

**ANNUAL REPORT OF THE WESTCHESTER COUNTY  
SOLID WASTE COMMISSION  
FOR 2024**

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**2024 Commission Board Members**

HON. ANTHONY SCARPINO, CHAIRPERSON

KEN JENKINS, DEPUTY COUNTY EXECUTIVE

KARIN HABLOW, COMMISSIONER OF FINANCE

TERRANCE RAYNOR, COMMISSIONER OF PUBLIC SAFETY

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**PREPARED FOR HON. KEN JENKINS  
WESTCHESTER COUNTY EXECUTIVE,  
AND  
THE WESTCHESTER COUNTY  
BOARD OF LEGISLATORS**

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## INTRODUCTION

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In August 1999, the Westchester County Board of Legislators enacted and County Executive Andrew J. Spano signed into law “The Westchester County Solid Waste and Recyclables Collection Licensing Law” (“Chapter 826-a”). Chapter 826-a was enacted following disclosures made during a series of legislative hearings that the solid waste and recyclables collection industries in Westchester County were permeated and dominated by Organized Crime. The hearings revealed that organized crime-controlled cartels produced anti-competitive effects in the industry including, but not limited to, price-fixing; the prevention of new entry into the industry; the existence of unconscionable customer contract terms; and the incidence of corruption. Chapter 826-a was enacted in an attempt to address these problems, with the goals of eliminating the influence of organized crime in the Solid Waste and Recyclables collection industries; ensuring that only individuals of suitable good character, honesty and integrity are licensed to operate within the Solid Waste and Recyclables collection industries; and increasing competition.

The Westchester County Solid Waste Commission hereby submits its Annual Report for 2024.

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## MISSION STATEMENT OF THE WESTCHETER COUNTY SOLID WASTE COMMISSION

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The mission of the Westchester County Solid Waste Commission is to promote the general health, welfare and safety of the citizens of Westchester County by regulating the industry and ensuring that only individuals and companies of good character, honesty and integrity receive and retain licenses to operate in the Solid Waste and Recyclables hauling and disposal industries; increasing competition among haulers and enhancing consumer choice; seeking to eliminate fraud and the influence of Organized Crime and other organized criminal activity and bad actors in the Solid Waste and Recyclables hauling and disposal industries; and ensuring that any and all haulers and transfer stations that are either collecting, storing, transporting and or dumping Solid Waste and Recyclables within Westchester County are in full compliance with the Laws of Westchester County.

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## DEPARTMENT RESPONSIBILITIES

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- A. To perform background checks on all Applicants and principals seeking a license to operate in the Solid Waste and Recyclables hauling industry in Westchester County so as to evaluate their good character, honesty and integrity.
- B. To issue licenses for the performance of activities for which a license is required by Chapter 826-a.
- C. To ensure that only Solid Waste Commission licensees and permittees collect, haul, store and/or dispose of Solid Waste and Recyclables at transfer stations within Westchester County, and that licensees use only trucks registered with the Solid Waste Commission.
- D. To investigate all complaints by and against haulers that occur within, or impact, Westchester County.
- E. To encourage entry into the industry and encourage competition within the industry in Westchester County.
- F. To partner with the Department of Public Safety and other agencies, on investigations of possible criminal activity related to the Solid Waste and Recyclables hauling industries in Westchester County.

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## SOLID WASTE COMMISSION LICENSING CATEGORIES

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The Solid Waste Commission issues licenses by the type of waste expected to be hauled, collected, stored, processed, transferred, transported and/or disposed of in Westchester County.

These licenses are:

Class A: for a hauler that collects, stores, processes, transfers, transports and/or disposes of any type of waste, including Municipal Solid Waste, Construction and Demolition Debris, Recyclables, garden and yard waste and Scrap. Class A licensees may also conduct Class B, Class C, Class D, Class E and Class F activities.

Class B: for a hauler that collects, stores, processes, transfers, transports or disposes of recyclables.

Class C: for a hauler that exclusively collects, stores, processes, transfers, transports or disposes of construction and demolition debris. There are two types of Class C licenses:

Class C-1: for a business that generates construction and demolition debris; and which, incidental to such business, hauls the construction and demolition debris itself.

Class C-2: for a hauler that hauls construction and demolition debris generated by others.

Class D: for a hauler that collects, stores, processes, transfers, transports or disposes of garden or yard waste.

Class E: for a hauler that exclusively collects, stores, processes, transfers, transports or disposes of scrap (a scrap peddler business).

Class F: for a hauler that exclusively collects, stores, processes, transfers, transports or disposes of food waste.

The Commission also issues licenses for Solid Waste Brokers, which are persons or business entities that, for a fee, broker agreements between commercial establishments and haulers, or evaluate the waste generated by commercial establishments in order to recommend cost efficient means of waste disposal or other changes in related business practices.

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## ASSET OR BUSINESS SALE TRANSACTIONS, MERGERS, ACQUISITIONS, OR OTHER BUSINESS RESTRUCTURING OR REORGANIZATION

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The Commission reviews proposed purchases, sales, asset sales, ownership interest in stock, merger and acquisition transactions, which licensees are required to submit before the sale or purchase of their company or a substantial portion of their company, including routes, trucks and customer lists, to determine

whether such transaction may have a substantial impact on Westchester County operations of the company and ensure that the Solid Waste and Recyclables industry in the County maintains a competitive balance.

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**APPLICANTS FOR LICENSES TO HAUL SOLID WASTE AND RECYCLABLES IN WESTCHESTER COUNTY: BACKGROUND INVESTIGATIONS, LICENSING DECISIONS**

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Chapter 826-a requires that the Commission investigate the backgrounds of Applicants for Solid Waste Commission licenses, and their principals. As part of the background investigation process, individuals identified as the principals of New Applicants as well as other individuals determined to be working in a decision making or managerial capacity will have to fill out the proper forms and submit to fingerprinting and, possibly, an interview as determined by the Commission.

Chapter 826-a authorizes the Commission to issue “Permits to Operate” to companies wishing to operate in Westchester County, on a probationary basis for one year, while the background investigation continues. Permits to Operate enable such companies to operate in the Westchester County market during the completion of their background investigations, thereby increasing the number of companies available to work in Westchester County.

During 2024, the Commission continued to receive and review applications from companies seeking licenses to haul Solid Waste and Recyclables in Westchester County. The following constitutes a breakdown of the approved new Applicants for Commission licenses (“New Applicants”) for a total of **101** new Permit holders:

**NEW PERMITS ISSUED BY CLASS**

	<b>Class A</b>	<b>Class B</b>	<b>Class C1</b>	<b>Class C2</b>	<b>Class D</b>	<b>Class E</b>	<b>Class F</b>	<b>Brokers</b>	<b>Total</b>
<b>New applicants</b>	<b>15</b>	<b>2</b>	<b>34</b>	<b>36</b>	<b>5</b>	<b>0</b>	<b>6</b>	<b>3</b>	<b>101</b>

Once the Commission staff deems the company issued a “Permit to Operate” to have completed the term without any outstanding issues regarding their background nor any problematic issues arising during the time period, it is recommended to the Commission that the Permits to Operate be converted to Licenses.

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**INSPECTIONS, INVESTIGATIONS & ENFORCEMENT**

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During 2024, the Solid Waste Commission conducted numerous inspections and investigations throughout Westchester County, at transfer stations and at active construction sites. As a result of these efforts, in addition to paying fines, unlicensed haulers either applied for Commission licenses, or chose to cease operating with Westchester County. Further, as a result of Commission inspections, investigations and related enforcement actions, licensed companies that used unregistered trucks to haul solid waste also paid fines and either registered their trucks with the Commission and paid the required registration fees, or ceased to use them in the County. The goal of these enforcement actions is to obtain full compliance with

Chapter 826-a of the Laws of Westchester County by those persons or entities collecting, storing, transporting, transferring, processing or disposing of solid waste and/or recyclables within Westchester County.

**Transfer Stations Records:**

The Commission staff requires transfer station operators to supply lists of companies that dumped waste or recyclables at their facilities. The Commission’s staff utilizes these records to identify companies that are not licensed by the Commission and corroborate observations made during inspections at the transfer stations.

**Customer Complaints:**

The Solid Waste Commission investigated complaints by customers about billing discrepancies, contract disputes with their haulers, service problems and other issues. Customers and haulers were interviewed, the sites in question were inspected, and where appropriate, the Commission intervened to help rectify problems in a myriad of ways. When interviewing customers, the Inspectors often ask to review copies of their service contracts. Where serious issues were discovered, we conducted long-term investigations into a customer’s allegations. In some cases, investigative findings resulted in Commission enforcement actions or, where appropriate, referral to law enforcement authorities.

**Contract Reviews:**

Under certain circumstances, the Commission staff reviews the service contracts issued to customers by licensed and permitted haulers, including the mandatory incorporation of the Customer Bill of Rights into their service contracts.

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**COMPLIANCE AND HEARINGS**

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During 2024, the Commission issued Notice of Hearings for violations to persons or entities for the following violations:

<u><b>Types of Violations Issued</b></u>	<u><b>Number of Violations Issued</b></u>
<b>Unlicensed Operation</b>	<b>123</b>
<b>Failure to Label a Vehicle/Container</b>	<b>4</b>
<b>Unregistered Vehicle</b>	<b>36</b>
<b>Prohibited Practice</b>	<b>1</b>
<b>Failure to Pay Commission Fees</b>	<b>2</b>
<b>Failure to Properly Display Decals</b>	<b>5</b>

<b>Revocation</b>	<b>0</b>
<b>Suspension</b>	<b>1</b>
<b>Subcontracting Work to Unlicensed Hauler</b>	<b>2</b>
<b>TOTAL</b>	<b>174</b>

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## LAW ENFORCEMENT

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### Investigations

During 2024, the Commission continued to work with Law Enforcement and other government officials throughout the region incident to Commission investigations, including:

- The New York City Business Integrity Commission
- The New Jersey Department of Environmental Protection
- The New York State Department of Environmental Conservation (“DEC”)
- Several municipalities within the County

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## SOLID WASTE COMMISSION BUDGET

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The Solid Waste Commission’s budget is entirely **self-funded** through the Application, Background Investigation, Licensing, Registration, and Transfer Station fees charged to Applicants and Licensees, in addition to the collection of fines imposed for violations.

### Fees:

**For Class A, B and C-2 Licensees:** Initial and then bi-annual application fees of \$350 per Applicant and \$350 per Principal; and annual licensing fees of \$1,000 per Licensee (which includes decals for one vehicle); \$1,000 per vehicle (\$500 for Class B) used by licensee beyond the first vehicle. Initial backgrounds cost \$1400 for the company and \$765 per principal, and every four years a renewal background costs \$1000 for the company and \$550 per principal.

**For Class C-1, D, E and F Licensees:** bi-annual application fee of \$45 per applicant, and annual licensing fees of \$100 per licensee (which includes decals for one vehicle) and \$100 per vehicle used by licensee beyond the first vehicle;

**For Solid Waste Brokers:** Initial application fees of \$350 per Applicant and \$350 per Principal, then bi-annual application fees of \$100 per Applicant and \$100 per principal, and annual licensing fees of \$250. Initial Backgrounds cost \$1400 for the company and \$765 per principal, and every four years a renewal background costs \$1000 for the company and \$550 per principal. Brokers do not have vehicles”

**Transfer Station Fee (and Recycling Credit information):** - \$20,000 per year

Chapter 826-a includes an incentive for the industry to recycle and re-use materials in the form of a recycling credit for transfer stations, based upon the percentage of the materials they accept that they re-use or recycle. The credit reduces the annual \$20,000 transfer station fee, and ranges from a \$500 to \$7,500 credit when a facility recycles or re-uses from 11% to 100% of materials. A facility that recycles or re-uses between 0 to 10% of materials is not entitled to a credit.

**Final Disposal Site Fee** - \$50,000 per year

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## NEW INITIATIVES

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**New Program for 2024 – Small Business Initiative (for eligible C-2 Haulers)** - The Westchester County Solid Waste Commission Small Business Incentive Pilot Program was implemented in 2024 to remove a financial barrier, allowing eligible small businesses the ability to enter the hauling market while complying with regulatory mandates. Such small businesses operating in Westchester County stimulate economic activity by developing more business opportunities within the county. All companies who meet the Solid Waste Commission’s small business eligibility requirements, either new or existing, will pay significantly reduced fees. The Small Business Incentive fee schedule and eligibility criteria is listed on the Solid Waste Commission website.

**Transfer Stations** – In an effort to maintain consistency and equity amongst the disposal industry in the County, this year we focused our attention on identifying unlicensed transfer stations operating in the County and have succeeded in newly licensing five (5) Transfer Stations.

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## GENERAL PROTECTION FOR THE PUBLIC BY CHAPTER 826-A

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Chapter 826-a was originally enacted to prevent Organized Crime from controlling Westchester County hauling industry. That goal now also includes ensuring that only those with integrity and good character participate in the hauling industry in Westchester County, and also the prevention of organized criminal activity in the industry. The goal of the County Executive and the Board of Legislators remains to prevent the recurrence of anti-competitive effects in the industry including, but not limited to, price-fixing; the prevention of new entry into the industry; the existence of unconscionable customer contract terms; and the incidence of corruption. One method utilized in this effort was the inclusion of the “Customer Bill of Rights” (“the Bill of Rights”) in Chapter 826-a.

The Bill of Rights, which must be incorporated into all customer contracts, provides consumers with certain protections that cannot be waived by any agreement between a hauler and a customer.

Specifically, the provisions are the following:

Pursuant to Chapter 826.402(3)(c) of the Laws of Westchester County, the Customer shall be entitled to the following rights which cannot be waived:

1. This Service Contract shall not exceed (2) years in duration unless the Customer is a Municipality which, after establishing good cause for such waiver, has received a formal waiver of the contract term limit from the Commission.
2. A Service Contract which provides for automatic renewal shall be terminable by the Customer, without penalty, on thirty (30) days written notice to the Service Provider at any time during any renewal term of the Service Contract.
3. The Customer shall not be required to give the Service Provider more than (30) days' notice of its intent to exercise its option to terminate or its option to renew an existing Service Contract prior to the expiration of such existing Service Contract.
4. All Service Contracts shall be terminable by the Customer, without penalty, during the final thirty (30) days of any regular Service Contract term or for the thirty (30) day period following any and all proposals made to a Customer by the Service Provider with whom the Customer currently contracts, where such proposal includes a proposal for a new Service Contract which will commence prior to the end of the regular term of the existing Service Contract.
5. Any notice of Service Contract termination from the Service Provider to the Customer shall be in writing, unless otherwise specifically requested by the Customer.
6. Any notice of Service Contract termination from the Customer to the Service Provider may be made by the Customer or the Customer's Agent either: (i.) in writing by facsimile or regular mail; or (ii.) orally by a telephone call to the Service Provider's office.
7. In the event that the Service Provider's license or registration to provide solid waste services is suspended or revoked by the Westchester County Solid Waste Commission, the Service Provider shall notify the Customer, in writing, within (5) business days of the suspension or revocation.
8. A Customer who is notified, by the Service Provider or otherwise, of the suspension or revocation of its Service Provider's license or registration may, immediately and without penalty, terminate this Service Contract.
9. In the event of Service Contract termination prior to the end of any regular contract term, the Service Provider shall not require the Customer to pay liquidated damages.
10. The Customer shall not be required to inform the Service Provider of competitive offers which it may receive for the removal, collection or disposal of refuse and recyclable materials.
11. The Customer shall not be required to give the Service Provider an opportunity to match the terms of any competitive offer which may be made to a Customer by any potential competitor.
12. The Customer shall not be required to contract exclusively with the Service Provider named herein for the removal of the Customer's refuse and recyclable materials. However, a municipal Customer may request such an exclusivity provision in its Service Contracts pursuant to its procurement policy.
13. The Service Provider herein shall not discontinue service to the Customer unless at least thirty (30) days advance written notice has been given to such Customer.
14. The Service Provider shall give the Customer no less than (i.) thirty (30) days advance written notice of proposed rate increases or (ii.) sixty (60) days notice of subcontracting or contract assignment. Upon receipt of such written notice, a Customer may terminate its Service Contract, without penalty, by giving fourteen (14) days notice to the Service Provider. Such notice may be given by the Customer at any time prior to the commencement of the rate increase or the implementation of the assignment or subcontracting.



15. The Service Provider shall promptly provide the Customer with any and all informational notices which the Westchester County Solid Waste Commission may develop or prescribe.

16. In the event that the Service Provider herein shall fail to comply with any of the requirements provided in Paragraphs 1-15, above, in connection with this Contract for Solid Waste Services, or shall integrate provisions into this Service Contract which impairs the Customer's rights as outlined in Paragraphs 1-15, above, the Customer shall be entitled to, immediately and without penalty, terminate this Service Contract. In the event that the Customer believes that such a failure to comply has occurred, the Customer is urged to consult with the Westchester County Solid Waste Commission in order to clarify the Customer's rights and obligations pursuant thereto.

17. All Customers have the right and are encouraged to contact the Westchester County Solid Waste Commission to register a complaint against a Service Provider in the event that the Service Provider

(a.) fails to provide the services as agreed under the Service Contract,

(b.) fails to comply with the requirements outlined in this Customer Bill of Rights or

(c.) engages in any of the following prohibited practices:

(i.) Makes a false or misleading statement to the Customer or a prospective Customer;

(ii.) Threatens or attempts to intimidate a Customer or a prospective Customer;

(iii.) Imposes or attempts to impose liquidated damages upon a Customer for termination of a Service Contract;

(iv.) Retaliates against a Customer or prospective Customer that has made a complaint to the Westchester County Solid Waste Commission or has exercised or attempted to exercise a right under Chapter 826-a of the Laws of Westchester County; or

(v.) Discourages a Customer or prospective Customer, who has a question or inquiry concerning the Customer's or the prospective Customer's rights or obligations concerning solid waste, from contacting the Westchester County Solid Waste Commission.

The Bill of Rights specifically urges customers to contact the Commission if they believe that a hauler has failed to comply with the Bill of Rights, or has failed to provide the services as agreed upon under their Service Contract.

As a result of this provision, the Commission fields questions and complaints from customers and haulers. Generally, the complaints fall into four main categories: billing disputes between customers and haulers; failure to provide service/service deficiency; misleading and/or coercive sales tactics; and questions about the existence or validity of contracts.

The Commission investigates allegations that sales representatives of Licensees attempt to obtain new customers by making factual misrepresentations about their competitors or about the County's Solid Waste Commission law.

Respectfully submitted:

Westchester County  
Solid Waste Commission