

LOCAL LAW NO. ___ of 2010
LOCAL LAW REGULATING THE OPERATION OF
LANDFILLS WITHIN THE TOWN OF HARTFORD

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SECTION 1.0
TITLE, STATUTORY AUTHORIZATION, FINDINGS
AND PURPOSE

1.1 TITLE

This Local Law shall be known as the “Town of Hartford Landfill Local Law.”

1.2 STATUTORY AUTHORIZATION

This Local Law is adopted under the authority of Section 10 of the Municipal Home Rule Law of the State of New York and Articles 24 and 27 of the New York Environmental Conservation Law.

1.3 FINDINGS AND PURPOSE

It is the purpose of this Local Law to promote the health, safety, and general welfare of the residents of the Town of Hartford by the proper regulation of disposal areas known as landfills and to prohibit the dumping of any waste in the Town except in such regulated areas.

- A. Rapid population growth, attended by housing, road and other construction, and increasing demands upon natural resources are found to be encroaching upon, despoiling, polluting or eliminating many of the Town's natural resources; including agriculture, wildlife, flora, wetlands and waterways within the Town.
- B. The Town of Hartford lies in a particularly significant environmental area, located in both the Lake Champlain Drainage Basin as well as the Hudson River Drainage Basin. Moreover, the Town of Hartford enjoys an abundance of fish and game which supports local hunting and fishing. Hartford's wildlife is also enjoyed by all who observe it in its natural habitats. The Town is also blessed with some of the finest agricultural land in the State of New York. The Town Board finds that the ecosystem of Hartford is a delicately balanced treasure for the community.
- C. These natural resources constitute crucial physical, ecological, social, aesthetic, recreational and economic assets and their preservation is necessary to protect and promote the health, safety and general welfare of present and future residents of the Town.
- D. It is the intent of this Local Law to promote the public purposes identified in this section by providing for the proper regulation and use of sanitary landfills within the Town. The Town Board finds that the siting and the use of a sanitary landfill,

C&D (construction and demolition) landfill and septage composting operations or any processing, landfilling or disposition of any form of waste product, including, but not limited to, the spreading of septage on agricultural lands within the Town of Hartford will affect and impact upon all Hartford residents and the Town's tax base.

- E. The Town Board further finds that it does not generate septage as there are no sewer districts within the Town.
- F. The Town Board further finds that the composting of septage, generated by sewer districts, poses unacceptable health and safety risks to taxpayers residing in the Town. Such composting activities also generate unacceptable aesthetic impacts upon those residents living near such composting operations. The Board further finds that such activities provide no benefit to taxpayers living within the Town of Hartford, and will diminish property values, thereby eroding the tax base within the Town. With regard to such composting activities, the Town Board specifically finds that numerous alternatives exist which would not impact the Town of Hartford.
- G. It is not the intent of this local law to restrict, obstruct or otherwise hinder the continuation of normal agricultural production. The Town Board understands that the beauty of our community is further enhanced by the active and attractive farms that operate within its boundaries. With the passage of this law, the Town Board affirms its commitment to agriculture for this generation, and future generations of young people who will work the land. In addition, it is not the intent of this law to regulate generally accepted agricultural practices; composting in any way by individuals or by farms, for use on said-owner's property.
- H. The siting of any form of landfill, large scale composting operations, or any waste processing facility, including, but not limited to, spreading septage on agricultural lands without the Town being involved in the siting process, and allowing such siting to occur in a clandestine fashion without the Town being given the opportunity to consider the environmental consequences associated with siting any form of landfill, large scale composting operation, any waste processing facility, including, but not limited to, spreading septage on agricultural lands in Hartford is found unacceptable. The Town finds that it must assume a stewardship role.
- I. It is the intent of this Local Law to apply to all landfills within the Town of Hartford in addition to other relevant State or Federal Laws and regulations thereof which apply to the subject matter regulated by this Local Law. Accordingly, it is the intent of this Local Law to add to, rather than preempt, supersede, or conflict with other relevant State or Federal Laws and regulations thereof, which apply to the subject matter regulated by this Local Law, unless otherwise stated.

SECTION 2.0
DEFINITIONS

2.1 DEFINITIONS

As used in this Local Law:

- (1) APPLICANT shall mean the person filing an application pursuant to this Local Law.
- (2) APPROVAL AUTHORITY shall mean the Hartford Town Board.
- (3) BOUNDARIES OF A WETLAND, WATER BODY OR WATER COURSE—The outer limit of the vegetation specified in Subsection A of the definition of "wetlands" below or of the land and waters specified in Subsections B, C and D of the definition of "wetlands" below or of the waters specified in the definitions of "water bodies" and "water courses" below or of the soils specified in Subsection E of the definition of "wetlands" below.
- (4) COMPLETED APPLICATION shall mean an application in which all necessary information and other approvals, required by any other entity or relevant law or regulation, is provided to the Town Board. If the Hartford Town Board is engaged in a coordinated review with other regulating entities, such information may be provided to the Town Board in accordance with the applicable coordinated review procedure.
- (5) COMPOSTING is the controlled biological breakdown of organic material, including the biological breakdown of septage.
- (6) CONSTRUCTION AND DEMOLITION (C&D) DEBRIS means uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. Such waste includes, but is not limited to bricks, concrete and other masonry materials, soil, rock, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles and other roof coverings, asphaltic pavement, glass, plastics that are not sealed in a manner that

conceals other wastes, empty buckets ten (10) gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above. Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair and demolition of utilities, structures and roads and land clearing), includes but is not limited to asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, carpeting, furniture, appliances, tires, drums, containers greater than ten (10) gallons in size, any containers having more than one inch of residue remaining on the bottom and fuel tanks. Specifically excluded from the definition of construction and demolition debris is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a Department of Environmental Conservation-approved C&D debris processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding. Also, waste contained in an illegal disposal site may be considered C&D debris if the Department of Environmental Conservation determines that such waste is similar in nature and content to C&D debris.

- (7) **CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING FACILITY** means a processing facility that receives and processes construction and demolition debris by any means for the purpose of recycling the received waste.
- (8) **DISPOSE**, and all of its derivatives, shall mean to dump, deposit, or throw away refuse by a person with the consent or approval, active or passive, of a person in a position to control or prevent the same. The term "dispose" shall not include recycling, but shall include composting, unless said composting is for an individual or farmer's usage only.
- (9) **HARTFORD PLANNING BOARD** – The Planning Board of the Town of Hartford, New York.
- (10) **OPERATOR** shall mean a person who shall operate a landfill site for which a permit is granted hereunder.
- (11) **PERMITTEE** and **LICENSEE** shall be used interchangeably.
- (12) **PERSON** - Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations,

governmental agencies or subdivisions thereof, except as otherwise provided in Section 7(C) herein.

- (13) POLLUTION - The introduction into the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant or wildlife or other animal life or property.
- (14) PREMISES - The entire site of the landfill, including buffer zones.
- (15) REFUSE shall mean and include any one or more of the following: garbage, trash, rubbish and similar used or waste material, excluding waste from agricultural production or its by-products, such as, livestock manure.
- (16) LANDFILL shall mean a disposal area conducted in compliance with the regulations prescribed herein.
- (17) SENSITIVE SOILS – Somewhat poorly drained soils, poorly drained soils, and very poorly drained soils, as identified by data from the United States Department of Agriculture and designated on their official Soils Maps for Washington County including, but not limited to, the following classifications: (25) Sun loam; (27) Sun, extremely stony silt loam; Fredon; (35) Raynham silt loam; (101) Carlisle muck; (103) Freshwater marsh; (251A) Ridgebury loam; (311) Fluvaquent; (1011) Palms muck; (1251A) Leicester loam; and (1252B) Leicester, very stony loam.
- (18) SEPTAGE shall mean the contents of a septic tank, cesspool or other individual sewage treatment facility which receives sewage wastes.
- (19) SOILS MAP - The Soils Map of the United States Department of Agriculture for Washington County.
- (20) SOLID WASTES – any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342, as amended (86 Stat. 880), or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) except as

may be provided by existing agreements between the State of New York and the government of the United States.

- (20) SPECIAL WASTES - See Section 5.0 herein.
- (21) STATE MAP - The "freshwater wetlands map" prepared by the State of New York pursuant to Article 24 of the Environmental Conservation Law, as same may from time to time be amended.
- (22) WATER BODY – Any body of standing water which exists at least nine (9) months of the year, and which, when wet, is customarily more than five thousand (5,000) square feet in water surface area.
- (23) WATER COURSES - Any body of water flowing in an identifiable channel or course at least nine (9) months of the year.
- (24) WETLANDS – All lands and waters in the Town of Hartford, excluding any such lands and waters now or hereafter designated on the State Map or which the Commissioner of the Department of Environmental Conservation has exempted from local regulations pursuant to Section 24-0505 of the New York State Environmental Conservation Law, which have a contiguous area of at least seven thousand (7,000) square feet and which contain any or all of the following:
 - A. Lands and submerged lands commonly called marshes, swamps, sloughs, bogs and flats, whether flooded at all times, flooded only seasonally or having a water table during at least three (3) consecutive months of the year within six (6) inches of the ground surface or supporting aquatic or semiaquatic vegetation of the types listed in Section 24-0107, subdivision 1(a), of Article 24 of the Environmental Conservation Law.
 - B. Lands and submerged lands containing remnants of any vegetation, that is not aquatic or semiaquatic that has died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six (6) feet and provided, further, that such conditions can be expected to persist indefinitely, barring human intervention.
 - C. Lands and water substantially enclosed by aquatic or semiaquatic vegetation as set forth in Subsection A or by dead vegetation as set forth in Subsection B, the regulation of which is necessary to protect and preserve the aquatic and semiaquatic vegetation.
 - D. The waters overlying the areas set forth in Subsections A and B and the

- lands underlying Subsection C.
- E. Lands and submerged lands containing sensitive soils where the slope is less than three (3%) percent and where typical wetland vegetation, and a groundwater table within six (6) inches of the ground surface for over three (3) consecutive months in the year, are found.

SECTION 3.0 RESTRICTIONS ON COMPOSTING SEPTAGE & LAND APPLICATION FACILITY FOR SEPTAGE

- 3.1 No person shall compost septage in the Town of Hartford, unless all plans and locations are approved by the Town of Hartford and all requirements set forth in Chapter 4 of the New York Rules and Regulations Part 360, as may be amended, are satisfied. This section shall apply to all persons, as defined herein.
- 3.2 A land application facility for septage will be permitted in the Town of Hartford, provided the conditions set forth in Chapter 4 of the New York Rules and Regulations Part 360, as may be amended, are satisfied. Said section is incorporated herein by reference.
- 3.3 Any person operating a land application facility for septage must also comply with the application requirements set forth in Chapter 4 of the New York Rules and Regulations Parts 360-4.2, 360-4.3 and 360-4.5, as may be amended. Said section is incorporated herein by reference.

SECTION 4.0 SOLID WASTE DISPOSAL

- 4.1 No person shall receive, accept, deliver, dump, dispose or apply for a permit, unless all provisions, plans and/or locations meet all requirements, as they apply to the Town of Hartford, as set forth in Chapter 2 of NYCRR Part 360, as may be amended. Said Chapter 2 of NYCRR Part 360 is incorporated in this Local Law herein by reference. The Approved Authority as provided throughout Chapter 2 of NYCRR Part 360 referring to New York State Department of Environmental Conservation shall also mean the Town Board of the Town of Hartford, County of Washington State of New York, for purposes of this Local Law.

4.2 PERMIT REQUIRED

- A. No person shall receive or accept for disposal, or delivery, dump or offer for disposal any refuse on any land or at any location, site or area within the Town of Hartford, unless such land, location, site or area is a landfill disposal area and the operator has been issued a permit from the Approval Authority, and no person shall operate or site any such disposal area unless the same has been issued a permit from the Approval Authority.
- B. No person shall apply for a landfill permit that does not include plans to recycle and remove from the site at least eighty five percent (85%) of all waste received.

4.3 APPLICATION FOR PERMIT

- A. Any person who shall desire and intend to establish, operate or maintain a landfill in the Town of Hartford shall execute under oath an application to the Town Board for a permit which shall contain the following information:
 - (1) The name and address of the applicant.
 - (2) A brief description of machinery and equipment which will be used in the operation of the site.
 - (3) The minimum number of employees he intends to engage in the operation of the site.
 - (4) The maximum volume of refuse the applicant will accept for disposal, on a weekly and on a monthly basis.
 - (5) The name and address of the owner of the land upon which the site is to be located and if the applicant is not the owner, the nature of his right of occupancy of such land, and if the applicant is a corporation, the names of all shareholders and the number of shares held by each shareholder, and if the applicant is a limited liability company or partnership, the names of each member or partner and the interest held by each such member or partner.
 - (6) There shall accompany such application a map or plan of the premises drawn to a scale of not less than one (1) inch to one hundred (100) feet showing the following:
 - (i) The exact location of the area intended for use as a landfill, including buffer zones.
 - (ii) The location of all boundary lines and/or streets and highways

abutting the premises and all dwellings situate within one thousand five hundred (1,500) feet of the area intended for use as a landfill, including buffer zones.

- (iii) The location of any adjoining property boundary within one thousand five hundred (1,500) feet of the area intended to be used as a landfill, excluding buffer zones.
- (iv) The location of any property boundary of an active farm within one thousand five hundred (1,500) feet of the area intended to be used as a landfill, including buffer zones.
- (v) The location of any property utilized by a bona fide hunting club within one thousand five hundred (1,500) feet of the area intended to be used as a landfill, including buffer zones.
- (vi) The exact location of areas formerly used for landfill purposes and completed at the time of application.

- (7) A completed Environmental Assessment Long Form.
- (8) Copies of all applicable County, State, and Federal permits or permit applications required for the landfill.
- (9) Any topographical and perimeter surveys, hydrological computations, engineering studies and other factual or scientific data and reports as deemed necessary by the Approving Authority to arrive at a proper determination.
- (10) In the case of applications affecting water retention capability, water flow or other drainage characteristics of any wetland, water body or water course, the Approving Authority may require the inclusion of a statement of the area of upstream and downstream watersheds, impact analysis and information as to rainfall intensity in the vicinity for not less than a ten (10) year return frequency, together with approximate runoff coefficients to determine the capacity and size of any channel sections, pipes or waterway openings, together with plans for necessary bridges, culverts, storm water or pipe drains that, in the opinion of the approving authority, are needed to arrive at a proper determination on the application, consistent with the purposes of this Local Law.

- B. Three (3) copies of any such application shall be filed with the Town Clerk of the Town of Hartford, who shall refer such applicants to the Hartford Town Board.
- C. The Approving Authority with respect to applications hereunder shall be the Hartford Town Board.
- D. The approval authority has the right to obtain legal and/or engineering consultation from a consultant of the Approval Authority's choice, with the cost of

such consultation to be borne by the applicant.

- E. The Approving Authority shall refer any application submitted to it pursuant to this law to the Hartford Planning Board and engineer for the Town for review and report. The Planning Board and engineer for the Town shall report back to the Approving Authority within thirty (30) days of the date of referral or within such greater period as may be specified by the Approving Authority at the time of referral. Failure to comply within the specified time period shall be interpreted by the Approving Authority as indicating no objection to the application.
- F. A public hearing shall be held by the Town Board, after the completed application is received. Said public hearing shall be held within forty five (45) days of receipt of a completed application. Notice for said public hearing shall be posted and published no less than fifteen (15) days before said public hearing.
- G. A determination shall be made to approve, approve with modifications, or disapprove the issuance of such permit within sixty (60) days following completion of the public hearing.
- H. Failure to receive a completed application by the Hartford Town Clerk shall toll all time limits herein.

4.4 REVIEW

- (A) The applicant shall have the burden of demonstrating that the proposed activity will be in accord with the policies and provisions of this Local Law.
- (B) In approving, disapproving or approving with modifications, the Approving Authority shall exercise its discretion and consider:
 - (1) The environmental impact of the proposed action;
 - (2) The alternatives to the proposed action;
 - (3) Irreversible and irretrievable commitments of resources that would be involved in the proposed activity;
 - (4) The character and degree of injury to, or interference with, safety, health or the reasonable use of property that is caused or threatened;
 - (5) The suitability or unsuitability of such activity to the area for which it is proposed;
 - (6) The effect of the proposed activity with reference to the protection or enhancement of the Town's natural resources including, but not limited to, agricultural, wildlife, flora, recreation, wetlands, water bodies and water courses;
 - (7) The availability of preferable alternative locations on the subject parcel or, in the case of activity of sufficient magnitude, the availability of other reasonable locations;
 - (8) The availability of mitigation measures or safeguards that could feasibly

- be added to the plan or action;
- (9) The extent to which the exercise of property rights and the public benefit derived from such use may outweigh or justify the possible degradation of the site, the interference with the exercise of other property rights, and the impairment or endangerment of public health, safety or welfare;
 - (10) Whether the siting is part of a comprehensive plan;
 - (11) The areas in which the refuse is generated; and
 - (12) Any host benefit package offered by the applicant, provided, however, that all other aspects of the application conform to and meet the requirements and policies of this Local Law.
- (C) Permits will be issued by the Approval Authority pursuant to this Local Law only if the Approval Authority shall find that the proposed regulated activity is consistent with the policy of this Local Law.

4.5 PERMIT REQUIREMENTS

- (A) Any permit issued hereunder shall at all times be displayed conspicuously at or near the entrance to the site.
- (B) Any permit issued hereunder shall be effective from the date of its issuance until December 31st following its issuance. A permit hereunder may be renewed for additional one (1) year periods, provided that the siting and operation are in conformance with this Local Law and the site would be approved as an original application if submitted at that time. The granting of an original or renewed permit shall in no way create vested rights for the permittee or the site.
- (C) All permits issued under this law shall be nontransferable from or assignable by the named permittee or licensee thereof. For the purpose of this subsection, a transfer shall occur if the permittee or licensee is a corporation whose stock is not sold to the general public on any recognized stock exchange or "over the counter" and in compliance with all applicable Federal and State laws and regulations, and any type transfer or assignment of the ownership of a share or shares of stock in said corporation is made, voluntarily or involuntarily, 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 said corporation to be vested in a party other than the party holding controlling interest in the corporation before such transfer, and, further, in any event, the Town Board of the Town of Hartford 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 issued hereunder,

unless the Approval Authority, in its sole discretion consents in writing to such transfer.

- (D) Such permit may be revoked or suspended by the Town Board for the violation of any regulation herein after a public hearing at which the permittee shall have an opportunity to be heard.

4.6 GENERAL REGULATIONS

- (A) A person who shall operate a landfill site for which permit is granted hereunder shall be responsible for the operation, management and security of said site.
- (B) The operator shall not accept refuse for disposal at any landfill site on Sundays, or before 8:00 a.m. or after 4:00 p.m. on other days; or as otherwise specified by the Approval Authority.
- (C) Refuse shall be accompanied with a statement of origin and will not be accepted at landfill facilities unless authorized by the Town Board and such actions are consistent with this Local Law and with the health, safety and general welfare of the Town of Hartford and consistent with all other local laws and ordinances of the Town of Hartford.
- (D) The refuse is to be covered, processed for storage, or stored indoors before the close of each working day.
- (E) The area designated to be used for landfill purposes, including buffer areas, shall be no less than one thousand five hundred (1,500) feet from any wetland, water body or water course, as described in Section 2 herein. If the landfill design calls for a buffer zone larger than the minimum required by any other relevant law or regulation, the Approval Authority may, at its discretion, adjust the above required distance.
- (F) The area designated to be used for landfill purposes, including buffer areas, shall be no less than
 1. One thousand five hundred (1,500) feet from any dwelling or from any public street or highway.
 2. One thousand five hundred (1,500) feet from active farm land,
 3. One thousand five hundred (1,500) feet from any area used for hunting by a bona fide hunting club,
 4. If the landfill design calls for a buffer zone larger than the minimum required by any other relevant law or regulation, the Approval Authority may, at its discretion, adjust the above required distances.
- (G) No permit shall be granted or renewed except upon proof that the landfill for which the permit is sought and its operator have fully complied with all applicable federal, state and local laws, rules and regulations pertaining thereto, including but not limited to, the New York State Environmental Conservation Law and

applicable regulations thereunder.

- (H) No permit shall be granted to any person unless he posts a bond, insurance coverage or other financial security with the Town as follows:
1. General Liability Insurance: A policy or policies of general liability insurance with limits of not less than Five Million Dollars (\$5,000,000.00) per occurrence.
 2. Workers' Compensation and Employer's Liability Insurance: A policy or policies of workers' compensation and employer's liability insurance providing protection for employees in the event of job-related injuries.
 3. Environmental Liability: A policy of Environmental Impairment Liability Insurance to cover all cleanup costs for any on or off-site contamination from discharges at the facility or its operation or maintenance, including property damage, and remediation costs. The insurance policy shall have limits of not less than Twenty Million Dollars (\$20,000,000.00).
 4. Closure and Post Closure: The Applicant shall provide financial assurances in the form of insurance, bond, letter of credit, trust fund or other financial assurance mechanism to pay for the required closure and post-closure care activities and any corrective action that may be necessary due to releases of contaminants into the surrounding environment. The amount of financial assurance shall be based on a written, site-specific cost estimate based upon hiring a third party to perform the required action. The cost estimates shall be adjusted annually during the active life of the facility and/or during the period of a corrective action.

The Town Board shall reserve the right to accept or reject any bond, insurance or financial security which it deems does not provide proper protection to the Town of Hartford or its residents. All insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A". Each policy of insurance required shall be in a form and content satisfactory to the Town of Hartford and shall provide the Town of Hartford as an additional insured. If at any time any of said policies shall be or become unsatisfactory to the Town of Hartford, Applicant shall promptly obtain a new policy and submit proof of insurance of the same to the Town for approval. Failure to comply shall result in the immediate revocation of the permit.

- (I) The Applicant shall execute a document indemnifying and holding harmless the Town of Hartford for any costs associated with toxic cleanups arising out of the operation of the landfill business thereof forever.
- (J) The Department of Environmental Conservation shall establish the depth of the landfill.

- (K) The area designated to be used for landfill purposes shall be enclosed with a suitable fence and entrance gate to contain litter, including, but not limited to, blowing papers and to secure the area during non-operational hours. All unloading of solid waste shall be conducted in such a manner as to eliminate odor outside of the facility, and such litter and odor outside the facility would constitute a temporary suspension of the permit, until the violation is remedied.
- (L) Refuse shall not be unloaded when weather conditions, e.g., high winds, make it probable that the litter may be carried beyond the limits of the landfill, unless the unloading shall occur within a fully enclosed building. All litter that escapes the processing facility shall be cleaned up within forty eight (48) hours of escape therefrom, failure to do so shall be considered a violation of this Local Law and would constitute a temporary suspension of the permit, until the violation is remedied.
- (M) Landfill sites are prohibited in a major groundwater recharge area when their locations can be identified by reliable engineering investigations, or where it can be shown that public or private water supplies would be jeopardized by pollution.
- (N) Scavenger operations shall not be permitted at any landfill.
- (O) All materials used in the covering of refuse shall be of an approved material, as approved by the engineer for the Town. Supplemental cover material may be brought to site as stated in the agreement with the Town Board and as approved by the Town engineer.
- (P) At the discretion of the Town Board, a ground and surface water monitoring system may be required, at the permittee's expense.
- (Q) Any peace officer, the Town Supervisor, members of the Town Board or their duly authorized representatives, or the Town Enforcement Officer shall be granted access to any landfill site permitted hereunder to inspect the same for compliance herewith, at any time without notice.
- (R) The Town Board shall have the right to require certificates of approval of any refuse to be deposited in the landfill in order to monitor compliance with and promote enforcement of this law. If such procedure is adopted by the Town, no permittee shall accumulate, deposit, store, manage, or accept for such purpose any refuse or other waste material which has not been certified as approved for deposit by the Town of Hartford or any officers or representatives thereof acting under the authority of the Town Board. Under no circumstance shall medical or hazardous waste be brought to the processing facility.
- (S) Before issuing a certificate of approval, the Town of Hartford Enforcement Officer or designee must first record:
 - (1) The nature of the substance sought to be deposited.
 - (2) Its point of origin-must be evidenced by a bill of lading.
 - (3) Its volume in cubic yards.

- (4) Whether compacted or loose.
- (T) All recyclable items, e.g. glass, aluminum, newspaper, etc. shall be removed from the waste received and shall not be deposited in the landfill. Such items shall be removed from any deposits of refuse by permittee and delivered to any appropriate recycling center for disposal. Proof of such delivery shall be furnished to the Town on a monthly basis by the 10th of each month following the month of disposal. The Town of Hartford requires that any refuse be reduced, by the removal of recyclables, to a level measured at not less than eighty five percent (85%) of the total waste received.
- (U) The Town of Hartford reserves the right to promulgate rules and regulations applicable to permittees and the operation of landfills consistent with this law in order to clarify its terms and/or to monitor compliance with its provisions and/or promote enforcement thereof. Violation of any such rules and regulations shall be deemed a violation of any of the provisions of this law.
- (V) Salvage operation shall be conducted by operator.

4.7 VEHICLES

- (A) The name and address of any collector using the licensee's landfill shall be filed with the Town Clerk. In the case of a collector that is a corporation, partnership or limited liability company, the information required for a corporation, partnership or limited liability company permittee set forth in Section 4.3 of this Local Law shall also be filed.
- (B) All vehicles used in collection shall be duly registered and shall carry general liability insurance or equivalent financial security satisfactory to the Town Board of not less than One Million Dollars (\$1,000,000.00), naming the Town as an additional insured. The Town shall receive certificates of insurance before said vehicle(s) will be able to perform collection work.
- (C) Each vehicle used by any collector for refuse to be deposited in permittee's landfill shall have the, collector's name and address and telephone number, and collector's town or city of collection, and the number of vehicle (if collector has more than one) clearly printed and readily visible on both sides of each vehicle with letters not less than two (2) inches in height and on the back of said vehicle readable at a distance of two hundred (200) feet.
- (D) The bodies of all vehicles used to haul, transport, or dispose of refuse or other solid waste should be metal or other impervious material. All vehicles shall be constructed and maintained, so as to prevent refuse from accumulating in or on the body and shall be capable of being completely emptied.
- (E) Any vehicle used to haul refuse, wet or dry, shall have a fully-enclosed body or other approved type to minimize the escape of any noxious or disagreeable odors,

- or the escape of any of the vehicle's contents, either liquid or solid.
- (F) Any vehicle, the use of which is intended for dry wastes, including, but not limited to, trash, rubbish, empty boxes, papers, grass and tree trimmings, cans, bottles and all similar materials, may be of the open-body type, but shall be equipped with eye hooks, cleats, or other similar hold-fast facilities fixed to the sides and ends of the vehicle and with a tarpaulin or other approved cover to prevent blowing off, spilling or scattering of the same along the route of the vehicle.

SECTION 5.0
SPECIAL PROVISIONS FOR SPECIAL WASTES OTHER THAN
"MUNICIPAL SOLID WASTES" i.e.,NORMAL, RESIDENTIAL AND
COMMERCIAL SOLID WASTE GENERATED WITHIN A COMMUNITY

- A. The disposal or processing √ of all hazardous wastes*, special wastes** and infectious wastes*** is prohibited in the Town of Hartford.
- B. Nothing in this section shall include any waste or materials arising from normal agricultural activities. "Hazardous wastes" or "special wastes" shall not include manure, compost or fertilizers used in normal agricultural activities generated by an operating farm.

√ Processing is meant to include: converting, commercial incinerating, refining, transforming, and treating.

- (*) HAZARDOUS WASTES means a solid waste that meets one or more of the following criteria:
- A. The solid waste has been designated as a hazardous waste, particulate, or material by the US Environmental Protection Agency in 40 C.F.R. Part 261, as may be amended;
- B. The solid waste has been designated as a hazardous waste, particulate, or material by the NYS Department of Environmental Conservation in 6 N.Y.C.R.R. Part 371, as may be amended;
- C. The solid waste exhibits any of the characteristics as designated by the US Environmental Protection Agency (40 C.F.R. Part 261) or the NYS Department of Environmental Conservation (6 N.Y.C.R.R. Part 371) as the respective regulations may be amended:

1. Ignitability
2. Corrosivity
3. Reactivity
4. Toxicity

(**) SPECIAL WASTES include, but are not limited to, materials from construction, repair, demolition and excavation, solid industrial wastes, paper sludge, septage, composted septage, ash generated from resource recovery facilities, hazardous wastes, matter in the form of animal carcasses, and/or any solid, liquid or gaseous matter generated from the destruction, incineration, disposal or processing of animal carcasses.

(***) INFECTIOUS WASTES means waste materials that include:

- (1) equipment, instruments, implements, and fomites (any substance that may harbor or transmit pathogenic organisms) of a disposable nature from the rooms of patients who are suspected to have, or have been diagnosed as having a communicable disease, and
- (2) laboratory wastes, including pathological specimens, i.e., all excretions and secretions obtained from patients or laboratory animals, and disposable fomites attendant thereto, and
- (3) surgical operating room pathological specimens and disposable fomites attendant thereto, and similar disposable materials from out-patient areas and emergency rooms, and
- (4) materials or waste of any nature arising from embalming facilities.

SECTION 6.0 PENALTIES, ENFORCEMENT AND EXCLUSION

6.1 PENALTIES

- A. Any person who violates, disobeys or disregards any provision of this Local Law shall have its permit temporarily suspended, until said violation is remedied.
- B. Any person who violates, disobeys or disregards any provision of this Local Law shall be liable to the people of the Town of Hartford for a civil penalty not to exceed five thousand dollars (\$5,000.00) for every such violation. Each day's continuation of a condition violating this Local Law shall be deemed a separate

and distinct violation.

- C. In addition to the above civil fine, any person, as defined in section 2.1(12) herein, who violates any provision of this Local Law shall be guilty of an unclassified misdemeanor pursuant to the Penal Law, punishable by a fine of not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) or a term of imprisonment up to thirty (30) days, or both. For a second and each subsequent offense, the violator shall be guilty of an unclassified misdemeanor punishable by a fine of not less than ten thousand dollars (\$10,000.00) nor more than twenty thousand dollars (\$20,000.00) or a term of imprisonment up to thirty (30) days, or both. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.
- D. In addition to the above civil and criminal penalties, the Approval Authority shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this Local Law. Said Town shall have the authority to lay forfeiture to the financial security posted under section 4.6(H), herein and to authorize the attorney for the Town to place a lien against said financial security.
- E. Any person who has been found by a Judicial Tribunal of the State of New York to have intentionally violated this Local Law shall, in addition to the provisions found in subsections B and C, be liable to reimburse the Town and citizens of Hartford for its costs and expenses associated with enforcing this law, including, but not limited to its reasonable attorney fees.
- F. Town Board Hearing and Order. Notwithstanding the foregoing, the Town shall also have the following authority.
 - 1. Upon finding that a violation of this Local Law may exist that is, or may become, dangerous or unsafe to the public, the Town Board may direct that notice be given to the owner of the property upon which the alleged violation exists. The notice shall set forth that a public hearing will be held, and that if it is determined by the Town Board at such hearing that such a violation does exist, the owner will be required to remedy the violation, failing which the Town may act to remedy the violation and charge the owner for the costs of same.
 - 2. Such notice shall be personally delivered to the property owner, or sent to the property owner by registered mail addressed to the owner's last known address as shown on the Town's latest real property tax assessment roll or on the last recorded deed for the property, in such number of days in advance of the hearing date as is reasonable under the circumstances.
 - 3. Upon the conclusion of the public hearing, if the Town Board finds that there exists a violation of this Law upon the subject property that is, or

may become, dangerous or unsafe to the public, the Town Board shall issue an order directing the property owner to remedy the violation within a specified number of days that is reasonable under the circumstances, and stating that if the property owner fails to remedy the violation within the specified number of days, the Town may act to remedy the violation and charge the owner for the costs of same.

4. If the property owner fails to remedy the violation within the specified number of days, and the Town acts to remedy the violation, the Town may personally deliver, or mail in the manner specified above, a bill to the property owner for the costs of remedying the violation.
5. If the property owner does not pay the Town the full amount set forth in such bill within thirty (30) days after the delivery or mailing of same, the Town Board may cause to be recorded in the Town Clerk's Office a sworn statement by the Enforcement Officer showing the costs for the remedial work, the date(s) on which the work was performed and the location of the property on which the remedial work was conducted. The recording of such sworn statement shall constitute a lien on the property which shall remain in full force and effect until full payment has been made. Said amount shall be collected in the manner fixed by law for the collection of taxes. In the event that said amount is not paid in full on or before the date the tax bill upon which it appears is last due without penalty, said amount shall be subject to the same delinquent penalty as the delinquent penalty for Town real property taxes. Sworn statements recorded in accordance with the provisions hereof shall be full notice to every person concerned that said amount of the statement constitutes a charge against the property designated thereon and that the same is due and collectible as provided by law.

6.2 ENFORCEMENT OFFICER

The Town of Hartford shall have the authority to appoint an Enforcement Officer authorized to act on behalf of the Town of Hartford to enforce the provisions of this law.

SECTION 7.0

SAVING CLAUSE, SUPERSESSION APPLICABILITY AND EFFECTIVE DATE

A. SAVING CLAUSE

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or 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 of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered. This Local Law is to be expressly construed in conformance with the laws of New York State including the New York State Environmental Conservation Law. If any part of this Local Law shall be adjudged inconsistent with the laws of New York State, including the New York State Environmental Conservation Law, that part shall be excised, but the same shall not affect the validity of this Local Law as a whole or any part or provision thereof other than the part so described to be invalid, unconstitutional or otherwise inconsistent with the Environmental Conservation Law or any other New York State law.

B. APPLICABILITY

This Local Law supercedes and replaces Local Law 8 of 2005 - Regulating the Operation of Landfills Within the Town of Hartford, amending Local Law 1 of 2004-Regulating the Operation of Sanitary Landfills, Amending Local Law 1 of 1996. This Local Law does not pertain or regulate the subject matter governed by the "Hartford Ordinance Permitting and Regulating a Holding or Storage Area for Used Farm or Construction Equipment."

C. EXEMPT PROJECTS

1. This Local Law shall not apply to or affect projects undertaken, established, sponsored, funded or controlled by the Town of Hartford or Municipal or Quasi- Municipal Corporations established by the Town Board of the Town of Hartford, including, but not limited to Local Development Corporations. All such projects are expressly exempt from

this Local Law. Notwithstanding the foregoing and notwithstanding any contrary language contained in the Hartford Site Plan Review Local Law, any and all such projects which are exempt from this Local Law are nevertheless subject to the Hartford Site Plan Review Local Law. In the event of a conflict between the interpretation of the Hartford Site Plan Review Local Law and this provision, this provision shall control and require exempt projects to be subject to Site Plan Review by the Town of Hartford Planning Board.

2. This Local Law shall not apply to or affect the storage area for used farm or construction equipment of any farm operation. This exemption shall only apply to working farm operations as defined in the NYS Agriculture and Markets Law. The used equipment as defined herein shall include both working and end of life farm or construction equipment. No farm operation shall accept for disposal any farm or construction equipment; all stored farm or construction equipment shall be the property of the landowner. This exception shall not exempt any person from any laws or obligations relative to refuse disposal or environmental contaminants that may be result from the storage of said equipment.

D. EFFECTIVE DATE

This Local Law shall take effect upon the filing with the Secretary of State.