

Additional Handouts

Materials distributed at the Special Committee on the Future of the RRA

ULSTER COUNTY LEGISLATURE

August 27, 2012

Legislator Kenneth Wishnick Question Chart - Updated

- Author: Legislator
Kenneth Wishnick

SALE OF UCRRA ASSETS

Issue To Be Researched	Assigned to	Suggested Resources	Completion Date
Can the Legislature legally solicit an RFP for the sale of the UCRRA?		County Attorney	
The RRA's transfer station in the Town of New Paltz is built on town owned property and the UCRRA lease expires in 2016. Can a private company legally operate there?		UCRRA Attorney	
What is the exact principal and interest amount owed on RRA bonds?		UCRRA Financial Advisor	
How many \$'s would the county need to place in an escrow account to defease the outstanding bonds? Would this need to be done prior to a sale? Suggested source of funds for this purpose.		County Bond Counsel	
If RRA bonds are defeased, would the interest payments to bondholders become taxable?		County Bond Counsel	
What is the cost to repay the DEC for RRA grants?		DEC- Terry Laibach	
RRA had been removing leachate and monitoring test wells at 3 landfills. Which county agency would do this through 2027 & at what cost?		County Exec/RRA Exec Dir.	
Does NY law require that DEC advance approve an Ulster County Integrated Solid Waste Plan that specifies how solid waste & recycling mandates will be accomplished without the UCRRA?		DEC	

SOLID WASTE DISTRICT TAX

<i>Issue To Be Researched</i>	<i>Assigned to</i>	<i>Suggested Resources</i>	<i>Completion Date</i>
Is state legislation required to enact the tax?		County Attorney	
What would be the basis for assessing the amount of tax to each dwelling/business?		County Finance Director	
What would be the expenses related to enacting, processing bills, collecting taxes and following up on delinquencies?		County Finance Director	
Could lack of payment result in a forced property sale?		County Attorney	
Would the tax revenues collected through a solid waste tax district be counted toward the annual increase in property taxes allowed by law?		State Comptroller's Office	
If answer to above question is yes, what would be the advantages of a solid waste district tax as compared to funding the Net Service Fee under the current system?			

FLOW CONTROL

<i>Issue To Be Researched</i>	<i>Assigned to</i>	<i>Resources</i>	<i>Completion Date</i>
Impact on towns & haulers located far from UCRRA transfer stations? Potential solutions?		Town Supervisors, RRA	
Projected change in trash volume received by UCRRA & \$ impact		RRA	
Should flow control include recyclables? Pros/cons		RRA	
Impact on trash collection business competitiveness?		RRA	
Impact on UCRRA's ability to negotiate lower disposal costs		RRA	
Can the UCRRA have different pricing for private haulers compared to City of Kingston/town drop-off center wastes?		RRA Attorney	
What could be the structure for enforcing flow control?		RRA	
If enacted, should the makeup of the RRA Board be expanded to include Legislators, stakeholders, and /or others?		Town Supervisors, Kingston Mayor, League of Women Voters	

Public Authorities Law - Ulster County Resource Recovery Agency

- Dated: March 1, 1987
- Author: Westlaw / McKinney's

Effective:[See Text Amendments]

McKinney's Consolidated Laws of New York Annotated Currentness
Public Authorities Law (Refs & Annos)
Chapter 43-A. Of the Consolidated Laws
 Article 8. Miscellaneous Authorities (Refs & Annos)
 Title 13-G. Ulster County Resource Recovery Agency
 →→ § 2050-q. Interest in contracts prohibited

It shall be a misdemeanor for any member of the governing body or any officer, agent, servant or employee of the agency to be in any way or manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor, or in any contract therefor which the agency is empowered by this title to make.

CREDIT(S)


(Added L.1986, c. 936, § 1, eff. March 1, 1987.)

CROSS REFERENCES

Public officers' code of ethics, see Public Officers Law § 74.

LIBRARY REFERENCES

2011 Main Volume

Counties  122(2).
Westlaw Topic No. 104.
C.J.S. Counties § 233.

McKinney's Public Authorities Law § 2050-q, NY PUB AUTH § 2050-q

Current through L.2012, chapters 1 to 59 and 61 to 256, 260, 268, 344, 366.

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9. "Municipality" means any county, city, town, village, improvement district, or public corporation of the state, or any combination thereof.
10. "Person" means any natural person, partnership, association, joint venture or corporation, exclusive of a public corporation.
11. "Project" means any solid waste management-resource recovery facility, the planning, development, financing, construction, operation, or maintenance of which is authorized to be undertaken in whole or in part by the agency pursuant to this title.
12. "Real property" means lands, structures, franchises and interest in lands, waters, lands under water, riparian rights and air rights and any and all things and rights included within said term and includes not only fees simple absolute, but also any and all lesser interest including, but not limited to easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgment, mortgages or otherwise.
13. "Resources recovery" means the separation, extraction and recovery of usable materials, energy or heat from solid waste through source separation, recycling centers or other programs, projects or facilities.
14. "Revenues" means all rates, fees, rents, charges and other income derived by the agency from its operation.
15. "Solid waste" means all materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, source, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954 [FN1], as amended, or waste which appears on the list of hazardous waste promulgated by the commissioner of environmental conservation pursuant to section 27-0903 of the environmental conservation law.
16. "Solid waste management-resource recovery facility" or "facility" means any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for or is incidental to the collecting, receiving, transporting, storage, processing, or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including but not limited to recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution and related plants and facilities, sanitary landfills, leachate treatment facilities, landspreading facilities, waste oil storage, reprocessing and recycling facilities, plants and facilities for compacting, composting or pyrolyzation [FN2] of solid wastes, incinerators, and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in subdivisions four and five of section 51-0903 of the environmental conservation law. Any such facility producing either electricity or shaft horsepower and useful thermal energy shall constitute a co-generation facility as defined in subdivision two-a of section two of the public service law.
17. "State" means the state of New York.
18. "Source separation" means the segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

CREDIT(S)

(Added L.1986, c. 936, § 1, eff. March 1, 1987.)

[FN1] 42 USCA § 2011 et seq.

[FN2] So in original. Probably should be "pyrolyzation".

CROSS REFERENCES

Identification and listing of hazardous waste, see ECL 27-0903.

Solid waste definition, see ECL 51-0903.

LIBRARY REFERENCES

2011 Main Volume

Counties ↪ 61.

Environmental Law ↪ 341.

Health ↪ 369.

Westlaw Topic Nos. 104, 149E, 198H.

C.J.S. Counties §§ 156 to 158.

C.J.S. Health and Environment §§ 7 to 9, 16 to 17, 26 to 27, 44 to 45, 98 to 100, 169.

McKinney's Public Authorities Law § 2050-b, NY PUB AUTH § 2050-b

Current through L.2012, chapters 1 to 59 and 61 to 256, 260, 268, 344, 366.

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Solid Waste Composition and Characterization

- Dated: 2008
- Authored: NYS Department of Environmental Conservation



Solid Waste Composition and Characterization

MSW Materials Composition in New York State

This page is intended to aid communities in evaluating appropriate materials management strategies and implementing the state's solid waste management hierarchy.

In 2008, facilities in New York State managed a total of more than 36 million tons of materials and waste, as depicted in this table.

Materials and Waste Management in NYS, 2008

	MSW		Industrial		C&D		Biosolids		Total	
	Mtons*	%	Mtons*	%	Mtons*	%	Mtons*	%	Mtons*	%
Recycle/ Compost	3.7	20	1.4	39	7.2	55	0.9	47	13.1	36
Landfill	6.0	33	2.1	60	4.1	32	0.3	17	12.5	34
Combustion	2.5	14	<0.1	1	<0	10	0.4	24	3.0	8
Export for Disposal	6.1	33	<0.1	0	1.7	13	0.2	12	8.0	22
Total	18.3	100	3.5	100	13	100	1.8	100	36.6	100

*Mtons=Million Tons

Because no one study is directly transferable, data from multiple sources were compiled and aggregated to create the DEC composition estimate. After a careful review of dozens of composition analyses, the data from the following sources were used:

- Municipalities within New York State: New York City and Onondaga Co. Resource Recovery Agency (OCRRA)
- Municipalities in other states: Seattle, WA and San Francisco, CA
- Other States: Vermont, Wisconsin, Missouri, Georgia, Oregon, Ohio, Delaware, Pennsylvania, and California

ESTIMATED MSW GENERATED

The estimated composition of materials generated by the residential and commercial/institutional sector is presented in Figure 1. They are:

- Paper - 33 percent
- Glass - 4 percent
- Plastics - 14 percent
- Metals - 7 percent
- Organics - 23 percent
- Textiles - 5 percent
- Wood - 3 percent

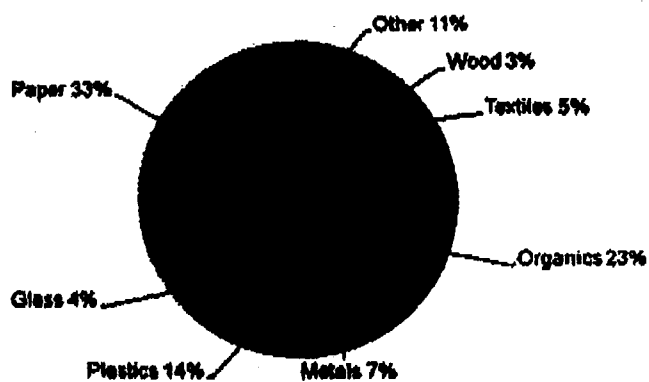
- Other - 11 percent

MSW composition estimate includes data on tires and scrap metal that are generated as part of the MSW stream

MSW composition estimate does not include:

- separately managed C&D debris,
- several organics streams (biosolids, septage, agricultural materials, etc.),
- industrial waste,
- medical and biohazardous materials
- tires and scrap metal managed outside of the MSW management structures.

Estimated MSW Generation in New York State

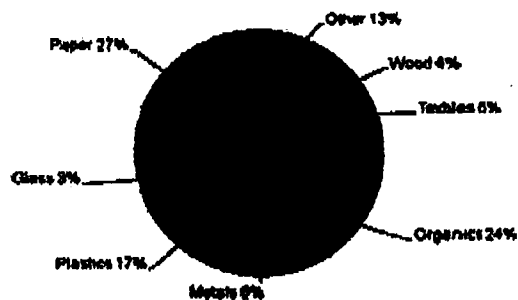


ESTIMATED MATERIALS DISCARDED IN NEW YORK STATE

Figure 2 depicts DEC's estimate of the composition of materials discarded in New York State. These are:

- Paper - 27 percent
- Glass - 3 percent
- Plastics - 17 percent
- Metals - 6 percent
- Organics - 24 percent
- Textiles - 6 percent
- Wood - 4 percent
- Other - 13 percent

Estimated MSW Disposed of in New York State



Disposal data can inform program managers regarding how well their programs are capturing targeted materials and can help identify targets to maximize diversion.

For example, about 20 percent of material disposed of in New York State is paper that is commonly recycled in many municipal programs which indicates that programs are not achieving optimal capture rates.

Composition Calculators

Downloadable Microsoft Excel files containing detailed model composition data. Useful for planning units to estimate their own waste stream composition.

User Tip: If you have a problem viewing these spreadsheets while in Excel try the following: Go to View then Full Screen and you should see the worksheets.

MSW Composition Analysis (Excel file, 66 kb) - This spreadsheet includes a Statewide Solid Waste Composition Analysis, including breakdowns for rural, urban and suburban areas.

MSW Detailed Composition Analysis for 2010 (Excel file, 132 kb) - This is an MSW spreadsheet with certain fields in which a municipality or Solid Waste Planning Unit can enter specific information about the MSW stream to develop an estimated waste composition for the specific geographic area.

Construction and Demolition (C&D) Debris Detailed Composition Analysis for 2010 (Excel file, 65 kb) - This is a C&D debris spreadsheet with certain fields in which a municipality or Solid Waste Planning Unit can enter specific information about the C&D debris stream to develop an estimated waste composition for the specific geographic area.



Instructions for the Preparation of a LSWMP Compliance Report

6 NYCRR Section 360-15.12 requires that all planning units with a Department-approved LSWMP submit Compliance Reports to the Department no later than March 1 of every odd number year.

In an effort to assist planning units, the Department has prepared this outline identifying the information and documentation required in a LSWMP Compliance Report. Anyone completing a Compliance Report should follow the outline and append any additional sections necessary to provide a clear understanding of the local solid waste management programs and concerns.

1. **Cover:** Include the following information:
 - o Title of the Original Approved LSWMP
 - o Planning Unit Name
 - o Reporting Period (This is a two year period, such as Jan. 1, 2007 to Dec. 31, 2008)
 - o Date of Compliance Report submission.
2. **Table of Contents:** Include all topics and sub-topics listed below, as well as additional topics you wish to add for a clear understanding of the solid waste management program.
3. **Executive Summary:** Include a 1-2 page summary of the contents of the Compliance Report.
4. **Compliance Report Body:** Include text, descriptions, bullet lists, charts, etc as needed for ALL topics and sub-topics below:

4.1 Planning Unit Description

- a. List all current member Counties, Cities, Towns, Villages and Districts actively participating in the Planning Unit and the LSWMP.
- b. List any former member Counties, Cities, Towns, Villages and Districts that have ceased participating in the Planning Unit and the LSWMP.
- c. List Planning Unit demographic information, including population, number of households, size of geographic area, population density, etc.

4.2 LSWMP Status and Accomplishments

A brief narrative on the status of the LSWMP, including:

- a. SWMP milestones achieved during the reporting period.
- b. Waste reduction and recyclables (WRR) recovery program elements
 1. Procedures for implementing the current WRR program, including: separation, collection, transportation, storage, processing, marketing, operation and management.
 2. Elements of the current WRR public education and promotion program.
- c. Implementation obstacles and efforts taken to overcome them.
- d. Exceptional or unique SWM programs or projects accomplished.
- e. Differences between the current WRR program and that which was contained in the latest

approved version of the LSWMP or comprehensive recycling analysis (CRA) along with the reasons for such differences.

- f. Progress made towards achieving LSWMP or CRA waste reduction, reuse and recovery goals - OR - an explanation of obstacles to making progress towards achieving LSWMP or CRA waste reduction, reuse and recovery goals.

4.3 Resources

- a. A description of the Planning Unit's funding level and staffing level for solid waste management, including WRR and composting.
- b. List of actual or proposed changes to funding mechanisms and management structure in the latest approved version of the LSWMP.
- c. Recommendations for State of federal actions to support local SWM efforts.

4.4 Implementation Schedule

- a. A brief narrative on the status of your implementation schedule, including:
 - 1. List of milestones remaining to be achieved;
 - 2. Revised implementation schedule, including milestones.
 - 3. Deviations from the implementation schedule, and reasons for the deviations.
- b. Brief evaluation of the WRR and/or composting potential of the materials in the waste stream not currently included in the recycling program including the following:
 - 1. Present and potential markets and specifications;
 - 2. Present and potential technical feasibility of WRR or composting; and
 - 3. Scheduled implementation date for a reduction, reuse, recycling or composting program for additional materials.
- c. New SWM issues that have arisen.
- d. If the LSWMP expires before or during 2010, a preliminary schedule for updating, extending or developing a new LSWMP. The schedule must provide for a new or revised LSWMP to be in place at the expiration of the current LSWMP.

4.5 Solid Waste and Recyclables Inventories

- a. A description of solid waste and recyclables data collection methods
- b. List of sources of solid waste and recyclables data.
- c. List of destinations outside Planning Unit for solid waste generated in Planning Unit.
- d. List of destinations outside Planning Unit for recyclables generated in Planning Unit
- e. Annual Planning Unit Recycling Report (pdf, 304 kb)
- f. Copies of the most recent source separation laws, ordinances, regulations, resolutions and rules within the Planning Unit, or a note that these laws are unchanged from the previously submitted Compliance Report.

Send Completed Compliance Reports by March 1, 2011 to the Regional Materials Management Engineer (RMME) in your Regional DEC office.

DEC Region 1, SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790-3409
DEC Region 2, 47-40 21st. Street, Long Island City, NY 11101

DEC Region 3, 21 South Putt Corners Rd., New Paltz, NY 12561
DEC Region 4, 1150 N. Westcott Road, Schenectady, NY 12306
DEC Region 5, 1115 NYS Rt. 86, PO Box 296, Raybrook, NY 12977
DEC Region 6, 317 Washington St., Watertown, NY 13601
DEC Region 7, 615 Erie Blvd. West, Syracuse, NY 13204
DEC Region 8, 6274 E. Avon-Lima Rd., Avon, NY 14414
DEC Region 9, 270 Michigan Ave., Buffalo, NY 14203

Please also send a copy of the Compliance Report to:

Bureau of Permitting and Planning
NYSDEC
Division of Materials Management
625 Broadway 9th Floor
Albany, NY 12233-7253
planning@gw.dec.state.ny.us (electronic submittals encouraged)



Additional Resources for Solid Waste Management Planning

The links on this page leave the NYS DEC Website

NYS Empire State Developments

New York State Recycling Markets Database
NYS Organics Recycling Portal

United States Environmental Protection Agency (USEPA)

Decision Makers' Guide to Solid Waste Management
Toolkit for Pay as You Throw
Characterization of Municipal Solid Waste in the United States Facts and Figures
Food Waste Management Cost Calculator
Best Management Practices for Incorporating Food Residuals Into Existing Yard Waste Composting Operations

Environmental Finance Center at Syracuse University

NY Ag Trader - free classified ads section for farm products
NY Food Trader - online farmers' market and food-bank

Northeast Recycling Council (NERC)

Tools page - a variety of studies, reports and fact sheets on many topics including: Asphalt Shingles, Gypsum, Medications, Electronics, Materials Exchanges, Recycling Markets, Anaerobic Digestion, etc.
Environmental Benefits Calculator
Recycling Economic Information (REI) Study

Local Solid Waste Management Plans on the Web

Fulton County
New York City
North East South Towns of Erie County (NEST)

Other Useful Information

United States Supreme Court Decision on Flow Control - United Haulers Association, Inc. v. Oneida-Herkimer Solid Waste Authority
Population estimates from the U.S. Census Bureau by County in NYS



Model Local Recycling Laws

Local Solid Waste Management Planning

NYS Recycling Mandate

Municipalities in New York State are required to enact local recycling laws under General Municipal Law § 120-aa ("GML § 120-aa"). All municipalities in the state adopt a local law or ordinance, by no later than September 1, 1992, requiring that solid waste be separated into recyclable, reusable or other components.

New York State Source Separation/Recycling Law (GML 120-aa)

Source separation and segregation of recyclable or reusable materials.

1. The legislature hereby finds that it is in the public interest, in order to further the purposes of the state policy on solid waste management articulated in section 27-0106 of the environmental conservation law, for a municipality to adopt a local law or ordinance to require the source separation and segregation of recyclable or reusable materials from solid waste.

2. a. Pursuant to the authority of this section, no later than September first, nineteen hundred ninety-two, a municipality shall adopt such a local law or ordinance to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility, shall be separated into recyclable, reusable or other components for which economic markets for alternate uses exist. For purposes of this section, the term "economic markets" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said material less the amount received from the sale of said material.

b. For purposes of this section, "components" shall include paper, glass, metals, plastics, garden and yard waste, and may include other elements of solid waste.

c. Prior to exercising the authority of this section to enact such a local law or ordinance, the municipality shall hold a public hearing relating to its proposed provisions and shall give due consideration to existing source separation, recycling and other resource recovery activities in the area, to the adequacy of markets for separated

materials, and to any additional effort and expense to be incurred by residents in meeting the proposed separation requirements. The authority provided in this section shall be in addition to and without limitation upon the authority vested in municipalities under any other statute.

d. In fulfillment of the provisions of this section a municipality may use public lands or buildings or private lands or buildings, open to the public, upon written consent of the owner, as a recycling center or depot for the storage of recyclable materials. The office of general services and any other agency, authority or commission holding title to lands or buildings in the name of the people of the state shall fully cooperate with any person acting under the authority of this section to establish a recycling program, provided that such use is not inconsistent with the principle purpose of such lands or buildings, subject to local zoning restrictions.

Model Local Laws and Ordinances

Every municipality in the State is required to have a solid waste law that requires recycling. A municipality can either enact it's own law or participate in another municipality's law, such as a Town subject to a law passed at the County level.

Below are a number of links to local laws enacted by municipalities around the State who have active recycling and solid waste management systems.

City of Albany, Albany County (PDF) (33 kB)

Town of Brookhaven, Suffolk County (PDF) (2.4 mB)

Broome County (PDF) (145 kB)

Franklin County (PDF) (1.2 mB)

Town of Hempstead, Nassau County (PDF) (985 kB)

Town of Islip, Suffolk County (PDF) (871 kB)

Monroe County (PDF) (550 kB)

New York City (PDF) (1.9 mB)

Oneida and Herkimer Counties (PDF) (942 kB)

Onondaga County (PDF) (297 kB)

Oswego County (PDF) (154 kB)

Westchester County (PDF) (1.1 mB)

Resolution #217

- Dated: August 14, 2012
- Authorizing the Creation of a Special Legislative Committee on the Future of the RRA

Authorizing the Creation of a Special Legislative Committee on the Future of the RRA

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Harris, Maio, Maloney, Gregorius, Provenzano and Rodriguez); and The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and Robert Parete)

The Chairman of the Environmental, Energy and Technology Committee, Carl Belfiglio, offers the following:

WHEREAS, the Ulster County Resource Recovery Agency (“RRA”) was formed under authorization by the New York State Legislature; and

WHEREAS, as a result of various decisions, the RRA requires Ulster County taxpayers to financially assist the RRA in meeting its obligations; and

WHEREAS, the annual subsidy provided by the Ulster County taxpayers now exceeds \$1 million and reasonable projections contemplate such subsidy growing to over \$2 million; and

WHEREAS, this Legislative body wishes to form a Special Legislative Committee to explore the path of (a) flow control as well as (b) a potential sale of the assets of the RRA or operating agreement, as well (c) the concept or setting up a fee or tax based system to finance the RRA, or (d) any combination thereof, the second (b) of which may require approval of the New York State Legislature, and the third (c) of which may also depending on how it is structured require state Legislative approval; now therefore be it

RESOLVED, that, pursuant to Rule 5 of the Rules of Order of the Ulster County Legislature, there shall be a Special Legislative Committee on the Future of the RRA to evaluate flow control, a potential sale of the assets of the RRA or operating agreement, a fee or tax based system to finance the RRA, or any combination thereof; and be it further

RESOLVED, this Special Legislative Committee shall be authorized and encouraged to explore any and all alternatives that may present a viable solution.

RESOLVED, this Special Legislative Committee shall consist of up to fourteen (14) members to be comprised of any members who wish to serve on such Special Committee and who also serve on the Environmental, Energy and Technology Committee or the Ways and Means Committee; and be it further

RESOLVED, that a quorum shall consist of half plus one of the total members of the Special Legislative Committee on the Future of the RRA; and be it further

Resolution No. 217 August 14, 2012

Authorizing the Creation of a Special Legislative Committee on the Future of the RRA

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of August, 2012, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 15th Day of August in the year Two Thousand and Twelve.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature