

## Recent Changes to Westchester County's Source Separation Law

The Source Separation Law for the County of Westchester, Chapter 825 of the Laws of Westchester County (hereinafter "SSL"), was enacted in 1992 (i) to fulfill the County's responsibility as the State-designated planning unit for all solid waste generated and collected within its borders, (ii) to develop an integrated solid waste management plan, and (iii) to comply with New York State General Municipal Law Section 120-aa.

(A) **New Recycling Requirements:** The law was recently expanded to require both residential and non-residential waste generators\* to separate the same materials from their garbage. As of Dec. 10, 2008, all waste generators in Westchester County will be required to recycle the following items:

- Newsprint
- High Grade Paper
- Corrugated Cardboard
- Gray/Compressed or Smooth Cardboard (i.e., tissue boxes)
- Glass Food and Beverage Containers
- Metal Food and Beverage Containers
- Plastics: HDPE & PET (coded 1 or 2)
- Vehicular Batteries
- Used Motor Oil
- Yard Waste: fall leaves only
- Bulk Metals

\* "Residential waste generators" include all single and multi-family dwellings. "Non-residential waste generators" include all private and public businesses, offices, schools and institutions.

While nonresidential waste generators (i.e. all businesses & institutions) are required to separate high grade paper from all other paper and newsprint, residential waste generators are not.

(B) **Solid Waste Disposal Plans – expanded requirements:** When originally enacted, the SSL included a one-time-only requirement for large non-residential waste generators\*\* to submit solid waste disposal plans. New large non-residential waste generators have not been required to submit plans to the County and existing large waste generators haven't had to update their 1992 plans. As a result, the solid waste disposal plans on file are 15 years old, and do not include plans for entities which started operating after 1992.

Effective Dec. 10, 2008, the SSL will require large non-residential waste generators to provide updates to their solid waste disposal plans **every three years**. Such plans will be required to include updated information about their recycling and solid waste disposal practices. **New** large non-residential waste generators will be required to submit solid waste disposal plans within 6 months of starting operations in Westchester County.

-- **Multiple Locations:** In the event that a commercial establishment, institution or school district utilizes more than one location, only one solid waste disposal plan need be submitted, provided that the plan identifies activities at each location.

-- **Multi-Tenant Buildings:** In the event that a commercial establishment, institution or school is located within a multi-tenant building and there are over 100 employees in such building, it is the responsibility of the building's owner to provide a plan.

Solid Waste Disposal Plan forms can be viewed at [www.westchestergov.com/recycling](http://www.westchestergov.com/recycling) under the section on "Businesses, Schools and Others." The initial deadline for submitting plans to the County is March 30, 2009. Online submission will be possible sometime in early 2009, well in advance of the initial filing deadline.

\*\* A "large non-residential waste generator" is an owner of "a building or buildings commonly containing more than 100 employees, patients or students during a 24-hour period."

**(C) Updated Fine Structure:** Any person or entity found guilty of a violation of the SSL shall be subject to penalties ranging from a warning letter to a fine of up to \$100. Repeat offenders shall be subject to increased penalties, up to a fine of \$1,000 for a fourth violation. Municipalities may enforce the SSL law within their borders and recover penalties related to their enforcement efforts.

For more information on the SSL, recent amendments to the SSL or the report requirement for large non-residential waste generators, visit [www.westchestergov.com/recycle](http://www.westchestergov.com/recycle) or call 211.