

Westchester County

George Latimer
County Executive

August 21, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

I respectfully request that your Honorable Board adopt the attached Local Law amending Chapter 825 of the Laws of Westchester County entitled the "Westchester County Source Separation Law" to improve recycling, reduction and waste programs in the County of Westchester. This proposed Local Law will: (1) require separate containers for waste and recyclables in public places; (2) specify and clarify that separate disposal is required for certain items in accordance with state law; (3) expand the language regarding food composting; (3) amend the list of mandatory curbside recyclables to include cartons; (4) require reporting by municipalities, haulers, and recyclers directly to the County Department of Environmental Facilities; and (5) clarify and revise language in certain sections and definitions to reflect actual County recycling operations.

The ease of recycling directly corresponds to increased compliance with recycling requirements. If a waste receptacle is available without a corresponding container for recyclables, an individual is more likely to dispose of the recyclable as waste. Although the current Source Separation Law requires nonresidential waste generators to separate recyclables for curbside collection, in practice and due to health concerns, separation of waste post disposal is extremely unlikely to occur.

In addition, recycling rules vary based upon location and hauler, meaning that without containers and proper signage, consumers may not be aware of proper recycling methods in stores and other businesses. Therefore, this amendment to the law will require separate containers for waste and recyclables in public places.

When recyclables are improperly disposed as waste at transfer stations or end use management facilities, there is no mechanism to remove the recyclables from the waste stream,

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resulting in disposal where recycling may have been possible. Moreover, the number of fines issued to businesses and haulers for the comingling of recyclables with waste may be reduced where proper containers and signage are required and available to the public, due to consumers properly recycling in the first instance.

According to the County's 2019-2020 Food Waste Study, approximately 22% of residential waste is food waste, which can be managed through composting and/or digestion, rather than as household waste. Although the current Source Separation Law specifically assures residents that garden and yard waste may be composted at home, it is silent on home composting. This amendment specifically states that there is no prohibition against the private composting of food waste or participation in a program for food waste recycling.

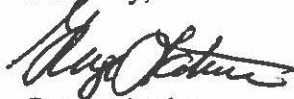
The County Department of Environmental Facilities, Refuse & Recycling (Solid Waste) Division, as the State-designated Solid Waste Management Planning Agency for Refuse Disposal District #1, established a carton recycling program in 2016. Since that time, carton recycling has become the standard for residential collection programs in Westchester County and therefore the law was amended to specify that cartons are considered a mandatory curbside recyclable.

Your Committee recognizes that the County Department of Environmental Facilities, Refuse & Recycling (Solid Waste) Division gathers recycling and waste data from municipalities, haulers, and recyclers in order to prepare and submit reports required by the State and for program planning. The ability of the County Department of Environmental Facilities to gather data directly from municipalities, haulers, and recyclers as will be required under the proposed law, is imperative to comply with State law and to continue to improve recycling, reduction, and waste programs in the County. Certain materials, such as Lithium-Ion Batteries, Freon-containing devices, and mercury-containing items can be dangerous if disposed in household waste. State law already requires proper and safe disposal techniques for these items and the amendment being requested with respect to disposal of special wastes would make the County's law consistent with State law.

The intent of the amendments to Chapter 825 of the Laws of Westchester County is to increase recycling in the County to maintain and improve the health of the environment and benefit the health, safety, and welfare of County residents.

Based upon the foregoing, I believe the proposed legislation is in the best interest of the County and, therefore, recommend your favorable action on it.

Sincerely,



George Latimer
County Executive

GL/nn
Attachments

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends adoption of “A LOCAL LAW amending Chapter 825 of the Laws of Westchester County entitled the “Westchester County Source Separation Law” to improve recycling, reduction and waste programs in the County of Westchester.”

Your Committee is informed that this proposed Local Law will: (1) require separate containers for waste and recyclables in public places; (2) specify and clarify that separate disposal is required for certain items in accordance with state law; (3) expand the language regarding food composting; (3) amend the list of mandatory curbside recyclables to include cartons; (4) require reporting by municipalities, haulers, and recyclers directly to the County Department of Environmental Facilities; and (5) clarify and revise language in certain sections and definitions to reflect actual County recycling operations.

Your Committee is further informed that the ease of recycling directly corresponds to increased compliance with recycling requirements. If a waste receptacle is available without a corresponding container for recyclables, an individual is more likely to dispose of the recyclable as waste. Although the current Source Separation Law requires nonresidential waste generators to separate recyclables for curbside collection, in practice and due to health concerns, separation of waste post disposal is extremely unlikely to occur. In addition, recycling rules vary based upon location and hauler, meaning that without containers and proper signage, consumers may not be

aware of proper recycling methods in stores and other businesses. Therefore, this amendment to the law will require separate containers for waste and recyclables in public places.

Your Committed acknowledges that when recyclables are improperly disposed as waste at transfer stations or end use management facilities, there is no mechanism to remove the recyclables from the waste stream, resulting in disposal where recycling may have been possible. Moreover, the number of fines issued to businesses and haulers for the comingling of recyclables with waste may be reduced where proper containers and signage are required and available to the public, due to consumers properly recycling in the first instance.

Your Committee is aware that according to the County's 2019-2020 Food Waste Study, approximately 22% of residential waste is food waste, which can be managed through composting and/or digestion, rather than as household waste. Although the current Source Separation Law specifically assures residents that garden and yard waste may be composted at home, it is silent on home composting. This amendment specifically states that there is no prohibition against the private composting of food waste or participation in a program for food waste recycling.

Your Committee further acknowledges that the County Department of Environmental Facilities, Refuse & Recycling (Solid Waste) Division, as the State-designated Solid Waste Management Planning Agency for Refuse Disposal District #1, established a carton recycling program in 2016. Since that time, carton recycling has become the standard for residential collection programs in Westchester County and therefore the law was amended to specify that cartons are considered a mandatory curbside recyclable.

Your Committee recognizes that the County Department of Environmental Facilities, Refuse & Recycling (Solid Waste) Division gathers recycling and waste data from municipalities, haulers, and recyclers in order to prepare and submit reports required by the State and for program planning. The ability of the County Department of Environmental Facilities to gather data directly from municipalities, haulers, and recyclers as will be required under the proposed law, is imperative to comply with State law and to continue to improve recycling, reduction, and waste programs in the County.

Your Committee is advised that certain materials, such as Lithium-Ion Batteries, Freon-containing devices, and mercury-containing items can be dangerous if disposed in household waste. State law already requires proper and safe disposal techniques for these items and the amendment being requested with respect to disposal of special wastes would make the County's law consistent with State law.

Your Committee notes that the intent of the amendments to Chapter 825 of the Laws of Westchester County is to increase recycling in the County to maintain and improve the health of the environment and benefit the health, safety, and welfare of County residents.

Your Committee is informed by the Department of Planning that the proposed amendment is not an "Action" as defined in 6 NYCRR Part 617, the implementing regulations of the New York State Environmental Quality Review Act ("SEQRA"). The County's Department of Planning

has prepared a memorandum dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs with the conclusion of that memorandum.

In light of all of the foregoing, your Committee recommends passage of this Local Law.

Dated: _____, 2023
White Plains, New York

COMMITTEE ON

SDK-6-27-23

FISCAL IMPACT STATEMENT

SUBJECT: Updates to Source Separation Law NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense _____

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Melissa-Jean Rotini

Title: Assistant Commissioner

Department: Environmental Facilities

Date: 8/21/2023

NO
Reviewed By: Christina Rangel

Budget Director

Date: 8/23/23

RESOLUTION NO. 2023

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ___ - 2023, entitled “A LOCAL LAW amending Chapter 825 of the Laws of Westchester County entitled the “Westchester County Source Separation Law” to improve recycling, reduction and waste programs in the County of Westchester” The public hearing will be held at __.m. on the _____ day of _____, 2023, in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.