utilities within 1000 feet of the boundary of the facility; contours (U.S.G.S. Datum) as they existed within the facility prior to the commencement of operations and extending 1000 feet outside the facility boundary, at intervals not to exceed 5 feet; and proposed final contours (U.S.G.S. Datum) of the facility showing the final proposed elevation including final cover. The above plan shall be drawn to scale (not less than 1" = 100') by a duly licensed professional engineer or land surveyor of the State of New York. In addition to the foregoing, a location plan shall be submitted showing the facility and all public roads within a three mile radius; said plan shall be drawn to a scale not less than 1" = 200'.

(13) Solid waste management facilities shall not be operated or constructed on a floodplain.

(b) Requirements for sanitary landfill facilities.

Requirements for sanitary landfill facilities shall be as set forth in 6 N.Y.C.R.R. 360 and shall be in addition to the general requirements contained in this local law. The requirement of this section shall apply to the design, construction, maintenance and operation of sanitary landfill facilities. Where conflicting requirements exist, the more stringent shall apply.

(1) A minimum of three groundwater monitoring wells, or more as determined by the Town shall be provided at a new or modified facility and at least two wells shall be located down gradient from the solid waste fill area. Appropriately located, constructed and monitored wells off-site may be used to satisfy this requirement. Where determined by the Town, monitoring wells may be required at facilities in existence on the effective date of this local law.

(2) Water monitoring programs shall be undertaken when and where directed by the Town.

(3) Baseline water quality conditions (reflecting annual seasonal data) of both groundwater and surface waters shall be established to the satisfaction of the Town prior to depositing any solid waste at a new site.

(4) A grass or ground cover crop shall be established and maintained on all exposed final cover material within four months after placement or, season not permitting, as otherwise prescribed by the Town.

(5) Solid cover integrity, slopes, cover vegetation, drainage structures, groundwater monitoring facilities and gas venting structures shall be maintained for a period of five years beyond the date the placement of final cover is completed, or for a longer period as required by the Town.

(6) No material which when combined together will produce hazardous wastes shall be disposed of in a sanitary landfill.

(7) All fill areas or excavations at a sanitary landfill shall terminate no closer than 200 feet from the boundary lines of the property on which the sanitary landfill is operated.

(8) A surveying bench mark shall be established and maintained on the site.

(9) Upon transfer of ownership of a sanitary landfill site, a provision shall be included in the property deed indicating the period of time during which the property has been used as a landfill, a description of the wastes contained within, and the fact that the records for the facility have been filed with the Town. The said deed shall also reference a map, which shall be filed with the Cayuga County Clerk, showing the limits of the landfilled areas within the property.

(10) Additional requirements, including, but not limited to, leachate collection, impervious liners and impervious caps, may be required by the Town.

SECTION 5. VEHICLES.

(a) No person being the owner, driver, helper, manager, or operator of any truck or other vehicle used in the collection or transport of solid waste shall allow any of the said material or any mud, on the said vehicle or the wheels or tires thereof, to become dislodged or to fall or blow from such vehicle upon any of the streets, highways, sidewalks or public places in the Town, or upon any property in the Town whether real or personal, public or private.

(b) Before leaving the premises of any waste management facility, all vehicles shall be inspected by the operator thereof and/or by the operator of the facility for the presence of mud or solid waste on the said vehicle or the wheels or tires thereof, and all such mud and solid waste shall be removed therefrom before the vehicle leaves the premises.

(c) All the vehicles delivering materials to or otherwise being used in conjunction with the operation of any waste management facility shall have the names of both the owner and operator clearly painted on both sides of the vehicle and maintained in a clearly legible condition.

SECTION 6. UNDERTAKING TO ASSURE COMPLIANCE.

The owner of every waste management facility shall furnish the Town with an undertaking, executed by one or more sureties satisfactory to the Town, in an amount sufficient to reimburse the Town against any damages or expenses incurred by the Town in enforcing this local law or in remedying any violation thereof, including, but not limited to, expenses incurred in complying with the requirements set forth in Section 4 of this local law and for meeting closure requirements as determined by the Town. The Town shall determine the amount of such

undertaking, but it shall not be less than the total annual cost of operating the facility. The said undertaking shall be kept in full force and effect at all times.

SECTION 7. SOLID WASTE ORIGINATING OUTSIDE THE TOWN.

No person shall transport or bring into the Town, or cause or permit to be transported or brought into the Town, or shall throw, dump or deposit in or on any part of the Town, or cause or permit to be so thrown, dumped or deposited, any waste as defined herein or as set forth in 6 N.Y.C.R.R. 360 from any source outside the Town.

SECTION 8. EFFECT OF DISOBEDIENCE.

No waste management facility which violates any provision of this local law shall remain in operation while such violation continues. In addition, any solid waste management facility which violates any provision of this local law is hereby declared to be a public nuisance.

SECTION 9. INSPECTIONS.

Every waste management facility shall be subject to periodic inspections without notice. The owner and operator of each such facility shall allow on-site inspection thereof upon demand by any duly authorized representative of the Town.

SECTION 10. CRIMINAL PENALTIES.

(a) Any person who violates any provision of this local law shall be guilty of a Class A misdemeanor and shall be punished by

a fine, imprisonment, or both, as shall be provided by the New York State Penal Law. Each day of continued violation shall be deemed a separate violation of this local law.

(b) This local law may be enforced by any authorized police officer or by any designated local officer properly appointed by the Town Board. Any such enforcement official is authorized to issue an appearance ticket, an information, a misdemeanor complaint, or any other appropriate accusatory instrument, in the manner provided by the Criminal Procedure Law of the State of New York, or by any pertinent ordinances or local laws of the Town, to the owner or operator of the waste management facility as well as to any other person who is violating the provisions of this local law.

SECTION 11. CIVIL REMEDIES.

Nothing in this local law shall be deemed to impair or diminish any cause of action or remedy which the Town may have under any other local law, under any statute, ordinance, or regulation, or under the common law, provided however, that in the case of a conflict those terms or rules of law shall control which are more restrictive upon the waste management facility. In addition thereto, the Town may enforce this local law by court injunction.

SECTION 12. EXPENSES OF ENFORCEMENT.

Any person adjudged, in a criminal or civil proceeding, to have violated this local law shall be liable to the Town for all expenses incurred by the Town in connection with the said proceeding including the reasonable attorneys' fees of the Town in connection therewith.

SECTION 13. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment is rendered.

SECTION 14. LICENSE REQUIRED.

No waste management facility nor sanitary landfill as defined herein or as set forth in 6 N.Y.C.R.R. 360 shall be maintained or operated at any location or upon any land, site or area wholly or partially within the Town unless such land, location, site or area has been approved and licensed by the Town as provided herein.

SECTION 15. APPLICATION FOR LICENSE.

An application for a license to maintain or operate a Waste management facility or sanitary landfill shall be made to the Town Board, under oath, and shall contain the following information:

- (a) The name and address of the applicant.
- (b) A description of the type or types of waste to be received at such facility.
- (c) The estimated useful life of the facility.
- (d) The maximum volume of waste which the facility will be capable of receiving on a weekly basis.
- (e) A description of the number and types of machinery required to handle such volume.
- (f) A statement as to the number of employees required to operate the facility with a description of each job function.
- (g) If the applicant is not the owner of the land, then the application shall be accompanied by a statement by the owner approving the proposed use of the land and shall set forth the lease under which the applicant has the right to use the land.
- (h) With respect to both the applicant and the owner, the application shall set forth the name and address of each person owning any interest in the operation and if a corporation, it shall contain the names and addresses of each shareholder owning five percent or more of the outstanding shares in such corporation.
- (i) The application shall be accompanied by a map or plan of the premises prepared by either a licensed engineer or licensed land surveyor drawn to a scale of not less than 1"= 100' showing the following:
 - (1) The location of all boundary lines and/or streets and highways abutting the premises showing all structures on the premises and also showing all dwellings situate within 600 feet of the area intended as a site of disposal.

(2) The exact location of the area intended for use as a disposal site.

(3) The location of any contained or contiguous areas currently or formerly used as a disposal site or as a landfill area.

(j) The application shall be accompanied by an environmental impact statement as required by the Environmental Conservation Law and in addition, a report from a licensed engineer specifying the project waste generation, alternative courses of action, site analysis of the proposed project, its operation and proposed construction, including detailed construction plans and the engineer's conclusion as to the impact on the Town and on the environment of the proposed use.

(k) The application shall be accompanied by the payment of the sum of \$ 5,000.00 as a deposit to reimburse the Town for all expenses incurred in connection with the application including the payment for the employment of such persons as the Town shall deem necessary for the purpose of examining and evaluating the application, including professional engineers and attorneys. Any portion not so expended shall be returned to the applicant upon termination of the application proceeding or upon issuance of the license.

(l) In addition, the application shall be accompanied by the payment of the first year's license fee. The license fee shall be \$1000.00 and shall be valid for one year only from the date of issuance.

(m) Each application for renewal shall be accompanied by payment of the annual license fee and shall contain the same information as provided herein. It shall be submitted not less than 60 days prior to the termination of any existing license.

(n) All permits or licenses issued under this law shall be nontransferable from or assignable by the named permitted or licensee thereof, and for the purpose of this subsection if such permit or such license is issued to a corporation, any type transfer or assignment of the ownership of a share or shares of stock in said corporation, subsequent to the issuance of a permit or license hereunder, by the owner or owners of said share or shares of stock at the time of issuance of the permit or license hereunder, which transfer or assignment would cause the controlling interest in said corporation to be vested in a party other than the party holding controlling interest in the corporation at the time of the issuance of the license or permit hereunder, except through inheritance or disposition on death, shall be deemed and considered a transfer or assignment within the meaning of this section, and further, in any event, the Town Board of Ira must be notified in writing by the corporate licensee or permittee as to any transfer or assignment of ownership of a share or shares of stock in said corporation, whether or not such transfer vests controlling interest of the corporation in another party. Any transfer or assignment as defined in this subsection will cause an automatic revocation of any permit or license issued hereunder.

(o) Such license may be revoked or suspended by the Ira Town Board for the violation of any regulations herein after a public hearing at which the licensee shall have an opportunity to be heard.

SECTION 16. EFFECTIVE DATE. This local law shall become effective immediately upon its filing with the New York Department of State and publication pursuant to New York State Municipal Home Rule Law Section 27.

