

ARTICLE XVII

SEPARATION OF NON-OFFENSIVE MATERIALS

17.1.0 - Declaration of Policy

It is hereby declared to be the policy of the Rockland Health District to protect the Public Health and Environment of the citizens of Rockland County by requiring the separation of non-offensive materials from the putrescible, infectious, and offensive materials by County residents and businesses, and to enforce such requirements. (*Revised 6/16/10.)

17.2.0 – Purpose

It is hereby declared that the purpose of this article is to establish, implement, and enforce reasonable non-offensive materials separation practices and procedures applicable to every person, household, business, and institution within Rockland County in order to reduce the amount of infected and contaminated solid waste that would require special processing should a highly infectious disease appear in the county. (*Revised 6/16/10.)

17.3.0 – Definitions

Whenever used in this Article, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following terms shall have the meanings herein set forth or indicated:

17.3.1 Dwelling

The term “**dwelling**” shall mean any building or structure, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

17.3.2 Facility

The term “**facility**” shall mean any structure other than a single-family dwelling, occupying more than 10,000 square feet,

17.3.3 Non-Offensive Material (*Added 6/16/10.)

The term “**non-offensive material**” as used in this Article shall mean -

17.3.3.1 Mixed paper defined as any clean paper products including but not limited to newspaper, mail, cardboard, school and office paper, magazines, catalogs, telephone books, paperback books and brown grocery bags.

17.3.3.2 Commingled containers defined as containers made from all grades of plastic (except styrofoam and plastic bags), aluminum, metal, and glass.

Rockland County Sanitary Code

17.3.3.3 Construction and demolition debris as used in this Article shall mean solid waste resulting from construction, remodeling, repair, demolition of structures, and road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, lumber, and asphalt.

17.3.3.4 Yard waste defined as grass clippings, leaves, brush and cuttings from shrubs, hedges and trees. Trees and tree stumps are exempt from this part.

17.3.3.5 Scrap metals as used in this Article shall mean white goods (stoves, refrigerators, washing machines, dishwashers and hot water heaters), metal furniture, recognizable and uncontaminated metal vehicle parts (excluding mufflers and catalytic converters and parts that contain fluids or motor oils), metal pipes, bed frames, metal sheds and other metal objects, and which has been discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, having served their intended use.

17.3.4 Garbage

The term “**garbage**” shall mean putrescible and non-putrescible solid wastes, which are generated by any Person during any public or private activity, which are not Hazardous Wastes, liquids or sludges, or materials mandated for source separation as defined in this Article.

17.3.5 Hazardous Waste

The term “**hazardous waste**” shall mean any waste which by reason of its quality, concentration, composition or physical, chemical or infectious characteristics may do the following: cause or significantly contribute to, an increase in mortality, an increase in serious irreversible or incapacitating illness, or pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise mismanaged.

17.3.6 Infectious Material

The term “**infectious material**” shall mean any material containing any organism (such as a virus or bacterium) that is capable of being communicated by invasion and multiplication in body tissues and is capable of causing disease or adverse health impacts in humans.

17.3.7 Offensive Materials

The term “**offensive materials**” as used in this Article shall mean any sewage, fecal matter, manure, offal, garbage, dead animals, meat wastes, blood, petroleum waste products, liquid or solid chemicals, pool waste water, any putrescible organic matter, the contents of sewage disposal systems (either liquid or solid state), or any substance or liquid dangerous or prejudicial to health, safety or general welfare, or gives rise to offensive odors. This shall include solid waste

Rockland County Sanitary Code

as defined in Chapter 350-2 of the Laws of Rockland County to the extent permitted by all other New York State Laws and Regulations. (*Revised 6/16/10.)

17.3.8 **Owner**

The term “**owner**” shall mean any person who, alone or jointly or severally with another: (1) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or (2) shall have charge, care, or control of any dwelling or dwelling unit, as owner, lessee, mortgagee or vendee in possession, assignee of rents, or as a receiver; of an executor, administrator, trustee, or guardian of the estate of the owner. Any agent for any of the above shall be bound to comply with the provisions of this Part to the same extent as if he were the owner.

17.3.9 **Person**

The term “**person**” shall mean and include any individual, firm, public or private corporation, municipality, political subdivision, association, partnership, institution, public body, facility manager, condominium or townhouse association, joint stock association or any other group of individuals, and includes plural, as well as singular.

17.3.10 **Putrescible**

The term “**putrescible**” shall mean that the material in question is capable of undergoing the process of decomposition resulting in the formation of malodorous byproducts.

17.3.11 **Suitable Container**

The term “**suitable container**” shall mean the receptacles to be utilized for the set-out of mandated materials, in accordance with applicable municipal ordinance, as supplied by the applicable municipality, or as approved by the Commissioner of Health.

17.4.0 Separation and Storage Requirements: (*Revised 6/16/10.)

17.4.1 All persons, in accordance with the provisions of this Article, shall not combine non-offensive materials with any hazardous waste, infectious material, offensive material, or any other non-offensive material. (*Revised 6/16/10.)

17.4.2 All commingled containers listed in Section 17.3.3.1 shall be drained, rinsed or wiped to remove excessive putrescible, infectious or offensive material before storage, transportation, or collection so as to maintain a sanitary environment. (*Revised 6/16/10.)

17.4.3 All mixed paper products and commingled containers shall not be combined and must be stored in separate suitable container protected from the weather and of a size suitable for the quantity of material generated on the site. (*Revised 6/16/10.)

Rockland County Sanitary Code

- 17.4.4 Concrete and asphalt shall not be combined with any other construction and demolition debris listed in Section 17.3.3.2. (*Added 6/16/10.)
- 17.4.5 Suitable containers shall have appropriate signage identifying the materials to be placed in each receptacle and prohibiting the use of the suitable container for ordinary garbage. (*Revised 6/16/10.)

17.5.0 - Mandatory Reporting Requirements

- 17.5.1 The following Persons shall complete and submit a Separation of Non-Offensive Materials Plan to the Rockland County Health Department: (*Revised 6/16/10.)
 - 17.5.1.1 Any person, other than a homeowner, who owns or operates a facility of 10,000 sq. ft. or more;
 - 17.5.1.2 Any person who employs fifteen (15) or more employees; (*Revised 6/16/10.)
 - 17.5.1.3 Any person who owns or operates an apartment, condominium or townhouse complex consisting of three or more dwelling units.
- 17.5.2 Such plan shall be submitted on a form supplied by the Commissioner of Health or in a format approved by the Commissioner of Health.
- 17.5.3 Such plan shall be submitted no later than sixty (60) days after the effective date of this Article.
- 17.5.4 Such plan shall be implemented within ninety (90) days of approval.
- 17.5.5 For persons employing more than one hundred (100) employees, such plan shall be reviewed every year and an updated plan shall be submitted to the Health Department no later than January 15th of each year. For all other persons required to submit a Separation of Non-Offensive Materials Plan, such plan shall be reviewed every five years and an updated plan shall be submitted to the Health Department no later than January 15th of that year. (*Revised 6/16/10.)
- 17.5.6 If such plan is modified at any time, the modified plan shall be submitted to the Health Department within sixty (60) days of completion. (*Added 6/16/10.)

17.6.0 - Severability

If any part of this Article is found to be invalid by a court of competent jurisdiction, the remaining sections shall remain in full force and effect.

17.7.0 – Fee (*Added 6/16/10.)

A fee shall be charged for each plan review in accordance with Article I of the Rockland County Sanitary Code. This fee shall be paid by cash, check or money order made

Rockland County Sanitary Code

payable to the Commissioner of Finance of Rockland County. Payment shall accompany the submission of the Separation of Non-Offensive Materials Plan.

17.8.0 - Effective Date (*Revised 6/16/10.)

Article XVII became effective on May 1, 2000. Revised: June 1, 2003 and October 26, 2005. Revised June 18, 2008. Added to and revised June 16, 2010.