

Ulster County

DISPUTE OF STATUS AS A LARGE FOOD SCRAPS GENERATOR

Section 304-56 of the Ulster County Code

Form

Use this form to submit for Dispute of Status as a Large Food Scraps Generator under the Food Waste Prevention and Recovery Act regulations

Submit completed Dispute of Status form and supporting documentation to:

foodwastelaw@co.ulster.ny.us.

1. Request for exemption.

Pursuant to [Chapter 304-56 of the Ulster County Code](#), an exemption from the Food Waste Prevention and Recovery Act regulations a regulated large food scraps generator may request an exemption at any time indicating that the amount of food scraps that it generates is not sufficient to subject it to the requirements of the Law. Dispute of Status submissions shall be reviewed on a case-by-case basis, and may be granted or revoked at the County's discretion.

I am requesting an exemption for the following reason (please check one option below and describe the supporting documentation included, as outlined in this form and in Section 8.2 of the [Guidelines](#) document):

___ A) For generators disputing their status based on the actual amount of food waste generated, a waste audit is required. The waste audit must measure, by weight, all source-separated food scraps generated during a consecutive seven-day week in which the generator was operating under its regular schedule. A waste audit may be submitted in one of the following formats.

Attach (select one):

- ___ Completed EPA food waste audit spreadsheet¹ and/or third-party waste audit (This is a required step unless otherwise directed by the County, and/or Department personnel); or
- ___ Documentation (email, bills, etc.) from the waste hauler/transporter or other verified source that indicates the amount of total waste removed from the generator for the previous year is less than an average of 0.5 tons per week, by weight. For calculating the weight of waste based on volume, the volume-to-weight conversion factor of 138 lbs per cu. yd. (as provided by the US EPA²) may be used; or
- ___ Other relevant information to justify the amount of food scraps generated, if determined acceptable by the County.

¹ Available here: <https://www.epa.gov/sites/default/files/2015-08/documents/food-waste-log.pdf>

² Available here: <https://www.epa.gov/smm/volume-weight-conversion-factors-solid-waste>

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____ **B)** For a dispute of food waste calculation assumptions: Submit an attestation that the assumptions used in the food waste calculations are incorrect (e.g. fewer employees than indicated). Backup documentation shall be provided to support the claim:

Attach:

- A narrative describing the current conditions that apply to the input fields for the generator's category, and supporting documentation
- Calculations using methodology provided by the NYS Pollution Prevention Institute Food Waste Estimator³, to include correct Category, Input Fields and Food Waste Generation Factor

____ **C)** For a dispute based on the definition of large food scraps generator.

Attach:

- A narrative describing how the business model, product/service, or supply chain arrangement of the entity ensures that no food scraps are generated during operations.
- Other information to justify the claim as needed.

For each case above, additional documentation may be required by the Department upon review of the submitted Dispute of Status application.

³ Available here: <https://www.rit.edu/affiliate/nysp2i/food-waste-estimator>

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Ulster County has thirty (30) days from receipt of the completed Dispute of Status Form and supporting documentation to render a decision. The County reserves the right to revoke approval if the information contained in the request is found to be inaccurate or incomplete.

2. Instructions

INSTRUCTIONS: Fill in all fields in the Form, attach all supporting documentation (insert reference) and email to foodwastelaw@co.ulster.ny.us or mail to the address below. Completion of all fields and submission of all supporting documentation is required prior to granting a Dispute of Status.

Ulster County
ATTN: Department of the Environment
17 Pearl Street
P.O. Box 1800
Kingston, NY 12402

FOOD SCRAPS GENERATOR INFORMATION:

Name of Business: _____

Business Owner Name: _____

Address of Business: _____

Business Phone: _____ Fax: _____

Business Email: _____

County Department of Health Food Service Permit # (if applicable): _____

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PRIMARY CONTACT INFORMATION:

Primary Contact Name: _____

Primary Contact Phone: _____

Primary Contact Email: _____

3. Attestation

I certify (or declare) under penalty of perjury under the laws of the State of New York that the information provided on this form is true and correct. I understand and agree that I have a continuing obligation to advise Ulster County if there is a change in circumstances. I am the owner, chief executive, or a manager of this business /property, and I am sufficiently knowledgeable as to the nature, scope, and operations of the business to make this declaration. I agree to maintain adequate records to support all of the information submitted as part of this application and to provide this information to representatives of the County on demand. I further understand that if I fail to produce the requested documents, my Dispute of Status may be void and I may be liable for penalties for violations under Chapter 304-55 of the Ulster County Code, which include possible fines for each day of each violation.

<i>Signature</i>	<i>Date</i>
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<i>Notary</i>	<i>Date</i>
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For County Use Only

___ Approval of Dispute of Status

Justification of approval:

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___ Denial of Dispute of Status

Reason for denial:

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<i>Signature</i>	<i>Date</i>
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The determination by the County is final and is not subject to appeal.

The County retains the discretion to revoke any exemption upon notice to the large food scraps generator.