

Resource Recovery Agency #2

Materials compiled for the Special Committee on the Future of the RRA

ULSTER COUNTY LEGISLATURE

August 27, 2012

Solid Waste Management Plan - Executive Summary

- NYSDEC Approved: December 1991
 - Modified: August 1992
- Current Plan submitted to the DEC and pending review/comment.
- As per the DEC, current Plan is a draft and unable to be distributed

ULSTER COUNTY

FINAL

SOLID WASTE MANAGEMENT PLAN



and

FIRST MODIFICATION
INTERIM SOLID WASTE MANAGEMENT PROGRAM

VOLUMES I and II

Prepared - October, 1991
NYSDEC Approved - December, 1991
Modified - August, 1992
(Changes Incorporated Herein and in Volume II)



PRINTED ON RECYCLED PAPER



1987

EXECUTIVE SUMMARY

ULSTER COUNTY SOLID WASTE MANAGEMENT PLAN

EXECUTIVE SUMMARY

The development of a solid waste management plan ("The Plan") for Ulster County (the "County") is authorized by the New York State Solid Waste Management Act of 1988. It is subject to the New York State Environmental Quality Review Act ("SEQRA") process and solid waste planning regulations set forth in 6 NYCRR Part 360-15 administered by the New York State Department of Environmental Conservation ("NYSDEC"). SEQRA suggests a Generic Environmental Impact Statement ("GEIS") as a means for agencies to review the conceptual framework of a proposed plan, thus giving early consideration to environmental factors, as well as social and economic issues.

The Ulster County Resource Recovery Agency ("UCRRA") was authorized by the County Legislature to develop "The Plan" and conduct the SEQRA review. UCRRA conducted a SEQRA review of the Plan which resulted in the approval of a Final GEIS and the issuance of a Findings Statement in September of 1990. The SEQRA process addressed the environmental, social, and economic impacts of "The Plan", identified potential areas for siting facilities, and recommended technologies for solid waste management facilities.

Implementation of "The Plan" will require the preparation of a specific Environmental Impact Statement to address site and technology specific environmental impacts and support permit applications to NYSDEC.

After completion of the SEQRA process, "The Plan" was presented to and approved by UCRRA and the County Legislature in May of 1991. It has been presented to NYSDEC for approval.

GOALS

The overall goal of the Solid Waste Management Plan is to provide an environmentally sound and cost effective solution to the problems associated with the collection, transportation, processing, and disposal of municipal solid wastes generated in the County. "The Plan" covers a 25 year planning period from 1989-2014. A 5-year interim period from 1989-1994 is necessary for the planning, design, siting, and construction of the various solid waste management facilities called for. These

facilities are expected to be fully operational during their 20-year life, 1994-2014. Some may be functional beyond this time frame.

Modification
Added 8/92)

During the interim period, UCRRA will implement reduction reuse, and recycling programs, including interim Satellite Aggregation Centers, obtain legal authority from the County Legislature to manage the Solid Waste stream, develop and implement a Landfill Consolidation Plan and Landfill Closure Assistance Program, and issue its first series of revenue bonds.

COMPONENT ACTIONS

After an extensive evaluation of the alternatives and a determination to meet the goals and objectives of the waste management planning efforts, the County has developed a comprehensive Solid Waste Management Plan based on an integrated system of component actions and a decentralized system of solid waste management facilities (i.e., Recycling Centers, Compost Facility, Transfer Stations, Landfill, etc.).

In keeping with State policy on Solid Waste Management, the County "Plan" embraces the major elements of the solid waste management planning hierarchy and appropriately designates waste reduction and recycling (including composting) as the cornerstone of "The Plan". The major program components of the Ulster County "Plan" are as follows:

- o Waste Reduction/Reuse through legislation and education
- o Household Hazardous Waste - separation, collection, and reuse or disposal programs
- o Recycling - Satellite Aggregation Center System (SAC) - for major materials recycling identified in the Intermunicipal Agreements (IMAs) with Ulster County municipalities
- o Recycling - miscellaneous materials recycling program for materials not identified in the IMAs (ie. textiles, batteries, tires, appliances, etc.)
- o Recycling - Legislative Educational and Institutional programs
- o Facilitate a construction and demolition debris recycling and volume reduction program
- o Municipal Organic Waste Composting and Diversion programs to include:
 - Municipal Yard Waste Composting program
 - Sewage Sludge Management program
 - Food Waste Diversion program

- Apple/Grape Pomace Reuse/Composting program
- Offal Reuse and Diversion program
- o Municipal Solid Waste (MSW) processing assessment
- o Facilitate a medical waste management program
- o Landfilling/Transfer Station System for disposal of residuals (after recycling and organic waste composting) and by pass wastes in a single, new capacity, state-of-the-art landfill

OVERVIEW OF THE PLAN

New York State solid waste management policy identifies a planning hierarchy of:

- waste reduction
- reuse and recycling
- waste-to-energy
- land disposal.

"The Plan" incorporates a solid waste reduction and reuse strategy, a comprehensive recycling/composting program, and a state-of-the-art landfill. This combination provides an integrated approach that follows the hierarchy and effectively addresses environmental, technical, and economic considerations. The major components of "The Plan" as described below.

Waste Reduction

The State has set a solid waste reduction goal of 8% to 10% by 1997. "The Plan" provides for a strong public education program focusing on education for the homeowner and consumer related to the purchase of durable and reusable items; business and manufacturing education on reducing the use of virgin materials, and encouraging the purchase of used equipment whenever possible. UCRRA also supports regional, State and Federal waste reduction initiatives. UCRRA and the County Legislature, through representative groups such as the New York State Association of Counties, and the National Association of Counties, support waste reduction legislation at those governmental levels, and are also considering regional packaging legislation.

Household Hazardous Waste (HHW) Removal Program

Ulster County currently generates about 0.5 tons per day of what are commonly called household hazardous wastes (HHW); also known as household toxics. While representing a negligible percentage of the total waste stream (less than 0.1%) in terms of volume, their potential toxicity may pose a significant threat to the environment, and to public health and safety. Currently there is no comprehensive, Countywide program for segregation, collection, and disposal of HHW.

UCRRA has accepted the responsibility for managing household hazardous waste (HHW) and will implement a HHW collection program that would be coordinated with Ulster County municipalities. The development program should be a cooperative venture between UCRRA and the EMC and should be phased in over time.

Recycling Programs

Recycling, the reuse or processing of materials, reduces the volume of solid waste to be disposed. The County's recycling programs aim to maximize reuse and recycling initiatives through the phased implementation of a Countywide recycling and composting program. The recycling program is being implemented in stages. The phases of the recycling program include the following:

- Phase 1 - Technical Assistance to Municipalities (ongoing);
- Phase 2 - Recycling Development Projects (completed in 1990);
- Phase 3 - Satellite Aggregation Center (SAC) System, Intermunicipal Agreements (IMAs), Municipal Drop-Off Site (MRDS), transportation, marketing and interim systems completed, adoption of County-wide source separation law and permitting and construction of permanent facilities under consideration); and
- Phase 4 - Long-term - expand SAC System (evaluation of System, expansion of recyclable materials and markets maximization of education).

Recycling development projects were initiated in 1988 to provide an opportunity for all of the County to recycle newspaper. In addition, a development project in the

Town of Ulster recycled commingled glass and metal containers, as well as newsprint.

An expansion phase of the recycling programs, including composting of leaf and yard wastes, commenced in 1989. This phase involved the establishment of major materials recycling programs in nearly all of the municipalities of the County. This has led to the continuing development of a Satellite Aggregation Center ("SAC") System under which UCRRA will provide collecting equipment, transportation, processing and marketing services for residential and commercial recyclables. Under the SAC System, municipalities are responsible for collecting or overseeing the collection of recyclable materials, and for building and operating Municipal Recycling Drop-Off Sites ("MRDS") under an Intermunicipal Agreement ("IMA") with the Agency.

The recycling program also includes the adoption of a Countywide mandatory source separation law, expansion of recycling to the commercial and institutional sector, development of a miscellaneous materials recycling program, a construction and demolition recycling program, and a household hazardous waste collection program.

Construction and Demolition (C&D) Debris Recycling and Volume Reduction Program

Construction and demolition (C&D) debris refers to wood waste and rubble generated during construction, demolition, refurbishing, and renovation activities. For the most part, C&D debris generated in the County is collected separately by private carters. One minor exception is the small amounts generated by homeowners through home improvement projects may be collected together with household refuse.

The County's goal is to achieve 40% recycling of C&D wastes by 1997. UCRRA recommends that collecting, processing, and disposing (except for wood wastes handled by the Agency's Tub Grinder) of C&D materials be handled by the private sector with UCRRA having overall management responsibilities.

A determination to construct and operate its own facility would be made after the private sector has been given the opportunity to construct and operate C&D recycling facilities. This will occur in mid-1992, after the C&D waste tracking system is in place and providing the necessary data to assess the County's ever changing needs. One private C&D recycling facility has recently

been permitted and is operating within the County. An evaluation of its success in mid-1992 will also be included in the criteria to make this determination.

Municipal Organic Waste Composting and Diversion Program

"The Plan" includes the development of an organic waste composting and diversion program. The program's goal is to divert, capture, and reuse for compost 95%-100% of the approximately 86,064 tons of organic waste generated in the County by 1997. The program will be phased in and integrated with the recycling and waste reduction program.

- o Municipal Yard Waste Composting: The program begins with municipal yard waste composting. This element has already been implemented by UCRRA in cooperation with all of the County's municipalities. A tub grinder has been purchased and is currently operating at various municipal sites throughout the County, processing brush, clean wood waste and yard waste. Pursuant to agreements with the municipalities, yard waste will be processed by UCRRA and composted by the municipalities at municipal sites. UCRRA will provide technical assistance to ensure that composting is done properly and effectively. Composting operations will be monitored and a quality control program will be implemented.
- o A Food Waste Diversion Program: This program will be implemented by establishing a pilot research and development project utilizing assistance from such entities as Cornell Cooperative Extension of Ulster County. Additionally, since a significant amount of apple/grape pomace and offal is produced in the County a reuse/composting program will be developed by conducting a pilot research and development project which will identify the appropriate technical program for these materials.
- o Sewage Sludge Management Program: Approximately 40 to 50 tons per day of sewage sludge are generated within the County. UCRRA will continue to participate with the Ulster County government in regional sludge management initiatives. UCRRA will also pursue, in cooperation with the Ulster County Health Department, monitoring and testing of sewage sludge and will initiate a study to determine the appropriate treatment methods for this solid waste.

Municipal Organic Waste Composting Facility

UCRRA has found that the development of a municipal organic waste co-composting facility will reduce the amount of solid waste to be landfilled, and, therefore development of such a facility would preserve valuable landfill space. UCRRA will encourage the private sector to develop compatible municipal organic waste co-composting facilities. UCRRA will solicit expressions of interest from private sector vendors; review all private sector proposals to develop such facilities within the County; support all compatible development initiatives, and continue to evaluate the development of those facilities within the County. If UCRRA finds that private sector initiatives have not been sufficiently developed, then it will plan, construct, permit and operate or provide for the operation of a municipally owned organic waste co-composting facility for organic waste material that is not being reused, recycled, or otherwise diverted to a higher more beneficial use.

Municipal Solid Waste (MSW) Processing Assessment

A number of European technologies have recently been marketed in this Country which claim to transform mixed municipal solid waste into useable compost product and/or refuse derived fuel (RDF). These technologies are new and several types of facilities are operating on a pilot or demonstrative basis in the United States. The UCRRA maintains that MSW processing is an emerging technology with great promise, and will, more than likely, play a significant role in future solid waste management. However, until such time as the efficiency of the processing systems and, more importantly, the marketability of the compost or RDF end product have been clearly established and proven, the County cannot justify, at this time, committing substantial financial resources toward the development of such a facility at the initial stages of the Solid Waste Management Plan implementation. UCRRA will monitor processing and composting facilities and review emerging technologies for integration with "The Plan" at a future phase.

Single New Landfill

After evaluating available solid waste management technologies, UCRRA has determined to design, permit and construct a single, new capacity landfill as the primary means of disposing of wastes which cannot be reduced,

reused, recycled, or composted. UCRRA estimates that approximately 50% of the County's waste stream over the 20 year planning period will be landfilled. UCRRA's selection of landfill technology involved an extensive analysis of other technology options including waste-to-energy. UCRRA found that because of economic and environmental concerns associated with waste-to-energy, including concerns over the importation of solid waste from outside the County, landfilling was the acceptable technology. UCRRA further determined that a sufficient size to handle the waste generated within the County for the 20 year planning period requires a site of approximately 100 acres. UCRRA also found that the landfill should be sited on glacio-lacustrine clay soils.

UCRRA will develop the landfill in small, manageable cells, ranging in size from 5 to 10 acres. It was determined that the landfill facility should be developed by the public sector to ensure maximum control of disposal of materials at the landfill. "The Plan" also calls for passage of waste stream control legislation to ensure that solid waste generated within the County is properly disposed of at the landfill facility.

"The Plan" also calls for the development of transfer stations throughout the County to ensure that economical transportation of solid waste to the County-wide facility is obtained.

Landfill Siting

UCRRA conducted a siting analyses and has determined that 23 potential candidate areas for landfill development exist within the County. "The Plan" calls for additional studies to be undertaken before a preferred site is selected. The additional studies will focus on soil stability, hydrogeology of soils and archeological sensitivity of candidate areas.

The basic solid waste management strategies, outlined above, will successfully manage the approximately 665 average tons per day of solid waste currently generated in 1988, and the 829 average tons per day expected to be generated by the end of the planning period (2014). Figures ES-1 through ES-4 shows the waste flow components of the "Plan" for the following years:

- 1990 Figure ES-1 - Beginning of the Interim Planning Period;

- 1994 Figure ES-2 - End of the Interim Planning Period;
- 1997 Figure ES-3 - The Year New York State has set to achieve its Recycling Goals;
- 2014 Figure ES-4 - The Last Year in the Planning Period.

These diagrams illustrate the approximate tonnage of solid waste to be allotted towards the various plan components. Each allocation effectively reduces the total waste stream. For example, in the year 1997 after maximum allocation towards waste reduction, recycling, and composting, approximately 50-60% of the County's waste stream will remain. These remaining mixed wastes will be landfilled until such time as other programs are in place and higher percentages of recycling can be achieved.

PLAN IMPLEMENTATION

Figure ES-5 shows the proposed schedule for implementing major components of "The Plan". As indicated, certain elements of the recycling program have already been initiated, in a manner consistent with the County's desire to maximize recycling.

INTRODUCTION/COMPLIANCE WITH STATE SOLID WASTE MANAGEMENT ACT OF 1988 AND STATE SOLID WASTE MANAGEMENT PLAN

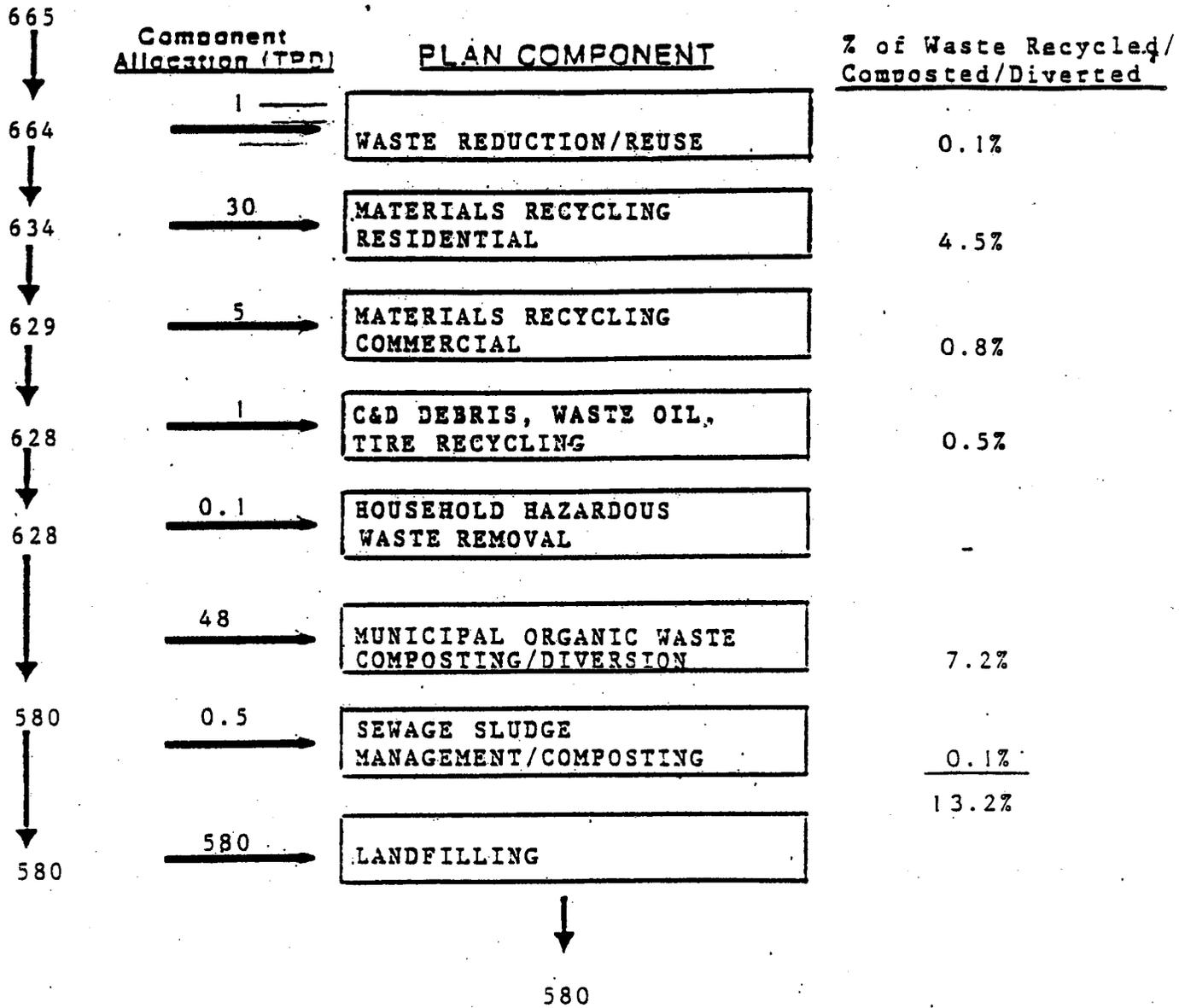
Municipalities within Ulster County requested the County Legislature to address their solid waste management needs. As a result the UCRRA was formed in 1987 to develop a long-term comprehensive solid waste management plan ("The Plan"). "The Plan" addresses the New York State policy for solid waste, and provides for County support of waste reduction measures instituted by the State and Federal governments. In addition, UCRRA has initiated an analysis and consideration of waste reduction measures at the County level (i.e., proposed plastics packaging legislation).

In conjunction with waste reduction measures, the development and implementation of aggressive recycling programs are targeted to maximize recycling and exceed State goals for reduction or recycling of the waste stream by 1997.

ULSTER COUNTY SOLID WASTE MANAGEMENT PLAN
WASTE FLOW/PLAN COMPONENT DIAGRAM

YEAR - 1990

* Remaining
Waste (TPD)



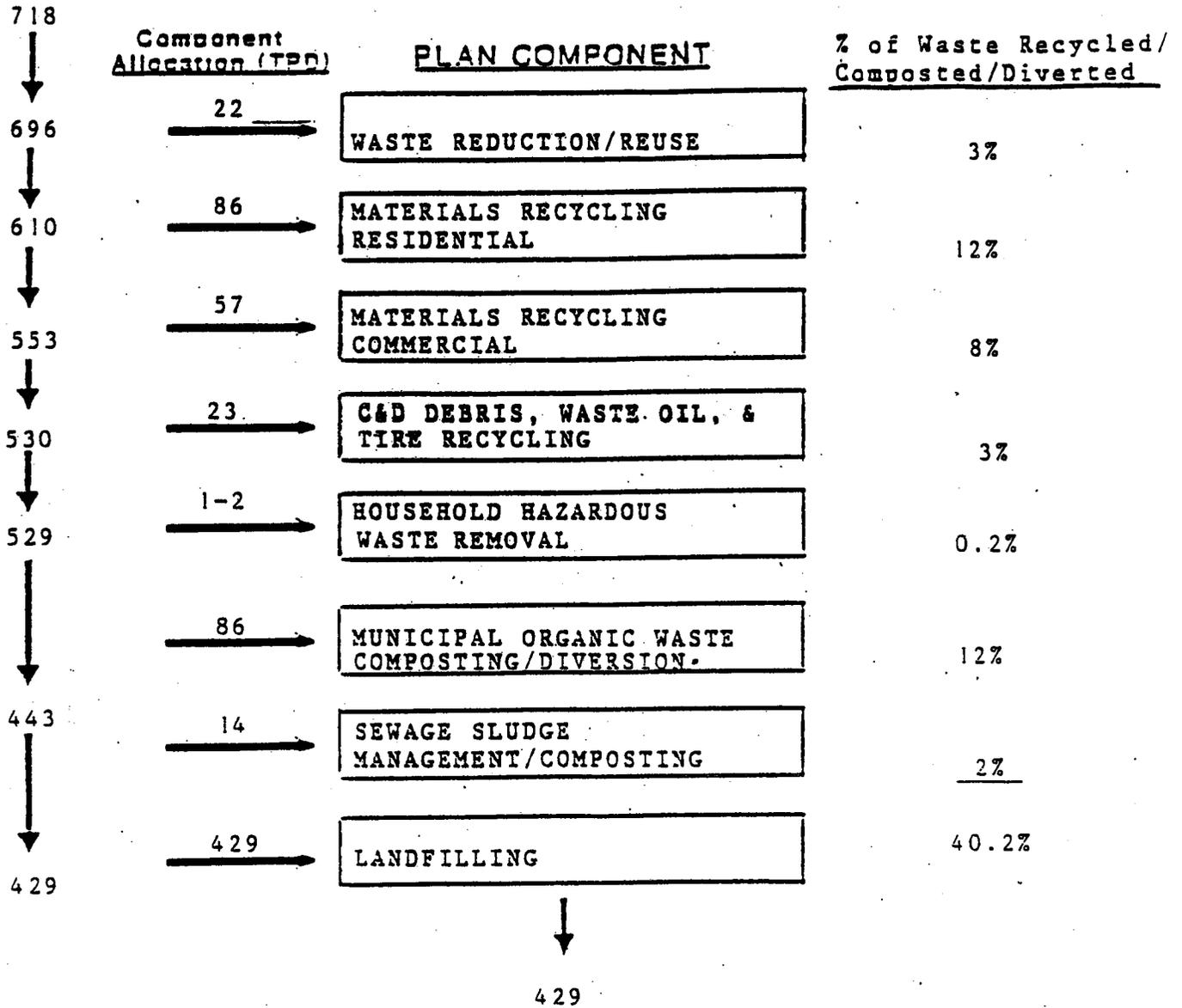
* Remaining Waste TPD After
Returnable Bottle Law
Reduction

FIGURE ES-2

ULSTER COUNTY SOLID WASTE MANAGEMENT PLAN
WASTE FLOW/PLAN COMPONENT DIAGRAM

YEAR - 1994

*Remaining
Waste (TPD)



* Remaining Waste TPD After
Returnable Bottle Law
Reduction

ULSTER COUNTY SOLID WASTE MANAGEMENT PLAN
 WASTE FLOW/PLAN COMPONENT DIAGRAM
 YEAR - 1997

*Remaining
 Waste (TPD)

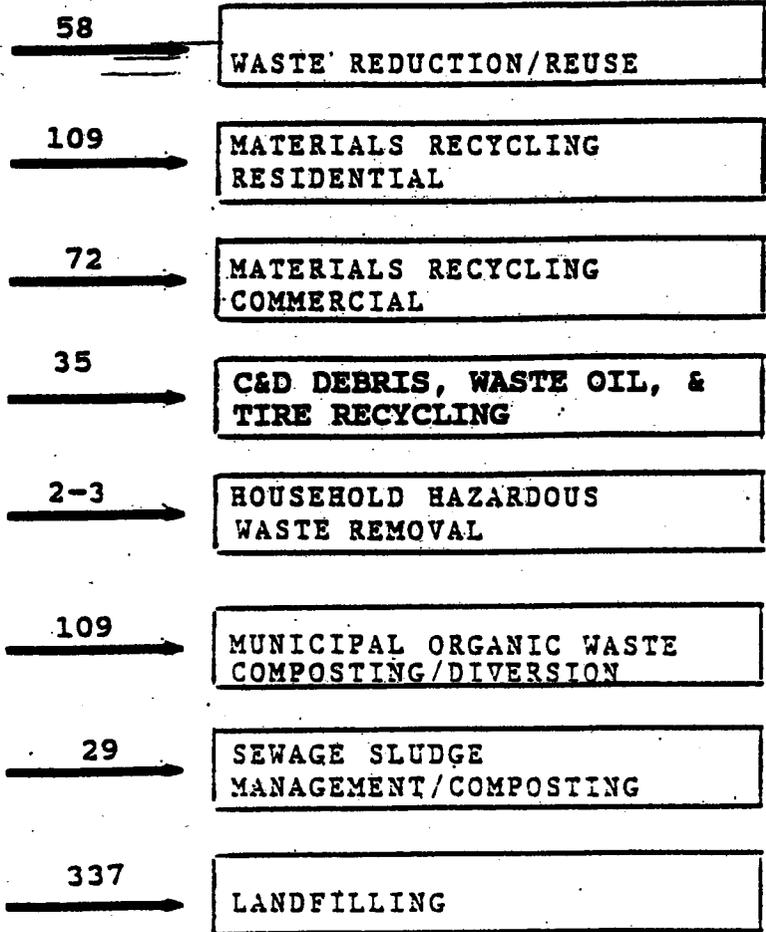
751



Component
 Allocation (TPD)

PLAN COMPONENT

% of Waste Recycled/
 Composted/Diverted



8%
 15%
 10%
 4%
 0.3%
 15%
 4%
 56.3



* Remaining Waste TPD After
 Returnable Bottle Law
 Reduction

FIGURE ES-4

ULSTER COUNTY SOLID WASTE MANAGEMENT PLAN
WASTE FLOW/PLAN COMPONENT DIAGRAM

YEAR - 2014

* Remaining
Waste (TPD)

929

827

678

539

488

483

297

251

Component
Allocation (TPD)

102

149

139

51

5

186

46

251

PLAN COMPONENT

WASTE REDUCTION/REUSE

MATERIALS RECYCLING
RESIDENTIAL

MATERIALS RECYCLING
COMMERCIAL

C&D DEBRIS, WASTE TIRE, &
TIRE RECYCLING

HOUSEHOLD HAZARDOUS
WASTE REMOVAL

MUNICIPAL ORGANIC WASTE
COMPOSTING/DIVERSION

SEWAGE SLUDGE
MANAGEMENT/COMPOSTING

LANDFILLING

% of Waste Recycled/
Composted/Diverted

11%

16%

15%

5%

0.5%

20%

5%

72.5%

251

* Remaining Waste TPD After
Returnable Bottle Law
Reduction

DESCRIPTION OF THE PROPOSED ACTION

The County is located in lower New York State, approximately 90 miles north of New York City and 50 miles South of Albany, and covers approximately 1,140 square miles. In 1988, Ulster County population was approximately 166,000 and it is expected to increase to about 184,000 by 2010. The County's 24 municipalities are composed of three villages, one city, and 20 towns. Fifteen municipal landfills are currently being used for the disposal of most of the solid waste generated in the County.

In 1988, the County generated approximately 235,500 tons of solid waste. By the year 2010, this total is expected to increase to over 300,000 tons. Since the UCRRA was formed in 1987, one major municipal landfill in the County has been closed and others are reaching capacity. Population growth, landfill closures, and more stringent environmental regulations have created the need to reevaluate waste disposal methods and develop new strategies of solid waste management, such as the proposed action discussed in this Plan.

ALTERNATIVES TO THE PROPOSED ACTION

UCRRA has considered reasonable alternatives to the actions described in "The Plan". The alternatives achieve the same or similar objectives, have relatively the same or reduced adverse environmental effects, and can be implemented in a time frame similar to that of the proposed action. The following four alternatives to "The Plan" have been considered:

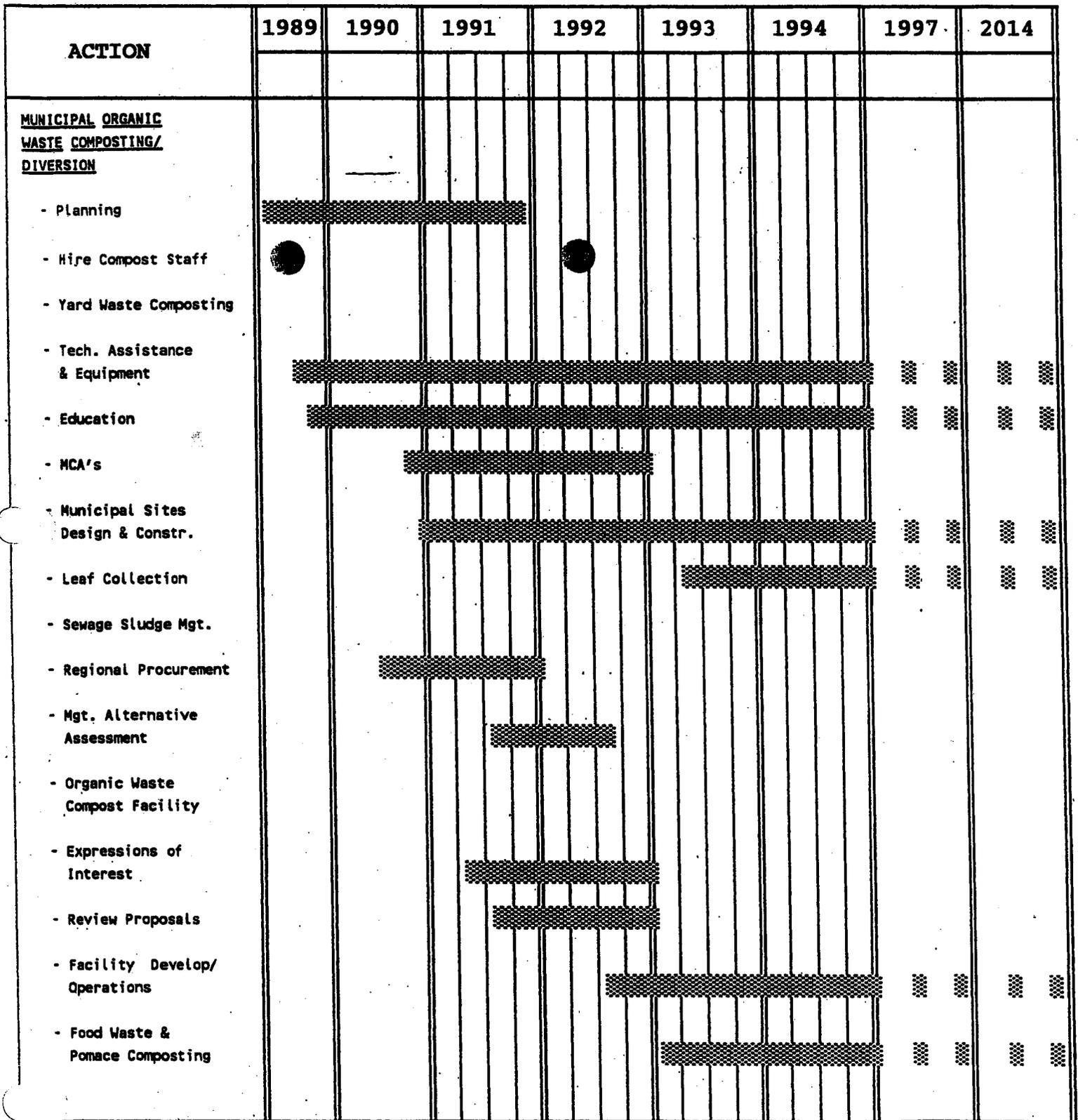
- No Action Alternative - Local municipalities would continue to be responsible for their solid waste and landfilling at the existing municipal landfills would probably continue, at least initially, as the primary means of waste disposal.
- Immediate Implementation Alternative - The County would forego program planning and move directly to the acquisition of a site(s), selection of technology(ies), procurement of vendor services, and construction of solid waste management facilities.
- Reliance on the Private Sector - The County would enter into an agreement with a private company for disposal or processing of solid waste either in another county or state, or within Ulster County.

Figure ES-5 (Cont'd)

ACTION	1989	1990	1991	1992	1993	1994	1997	2014
<u>MISCELLANEOUS MATERIALS RECYCLING</u>								
- Program Planning		██████████						
- Pilot Efforts			●	●	●			
- Equip/Trans/Market			██████████	██████████	██████████	██████████	██████████	██████████
- Evaluation/Expansion			██████████	██████████	██████████			
- IMA Amendment			██████████	██████████	██████████			
- Amend Legislation					██████████	██████████	██████████	██████████
<u>RECYCLING - LEGIS/INSTITUTIONAL</u>								
- Program Planning	██████████							
- Mandatory Recy-Legis			●					
- Adopt Legis								
- Residential Phase-in				██████████	██████████	██████████	██████████	██████████
- Commercial Phase-in				██████████	██████████	██████████	██████████	██████████
- Educational Program								
- Funding	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
- Short-term	██████████	██████████	██████████	██████████	██████████			
- Long-term				██████████	██████████	██████████	██████████	██████████
- Municipal Agreement		██████████	██████████	██████████	██████████			
- Waste Stream Tracking System		██████████	██████████	██████████	██████████	██████████	██████████	██████████
- Commercial/Bus. Recy.			██████████	██████████	██████████	██████████	██████████	██████████

██████ Action on going

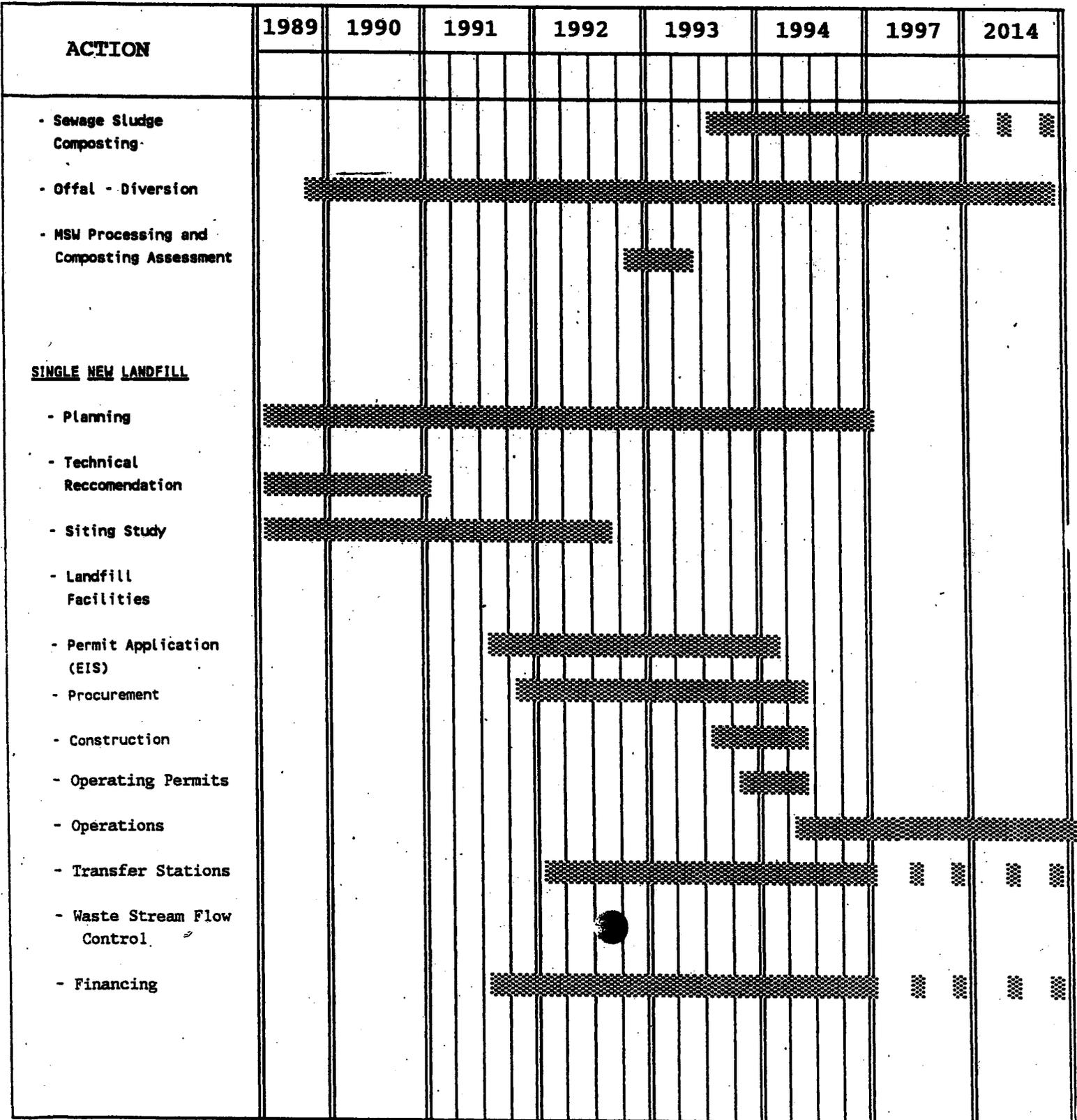
Figure ES-5 (Cont'd)



██ ██ Action on going

22

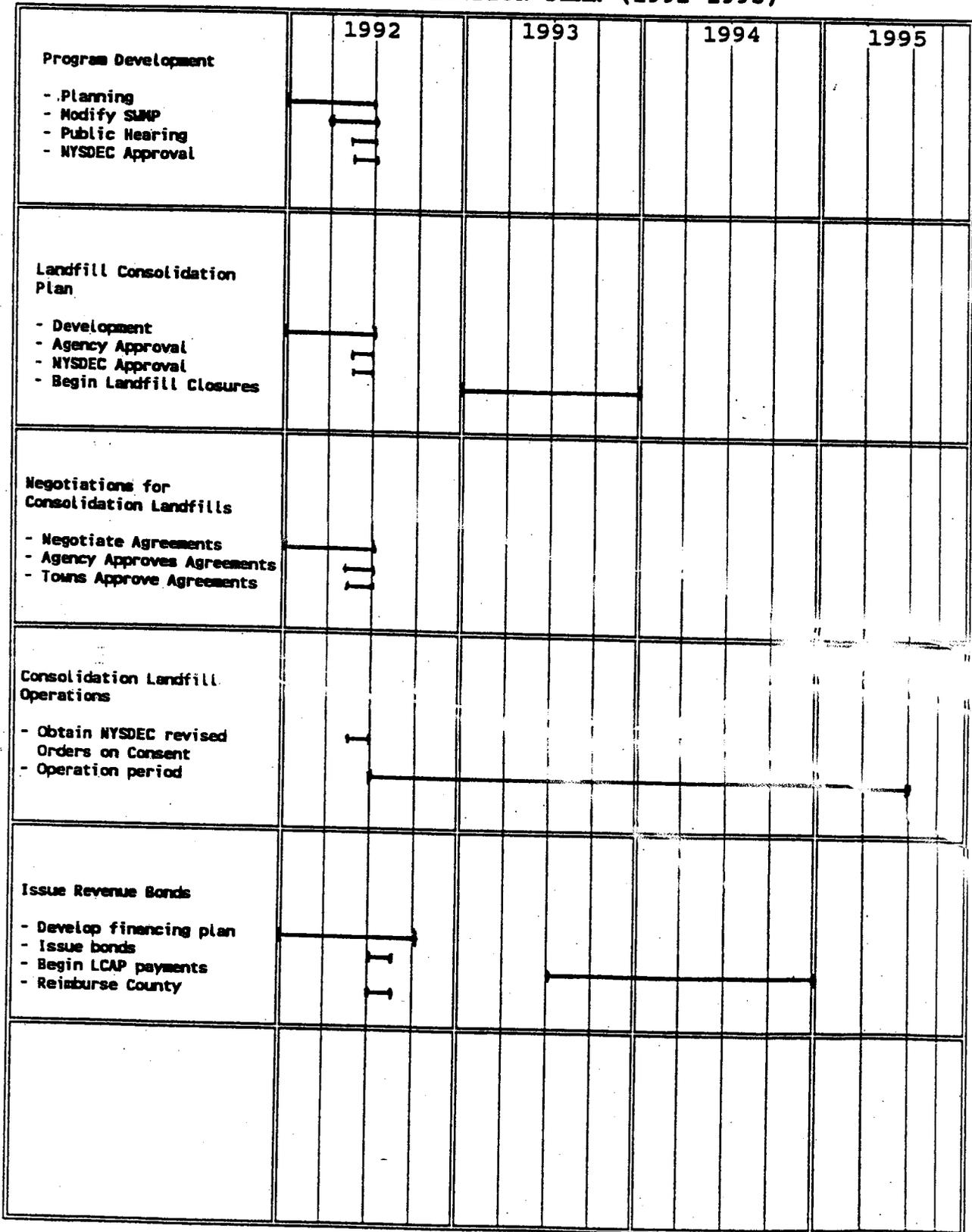
Figure ES-5 (Cont'd)



███ Action on going

(**Modification
Added 8/92)

**FIGURE ES - 5 (con't)
IMPLEMENTATION SCHEDULE FOR
LANDFILL CONSOLIDATION PLAN (1992-1995)**



- Multi-County Alternatives - This alternative would involve the planning and development of a regional solid waste management program for Ulster County and neighboring counties in the region.

Current landfilling practices, along with the present recycling efforts, cannot continue as the primary means of solid waste management since these landfills are under NYSDEC consent orders to close or be upgraded to meet environmental regulations in the immediate future (upgrading is generally precluded by the cost of compliance with current regulations). Existing landfills will be closed under a Landfill Closure Schedule developed by NYSDEC in accordance with conditions contained in the Orders on Consent. Many will close in the near future, and a few will be used to handle the Solid Waste stream until permanent facilities are constructed. Present recycling efforts will not result in acceptable recycling levels. Direct implementation of a waste disposal facility would circumvent prudent planning efforts and fall short of SEQRA requirements. It is doubtful that an agreement with a privately owned and operated facility would provide the County with the necessary security that the solid waste services would be provided at justified cost over the planning period. Although the multi-county alternative may be a consideration in the future, currently required time frame and inherent risks to the County are prohibitive. It is, therefore, in the best interest of the County to develop and implement "The Plan".

**Modification
Added 8/92)

SOLID WASTE STREAM ANALYSIS

One of the major components in developing "The Plan" is an analysis of the solid waste stream in terms of current and projected quantities and composition. This information is used to estimate the potential impacts of recycling, reuse, and waste reduction on the projected waste stream, and for sizing solid waste management facilities.

Sixteen solid waste components are discussed in "The Plan":

- | | |
|--------------------------------------|---|
| - Residential Waste | - Water Plant Sludge |
| - Commercial Waste | - Air Pollution Control Facility Sludge |
| - Non-Hazardous Industrial Waste | - Offal |
| - Apple Pomace | - Incinerator Residue |
| - Grape Pomace | - Tires |
| - Construction and Demolition Debris | - Waste Oil |
| - Sewage Plant Sludge | - Contained Gaseous Material |
| - Leaves and Yard Waste | - Power Plant Ash |

1988 Solid Waste Quantities

A number of methods were used to estimate the quantity of solid waste generated in the County in 1988. These included field programs, contact with solid waste generators and haulers, and contact with State and local agencies and municipal representatives. Based on these methods, the estimated 1988 solid waste generation rate for the County is 645 tons per day (tpd) or 7.8 pounds per capita per day (pcd). Although this estimate may appear high, the Ulster County solid waste stream includes a number of components that are not typically included in solid waste stream estimates, such as sludges, offal, and pomace. The 1988 generation rate for components of the County's solid waste stream are as outlined in Figure ES-6 and ES-7 below:

FIGURE ES-6

<u>Solid Waste Stream Component</u>	<u>1988 Waste Generation Rate (tpd)</u>
Residential Waste	227
Commercial Waste	157
Non-Hazardous Industrial Waste	55
Apple Pomace	30
Grape Pomace	2
Construction and Demolition Debris	55
Sewage Plant Sludge	33
Leaves and Yard Waste	70
Water Plant Sludge	0
Air Pollution Control Facility Sludge	0
Offal	4
Incinerator Residue	0
Tires	5
Waste Oil	7
Contained Gaseous Material	0
Power Plant Ash	0
	<hr/>
	645 tpd

1988 Solid Waste Composition

Estimates of the composition of the commercial and residential waste in the County are necessary for the development of the recycling program. To estimate the

- Multi-County Alternatives - This alternative would involve the planning and development of a regional solid waste management program for Ulster County and neighboring counties in the region.

Current landfilling practices, along with the present recycling efforts, cannot continue as the primary means of solid waste management since these landfills are under NYSDEC consent orders to close or be upgraded to meet environmental regulations in the immediate future (upgrading is generally precluded by the cost of compliance with current regulations). Present recycling efforts will not result in acceptable recycling levels. Direct implementation of a waste disposal facility would circumvent prudent planning efforts and fall short of SEQRA requirements. It is doubtful that an agreement with a privately owned and operated facility would provide the County with the necessary security that the solid waste services would be provided at justified cost over the planning period. Although the multi-county alternative may be a consideration in the future, currently required time frame and inherent risks to the County are prohibitive. It is, therefore, in the best interest of the County to develop and implement "The Plan".

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Sixteen solid waste components are discussed in "The Plan":

- Residential Waste
- Commercial Waste
- Non-Hazardous Industrial Waste
- Apple Pomace
- Grape Pomace
- Construction and Demolition Debris
- Sewage Plant Sludge
- Leaves and Yard Waste
- Water Plant Sludge
- Air Pollution Control Facility Sludge
- Offal
- Incinerator Residue
- Tires
- Waste Oil
- Contained Gaseous Material
- Power Plant Ash

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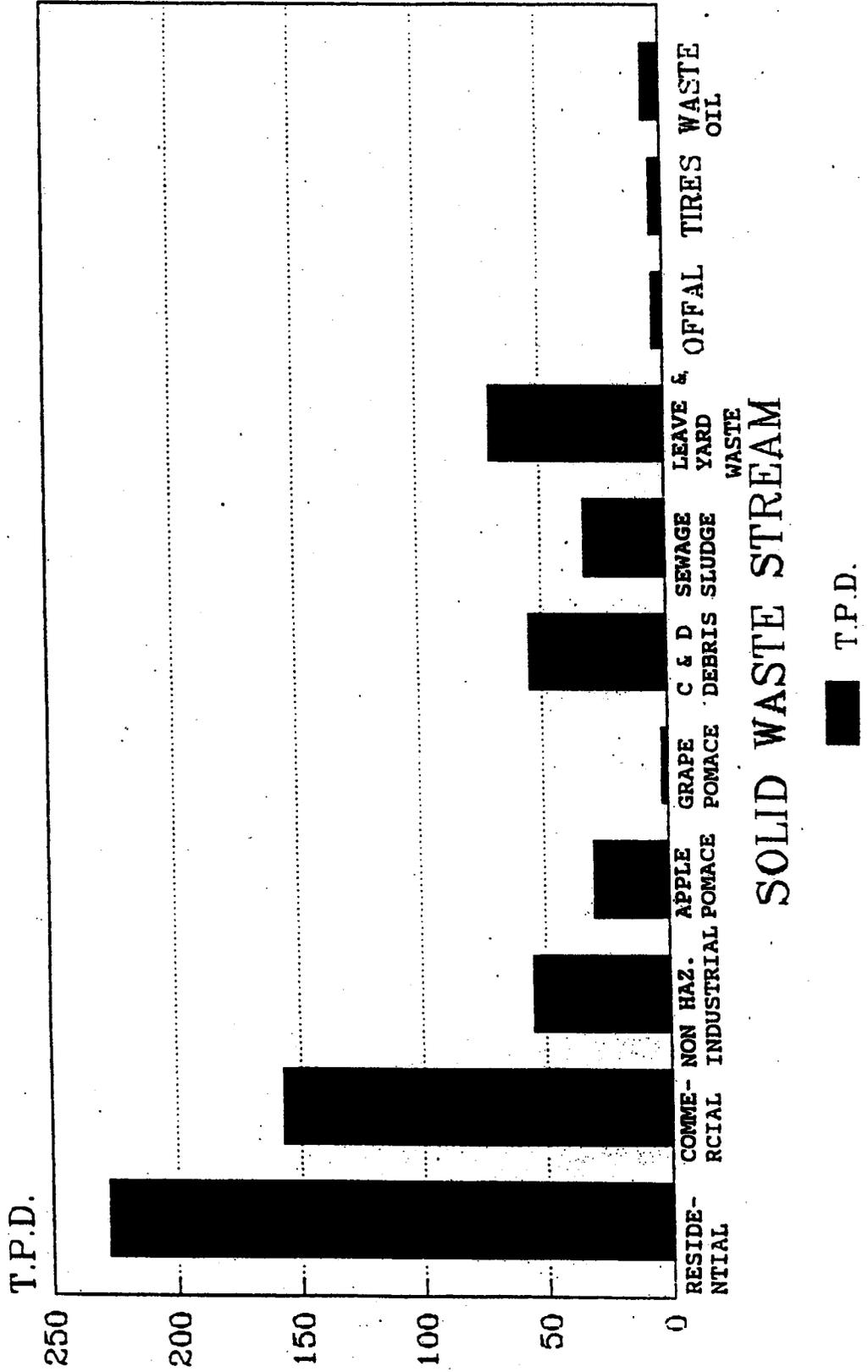
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Construction and Demolition Debris	55
Sewage Plant Sludge	33
Leaves and Yard Waste	70
Water Plant Sludge	0
Air Pollution Control Facility Sludge	0
Offal	4
Incinerator Residue	0
Tires	5
Waste Oil	7
Contained Gaseous Material	0
Power Plant Ash	0
	<hr/>
	645 tpd

1988 Solid Waste Composition

Estimates of the composition of the commercial and residential waste in the County are necessary for the development of the recycling program. To estimate the

FIGURE ES-7

U.C. SOLID WASTE STREAM EST. WASTE TONS PER DAY



composition of the County's residential and commercial waste, a two-phase waste sampling program was conducted. Figure ES-8 and ES-9 provide the breakdown of the County's residential and commercial waste stream.

Projected Solid Waste Quantities

Due to the potential impact of waste reduction, recycling, and reuse on the waste stream, waste quantity projections depend, in part, on projected waste composition. Waste quantity projections also are a function of population and per capita waste generation rates, the latter typically increasing about one percent each year. As a result, the solid waste generation rate for the County in the year 2004 is approximately 825 tpd, representing the total quantity of waste generated prior to waste reduction, reuse, and recycling. Figure ES-10 outlines the estimated and projected generation rates of solid waste by component for the years 1988, 1990, 1994, 1997, 2000, 2004, 2010, and 2014.

The Resultant Waste Stream

The resultant waste stream is that quantity of solid waste requiring disposal after waste reduction, reuse, and recycling. "The Plan" uses the projected solid waste generation rate at the midpoint of the 1994-2014 planning period, whereby, for example, the overall waste generation rate for the year 2004 is approximately 825 tpd. Approximately 50% of this overall figure is targeted for diversion through reuse and recycling, with a resultant solid waste stream of approximately 400 tpd of solid waste requiring disposal.

SOLID WASTE DISPOSAL TECHNOLOGY EVALUATION

Even after implementing a program which maximizes waste reduction, reuse, and recycling to the greatest extent practical, some solid waste will require disposal. "The Plan" contains a review of available solid waste disposal technologies.

The following assumptions were used to evaluate solid waste disposal technologies:

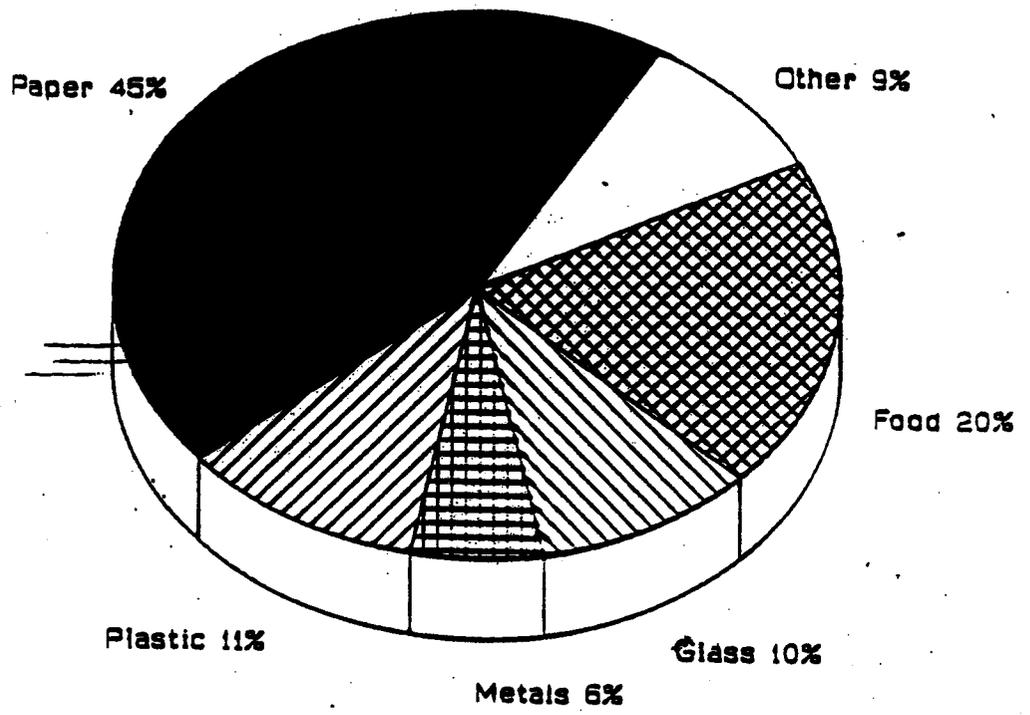
- Recycling and waste reduction is an integral part of solid waste management in the County.

FIGURE ES-8

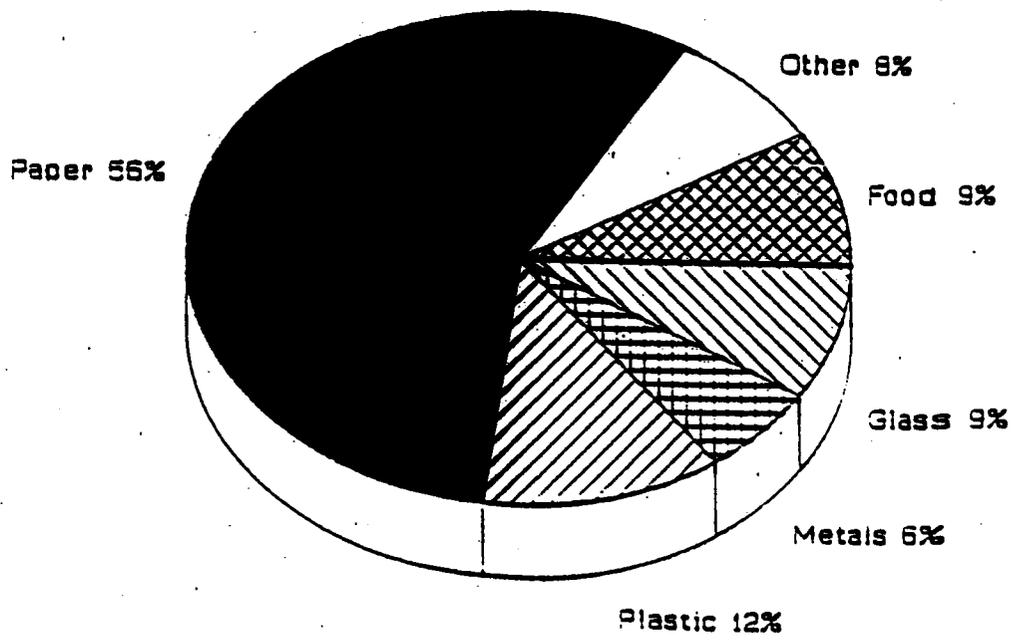
Comparison of Residential & Commercial
Waste Composition
(Tons Per Day)

WASTE STREAM	Residential (TPD)	Commercial (TPD)	Combined Residential & Commercial (TPD)	Percent of Waste Stream
Newspaper	21.906	5.809	27.7	4.3%
Corrugated Cardboard	3.223	24.414	27.6	4.3%
Mixed Paper	1.657	12,497	14.2	2.2%
Other Paper	74.683	46.723	121.4	18.8%
Plastic Bev. Containers	0.636	0.550	1.2	0.2%
Plastic Milk Bottles	0.999	0.141	1.1	0.2%
Other Plastic	9.784	8.305	18.1	2.8%
Plastic Film	12.939	9.137	22.1	3.4%
Aluminum Cans	0.295	0.911	1.2	0.2%
Other Aluminum	1.226	0.471	1.7	0.3%
Ferrous Scrap	1.725	5.699	7.4	1.2%
Tin Cans	10.510	1.900	12.4	1.9%
Textiles/Fabrics	9.557	0.848	10.4	1.6%
Food Waste	44.288	14.727	59.0	9.1%
Container Glass	22.382	13.267	35.6	5.5%
Other Glass	0.114	0.236	0.4	<0.1%
Wood	0.068	3.423	3.5	0.5%
Dirt & Debris	6.742	3.124	9.9	1.5%
Ceramics & Fines	2.815	0.722	3.5	0.5%
Rubber	0.477	0.298	0.8	0.1%
Leather	0.318	0.000	0.3	<0.1%
Miscellaneous	0.658	3.799	4.5	0.7%
Total Waste Stream	227.000	157.000	384.0	59.5%

RESIDENTIAL WASTE STREAM COMPOSITION
% by weight



COMMERCIAL WASTE STREAM COMPOSITION
% by weight



- A primary objective of the technology evaluation is to reduce the amount of solid waste which will require landfill disposal, regardless of the technologies recommended in "The Plan".
- The technology evaluation focused on identifying technologies relevant to the resultant waste stream.

FIGURE ES-10

ESTIMATED AND PROJECTED GENERATION RATES BY SOLID WASTE COMPONENT (1)

Ulster County Solid Waste Stream Component	Tons per Day							
	1988	1990	1994	1997	2000	2004	2010	2014
Residential	227	232	244	239	258	268	281	290
Commercial	157	160	168	165	179	185	194	200
Non-Hazardous Industrial	55	56	59	58	63	65	68	71
Construction & Demolition	55	57	60	61	66	70	76	80
Leaf & Yard Waste	70	71	74	71	75	76	78	79
Tires	5	5	5	6	6	6	6	6
Sewage Treatment Plant Sludge	33	41	43	46	51	51	52	52
Water Treatment Plant Sludge(2)	-	-	-	4	4	4	4	4
Waste Oil	7	7	7	8	8	8	9	9
Apple Pomace	30	30	30	30	30	30	30	30
Grape Pomace	2	2	2	2	2	2	2	2
Offal	4	4	4	4	4	4	4	4
Subtotal:	645	665	696	693	746	770	803	827
Waste Reduction Excluding Returnable Beverage Container Law	0	6	22	58	40	56	82	102
Total:	645	672	718	751	786	827	886	929

(1) Columns may not add due to rounding.

(2) Water Treatment Plant Sludge production is assumed to begin in 1997.

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The technological evaluation was conducted in several phases, and included the full spectrum of alternative technologies as grouped into these five categories:

- Material recovery systems;
- Biological recovery systems;
- Thermal recovery systems;
- Landfills; and
- Export to landfills.

These technologies were analyzed by evaluating environmental, technical, economic, and siting criteria in a four-phases approach as follows:

<u>Phase</u>	<u>Evaluates</u>	<u>For These Factors</u>	<u>and Identifies</u>
1.	Solid Waste Technologies	Technical	Candidate Technologies
2.	Candidate Technologies	Technical, Environmental, Siting	Acceptable Technologies
3.	Acceptable Technologies	Technical, Economic, Environmental	Preferred Technologies
4.	Preferred Technologies	Economic	Recommended Technologies

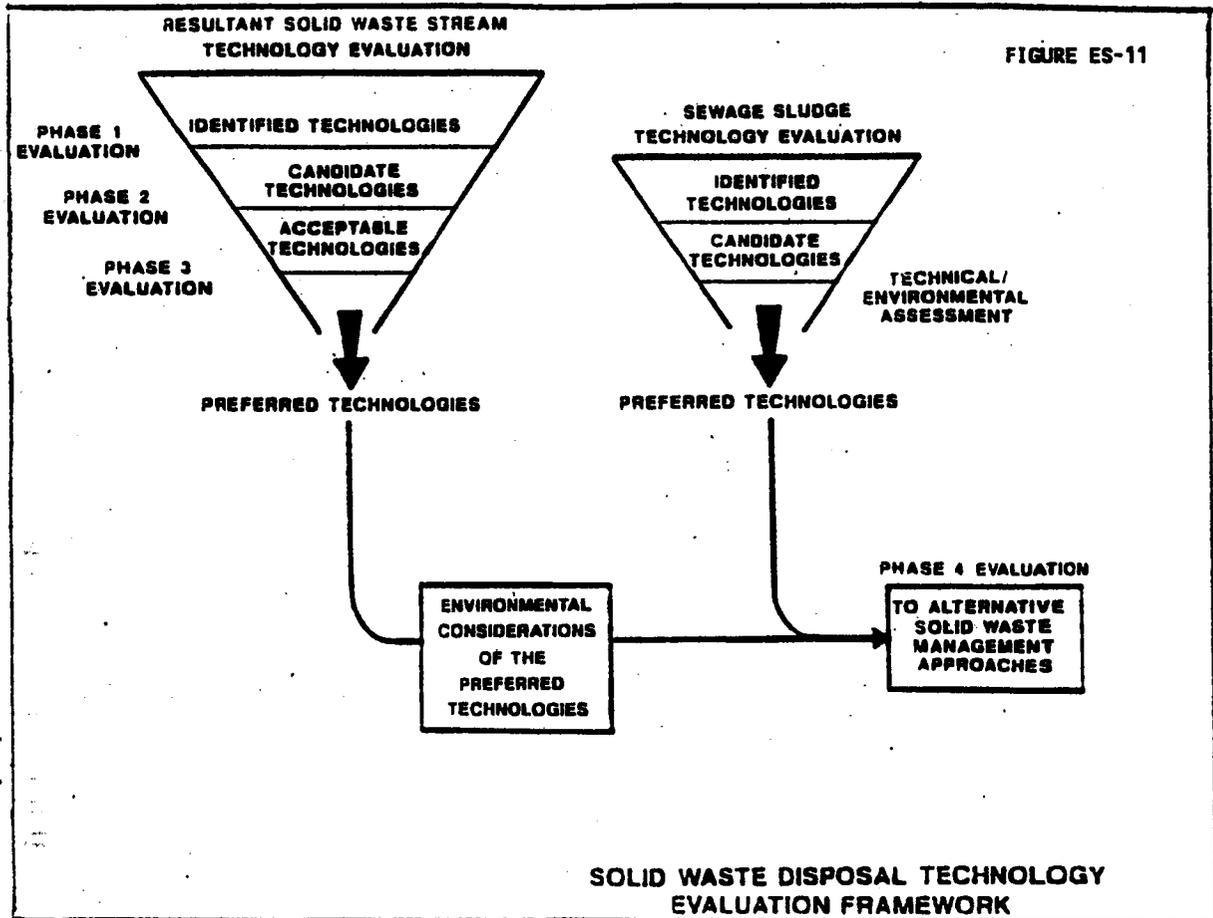
Figure ES-11 illustrates how the phased evaluation process was performed. Commercial availability, U.S. operating history, and compatibility with recycling were the Phase 1 criteria evaluated as part of the process.

The application of these Phase 1 criteria, along with the Phase 2 and 3 criteria presented in Section 5.0 of the Plan, yields the recommendation of a combination of aggressive recycling programs and landfilling as the preferred technologies for the County. This combination offers life cycle costs that are lower than those associated with waste-to-energy alternatives.

In addition to the potential economic impacts, the following issues were considered in reaching a technology recommendation:

- The alternative of a landfill in combination with recycling provides the County with significant flexibility to accommodate variations in waste types and quantities.
- Since there has been no Countywide management of solid waste, there is no infrastructure from which to expand or develop a Countywide solid waste management program. The various parties which will be involved (i.e., municipalities, the public, haulers, UCRRA, and the County) have not yet developed the necessary working or contractual

relationships. Phased implementation of recycling programs coupled with phased landfill development provides the opportunity for these relationships to be developed over a reasonable period of time.



The impact of recycling on the waste stream has not been firmly established, since implementation of recycling will be phased over several years. Because solid waste in the County has historically been disposed of in local municipal landfills which are not usually equipped with weigh scales, data on the County's solid waste stream is limited. This combination significantly complicates the sizing of a disposal facility to meet the needs of the County. A landfill offers greater flexibility in addressing these issues than does a waste-to-energy facility. As landfill construction is typically performed in phases, the capital commitment is spread out over time and can thus be modified to address changes in the program.

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- Environmental and economic concerns regarding waste-to-energy, including concerns related to importation of solid waste from outside the County were also taken into account.

The above factors, in combination with the life cycle cost analysis, result in the identification of the landfill technology in combination with an aggressive recycling program as the approach for Ulster County. Further, as the Countywide program is implemented, the County should maintain sufficient flexibility in critical program elements, such as site selection, to allow for potential changes in legislative, regulatory, or economic conditions. Such flexibility will enable the County to consider and, if appropriate, implement alternative technologies without jeopardizing its effective solid waste processing and disposal capacity. For example, in addition to the implementing landfill/recycling programs, UCRRA has determined to request private vendors to submit proposals for the development of a municipal organic solid waste compost facility. With the landfill/recycling programs in place, such a facility could benefit the County by extending the life of the landfill.

ENVIRONMENTAL SETTING

Two physiographic provinces, the Valley and Ridge province and Appalachian Plateau dominate the geology and topography of Ulster County. This terrain, in which streams have eroded steep valleys to create the Catskill Mountains, has resulted in the concentration of residential and commercial development in the valleys with a radial pattern of highways extending from the County seat in Kingston.

Ulster is a typical Catskill county in that it has few large, natural waterbodies. Reservoirs have been developed in many of the available watershed basins, however, to serve local communities as well as New York City. The largest supplies of ground water in the County are available from unconsolidated sand and gravel deposits. These glacial outwash and recent alluvial deposits generally occur in river valleys and are of relatively limited aerial extent.

There are many freshwater wetland habitats, with major wetland areas located in the eastern and southern part of the County. Ecological relationships are varied and extensive, as the Hudson River, Catskill Mountains, and large relatively undeveloped areas provide for a wide range of terrestrial and aquatic flora and fauna.

The County is located in the short summer, humid continental climatic region, modified locally by the Catskill and Shawangunk Mountains and the Hudson River. In terms of air quality, Ulster County is in the Hudson Valley Intrastate Air Quality Control Region, and currently is within regulatory limits for all criteria pollutants.

The majority of the County's population and development is located in the eastern portion of the County. The Catskill Mountains and Hudson River provide the basis for a wide range of tourism and recreational activities, including summer resorts and ski centers.

LANDFILL SITING

UCRRA's initial siting study focused on finding sites for co-located facilities. A modified, supplemental analysis focused on siting a landfill only. That analysis looked at areas of the County containing glacial-lacustrine clays. The study followed the strictures of 6 NYCRR Part 360 for landfill siting and used a comparative analysis to evaluate the candidate areas.

The study applied exclusionary criteria and screening criteria to the County. One of the more significant screening criteria was the criteria for size, namely that a 100 acre area was determined to be the minimum size needed for a state-of-the-art landfill with auxiliary facilities.

After the application of the exclusionary and screening criteria to the areas of the County containing lacustrine clay deposits, 23 potential candidate areas were identified which were determined to be reasonable and appropriate for landfill development.

Based upon its hard look at the siting issues and analysis of public comment received during the process, UCRRA concluded that additional on-site testing will be performed as part of the next phase of landfill siting work. UCRRA has also determined that the initial issues to be considered in this further study include issues of soil stability, hydrogeology of soils, and archeological sensitivity of candidate areas.

UCRRA has determined to conduct on-site review in the form of a supplemental to the Final GEIS as provided in 6 NYCRR Part 617.15(c) and to conduct scoping sessions to determine the scope of such on-site testing. The landfill siting analysis is discussed in Section 8 of "The Plan".

POTENTIAL ENVIRONMENTAL IMPACTS

Potential environmental impacts associated with the implementation of solid waste management facilities are described in Section 10 of "The Plan", and include:

- Air quality
- Surface water
- Ground water
- Health effects
- Noise
- Soil erosion and sediment control
- Odor, litter, vectors, and fugitive dust
- Traffic
- Archaeological and historic resources
- Ecological resources
- Socioeconomic
- Aesthetics

Site and program specific EIS's will be prepared as part of implementation of "The Plan" will evaluate these impacts in more detail.

MITIGATION MEASURES

"The Plan" identifies recommended technologies, designates candidate areas and presents generic mitigation measures, to be detailed and developed in the site and program specific EIS's. The following is an overview of mitigation measures which could be implemented to reduce or eliminate impacts.

Surface and Ground Water Control

Impacts on the quality and/or quantity of surface and ground water from the construction and operation of solid waste management facilities are expected to be low. Controls mandated by regulatory requirements eliminate or minimize potential impacts. Areas to be addressed would include soil erosion controls; drainage patterns; water supply sources and requirements; wastewater collection, treatment, and disposal; and storm water control.

Noise

There are number of methods to control or reduce noise associated with construction and operation of solid waste management facilities, including vibration reduction, enclosure of the noise source, and absorption of sound by

natural and/or man-made barriers. Noise can also be controlled by regular maintenance of equipment and the use of sound bafflers such as mufflers on mobile equipment. Scheduled hours for the acceptance of solid waste deliveries can also reduce noise impacts on residential areas.

Household Hazardous Waste Control

The solid waste management program can mitigate household hazardous waste through public education, household hazardous waste collection, recycling and disposal, and operator training. Although removal of household hazardous wastes from the waste stream will be emphasized prior to delivery to the solid waste management facilities, operators there should be trained to identify and remove any suspicious or unacceptable materials.

Loss of Habitat

Habitat loss will depend upon site development and the types of ecological communities present on the site. In the event that valuable habitat were to be significantly impacted or lost as through project development, a compensating mitigation plan would be developed.

Traffic

Traffic impacts will be a function of the site selected for development, and subsequent studies would determine any necessary mitigation measures.

Aesthetics

Mitigation measures for aesthetics are also site specific and would be addressed in a site and program specific EIS. Such measures typically involve the use of buffer, vegetation, and topography to minimize the visual impact of the facilities.

Air Quality

Air quality is especially related to the selected technology and site, requiring mitigation measures to be described in a site and program specific EIS.

Land Use

While such mitigation is also a function of the selected site and technologies, precautions should be taken to create compatible land use. The development of this "Plan" is in itself a mitigation measure, however, since landfilling which currently occurs at 15 municipal landfills would be consolidated at one location and reduce the amount of land used to manage the County's solid waste.

UNAVOIDABLE ENVIRONMENTAL IMPACTS

As with mitigation measures, unavoidable environmental impacts would be addressed in detail in site and program specific EIS's.

Based on the impacts and the mitigation measures described in Section 10.0 of "The Plan", the proposed action would substantially eliminate potential adverse environmental impacts associated with continuing the existing landfills. Additionally, reusable materials would be recovered from solid waste through the proposed recycling and composting facilities.

Unavoidable adverse impacts may include noise, fugitive dust, soil erosion, and engine exhaust fumes during construction and operation of the facilities.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Development of "The Plan" would consume or otherwise render unavailable for future use certain natural and man-made resources. Benefits of replacing existing landfill practices with the proposed technologies, however, far outweigh the resources that will be consumed.

USE AND CONSERVATION OF ENERGY

The current objective is to identify an appropriate alternative to the County's 15 operating, non-complying landfills. Thus, energy consumed by construction and operation of the facilities would be offset to some extent by the recycling and composting which followed. It is premature, however, to discuss energy conservation methods in detail, until the specific technologies have been analyzed in subsequent site and program specific EIS's.

GROWTH INDUCING ASPECTS

Residential or commercial/industrial development of a parcel of land would contain growth-inducing aspects. The development of a Countywide solid waste management plan, while it does not appear to have any significant growth-inducing impacts, provides for the necessary service of solid waste disposal.

IMPLEMENTATION APPROACH

The implementation of a solid waste management program involves a number of institutional issues in addition to technical considerations, including:

- Solid waste stream flow control
- Facility procurement
- Facility ownership
- Host community program
- Financing and funding assistance

Control over the waste stream is necessary to ensure that it will be delivered to the appropriate processing or disposal facility. Contractual, legislative, and economic methods are typically available for obtaining such control. The financial community typically requires not only put or pay provisions, which identify the payment obligation, but also the establishment of a legal authority to control the waste. These needs often cause communities to combine contractual and legislative control of the solid waste stream. "The Plan" recommends a put or pay contract between the Agency and the County and the adoption of waste stream control legislation by the County Legislature.

Facility procurement typically involves one of these procurement methods:

- Conventional architect/engineer
- Turnkey
- Full service with private ownership
- Full service with public ownership

Each of these methods involves different approaches and therefore different risks. The conventional architect/engineer approach involves formal bids and the award of the contract to the lowest bidder. Typically, an architect/engineering firm prepares the design and bid documents, contractors bid on the construction of the project, and the operation of the facility is performed by the municipal entity or another private contractor.

In a turnkey procurement, one contractor is responsible for design, construction, and testing of the facility, with operation of the responsibility of the municipal entity. A full service procurement places the responsibility for design, construction, and operation on one contractor.

A full service procurement approach can be utilized with either public or private ownership of the facility. While private ownership has historically been utilized for related economic benefits to pass back to the municipality, recent changes to the tax code, notably the 1986 Tax Reform Act, have significantly reduced these advantages. Since the community has the ultimate responsibility for disposal of the solid waste, many communities now considering full service procurement opt for public ownership, to retain a greater degree of control over the facility. "The Plan" recommends public ownership of major facilities.

Regardless of the approach selected, the procurement of solid waste management facilities in New York State is regulated by General Municipal Section 120-w.

Facility Ownership

The selection of ownership (Public v. private) should take into account the need for control over the project, the allocation of risks, and the economic benefits associated with each approach. Public ownership offers a greater degree of control, which is important in long-term projects that address significant environmental issues and involve substantial capital and operating expenditures. Private ownership allocates more of the operating risks to the private vendor, but the community will continue to have the ultimate responsibility for disposal of its solid waste should the vendor be unable to fulfill its obligations. In addition, the economic considerations of ownership should be addressed (i.e., equity contribution from a private owner vs. municipal ownership of the facility after retirement of a bond issue or other project debt). The Plan recommends public ownership of the recycling and landfill facilities.

Host Community Plan

At least one municipality will eventually serve as the host community for County solid waste management facilities. Since these facilities will serve the entire County, a host community plan should be established for that community. Such plan may include:

- Property Tax Payments - An economic benefit that can be structured as actual property taxes for a privately owner facility or as a payment in lieu of taxes for a publicly owned facility.
- Local Infrastructure Improvements - Such benefits can include roads, water or wastewater systems, recreational facilities (i.e., parks, swimming pools, ball fields, etc.), and municipal facilities.
- Payment per Ton - This benefit involves the payment of monies to the community for each ton of solid waste delivered to the facility. In the case of the County, the act that created the UCRRA includes a provision for a payment per ton of up to \$1.25.

These and other approaches should be considered in developing a general host community program, which could then serve as the basis for negotiating a specific plan with the host community. Negotiations could be conducted by committees from the UCRRA and the governing body of the host community.

Financing and Funding

The construction and operation of solid waste management facilities involves substantial capital expenditures and operating budgets. Generally such facilities can be financed from public sources, or a combination thereof. Financing sources for solid waste management facilities include:

- General Obligation bonds
- Industrial Development bonds
- Revenue bonds
- Leveraged Leasing
- Private Equity

"The Plan" provides for the issuance of revenue bonds to provide the necessary financing to implement "The Plan". A specific financing plan will be developed as part of the implementation of "The Plan", since issues such as procurement method and ownership approach will play significant roles in identifying the preferred financing plan.

REGULATORY REQUIREMENTS

The proposed action must comply with all applicable environmental laws and regulations. Permits under Part 360 will also be required for the construction and operation of the solid waste management facilities.

PUBLIC PARTICIPATION

UCRRA developed "The Plan" pursuant to SEQRA and with full participation by members of the public. Section 11 of the Plan describes the public participation history in connection with "The Plan" development.

UCRRA will continue to undertake its activities emphasizing full use of public participation opportunities pursuant to SEQRA and the New York State Open Meetings Law.

UCRRA will also continue its communication with surrounding counties to assess the benefits of regional cooperation.

RRA's Bond Prospectus for the 2012 Bonds

- Dated: May 25, 2012
- Addendum Dated: June 6, 2012
 - Pages 1 - 3 only
- Full Document Emailed to
Legislators

ADDENDUM DATED JUNE 6, 2012

OFFICIAL STATEMENT DATED MAY 25, 2012

\$6,410,000 SOLID WASTE SYSTEM REVENUE REFUNDING BONDS, SERIES 2012

ULSTER COUNTY RESOURCE RECOVERY AGENCY (NEW YORK)

The Official Statement for \$6,410,000 Solid Waste System Revenue Refunding Bonds, Series 2012 dated May 25, 2012, is hereby amended as follows:

Page 6 – “SOURCES OF PAYMENT AND SECURITY FOR THE BONDS—Service Agreement” – In paragraph 5, first sentence thereof, this shall be amended by replacing the word “May” with “March” and further by adding after “\$22,174,929.34” the following: “(includes the interest accretion on the Series 2002 Bonds that are capital appreciation bonds through March 1, 2012)”.

Page 7 – “ADDITIONAL INDEBTEDNESS—Additional Parity Indebtedness” – In Table 1, header of first column thereof, this shall be amended by replacing “Date as of” with “Fiscal Year Ending” and striking the words “of Each Year”.

Page 9 – “ADDITIONAL INDEBTEDNESS—Additional Parity Indebtedness” – In Table 2, this shall be amended by striking Table 2 in its entirety and replacing with the following:

Table 2
Additional Parity Indebtedness Outstanding
Aggregate Principal Only
Total after the Issuance of the Series 2012 Bonds

Date As of 1/1 of Each Year	Total Principal Outstanding	Permitted Principal Outstanding under the County Service Agreement	Agency Borrowing Margin
2012	\$24,281,239	\$30,881,385	\$6,600,146
2013	22,687,936	\$29,329,757	6,641,821
2014	20,738,297	\$27,729,869	6,991,572
2015	18,783,566	\$25,378,193	6,594,627
2016	17,240,046	\$23,646,282	6,406,236
2017	15,664,112	\$21,855,770	6,191,658
2018	14,117,211	\$20,333,381	6,216,170
2019	12,880,865	\$18,755,927	5,875,062
2020	11,487,076	\$16,779,384	5,292,308
2021	10,022,284	\$14,720,736	4,698,452
2022	8,486,972	\$12,568,979	4,082,007
2023	7,071,316	\$10,322,877	3,251,561
2024	5,580,472	\$7,966,368	2,385,896
2025	4,009,952	\$5,503,854	1,493,902

In the opinion of Orrick, Herrington & Sutcliffe LLP, Bond Counsel, based upon an analysis of existing laws, regulations, rulings and court decisions, and assuming among other matters, the accuracy of certain representations and compliance with certain covenants, interest on the Series 2012 Bonds is excluded from gross interest for Federal income tax purposes under section 103 of the Internal Revenue Code of 1986. In further opinion of Bond Counsel, interest on the Series 2012 Bonds is not a specific preference item for purposes of the federal individual or corporate alternative minimum taxes, although Bond Counsel observes that such interest is included in adjusted current earnings when calculating corporate alternative minimum taxable income. Bond Counsel is also of the opinion that interest on the Series 2012 Bonds is exempt from personal income taxes imposed by the State of New York and any political subdivision thereof (including the City of New York). Bond Counsel expresses no opinion regarding any other tax consequences related to the ownership or disposition of, or the accrual or receipt of interest on, the Series 2012 Bonds. See “Tax Matters” herein.

\$6,410,000

**ULSTER COUNTY RESOURCE RECOVERY AGENCY (NEW YORK)
Solid Waste System Revenue Refunding Bonds
Series 2012**

Dated: Date of Delivery

Due: March 1, as shown below

The Solid Waste System Revenue Refunding Bonds, Series 2012 Bonds (the “Series 2012 Bonds”) are being issued by the Ulster County Resource Recovery Agency (New York) (the “Agency”) to advance refund a portion of the outstanding Solid Waste System Revenue Refunding Bonds, Series 2002 and to pay costs of issuance. The Series 2012 Bonds are authorized pursuant to a Trust Indenture dated as of August 1, 1993 and a Seventeenth Supplemental Trust Indenture dated as of April 16, 2012 (collectively, the “Indenture”) between the Agency and Manufacturers and Traders Company, Buffalo, New York, as Trustee (the “Trustee”).

The Series 2012 Bonds are being issued in denominations of \$5,000, or any integral multiple thereof. The Series 2012 Bonds initially will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), New York, New York. So long as DTC or a successor securities depository acts as the securities depository with respect to the Series 2012 Bonds, purchases of beneficial interests in the Series 2012 Bonds will be made in book-entry form only. See “BOOK-ENTRY-ONLY-SYSTEM” herein. Interest on the Series 2012 Bonds is payable semiannually on each September 1 and March 1, commencing September 1, 2012.

The Series 2012 Bonds are subject to redemption prior to maturity upon certain circumstances described herein.

The Series 2012 Bonds are special obligations of the Agency payable from and secured by the revenues and assets pledged therefor under the Indenture. Such revenues will consist primarily of disposal fees to be charged by the Agency for the disposal of waste within the System, proceeds from the sale of certain recycled materials, and payments to be made by Ulster County, New York (the “County”) pursuant to a Solid Waste Service Agreement between the County and the Agency. **Neither the State, the County nor any municipality or public corporation other than the Agency shall be liable on the Series 2012 Bonds and the Series 2012 Bonds are not a debt of the State, the County or any municipality or public corporation other than the Agency. The Agency has no taxing power.**

The Series 2012 Bonds are offered when, as and if issued and received by the Underwriter, subject to the approval of Orrick, Herrington & Sutcliffe LLP, New York, New York, Bond Counsel, and certain other conditions. Certain legal matters in connection with the issuance of the Series 2012 Bonds will be passed on for the Underwriter by Pannone Lopes Devereaux & West, LLC, White Plains, New York. Certain legal matters will be passed upon for the Agency by Stephen J. Wing, Palm Coast, Florida, Agency Counsel. It is expected that the Series 2012 Bonds will be available for delivery in book-entry only form through DTC in New York, New York on or about June 1, 2012.

Jefferies

Dated: May 25, 2012

\$6,410,000
Ulster County Resource Recovery Agency (New York)
Solid Waste System Revenue Refunding Bonds, Series 2012

MATURITY SCHEDULE

Due		Interest		
<u>March 1</u>	<u>Amount</u>	<u>Rate</u>	<u>Yield</u>	<u>CUSIP*</u>
2013	\$105,000	2.000%	1.000%	903777CT5
2014	1,185,000	3.000	1.280	903777CU2
2015	1,220,000	3.000	1.460	903777CV0
2016	1,260,000	3.000	1.610	903777CW8
2017	1,300,000	3.000	1.960	903777CX6
2018	1,340,000	3.000	2.230	903777CY4

* CUSIP® is a registered trademark of the American Bankers Association. CUSIP data herein is provided by the CUSIP Service Bureau, operated on behalf of the American Bankers Association by Standard & Poor's, a division of The McGraw-Hill Companies, Inc. The data contained herein is not intended to create a database and does not serve in any way as a substitute for the CUSIP service. CUSIP numbers are provided for reference only. Neither the Agency, the Underwriter, nor the Trustee are responsible for the accuracy of such numbers.

Responses to Legislator Gerentine Questions

- Dated: July 20, 2012
- Authored: Langdon Chapman,
Legislative Council

In a message dated 7/20/2012 9:19:49 A.M. Eastern Daylight Time, Raad24@aol.com writes:
Terry, Langdon, Dave, Carl, John and Victoria,

Council Chapman's Responses are in bold.

After our meeting concerning the RRA, I started to think of issues that must be addressed before we can begin with any resolutions or further discussions. If any of these below concerns cannot be dealt with than the Legislative actions are moot:

1. The most important issue would be if the RRA board is open or agreeable to allow the changes that we are proposing? Do we need their approval? If not, can we make changes to the board and how quickly?

Ultimately there is a lot of debt and a contract out period of I believe a year. To do anything fast therefore we will need there agreement.

To do anything over the course of a year, we have to deal with the debt, action by the State Legislature to wind down the RRA (if the debt instruments even permitted a winding down), a solid waste plan approved by the DEC, and title issues of any owned/leased real property dealt with.

2. Can we propose an operating contract with a firm instead of a sale?

That could be part of an RFP.

3. What is the legal opinion of the bondholders regarding any action?

I believe the committee needs to bring in the county's bond counsel. The dollars and cents issues will likely be the impediment. The environmental issues are obviously important but of you can't finance it you can't do anything else. Bond work is specialty work. As Legislators know, the County Attorney's office does not submit even routine bond resolutions for small amounts of money without bond counsel. I believe last month or the month before there was a bond reso for easements for \$15,000 that bond counsel did. Clearly they need to opine on these significant bond issues.

4. We must get our State representatives, County Executive concurring on this issue. We also need to see what the DEP is going to allow since they control our approved Integrated Solid Waste Plan.

Correct on all three counts if the County wants to sell the RRA. (DEC not DEP though).

I would recommend strongly before we propose any action, that we must know the answers regarding the above items?

Thank you and enjoy the weekend!

Supplemental Response to Legislator Wishnick Questions

- Dated: August 27, 2012
- Authored: Erika Guerin,
Legislative Council



Erica Guerin
<saugertiesgirl@gmail.com>
08/27/2012 07:17 AM

To vfab@co.ulster.ny.us
cc lchapman@hvlaw.net, raad24@aol.com,
kbar@co.ulster.ny.us
bcc
Subject Re: RRA Questions

Vickie:

Below is my supplement to my original e-mail from Friday:

1) **Termination of RRA Agreement:** On Friday, I had responded that the current contract with the RRA would expire on December 31, 2014. I had read a report that had that date and I have since found out that this date is wrong.

After reading the contract itself, I am not certain as to the correct date it will expire.

In 1998, there was a Second Amendment to the Contract that extended the term of the Agreement from March 1, 2017 to December 31, 2028 which was to coincide with bonds that were to be issued for the post-closure monitoring of the Consolidation Landfills and refinancing of monies to fund the Landfill Closure Assistance Plan. (This extension has some interesting language included with it that needs to be elucidated.)

Then in 2002, there was a Fourth Amendment which was to coincide with the issuance of new bonds and this Amendment (and the last one that I am aware of) extended the Agreement from March 31, 2017 to March 31, 2025.

Obviously, there is a contradiction among these Amendments. I think what will be controlling as to the end date at this point will be the bonds which were to be issued pursuant to the Second Amendment in 1998. If those bonds are still outstanding--which I have absolutely no clue about--then I think there is a strong argument that the Agreement ends on December 31, 2028. If those 1998 bonds were satisfied, then I would say that the Agreement ends on March 31, 2025.

I have sent the RRA's counsel, Stephen Wing, an e-mail requesting his understanding as to when the Agreement terminates. I will forward his response upon receipt.

Recommendation: The Agreement with the RRA is wholly tied in with the bonds that have been issued. I concur with Langdon that the Bond Counsel for the RRA should attend a meeting of the Special Committee so that he can discuss what bonds are outstanding, their maturity dates, and the obligations thereunder.

2) **RRA and the Special Committee Recommendations:** Since the RRA was created by legislation, it can only be dissolved by legislation. A Third Department decision stated that public benefit corporations don't have "suicide clauses" meaning that they don't have the ability

to dissolve themselves as regular corporations do. Thus, the County Legislature always has that as an option if the RRA is not cooperative.

The options to address the RRA are going to be driven by what the trustees of the bonds or the bond holders will tolerate and so long as the bonds continue to be tax free. Some of the options that have been discussed could cause the bonds to be converted from tax free to taxable per IRS regulations and that is something of which we must be cognizant. Thus, this is another reason for consulting with bond counsel.

I have a few things that I would like to discuss with Legislator Gerentine regarding the contract terms and will try to reach him today before the meeting.

Erica

On Fri, Aug 24, 2012 at 12:48 PM, <vfab@co.ulster.ny.us> wrote:

Legislator Gerentine would like a written response to the following questions:

If the RRA Board is not in agreement with the final recommendation of the Special Committee, assuming that the full Legislative Body is in agreement with the Special Committee's recommendation, what are the Legislature's options and what is the time frame associated with the options?

Please clarify when their contract is up...I think it's 2014.

Legislator Gerentine was hoping that Counsel would be present at Monday's 4:00 meeting. I know Langdon can not attend Monday meetings. Erica, are you available to attend? Please advise.

Thank you as always.

Victoria A. Fabella, Clerk
Ulster County Legislature
244 Fair Street
PO Box 1800
Kingston, NY 12402
(845) 340-3666
vfab@co.ulster.ny.us

Local Law Number 8 of 1991

- Dated: March 31, 1992
- Ulster County Mandatory
Source Separation &
Recycling Law

LOCAL LAW NUMBER 8

OF 1991

ULSTER COUNTY MANDATORY SOURCE
SEPARATION AND RECYCLING LAW

This local law shall be known as the "Ulster County Mandatory Source Separation and Recycling Law."

Section 2. Findings and Legislative Intent

The Ulster County Legislature finds that:

(a) The County faces an increasing threat to its environmental and economic well being from the solid waste disposal crisis.

(b) The solid waste disposal crisis is exacerbated by people discarding in landfills a significant amount of material which can be recycled.

(c) The State legislature, in order to resolve the solid waste disposal crisis, delegated to the Agency extensive authority, responsibility and power to plan, construct, operate, maintain, and finance projects for the management of the County's solid waste stream.

(d) The County legislature, in order to resolve the solid waste disposal crisis, established the Agency as planning the unit to prepare a Solid Waste Management Plan "Plan") for the (the County and approved the Plan.

(e) A primary objective of the Plan is to implement programs and policies that maximize to the extent economically and technically practical waste reduction, recycling and reuse of all components of the Waste stream.

(f) Maximizing waste reduction, reuse and recycling ensures the attainment of not only the State's recycling goals as set forth in the 1988 Solid Waste Management Act, but also the County's recycling goals as set forth in the Plan.

(g) In order to implement the Plan and maximize reduction, reuse and recycling, the County wishes to adopt this Mandatory Source Separation and Recycling Law.

(h) The Mandatory Source Separation and Recycling Law should, in part, address the solid waste disposal crisis by removing regulated recyclable material from the solid waste stream, thereby: reducing the required capacity of existing and proposed landfills; decreasing the flow of solid waste to landfills; increasing the life expectancy of existing and future landfills; reducing the cost of solid waste disposal; aiding in the conservation of valuable resources; preserving the health, safety and welfare of the public and preserving the environmental quality of Ulster County.

(i) The Mandatory Source Separation and Recycling Law is consistent with the Plan because the purpose of this local law is to:

(1) Source separate all regulated recyclable materials, as defined in Section 4, from the solid waste stream in Ulster County;

(2) Separate regulated recyclable materials into designated recyclable categories before such materials enter the Satellite Aggregation Center System;

(3) Account for all regulated recyclable materials through reporting requirements so that the county may measure its progress in attaining the State and County recycling goals;

(4) Direct the flow of regulated recyclable materials so as (a) to ensure that such materials are not disposed of in a landfill or incinerator, but recycled and (b) to ensure the success of the Plan which the State has mandated and to which the County has committed a substantial amount of public funds;

(5) Ensure that separated regulated recyclable materials are properly and economically aggregated and processed, and sold or delivered to recycling markets;

(6) Secure long-term, stable and environmentally appropriate markets for the County, and its municipalities to survive periods of market downturns; and

(7) Ensure that education and technical assistance are provided to all persons in the County on source separation and recycling.

(j) The Mandatory Source Separation and Recycling Law will be implemented by the Ulster County Resource Recovery Agency because the Agency has been delegated authority and responsibility to manage the solid waste stream and has been established as the planning unit for the County.

(k) The Mandatory Source Separation law seeks to maximize recycling by:

(1) Maintaining a partnership effort between the agency and the private sector;

(2) Ensuring that a sufficient amount of regulated recyclable materials enters the County's Satellite Aggregation in Center System to result a cost-effective, successful operation;

(3) Having the Satellite Aggregation Center System serve the market of last resort; and

(4) Ensuring that private sector recycling, which contributes to both County and State recycling goals, and are in accordance with the County Solid Waste Management Plan and Article 27 of the Environmental Conservation Law.

(1) The Mandatory Source Separation and Recycling Law is in compliance with the New York State Solid Waste Management Act of 1988 of Article 27 of the Environmental Conservation Law.

This local law is adopted pursuant to Section 120-aa of the General Municipal Law, Section 10 of the Municipal Home Rule Law, Section 2050-t (3) of the Public Authorities Law, and Article 27 of the Environmental Conservation Law.

Section 4. Definitions

As used in this local law, the following terms shall have the following meanings:

"Agency" shall mean the Ulster County Resource Recovery Agency created under Chapter 936 of the Laws of 1986 of the State, as amended.

"Charitable Organization" shall mean any charitable organization registered under Article 7-A of the Executive Law.

"Commercial Sector" shall mean businesses, industries, and manufacturing enterprises operating for profit.

"Composting" shall mean the process of aerobic, thermophilic decomposition by microbial degradation of solid organic constituents of solid waste to produce a stable, humus-like material called compost. **"Composting Facility"** shall mean a solid waste management facility used to provide aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

"Computer Paper" shall mean clean, untreated or uncoated, white suffice or sulphate papers, with or without colored stripes, manufactured for use in computer printers, which may or may not be imprinted with impact (non-laser) or laser printing, as specified by the Agency in the Rules and Regulations, excluding, however, ground wood computer printout or other contamination.

"Contamination" shall mean the inclusion of substance(s) or condition(s) that render the otherwise recyclable or compostable materials, including regulated recyclable materials and yard waste less marketable as specified by the Rules and Regulations pursuant to Section 6.

"Corrugated cardboard" shall mean all clean, dry brown, paperboard, referred to in industry as "old corrugated cardboard." This includes boxes, cartons or other containers or dividers made of either kraft, test liner or jute, with a center fluting between layers, commonly used for packing, mailing, shipping of containerizing goods, merchandise or other material, or other cardboard as specified by the Agency in the Rules and Regulations, excluding, however, non-cardboard materials, plastic, foam or wax-coated or soiled cardboard.

"County" shall mean the entire County of Ulster as constituted and existing under the Laws of the State.

"Designated Recyclable Categories" shall mean the categories into which the regulated recyclable materials shall be separated as designated by the Agency through rules and regulations.

"Directly Selling" shall mean when a generator of regulated recyclable materials makes arrangements to sell these materials directly to a recycling market and either hauls these materials directly or contracts with a hauler to bring these materials to said market.

"Economic Market" shall mean 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.

"Executive Director" shall mean the individual appointed by the Agency pursuant to Section 20S0-c of the Public Authorities Law. **"Generator"** shall mean any person or legal entity which produces solid waste including regulated recyclable materials requiring off-site

disposal.

"Glass" shall mean all clean, empty glass containers made from silica or sand, soda ash and limestone, which are transparent or translucent, and are commonly used for the packaging or bottling of various products. These containers shall include all clear green brown glass bottles and jars, separated by color, as specified by the Agency in the Rules and Regulations, excluding, however, pottery or ceramics, lead-based glass (such as crystal), plate glass, auto pane, mirrors, light bulbs, heat-resistant glass or ovenware, thermopane, laboratory glass, safety glass, or glass of any other color or other contamination.

"Hauler" shall mean any person engaged in the business or activity of collecting, storing, and transporting regulated recyclable materials.

"Institutional Sector" shall mean private or public organizations such as schools, hospitals, prisons, religious establishments, and not-for-profit organizations, and whose purpose is to provide for public welfare.

"Market" shall mean a business which buys, sells, or accepts recyclable materials, including regulated recyclable materials, or compost for the purpose of reuse as a product or in the manufacturing of new products.

"Metal Cans" shall mean clean, empty metal containers made of aluminum or tin-plated or zinc-plated steel, which are commonly used for packaging food, beverages or other products, as specified by the Agency in the Rules and Regulations and are free of food, beverage or other contamination.

"Multi-family Dwelling" shall mean apartment complexes, condominium complexes, cooperative apartment complexes, recreational vehicle or trailer parks, hotels, motels, bungalow or resort colonies, or campgrounds.

"Municipal Recycling Drop-off Sites" shall mean sites or areas designated by municipalities as collection points for regulated recyclable materials.

"Municipal Yard Waste Composting Facility" shall mean site (s) or area (s) designated by municipalities for the purpose of composting yard waste.

"Municipality" shall mean any county, city, town, village, improvement district (or a county, city, town or village acting on behalf of an improvement district), public benefit corporation, municipal corporation, political subdivision, government agency, department or bureau of the state or federal government.

"Newspaper" shall mean all clean, dry, paper commonly referred to as newspapers or newsprint, not sunburned and free from paper other than news or other contamination, and containing not more than the normal percentage of rotogravure and colored sections, as specified by the Agency in the Rules and Regulations.

"Office Paper" shall mean clean, white or colored ledger, bond, writing, copier or other paper, with or without printing or writing, but free of glossy, treated, coated or padded stock, carbon, plastic, or other contamination, as specified by the Agency in the Rules and Regulations.

"Person" shall mean any natural person, individual, partnership,

co-partnership, association, owner or manager of a business, commercial or industrial establishment, joint venture, corporation, trust, estate, institution, not-for-profit organization or any other legal entity including a municipality or any other waste generator.

"Plastic" shall mean all clean, empty containers made of the plastic resins specified by the Agency in the Rules and Regulations, including, but not limited to, plastic bottles or jugs having contained spring water, various beverages or automotive fluids, and excluding contamination.

"Recyclable Materials" shall mean any solid waste that exhibits the potential to be returned to the economic resource stream in the form of raw materials to be used in place of virgin materials in manufacture of new products.

"Recycling Facility" shall mean a solid waste management facility, other than collection and transfer vehicles, at which regulated recyclable materials, separated from the solid waste stream at the source or point of generation, are collected, processed and/or otherwise prepared for market.

"Recyclables Oversight Committee" shall mean the committee established and appointed pursuant to this local law.

"Recycling" shall mean any process by which materials which are separated from the solid waste stream, at the source or point of (generation are separated, collected, sorted, processed and/or transported and returned to the economic mainstream in the form of raw materials to be used in place of virgin materials in manufacturing of new products.

"Regulated Recyclable Materials" shall include newspaper, color-separated glass bottles and jars, metal cans, plastic bottles and jugs, corrugated cardboard, and any other materials as may be designated by the Agency in accordance with this law.

"Satellite Aggregation Center System" shall mean the entire County system as set forth in the County's Solid Waste Management Plan for maximizing reduction, reuse and recycling including, but not limited to, the purchase of all and any equipment, construction and permitting of two Satellite Aggregation Centers, establishment of a transportation network for regulated recyclable materials, securing long-term, stable markets for the County and its municipalities, and education of the public on how to maximize reduction, reuse and recycling of the solid waste stream.

"Solid Waste" shall mean all materials or substances discarded or rejected within the County of Ulster 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, as amended, and 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.

"Solid Waste Management Facility" shall mean 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 as more fully defined in Public Authorities Law Section 2050-b(16) .

"Source Separation" means the segregation of regulated recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

"State" shall mean the State of New York.

"Yard Waste" shall mean grass clippings, leaves, twigs, branches, lawn and garden wastes, weeds, brush, shrubbery clippings, clean wood and clean pallets as specified Agency in the Rules and Regulations, excluding treated, or glued wood, construction and demolition wood, or other debris.

Section 5. Administration

This local law shall be put into effect, administered, and enforced by the Agency in order to carry out this responsibility, the Agency, acting consistently with the purposes of this local law, shall be empowered to do the following:

- a. Execute contracts.
- b. Establish, revise, amend and repeal standards and practices and procedures for the proper preparation, separation, collection and disposal of regulated recyclable materials.
- c. Establish, revise, amend and repeal rules and regulations as it shall deem reasonable, necessary and proper to carry out the responsibilities and requirements of this local law pursuant to Section 6.
- c. Designate Solid waste management facilities within Ulster County which may receive, aggregate or process regulated recyclable materials or compost yard waste.
- e. Direct the flow of regulated recyclable materials to solid waste management facilities that receive, aggregate or process regulated recyclable materials or compost yard waste.
- f. Alter, delete or add regulated recyclable materials to be removed from the solid waste stream based on market availability, technology and other factors subject to Section 25.
- g. Establish reporting procedures to account for all recyclable materials, including regulated recyclable materials and yard waste, in the County.
- h. Secure long-term, stable markets for the recycling of regulated recyclable materials and sell or otherwise market the regulated recyclable materials.
- i. Investigate violations of this law through subpoena power

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of the hearing officer and others, issue warnings, seek civil and criminal penalties from the independent administrative hearing officer or in a court of competent jurisdiction, issue Temporary Cease and Desist orders, enter into consent agreements, and pursue the collection of penalties in accordance with Section 19, 20, 21, 22, 23 and 24.

Section 6. Rules and Regulations

When specified in this local law, the Agency may, from time to time promulgate rules and regulations consistent with the provisions of this local law in order to effectuate the purposes hereof. The procedure for rule making shall be as follows:

- a. The Executive Director must prepare and submit proposed rules or regulations to the Agency and to the Community and Environmental Affairs Committee of the County Legislature.
- b. The Agency may authorize notification of a hearing in the official newspaper of the County, as designated by the County Legislature.
- c. The notice shall be published at least 30 days prior to the public hearing and shall (1) cite the statutory authority under which the rule or regulation is proposed, (2) give the date, time and place of the public hearing, (3) state the proposed rule or regulation or synopsis thereof, (4) give the name and address of the Agency representative to whom written comments may be submitted. The express terms of the proposed rule or regulation should be available to the public on the date such notice is first given pursuant to this subdivision.
- d. The Executive Director shall conduct a public hearing and, upon request of the Community and Environmental Affairs Committee of the County Legislature, appear before that Committee in public session to discuss the proposed rule making.

- e. The Executive Director shall prepare the record of the public hearing and a document responding to the comments received at the public hearing.
- f. The record of public comment and the response document shall be made available for public review and submitted to the Agency.
- g. The Agency shall make such changes and modifications in response to public comment as it deems appropriate and shall adopt the final rules and regulations by resolution.
- h. The Executive Director shall publish the final rules, or synopsis thereof in the same manner as the proposed rules, no less than 10 days after the Agency adopts the final rules or regulations. The final rules or regulations shall take effect 20 days after publication.

Section 7. Program Established

A program is hereby established within Ulster County for the mandatory source separation of regulated recyclable materials from the solid waste stream. Regulated recyclable materials initially established under this local law shall, as defined in Section 4, include the: newspaper, color-separated glass bottles and jars, metal cans, plastic bottles and jugs, and corrugated cardboard. All persons shall separate regulated recyclable materials from solid waste before either setting out solid waste for collection pursuant to lawful procedure or disposing of it in an authorized solid waste management facility.

Section 8. Preparation and Separation of Regulated Recyclable Materials

- (a) Upon the effective date of this local law, all persons in the County shall separate regulated recyclable materials from solid waste for the purposes of collection and recycling.
- (b) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 specifying requirements for preparation and separation of regulated recyclable materials.
- (c) All persons shall prepare and separate regulated recyclables materials in accordance with the rules and regulations.

Section 9. Preparation and Separation by Multi-Family Dwellings of Regulated Recyclable Materials

- (a) All residents of Multi-family dwellings must source separate regulated recyclable materials from solid waste according to Section 8 and the rules and regulations promulgated thereunder, and deposit the regulated recyclable materials in the receptacles and/or collection area(s) provided therefore by the lessor, owner or manager.
- (b) Lessors, owners or managers of multi-family dwellings must establish a program which facilitates the multi-family resident

to source separate regulated recyclable materials, and must include, providing in a neat and sanitary condition, receptacles and/or collection area (s) to receive all regulated recyclable materials generated by residents of the multi-family dwelling. In cases where a condominium association exists the condominium association shall be responsible for provision and maintenance of the receptacles and/or collection area(s).

- (c) By March 1, 1992, lessors, owners, or managers of all multi-family dwellings of 5 units or more, shall submit to the Agency for approval a multi-family dwelling recycling plan implementing Section (b). Such a plan shall include:
 - (1) Location of multi-family dwelling and number of units;
 - (2) Collection system for regulated recyclable materials once the residents have deposited such materials in the receptacles and/or collection area(s);
 - (3) Provisions for publicizing recycling program; and
 - (4) Implementation date of September 1, 1992.
- (d) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 for additional information and implementation of the multi-family dwelling recycling plan.
- (e) All multi-family residents, lessors, owners, or managers shall report as required pursuant to Section 16.

Section 10. Commercial and Institutional Sector Recycling

- (a) All commercial and institutional sector generators shall prepare and separate regulated recyclable materials according to Section 8 and the rules and regulations promulgated thereunder.
- (b) All commercial and institutional sector generators of 20 employees or more shall submit a Commercial/ Institutional Solid Waste Reduction and Recycling Plan to the Executive Director by March 1, 1992. Such a Plan shall include:
 - (1) Organization Identification including a general description of the business, its location and type of operation and the number of employees;
 - (2) Waste Composition analysis including an identification of the amounts of recyclable and non-recyclable materials in their solid waste stream;
 - (3) Waste Reduction and Recycling Practices including an identification of waste reduction efforts, present recycling, potential recycling and waste exchange; and
 - (4) Waste disposal for residual waste including an identification of materials in the organization's waste stream that will not be reduced or recycled and disposal methods.

- (c) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 for additional information and implementation of the Commercial/ Institution Solid Waste Reduction and Recycling Plan.
- (d) All commercial and institutional sector generators shall report as required in Section 16.

Section 11. Private Disposal of Regulated Recyclable Materials

- (a) Nothing shall prevent any commercial sector generators of regulated recyclable materials from Directly Selling to market the regulated recyclable materials they generate so long as:
 - (1) all costs of separating, preparing, processing, transporting and marketing such materials are directly and fully absorbed by the generator and no public funds contribute to such separation, preparation, processing, transporting or marketing, and
 - (2) a minimum of thirty (30) days' written notice of intent to Directly Sell or to cease Directly Selling Regulated Recyclable Materials is provided to the Agency prior to implementing such option: and
 - (3) the generator complies with all reporting requirements of this local law and the rules and regulations promulgated hereunder.
- (b) Private not-for-profit or charitable organizations may receive donations of regulated recyclable materials from generators as part of an announced fund-raising event, provided that they request and receive the prior written approval of the Executive Director of the Agency.

Section 12. Collection and Disposal of Regulated Recyclable Materials

- (a) No person shall collect or dispose of regulated recyclable materials except as directed by the Agency pursuant to this local law and the rules and regulations promulgated pursuant to Section 6 or, if the Agency has not acted, the municipality.
- (b) All solid waste management facilities, whether public or private, shall provide adequate facilities for the acceptance of regulated recyclable materials.
- (c) The Agency is authorized to promulgate rules and regulations pursuant to Section 6 regulating the collection and disposal or regulated recyclable materials.

Section 13. Collection and Disposal of Regulated Recyclable Materials by Haulers

- (a) No hauler shall collect, transport, or dispose of regulated recyclable materials except as directed by the Agency pursuant

to this local law and rules and regulation promulgated pursuant to Section 6.

- (b) The Agency is authorized to promulgate rules and regulations pursuant to Section 6 regulating collection, transportation, and disposal of regulated recyclable materials by haulers.
- (c) All haulers shall collect, transport, maintain, and solid waste stream and (2) in a condition specified in the Rules and Regulation promulgated pursuant to Section 6.
- (d) Source separated regulated recyclable materials shall be transported and delivered only to a solid waste management facility (ies) designated by the Agency that receives aggregates or processes regulated recyclable materials. If no facility is designated, the hauler may deliver the regulated recyclable materials to a recycling facility or market of its choice.
- (e) All haulers shall report as required pursuant to Section 16.

Section 14. Preparation, Separation and Disposal of Yard Waste

- (a) All persons shall separate yard waste from solid waste for the purpose of collection and composting.
- (b) Each municipality within the County may provide, or obtain rights in, a yard waste composting facility for the disposal of yard waste.
- (c) Yard waste may be composted at a composting facility designated by the municipality or at a solid waste management facility that receives and composts yard waste as may from time to time be designated by the Agency. If no facility is designated, the hauler of yard waste may deliver the yard waste to a private composting facility.
- (d) This section shall not prohibit private composting, or on site disposal in compliance with any existing law, of yard waste by any person.
- (e) The Agency may, from time to time, promulgate rule and regulations pursuant to Section 6 for the preparation, separation, collection and disposal of yard waste.
- (f) All yard waste shall be prepared, separated, collected and disposed according to the rules and regulations.

Section 15. Ownership, Direction and Control of Recyclable Materials

- (a) Except as set forth in Section 11, once regulated recyclable materials are set out for collection, placed in Agency containers, or deposited in the Municipal Recycling Drop Off Sites or Satellite Aggregation Center System, all such materials become the property of the County, and the Agency shall direct and control the processing, transporting and marketing of that property.
- (b) The County does not assume ownership of improperly prepared regulated recyclable materials, including those in an improper condition, container, or location.
- (c) Improperly prepared regulated recyclable materials must be removed by the generator and properly prepared and separated according to this local law.

Section 16. Reporting Requirements

- (a) All persons shall report information as designated by the rules and regulations promulgated by the Agency pursuant to Section 6.
- (b) The Agency may, from time to time, pursuant to Section 6 promulgate rules and regulations requiring the reporting on regulated recyclable materials, recyclable materials being studied as possible regulated recyclable materials, regulated recyclable materials directly sold or donated pursuant to Section 11, categories of solid waste as designated by the Agency or any including information needed to study possible economic markets, track the flow of regulated recyclable materials, or monitor progress in meeting the State and County recycling goals.

Section 17. County Household Recycling Containers

- (a) Ulster County recycling containers shall be used by

eligible households in complying with this local law.

- (b) It shall be a violation for any person to: (1) remove a County recycling container from the County; (2) to take, without authorization, a County recycling container from any person or willfully destroy a County recycling container; (3) dispose of a County recycling container other than by returning such container to the issuing municipality; and (4) use such container for other than the temporary storage of regulated recyclable materials.

Section 18. Unlawful Acts

It shall be unlawful for:

- (a) Any person to fail to separate, prepare for collection, collect, transport or dispose of regulated recyclable materials or yard waste in accordance with this law or any rules and regulations promulgated pursuant to Section 6.
- (b) Any person to dispose of any solid waste generated in Ulster County unless such regulated recyclable materials have been removed from such solid waste
- (c) Any person to place regulated recyclable materials at other than a designated location.
- (d) Any person to alter regulated recyclable materials or fail to maintain these materials in the condition specified by the Agency in the Rules and Regulation.
- (e) Any person to dispose or cause to be disposed of regulated recyclable materials or yard waste in a landfill, incinerator, or any other solid waste disposal facility.
- (f) Any hauler to collect, transport, store or deliver regulated recyclable materials that contain Solid waste.
- (g) Any hauler to deliver regulated recyclable materials to a solid waste management facility not designated by the Agency.
- (h) Any Solid Waste Management facility to accept solid waste unless the regulated recyclable materials are separated therefrom.
- (1) Any person to remove regulated recyclable materials Drop-off Site or Satellite Aggregation Center System.
- (J) Any person to fail to report as required by this law or rules and regulation.
- (k) Any person to knowingly make a false material statement or representation in any report required under this local law.
- (m) Any person to violate, cause, or assist in the violation of any provision herein.

Section 19.

- (a) The Agency, acting through the Executive Director, is delegated the authority and responsibility to enforce this local law by investigating possible violations through the subpoena power of the independent administrative hearing officer provided for hereunder and the courts; seeking

civil or criminal penalties for violations of this law or the rules or regulations promulgated pursuant to this local law in a Court of competent jurisdiction or from the independent administrative hearing officer provided for hereunder; issuing Temporary Cease and Desist Orders; and collecting penalties pursuant to this local law.

(b) The Executive Director may issue written warnings that include educational material on how to properly comply with this law.

(c) The Ulster County Health Department shall issue licenses to haulers to collect and transport regulated recyclable materials pursuant to the Ulster County Sanitary Code and its Rules and Regulations. The Agency, acting through the Executive Director, may include provisions in the haulers' licenses as provided by the Sanitary Code and its rule and regulations and may seek enforcement of the Sanitary Code or its rules and regulations.

(d) Notwithstanding anything in this local law or in the Ulster County Sanitary Code to the contrary, no hauler shall be issued a license pursuant to the Sanitary Code to

collect,

Transport, and/or dispose of solid waste unless the hauler a also collects and transports regulated recyclable materials in accordance with this local law.

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(e) Notwithstanding anything in this section to the contrary, this local law may be enforced by the Sheriff of the county or any police agency of the state or any municipality of the county.

Section 20. Independent Administrative Hearing Officer

(a) An independent administrative hearing officer is hereby created, established and authorized to issue orders assessing civil penalties for violations of this local law.

(b) The officer shall be appointed by the County Legislature to serve at the pleasure of the County legislature.

(c) The Executive Director as complainant may institute proceeding with the officer seeking an order assessing civil penalties for the violation of this local law.

(d) The hearing officer has the authority to require the attendance of witnesses or the production of documentary evidence by subpoena.

(e) Before issuing an order assessing a civil penalty, the officer shall give to the person to be assessed such penalty written notice of the proposed order and an opportunity to request a hearing on the proposed order.

(f) The written notice shall include, at a minimum, (1) a concise statement of the factual basis for the violation; (2) the amount of the civil penalty which is proposed to be assessed; (3) the provisions of the local law alleged to have been violated; (4) the right to request a hearing on the material facts and/or the amount of the civil penalty;

(5) a copy of the rules of the hearing procedures.

- (g) The hearing shall provide a reasonable opportunity to be heard and to present evidence free from interference, coercion, restraint, discrimination or reprisal, and the respondent shall have the right to be represented by a person of his/her choosing at any stage of the hearing and proceedings.
- (h) If the respondent fails to appear at the hearing without good cause being shown and the Executive Director presents a prima facie case against the respondent, the respondent may be found in default. The motion for default and a proposed default order shall be served by the officer on all parties, and the defaulting party shall have 20 days from service to reply to the motion. The proposed default order may be set aside for good cause shown in accordance with the civil practice law and rules. Default by the complainant shall result in the dismissal of the complaint with prejudice.
- (i) In determining the amount of the civil penalty, the officer, in accordance with Section 21, shall consider the seriousness of the violation (s) ; any history of such violations; good-faith efforts to comply with the applicable requirements; the number of individual generators the violator employs, services, represents, or is otherwise responsible for; the economic impact (benefit or harm) resulting from the violation (s) ; the economic impact of the penalty; the Executive Director's recommendation for a penalty; and such other factors as justice may require. Civil penalties shall constitute a judgement as that term is defined in the Civil Practice Law and Rules which may be enforced in accordance with that statute.
- (j) The officer may establish rules for discovery, administration and implementation of this section, and procedures for conducting hearings and other proceedings.
- (k) Any person against whom a civil penalty is may assessed under this section obtain judicial review of such assessment.

Section 21. Penalties

- (a) Criminal Penalties: Any person who violates this Local Law shall be guilty of a violation and subject to a fine not to exceed one thousand dollars (\$1000) per day per violation and/ or up to five days imprisonment.
- (b) Civil Penalties: Any person who violates this liability is made by a hearing officer or a court of

competent jurisdiction a civil penalty shall be assessed of not more than one thousand dollars (\$1000) per day per violation and/or suspension or revocation of collection or disposal privileges in conjunction with solid waste and/or regulated recyclable materials disposed within the county, and/or any other just and equitable remedies available at law. deemed a separate violation of this Local Law.

- (d) All fines and penalties shall become due and payable to the Agency.

Section 22. Collection

If any person fails to pay an assessment of a civil penalty, the Agency may bring a civil action in an appropriate court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). Such person shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

Section 23. Consent Agreement and Order

- (a) The Executive Director and Respondent or Defendant may confer concerning settlement.
- (b) The Executive Director and Respondent or Defendant shall forward a written consent agreement and a proposed consent order to the Hearing officer or District Attorney or Court of competent jurisdiction, as the case may be, whenever settlement or compromise is proposed. The Consent agreement shall state that, for the purpose of the proceeding, respondent (1) admits the jurisdictional allegations of the complaint; (2) admits the facts stipulated in the consent agreement or neither admits nor denies specific factual allegations contained in the complaint; (3) consents to the assessment of a stated penalty. The consent agreement shall include any and all terms of the agreement, and be signed by all parties or their representatives/attorneys. ~~discuss the the National Archives and Records Administration, or any other federal agency.~~
- (c) No settlement or consent agreement shall dispose of any proceeding without consent order from the officer or court of competent jurisdiction. In preparing such an order, the officer or court may require that the parties to the settlement appear before him/her to answer inquiries relating to the consent agreement or order.

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Section 24. Temporary Cease and Desist Order

- (a) Upon receipt of evidence that an emergency exists, the Agency, acting through the Executive Director, may issue a Temporary Cease and Desist order immediately suspending and restraining such activity causing or contributing to the emergency before the holding of a hearing. All settlements are due and payable to the Agency.
- (b) The person suspended or restrained shall have an opportunity to an expedited hearing within 5 days of the Agency Order before the hearing officer on the question of whether an emergency exists.
- (c) If the hearing officer determines that such an emergency exists, he/she shall schedule a full hearing to be held in accordance with Section 20 at least 20 days after the expedited hearing. If the hearing officer determines that an emergency does not exist, he/she shall annul the Agency Order.
- (d) The Agency order shall be in effect pending the completion of the expedited and full hearing, however the case may be.

Section 25. Addition or Removal of Regulated Recyclable Materials

- (a) In addition to the regulated recyclable materials defined in Section 4, the Agency, subject to Section 22, shall be authorized to designate regulated recyclable materials to be separated from other solid waste or to remove previously designated regulated recyclable materials from the list of regulated recyclable materials.
- (b) If removal of the regulated recyclable material is based upon the lack of an economic market for the material in accordance with Section 120-aa of the General Municipal Law, the Agency shall conduct such studies as it deems necessary and proper to establish the lack of an economic market, and shall state specifically in the notice of its action removing the regulated recyclable material the grounds for its action and all studies upon which its determination is based. Such designation or removal shall be made in writing, published in the Environmental News Bulletin and the official newspapers of the county as designated by the County Legislature, and shall take effect thirty (30) days after such publication.

Section 26. Recyclables Oversight Committee

(a) A recycling oversight committee consisting of one member of the Agency designated by the Chairman of the Agency to serve as a non-voting, ex-officio member and not more than seven (7) voting members to be appointed by the County Legislature is hereby created and established for the purpose of advising the Agency on: i) the addition or removal of materials from the definition of regulated recyclable materials; ii) the progress made towards meeting the percent reduction goals established in the Solid Waste Management Act of 1988 and the Plan; and iii) the adoption, repeal or amendment of rules and regulations provided for in Section 6 of this Local Law; and (iv) such other matters as the Agency may suggest. The members of the oversight committee to be appointed by the County Legislature shall consist of an appointee from the following:

- (1) Town Supervisor's Association; (2) Mayors' Association;
- (3) Community and Environmental Affairs Committee of the Ulster County Legislature;
- (4) Ulster County Environmental Management Council; (5) Carting Industry;
- (6) Municipal Recycling Coordinators;
- (7) Commercial or Institutional Sector or Multi-Family Dwelling interest.

(b) The appointments in subsection (a) of this Section, other than the Agency appointment, shall be for a three year term from the date of appointment. No member shall serve more than two full three year terms. A chairman shall be elected by the members of the oversight committee at its first regular meeting and the Committee shall adopt operating by-laws as they deem appropriate.

The committee shall meet at least quarterly and the majority of the members shall constitute a quorum. Any recommendation issued by the committee shall be approved by a majority of its membership. The Agency shall request and receive the recommendation of the committee before it orders the removal or the addition of any material from designation as a regulated recyclable material, except that if such recommendation is not received within thirty days after written request by the Agency, it may act without such recommendation.

Section 27. Separability

If any section, provision, or part thereof, in this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not effect the validity of the remainder of the local law of as a whole or any sections, provisions, or part thereof, not so adjudged invalid or unconstitutional and the application of the local law or any section, provision or part thereof, to other persons or circumstances shall not be affected by said adjudication.

Section 28. Priority

(a) Pursuant to Section 1 of Chapter 936 of the Laws of 1986 of the State of New York, this local law shall take precedence over and supersede any inconsistent provisions of any local law enacted by any municipality within the county.

(b) A municipality may adopt and enforce its own local law which, at a minimum, must be procedurally and substantively as comprehensive as this legislation.

Section 29. Effective Date

This local law shall be effective throughout the County on March 31, 1992, except that this local law shall not be effective with regard to regulated recyclable materials generated by commercial, industrial, or institutional sector and multi-family dwellings until September 1, 1992.

END OF LOCAL LAW NUMBER 8 OF 1991

Local Law Number 9 of 1991

- A Local Law Providing for
the Management of Solid
Waste in the County of
Ulster

A LOCAL LAW PROVIDING FOR THE MANAGEMENT OF SOLID WASTE
IN THE COUNTY OF ULSTER

BE IT ENACTED by the County Legislature of the
County of Ulster as follows:

SECTION 1. Short Title. This Local Law shall
be known and may be cited as the solid waste management
law.

SECTION 2. Legislative Finding and Purposes.
The Agency and the County have approved a Comprehensive
Solid Waste Management Plan for the County, which
provides for the planning, financing, acquisition,
construction and operation of a system to dispose of or
process Solid Waste generated or originated in, or
brought within the County. The Comprehensive Solid Waste
Management Plan was authorized by Article 27 of the
Environmental Conservation Law of the State and Title
13-G of the Public Authorities Law of the State. The
Comprehensive Solid Waste Management Plan was reviewed
pursuant to Article 8 of the Environmental Conservation
Law of the State, and the rules, promulgated thereunder,
and was approved by the State Department of
Environmental Conservation. The Comprehensive Solid
Waste Management Plan provides for the adoption of a
local law providing for control over the flow of Solid
Waste in the County. Authority for the adoption of this
local law is specifically granted to this Legislature by
S 2050-t (3) of the Public Authorities Law of the State.

The purpose of this local law is to assure
that the system to be implemented for the disposal of
Solid Waste will function properly, effectively,
efficiently and in an environmentally sound manner so
that the public health and safety will be protected and
the environment will be improved.

This Legislature finds that in order to
achieve tile purposes set forth above it is necessary
and proper to impose reasonable limitations on
competition in accordance with the policy of the State
expressed in S 2050-t (3) of the Public Authorities Law.
This Legislature specifically finds that the limitations
on competition set forth in Section 4 of this local law
are appropriate and reasonable. This Legislature further
finds that the Agency, created at the request of this
Legislature for the purpose of managing Solid waste in
the County, closely connected to the County, duly
established as the local planning unit for Solid waste
management in the County, and granted broad powers in
Solid Waste management on behalf of the County as set
forth in Title 13-G of the Public Authorities Law of the
State, is the agency most capable of effectively
performing the task of Solid waste management and
exercising the powers described in this local law.

Finally, this Legislature finds that adequate standards governing such delegation to the Agency are set forth herein in that the Agency must exercise the powers delegated to it in the public interest as directly related to and limited by Title 13-G of the Public Authorities Law of the State and the policy set forth in S 27-0101 of the Environmental Conservation Law of the State.

SECTION 3. Definition. As used or referred to in this Local Law, unless the context otherwise requires:

1. "Agency" shall mean the Ulster County Resource Recovery Agency created under Title 13-G6 of the Public Authorities Law of the State as amended.
2. "Agency Executive Director" shall mean the Executive Director of the Ulster County Resource Recovery Agency.
3. "County of Ulster" shall mean the entire County of Ulster as constituted and existing under the Laws of the State of New York.
4. "Disposal of Solid Waste" shall mean transporting or delivery of solid waste to the Solid Waste Management Facility.
5. "Municipality" shall mean any county, city, town, village, improvement district or public corporation, or any combination thereof.
6. "Person" shall mean any natural person, partnership, association, joint venture, or corporation exclusive of a "public corporation".
7. "Solid Waste" shall mean all materials or substances discarded or rejected within the County 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 United States Atomic Energy Act of 1954, as amended, 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 of the State of New York, and scrap or other material of value

separated from the waste stream and held for purposes of materials recycling.

8. "Solid Waste Management Facility" shall mean 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 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 facilities, and related plants and facilities, sanitary landfills, leachate treatment facilities, land spreading facilities, waste oil storage, reprocessing and recycling facilities, plants and facilities for compacting, composting or pyrolyzation 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 of the State of New York.

SECTION 4. Disposal of Solid Waste. All Solid Waste generated or originated in or brought within into the County shall be delivered to Solid Waste Management Facilities designated by the Agency from time to time, which designation may include a determination that a particular Solid Waste Management Facility shall be the only facility used for the disposal of Solid Waste generated within all of, or a described area within, the County of Ulster or by a particular person or persons.

In making any such designation, the Agency shall give due consideration to the capacity of any Solid Waste Management Facility so designated, the size and population of the area or person or persons to be served and such other factors as shall enable the Agency to determine that the public interest is served by such designation. No person shall dispose of Solid Waste generated within or coming into the County except at a Solid Waste Management Facility designated by the Agency in accordance with this Section.

SECTION 5. Exceptions. The Agency may make such exceptions to the requirements of Section 4 as it, from time to time, may determine to be in the public interest.

SECTION 6. Rules and Rulemaking. The Agency is hereby authorized and directed to promulgate such rules and regulations as it shall determine to be necessary to effectuate the purpose of this local law. The procedure for rulemaking shall be as follows:

- a. The Agency Executive Director must prepare and submit proposed rules and regulations to the Agency and to the Community and Environmental Affairs Committee of this Legislature.
- b. The Agency shall authorize notification of a hearing in the official newspapers of the County, as designated by this Legislature.
- c. The notice shall be published at least 30 days prior to the public hearing and shall (1) cite the statutory authority under which the rules and regulations are proposed, (2) give the date, time and place of the public hearing, (3) state the proposed rules and regulations thereof, (4) give the name and address of the Agency representative to whom written comments may be submitted. The express terms of the proposed rules and regulations shall be available to the public on the date such notice is first given pursuant to this subdivision.
- d. The Agency Executive Director shall conduct a public hearing and, upon request of the Community and Environmental Affairs Committee of this Legislature, appear before that Committee in public session to discuss the proposed rule making.
- e. The Agency Executive Director shall prepare the record of the public hearing and a document responding to the comments received at the public hearing.
- f. The record of public comment and the response document shall be made available for public review and submitted to the Agency.

- g. The Agency shall make such changes and modifications in response to public comment as it deems appropriate and shall adopt the final rules and regulations by resolution.

- h. The Agency Executive Director shall publish the final rules and regulations, or synopses thereof in the same manner as the proposed rules and regulations, no less than 10 days after the Agency adopts the final rules and regulations. The final rules and regulations shall take effect 20 days after publication.

SECTION 7. Enforcement. It shall be the responsibility of the Agency, acting through its Executive Director, in consultation with Agency Counsel, the County Department of Health, and such other departments of County government as it may deem necessary, to enforce the provisions of this local law and all rules, regulations and designations made pursuant thereto. Such enforcement shall be by such legal or equitable proceedings, including, without limitation, a proceeding for specific performance, brought in the name of the County as may be provided or authorized by law.

The County Health Department shall assist in the enforcement of this local law by, inter alia, revoking the licenses issued pursuant to the County Sanitary Code to Persons who collect, transport or dispose of Solid Waste in violation of this local law. Such revocation proceeding shall be carried out in accordance with the County Sanitary Code.

SECTION 8. Environmental Compliance. All acts and proceedings taken by the Agency pursuant to this local law shall, in all respects, be consistent with the Environmental Conservation Law and other applicable laws and rules and regulations promulgated pursuant thereto.

SECTION 9. Penalties. Any person who violates this local law shall be guilty of a violation and subject to a fine of not more than One Thousand (\$1, 000) Dollars and/or imprisonment for not more than five (5) days and/or suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with Solid Waste within the County. Each and every act of disposal committed which is prohibited by Section 4 hereof shall constitute a separate violation of this local law.

SECTION 10. Priority. Pursuant to Title 13-G of the Public Authorities Law of the State, this local law takes precedence over and shall supersede any

inconsistent provisions of any local law enacted by any municipality within the County.

SECTION 11. Separability. If any section, provision, or part thereof, in this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the remainder of the local law or the validity of the local law as a whole or any sections, provision or part thereof, not so adjudged invalid or unconstitutional and the application of the local law or any section, provision or part thereof to other persons or circumstances shall not be affected by said adjudication.

SECTION 12. Effect of Local Law. Nothing in this local law shall be construed to supersede prior local laws enacted by the County regarding the non-importation of Solid Waste into the County or to authorize the construction of a Solid Waste incinerator whether or not the incineration of solid waste is in connection with a waste-to-energy.

SECTION 13. Effective Date. This local law shall take effect immediately.

Local Law Number 8 of 2007

- A Local Law Amending Local Law Number 8 of 1991 Ulster County Mandatory Source Separation and Recycling Law
 - Adopted: August 2007

Local Law Number 8 Of 2007

County Of Ulster

**A Local Law Amending Local Law Number 8 Of 1991 Ulster
County Mandatory Source Separation And Recycling Law**

BE IT ENACTED, by the County Legislature of the County of Ulster, as follows:

**ULSTER COUNTY MANDATORY SOURCE SEPARATION AND
RECYCLING LAW**

- Section 1. Short Title**
- Section 2. Findings and Legislative Intent**
- Section 3. Statutory Authority**
- Section 4. Definitions**
- Section 5. Administration**
- Section 6. Rules and Regulations**
- Section 7. Program Established**
- Section 8. Preparation and Separation of Regulated Recyclable Materials**
- Section 9. Preparation and Separation by Multi-Family Dwellings of
Regulated Recyclable Materials**
- Section 10. Commercial and Institutional Sector Recycling**
- Section 11. Private Disposal of Regulated Recyclable Materials**
- Section 12. Collection and Disposal of Regulated Recyclable Materials**
- Section 13. Collection and Disposal of Regulated Recyclable Materials by
Haulers**
- Section 14. Preparation, Separation, and Disposal of Yard Waste**
- Section 15. Ownership, Direction, and Control of Regulated Recyclable
Materials**

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**A Local Law Amending Local Law Number 8 Of 1991 Ulster
County Mandatory Source Separation And Recycling Law**

Section 16. Reporting Requirements

Section 17. County Household Recycling Containers

Section 18. Unlawful Acts

Section 19. Enforcement

Section 20. Independent Administrative Hearing Officer

Section 21. Penalties

Section 22. Collection

Section 23. Consent Agreement and Order

Section 24. Temporary Cease and Desist Order

Section 25. Addition or Removal of Regulated Recyclable Materials

Section 26. Recycling Oversight Committee

Section 27. Reparability

Section 28. Priority

Section 29. Effective Date

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County Of Ulster

A Local Law Amending Local Law Number 8 Of 1991 Ulster County Mandatory Source Separation And Recycling Law

SECTION 1. SHORT TITLE. This Local Law shall be known as the “Ulster County Mandatory Source Separation and Recycling Law.”

SECTION 2. FINDINGS AND LEGISLATIVE INTENT. The Ulster County Legislature finds that:

- (a) The County faces an increasing threat to its environmental and economic well-being from the solid waste disposal crisis.
- (b) The solid waste disposal; crisis is exacerbated by people discarding in landfills a significant amount of material that can be recycled.
- (c) The State Legislature, in order to resolve the solid waste disposal crisis, delegated to the Agency extensive authority, responsibility, and power to plan, construct, operate, maintain, and finance projects for the management of the County’s solid waste stream.
- (d) The County Legislature, in order to resolve the solid waste disposal crisis, established the Agency as the planning unit to prepare a Solid Waste Management Plan (the “Plan”) for the County and approved the Plan.
- (f) Maximizing waste reduction, reuse, and recycling ensures the attainment of not only the State’s recycling goals as set forth in the 1988 Solid Waste Management Act, but also the County’s recycling goals as set forth in the Plan.
- (g) In order to implement the Plan and maximize reduction, reuse, and recycling, the County wishes to adopt this Mandatory Source Separation and Recycling Law.
- (h) The Mandatory Source Separation and Recycling Law should, in part, address the solid waste disposal crisis by removing regulated recyclable materials from the solid waste stream, thereby, reducing the required capacity of existing and proposed landfills; decreasing the

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flow of solid waste to landfills; increasing the life expectancy of existing and future landfills; reducing the cost of solid waste disposal; aiding in the conservation of valuable resources; preserving the health, safety and welfare of the public; and preserving the environmental quality of Ulster County.

- (i) The Mandatory Source Separation and Recycling Law is consistent with the Plan because the purpose of this local law is to:
- (1) source separated all regulated recyclable materials, as defined in Section 4, from the solid waste stream in Ulster County;
 - (2) separate regulated recyclable materials into designated recyclable categories before such materials enter the Satellite Aggregation Center System;
 - (3) account for all regulated recyclable materials through reporting requirements so that the County may measure its progress in attaining the State and County recycling goals;
 - (4) direct the flow of regulated recyclable materials so as (a) to ensure that such materials are not disposed of in a landfill or incinerator, but recycled and (b) to ensure the success of the Plan which the State has mandated and to which the County has committed a substantial amount of public funds;
 - (5) ensure that separate regulated recyclable materials are properly and economically aggregated, processed, and sold or delivered to recycling markets;
 - (6) secure long-term, stable, and environmentally appropriate markets for the county and its municipalities to survive periods of market downturns; and
 - (7) ensure that education and technical assistance are provided to all persons in the County on source separation and recycling.

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- (j) The Mandatory Source Separation and Recycling Law will be implemented by the Ulster County Resource Recovery Agency because the Agency has been delegated authority and responsibility to manage the solid waste stream and has been established as the planning unit for the County.
- (k) The Mandatory Source Separation and Recycling Law seeks to maximize recycling by:
 - (1) maintaining a partnership effort between the Agency and private sector;
 - (2) ensuring that a sufficient amount of regulated recyclable materials enters the County's Satellite Aggregation Center System to result in a cost-effective, successful operation.
 - (3) having the Satellite Aggregation Center System serve as the market of last resort; and
 - (3) ensuring that private sector recycling, which contributes to both County and State recycling goals, is in accordance with the County Solid Waste Management Plan and Article 27 of the Environmental Conservation Law.

SECTION 3. STATUTORY AUTHORITY. This Local Law adopted pursuant to Section 120-aa of the General Municipal Law, Section 10 of the Municipal Home Rule Law, Section 2050-t(3) of the Public Authorities Law, and Article 27 of the Environmental Conservation Law.

SECTION 4. DEFINITIONS. As used in this Local Law, the following terms shall have the following meanings:

“Agency” shall mean the Ulster County Resource Recovery Agency created under Chapter 936 of the Laws of 1986 of the State, as amended.

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“Charitable Organization” shall mean businesses, industries, and manufacturing enterprises operating for profit.

“Commercial Sector” shall mean businesses, industries, and manufacturing enterprises operating for profit.

“Composting” shall mean the process of aerobic, thermophilic decomposition by microbial degradation of solid organic constituents of solid waste to produce a stable, humus-like material called compost.

“Composting Facility” shall mean a solid waste management facility used to provide aerobic, thermophilic decomposition by microbial degradation of solid organic constituents of solid waste to produce a stable, humus-like material.

“Computer Paper” shall mean clean, untreated or uncoated, white sulphite or sulphate papers, with or without colored stripes, manufactured for use in computer printers, which may or may not be imprinted with impact (non-laser) or laser printing, as specified by the Agency in the rules and regulations, excluding, however, ground wood computer printout or other contamination.

“Contamination” shall mean the inclusion of substance(s) or condition(s) that render the otherwise recyclable or compostable materials, including regulated recyclable materials and yard waste less marketable as specified by the rules and regulations.

“Corrugated Cardboard” shall mean all clean, dry brown, paperboard, referred to in industry as “old corrugated cardboard”. This induces boxes, cartons or other containers or dividers made of either kraft, test liner or jute, with a center fluting between layers, commonly used for packing, mailing, shipping of containerizing goods, merchandise or other material, plastic, foam, or wax-coated or soiled cardboard.

“County” shall mean the entire County of Ulster as constituted and existing under the Laws of the State.

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“Designated Recyclable Categories” shall mean the categories into which the regulated recyclable materials shall be separated as designated by the Agency through rules and regulations.

“Economic Market” shall mean 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.

“Generator” shall mean any person or legal entity that produces solid waste including regulated recyclable materials requiring off-site disposal.

“Glass” shall mean all clean, empty glass containers made from silica or sand, soda ash and limestone, which are transparent or translucent, and are commonly used for the packaging or bottling of various products. These containers shall include all clear, green or brown glass bottles and jars, separated by color, as specified by the Agency in the rules and regulations, excluding, however, pottery or ceramics, lead-based glass (such as crystal) plate glass, auto pane, mirrors, light bulbs, heat-resistant glass or ovenware, thermopane, laboratory glass, safety glass, or glass of any other color or other contamination.

“Hauler” shall mean any person engaged in the business or activity of collecting, storing, and transporting regulated recyclable materials.

“Institutional Sector” shall mean private or public organizations such as schools, hospitals, prisons, religious establishments, and not-for-profit organizations, whose purpose is to provide for the public welfare.

“Mandatory Source Separation and Recycling Law” shall mean the Local Law No. 8 passed by the Ulster County Legislature on December 31, 1991.

“Market” shall mean a business which buys, sells, or accepts recyclable materials, including regulated recyclable materials, or compost for the purpose of reuse as a product or in the manufacturing of new products.

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“Metal Cans” shall mean clean, empty metal containers made of aluminum or tin-plated or zinc-plated steel, which are commonly used for packaging food, beverages or other products, as specified by the Agency in the rules and regulations and are free of food, beverage or other contamination.

“Multi-Family Dwelling Generator” shall mean solid waste generated from apartment complexes, condominium complexes, cooperative apartment complexes, recreational vehicle or trailer parks, hotels, motels, bungalow or resort colonies, or campgrounds.

“Municipal Yard Waste Composting Facility” shall mean site(s) or area(s) designated by municipalities for the purpose of composting yard waste.

“Municipal Recycling Drop-Off Sites” shall mean sites or areas designated by municipalities as collection points for regulated recyclable materials.

“Newspaper” shall mean all clean, dry, paper commonly referred to as newspapers or newsprint, not sunburned and free from paper other than news or other contamination, and containing not more than the normal percentage of rotogravure and colored sections, as specified by the Agency in the rules and regulations.

“Not-for-Profit Organization” shall mean any corporation organized according to the New York State Not-for-Profit Corporation Law.

“Office Paper” shall mean clean, white or colored ledger, bond, writing, copier or other paper, with or without printing or writing, but free of glossy, treated, coated or padded stock, carbon, plastic, or other contamination, as specified by the Agency in the rules and regulations.

“Person” shall mean any natural person, individual, partnership, co-partnership, association, owner or manager of a business, commercial or industrial establishment, joint venture, corporation, trust, estate, institution, not-for-profit organization or any other legal entity including a municipality or any other waste generator.

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“Plastic” shall mean all clean, empty containers made of the plastic resins specified by the Agency in the rules and regulations, including, but not limited to, plastic bottles or jugs having contained spring water, various beverages or automotive fluids, and excluding contamination.

“Recycling Oversight Committee” shall mean the committee established and appointed pursuant to the Recycling Law.

“Recyclable Materials” shall mean any solid waste that exhibits the potential to be returned to the economic resource stream in the form of raw materials to be used in place of virgin materials in the manufacture of new products.

“Recyclables Handling and Recovery Facilities” shall mean a solid waste management facility, properly permitted under the New York State Department of Environmental Conservation rules and regulations, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected.

“Regulated Recyclable Materials” shall include newspaper, color-separated glass bottles and jars, metal cans, plastic bottles and jugs, corrugated cardboard, office paper and computer paper, and any other materials as may be designated by the Agency in accordance with this law.

“Residential Generator” shall mean solid waste generated from single or multiple-family dwellings and other residential sources.

“Rural Transfer Station” shall mean the location designated by each municipality as a municipal drop-off center for regulated recyclable materials, solid waste or yard waste.

“Satellite Aggregation Center System” shall mean the entire /county system as set forth in the County’s Solid Waste Management Plan for maximizing reduction, reuse and recycling including, but not limited to, purchasing any and all equipment, constructing and permitting two Satellite Aggregation Centers, establishing a transportation network for regulated recyclable materials, securing

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long-term, stable markets for the County and its municipalities, and educating the public on how to maximize reduction, reuse and recycling of the solid waste stream.

“Self Hauler” shall mean any person who hauls or transports the regulated recyclable material it generates.

“Solid Waste” shall mean all materials or substances discarded or rejected within the County of Ulster 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 materials, 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, as amended, and 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.

“Solid Waste Management Facility” shall mean 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 as more fully defined in Public Authorities Law Section 2050-b(16).

“Ulster County Resource Recovery Agency” shall mean the Agency established pursuant to chapter 936 of the session laws of 1986 and is referred to herein as “Agency”.

“Yard Waste” shall mean grass clippings, leaves, twigs, branches, lawn and garden wastes, weeds, brush, shrubbery clippings, clean wood and clean pallets as specified by the Agency in the rules and regulations, excluding treated painted or glued wood, construction and demolition wood, or other debris.

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SECTION 5. ADMINISTRATION. This Local Law shall be put into effect, administered, and enforced by the Agency. In order to carry out this responsibility, the Agency, acting consistently with the purposes of this local law, shall be empowered to do the following:

- a. Executes contracts.
- b. Establish, revise, amend, and repeal standards, practices, and procedures for the proper preparation, separation, collection, and disposal of regulated recyclable materials.
- c. Establish, revise, amend, and repeal rules and regulations as it shall deem reasonable, necessary and proper to carry out the responsibilities and requirements of this local law pursuant to Section 6.
- d. Designate solid waste management facilities within Ulster County which may receive, aggregate, or process regulated recyclable materials or compost yard waste.
- e. Direct the flow of regulated recyclable materials to solid waste management facilities that receive, aggregate, or process regulated recyclable materials or compost yard waste.
- f. Add regulated recyclable materials to the solid waste stream based on market availability, technology and other factors subject to Section 25.
- g. Alter or delete regulated recyclable materials to be removed from the solid waste stream based on market availability, technology and other factors subject to approval by a majority vote of the Recycling Oversight Committee.

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- h. Establish reporting procedures to account for all recyclable materials, including regulated recyclable materials and yard waste, in the County.
- i. Secure long-term, stable markets for the recycling of regulated recyclable materials and sell or otherwise market the regulated recyclable materials.
- j. Investigate violations of this law through the subpoena power of the hearing officer and others, issue warnings, seek civil and criminal penalties from the independent administrative hearing officer or in a Court of competent jurisdiction, issue Temporary Cease and Desist Orders, enter into consent agreements, and pursue the collection of penalties in accordance with Sections 19, 20, 21, 22, 23, and 24.

SECTION 6. RULES AND REGULATIONS. When specified in this local law, the Agency may, from time to time, promulgate rules and regulations consistent with the provisions of this local law in order to effectuate the purposes hereof. This procedure for rule making shall be as follows:

- a. The Executive Director must prepare and submit proposed rules and regulations to the Agency, the Community and Environmental Affairs Committee of the County Legislature, and to the Recycling Oversight Committee.
- b. The Agency may authorize notification of a hearing in the official newspaper of the County, as designated by the County Legislature.
- c. The notice shall be published at least thirty (30) days prior to the public hearing and shall (1) cite the statutory authority under which the rules and regulations are proposed, (2) give the date, time, and place of the public hearing, (3) state the proposed rules and regulations or synopses thereof, (4) give the name and address of the Agency representative to whom

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written comments may be submitted. The express terms of the proposed rules and regulations shall be available to the public on the date such notice is first given pursuant to this subdivision.

- d. The Executive Director shall conduct a public hearing and, upon request of the Community and Environmental Affairs Committee of the County Legislature, appear before that Committee and the Recycling Oversight Committee in public session to discuss the proposed rule making.
- e. The Executive Director shall prepare the record of the public hearing and a document responding to the comments received at the public hearing.
- f. The record of public comment and the response document shall be made available for public review and submitted to the Agency.
- g. The Agency shall make such changes and modifications in response to public comment as it deems appropriate and shall adopt the final rules and regulations by resolution.
- h. The Executive Director shall publish the final rules and regulations, or synopses thereof in the same manner as the proposed rules and regulations, no less than ten (10) days after the Agency adopts the final rules and regulations. The final rules and regulations shall take effect twenty (20) days after publication.

SECTION 7. PROGRAM ESTABLISHED. A program is hereby established within Ulster County for the mandatory source separation of regulated recyclable materials from the solid waste stream. Regulated recyclable materials initially established under this local law shall, as defined in Section 4, include the following: newspaper, color-separated glass bottles and jars, metal cans, plastics bottles and jugs, corrugated cardboard, office paper, and computer paper. All

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persons shall separate regulated recyclable materials from solid waste before either setting out solid waste for collection pursuant to lawful procedure or disposing of it in an authorized solid waste management facility.

SECTION 8. PREPARATION AND SEPARATION OF REGULATED RECYCLABLE MATERIALS.

(a) Upon the effective date of this Local Law, all persons in the County shall separate regulated recyclable materials from solid waste for the purposed of collection and recycling.

(b) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 specifying requirements for preparation and separation of regulated recyclable materials.

(c) All persons shall prepare and separate regulated recyclable materials in accordance with the rules and regulations.

SECTION 9. PREPARATION AND SEPARATION BY MULTI-FAMILY DWELLINGS OF REGULATED RECYCLABLE MATERIALS.

(a) All residents of multi-family dwellings must source separate regulated recyclable materials from solid waste according to Section 8. and the rules and regulations promulgated thereunder, and deposit the regulated recyclable materials in the receptacles and/or collection area(s) provided therefore by the lessor, owner, or manager.

(b) Lessors, owners, or managers of multi-family dwellings must establish a program which facilitates the multi-family resident to source separate regulated recyclable materials, and must include, providing in a neat and sanitary condition, receptacles and/or collection area(s) to receive all regulated recyclable materials generated by residents of the multi-family dwelling. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the receptacles and/or collection area(s).

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(c) By March 1, 1992 and every year thereafter, lessors, owners, or managers of all multi-family dwellings of five (5) units or more, shall submit to the Agency for approval a Multi-Family Dwelling Recycling Plan implementing Section (b). Such a plan shall include:

- (1) Location of multi-family dwelling and number of units;
- (2) Collection system for regulated recyclable materials once the residents have deposited such materials in the receptacles and/or collection area(s);
- (3) Provisions for publicizing recycling program; and
- (4) Implementation date of September 1, 1992.
- (d) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 for additional information and implementation of the Multi-Family Dwelling Recycling Plan.
- (e) All multi-family residents, lessors, owners, or managers shall report as required pursuant to Section 16.

SECTION 10. COMMERCIAL AND INSTITUTIONAL SECTOR RECYCLING.

(a) All commercial and institutional sector generators shall prepare and separate regulated recyclable materials according to Section 8 and the rules and regulations promulgated thereunder.

- (b) All commercial and institutional sector generators of ten (10) employees or more shall submit a Commercial/Institution Solid Waste Reduction and Recycling Plan to the Executive Director. The plan will remain on file with the Agency. All commercial and institutional sector generators shall submit revisions as applicable. Such a plan shall include:

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- (1) Organization Identification including a general description of the business, its location and type of operation and the number of employees;
- (2) Waste Composition analysis including an identification of the amounts of recyclable and non-recyclable materials in their solid waste stream;
- (3) Waste Reduction and Recycling Practices including an identification of waste reduction efforts, present recycling, potential recycling, and waste exchanges, and
- (4) Waste Disposal for residual waste including an identification of materials in the organization's waste stream that will not be reduced or recycled and disposal methods.

(c) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 for additional information and implementation of the Commercial/Institutional Solid Waste Reduction and Recycling Plan.

(d) All commercial and institutional sector generators shall report as required in Section 16.

SECTION 11. PRIVATE DISPOSAL OF REGULATED RECYCLABLE MATERIALS.

(a) Nothing shall prevent any commercial sector generators of regulated recyclable materials from Directly Selling to markets the regulated recyclable materials they generate so long as:

- (1) all costs of separating, preparing, processing, transporting and marketing such materials are directly and fully absorbed by the generators and no public

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funds contribute to such separation, preparation, processing, transporting or marketing.

- (2) a minimum of thirty (30) days' written notice of intent to Directly Sell or to cease Directly Selling Regulated Recyclable Materials is provided to the Agency prior to implementing such option; and
 - (3) the generators comply with all reporting requirements of this local law and the rules and regulations promulgated hereunder.
- (b) Private not-for-profit or charitable organizations may receive donations of regulated recyclable materials from generators as part of an announced fund-raising event, provided that they request and receive the prior written approval of the Executive Director of the Agency.

SECTION 12. COLLECTION AND DISPOSAL OF REGULATED RECYCLABLE MATERIALS.

(a) No person shall collect or dispose of regulated recyclable materials except as directed by the Agency pursuant to this local law and the rules and regulations promulgated pursuant to Section 6 or, if the Agency has not acted, the Municipality.

(b) All solid waste management facilities, whether public or private, shall provide adequate facilities for the acceptance of regulated recyclable materials.

(c) The Agency is authorized to promulgate rules and regulations pursuant to Section 6 regulating the collection and disposal of regulated recyclable materials.

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SECTION 13. COLLECTION AND DISPOSAL OF REGULATED RECYCLABLE MATERIALS BY HAULERS.

(a) No hauler shall collect, transport, or dispose of regulated recyclable materials except as directed by the Agency pursuant to this local law and the rules and regulations promulgated pursuant to Section 6.

(b) The Agency is authorized to promulgated rules and regulations pursuant to Section 6. regulating collection, transportation, and disposal of regulated recyclable materials by haulers.

(c) All haulers shall collect, transport, maintain, and dispose of regulated recyclable materials (1) separated from the solid waste stream and (2) in a condition specified in the rules and regulations promulgated pursuant to Section 6.

(d) Source separated regulated recyclable materials shall be transported and delivered only to a solid waste management facility(ies) designated by the Agency that receives, aggregates or processes regulated recyclable materials. If no facility is designated, the hauler may deliver the regulated recyclable materials to a recycling facility or market of its choice.

(e) All haulers shall report as required pursuant to Section 16.

SECTION 14. PREPARATION, SEPARATION AND DISPOSAL OF YARD WASTE.

(a) All persons shall separate yard waste from solid waste for the purposes of collection and composting.

(b) Each Municipality within the County may provide, or obtain rights in, a yard waste composting facility for the disposal of yard waste.

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(c) Yard waste may be composted at a composting facility designated by the Municipality or at a solid waste management facility that receives and composts yard waste as may from time to time be designated by the Agency. If no facility is designated, the hauler of yard waste may deliver the yard waste to a private composting facility

(d) This section shall not prohibit private composting or on site disposal in compliance with any existing law of yard waste by any person.

(e) The Agency may, from time to time, promulgate rules and regulations pursuant to Section 6 for the preparation, separation, collection, and disposal of yard waste.

(f) All yard waste shall be prepared, separated, collected and disposed according to the rules and regulations.

SECTION 15. OWNERSHIP, DIRECTION AND CONTROL OF REGULATED RECYCLABLE MATERIALS.

(a) Except as set forth in Section 11, once regulated recyclable materials are set out for collection, placed in Agency containers, or deposited in the Municipal Recycling Drop-Off Sites or Satellite Aggregation Center System, all such materials become the property of the County, and the Agency shall direct and control the processing, transporting and marketing of that property.

(b) The County does not assume ownership of improperly prepared regulated recyclable materials, including those in an improper condition, container, or location.

(c) Improperly prepared regulated recyclable materials must be removed by the generators and properly prepared and separated according to this law.

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SECTION 16. REPORTING REQUIREMENTS.

(a) All persons shall report information as designated by the rules and regulations promulgated by the Agency pursuant to Section 6.

(b) The Agency may, from time to time, pursuant to Section 6 promulgated rules and regulations requiring the reporting on regulated recyclable materials, recyclable materials being studied as possible regulated recyclable materials, regulated recyclable materials directly sold or donated pursuant to Section 11, categories of solid waste as designated by the Agency or any other information needed to further the purposes of this law, including information needed to study possible economic markets, track flow of regulated recyclable materials, or monitor progress in meeting the State and County recycling goals.

SECTION 17. COUNTY HOUSEHOLD RECYCLING CONTAINERS.

It shall be a violation for any person to: (1) remove a County recycling container from the County; (2) to take, without authorization, a County recycling container; (3) dispose of a County recycling container other than by returning such container to the issuing Municipality; and (4) use such container for other than the temporary storage of regulated recyclable materials.

SECTION 18. UNLAWFUL ACTS.

It shall be unlawful for:

- (a) Any person to fail to separate, prepare for collection, collect, transport, or dispose of regulated recyclable materials or yard waste in accordance with this law or any rules and regulations promulgated pursuant to Section 6.

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(b) Any person to dispose of any solid waste generated in Ulster County unless such regulated recyclable materials have been removed from such solid waste.

(c) Any person to place regulated recyclable materials at other than a designated location.

(d) Any person to alter regulated recyclable materials or fail to maintain these materials in the condition specified by the Agency in the rules and regulations.

(e) Any person to dispose or cause to be disposed of regulated recyclable materials or yard waste in a landfill, incinerator, or any other solid waste disposal facility.

(f) Any hauler to collect, transport, store, or deliver regulated recyclable materials that contain solid waste.

(g) Any hauler to deliver regulated recyclable materials to a solid waste management facility not designated by the Agency.

(h) Any solid waste management facility to accept solid waste unless the regulated recyclable materials are separated therefrom.

(i) Any person not authorized under this local law to remove regulated recyclable materials once set out for collection or brought to a Municipal Recycling Drop-Off Site or Satellite Aggregation Center System.

(j) Any person to fail to report as required by this law or the rules and regulations.

(k) Any person to knowingly make a false material statement or representation in any report required under this local law.

(l) Any person to violate, cause, or assist in the violation of any provision herein.

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SECTION 19. ENFORCEMENT.

(a) The Agency, acting through the Executive Director, is delegated the authority and responsibility to enforce this local law by investigating possible violations through the subpoena power of the independent administrative hearing officer provided for hereunder and the Courts; seeking civil or criminal penalties for violations of this local law or the rules and regulations promulgated pursuant to this local law in a Court of competent jurisdiction or from the independent administrative hearing officer provided for hereunder; issuing Temporary Cause and Desist Orders; and collecting penalties pursuant to this local law.

(b) The Agency shall employ a dedicated Recycling Compliance Officer(s) who will also act as Recycling Educator. The duties of the Recycling Compliance Officer(s) shall include: (1) coordination of efforts to educate the public and private sector as to the standing recycling/source separation laws and regulations, (2) the responsibility to answer and record all complaints regarding possible violations of this law, and (3) inspection of sites to determine compliance with this law. The Recycling Compliance Officer will report at least quarterly with the Recycling Oversight Committee. The Recycling Compliance Officer will report monthly to the Agency board.

(c) The Executive Director may issue written warnings that include educational material on how to properly comply with this local law.

(d) The Ulster County Health Department shall issue licenses to haulers to collect and transport regulated recyclable materials pursuant to the Sanitary Code and its rules and regulations. The Agency, Acting through the Executive Director, may include provisions in the haulers' license as provided by the Sanitary Code and its rules and regulations and may seek enforcement of the Sanitary Code or its rules and regulations.

(e) Notwithstanding anything in this local law or in the Ulster County Sanitary Code to the contrary, no hauler shall be issued a license pursuant to the Sanitary Code to collect, transport, and/or dispose of solid waste unless the

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hauler also collects and transports regulated recyclable materials in accordance with this local law.

(f) Notwithstanding anything in this section to the contrary, this local law may be enforced by the Sheriff of the County or any police agency of the State or any Municipality of the County.

SECTION 20. INDEPENDENT ADMINISTRATIVE HEARING OFFICER.

(a) An independent administrative hearing officer is hereby created, established and authorized to issue orders assessing civil penalties for violations of this local law.

(b) The officer shall be appointed by the County Legislature to serve at the pleasure of the County Legislature.

(c) The Executive Director and/or the Recycling Compliance Officer(s) as complainant may institute a proceeding with the officer seeking an order assessing civil penalties for the violation of this local law.

(d) The officer has the authority to require the attendance of witnesses or the production of documentary evidence by subpoena.

(e) Before issuing an order assessing a civil penalty, the officer shall give to the person to be assessed such penalty written notice of the proposed order and an opportunity to request a hearing on the proposed order.

(f) The written notice shall include, at a minimum, (1) a concise statement of the factual basis for the violation; (2) the amount of the civil penalty that is proposed to be assessed; (3) the provisions of the local law alleged to have been violated; (4) the right to request a hearing on the material facts and/or the amount of the civil penalty; (5) a copy of the rules of the hearing procedures.

(g) The hearing shall provide a reasonable opportunity to be heard, cross-examine witnesses, and present evidence free from interference,

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coercion, restraint, discrimination, or reprisal, and the respondent shall have the right to be represented by a person of his/her choice at any stage of the hearing and proceedings.

(h) If the respondent fails to appear at the hearing without good cause being shown and the Executive Director presents a prima facie case against the respondent, the respondent may be found in default. The motion for default and a proposed default order shall be served by the officer on all parties, and the

defaulting party shall have twenty (20) days from service to reply to the motion. The proposed default order may be set aside for good cause should in accordance with the civil practice law and rules. Default by the complainant shall result in the dismissal of the complaint with prejudice.

(i) In determining the amount of the civil penalty, the officer, in accordance with Section 21, shall consider the seriousness of the violation(s); any history of such violations; good faith efforts to comply with the applicable requirements; the number of individual generators the violator employs, services, represents, or is otherwise responsible for; the economic impact (benefit or harm) resulting from the violation(s); the economic impact of the penalty; the Executive Director's recommendation for a penalty; and such other factors as justice may require. Civil penalties shall constitute a judgment as that term is defined in the Civil Practice Law and Rules which may be enforced in accordance with that statute.

(j) The officer may establish rules for discover, administration and implementation of this section, and procedures for conducting hearings and other proceedings.

(k) Any person against whom a civil penalty is assessed under this section may obtain judicial review of such assessment.

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SECTION 21. PENALTIES.

(a) Criminal Penalties: Any person who violated this local law shall be guilty of a violation and subject to a fine not to exceed one thousand dollars (\$1000) per day per violation and/or up to five days imprisonment.

(b) Civil Penalties: Any person who violated this local law shall be liable to pay a civil penalty. If a decision of liability is made by a hearing officer or a Court competent jurisdiction, a civil penalty shall be assessed of not more than one thousand dollars (\$1000) per day per violation and/or suspension or revocation of collection or disposal privileges in conjunction with solid waste and/or regulated recyclable materials disposed within the County, and/or any other just and equitable remedies available at law.

(c) Each and every act prohibited hereunder shall be deemed a separate violation of this local law.

(d) All fines and penalties shall become due and payable to the Agency.

SECTION 22. COLLECTION.

If any person fails to pay an assessment of a civil penalty, the Agency may bring a civil action in an appropriate Court to recover the amount assessed (plus interest) at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be. Such person shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly non-payment penalty for each quarter during which such failure to pay persists. Such non-payment penalty shall be in an amount equal to twenty (2) percent of the aggregate amount of such person's penalties and non-payment penalties which are unpaid as of the beginning of such quarter.

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SECTION 23. CONSENT AGREEMENT AND ORDER.

(a) The Executive Director and Respondent or Defendant may confer concerning settlement.

(b) The Executive Director and Respondent or Defendant shall forward a written consent agreement and a proposed consent order to the hearing officer or District Attorney or Court of competent jurisdiction, as the case may be, whenever settlement or compromise is proposed. The consent agreement shall state that, for the purpose of the proceeding, respondent (1) admits the jurisdictional allegations of the complaint, (2) admits the facts stipulated in the consent agreement or neither admits nor denies specific factual allegations contained in the complaint; and (3) consents to the assessment of stated penalty. The consent agreement shall include any and all terms of the agreement, and be signed by all parties or their representatives.

(c) No settlement or consent agreement shall dispose of any proceeding without a consent order from the hearing officer or Court of competent jurisdiction. In preparing such an order, the hearing officer or Court may require that the parties to the settlement appear before him/her to answer inquires relating to the consent agreement or order. All settlements are due and payable to the Agency.

SECTION 24. TEMPORARY CEASE AND DESIST ORDER.

(a) Upon receipt of evidence that an emergency exists, the Agency, acting through the Executive Director, may issue a Temporary Cease and Desist Order immediately suspending and restraining such activity causing or contributing to the emergency before the holding of a hearing.

(b) The person suspended or restrained shall have an opportunity to an expedited hearing within 5 days of the Agency order before the hearing officer on the question of whether an emergency exists.

(c) If the hearing officer determines that such an emergency exists, he/she shall schedule a full hearing to be held in accordance with Section

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20 at least twenty (20) days after the expedited hearing. If the hearing officer determines that an emergency does not exist, he/she shall annual the Agency Order.

(d) The Agency Order shall be in effect pending the completion of the expedited and full hearing, however the case may be.

SECTION 25. ADDITION OR REMOVAL OF REGULATED RECYCLABLE MATERIALS.

(a) In addition to the regulated recyclable materials defined in Section 4, the Agency, subject to Section 26, shall be authorized to designate regulated recyclable materials to be separated from other solid waste.

(b) In addition to the regulated recyclable materials defined in Section 4, the Agency, subject to Section 26, shall be authorized to remove previously designated regulated recyclable materials from the list of regulated recyclable materials subject to the approval of the Recycling Oversight Committee.

(c) If removal of the regulated recyclable material is based upon the lack of an economic market for the material in accordance with Section 120-aa of the General Municipal Law, the Agency shall conduct such studies as it deems necessary and proper to establish the lack of an economic market, and shall state specifically in the notice of its action removing the regulated recyclable material, the grounds for its action and all studies upon which its determination is based. Such designation or removal shall be made in writing, published in the Environmental News Bulletin and the official newspapers of the County as designated by the County Legislature, and shall take effect thirty (30) days after such publication.

SECTION 26. RECYCLING OVERSIGHT COMMITTEE.

(a) A recycling oversight committee consisting of one member of the Agency designated by the Agency Board to serve as a non-voting, ex-officio member and not more than eleven (11) voting members to be appointed by the

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County Legislature is hereby created and established for the following purposes
i) advising the Agency on the addition of materials from the definition of regulated recyclable materials; (ii) approving the removal of materials from the definition of regulated recyclable materials; (iii) advising the Agency and the County Legislature on the progress made towards meeting the percent reduction goals established in the Solid Waste Management Act of 1988 and the Plan; (iv) advising the Agency on the adoption, repeal or amendment of rules and regulations provided for in Section 6 of this Local Law; and (iv) such other matters as the Agency may suggest. The members of the recycling oversight committee to be appointed by the County Legislature shall consist of an appointee from the following:

- (1) Town Supervisor's Association;
- (2) City of Kingston;
- (3) Community and Environmental Affairs Committee of the Ulster County Legislature;
- (4) Ulster County Environmental Management Council;
- (5) Commercial Waste Hauling Industry;
- (6) Municipal Recycling Coordinators;
- (7) Commercial or Institutional Sector;
- (8) Multi Family Dwelling Interest.

Additionally the County Legislature shall appoint three (3) at-large community members with interest and concern which may include students but shall not include members that fall into previously mentioned categories.

(b) The appointment in Subsection (a) of this Section, other than the Agency appointment, shall be for a three year term from the date of appointment. No member shall serve more than two full three year terms. Should a member no longer be eligible to serve due to a change in their employment status, appointed or elected status, or interest that member shall serve until the point that they are replaced by the County Legislature. The replacement member shall serve out the original member's term. Upon completion of the term, the replacement member will then be eligible for no more than two full three year terms. The chairman shall be elected by the members of the recycling oversight

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committee at its first regular meeting, and the Committee shall adopt operating by-laws as they deem appropriate.

- (d) The Committee shall meet at least quarterly, and the majority of the members shall constitute a quorum. Any recommendation issued by the Committee shall be approved by a majority of its membership.
- (e) The Agency shall request and receive the recommendation of the Committee before its order the addition of any material from designation as a regulated recyclable material, except that if such recommendation is not received within thirty (30) days after written request by the Agency, it may act without such recommendation. The Agency shall request and receive the approval of the Committee before its order the removal of any material from designation as a regulated recyclable material, except that if such approval is not received within ninety (90) days after written request by the Agency, it may act without such approval.

SECTION 27. SEPARABILITY.

If any section, provision, or part thereof, in this Local Law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional by a Court of competent jurisdiction, then such adjudication shall not effect the validity of the remainder of the Local Law as a whole or any sections, provisions, or part thereof, not so adjudged invalid or unconstitutional

and the application of the Local Law or any section, provision or part thereof, to other persons or circumstances shall not be affected by said adjudication.

SECTION 28. PRIORITY.

- (a) Pursuant to Section 1 of Chapter 936 of Laws of 1986 of the State of New York, this Local Law shall take precedence over and supersede any

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inconsistent provisions of any Local Law enacted by any Municipality within the County;

(b) A Municipality may adopt and enforce its own Local Law which, at a minimum, must be procedurally and substantively as comprehensive as this Local Law.

SECTION 29. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Local Law Number 4 of 2010

- A Local Law Amending Local Law Number 8 of 1991 as Amended By Local Law Number 8 of 2007
Ulster County Mandatory Source Separation and Recycling Law
- Adopted: September 21, 2010

Local Law Number 4 Of 2010

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A Local Law Amending Local Law Number 8 Of 1991 As Amended By Local Law Number 8 Of 2007 Ulster County Mandatory Source Separation And Recycling Law

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

ULSTER COUNTY MANDATORY SOURCE SEPARATION AND RECYCLING LAW

- Section 1. Short Title
- Section 2. Findings and Legislative Intent
- Section 3. Statutory Authority
- Section 4. Definitions
- Section 5. Administration
- Section 6. Rules and Regulations
- Section 7. Program Established
- Section 8. Preparation and Separation of Regulated Recyclable Materials
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- Section 27. Reparability
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Section 1. Short Title

This local law shall be known as the "Ulster County Mandatory Source Separation and Recycling Law."

Section 2. Findings and Legislative Intent

The Ulster County Legislature finds that:

- (a) The County faces an increasing threat to its environmental and economic well-being from the solid waste disposal crisis.
- (b) The solid waste disposal crisis is exacerbated by people discarding in landfills a significant amount of material that can be recycled.
- (c) The State Legislature, in order to resolve the solid waste disposal crisis, delegated to the Agency extensive authority, responsibility, and power to plan, construct, operate, maintain, and finance projects for the management of the County's solid waste stream.
- (d) The County Legislature, in order to resolve the solid waste disposal crisis, established the Agency as the planning unit to prepare a Solid Waste Management Plan (the "Plan") for the County and approved the Plan.
- (f) Maximizing waste reduction, reuse, and recycling ensures the attainment of not only the State's recycling goals as set forth in the 1988 Solid Waste Management Act, but also the County's recycling goals as set forth in the Plan.
- (g) In order to implement the Plan and maximize reduction, reuse, and recycling, the County wishes to adopt this Mandatory Source Separation and Recycling Law.
- (h) The Mandatory Source Separation and Recycling Law should, in part, address the solid waste disposal crisis by removing regulated recyclable materials from the solid waste stream, thereby, reducing the required capacity of existing and proposed landfills; decreasing the flow of solid waste to landfills; increasing the life expectancy of existing and future landfills; reducing the cost of solid waste disposal; aiding in the conservation of valuable resources; preserving the health, safety and welfare of the public; and preserving the environmental quality of Ulster County.
- (i) The Mandatory Source Separation and Recycling Law is consistent with the Plan because the purpose of this local law is to:

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- (1) source separated all regulated recyclable materials, as defined in Section 4, from the solid waste stream in Ulster County;
- (2) separate regulated recyclable materials into designated recyclable categories before such materials enter the Municipal Recycling System;
- (3) account for all regulated recyclable materials through reporting requirements so that the County may measure its progress in attaining the State and County recycling goals;
- (4) direct the flow of regulated recyclable materials so as (a) to ensure that such materials are not disposed of in a landfill or incinerator, but recycled and (b) to ensure the success of the Plan which the State has mandated and to which the County has committed a substantial amount of public funds;
- (5) ensure that separate regulated recyclable materials are properly and economically aggregated, processed, and sold or delivered to recycling markets;
- (6) secure long-term, stable, and environmentally appropriate markets for the county and its municipalities to survive periods of market downturns; and
- (7) ensure that education and technical assistance are provided to all persons in the County on source separation and recycling.
- (j) The Mandatory Source Separation and Recycling Law will be implemented by the Ulster County Resource Recovery Agency because the Agency has been delegated authority and responsibility to manage the solid waste stream and has been established as the planning unit for the County.
- (k) The Mandatory Source Separation and Recycling Law seeks to maximize recycling by:
 - (1) maintaining a partnership effort between the Agency and private sector;
 - (2) ensuring that a sufficient amount of regulated recyclable materials enters the County's Municipal Recycling System to result in a cost-effective, successful operation.
 - (3) having the Municipal Recycling System serve as the market of last resort; and
 - (4) ensuring that private sector recycling, which contributes to both County and State recycling goals, is in accordance with the County Solid Waste Management Plan and Article 27 of the Environmental Conservation Law.

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Section 3. Statutory Authority

This local law adopted pursuant to Section 120-aa of the General Municipal Law, Section 10 of the Municipal Home Rule Law, Section 2050-t(3) of the Public Authorities Law, and Article 27 of the Environmental Conservation Law.

Section 4. Definitions

As used in this local law, the following terms shall have the following meanings:

“Agency” shall mean the Ulster County Resource Recovery Agency created under Chapter 936 of the Laws of 1986 of the State, as amended.

“Catalog” shall mean a publication, such as a book, pamphlet, or magazine, created for the purposes of advertising or sales as specified by the Agency in the rules and regulations.

“Charitable Organization” shall mean any charitable organization registered under Article 7-A of the Executive Law.

“Commercial Sector” shall mean businesses, industries, and manufacturing enterprises operating for profit.

“Commingled Recycling” shall mean the process of mixing various regulated recyclables as specified by the Agency in the rules and regulations.

“Commingled Paper” shall mean the process of mixing various categories of recyclable paper as specified by the Agency in the rules and regulations. See also “mixed paper”.

“Composting” shall mean the process of aerobic, thermophilic decomposition by microbial degradation of solid organic constituents of solid waste to produce a stable, humus-like material called compost.

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“Composting Facility” shall mean a solid waste management facility used to provide aerobic, thermophilic decomposition by microbial degradation of solid organic constituents of solid waste to produce a stable, humus-like material.

“Computer Paper” shall mean clean, untreated or uncoated, white sulphite or sulphate papers, with or without colored stripes, manufactured for use in computer printers, which may or may not be imprinted with impact (non-laser) or laser printing, as specified by the Agency in the rules and regulations, excluding, however, ground wood computer printout or other contamination.

“Construction and Demolition Debris” or **“C&D”** shall mean uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. Such waste includes, but is not limited to bricks, concrete and other masonry materials, soil, rock, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles and other roof coverings, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets ten gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above.

“Contamination” shall mean the inclusion of substance(s) or condition(s) that render the otherwise recyclable or compostable materials, including regulated recyclable materials and yard waste less marketable as specified by the rules and regulations.

“Corrugated Cardboard” shall mean all clean, dry brown, paperboard, referred to in industry as “old corrugated cardboard”. This induces includes boxes, cartons or other containers or dividers made of either kraft, test liner or jute, with a center fluting between layers, commonly used for packing, mailing, shipping of containerizing goods, merchandise or other material, or other cardboard as

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specified by the Agency in the rules and regulations, excluding, however, non cardboard materials, plastic, foam, or wax-coated or soiled cardboard.

“County” shall mean the entire County of Ulster as constituted and existing under the Laws of the State.

“Designated Recyclable Categories” shall mean the categories into which the regulated recyclable materials shall be separated as designated by the Agency through rules and regulations.

“Electronic Waste” or **“E-Waste”** shall mean any surplus, obsolete, broken, or discarded electrical or electronic devices, including, but not limited to televisions, computer monitors, computer peripherals, electronic office equipment, telephones, and electronic entertainment devices as specified by the Agency in the rules and regulations.

“Economic Market” shall mean 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 per Subdivision 2 of Section 120-aa of New York State General Municipal Law.

“Generator” shall mean any person or legal entity that produces solid waste including regulated recyclable materials requiring off-site disposal.

“Glass” shall mean all clean, empty glass containers made from silica or sand, soda ash and limestone, which are transparent or translucent, and are commonly used for the packaging or bottling of various products. These containers shall include all clear, green or brown colored glass bottles, and jars, and jugs separated by color, as specified by the Agency in the rules and regulations, excluding, however, pottery or ceramics, leadbased glass (such as crystal) plate glass, window or auto pane, mirrors, light bulbs, heat-resistant glass or ovenware, thermopane, laboratory glass, safety glass, or glass of any other color or other contamination other contaminated glass.

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“Hauler” shall mean any person engaged in the business or activity of collecting, storing, and transporting regulated recyclable materials.

“Household Hazardous Waste” shall mean household products that contain corrosive, toxic, ignitable, or reactive ingredients including, but not limited to, pesticides, oil based paints, solvents and certain batteries as specified by the Agency in the rules and regulations.

“Institutional Sector” shall mean private or public organizations such as schools, hospitals, prisons, religious establishments, and not-for-profit organizations, whose purpose is to provide for the public welfare.

“Magazine” shall mean a periodical containing a collection of articles, stories, pictures or other features.

“Mandatory Source Separation and Recycling Law” shall mean the Local Law No. 8 passed by the Ulster County Legislature on December 31, 1991 and all subsequent revisions approved by the Legislature.

“Market” shall mean a business which buys, sells, or accepts recyclable materials, including regulated recyclable materials, or compost for the purpose of reuse as a product or in the manufacturing of new products.

“Materials Recovery Facility” or “MRF” – shall mean a facility that accepts recyclable commingled materials that have already been separated at the source from municipal solid waste generated by either residential or commercial sources. Material is sorted to specifications, then baled, shredded, crushed, or otherwise prepared for shipment to market. MRFs are either dual stream or single stream. A dual stream MRF is where source-separated recyclables are delivered in a mixed container stream (typically glass, ferrous metal, aluminum and other non-ferrous metals, PET [No.], HDPE [No.2] plastics) and a mixed fiber stream (including cardboard, newspaper, magazines, office paper, junk mail, etc.) Single stream is a MRF that accepts and processes all recyclable materials mixed together, both mixed container and mixed fiber.

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“Metal Cans” shall mean clean, empty metal containers made of aluminum or tin-plated or zinc-plated steel, which are commonly used for packaging food, beverages or other products, as specified by the Agency in the rules and regulations and are free of food, beverage or other contamination.

“Mixed Paper” shall mean various categories of recyclable paper including, but not limited to, white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, office paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogs, envelopes, newspaper, paperboard, soft cover books, and hard cover books with the cover removed as specified by the Agency in the rules and regulations.

“Multi-Family Dwelling Generator” shall mean solid waste generated from apartment complexes, condominium complexes, cooperative apartment complexes, recreational vehicle or trailer parks, hotels, motels, bungalow or resort colonies, or campgrounds.

“Municipal Yard Waste Composting Facility” shall mean site(s) or area(s) designated by municipalities for the purpose of composting yard waste.

“Municipal Recycling Drop-Off Sites Centers” also known as “Transfer Stations” shall mean sites or areas designated by municipalities and registered or permitted by the New York State Department of Environmental Conservation as collection points for regulated recyclable materials.

“Municipal Recycling System” formerly known as the **“Satellite Aggregation Center System”** shall mean the entire /county system as set forth in the County’s Solid Waste Management Plan for maximizing reduction, reuse and recycling including, but not limited to, purchasing any and all equipment, constructing and permitting two Satellite Aggregation Centers, establishing a transportation network for regulated recyclable materials, securing long-term, stable markets for the County and its municipalities, and educating the public on how to maximize reduction, reuse and recycling of the solid waste stream.

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“Newspaper” shall mean all clean, dry, paper commonly referred to as newspapers or newsprint, not sunburned and free from paper other than news or other contamination, and containing not more than the normal percentage of rotogravure and colored sections, as specified by the Agency in the rules and regulations.

“Not-for-Profit Organization” shall mean any corporation organized according to the New York State Not-for-Profit Corporation Law.

“Office Paper” shall mean clean, white or colored ledger, bond, writing, copier or other paper, with or without printing or writing, but free of glossy, treated, coated or padded stock, carbon, plastic, or other contamination, as specified by the Agency in the rules and regulations.

“Paperboard” shall mean clean, flat, pressed, uncorrugated, stiff paper as specified by the Agency in the rules and regulations. Paperboard is also known as thin cardboard or greyboard and is used in products such as cereal boxes. Paperboard cannot be plastic or wax coated.

“Person” shall mean any natural person, individual, partnership, co-partnership, association, owner or manager of a business, commercial or industrial establishment, joint venture, corporation, trust, estate, institution, not-for-profit organization or any other legal entity including a municipality or any other waste generator.

“Pharmaceutical Waste” shall mean waste containing pharmaceutical substances including expired, unused, spilt, and contaminated pharmaceutical products, drugs, vaccines, and sera that are no longer required and need to be disposed of appropriately. The category also as bottles or boxes with residues, gloves, masks, connecting tubing, and drug vials.

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“Plastic” shall mean all clean, empty containers made of the plastic resins specified by the Agency in the rules and regulations, including, but not limited to, plastic bottles or jugs having contained spring water, various beverages or automotive fluids, foods, and excluding contamination.

“Recycling Oversight Committee” shall mean the committee established and appointed pursuant to the Recycling Law.

“Recyclable Materials” shall mean any solid waste that exhibits the potential to be returned to the economic resource stream in the form of raw materials to be used in place of virgin materials in the manufacture of new products.

“Recyclables Handling and Recovery Facilities” shall mean a solid waste management facility, properly permitted under the New York State Department of Environmental Conservation rules and regulations, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected.

“Regulated Recyclable Materials” shall include newspaper, mixed paper, glass bottles, jugs and jars, metal cans, plastic, corrugated cardboard, paperboard, and any other materials as may be designated by the Agency in accordance with this law.

“Residential Generator” shall mean solid waste generated from single or multiple-family dwellings and other residential sources.

“Transfer Station” shall mean the location designated by each municipality and registered or permitted by the New York State Department of Environmental Conservation as a municipal drop-off center for regulated recyclable materials, solid waste or yard waste.

“Self Hauler” shall mean any person who hauls or transports the regulated recyclable material it generates.

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“Solid Waste” shall mean all materials or substances discarded or rejected within the County of Ulster 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 materials, 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, as amended, and 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.

“Solid Waste Management Facility” shall mean 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 as more fully defined in Public Authorities Law Section 2050-b(16).

“Ulster County Resource Recovery Agency” shall mean the Agency established pursuant to chapter 936 of the session laws of 1986 and is referred to herein as “Agency”.

“Yard Waste” shall mean grass clippings, leaves, twigs, branches, lawn and garden wastes, weeds, brush, shrubbery clippings, clean wood and clean pallets as specified by the Agency in the rules and regulations, excluding treated painted or glued wood, construction and demolition wood, or other debris.

Section 5. Administration

This local law shall be put into effect, administered, and enforced by the Agency. In order to carry out this responsibility, the Agency, acting consistently with the purposes of this local law, shall be empowered to do the following:

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- a. Executes contracts.
- b. Establish, revise, amend, and repeal standards, practices, and procedures for the proper preparation, separation, collection, and disposal of regulated recyclable materials.
- c. Establish, revise, amend, and repeal rules and regulations as it shall deem reasonable, necessary and proper to carry out the responsibilities and requirements of this local law pursuant to Section 6.
- d. Designate solid waste management facilities within Ulster County which may receive, aggregate, or process regulated recyclable materials or compost yard waste.
- e. Direct the flow of regulated recyclable materials to solid waste management facilities that receive, aggregate, or process regulated recyclable materials or compost yard waste.
- f. Add regulated recyclable materials to the solid waste stream based on market availability, technology and other factors subject to Section 25.
- g. Alter or delete regulated recyclable materials to be removed from the solid waste stream based on market availability, technology and other factors subject to approval by a majority vote of the Recycling Oversight Committee.
- h. Establish reporting procedures to account for all recyclable materials, including regulated recyclable materials and yard waste, in the County.
- i. Secure long-term, stable markets for the recycling of regulated recyclable materials and sell or otherwise market the regulated recyclable materials.
- j. Investigate violations of this law through the subpoena power of the hearing officer and others, issue warnings, seek civil and criminal penalties from the independent administrative hearing officer or in a Court of competent jurisdiction, issue Temporary Cease and Desist Orders, enter into consent agreements, and pursue the collection of penalties in accordance with Sections 19, 20, 21, 22, 23, and 24.

Section 6. Rules and Regulations

When specified in this local law, the Agency may, from time to time, promulgate rules and regulations consistent with the provisions of this local law in order to effectuate the purposes hereof. This procedure for rule making shall be as follows:

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- a. The Executive Director must prepare and submit proposed rules and regulations to the Agency, the Community, the appropriate Committee of the County Legislature, the County Executive and Environmental Affairs Committee of the County Legislature, and to the Recycling Oversight Committee.
- b. The Agency may authorize notification of a hearing in the official newspaper of the County, as designated by the County Legislature.
- c. The notice shall be published at least thirty (30) days prior to the public hearing and shall:
 - (1) cite the statutory authority under which the rules and regulations are proposed,
 - (2) give the date, time, and place of the public hearing,
 - (3) state the proposed rules and regulations or synopses thereof,
 - (4) give the name and address of the Agency representative to whom written comments may be submitted. The express terms of the proposed rules and regulations shall be available to the public on the date such notice is first given pursuant to this subdivision.
- d. The Executive Director shall conduct a public hearing and, upon request of the appropriate Committee of the County Legislature, appear before that Committee in public session to discuss the proposed rule making.
- e. The Executive Director shall prepare the record of the public hearing and a document responding to the comments received at the public hearing.
- f. The record of public comment and the response document shall be made available for public review and submitted to the Agency.
- g. The Agency shall make such changes and modifications in response to public comment as it deems appropriate and shall adopt the final rules and regulations by resolution.
- h. The Executive Director shall publish the final rules and regulations, or synopses thereof in the same manner as the proposed rules and regulations, no less than ten (10) days after the Agency adopts the final rules and regulations. The final rules and regulations shall take effect twenty (20) days after publication.
- i. The Agency shall post any changes to the rules and regulations in addition to the full Local Law at all designated Transfer Stations and online.

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Section 7. Program Established

A program is hereby established within Ulster County for the mandatory source separation of regulated recyclable materials from the solid waste stream. Regulated recyclable materials established under this local law shall, as defined in Section 4, include the following: glass, metal cans, plastics, newspaper, corrugated cardboard, paperboard, and mixed paper. All persons shall separate regulated recyclable materials from solid waste before either setting out solid waste for collection pursuant to lawful procedure or disposing of it in an authorized solid waste management facility.

Section 8. Preparation and Separation of Regulated Recyclable Materials

- (a) Upon the effective date of this local law, all persons in the County shall separate regulated recyclable materials from solid waste for the purposes of collection and recycling.
- (b) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 specifying requirements for preparation and separation of regulated recyclable materials. The Agency will provide such rules and regulations to be posted online and at all designated Transfer Stations.
- (c) All persons shall prepare and separate regulated recyclable materials in accordance with the rules and regulations.

Section 9. Preparation and Separation by Multi-Family Dwellings of Regulated Recyclable Materials

- (a) All residents of multi-family dwellings must source separate regulated recyclable materials from solid waste according to Section 8. and the rules and regulations promulgated thereunder, and deposit the regulated recyclable materials in the receptacles and/or collection area(s) provided therefore by the lessor, owner, or manager.

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(b) Lessors, owners, or managers of multi-family dwellings must establish a program which facilitates the multi-family resident to source separate regulated recyclable materials, and must include, providing in a neat and sanitary condition, receptacles and/or collection area(s) to receive all regulated recyclable materials generated by residents of the multi-family dwelling. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the receptacles and/or collection area(s).

(c) By March 1, 1992 and every year thereafter, lessors, owners, or managers of all multifamily dwellings of five (5) units or more, shall submit to the Agency for approval a Multi-Family Dwelling Recycling Plan implementing Section (b). Such a plan shall include:

1. Location of multi-family dwelling and number of units;
2. Collection system for regulated recyclable materials once the residents have deposited such materials in the receptacles and/or collection area(s);
3. Provisions for publicizing recycling program; and
4. Implementation date of September 1, 1992.

(d) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 for additional information and implementation of the Multi-Family Dwelling Recycling Plan.

(e) All multi-family residents, lessors, owners, or managers shall report as required pursuant to Section 16.

Section 10. Commercial and Institutional Sector Recycling

(a) All commercial and institutional sector generators shall prepare and separate regulated recyclable materials according to Section 8 and the rules and regulations promulgated thereunder.

(b) All commercial and institutional sector generators of ten (10) employees or more shall submit a Commercial/Institution Solid Waste Reduction and Recycling Plan to the Executive Director. The plan will remain on file with the Agency. All commercial and institutional sector generators shall submit revisions as applicable.

Such a plan shall include:

- (1) Organization Identification including a general description of the business, its location and type of operation and the number of employees;

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- (2) Waste Composition analysis including an identification of the amounts of recyclable and non-recyclable materials in their solid waste stream;
 - (3) Waste Reduction and Recycling Practices including an identification of waste reduction efforts, present recycling, potential recycling, and waste exchanges, and
 - (4) Waste Disposal for residual waste including an identification of materials in the organization's waste stream that will not be reduced or recycled and disposal methods.
- (c) The Agency, from time to time, may promulgate rules and regulations pursuant to Section 6 for additional information and implementation of the Commercial/Institutional Solid Waste Reduction and Recycling Plan.
- (d) All commercial and institutional sector generators shall report as required in Section 16.

Section 11. Private Disposal of Regulated Recyclable Materials

- (a) Nothing shall prevent any commercial sector generators of regulated recyclable materials from Directly Selling to markets the regulated recyclable materials they generate so long as:
- (1) all costs of separating, preparing, processing, transporting and marketing such materials are directly and fully absorbed by the generators and no public funds contribute to such separation, preparation, processing, transporting or marketing.
 - (2) a minimum of thirty (30) days' written notice of intent to Directly Sell or to cease Directly Selling Regulated Recyclable Materials is provided to the Agency prior to implementing such option; and
 - (3) the generators comply with all reporting requirements of this local law and the rules and regulations promulgated hereunder.
- (b) Private not-for-profit or charitable organizations may receive donations of regulated recyclable materials from generators as part of an announced fund-raising event, provided that they request and receive the prior written approval of the Executive Director of the Agency.

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Section 12. Collection and Disposal of Regulated Recyclable Materials

- (a) No person shall collect or dispose of regulated recyclable materials except as directed by the Agency pursuant to this local law and the rules and regulations promulgated pursuant to Section 6 or, if the Agency has not acted, the Municipality.
- (b) All solid waste management facilities, whether public or private, shall provide adequate facilities for the acceptance of regulated recyclable materials.
- (c) The Agency is authorized to promulgate rules and regulations pursuant to Section 6 regulating the collection and disposal of regulated recyclable materials.

Section 13. Collection and Disposal of Regulated Recyclable Materials by Haulers

- (a) No hauler shall collect, transport, or dispose of regulated recyclable materials except as directed by the Agency pursuant to this local law and the rules and regulations promulgated pursuant to Section 6.
- (b) The Agency is authorized to promulgate rules and regulations pursuant to Section 6. regulating collection, transportation, and disposal of regulated recyclable materials by haulers.
- (c) All haulers shall collect, transport, maintain, and dispose of regulated recyclable materials (1) separated from the solid waste stream and (2) in a condition specified in the rules and regulations promulgated pursuant to Section 6.
- (d) Source separated regulated recyclable materials shall be transported and delivered only to a solid waste management facility(ies) designated by the Agency that receives, aggregates or processes regulated recyclable materials. If no facility is designated, the hauler may deliver the regulated recyclable materials to a recycling facility or market of its choice.
- (e) All haulers shall report as required pursuant to Section 16.

Section 14. Preparation, Separation and Disposal of Yard Waste

- (a) All persons shall separate yard waste from solid waste for the purposes of collection and composting.

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(b) Each Municipality within the County may provide, or obtain rights in, a yard waste composting facility for the disposal of yard waste.

(c) Yard waste may be composted at a composting facility designated by the Municipality or at a solid waste management facility that receives and composts yard waste as may from time to time be designated by the Agency. If no facility is designated, the hauler of yard waste may deliver the yard waste to a private composting facility.

(d) This section shall not prohibit private composting or on site disposal in compliance with any existing law of yard waste by any person.

(e) The Agency may, from time to time, promulgate rules and regulations pursuant to Section 6 for the preparation, separation, collection, and disposal of yard waste.

(f) All yard waste shall be prepared, separated, collected and disposed according to the rules and regulations.

Section 15. Ownership, Direction and Control of Regulated Recyclable Materials

(a) Except as set forth in Section 11, once regulated recyclable materials are set out for collection, placed in Agency containers, or deposited in the Municipal Recycling Drop-Off Centers or Municipal Recycling System, all such materials become the property of the County, and the Agency shall direct and control the processing, transporting and marketing of that property.

(b) The County does not assume ownership of improperly prepared regulated recyclable materials, including those in an improper condition, container, or location.

(c) Improperly prepared regulated recyclable materials must be removed by the generators and properly prepared and separated according to this law.

Section 16. Reporting Requirements

(a) All persons shall report information as designated by the rules and regulations promulgated by the Agency pursuant to Section 6.

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(b) The Agency may, from time to time, pursuant to Section 6 promulgated rules and regulations requiring the reporting on regulated recyclable materials, recyclable materials being studied as possible regulated recyclable materials, regulated recyclable materials directly sold or donated pursuant to Section 11, categories of solid waste as designated by the Agency or any other information needed to further the purposes of this law, including information needed to study possible economic markets, track flow of regulated recyclable materials, or monitor progress in meeting the State and County recycling goals.

Section 17 County Household Recycling Containers

It shall be a violation for any person to: (1) remove a County recycling container from the County; (2) to take, without authorization, a County recycling container; (3) dispose of a County recycling container other than by returning such container to the issuing Municipality; and (4) use such container for other than the temporary storage of regulated recyclable materials.

Section 18. Unlawful Acts

It shall be unlawful for:

- (a) Any person to fail to separate, prepare for collection, collect, transport, or dispose of regulated recyclable materials or yard waste in accordance with this law or any rules and regulations promulgated pursuant to Section 6.
- (b) Any person to dispose of any solid waste generated in Ulster County unless such regulated recyclable materials have been removed from such solid waste.
- (c) Any person to place regulated recyclable materials at other than a designated location.
- (d) Any person to alter regulated recyclable materials or fail to maintain these materials in the condition specified by the Agency in the rules and regulations.
- (e) Any person to dispose or cause to be disposed of regulated recyclable materials or yard waste in a landfill, incinerator, or any other solid waste disposal facility.
- (f) Any hauler to collect, transport, store, or deliver regulated recyclable materials that contain solid waste.
- (g) Any hauler to deliver regulated recyclable materials to a solid waste management facility not designated by the Agency.

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- (h) Any solid waste management facility to accept solid waste unless the regulated recyclable materials are separated therefrom.
- (i) Any person not authorized under this local law to remove regulated recyclable materials once set out for collection or brought to a Municipal Recycling Drop-Off Center or Municipal Recycling System.
- (j) Any person to fail to report as required by this law or the rules and regulations.
- (k) Any person to knowingly make a false material statement or representation in any report required under this local law.
- (l) Any person to violate, cause, or assist in the violation of any provision herein.

Section 19. Enforcement

- (a) The Agency, acting through the Executive Director, is delegated the authority and responsibility to enforce this local law by investigating possible violations through the subpoena power of the independent administrative hearing officer provided for hereunder and the Courts; seeking civil or criminal penalties for violations of this local law or the rules and regulations promulgated pursuant to this local law in a Court of competent jurisdiction or from the independent administrative hearing officer provided for hereunder; issuing Temporary Cause and Desist Orders; and collecting penalties pursuant to this local law.
- (b) The Agency shall employ a dedicated Recycling Compliance Officer(s) who will also act as Recycling Educator. The duties of the Recycling Compliance Officer(s) shall include: (1) coordination of efforts to educate the public and private sector as to the standing recycling/source separation laws and regulations, (2) the responsibility to answer and record all complaints regarding possible violations of this law, and (3) inspection of sites to determine compliance with this law. The Recycling Compliance Officer will report at least quarterly with the Recycling Oversight Committee. The Recycling Compliance Officer will report monthly to the Agency board.
- (c) The Executive Director may issue written warnings that include educational material on how to properly comply with this local law.

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(d) The Ulster County Health Department shall issue licenses to haulers to collect and transport regulated recyclable materials pursuant to the Sanitary Code and its rules and regulations. The Agency, acting through the Executive Director, may include provisions in the haulers' license as provided by the Sanitary Code and its rules and regulations and may seek enforcement of the Sanitary Code or its rules and regulations.

(e) Notwithstanding anything in this local law or in the Ulster County Sanitary Code to the contrary, no hauler shall be issued a license pursuant to the Sanitary Code to collect, transport, and/or dispose of solid waste unless the hauler also collects and transports regulated recyclable materials in accordance with this local law.

(f) Notwithstanding anything in this section to the contrary, this local law may be enforced by the Sheriff of the County or any police agency of the State or any Municipality of the County.

Section 20. Independent Administrative Hearing Officer

(a) An independent administrative hearing officer is hereby created, established and authorized to issue orders assessing civil penalties for violations of this local law.

(b) The officer shall be appointed by the County Legislature to serve at the pleasure of the County Legislature.

(c) The Executive Director and/or the Recycling Compliance Officer(s) as complainant may institute a proceeding with the officer seeking an order assessing civil penalties for the violation of this local law.

(d) The officer has the authority to require the attendance of witnesses or the production of documentary evidence by subpoena.

(e) Before issuing an order assessing a civil penalty, the officer shall give to the person to be assessed such penalty written notice of the proposed order and an opportunity to request a hearing on the proposed order.

(f) The written notice shall include, at a minimum, (1) a concise statement of the factual basis for the violation; (2) the amount of the civil penalty that is proposed to be assessed; (3) the provisions of the local law alleged to have been violated; (4) the right to request a hearing on the material facts and/or the amount of the civil penalty; (5) a copy of the rules of the hearing procedures.

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(g) The hearing shall provide a reasonable opportunity to be heard, cross-examine witnesses, and present evidence free from interference, coercion, restraint, discrimination, or reprisal, and the respondent shall have the right to be represented by a person of his/her choice at any stage of the hearing and proceedings.

(h) If the respondent fails to appear at the hearing without good cause being shown and the Executive Director presents a prima facie case against the respondent, the respondent may be found in default.

The motion for default and a proposed default order shall be served by the officer on all parties, and the defaulting party shall have twenty (20) days from service to reply to the motion. The proposed default order may be set aside for good cause should in accordance with the civil practice law and rules. Default by the complainant shall result in the dismissal of the complaint with prejudice.

(i) In determining the amount of the civil penalty, the officer, in accordance with Section 21, shall consider the seriousness of the violation(s); any history of such violations; good faith efforts to comply with the applicable requirements; the number of individual generators the violator employs, services, represents, or is otherwise responsible for; the economic impact (benefit or harm) resulting from the violation(s); the economic impact of the penalty; the Executive Director's recommendation for a penalty; and such other factors as justice may require. Civil penalties shall constitute a judgment as that term is defined in the Civil Practice Law and Rules which may be enforced in accordance with that statute.

(j) The officer may establish rules for discover, administration and implementation of this section, and procedures for conducting hearings and other proceedings.

(k) Any person against whom a civil penalty is assessed under this section may obtain judicial review of such assessment.

Section 21. Penalties

(a) Criminal Penalties: Any person who violated this local law shall be guilty of a violation and subject to a fine not to exceed one thousand dollars (\$1000) per day per violation and/or up to five days imprisonment.

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(b) Civil Penalties: Any person who violated this local law shall be liable to pay a civil penalty. If a decision of liability is made by a hearing officer or a Court competent jurisdiction, a civil penalty shall be assessed of not more than one thousand dollars (\$1000) per day per violation and/or suspension or revocation of collection or disposal privileges in conjunction with solid waste and/or regulated recyclable materials disposed within the County, and/or any other just and equitable remedies available at law.

(c) Each and every act prohibited hereunder shall be deemed a separate violation of this local law.

(d) All fines and penalties shall become due and payable to the Agency.

Section 22. Collection

If any person fails to pay an assessment of a civil penalty, the Agency may bring a civil action in an appropriate Court to recover the amount assessed (plus interest) at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be. Such person shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such non-payment penalty shall be in an amount equal to twenty (2) percent of the aggregate amount of such person's penalties and non-payment penalties which are unpaid as of the beginning of such quarter.

Section 23. Consent Agreement and Order

(a) The Executive Director and Respondent or Defendant may confer concerning settlement.

(b) The Executive Director and Respondent or Defendant shall forward a written consent agreement and a proposed consent order to the hearing officer or District Attorney or Court of competent jurisdiction, as the case may be, whenever settlement or compromise is proposed. The consent agreement shall state that, for the purpose of the proceeding, respondent (1) admits the jurisdictional allegations of the complaint, (2) admits the facts stipulated in the consent agreement or neither admits nor denies specific factual allegations contained in the complaint; and (3) consents to the assessment of stated penalty. The consent agreement shall include

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any and all terms of the agreement, and be signed by all parties or their representatives.

(c) No settlement or consent agreement shall dispose of any proceeding without a consent order from the hearing officer or Court of competent jurisdiction. In preparing such an order, the hearing officer or Court may require that the parties to the settlement appear before him/her to answer inquires relating to the consent agreement or order. All settlements are due and payable to the Agency.

Section 24. Temporary Cease and Desist Order

(a) Upon receipt of evidence that an emergency exists, the Agency, acting through the Executive Director, may issue a Temporary Cease and Desist Order immediately suspending and restraining such activity causing or contributing to the emergency before the holding of a hearing.

(b) The person suspended or restrained shall have an opportunity to an expedited hearing within 5 days of the Agency order before the hearing officer on the question of whether an emergency exists.

(c) If the hearing officer determines that such an emergency exists, he/she shall schedule a full hearing to be held in accordance with Section 20 at least twenty (20) days after the expedited hearing. If the hearing officer determines that an emergency does not exist, he/she shall annul the Agency Order.

(d) The Agency Order shall be in effect pending the completion of the expedited and full hearing, however the case may be.

Section 25. Addition or Removal of Regulated Recyclable Materials

(a) In addition to the regulated recyclable materials defined in Section 4, the Agency, subject to Section 26, shall be authorized to designate regulated recyclable materials to be separated from other solid waste .

(b) In addition to the regulated recyclable materials defined in Section 4, the Agency, subject to Section 26, shall be authorized to remove previously designated regulated recyclable materials from the list of regulated recyclable materials subject to the approval of the Recycling Oversight Committee.

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(c) If removal of the regulated recyclable material is based upon the lack of an economic market for the material in accordance with Section 120-aa of the General Municipal Law, the Agency shall conduct such studies as it deems necessary and proper to establish the lack of an economic market, and shall state specifically in the notice of its action removing the regulated recyclable material, the grounds for its action and all studies upon which its determination is based. Such designation or removal shall be made in writing, published in the Environmental News Bulletin and the official newspapers of the County as designated by the County Legislature, and shall take effect thirty (30) days after such publication.

Section 26. Recycling Oversight Committee

(a) A recycling oversight committee consisting of one member of the Agency designated by the Agency Board to serve as a non-voting, ex-officio member and not more than eleven (11) voting members to be appointed by the County Legislature is hereby created and established for the following purposes: i) advising the Agency on the addition of materials from the definition of regulated recyclable materials; (ii) approving the removal of materials from the definition of regulated recyclable materials; (iii) advising the Agency and the County Legislature on the progress made towards meeting the percent reduction goals established in the Solid Waste Management Act of 1988 and the Plan; (iv) advising the Agency on the adoption, repeal or amendment of rules and regulations provided for in Section 6 of this Local Law; and (iv) such other matters as the Agency may suggest. The members of the recycling oversight committee to be appointed by the County Legislature shall consist of an appointee from the following:

- (1) Town Supervisor's Association;
- (2) City of Kingston;
- (3) Community and Environmental Affairs Committee of the Ulster County Legislature;
- (4) Ulster County Environmental Management Council;
- (5) Commercial Waste Hauling Industry;
- (6) Municipal Recycling Coordinators;
- (7) Commercial or Institutional Sector;

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(8) Multi Family Dwelling Interest.

Additionally the County Legislature shall appoint three (3) at-large community members with interest and concern which may include students but shall not include members that fall into previously mentioned categories.

(b) The appointment in subsection (a) of this Section, other than the Agency appointment, shall be for a three year term from the date of appointment. Should a member no-longer be eligible to serve due to a change in their employment status, appointed or elected status, or interest that member shall serve until the point that they are replaced by the County Legislature. Should a member fail to attend at least 50% of the Committee's calendar meetings, that member is eligible for replacement by the County Legislature. Replacement members shall serve out the original member's term. The chairman shall be elected by the members of the recycling oversight committee at its first regular meeting, and the Committee shall adopt operating by-laws as they deem appropriate.

(c) The Committee shall meet at least quarterly, and the majority of the members shall constitute a quorum. Any recommendation issued by the Committee shall be approved by a majority of its membership.

(d) The Agency shall request and receive the recommendation of the Committee before its order the addition of any material from designation as a regulated recyclable material, except that if such recommendation is not received within thirty (30) days after written request by the Agency, it may act without such recommendation. The Agency shall request and receive the approval of the Committee before its order the removal of any material from designation as a regulated recyclable material, except that if such approval is not received within ninety (90) days after written request by the Agency, it may act without such approval.

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Section 27. Separability

If any section, provision, or part thereof, in this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional by a Court of competent jurisdiction, then such adjudication shall not effect the validity of the remainder of the local law as a whole or any sections, provisions, or part thereof, not so adjudged invalid or unconstitutional and the application of the local law or any section, provision or part thereof, to other persons or circumstances shall not be affected by said adjudication.

Section 28. Priority

- (a) Pursuant to Section 1 of Chapter 936 of Laws of 1986 of the State of New York, this local law shall take precedence over and supersede any inconsistent provisions of any local law enacted by any Municipality within the County;
- (b) A Municipality may adopt and enforce its own local law which, at a minimum, must be procedurally and substantively as comprehensive as this local law.

Section 29. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Adopted by the County Legislature: September 21, 2010

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