

A local law known as the "Solid Waste Disposal Law of the Town of Sheldon."

Be it enacted by the TOWN BOARD of the Town of SHELDON, as follows:

I. Title.

This Local Law shall be known as the "Solid Waste Disposal Law of the Town of Sheldon."

II. Introductory Matters.

A. Findings of the Town Board

The Town Board finds as follows:

1. Geological sciences are limited in their ability to ascertain the direction and flow of ground waters, to map subterranean geology, and to otherwise reliably determine the extent to which solid wastes may contaminate ground water including domestic water supplies.
2. The residential and commercial solid wastes forming "municipal solid waste" have, by reason of state and federal regulations permitting disposal of residential and small user quantities of hazardous waste, significant quantities of hazardous waste.
3. The Town's needs, and region's needs, for solid waste disposal are, at present, adequately met by existing resource recovery, incineration and solid waste disposal facilities.
4. Future correction of pollution from sanitary landfills may be very expensive or impossible to achieve. Ground water pollution threatens the health and livelihood of Town residents who rely exclusively on ground water for human consumption and agricultural purposes.
5. The Town's existing community character will be adversely and unalterably impacted by the location and operation of any further solid waste management facilities within the Town.

6. Substantial scientific opinion questions the environmental and health effects of both "resource recovery" facilities that incinerate or burn solid waste and of the handling and disposal of ash residue from such facilities. Recent NYSDEC and federal Environmental Protection Agency studies indicate that such ash often demonstrates the characteristics of hazardous waste by the leaching of heavy metals in toxic amounts.

7. Solid waste regulation under the New York Environmental Conservation Law (ECL) is inadequate to relieve the foregoing concerns, furthermore, such regulation does not adequately address local planning, zoning and land use considerations.

8. Few, if any, municipal solid waste landfills within the State of New York meet recent Clean Air Act (as amended) criteria for combustion of landfill gases, including non-methane organic compounds, so that such landfills typically constitute and are likely to continue constituting significant sources of air pollution.

9. Existing state and federal regulation of municipal solid waste disposal facilities does not ensure that adequate funds for closure and post-closure monitoring and maintenance will be reserved for a period of longer than 30 years, which is much shorter than the length of time most solid waste disposal facilities will require post-closure care and maintenance in order to prevent ground water pollution.

B. Purposes of Local Law

The Town Board intends by this Local Law:

1. To restrict the operation of solid waste management facilities within the Town in order to preserve and promote a clean, wholesome, and attractive environment for the community;

2. To protect the residents of the Town from the effects of solid waste disposal, including

- a. unaesthetic results, including odors, blowing litter, increased traffic, dust, and noise, and
- b. deterioration in property values associated with adjacent or proximate disposal operation that may interfere with the orderly development of properties; and
- c. threats to public health or the environment by contamination of air, land, surface waters, or groundwaters.

3. To exercise the Town's police powers under the Municipal Home Rule Law and Section 130 and 136 of the Town Law for the physical and mental well-being and safety of its citizens and to restrict solid waste disposal operations within the Town that might otherwise be permitted under the Environmental Conservation Law (ECL). Section 27-0711 of the ECL specifically recognizes and authorizes the right and authority of a town to legislate stricter controls on solid waste disposal operations than state law requires.

4. To otherwise address and, where appropriate, remedy those findings of the Town Board set forth above.

III. Definitions

The following definitions shall apply to the corresponding words:

A. **COMMERCIAL HAZARDOUS WASTE, TREATMENT, STORAGE and DISPOSAL FACILITY** - Any facility that solicits or accepts hazardous waste from third parties for the purpose of treating, storing or disposing of hazardous wastes.

B. **HAZARDOUS WASTE** - Waste meeting the definition set forth in 6 NYCRR Part 371.

C. 6 NYCRR - Title 6 of the New York Code, Rules and Regulations.

D. SOLID WASTE MANAGEMENT FACILITY - any facility employed beyond the initial solid waste collection process and managing solid waste including, but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; processing facilities; landfills; ashfills; disposal facilities; solid waste incinerators; recycling facilities; and waste tire storage facilities.

E. SOLID WASTE - all putrescible and non-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, including but not limited to garbage, refuse, industrial, commercial and household waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue and construction and demolition debris. In addition:

1. a material is "discarded" if it is abandoned by being:
 - a. disposed of;
 - b. burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy; or
 - c. accumulated, stored, or physically, chemically, or biologically treated (other than burned or incinerated) instead of or before being disposed of.

2. A material is "disposed of" if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water.

F. INDUSTRIAL WASTE - any liquid, gaseous, solid, or waste substance or combination thereof resulting from any process of industry, manufacturing, trade, or business. It shall include, but not be limited to, pesticides, lime, acids, chemicals, petroleum, products, tar, and dye-stuffs.