

LOCAL LAW INTRO. NO. -2021

A LOCAL LAW amending Chapters 825 and 826-a of the Laws of Westchester County regarding classes of Solid Waste hauler licenses.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 825.30 of Chapter 825 of the Laws of Westchester County is hereby amended as follows:

16. Food waste means all food-based 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 rejection.

§ 2. Section 826-a.200 of Chapter 826-a of the Laws of Westchester County is hereby amended to read as follows:

Unless otherwise expressly stated or unless the context or subject matter specifically requires a different meaning, the meanings of the following terms which are used in this chapter shall be as follows:

2. *Class A* refers to all haulers except those whose hauling business is limited solely to Class C, Class D, Class E or Class L activities or whose recycling business is limited to Class B activities. Class A licensees may also conduct Class B, Class C, Class D, Class E, Class F and Class L activities.

3. *Class B* refers to businesses or subsidiaries who operate exclusively as recyclables brokers, as defined below. Class B licensees may not conduct

Class A, Class C, Class D, Class E or Class L activities. [Class B licensees may also conduct Class C, Class D, Class E and Class L activities.]

6C. Class F refers to haulers who exclusively collect, store, transport, transfer, process or dispose of food waste, solely on behalf of the County and/or its local municipalities.

§ 3. Section 826-a.300 of Chapter 826-a of the Laws of Westchester County is hereby amended to read as follows:

1. The licensing and registration requirements set forth in this chapter shall apply to all persons who conduct Class A, Class B, Class C, Class D, Class E, Class F or Class L activities in Westchester County and to all persons who intend to operate as solid waste brokers within the County, except where such activities are conducted by the County, a County district or by a municipality.

§ 4. Section 826-a.301 of Chapter 826-a of the Laws of Westchester County is hereby amended to read as follows:

1. Notwithstanding any provisions to the contrary and subject to the implementation procedure outlined in Article VIII, it shall be unlawful for any person to conduct Class A, Class B, Class C, Class D, Class E, Class F or Class L activities in Westchester County without having first obtained a license therefor from the commission pursuant to the provisions of this chapter.

3. Any license or registration shall be in the nature of a privilege subject to the terms and conditions set forth in this chapter, and shall not be deemed to create a property interest or right with respect to the persons who conduct Class A, Class B, Class C, Class D, Class E, Class F or Class L activities, or who operate as solid waste brokers, in Westchester County. Such licenses and/or registrations are not transferable upon sale or transfer of ownership of a licensed or registered business, except with the prior written approval of the commission, after submission of a completed license application or registration application by the purchaser or transferee, pursuant to the provisions of this chapter. The granting of a license or registration shall not operate as an authorization for regionally or wholly-owned subsidiaries of such licensee and/or registrant to conduct licensed or registered activities. All such subsidiaries shall be required, in all cases, to apply separately for licensing and/or registration pursuant to the provisions of this chapter.

§ 5. Section 826-a.302 of Chapter 826-a of the Laws of Westchester County is hereby amended to read as follows:

1. a. An applicant for a Class A, Class B and Class C, Class D, Class E, Class F or Class L license or an applicant for registration as a solid waste broker shall submit an application in writing on a form prescribed by the commission, along with the required fees. Such application shall contain a letter of certification sworn, and certified under penalty of criminal

prosecution that the information disclosed in conjunction with the application is complete and accurate to the best of the applicant's knowledge and belief and has been prepared based upon a diligent search of all business and other records in its possession or control. Such application shall require the disclosure of information regarding the financial, contractual or employment relationships, if any, which may exist between such applicant and any business engaged in the collection, removal or disposal of solid waste or a predecessor solid waste business. Any and all such relationships shall be indicated on the license or registration, if any, subsequently issued to such applicant. Such application shall also require that the applicant provide a business telephone number and a business address in the County of Westchester where notices may be delivered and legal process may be served, and where records which may be required pursuant to this chapter or by the commission shall be maintained, and the name of a person of suitable age and discretion who shall be designated as agent for the service of legal process. The applicant shall also specify its federal or state tax identification number in each application submitted to the commission. Each applicant and principal, and any other party which is required to comply with the disclosure requirements set forth in this article, shall also be required to provide to the commission all such releases as may be necessary for the commission, or its designee, to verify all information disclosed, at the time of application submission.

§ 6. Section 826-a.304 of Chapter 826-a of the Laws of Westchester County is hereby amended to read as follows:

1. For the purpose of assisting the commission in determining the good character, honesty and integrity of applicants, any applicant which intends to operate as a Class C-1, ~~or Class E~~ or Class F licensee must submit the following information:
  - a. A list identifying all vehicles, by Vehicle Identification Number, owned, leased, or controlled by the applicant which will be used in the collection, storage, transfer, transportation, processing or disposal of construction and demolition debris or scrap waste generated, originated or brought within the County. Applicant shall provide a copy of the state registration documentation for each such vehicle. Only those vehicles which are identified in conjunction with the application may be utilized by the licensee pursuant to that license, unless subsequently approved in writing by the commission.
  - b. The names of the municipalities in Westchester County in which the applicant presently conducts business, if applicable, and the quantities of construction and demolition debris and/or scrap waste delivered during the previous year to each and every disposal, transfer, collection, storage or processing facility. The applicant shall list each disposal, transfer, collection, storage or processing facility that it has utilized during the

prior year and all such facilities that (it) is utilizing at the time of application.

c. All applications shall include (i) a list of the names, dates of birth and home addresses of all principals of the applicant and of any manager or other person who has policy or financial decision-making authority in the business; and (ii) a list of the names and job titles of all employees and prospective employees of the applicant who are or will be engaged in the operation of the solid waste business; (iii) such other information as the commission shall determine will properly identify such employees and prospective employees.

§ 7. This Local Law shall take effect immediately.