

**Energy & Environment Committee
Meeting Minutes**

DATE & TIME: October 4,2021; 6:15 PM or immediately following the Public Health & Social Services Committee

LOCATION: Powered by Zoom Meeting Dialing in by (646) 558-8656, Meeting ID: 892 3856 0937

PRESIDING OFFICER: Chairwoman Manna Jo Greene

LEGISLATIVE STAFF: Fawn A. Tantillo, Laurie Lichtenstein

PRESENT: Legislators Albert Bruno, Peter Criswell, Laura Petit and Mary Wawro

ABSENT: None

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Counsel Victor Cueva; Evelyn Wright, Deputy Executive; Nick Hvozda, Department of the Environment; Adam Doan, Ulster County Soil and Water

Chairwoman Greene called the meeting to order at approximately 6:23 PM and asked Legislator Bruno to lead the Pledge of Allegiance.

Motion No. 1: To approve the minutes of August 30, 2021

Motion Made By: Legislator Bruno
Motion Seconded By: Legislator Wawro

Discussion: None

Voting in Favor: Legislators Greene, Bruno, Criswell, Petit and Wawro
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Minutes approved.

Mr. Doan made a presentation of the work of the Ulster County Soil and Water District. (See Transcript)

Resolution No. 462 - Setting A Public Hearing On Proposed Local Law No. 8 Of 2021, A Local Law Amending The Code Of The County Of Ulster, Chapter 304, Solid Waste, Article IV, Food Waste Prevention And Recovery, In Relation To Composting, To Be Held On Tuesday, November 16, 2021 At 7:10 PM

Resolution Summary: This resolution will set a date and time for a public hearing on an amendment to the Food Waste Prevention and Recovery Law.

Motion No. 5: Motion to discuss Resolution No. 462

Motion Made By: Legislator Bruno
Motion Seconded By: Legislator Wawro

Discussion: (See Transcript)

Voting in Favor (Long Roll) Legislators Greene, Bruno, Criswell, Petit and Wawro
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: **Resolution approved**

Mr. Hvozda gave the committee on progress with enforcement of the existing Food Waste Prevention And Recovery law.

On behalf of the Democratic Caucus, Legislator Criswell asked Deputy Executive Wright and Mr. Hvozda for input on how ARP funds could be used to address food insecurities and who he could speak to for additional information. Deputy Wright suggested discussed proposals to work with Cornell Cooperative Extension on a collaboration. Chairwoman Greene also suggested a group called Hudson Valley Eats and suggested Legislator Gavaris might have additional insights.

Chairwoman Greene gave an update on the Zero Waste Implementation Planning.

Chairwoman Greene gave an update on Solar Mapping.

Chairwoman Greene opened a discussion on two draft resolutions:

- Resolution for Discussion: Establishing A Policy Requiring That A Climate Impact Assessment Be Performed Prior To The Commencement Of Development Projects Funded By The American Rescue Plan Acto
- Resolution for Discussion: Establishing A Policy Prohibiting The Installation Of Systems That Utilize The Combustion Of Fossil Fuels In All Newly Constructed County Owned Buildings

Legislator Bruno was in favor of doing climate impact assessments but expressed serious doubts about prohibiting the installation of fossil fuel systems at this time. (see transcript)

Chairwoman Greene discussed her motivation was to get the county to make a commitment to putting renewable energy generation and storage systems in place. (see transcript) She noted these resolutions were only under discussion at this time.

Chairwoman Greene asked if there was any other business, hearing none;

Motion to Adjourn

Motion Made By: Legislator Bruno
Motion Seconded By: Legislator Wawro
No. of Votes in Favor: 3
No. of Votes Against: 0
Time: 7:26 pm

Respectfully submitted by: Fawn Tantillo
Minutes Approved: November 1, 2021

**Energy & Environment Committee
Meeting Transcript**

DATE & TIME: October 4, 2021; 6:15 PM or immediately following the Public Health & Social Services Committee

LOCATION:

PRESIDING OFFICER: Chairwoman Manna Jo Greene

LEGISLATIVE STAFF: Fawn A. Tantillo, Laurie Lichtenstein

PRESENT: Legislators Albert Bruno, Peter Criswell, Laura Petit and Mary Wawro

ABSENT: None

QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Counsel Victor Cueva; Evelyn Wright, Deputy Executive; Nick Hvozda, Department of the Environment; Adam Doan, Ulster County Soil and Water

Chairwoman Greene 00:06

I'd like to welcome everyone to the October 4, 2021 meeting of the Ulster County Energy and Environment Committee. I can see I'm going to have fun with this cat tonight. And I would like to ask the clerk to please call the roll.

Fawn Tantillo 00:34

Certainly. Manna Jo Greene.

Chairwoman Greene 00:37

Present.

Fawn Tantillo 00:38

Mary Wawro.

Legislator Wawro 00:40

Here.

Fawn Tantillo 00:41

Okay, Mary, we can't see you yet. We're going to have to see you if you're going to vote on anything.

Legislator Wawro 00:46

I'm working on it.

Fawn Tantillo 00:47

Okay.

Fawn Tantillo 00:49

Al Bruno.

Legislator Bruno 00:50

Here.

Fawn Tantillo 00:51

Peter Criswell.

Legislator Criswell 00:53

Here.

Fawn Tantillo 00:53

Laura Petit.

Legislator Petit 00:55

Here.

Fawn Tantillo 00:55

Mary. Okay. You have a quorum of five.

Chairwoman Greene 01:01

Wonderful. with that. I asked. I'd like to ask Legislator Bruno to please lead us in the Pledge to the flag.

Legislator Bruno 01:12

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands. One nation, under God, indivisible, with liberty and justice for all. Amen.

Chairwoman Greene 01:30

Thank you. And has everyone had a chance to read the minutes and the transcript of the September meeting? Yes. September 6. Can I call...?

Legislator Bruno 01:52

I'll make a motion that we accept the minutes as transcribed.

Legislator Criswell 01:56

I'll second that.

Chairwoman Greene 01:58

All in favor?

Committee Members 02:00

Aye.

Chairwoman Greene 02:04

Okay. Anyone opposed? Motion carries.

Chairwoman Greene 02:11

Adam, if you would be so kind as to, you know, as we head into budget season, as we've done in the past, we'd like to ask for a little bit of a report, both on the past year, and your plans for next year. It doesn't have to be extensive. I really like to keep up with what Ulster County Soil and Water Conservation District is doing.

Adam Doan 02:39

Right. I appreciate the offer.

Fawn Tantillo 02:41

I am going to stop you for one moment, Adam. We have a caller at 845-853-9854. Can I get your name?

Victor Cueva 02:50

Yep, this is Victor, Legislative Counsel

Fawn Tantillo 02:53

Hi, Victor. Okay,

Victor Cueva 02:55

Hello.

Fawn Tantillo 02:57

Go ahead.

Adam Doan 02:59

Thank you for the opportunity, first, I'm starting, I appreciate the chance to come speak with you all. So, 2021 has been a pretty busy year for us. We're currently involved in about a million dollars' worth of implementation work throughout the county. That includes both in the agricultural space that we work in, directly assisting some of the producers of the county, as well as with some of the water resource projects that we get involved in in the New York City watershed.

We currently have two water quality improvement projects underway in Warner Creek, which is a tributary to Stony Clove Creek, which goes into the Upper Esopus. So, those are directly addressing like erosional contact with the geologic sources that prevent a water quality issue for the Upper Esopus, as well as the reservoir, and you know, by its connection, the Lower Esopus with the turbid releases that have been

coming out of the reservoir at times. That work is maybe 75% done and should be wrapping up with most of the heavy like excavation work by the end of the month. And there's several bioengineering components using live native plant material that are being incorporated and all that gets installed during the dormancy. So, we'll be out there late into the fall and early winter. With the contractor getting all that installed.

We are in the process of implementing a — let's see here, perimeter fencing, as well as a pipeline and watering facility for one of the producers that has, a cattle producer, as well as given them a prescribed grazing plan. And that work totals, I think just around \$50,000, which we were able to provide, it's via our agriculture, environmental management funding that we get from the state. And that whole process, you know, is a collaborative process with the producers where we work throughout planning steps to identify any resource concerns. And then either in house or in collaboration with our Natural Resource Conservation Service partners, design and implement, you know, provide the funding to implement those projects.

Now we wrapped up a nice big barn yard project last year and are also working on another barnyard improvement project for implementation here in the coming months, waiting on some like construction quotes.

We've also been in year two of our Hudson Valley Carbon Farming pilot project involvement, which is several of the counties within the mid-Hudson, lower Hudson region, Sullivan, Dutchess, Ulster, orange, Rockland, and maybe one other. So, we were able to implement on-farm practices on a couple of the producers in the county.

I've gotten some initial soil results, working through the Cornell soil lab. And we'll have an opportunity to do some additional soil testing and start to look at what impacts you might be having on carbon storage within the soil space, practice changes. So, it's kind of exciting, similar work I know, Manna, on this committee, has been aware of and looking to work on throughout the, throughout the county. So, we'll see results from that hopefully sometime next year, and then finalize any reports, and you know, certainly be willing to make that available once we have them to this committee. We've also put a lot of time, go ahead.

Chairwoman Greene 06:27

I just wanted to ask — so, you're actually testing carbon dioxide and other greenhouse gas uptake in soils?

Adam Doan 06:38

Yeah, looking at carbon sequestration too, within the soil. So, really looking at those carbon sources, organic carbons and things like that. And seeing if the practices changes in how they would operate on the farm can actually help lead carbon retention and sequestration in the soil. And then we're testing for a whole bunch of other things, you know, micronutrients, things like that, to see what other changes might happen. But the focus is on carbon storage.

Legislator Petit 07:06

Is that through composting or...

Adam Doan 07:09

No, it's been like some on farm like practices, like changes in like tillage, cover cropping stuff like that. Things that aren't, you know, like, kind of tweaks to existing practices, but to make them maybe a little bit more focused on, you know, the carbon issue. So, we've worked, I think one of one of the practices is on one our orchards. And then we're working with a couple of the vegetable producers throughout the county.

Chairwoman Greene 07:36

I want to just stress how critically important that is, because we're doing a lot of work to prevent [inaudible] and to transition to a renewable energy economy. But the other half is bringing the carbon down, the greenhouse gases back down into the soils. And we sometimes forget about that half of the carbon cycle. So, I want to acknowledge that, and I know, you're probably also working with Cornell Cooperative Extension, and Scenic Hudson and others.

Adam Doan 08:14

Yeah, yeah. Scenic Hudson is a partner in that pilot. They're doing some of the education and outreach components of that. But we already had one event last fall via Zoom. And then hopefully, there'll be one more because the project's wrapping up, trying to do something on one of the farms to demonstrate one of the practices, but it's been a little complicated with COVID restrictions and whatnot. But there's some hope that we might be able to swing something like that next year, as it's wrapping up.

Legislator Criswell 08:40

If I can mention, I saw a great film by Jon Bowermaster about this exact thing. (<https://therivernewsroom.com/keeping-carbon/>) And it was wonderful to watch how the farmers are now putting this into practice. And have you seen that Adam? I don't know if you've seen it.

Adam Doan 08:53

I haven't seen it, but I'm familiar with his work. So, definitely something I'd love to check out.

Legislator Criswell 08:57

It's really, really worth watching because it's on the subject. Yes. Great.

Adam Doan 09:01

Yeah. Thanks for offering that. Um, let's see what else lots of assessment and monitoring of

Chairwoman Greene 09:06

One last thing, I'm sorry. The idea of actually paying farmers, you know, providing incentives that may not be cash, it might be, you know, tax relief or, but actually incentivizing regenerative agriculture and building the soil. Please go ahead. I'm sorry, I've interrupted you.

Adam Doan 09:35

So, no, no, not at all. I'm happy to have the back and forth. We're not working on anything directly there. But there's certainly an interest in how this all plays out with some of the state funders that we have, like the New York State Soil and Water Conservation Committee who was kind of the pass-through for a lot of our state funding. So, I know they'll be interested in it.

I mean that the agriculture environment management, our ADM program is like an incentive-based program. You know, those implementation dollars to help farms make those changes. What we are really helping to do to show that there's a benefit to the farm itself in terms of soil health improvements, so, that it's not looked at as something as being like prescriptive and asking them — to be forced to do it in any way, but voluntarily, because they see the benefit, you know, the successful yields, all those types of things that can be tied into those type of changes. So, it'll be interesting to see what comes out of it, what the next steps are.

One other thing, I guess I would mention, is we're doing a Municipal Officials Day with some of the watershed municipalities, that's actually this Thursday, that's going to be up in Phoenicia if anybody's interested. If you go to the ashokanstreams.org website, we'd be happy to have anybody from the county legislature attend. It's going to look at one of the projects we put in to help with flooding issues on Phoenicia Main Street post-2010, Irene and Lee floods related to the bridge right there. And then we're going to touch on some of the planning endeavors we've gone through with the towns up there to address flooding and whatnot and build better resiliency within the towns.

Let's see what else we've got to mention. Oh, I don't want to steal any of Nick's thunder here, but we've also been talking with DOE, about a tree planting initiative centered around Arbor Day next year. And we would be able to bring some funding to that as well to provide plant materials to the local communities that would be interested in participating. Those talks are somewhat initial right now. But we're looking, we're pretty hopeful that we'll be able to pull something off for next year.

We'll also be working on our updated [AM] Action Plan, which will have additional implementation dollars over the next two years starting in 2020, to 2023, to do some more on-farm practices for still identifying what those projects might be. And then I will be finalizing our action plan, which I've shared with this committee in the past, hopefully by the end of October. And we'll pass it along to Fawn who can hopefully share it with you all. And other than that, staying busy trying to stay on the field as much as you can, and watching the rain.

Chairwoman Greene 12:11

And what about the remedial actions that you've taken in the Upper Esopus? Is that? Can we measure turbidity reduction, either coming into the reservoir going out of the reservoir? I've heard that we need to do, that the number that was given to me was six times as much, that it's effective. But for it to be fully effective. And I think, you know, we just want to be aware of, you know, your take on that.

Adam Doan 12:49

Yeah, I know it's a good question. To answer the first part, yes, we can measure turbidity. And there's currently a large study that de P is funding through USGS, the geologic survey, who has authored some initial reports through monitoring our projects over the last several years, that has shown us statistically significant reduction or a range of flows, as a result of the stream projects.

So, I think in terms of quantifying like the whole load, it's possible just because of the gauging network up there, and they're looking at, you know, the load to the, to the reservoir. There's a gauge at Colebrook, right, right at the upstream end of the reservoir. And then we're looking at the sub-basin all the way down to like the reach scale, which by reach scale mean, like something that's fixable through these types of engineer projects and solutions.

That is going to look at about, I think it goes for about five more years, with this — there's a report that was just published but looks at the results over the first five years. After the five years, they'll process another round of data. Because we've done these projects up in the Stony Clove Basin, we have the two that I mentioned earlier. And then another one on the Stony Clove called main stem next year, they're identified through that monitoring effort. And then we're going to look at the effectiveness of these projects at reducing it on those different scales.

So, there's already a lot out there that USGS has done in terms of monitoring within the watershed. So, I think, to your second part of the question about whether or not more could be done, yeah, I think, you know, our assessment and monitoring has shown that there's plenty of sites that are worthy of treatment. We can kind of prioritize those based on the assessment data we collect. And we know there's spots that you know that Christmas or December 24 storm this past year, you know, opened up a lot more that you know, maybe it wasn't initially on our radar from the last time we done the assessments because those are really snapshots. But, you know, DEP has seen the value and increasing our funding. We're on five-year agreements with them, and I think we're on our third one now, and every cycle has gone up pretty significantly, I mean to the tune of, you know, a couple million dollars in additional funding for each five-year agreement.

So, I think they, they've shown a commitment to it. But obviously, you know, there's more capacity that could be built up there. And we could do more of these types of projects and hopefully have an impact on water quality, especially with regard to turbidity. And you know that impact would, could potentially extend to the, to the Lower Esopus, in terms of the releases. So, obviously, the cleaner water we can keep in the reservoir, the better it's going to be for the Lower Esopus communities, when releases do have to happen under their restrictions from the state.

Chairwoman Greene 15:42

So, any other questions or comments per annum before we move on? Thank you, this has been very informative. And you know, as we look through the budget, we have a sense of how that correlates to the plan. So, appreciate it.

Adam Doan 16:06

Thanks, graduate. Like I said, I appreciate the opportunity. Now that you remind me there's one thing, I wanted to say to the committee was that we did for 2020 and 2021, we had received, a third of our budget was cut as a result of the issues with COVID. And where that budget would be, we did just put in the request for 2022 funding and asked for a restoration to our pre-COVID level, I think is about \$91,500. So just so you all are aware of that was just sent in last week, I believe.

Chairwoman Greene 16:36

Thank you.

Adam Doan 16:37

Yeah, almost always available via email or phone calls. If anybody has any questions that come up after this, please don't hesitate to reach out. And thank you again for the opportunity.

Legislator Bruno 16:48

Thanks, Adam.

Adam Doan 16:49

Have you all everyone, I'll probably stick around for a little bit, but I'm going to have to run at some point.

Legislator Bruno 16:53

Awesome.

Chairwoman Greene 16:55

Okay, next on the agenda is the UCRRA update. But um, Fawn, have you heard from Tim Graff, that he couldn't make it this evening. You're on mute.

Fawn Tantillo 17:13

Sorry, yes, he couldn't make it this evening. And he sends his apologies. Something came up with children. But I've asked him in the future, if he can't come to please send you know someone else from his board. But he did send us their, the letter for the net service fee, which I've emailed to all of you. It's also on the OneDrive for tonight and in and I think their budget proposal for next year was in there too. So...

Chairwoman Greene 17:45

And I believe they had a public hearing on that budget proposal this afternoon, or noon today.

Fawn Tantillo 17:53

They've been copying you on their committee information too. So, they've been doing a good job of that since we asked.

Chairwoman Greene 18:00

Great. Any comments that we should get back to the RRA on the budget or other matters?

Legislator Petit 18:15

Well, I mean, I think they should be charging the full cost for their tipping fee. In their highlights, they did mention that it went up 88 cents I think for disposal and \$1 something for transportation and you know, again, 12% of the garbage that comes in is from municipalities and the rest is private haulers. So, we're subsidizing the private haulers. You know, and it's great if they have that extra money in their reserves. They should keep it there because they're going to have to site either a landfill or an incinerator and they should be holding on to those funds. And I believe the net service fee they stated that they didn't need it as long as flow control was in place.

Chairwoman Greene 19:04

Any anything else regarding the RRA? Okay, let's see. So, Soil and Water , UCRRA, I don't see Dave Haldeman here from the Environmental Management (Council). And we could go to resolutions. We have a resolution pending and I would ask for a motion to discuss the resolution. I see that the legislative attorney and also Deputy Wright and Nick Hvozda are here.

Legislator Bruno 20:03

I'll make a motion to, for discussion for Resolution 462.

Legislator Wawro 20:08

I will second it.

Chairwoman Greene 20:10

All right, and just for the record that resolution is: Setting A Public Hearing On Proposed Local Law No. 8 Of 2021, Proposed Local Law No. 8 of 2021, A Local Law Amending The Code Of The County Of Ulster, Chapter 304, Solid Waste, Article

Fawn Tantillo

4.

Chairwoman Greene

IV, Food Waste Prevention And Recovery, In Relation To Composting, To Be Held On Tuesday, November 16.

If the resolution passes, and the reason that I've been kind of urging us to consider this is, that then we would have time to vote on it in December, if it gets that far, so it would be ready to be implemented.

And I'd like to start, Victor, would you want to just go over the recommended changes in the amendment? And then we'll hear from Nick Deputy Wright. I am sorry, and I don't mean to catch you off guard. We have it in front of us, but I didn't know,

Legislator Criswell 21:39

Chairwoman, can I ask just for point of clarification?

Chairwoman Greene 21:42

Yes.

Legislator Criswell 21:43

What we're what we're talking about tonight is simply setting up a public hearing correct? We are not actually talking about the resolution itself. So, I always recommend when we're doing that to actually discuss the public hearing side of it, and not the entire resolution. Because that I just think that's expedient because what we're voting on is actually a public hearing.

Legislator Bruno 22:06

I like to second what he's saying, as well, it's just a public hearing we're voting on not the whole resolution.

Chairwoman Greene 22:13

I agree, and your points are well taken. The modifications in this amendment are very few. It's only striking a few lines. And I do think that the memorandum from the Department of Environment is important even in deciding whether or not we want to set a public hearing. We may not even want to do that. So, if you would bear with us

Legislator Criswell 22:55

Fair enough.

Chairwoman Greene 22:58

Okay, so, um, Victor, are you in a situation to read the few lines that would be stricken. And if you can do that.

Victor Cueva

I am not right now. I'm currently driving, but I can do so as soon as I get home, I will listen. If somebody has access to the resolution, I can read the lines.

Fawn Tantillo 23:33

Madam Chairman, I can read them if you'd like.

Chairwoman Greene

That would be very helpful.

Fawn Tantillo 23:38

In section 1 F, we're removing the words, there's a line that says, "this article will remove food waste generated on an annual basis from the waste stream incrementally from generators by January 1, 2024."

From that sentence, it removes the words, "producing two tons per week 2.5 tons per week." The next change is in Section 2, 304-5, requirements for large food scrap generators, removing the paragraph D., that talked about, beginning on January — this, this entire thing I'm reading is being removed, "Beginning on January 1, 2022, the requirements of paragraph B of this section, shall not apply to any designated food scrap generators regulated under Section 27, 22-03 of the Environmental Conservation Law. It shall apply to persons, businesses, institutions and entities not subject to regulations under Section 27 22-03 of the environmental conservation law." All of that will be removed. And...

Legislator Criswell 24:54

Sorry, while we're on that, can I ask what that means? So, why was that removed What are the implications of removing that?

Chairwoman Greene 25:02

Thank you, let me give my explanation, then I really would like to turn it over to the Department of Environment. If you recall, the last amendment to this law was proposed, for many reasons, but primarily because of COVID. And their staff had to be redirected and did a spectacular job. But then we got feedback from the UCRRA and others that, you know, we were dragging our feet and we needed to implement. So, there's a balancing act going on.

Basically, my interpretation is that when we pass this law, we did a lot of state stakeholder outreach, and tried to make this law as sound as it could be, given what we knew. We also knew that in 2022, New York State was going to create a law that would go into effect in 2022, that would have similar requirements, but was not quite as inclusive as our law.

Our law applied to any larger generators in Ulster County, and included schools and hospitals, and medical facilities. Their law said that the generators had to be within, I think it was 25 miles, correct me if I am, I mistaken, Nick, when it's your turn

And, and those generators, we assessed in Ulster County, that the processing facilities, with the exception of the Route 28 corridor, were all within 25 miles of a processing facility, and we assessed that there was adequate capacity.

But when the state law went into effect, and it starts at two tons a week or more, it has other conditions that, ironically, would exempt those larger generators. And so, we wanted to take out the language that said, "as of January 2020, to go with the state law, rather than the county law," that's a quick summary.

And Department of Environment has a different take. And I wonder us to have a chance to have a conversation. So, we knew whether we wanted to move forward or not. Nick, do you want to summarize.

Deputy Executive Wright 28:17

Manna, if it's alright, Nick has a pretty comprehensive update about implementation of the law, some really great discussion, productive discussions with the RRA's plans for implementation. Maybe I'll just quickly, more narrowly address these edits, and then let Nick, you know, give a lot more color to it with his updates, if that makes sense.

And my apologies, it took until today to get an answer back from the County Attorney's Office. But I thought maybe I would just read to you, everybody, what Kristen wrote. Because with all respect to any attorneys' present, sometimes attorneys phrase things in ways that are obscure to the rest of us. I think I understand what she's saying. And I believe, I believe she's essentially agreeing with Nick, that there really isn't a need to make these updates to the law. So, I think our recommendation is, we don't need to go through that process.

But what Kristin said is, this office has no legal opposition to the removal of the subsection D. Oh, by the way, she's just — I don't know what the purpose of the first set of language striking that that Fawn read was. So, this is to the second set of texts that she read, which is that subsection D, which, which exempts businesses that are regulated by the state

So, Kristin says, "This office has no legal opposition to remove all of the subsection D of Section 3.0.4.51. Please note, however, that the county cannot regulate businesses that are already being regulated by the state."

"As of January 2022, New York State is assuming regulatory responsibility for businesses generating more than two tons of food waste, therefore preempting, the county from regulating those businesses on this subject matter. Removal of this suggested language will not allow the county the ability to enforce its local law, where New York State is already enforcing state law. "

So, I think what Kristin is saying, it really doesn't matter if we have this this subsection D, and we won't be able to impose a different regulation on those businesses that are covered by the state law.

I think what Nick is going to tell you is that that he thinks that this issue with the 25 miles and the capacity is a very temporary one at this state and that, that we think we can work this year to get those numbers updated. So, that essentially, we have the impact of the state law that we expect later on. But that deleting

this language won't, won't affect that, because we won't be able to enforce our law on generators that are regulated by the state, even if we don't like the way they are regulating them.

Chairwoman Greene 31:07

Legislator, Bruno, I see your hand. I want to just say that when we were developing the law...

Legislator Bruno 31:14

No, I'm actually just listening intently. I'm sorry, my hand is just on my head.

Legislator Criswell 31:20

I had I had just a quick question. And...

Chairwoman Greene 31:24

Let me just clarify one thing first, and that is that when we were developing the law, our attorneys asked the state about the question of preemption. And what we were told is that our law could be more inclusive, or stricter, under home rule. So, yeah.

Legislator Criswell 31:46

That's exactly what I was just going to ask Legislator Greene, was the home rule.

Deputy Executive Wright 31:51

So, my understanding is that the law can be more inclusive in terms of we can regulate entities, additional entities that are not covered on the state law, but that we can't impose a different set of regulations on entities that are regulated by the state law. And so, although this this capacity issue will affect whether those state regulated generators have to compost their waste, as opposed to donate, the donatable portions of their waste, and you know, all of those ins-and-outs that we've been through, we can't, this is my understanding of what the County Attorney's Office has told us, we can't impose a different set of regulations on the same entities. We can do whatever we like to the entities that aren't covered.

Legislator Bruno 32:38

Alright, so the two-tons and over is covered by the state, under two-tons, we can do whatever we want with.

Deputy Executive Wright 32:45

Right.

Legislator Bruno 32:47

So, it's pretty much again, a no-brainer. So, and again, I'm going back to the resolution, which is 462, which is just calling for a public hearing. And I think before we make any decisions on any of this, let's hear what the public has to say. And that being said, I'm going to I'm going to call for a roll on this on this 462 because we'll be here all night. That's right.

Chairwoman Greene 33:11

Can we just hear from Nick, or is that a different matter, Nick?

Nick Hvozda 33:18

I can add a few notes on this topic. But I can also give you an implementation update for the for the law in general, as well, if you'd like that.

Chairwoman Greene 33:27

Let's wait on that because we were [inaudible].

Legislator Bruno 33:30

Fair enough.

Nick Hvozda 33:36

What I can add to the discussion is that the department has had some discussions with the DEC about how they've developed their methodology for determining which entities produce more than two tons of waste, and which entities should be regulated under their law. And in general, the methodology we've, we've used the same methodology for the county law that the state is using, which is the Pollution Prevention Institute's calculations.

Where the issue arose is when the state published their list in June, of this year, which they will be doing annually in June, each year. They had made a lot of assumptions around case-by-case basis, entity-by-entity, whether or not they had a facility within 25 miles, or a facility that had capacity within 25 miles, that could accept their specific estimated quantity of waste each week, or month, or year.

So, what they concluded is that they needed to have two tiers of regulation for each of these entities. One — well first of all, all of the entities are regulated under the law. But some of them are required only to donate their food waste to other uses, and a smaller subset of that is required to actually recycle in the spirit of the county's law.

That works out to be about 80% of the total number, which is 35 for this year. 80% of them are not required to recycle; and the rest are. So, that's six out of 35 that that don't have to under the law, even though they are regulated, and they have to do annual reporting to the state about what they've done over the course of the last year, starting in 2023.

The discussions we've had with the state conclude that they're looking almost too closely and that they're relying on some reporting from these food waste processing facilities that may or may not be correctly showing their full capacity. We've seen the line on the report that they're using for this.

And we think that through some interaction with each of these facilities within the county and neighboring counties that we can ensure that they're reporting the correct capacity to the state, so that the state can then

broaden their, their net of those two-time-per-week generators that they should be required to recycle as well.

The other thing that they've done is remove certain entities that they think or have documented are already diverting their waste and not included them on the required to recycle list.

So, that's another thing that, we as the Department the Environment, can work with this the state staff, who are working on this law, to make sure we know exactly which of those are falling into that case so that we can intervene, if needed, or make sure that there's [inaudible].

Legislator Petit 37:12

Nick, the six that are going to be required to recycle. Do you have their names in front of you?

Nick Hvozda 37:19

Yes.

Legislator Petit 37:20

I just I wanted to see if they're the ones that are already recycling or are not already included on that list, to see if it's Mohawk Mountain House and SUNY Ulster, and they're already—Hannaford, they're already recycling.

Nick Hvozda 37:34

Right? Yeah. So of the of the six, we believe that four of those six are already recycling. So, that's two locations for Hannaford Supermarket, Mohonk Mountain House, and SUNY New Paltz.

Legislator Petit 37:51

Okay. So, this law really has no impact then this year if we pull out the other 80%.

Nick Hvozda 37:59

Right, except that those, those 29 entities will be required to donate their food under that tier of the law.

Legislator Bruno 38:12

How does how does this affect the school systems?

Nick Hvozda 38:18

I don't believe there are any school schools on the list other than the higher education, so, SUNY New Paltz, and

Legislator Bruno 38:27

High schools, grammar schools, all that food waste...

Legislator Petit 38:31

It all gets thrown away.

Legislator Bruno 38:32

Yep.

Legislator Petit 38:35

And they aren't even allowed to take extra home.

Legislator Bruno 38:39

And 1000s and 1000s of pounds.

Chairwoman Greene 38:43

Yeah. It's a question of whether they generate more than two tons a week, they will definitely in the Ulster County law, which has been approved by the state, they are included, where the state excludes schools, and hospitals and health care facilities. We are allowed to include them under home rules are inclusive. So, it's a question of this demarcation of greater than two-tons-a-week.

And the reason we wanted to take this essentially out of the state's hands and leave it as a comprehensive law for Ulster County, is so that we didn't lose those 29 generators, whether or not they donate food waste. That's also in our hierarchy. I don't think the language is quite as strong as the state's, but we do set a hierarchy of reuse by humans or animals before composting or anaerobic digestion.

I just don't understand how we can implement our law in January if we don't go through this process, I'm trying to understand, I would be glad for us to set a public hearing. And, you know, do our own legal checking. But it's up to the committee, how you would like to proceed.

Legislator Bruno 40:33

So, my question is, we can still have a public hearing, and continue the discussion even beyond the public hearing. So, this, again, this resolution is just about the public hearing, we can hear that we might get some great ideas from the public, we don't know. We'll find out when we have a public hearing. As we discuss it further, after the public hearing, we can make changes, based — that's what a public hearing is all about. We might get some great ideas from the public.

And to that again, and I appreciate Nick and Evelyn, and everybody who has given their input, but this is a, the question is whether or not we will we want to hold a public hearing. And, again, I'll go call for the roll on this.

Chairwoman Greene 41:21

Okay, I'm given that you have done so, will the clerk call the roll on? Resolution Number 462, please, for setting a public hearing.

Fawn Tantillo 41:42

You want to do long roll. Is that it?

Chairwoman Greene

Yes.

Fawn Tantillo 41:46

Manna Jo.

Chairwoman Greene 41:48

Yes.

Fawn Tantillo 41:50

Mary Wawro.

Legislator Wawro 41:52

Yes.

Fawn Tantillo 41:54

Al Bruno.

Legislator Bruno 41:55

Yes.

Fawn Tantillo 41:56

Peter Criswell

Legislator Criswell 41:58

Yes.

Fawn Tantillo 41:59

And Laura Petite.

Legislator Petit 42:01

Yes.

Fawn Tantillo 42:03

So, the resolution for the public hearing passes five to zero.

Chairwoman Greene 42:08

And we'll do everything we can to answer unanswered questions, whether they be legal or practical. And, Nick, you had other updates.

Nick Hvozda 42:27

I'll give you an overview of where we are with implementing the one-ton-per-week cohort, which will be newly regulated starting on January of next year. So, we had a list of 28 entities that qualified for the greater than one-ton-per week, up to an including two times per week, food waste produced, again, from the Pollution Prevention Institute's methodology estimates. We've completed notification of those 28, with three months ahead of time of regulation for the law.

We will follow up with those notification letters with our new Environmental Outreach Manager, Mike Darcy, who started with a county today. And his task will be making contact with all of those by, within the next month to identify what their plans are and provide assistance as required.

We've been doing some work with the dispute of status form, and the waiver form that we expect many of these entities may provide to us, to request those, either those.

And then we've had discussions with the Resource Recovery Agency about the reporting process for the law, and for each of these entities that are regulated, and how they will provide their annual report to the county about implementation of the law.

The Resource Recovery Agency has agreed to incorporate those reporting lines into their annual, give you the correct word here, the Annual Waste and Recycling Report that goes out to pretty much 100% of these entities anyways to report their municipal waste and their recycling performance. So, this will be an additional line. And we will add a notice to the report notice, when it goes out at the end of the year, to include organics reporting in their standard report that they send to the Resource Recovery Agency. Which should reduce the amount of impact it has on their operations.

And the last, the next task that will we'll tackle at the department, prior to the end of November is fully defining what it is to, to complete a waste audit. Because we expect that to be required. To grant a dispute, to grant a waiver, or approve a dispute of status. And that's something we'll be working closely with the Resource Recovery Agency on to define. And then using the Environmental Outreach Manager to communicate to each of these entities. I'll stop there for questions.

Chairwoman Greene 45:51

Well, I, I really want to thank you for doing that work. Is there any progress? If I may ask on resolving the question of enforcement. You may have said, and I missed it.

Nick Hvozda 46:11

As far as we've reached with the Resource Recovery Agency, or we've gotten as far as reporting, so we're proceeding in line with how the state is regulating their laws or implementing their law. And using a voluntary reporting method to understand compliance. And at the end of February of next year, we will have a list of reports from these 22 entities. And we'll have missing reports from these entities, and we'll know who has complied and who hasn't. And that should help with determining what the next steps are.

Chairwoman Greene 47:01

Thank you.

Legislator Criswell 47:02

I had a quick question. And this is to either Nick or Evelyn. I just wanted to find out who I would reach out to. I'm the representative from the Democratic caucus for the ARP funds spending for food insecurities. And so, I wanted to talk with whoever. I don't know who's on the committee from the executive team at this point. But I wanted to reach out to you to find out a little bit more about the programs that we have to recycle food and bring food into pantries and how that works. And what the what the county already has in place and how we can shore that up with some of these funds.

Deputy Executive Wright 47:43

Yeah, thanks, Peter. I'm really glad you're serving on that working group. Chris Kelly has been working through putting together meetings with the various working groups. He's out on a little post-budget recovery for the next couple days. But I think he's going to get back to putting those together. I think he's back Wednesday. So, I mean, the short answer is we discovered, via Project Resilience, that we don't have much formal in place. And so, the thinking here was working with Cornell Cooperative Extension, who is also looking at shoring up their food systems work, to support position there or part of a position there to do that work in close collaboration with the county.

Legislator Criswell 48:30

That's great, thank you, I'm really looking forward to working with you all on this.

Chairwoman Greene 48:35

I would also like to strongly recommend, there's an organization called Hudson Valley Eats, and they have vast amount of information on, for example, Legislator Gavaris asked about expired foods. And that could be anything from, you know, bread or milk, to chips and other snacks. And it could even be canned goods. And there is a law that allows for some of that to be reused. And that's up on the county website. There's a really good description and I can forward that to you.

But, you know, that that's going to come up under this food waste reuse that the state is requiring. But I do think we have to kind of get to the bottom of you know what the best next step is. But I'll send you — I'll do that introduction because I've been working on that over the course of this past week.

Deputy Executive Wright 49:58

Great

Chairwoman Greene 50:02

All right, anything else from the Department of Environment? So, just to let everyone know that the Zero Waste Implementation Planning process is still going on. We now have three sections, fairly deeply researched. And are hoping that we can work with a recycling Oversight Committee, particularly to look at C&D, glass is well underway, and scrap metal. And the next one is going to be mattresses. And we have quite an extensive list. But I did want to let you know that's continuing.

And then under new business, they there is a solar mapping project. We've been talking about mapping. And some communities have had some conflict about solar farms or larger solar facilities, even community solar. So, Scenic Hudson has an excellent solar mapping tool. And starting October 14, I think there are now 15 municipalities that are going to participate, in a sort of a training. We're going to use that tool. And several of them are from Ulster County, a Marbletown and Rosendale. And right now I'm not clear about who the others were, I could pull up that list. Denning, which is going to be very interesting. And then around the seven-county region, Courtland, Ossining, and a bunch of others. If anyone is interested, I can let you know

We're planning to do this four times a year so that more and more municipalities will know where in their communities are a good-to-ideal for solar. Where is not so good, or really needs to be avoided or protected. And sometimes there are combinations of that. And where are areas that would be good if the grid were extended, and they could interconnect. So, that process is going on.

And, you know, I encourage you to, if your municipality is not participating, let them know about it. I can be sure and send the invitation. So, you can share that with your municipalities. I'm kind of hoping Saugerties since you... Saugerties is kind of leading Ulster County in terms of solar development. But I think it'd be great to do this mapping exercise. And I did reach out a little bit to some of the key people there. It's not too late if Saugerties wanted to join. We're starting on October 14. And there's a video to watch ahead of time.

But I think that's the first step in really ensuring that we meet the goals of the climate action, CLCPA, the Climate Act, which are very aggressive 70%, renewable by 2030 and 100% by 2040. It's a vast amount and we have to do our share. So, it looks like that's well underway.

And there are two resolutions in the packet for discussion. I'm not sure how far we want to go with that. One has to do with climate impact assessment. And the other has to do with, you know, suspending the use of fossil fuels. I'm moving forward. And we do not need to discuss them right now they don't have numbers yet. I just think it's really important that each of us ask those climate impact questions because we don't want to be using public funds for projects that are going to ultimately worsen the climate crisis. We want to at least ensure that the impact is neutral, if not beneficial.

Chairwoman Greene 55:40

Yes, please. Go ahead.

Legislator Bruno 55:42

Oh, all right. Sorry, I was reading. On these two as far as the climate impact assessment, I think it's a good idea. I have no problem with, you know, looking at whatever we do in relationship to and how it affects the climate, and how it affects how we're doing things. However, the fossil fuel impact? Yeah, I don't think we're there yet. I think...

Chairwoman Greene 56:16

Oh, Al, you hit the button and your muted.

Legislator Bruno 56:19

Okay. Yeah, I'm sorry, I realized afterwards. As far as, sorry, as far as the assessment process of county projects to make sure that they're ecologically sound. I'm okay with that. And I think that's a that's a good thing to move forward. However, prohibiting the installation of any systems that utilize combustion of fossil fuels — I don't think that technology is there yet. And in reality, I think fossil fuels, gas particularly, and in a lot of ways is still the most sound way to go, given the technology that we have today. And prohibiting that is handcuffing us in a lot of ways.

And I can tell you, I mean, I come from the combustion industry, this is this is who I am. I think that we're—it's a little short-sighted at this point, and where we're going—you can't cut off your nose to spite your face. And I understand where you're coming from, I think in in that we history, but right now it's something that we need to rely upon. And I don't think we can rely upon making it more efficient, but not obsolete at this point. There's a lot of, there's a lot of science involved here, and to ban fossil fuels outright is short-sighted, I think at this point, on all new county — because we don't have to take down — because solar can't do it all. Geothermal is electric, it's just kicking the can down the road. And the electric is generated by fossil fuels for the most part. In some cases, coal, which is probably the dirtiest way of producing energy that we ever could think of. We're just pushing it in someplace else. And I'm not, yeah, I'm not in favor of that, that part of it yet at this point, if that makes any sense. And I hope I did.

Chairwoman Greene 58:39

Legislator Criswell.

Legislator Criswell 58:40

Yeah, I have a lot of thoughts on this. But I think I don't want to talk about it until they actually see the language of each of the resolutions to see exactly what they're saying. And then I think we can have a substantial conversation around it. The other thing I'm going to ask, if it's okay with you, Chairwoman, I actually have another board meeting that I'm supposed to be at right now. Since we voted on the resolution. May I be excused?

Chairwoman Greene 59:06

You may be excused. We're going to wrap up. I have just one last comment, but you go to your other board meeting.

Legislator Criswell 59:13

Thank you. I appreciate that. It's been a long day. That's going to continue on until about nine tonight. So, I just got to keep cruising. All right. Thank you.

Chairwoman Greene 59:24

My comment is that if we're going to be switching to beneficial electrification, which is mainly electric vehicles, and grounds and air source heat pumps, and of course, the energy efficiency, insulation that goes with that, and the trend is in that direction. I feel very strongly that we have to get that infrastructure in place. Get the renewable energy infrastructure in place ahead of, you know, both are moving forward. But we want to be sure that the renewable energy generation and storage systems exceeds the beneficial electrification. Otherwise, that is going to mean burning more fossil fuel. And so, you know, we that's one of the reasons that we're pushing so hard to get communities to, to map their solar and other renewable potential. And those signals to the developer.

Legislator Bruno 1:00:37

If I can't, man, I agree with you completely. I'm sorry, I don't mean to jump. But I agree with you. But again, we don't want to put the cart before the horse. So, this particular discussion about prohibiting, flat out prohibiting fossil fuels on any county building, at this point is premature, I believe. I mean, I agree with you, I think that's the way we're going in the future. But we're not there yet. And to put, flat out, put a prohibition on any new buildings. And using fossil fuels is just short-sighted, I think at this point. When we get the infrastructure there, and we can do it reliably, and economically, and ecologically sound methods, then I'm all for it. But I think at this point, it's short-sighted. I think it's premature at this point, to come forward with this kind of a resolution.

Chairwoman Greene 1:01:38

Okay, and it's still just for discussion. So, thank you. Any other old business, new business? Anything else that we need to cover tonight?

Legislator Bruno 1:01:56

I'd like to make a motion, we adjourn.

Chairwoman Greene 1:01:58

Oh, okay. I think we've covered most of the items on the agenda. Do I hear a second?

Legislator Wawro 1:02:07

Second.

Chairwoman Greene 1:02:09

All in favor, please say aye.

Committee Members 1:02:11

Aye.

Chairwoman Greene 1:02:13

And is Laura still here? We have a quorum anyway.

Fawn Tantillo 1:02:16

But happily, you don't need a quorum to adjourn.

Chairwoman Greene 1:02:22

Okay. All right, this meeting is adjourned. And thank you all for your participation and discussion is to be continued and resolved in the best possible way. Thank you all.

Thank you. Good night.

Legislator Bruno 1:02:39

Thank you.
