

Responding To The Ulster County Resource Recovery Agency Notice Of Intent To Act As Lead Agency Under The State Environmental Quality Review Act (SEQRA) For The Review Of The Draft Ulster County Local Solid Waste Management Plan

Referred to: The Energy and Environment Committee (Chairwoman Greene and Legislators Bruno, Criswell, Petit, and Wawro)

Chairwoman of the Energy and Environment Committee, Manna Jo Greene, and Legislator Laura Petit offer the following:

WHEREAS, in 1991, the County of Ulster and the Ulster County Resource Recovery Agency (hereinafter the “Agency”) prepared and adopted under §304-34 a local solid waste management plan pursuant to the provisions of Environmental Conservation Law §§ 27-0106 and 27-0107 in order to define the County's policies with respect to solid waste management. It is the policy of the County, in accordance with the solid waste management policies of the State of New York, to reduce the amount of solid waste generated; reuse material for the purpose for which it was originally intended or recycle material that cannot be reused; recover energy from solid waste that cannot be economically or technically reused or recycled; and dispose of solid waste that is not being reused, recycled or from which energy is not being recovered by land burial or other means approved by law, and

WHEREAS, together with the preparation of the 1991 local solid waste management plan, the County adopted Local Law Number 8 of 1991 (the Ulster County Mandatory Source Separation and Recycling Law revised in 2011) and Local Law Number 9 of 1991 (the Ulster County Solid Waste Management Law revised in 2014 to include flow control) with the intent that the provisions of each law should complement the other in the management of solid waste and recyclables collection and disposal in the County, and

WHEREAS, the Ulster County Legislature has authority to approve the Local Solid Waste Management Plan for Ulster County; and

WHEREAS, Ulster County presently generates more than 250,000 tons of solid waste annually of which over 130,000 of municipal solid waste and construction and demolition debris is managed directly by the Agency; and

WHEREAS, the municipal solid waste from Ulster County is trucked to the Seneca Meadows landfill in Waterloo, NY, a distance of approximately 236 miles, for disposal; and

WHEREAS, the transport of Ulster County’s municipal solid waste and its disposal there carries substantial adverse environmental impacts, including carbon loading contributing to climate change; and

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WHEREAS, the Ulster County Legislature and the public have clearly stated their desire to reduce the impacts of the County's disposal of municipal solid waste by diverting, reusing and recycling, and thereby reducing the amount of waste generated, and improving the County's disposal of it; and

WHEREAS, Ulster County must consider new methods of diverting, reducing and recycling solid waste prior to disposal, as well as new methods of disposal of municipal solid waste, due to uncertainty of the continued availability of disposal at Seneca Meadows and other landfills; and

WHEREAS, the Ulster County Local Solid Waste Management Plan has been prepared by the Agency and presented to the Ulster County Legislature for approval; and

WHEREAS, the Agency has conducted a review on the subject of solid waste management in Ulster County, including the following specific issues: adoption of a solid waste management plan, implementation of a County-wide recycling and zero waste plan; and, selection of solid waste disposal technologies, and

WHEREAS, the Local Solid Waste Management Plan, among other things, preliminarily identifies a number of mechanisms for reducing the generation of municipal solid waste and for disposing of the remaining municipal solid waste that is generated; and prioritizes several mechanisms for treatment and disposal of municipal solid waste for further study and evaluation; and

WHEREAS, local municipal solid waste plans are Type I actions subject to review under the State Environmental Quality Review Act as a comprehensive resource management plan pursuant to 6 NYCRR § 617.4(b)(1); and

WHEREAS, Type I actions require coordinated review requiring one of the involved agencies to act as lead agency for the SEQRA review under 6 NYCRR § 617.6(b)(2) and (3); and

WHEREAS, the Agency resolved on September 10, 2020 to issue a negative declaration under SEQRA for the Ulster County Local Solid Waste Management Plan and further to declare its intent to be lead agency and to circulate a notice of intent to be lead agency; and

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WHEREAS, on September 16, 2020 the Agency transmitted a notice of intent to be lead agency to the Legislature; and

WHEREAS, it is not consistent with SEQRA to circulate a notice of intent to be lead agency after issuing a negative declaration; and

WHEREAS, the Agency retains authority and discretion to move forward with reviewing the feasibility of the priority municipal solid waste technologies outlined in the LSWMP, and in particular to retain a consulting firm to evaluate the feasibility of permitting and constructing a local landfill or other technologies within Ulster County, during the Legislature's consideration of the LSWMP including an appropriate and compliant SEQRA review; now, therefore be it

RESOLVED that the Ulster County Legislature will respond to the Agency's notice of intent to be lead agency for the Ulster County Local Solid Waste Management Plan by opposing the Agency's intent to be lead agency unless the Agency rescinds its negative declaration,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Energy and Environment on August 31, 2020

Referred back to Energy and Environment Committee at Legislative Session on September 15, 2020

Postponed in Committee: Energy and Environment on October 5, 2020 with consent

Passed Committee: Energy and Environment as amended on October 8, 2020

FINANCIAL IMPACT:
NONE

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Legislator Petit motioned, seconded by Legislator Greene, to refer the Resolution back to the Energy and Environment Committee.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 1
(Noes: Legislator Ronk)
(Absent: Legislator Roberts)

REFERRED BACK TO ENERGY AND ENVIRONMENT COMMITTEE