

ULSTER COUNTY  
RESOURCE RECOVERY AGENCY

***BY-LAWS FOR USE OF FACILITIES***

**BY-LAWS FOR USE OF FACILITIES**

**AMENDED INTERIM BY-LAWS FOR USE OF FACILITIES OF THE ULSTER COUNTY RESOURCE  
RECOVERY AGENCY INCLUDING LICENSING, APPLICATION, APPROVAL PROCESS AND  
REVOCATION OF LICENSE.**

The Ulster County Resource Recovery Agency hereby amends the Interim By-Laws of the Ulster County Resource Recovery Agency which were originally effective April 1, 1993.

The Ulster County Resource Recovery Agency incorporates by reference into the Amended By-Laws, the license application procedures contained in Sections 7, 8 and 9 of the County Local Law 10 of 2012.

These Amended Interim By-Laws are effective as of January 28, 2013.

Authority: Public Authorities Law Section 2050-e(10)

Date: June 05, 2013  
Kingston, New York

  
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TIMOTHY ROSE  
Executive Director

Ulster County Resource  
Recovery Agency

AMENDED INTERIM BY-LAWS FOR USE OF FACILITIES OF  
THE ULSTER COUNTY RESOURCE RECOVERY AGENCY  
INCLUDING FINANCIAL, CREDIT, INVOICING AND ACCOUNT PRODEDURES

1. The Ulster County Resource Recovery Agency hereby amends the Interim By-Laws of the Ulster County Resource Recovery Agency which were originally effective April 1, 1993.
2. The Ulster County Resource Recovery Agency incorporates by reference into the Amended By-Laws, the permit application procedures promulgated by the County of Ulster Health Department for Solid Waste Haulers as Part C of the Interim By-Laws Transfer Station Facilities of the Ulster County Resource Recovery Agency.
3. These Amended Interim By-Laws shall be effective August, 1997.

Authority: Public Authorities Law, Section 2050-e(10)

Date: August 1997  
Kingston, NY 12401

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Michael Bemis  
Executive Director  
Ulster County Resource  
Recovery Agency

AMENDED  
INTERIM BY-LAWS  
ULSTER COUNTY RESOURCE RECOVERY AGENCY

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AMENDED  
INTERIM BY-LAWS  
ULSTER COUNTY RESOURCE RECOVERY AGENCY  
FOR USE OF AGENCY FACILITIES  
PART A

Facilities Use Requirements

1.0 General

The Agency has established two Regional Transfer Stations and a Materials Recovery Facility to receive Solid Waste generated in Ulster County. These Regional Transfer Stations are referred to as the “Facility” of “Facilities” herein. They are:

1. New Paltz Regional Transfer Station, Clearwater Road, New Paltz, New York
2. Ulster Regional Transfer Station, Route 32, Ulster, New York

2.0 License Required

No one may dispose of solid waste at the Facilities until a license to do so has been granted by the Agency Executive Director. No person may dispose of solid waste at the Facilities unless permission is granted by the Executive Director.

2.1 Application Procedure

Any person seeking a license shall obtain a licensing packet from the Agency. The license application, in the form annexed hereto, must be submitted to the Agency, attention of the Executive Director.

2.2 Application Approval Process

The Executive Director shall approve or deny all applications for a license within ten (10) business days of receipt of a complete application. If an application is denied, the Executive Director shall provide the reasons for denial.

2.3 Revocation of License

The Executive Director shall have the power to revoke any license on the following grounds,

- (i) The licensee has violated the terms of the by-laws of the Agency, including specifically Part B of the by-laws;
- (ii) The licensee has violated or has been served with a notice of violation of the Solid Waste permit granted by the Ulster County Health Department; or

(iii) Licensee has violated or been served with a notice of violation of the Ulster County Mandatory Source Separation Law;

(iv) The licensee has violated or been served notice of violation of the provisions Federal or State law, rule or regulation applicable to the collection, transportation and disposal of Solid Waste.

Before revoking a license, the Executive Director shall first serve notice of revocation of the licensee. The Executive Director shall provide the licensee with an opportunity to respond to the notice of revocation. Such response may be in the form of a written documentary submission and/or a hearing before the Executive Director. Any response to the notice of revocation must be received within (30) days of the mailing of the notice of revocation. The Executive Director must hold the hearing within fifteen (15) business days of the request for same. Revocation of the license will not become effective unless and until such documentary submission or hearing has been held.

The Executive Director shall provide the licensee with written notification of revocation of the license and the reasons therefore.

### 3.0 Denial of Access

The Executive Director may deny any licensee access to the Facilities if the Facilities if the Executive Director, upon due investigation, determines that the licensee has violated any provision of these by-laws, including, specifically, Part B hereof.

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PART B

Financial Procedures

1.0 Billing, Credit, Invoicing and Accounting

1.1 General Procedures

The Agency has the responsibility to set fees for the use of Agency facilities and to bill and collect from users of these facilities

All revenues and other monies received by the Agency will be deposited daily into the Agency's account and transferred to the Operating account at a local bank. Within four weeks of receipt, a portion of these revenues are transferred into accounts established under the Escrow Agreement. The Agency may withdraw money from the operating account from time to time to pay operating expense.

1.2 Calculation of User Fees

User fees are determined by the amount of waste delivered at each facility times the tipping fee. The tipping fees are determined by Agency resolutions on a periodic basis. Each vehicle is weighed upon entering and exiting the facility site (in some cases the tare weight stored in the computer is used). As each vehicle crosses the inbound scale, the scale operator enters the identification number and any additional required data into the computer. Upon crossing the outbound scale, the computer will calculate the net weight of material delivered, stores this information, and prints out a delivery ticket, or receipt, showing the date, time and amount of waste delivered. The computer will accumulate records or deliveries from each user on a semi-monthly basis. The billing cycle is the last day of each month, invoices are prepared for each user covering waste delivered during the previous month. Payment of invoice is due upon receipt.

1.3 Late Charges

Late charges for overdue tipping fee payments will be assessed and paid if the Agency has not received the full amount of any payment required for tipping fees charged by the end of 30 calendar days from the invoice date. The amount of this late charge will be 1.5% per month of the overdue amount.

1.4 Additional Penalties

If an invoice is not paid within 30 days of the invoice date, the user is notified that s/he may be barred from the Agency's facilities until arrangements are made to have the account settled.

## 1.5 Normal Credit Terms

Normal credit terms are net 30 days of the invoice date. However, in the case of new facility users, or users with a history may impose stricter terms.

## 1.6 Credit Procedures

1. Customer applies for credit by filling out a credit application;
2. Upon receipt of credit application, the company is checked out through Dunn and Bradstreet. If the company is not listed with Dunn and Bradstreet, the Agency checks out the references supplied on the credit application;
3. The credit application includes a personal and corporate guarantee of which one must be signed. If the customer does not want to sign a guarantee and credit reports are good to excellent, the Agency will accept a signature as an officer of the company. If, however, the company does not check out as good to excellent, the Agency will insist on a guarantee. If the customer still refuses to sign, the Agency may refuse credit terms or allow only limited credit terms;
4. A decision is then made on whether or not to grant credit, and if granted, how much and the terms of the credit, and the customer will be notified by the Agency.

This decision is based on certain criteria such as age of company, recent payment history, payment trends which are available from D&B, bank references, references from other Solid Waste facilities, and high credit granted by other companies.

The decision is made by the Executive Director after reviewing the applicant's credit information. He may consult with the Finance Committee. The decision is reduced to writing and given to the credit department. At the next Finance Committee meeting, the decision is discussed and reviewed.

A letter is sent notifying the customer of the determination on credit terms established responsibilities.

5. The Agency then implements instructions to set up the customer account. The Controller is responsible for setting up the account on the Scalehouse computer, entering the maximum tonnage credit limitation, and any other computer restrictions. He is also responsible for entering any Special Credit Terms Log and notifying all Scalehouse personnel of the new customer and special terms.

If the account is delinquent and the Agency turns the account over to legal counsel for handling, the customer will be responsible for all reasonable attorney's fees, even though no legal action is commenced, as well as the costs of any legal action.

6. If a customer goes over the maximum tonnage credit, or has a credit hold on his account, the computer will display a message on the Scalehouse computer screen when the operator tries to enter a transaction for this account number. The transaction cannot be completed. The Scalehouse operator will abort the transaction, tell the driver the circumstances and to pull over to the side of the road while he calls the credit department for instructions. The operator will then communicate these instructions to the truck driver.

If the customer's credit hold was previously satisfied, or a decision is made to allow the transaction, the computer block will be removed. Only the Executive Director is authorized to remove or change computer credit blocks.

The credit department gives approval or disapproval depending on the current situation. If the situation brings a past due balance, the credit department will notify the business, by phone, in attempt to collect all past due monies. Depending on the situation and after consultation with the Executive Director, the customer is then notified as to what the current status of the account is. In some cases, the customer will be allowed to use the facilities and then get a payment from the business and bring it back to the facility. In some cases however, a business will not be allowed to use the facility until payment is received.

If the customer has been barred from the Facility for any reason, permission to tip can only be given by the Executive Director or his designee.

7. These procedures do not apply to governmental customers.

#### 1.7 Agency Accounting Procedures

The computer system is utilized to maintain billing, recordkeeping and accounting for the Agency. The Business Office contains a remote terminal of the Scalehouse computer. This remote terminal allows access to all scale data and performs processing invoices and payments. The accounting programs include the following:

- Recording and invoicing for all Solid Waste deliveries;
- Preparation of budgets and comparison of other operating expenses to budgeted allowances.

#### 1.8 Reports

Various reports will be prepared through the Scalehouse computer to assist the accounting operations. These reports are as follows;

- Daily Chronological Report:  
List of each transaction with the same information that is printed on the delivery ticket (excluding the customer's address);
- Bi-weekly Account Summary:  
List of transactions by account;
- Daily Vehicle Log:  
List of information for each vehicle including number of loads, total net weight, total charges and grand totals;
- Monthly Recovered Material Summary:  
List of the number of loads, net weight and total charges for each recovered material type removed from the site.

A copy of each delivery ticket is delivered to the business office by the Scalehouse operator at the end of each business day. All transaction data is transferred to permanent storage daily. Invoices to haulers are computed from the summary of delivery ticket records.

#### 1.9 Budgeting

The Agency operates on a fiscal year which coincides with the calendar year. Under the terms of the Enabling Act and agreements with the County, the Agency must annually establish a tipping fee at a level which will produce sufficient revenues to meet the following requirements for the ensuing fiscal year. Under the Solid Waste Management Agreements, the Agency must establish the tipping fee with certain guidelines and procedures.

#### 1.10 Audit

Following the end of the Agency's fiscal year, all records and with tickets will be audited by a firm of independent public accountants. All facilities transactions will be audited as part of the annual audit.

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PART C

ULSTER COUNTY HEALTH DEPARTMENT  
WASTE HAULER PERMIT PROCEDURES

Section 1.0

Permit Procedures

Section 1.1

Incorporation by Reference

The permit procedure of the Ulster County Department of Health for Solid Waste Haulers are incorporated herein by reference.

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**County of Ulster**

**A Local Law Amending Local Law Number 9 of 1991, Ulster County Solid Waste Management Law**

- (b) Designate Solid Waste Management Facilities that may receive, process, transfer, transport or dispose of Municipal Solid Waste.
- (c) Issue summonses, notices and administrative complaints to persons in violation of the provisions of this Local Law, adjudicate alleged violations, impose civil penalties and license suspensions and/or revocations as provided herein, and take all lawful action to enforce the provisions of this local law, including but not limited to applications to courts of competent jurisdiction.

**Section 6. Rules and Regulations**

When specified in this local law, the Agency may, from time to time, promulgate rules and regulations consistent with the provisions of this local law in order to effectuate the purposes hereof. The procedure for rule making shall be the procedure set forth in section 6 of Local Law Number 4 of 2010 (the Ulster County Mandatory Source Separation and Recycling Law).

**Section 7. Hauler Licensing Requirements**

- (a) No Hauler shall collect, transport or dispose of Solid Waste and/or Recyclable Materials generated within the County without obtaining a Hauler License issued by the Agency. Licenses 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 shall not be deemed to create a property interest with respect to the License in the holder thereof.
- (b) The Agency shall be authorized to issue a Hauler License to qualified applicants upon submission of a written application containing such information as may be required by the Agency for administrative purposes, including, but not limited to, the following:
  - 1. The name and address of the applicant, specifying, in the case of any corporation, the names and addresses of each officer and director thereof.

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2. If the applicant conducts business under a trade name or if the applicant is a partnership, the application for a license must be accompanied by a copy of the trade name or partnership certificate duly certified by the Clerk of the county in whose office the certificate was filed.
3. The experience of the applicant in the business of collection and disposal of refuse and similar material.
4. The number of collection vehicles to be operated by the applicant and a description of each such vehicle, including the ownership of the vehicle, the make, year, model of chassis and body type, the cubic capacity or tare weight, and color of vehicle, the current New York State registration number, and the community or communities in which the vehicle will operate. All vehicles shall be marked with the name of the licensee. The Agency shall be authorized to issue identification numbers for each vehicle, to be marked or affixed thereto.
5. The number and location of all waste and Recyclable Materials containers distributed by the licensee to customers within the County. All such containers shall be marked with the name of the licensee. The Agency shall be authorized to issue identification numbers for each such container, to be marked or affixed thereto.
6. The location of any and all terminals proposed to be used by the applicant for the storage of licensed vehicles.
7. Applicant's proposed daily route and pickup schedule for each area and building to be serviced. Within thirty (30) days of occurrence, any changes in the daily route and pickup schedule shall be reported, in writing, to the Agency. This subdivision shall not apply to such routes and special districts as are provided for by contract with a Municipality.
8. The name, address and telephone number, both day and night, of the applicant or the person in charge of the business.

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9. Any other relevant information the Agency may require.

(c) Additional requisites for obtaining and holding a license.

1. Fees. Each application shall be accompanied by an application fee of \$200, plus \$100 for each vehicle to be used by the licensee in the provision of service in the County. A municipality is not subject to the application fee under the provisions of this paragraph.
2. Insurance. Before a license may be issued by the Agency, each applicant shall file with the Agency proof of the following insurance coverage, consisting of a certificate of the insurance carrier:
  - i. Workmen's compensation insurance or proof of exemption.
  - ii. Disability benefits insurance.
  - iii. Bodily Injury Liability Insurance in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** for each occurrence, and in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** general aggregate.
  - iv. Property Damage Liability Insurance in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** for each occurrence and in an amount of not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** general aggregate.
3. Duty to keep records. Every licensee shall keep complete and accurate books of account with respect to the operation of its business, in which shall be entered and shall show, among other things, all income derived or received from each of its customers and/or other sources, together with

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details of all expenses disbursements made or incurred in the operation of its business. Such books of account shall be kept current on a monthly or quarterly basis and brought up-to-date not later than thirty (30) days after the expiration of such period. All such records shall be retained by the licensee for at least three (3) years.

4. Right of inspection. The Agency shall have the right to inspect books of account and records maintained by the licensee. Every Hauler shall keep and maintain records of every customer serviced by the Hauler. Such records shall be available for inspection and examination at any time upon demand by the Agency, or its duly authorized agent or employee, and shall be preserved for a period of three (3) years, except that the Agency may consent to their destruction within that period or may require that they be kept longer. Such consent shall be in writing and signed by the Agency Executive Director.
  5. Global Positioning System. Each licensee may be required, at the discretion of the Agency, to install and maintain equipment to be identified by the Agency for the tracking of collection vehicles by satellite or other means. If the Agency determines that it is necessary to install a GPS system, then in that event, the Agency shall give the licensee thirty (30) days notice prior to the date of required installation of the GPS system. It shall be the responsibility of the licensee to bear the cost of the GPS system.
- (d) Term of License. Each license issued pursuant to this section shall be valid for a term expiring on December 31 of the year of issuance, unless issued in the month of December, in which case it shall expire the 31<sup>st</sup> Day of December of the next year. License renewals shall be considered in the same manner and subject to the same conditions as original applications.
- (e) Licenses Not Transferable. Licenses issued pursuant to this local law shall not be transferable or assignable by the licensee. Changes in ownership or control of a licensed entity shall be reported to the Agency within 10 days.

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**Section 8. Revocation or Denial of Licenses**

- (a) The Agency shall be authorized to deny an application or suspend or revoke a Hauler license issued pursuant to this local law where one (1) or more of the following situations is found to exist:
1. That the Hauler has failed and refused, without reasonable cause, to collect and dispose of Municipal Solid Waste, except in a situation where a contract has been lawfully terminated.
  2. That the Hauler has failed to account or pay, without reasonable cause, any disposal bills to the Agency.
  3. That the Hauler is insolvent or has made a general assignment for the benefit of creditors or has been adjudged a bankrupt, or a money judgment has been secured against it upon which an execution has been returned wholly or partly unsatisfied.
  4. That the Hauler has failed to keep and maintain records or has refused to allow the inspection thereof as otherwise provided in this local law.
  5. That the Hauler has violated any of the provisions of this local law or the provisions of Local Law No. 4 of 2010 as it currently exists or may be amended from time to time.
  6. That the Hauler has ceased to operate as a private refuse collector for which a license was previously issued.
  7. That the Hauler has been convicted of a felony or misdemeanor which in the judgment of the Agency renders such person unfit or undesirable to hold such license.
  8. That the Hauler has failed to abide by any rule or regulation promulgated by the Agency and implemented in furtherance of its administrative or enforcement efforts.

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- (b) Procedure. Whenever, in the judgment of the Executive Director of the Agency, sufficient evidence exists to support a determination that a license held by any Hauler should be suspended or revoked, or that civil penalties should be imposed pursuant to this local law, the Agency shall serve written notice of such suspension or revocation, and/or the amount of civil penalty imposed, upon the Hauler, together with notice of the effective date of such suspension, revocation or penalty, which date shall be not less than twenty (20) days from the date of such notice. Written notice of suspension or revocation of a license shall be served personally or by certified mail, return receipt requested, addressed to such Hauler's last-known address; and if by certified mail, a copy of the notice shall be posted on the Hauler's premises as stated in the license application. Such notice shall contain factual allegations sufficient to inform the Hauler of the nature and circumstances of the violation charged, and shall further inform the Hauler of the right to a hearing to contest the suspension, revocation and/or penalty. The Hauler may invoke the right to a hearing by serving a written demand for hearing upon the Agency at any time prior to the effective date of the suspension, revocation or penalty, and service of such demand shall serve to stay such suspension, revocation or penalty pending the determination of the Independent Administrative Hearing Officer, pursuant to the procedures set forth in section 20 of Local Law No 4. Of 2010. Any applicant aggrieved by the denial of a license after application pursuant to this section may request that the Agency hold a hearing on such denial.
- (c) Nothing herein shall prevent the Agency from enforcement of the provisions of this local law, and all rules, regulations, orders and determinations made pursuant thereto, by actions or proceedings for legal and/or equitable relief, brought in the name of the Agency or the County in any court of competent jurisdiction.

**Section 9. Flow Control**

- (a) All Municipal Solid Waste generated within the County of Ulster shall be delivered for disposal to a Solid Waste Management Facility designated by the Agency. The County hereby intends to regulate and control the collection, transportation and disposal of all Municipal Solid Waste, by whomever collected, within the municipalities within the County and to authorize the

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Agency to establish standards and promulgate regulations to accomplish such control. The Agency's designation may include a determination that a particular Solid Waste Management Facility shall be the only facility used for the disposal of Municipal Solid Waste generated within all of, or a described area within, the County of Ulster or by a particular person or persons.

(b) In administrative proceedings under Local Law No. 4 of 2010 to enforce the provisions of this section there shall be rebuttable evidentiary presumptions that:

1. The placement of a Municipal Solid Waste container that is marked or identified with the name of a Hauler holding or required to hold a license for the collection of Municipal Solid Waste pursuant to this local law at any location within the County shall be presumptive evidence that such Hauler is providing Solid Waste collection service at said location.
2. Evidence of Municipal Solid Waste in a container located in the County as described in sub-section (1) above, and subsequent observation of the same Container empty, shall be presumptive evidence that Municipal Solid Waste was collected from the container by the Hauler whose name is marked on the container.
3. The failure to deliver any Municipal Solid Waste to an Agency designated Solid Waste Management Facility within three (3) days of the collection of Municipal Solid Waste from any location within the County shall be presumptive evidence of a violation of this section.

(c) Penalties. Any Hauler who violates any of the provisions of this section 9 of this local law, or who fails to perform any duty imposed by this local law or any rule or regulations promulgated pursuant thereto, may be liable for a civil penalty not to exceed \$5,000 and/or revocation of all licenses issued pursuant to this local law.