

## REGULATING CONSTRUCTION & DEMOLITION WASTE DISPOSAL

### ***SECTION 1. Legislative Findings and Intent.***

The Town Board of the Town of Hunter does hereby find that existing construction and demolition waste disposal sites within the Town of Hunter are becoming seriously depleted and there is a question of whether the materials being disposed of at such sites are not of a construction and demolition nature and by reason. Thereof there may be created a significant hazard to the health, safety and welfare of the residents of the Town. It is the purpose and intent of this local law to regulate the use of construction and demolition waste disposal sites in the Town of Hunter by controlling disposal in the Town of Hunter of construction and demolition waste, the content thereof, thereby promoting the longevity of existing disposal sites as well as the health, safety and welfare of the citizens of the Town of Hunter.

### ***SECTION 2. Definitions.***

The following terms shall have the meanings set forth in this section, unless the context shall require a different meaning:

- a. "Town" shall mean the Town of Hunter.
- b. "Construction and Demolition Waste" shall mean solid material resulting from construction or demolition of buildings or other structures, to wit: soil, rock, wood, brick, concrete, plaster, dry wall, plumbing fixtures, non-asbestos insulation, roofing, asphalt pavement, glass, plastic other than containers, and metals incident to such wastes.
- c. "Construction and Demolition Waste Disposal Area" shall mean land used for the deposit of construction and demolition waste coming from another site, but such term shall not include a solid waste management facility operated by the Town of Hunter or a sanitary landfill which is authorized by a permit issued by the Department of Environmental Conservation, or municipally operated or municipally licensed landfill.
- d. "Site" shall mean each individual building, structure or any single business, trade, or industrial operation.

(If additional space is needed, please attach sheets of the S2me size as this and number each)

- e. "Applicant" shall mean the owner of record of the disposal site, the owner of record of the site/building to be constructed/demolished, the carrier/hauler, and the contractor performing such building construction/demolition collectively, who all shall affix their name to the application.

### ***SECTION 3. Construction and Demolition Waste Control.***

Effective upon passage of this local law, no construction and demolition waste which has been collected, delivered, transported or otherwise obtained by any person shall be

deposited, or caused, suffered or allowed to be deposited, in, on or under any lands located within the Town unless the person owning lands in, on or under which such construction and demolition wastes shall be deposited shall have first obtained a permit from the office of the Town Clerk of the Town of Hunter.

***SECTION 4. Permits.***

Any person owning lands in the Town who desires to deposit construction and demolition waste, in, on or under such lands shall apply for and receive a permit from the office of the Town Clerk (upon approval by the Town Board). Such application for a permit shall be prepared on forms furnished by the Town and shall be set forth under oath:

- a. A description of the lands where such construction and demolition waste is to be deposited.
- b. The purpose for such deposit.
- c. The specific location of such deposit on the parcel, and a certified survey map of such location.
- d. The estimated amount of such weekly deposit.
- e. The estimated amount of the deposit in the aggregate.
- f. The name and address of the shipper from whom such construction and demolition waste is to be obtained.
- g. The name and address of any carrier of such construction and demolition waste.
- h. A copy of such shipper's and carrier's permits issued by any state or federal agency, if any, which authorizes such shipper or carrier to ship and transport such construction and demolition waste.
- i. An affirmation that the owner of such lands shall undertake to designate such lands as a construction and demolition waste disposal area and advise all prospective purchasers of such lands of such fact in any subsequent conveyance by conspicuous notation thereof in the deed of transfer.
- j. A granting of irrevocable license to Town, its agents or employees to at any time go upon the land and make investigations, inspections and conduct testing.
- k. An affirmation that the Town, by signage or otherwise, may advise any person that such lands are a construction and demolition waste disposal area.
- l. An affirmation that there will be efficient land utilization and strict compliance with the Town of Hunter solid Waste Management Rules to be promulgated.
- m. An affirmation that the construction and demolition waste will contain no prohibited materials as defined in the Town of Hunter Solid Waste Management Rules to be promulgated.

- n. The name of the owner and identification of the site or sites from which the construction and demolition waste will be generated.
- o. A description of the nature of contents and the form of the matter to be deposited at proposed site.
- p. The money considerations between and among the owner of the construction and demolition site, the construction site, the transportation carrier, hauler, and the owner/operator of the disposal facility.
- q. Proof of service of notice of intent to file for such permit, with attached proposed application, upon the owner(s) of record of all contiguous property and the owner(s) of record of all other properties within 500 feet of the perimeter of parcel having been personally served on said owners 15 days before filing application for permit with the office of the Town Clerk.
- r. In addition to the items listed above, and regardless of the proposed size of the disposal site for which a permit is being sought, any application for a Town permit shall also provide documentation sufficient to demonstrate compliance with the most stringent requirements of the State's solid waste management regulations, in effect at the time of the permit application and review, that are applicable to construction and demolition debris landfills. Currently aforesaid State regulations are found at 6 NYCRR Part 360. Additionally, an application for such a Town permit must include a Draft Environmental Impact Statement for the proposed disposal site, prepared in accordance with the requirements of the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617. The Draft Environmental Impact Statement shall include a proposal for the development and implementation of a host community impact fee program, as one of the potential mitigation measures to be addressed in the Draft Environmental Impact Statement.

***SECTION 5. Records and Reports.***

The owner of record of disposal site shall require from every shipper and carrier who deposits construction and demolition waste in the disposal area a separate written manifest for every truckload of such waste delivered, each manifest stating the name and address of the shipper or carrier, the name and address of the operator of the vehicle, the place of origin of the load, the weight of the load, and the date or dates of loading or unloading. Copies of all such manifests shall be maintained by the owner of record of disposal site for a period of at least five (5) years. Within thirty (30) days of the first day of each calendar quarter during the operation of the disposal area the applicant(s) shall cause to be filed with the Office of the Town Clerk a report certified under penalty of perjury setting forth the following information for the prior calendar quarter:

- a. The aggregate weight of construction and demolition waste deposited during each week of the calendar quarter;
- b. The total tipping fees or other consideration received by the owner of record of disposal site during each week of the calendar quarter;

- c. The name and address of all shippers or carriers who deposited construction and demolition waste material in the disposal area during the calendar quarter;
- d. A specific description taken from the filed manifests of the nature and content of the deposited construction and demolition waste.

***SECTION 6. Permit Application Fee.***

No permit shall be granted until the such person shall have provided all the information required by the application and paid an application fee of \$1,000.00

***SECTION 7. Penalties.***

- a. A person found guilty of violating this local law shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than one year or by both such fines and imprisonment. Each day a violation shall continue shall constitute a separate and distinct violation of this local law.
- b. In the event that a person shall be found guilty of violating this local law he shall be liable for civil penalties in the amount of reasonable attorney's fees, cost of expert witnesses, cost of performance of testing, and such other reasonable and necessary costs associated with prosecution of the criminal action.
- c. The Town Attorney is authorized to commence an action in any court of competent jurisdiction to enjoin any violation of this local law or to seek criminal or civil penalties for violation thereof as above mentioned.

***SECTION 8. Saving Clause.***

In the event any section, paragraph, sentence, clause or phrase of this local law shall be declared unconstitutional or invalid for any reason, such determination shall not alter the validity of the remaining provision of this local law or their application.

***SECTION 9. Effective Date.***

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.