

## Local Law Filing

New York State Department of State  
162 Washington Avenue, Albany, NY 12231

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Text of Law should be given as amended. Do not include matter being eliminated or  
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STATE OF NEW YORK  
DEPARTMENT OF STATE  
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**FILED**

SEP 27 2004

MISCELLANEOUS  
& STATE RECORDS

Village of Depew

Local Law No. 1 of the year 2004

A LOCAL LAW AMENDING THE VILLAGE OF DEPEW MUNICIPAL CODE  
REGARDING HAZARDOUS WASTE TRANSFER STATIONS WITHIN THE  
VILLAGE

Be it enacted by the Board of Trustees of the Village of Depew as follows:

**(See attached Text)**

RESOLUTION

FEBRUARY 9, 2004

Trustee Maryniewski, offered the following resolution and moved for its adoption:

WHEREAS, a public hearing was held on the 9<sup>th</sup> day of February 2004 by the Board of Trustees of the Village of Depew, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York, and

WHEREAS, at said public hearing the Board of Trustees considered the enactment of proposed Local Law #1 of 2004, entitled "Hazardous Waste Transfer Station Operation", and

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said local law:

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law No. 1 of the Year 2004 be enacted as follows:

**LOCAL LAW NO. 1 OF THE YEAR 2004**

**A LOCAL LAW AMENDING THE VILLAGE OF DEPEW MUNICIPAL CODE REGARDING HAZARDOUS WASTE TRANSFER STATIONS WITHIN THE VILLAGE**

**AND BE IT FURTHER RESOLVED**, that Local Law No. 1 of the 2004 is hereby **Adopted**

Copies of the text of the above-named local law shall be filed in the office of the Village Clerk

The foregoing resolution was seconded by Trustee Mazur, and duly put to a roll call vote which resulted in the following:

Trustee Pieczynski - Yes  
Trustee Mazur - Yes  
Trustee Mescall - Yes

Trustee Fragale - Yes  
Trustee Sherwood - No  
Trustee Maryniewski - Yes

Mayor McIntosh - Yes

## **Local Law Amending the Code of the Village of Depew relating to Hazardous Waste Transfer Station Operation within the Village**

Be it enacted by the Board of Trustees of the Village of Depew as follows:

### **Section 1. LEGISLATIVE INTENT**

The purpose of this local law is to protect the public health and welfare through an amendment to the current village Code regarding Solid Waste, in particular the regulation of toxic or hazardous waste transfer sites within the Village.

### **Section 2. AMENDMENTS**

The provisions of Chapter 198 of the Depew Municipal Code entitled Solid Waste are hereby amended to read as follows:

#### **ADD**

### **ARTICLE IV Toxic or Hazardous Waste Transfer Stations**

#### **§ 198-42 Title**

This article shall be known as the Hazardous Waste Transfer Station Law of the Village of Depew.

#### **§198-43 Definitions**

As used in this article, the following terms shall have the meanings as indicated:

HAZARDOUS OR TOXIC WASTE – This shall be defined by the definition as stated in 6 NYCRR Part 371 of the laws of the New York State Department of Environmental Conservations (DEC)

TOXIC OR HAZARDOUS WASTE TRANSFER STATION - Shall mean any facility which is utilized for the temporary storage of toxic or hazardous wastes including loading docks, parking areas, storage areas and other similar areas where toxic or hazardous waste are temporarily held.

#### **§198-44 Special Use Permit Required**

A Special Use Permit will only be issued after consideration and compliance with the following items:

- 1) Full listing of all toxic and hazardous wastes to be stored and updated daily listing of wastes in storage to be available to emergency personnel;
- 2) A maximum allowable storage time of 10 days;
- 3) All loading and unloading of vehicles is to be done on an above grade dock facility requiring minimum height differential between dock and vehicles or storage trailers;
- 4) Maximum distance to fire hydrant to any and all stored toxic or hazardous wastes to be 500 feet;
- 5) Minimum distance between any and all stored toxic and hazardous wastes and any surface water feature (pond, lake or stream) to be 1500 feet;
- 6) Fire detection devices to be installed in all areas of storage including any trailer used to store toxic or hazardous waste;
- 7) Accept of the facility and emergency plans by the Fire Marshall and Hazmat/ Emergency Coordinator in writing and compliance with all applicable regulations;
- 8) A containment barrier designed to prevent any spillage from infiltrating outside of designated containment area;
- 9) A maximum storage container size of 100 gallons;
- 10) A full supply of clean up supplies to be stored and maintained on site and readily available for use in an emergency to all qualified personnel and all employees on site shall be fully trained in emergency cleanup procedures
- 11) Hours of operation and on-site monitoring to be listed;
- 12) All surface water runoff to be controlled on site and monitored. No cleaning or decontaminating of trailers, trucks or other equipment shall be allowed without collection and proper disposal of the waste water;
- 13) Security consisting of cash or performance bond, either of which must be in the amount of not less than \$1,000,000 to cover any cleanup costs in the event of any site contamination;
- 14) A fully detailed shutdown and cleanup plan;
- 15) Completion of a SEQR review with a negative declaration;
- 16) Full site access for all heavy emergency equipment and a paved and maintained drive of minimum 20 feet width or to a width as required by the State Fire Codes, whichever is greater, to all storage areas of the site;

- 17) A minimum separation of 1500 feet from any residential areas;
- 18) A lock box and/or keyed access provided to all locally designated emergency personnel during non-operational hours;
- 19) No infectious or radioactive materials shall be permitted;
- 20) Completion by the applicant of all licensing requirements from the New York State Department of Environmental Conservation and the U.S. Environmental Protection Agency.

#### **§198-45 ENFORCEMENT**

Enforcement Officials shall be permitted entry to the Hazardous or Toxic Waste Transfer Facility for inspection purposes, during the course of business operations, to determine compliance with this local law and other applicable regulations.

#### **§198-46 PENALTIES**

Any person, corporation, partnership or any other legal entity who fails to comply with any of the provisions of this local law shall be subject to a fine of not more than \$1000 per day of violation. Every act or violation and every day that a violation occurs shall be considered a separate violation.

#### **Section 3. EFFECTIVE DATE**

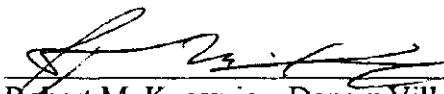
This local law shall become effective immediately upon its adoption and acceptance by the New York State Secretary of State.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2004 of the Village of Depew, New York was duly passed by the Depew Village Board on February 9th, 2004, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one, above.

  
Robert M. Kucewicz, Depew Village Clerk

(Seal)

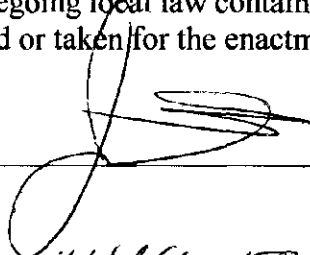
Date: February 10, 2004

**(Certification to be executed by Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature



Title

VILLAGE ATTORNEY

Village of Depew

Date: 10 FEB, 2004