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INTRODUCTORY LOCAL LAW NO. ___ 2008
COUNTY OF LEWIS, STATE OF NEW YORK

APR 08 2009

LOCAL LAW OF THE COUNTY OF LEWIS TO PROVIDE A UNIFORM
SYSTEM FOR MANAGING THE COLLECTION, TRANSPORTATION AND
DISPOSAL OF SOLID WASTE AND RECYCLABLES
AND TO AMEND AND RESTATE LOCAL LAW #5 FOR THE YEAR 1992

DANC - Solid Waste
Management Facility

BE IT ENACTED, by the Board of Legislators of the County of Lewis, State of New York as follows:

LEGISLATIVE FINDINGS

The Board of Legislators of the County of Lewis, upon consideration and in support of the adoption of Local Law No. ___ -- 2008, hereby finds and declares:

1. The safe and proper disposal of the solid wastes generated by the people of the County of Lewis has been and remains a matter of serious public concern. Having a solid waste management system that is environmentally sound and financially self-sufficient benefits all of the residents of Lewis County in that it provides a safe, sanitary and efficient means for the collecting, transporting and disposing of solid wastes.
2. To that end, the County of Lewis entered into an inter-municipal agreement on or about 1986 with the Development Authority of the North Country ("DANC", in partnership with Lewis, Jefferson and St. Lawrence Counties and the City of Watertown, to develop, construct and install a sanitary landfill located in the Town of Rodman (the "Authority landfill") for the purpose of disposing of solid waste materials that are produced or collected within the participating communities.
3. At that time, Lewis County adopted Local Law No. 2 of 1986 which provided that all solid waste generated or originated within Lewis County be disposed of in the Authority landfill. The Authority landfill has therefore become an integral component of Lewis County's solid waste management system. Additionally, the County of Lewis operates a transfer station located in the Town of Lowville and one in the Town of Croghan, for the purpose of collecting, separating, transporting and disposing of both recyclable and non-recyclable waste.
4. Additionally, in 1992, the Board of Legislators adopted Local Law 5-1992 which provided for a uniform system of collection and disposal of solid waste within Lewis County. Local Law No. 5-1992 was adopted pursuant to the authority and the mandate of General Municipal Law 120-aa. Since that time, legal issues arose as to the validity of municipalities mandating that all solid waste generated or collected

within their jurisdiction be disposed of in designated municipal facilities. That issue has recently been resolved in federal court and as a result, the Board of Legislators finds that it is appropriate to review its solid waste management program and amend the same in order to address its current needs.

5. The goal of the County's Solid Waste Management Plan is to create a system of solid waste collection, transportation and disposal that is financially self-supporting, without the use of tax money to subsidize the waste management and recycling program costs. The Board of Legislators finds that designing an integrated solid waste management system that is financially supported by a user fee system is more equitable than one funded by taxes. Revenues needed to pay for the County's solid waste system are derived primarily from user fees that are based on the amount of non-recyclable waste delivered to the County's facilities, rather than from tax revenues that are based on the assessed value of properties in the County. Revenues from the sale of recyclable materials also contribute to system operating costs, however, to a lesser degree.
6. The County provides a strong economic incentive to maximize recycling and waste reduction, by only charging a fee on non-recyclable waste deliveries. The County does not charge for the use of its recycling programs and recycling services. Thus, both those who generate waste and those having a commercial waste hauling permit have an incentive to reduce their disposal costs by increasing their recyclables. Tipping fees on non-recyclable wastes are used to financially support the County's recycling programs which do not generate sufficient revenues to support themselves. This user fee system encourages recycling and other waste reduction activities and therefore maximizes environmental benefits. All classes of waste generators are equitably served when all classes deliver their wastes to the County's system. However, fiscal inequity results when some classes of generators or a significant number of waste generators or haulers do not participate in the system. In addition, waste reduction and recycling benefits are lost when recyclable materials are commingled with non-recyclable waste for disposal at out-of-system facilities.
7. Furthermore, establishing a regulatory scheme, including the granting of permits to collect and transport recyclables and waste within Lewis County is both a sound governmental function and provides a safe and effective means of controlling the collection, transportation and disposal of solid waste and recyclables.
8. The Board of Legislators finds and declares that establishing an integrated system of solid waste collection, transportation and disposal that directs all of the non-recyclable waste generated in Lewis County to the public facilities established for the system is the most effective means of achieving the goals of its Solid Waste Management Plan. Recent judicial decisions in the federal courts have determined that municipal governments indeed have the power to direct the flow of waste

materials to public facilities. The County of Lewis remains authorized by Chapter 369 of the Laws of 1991 of the State of New York to direct the flow of waste generated in the County to facilities constructed for that purpose. The Board of Legislators hereby declares it to be in the public interest to adopt the annexed legislation amending and restating Local Law No. 5 of 1992, requiring that all Solid Waste generated or collected within Lewis County be delivered to a Lewis County Transfer Station and/or directly to the Authority Landfill for disposal. The Board of Legislators further finds that including all such recyclable and non-recyclable waste within the integrated system is the best means of providing for the long-term benefit of all participants of the system.

SECTION I. DEFINITIONS

- a. **Authority Landfill** shall mean the Landfill owned and operated by DANC and located at State Route 177, Town of Rodman, State of New York.
- b. **Board of Legislators** shall mean the duly elected County Board of Legislators for the County of Lewis, State of New York.
- c. **Commercial Waste Permit** shall mean the permit issued pursuant to Section III.1 of this local law.
- d. **Commercial Waste** shall mean Solid Waste generated from commercial, business, institutional, educational, or other non-residential sources in the County, but shall not include Construction and Demolition Debris, Industrial Waste, Hazardous waste or Infectious Waste.
- e. **Committee** shall mean the Lewis County Highway/Solid Waste Committee, or its successor, as the same may be established by the Lewis County Board of Legislators.
- f. **Construction and Demolition Debris** shall mean uncontaminated Solid Waste resulting from construction, remodeling, repair and demolition of structures, roads, buildings and land clearing, and seasonal and storm related clean-up. Such wastes include, but are not limited to: bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, dry wall, plumbing fixtures; incidental metals, plastics, and glass, road spoils, paving material, and roofing materials.
- g. **Reserved**
- h. **Coordinator** shall mean the Lewis County Solid Waste Management and Recycling Coordinator.
- i. **County** shall mean Lewis County, New York, a municipal corporation of the State of New York, with offices at Lowville, New York and all of its political subdivisions.
- j. **Department** shall mean the Lewis County Solid Waste Management and Recycling Department, or its successor. The Coordinator, or his appointee, is authorized to act on behalf of the Department and the Committee.
- k. **Designated Recyclables** shall mean the following materials, as will be more specifically described in guidelines established by and that may be modified from

time to time by the Coordinator and which shall be separated from the Solid Waste stream for collection and/or delivery to a materials recovery facility or other recycling facility, Transfer Station or Processor:

- 1 newspapers
- 2 magazines,
- 3 catalogs,
- 4 office paper,
- 5 junk mail,
- 6 phone books,
- 7 corrugated cardboard,
- 8 boxboard,
- 9 glass containers, clear only
- 10 tin or aluminum cans,
- 11 plastic containers, No. 1 & No. 2 only, up to and including 2 gallon in size, and
- 12 vehicle batteries.

The list of Designated Recyclables may be modified from time to time by regulation promulgated by the Coordinator.

- l. **Facility** shall mean any Solid Waste management facility or facilities owned and/or operated, or caused to be operated by the County, a municipality, or more than one municipality jointly, or public authority, or any other such facility or facilities within or out of the County that accepts or disposes of Solid Waste and/or Recyclables, including but not limited to landfills, transfer stations, materials recovery facilities, drop off centers, and resource recovery facilities.
- m. **Farm** shall have the meaning specified in 6 NYCRR Part 360 - 1.2 as the same may be amended, suspended or replaced.
- n. **Hazardous Waste** shall mean those materials, substances, or wastes including, but not limited to, pesticides and containers used for pesticides, other waste which appears on the list or satisfies characteristics of hazardous waste promulgated by the New York State Commissioner of the Department of Environmental Conservation, and any other material, determined now or in the future, to be hazardous by State or Federal rule, regulation and/or statute.
- o. **Household Hazardous Waste** shall mean household hazardous waste as defined in 6 NYCRR Part 360 of the State of New York as the may be amended from time to time.
- p. **Industrial Waste** shall mean Solid Waste generated by manufacturing or industrial processes. Such waste may include, but is not limited to, the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastic and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay

and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include oil or gas drilling, production, and treatment wastes (such as brines, oil, and fluids); or overburden, spoil, or trailing resulting from mining; or solution mining brine and insoluble component wastes.

- q. **Infectious Waste** shall have the meaning specified in 6 NYCRR 360-1.2 as the same may be amended from time to time.
- r. **Open Dump** shall mean a Solid Waste disposal area which is not authorized to be operated under applicable Federal and State laws and regulations.
- s. **Person or Persons** shall mean any individual, company, partnership, association, firm, corporation, municipality, or any other entity.
- t. **Processor** shall mean a primary user of the particular material such as Recyclables, including but not limited to glass factories, de-tinners, plastic recovery facilities, paper mills or consolidators of such materials not including the County.
- u. **Prohibited Materials** shall mean materials which shall not be accepted at a County Facility or the Authority Landfill; provided, however, that the Board of Legislators may accept certain Prohibited Materials or designated components thereof at a Facility in the County pursuant to rules and regulations (i) adopted by the Department and (ii) approved by the Board of Legislators. The following materials shall be Prohibited Materials, and such list may be modified from time to time by the Board of Legislators.
 - 1. Recyclables and Designated Recyclables that are not separated from non-recyclable materials, except as otherwise determined by the Department;
 - 2. Liquid wastes;
 - 3. Pesticides and chemicals;
 - 4. Junked vehicles;
 - 5. Explosives;
 - 6. Hot ashes;
 - 7. Sealed containers;
 - 8. Hazardous Waste;
 - 9. Waste oils;
 - 10. Green waste (including leaves, grass, brush, garden and lawn cuttings, woodchips, tree limbs up to 3" wide);
 - 11. Liquid paint and paint thinners;
 - 12. Infectious Waste;
 - 13. Septic tank pumpings; and
 - 14. Large dead animals.
- v. **Recyclables** shall mean such material from Commercial Waste, Industrial Waste , Construction and Demolition Debris, and Residential Waste sources, including but not limited to "Designated Recyclables", which under any applicable law or regulation, is not Hazardous Waste and which can be reasonably separated from the Solid Waste stream and held for its material recycling or reuse value. Also see the

- definition of “Designated Recyclables” for a list of materials that the County requires to be separated from the Solid Waste stream for collection and/or delivery to a materials recovery facility or other recycling facility, Transfer Station or Processor.
- w. **Refuse** shall mean putrescible and incidental non-putrescible Solid Waste including, but not limited to, animal, vegetable and paper waste. Refuse originates primarily in homes, businesses and restaurants, and has characteristics similar to that of Solid Waste collected and disposed of as part of normal residential and commercial collections in the County.
 - x. **Resident** shall mean any individual who is a legal resident of the County or any individual who is a temporary resident of the County.
 - y. **Residential Waste** shall mean Solid Waste generated from all houses, apartments and other residential dwellings, including, but not limited to, all single family dwellings and multi-family dwellings in the County.
 - z. **Solid Waste** shall have the meaning specified in 6 NYCRR Part 360-1.2 as the same may be amended, superseded or replaced.
 - aa. **Reserved.**
 - bb. **State** shall mean the State of New York.
 - cc. **Transfer Station** shall mean the Lewis County Transfer Station, located at Rte. 26, in the Town of Lowville, New York, or the Croghan Transfer Station, located at State Route 812, Town of Croghan, New York, which are Facilities used for the consolidation of deliveries made by individual residents and/or Waste Collectors, and for the separation and segregation of recyclable and non-recyclable waste for further transportation and delivery.
 - dd. **Waste Collector** shall mean any individual, association, partnership, firm, corporation, not-for-profit organization, municipality, educational institution or any other Person so deemed by the Department engaged in the business of collection, pickup, transfer, removal and/or disposal of Solid Waste and/or Recyclables.

SECTION II. ADMINISTRATION

1. The Department shall be primarily responsible for the administration and enforcement of the terms of this local law, and for the promulgation of such rules and regulations as may be reasonably required in connection with the administration of this local law or the operation of any County Facility.
2. The Department shall administer the program of registering and permitting all Waste Collectors and other Persons collecting, transporting or disposing of Solid Waste and/or Recyclables generated within the County. This includes the issuance, renewal, and revocation of all permits described in this local law.
3. DANC shall be responsible for the administration of the Authority Landfill and for promulgating such rules and regulations as DANC, in its sole discretion, may deem to be reasonably necessary.

SECTION III. STANDARDS AND REGULATIONS

1. Commercial Waste Permit Requirements

- a. No Waste Collector shall collect, transport or dispose of Solid Waste and/or Recyclables generated within the County without obtaining a Commercial Waste Permit or Special Waste Permit issued by the Department.
- b. All applications for Commercial Waste Permits shall be in writing and shall contain such information as requested by the Department, but at a minimum, as set forth in this local law. Such applications shall include a list of all vehicles (including vehicle license numbers the applicant intends to utilize for the collection of Solid Waste and/or Recyclables in the County. The list shall also describe the cubic yard capacity for each vehicle. All Commercial Waste Permit information shall be verified by the applicant as required by this local law and the Department.
- c. **[Reserved]**
- d. **[Reserved]**
- e. Upon receipt of a complete application, the Department shall thereupon issue the applicant a Commercial Waste Permit so long as the applicant is otherwise deemed by the Department to be in compliance with this local law and related requirements of the Department. A Commercial Waste Permit shall expire on the next June 30th following the date of issue.
- f. Renewal of Commercial Waste Permits shall be in the same manner and subject to the same conditions as original Commercial Waste Permits, and also shall be subject to any additional requirements in effect at the time of application for renewal as specified by the Department, the Committee or the Board of Legislators.
- g. Whenever satisfactory proof, such as by means of an affidavit, is submitted to the Department that a Commercial Waste Permit issued for the purpose set forth in this local law has been lost or destroyed, the Department shall, upon payment of five dollars (\$5.00) by the applicant, issue a new Commercial Waste Permit in lieu of the one that has been lost or destroyed.
- h. No Commercial Waste Permit issued pursuant to the provisions of this local law shall be transferable.

- i. The Commercial Waste Permit holder hereunder shall furnish the Department with a list identifying the municipalities within which collection services are provided and detailing the number of residences, commercial establishments or other generators of Solid Waste and/or Recyclables located in the County and serviced by the applicant. This list shall be prepared at a level of detail satisfactory to the Department and shall be updated by the Commercial Waste Permit holder at the request of the Department, but not more often than every three months.
- j. The Department, pursuant to Section IV of this local law, shall have the power to impose a civil penalty or suspend or revoke a Commercial Waste Permit granted or renewed pursuant to this local law for any violation of any provision of this local law or any applicable rule, regulation, code or ordinance relating to the collection, handling, hauling or disposal of Solid Waste and/or Recyclables including, but not limited to, those promulgated by the Department.
- k. All collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be in strict conformance with the rules and regulations prescribed in this local law and as such rules and regulations may hereafter be amended or supplemented by the Department.
- l. All vehicles used in the collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be maintained in a sanitary condition and shall be constructed as to prevent leakage in transit. The body of the vehicle shall be wholly enclosed or shall at all times be kept covered with an adequate cover. The name of the Commercial Waste Permit holder shall be readily visible on all vehicles, and on all containers utilized for the collection of Solid Waste and/or Recyclables generated within the County.
- m. All vehicles operating under a Commercial Waste Permit shall be operated in such a manner as to prevent spilling or loss of contents.
- m. Any Commercial Waste Permit issued pursuant to this local law shall be in the nature of a privilege subject to the terms and conditions set forth in this local law and as amended or supplemented by the Department, and shall not be deemed to create a property interest with respect to the Commercial Waste Permit in the holder.
- n. All such Commercial Waste Permit requirements specified herein, including, but not limited to, Commercial Waste Permit fees may be amended or adjusted from time to time by resolution of the Board of Legislators or by the Department acting in accordance with policies and/or guidelines established

by the Committee that have been adopted, and that may be amended from time to time, by the Board of Legislators.

3. Disposal of Solid Waste

- a. All Waste Collectors and other Persons shall deliver all Commercial Waste, Industrial Waste, Construction and Demolition Debris, and Residential Waste generated within the County, other than Designated Recyclables or other Recyclables separated at the point of generation for separate collection, to a County Transfer Station, or upon the approval of the Department, to the Authority landfill for disposal.
- b. No tandem truckloads of Construction/Demolition Debris, Industrial Waste or scrap metals shall be accepted at the Transfer Stations, but may be delivered to the Authority landfill if approved by the Department and consistent with the regulations governing use of the Authority landfill.
- c. No Waste Collector shall dispose of Solid Waste at any County Facility without a Commercial Waste Permit. No Waste Collector shall dispose of Solid Waste at any other facility, including the Authority Landfill, without the prior authorization of the Department.
- d. Residents may transport, deliver and dispose of Residential Waste at the County Transfer Stations without the necessity of obtaining a permit, provided that the applicable tipping fees are paid.
- e. Anyone entering a County Facility to dispose of Solid Waste must adhere to the rules and regulations as posted and must follow the instructions of the attendant on duty.
- f. Nothing within this local law shall be construed at any time to restrict the ability of the Department to refuse to accept Hazardous Waste or other Prohibited Materials at any County Facility.
- g. The Department may, from time to time, provide alternative disposal means at the Authority Landfill or other Facilities for selected Prohibited Materials.
- h. No Waste Collector or other Person shall dispose of Solid Waste at a County Facility unless such Person or entity shall pay the applicable tipping fee.
- i. [Reserved].
- j. All Solid Waste disposal requirements specified in this subsection, including,

but not limited to, tipping fees, may be amended or adjusted from time to time by resolution of the Board of Legislators or by the Department acting in accordance with policies and/or guidelines established by the Committee that have been adopted, and that may be amended from time to time, by the Board of Legislators.

4. **Disposal of Recyclables**

- a. **Nothing in this local law shall be construed to prohibit any Person generating Recyclables within the County from separating such recyclables from other wastes and making arrangements for the separate collection or delivery and sale of such materials under such terms as such Person may choose.**
- b. **No Person shall commingle Designated Recyclables with other Solid Waste and set such Designated Recyclables and Solid Waste at curbside for collection by a Waste Collector.**
- c. **No Waste Collector shall collect Designated Recyclables commingled with other Solid Wastes from any customer in the County.**
- d. **All Waste Collectors shall provide customers that place separated Designated Recyclables at curbside a separate collection for such Designated Recyclables, and shall not commingle such Designated Recyclables with other solid wastes.**
- e. **Designated Recyclables collected at curbside by a Waste Collector may be delivered to a County Facility or to another facility capable of sorting and marketing said material, provided that such facility is permitted or registered with the State, or approved by the Department.**

SECTION IV. ENFORCEMENT

1. **Presumptions**

There shall be rebuttable presumptions in the enforcement of this local law that:

- a) **The placement of any Container which is marked or identified with the name of any Waste Collector, at any location within the County, shall be presumptive evidence that said Waste Collector is providing solid waste collection services at said location within the County as of the date of said placement.**

- b) Evidence of Solid Waste in a Container located in the County as described in Section IV(1)(a) above, and subsequent observation of the same Container empty, shall be presumptive evidence that Solid Waste was collected from the Container by the Waste Collector whose name is marked on the Container.
- c) The failure to deliver any Solid Waste to a facility designated by the department pursuant to Section III(3)(a) within three days of the collection of Solid Waste from any location within the County shall be presumptive evidence of a violation of Section III (3)(a) of this local law.

2. Administrative Sanctions

- a) Penalties and License Suspension/Revocation. The Department shall have the right to impose a civil penalty and/or suspend or revoke any Commercial Waste Permit if the holder of such permit violates any of the provisions of this local law or any rules, regulations or requirements of the Department that may be adopted and modified from time to time in accordance with this local law. Civil penalties shall be assessed in an amount sufficient to compensate the County for any injury suffered, or any costs incurred by the County as a result of the violation. Civil penalties, or suspension or revocation of a Commercial Waste Permit may be imposed only after service of a written notice of violation upon the permit holder and, if demanded, a hearing as provided for in this local law.
- b) Notice. Upon any violation of the provisions of this local law or any applicable rules, regulations or requirements of the Department, the Department may serve notice in person or by ordinary mail sent to the holder of any permit issued pursuant to this local law, at the address set forth in the permit application on file with the Department. Such notice shall state the Department's intent to revoke or suspend, and/or impose a civil penalty upon the permit holder. Any holder of a Commercial Waste Permit may demand a hearing as allowed by Section IV.2.a of this local law, by serving upon the Department a written request for a hearing; such request must be received by the Department within ten days of the date of service of notice. Upon receipt of such demand, a hearing shall be scheduled and held at the offices of the Department.
- c) If the holder of a Commercial Waste Permit served with Notice pursuant to subsection (b) above fails to demand a hearing within the ten-day

notice period provided for in Section IV.2.b, the revocation, suspension and/or surcharge provided for in the notice, shall be effective.

- d) Hearings. Hearings pursuant to this Section IV(2) shall be conducted by a Board of Hearing. The Board of Hearing shall consist of three persons designated by the Board of Legislators. In any hearing conducted pursuant to this Section, the following shall apply:
- (1) A stenographic record shall be kept.
 - (2) The permit holder may be represented by counsel.
 - (3) Witnesses shall be sworn and subject to cross-examination.
 - (4) Evidence submitted shall be relevant and may include evidence as to the past performance of the permit holder. Hearsay evidence shall be admissible, but shall be accorded such weight as the Board of Hearing deems appropriate, consistent with its reliability.
 - (5) Findings of fact shall be made by a majority of the Board of Hearing, in writing, upon a preponderance of the evidence.
 - (6) Upon a finding that a violation is proved, the Board of Hearing, by majority vote, shall impose such civil penalty, or order such suspension or revocation of the Commercial Waste Permit, as it deems appropriate. The determination of the Board of Hearing shall be final, and shall be subject to judicial review.
- e) Any person who shall set Designated Recyclables commingled with other solid waste out for collection shall be liable for a civil penalty of up to \$500 per incident.
- f) Any Person who is ordered to pay a civil penalty for a violation of the provisions of this local law shall pay such penalty in full before any permit issued pursuant to this local law can be renewed or reinstated, unless otherwise ordered by the Board of Hearing.
- g) Civil Enforcement. The County may enforce the orders and decisions of the Board of Hearing in a civil court of competent jurisdiction of the State

of New York, including, but not limited to actions for declaratory and injunctive relief.

3. Enforcement Guidelines

- a. The Department or Committee shall notify in writing each Waste Collector presently collecting, transporting and/or delivering Solid Waste generated or collected in Lewis County of the adoption of the within local law and the effective date thereof. Such notice shall be delivered by first class mail at the last known address or business address or in person. Any such Waste Collector or Contractor so notified shall have sixty (60) days from the date of such notice to comply with the rules, regulations and requirements set forth herein. Thereafter, the Department shall implement the enforcement provisions of this local law as set forth herein.

SECTION V. EFFECTIVE DATE

This law shall take effect on July 1, 2008.

SECTION VI. SEVERABILITY

If any part of this local law, as originally enacted or as amended from time to time, is found to be illegal, or its application to any Person or circumstance is held invalid, the remainder and the application of its provisions to Persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall remain in full force and effect.

**LEWIS COUNTY DEPARTMENT OF SOLID WASTE
COMMERCIAL WASTE PERMIT**

KNOW ALL MEN BY THESE PRESENTS:

The following commercial waste hauler is permitted to collect, pickup, transfer, remove and/or dispose of Solid Waste and/or Recyclables within Lewis County pursuant to Lewis County Local Law No. 2 -- 2008:

Permit Holder Name:	
Permit No.	
Billing Address:	
Physical Address (if different than above):	
Owner's (Contact) Name	
Company Phone:	
Fax:	
E-mail:	
Permit Expiration Date:	June 30, 2009

Municipalities within which collection activities are provided:

All vehicles used in the collection, transportation and/or disposal of Solid Waste and/or Recyclables shall be maintained in a sanitary condition and shall be constructed as to prevent leakage in transit. The body of the vehicle shall be wholly enclosed or shall at all times be kept covered with an adequate cover. All vehicles shall be operated in such a manner so as to prevent spillage or loss contents in transit.

The name of the Commercial Waste Permit holder shall be readily visible on all vehicles, and on all containers utilized for the collection of Solid Waste and/or Recyclables generated within the County.

A copy of this permit must be carried in each vehicle used by the permit-holder to haul waste in Lewis County and must be made available for inspection upon request by any Lewis County employee, agent or representative, including any employee or agent of DANC. The permit number assigned above must be displayed on the outside of each vehicle and be readily visible.

This permit is non-transferable. Nothing herein shall be construed at any time to restrict the ability of the Department to refuse to accept Hazardous Waste or other Prohibited Materials at any County Facility.

Date: _____

Thomas Sweet, Solid Waste Coordinator

PART II

Company Name _____

List Additional Vehicles on separate sheets if necessary.

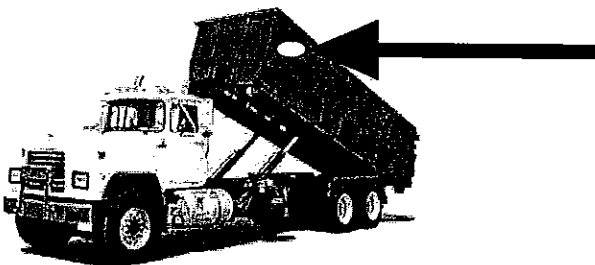
Roll Off Container Inventory

Note: all roll off containers having a capacity equal to or greater then ten (10) cubic yards utilized in Lewis County must be listed below.

Identification #	Cubic Yards	Container Color

Identification #	Cubic Yards	Container Color

*If you do not assign an Identification Number to your roll off containers, the County will assign one for your use. You will be required to affix your company name along with your permit number on each container in permanent lettering that is readily visible and a minimum of four (4) inches in height, on the driver's side of the container near truck cab. See example below.



COMMERCIAL WASTE PERMIT APPLICATION CERTIFICATION

I certify under penalty of law, individually (if a sole proprietor or partnership) and on behalf of the below referenced company ("the Company") as its duly authorized representative, that I have personally examined and am familiar with the information submitted in this application package and all attached documents; and affirm the following: the submitted information is true, accurate and complete; that all Solid Waste originating within Lewis County and picked up or delivered by the Company or at the direction of the Company shall be delivered to the Authority Landfill operated by DANC located at State Route 177, Town of Rodman, NY or any Lewis County transfer stations; that no Prohibited Material will be delivered; that I, the Company, and its or my officers, employees, and agents agree to abide by the terms and conditions set forth under Local Law # 2 of 2008, as the same may be amended from time to time.

I, individually (if a sole proprietorship or partnership) and on behalf of the Company, agree to indemnify and hold harmless the County of Lewis from any liability arising from the disposal of any waste or materials delivered by or at the direction of such Company. I, individually (if a sole proprietorship or partnership) and on behalf of the Company, represent that we are aware that there are significant penalties for the violation of terms and conditions set forth in the Local Law # 2 of 2008, as the same may be amended from time to time, and for submitting false information, including but not limited to fines, imprisonment and the revocation of the permit for the use of the landfill facilities

All certifications, representations, agreements and indemnification's made herein are made on behalf of and shall be binding upon and shall be the obligations of the below referenced Company, its officers, employees and agents, the undersigned being such Company's duly authorized representative acting herein on its behalf and with full authority to bind the same, and such Company shall cause its officers, employees and agents to proceed and act in conformance herewith. Additionally, if the Company is a sole proprietorship or partnership, such certifications, representations, agreements and indemnifications herein are also made individually by the undersigned.

Nothing herein shall be construed as preventing the prosecution of persons making false statements or otherwise personally violating applicable provisions of law.

Company: _____

Address: _____

Print Name: _____

Title: _____

Signature: _____

Date: _____

STATE OF NEW YORK)
COUNTY OF _____)

On the _____ day of _____, 200__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York
Appointed in _____ County
My Commission Expires:

Notary Public

Thomas M. Sweet, Solid Waste
Coordinator

Date issued

**Commercial Permit Instructions
for permit period July 01, 2008 – June 30, 2009**

1. Please fill out the enclosed commercial permit application.
2. Mail permit application to our office as soon as possible for prompt processing.
3. All Commercial Waste Permits shall expire on the next June 30th following the date of issue. It is your responsibility to renew your application on or before such date.

A copy of Local Law No. 2 of 2008 and Solid Waste and Recycling Guidelines are enclosed for your use.

If you have any questions, please do not hesitate to contact our office. Thank you.