

Ulster County Department of Health

**SEPARATION OF POST-CONSUMER FOOD SCRAPS BY
LARGE GENERATOR**

Chapter 304-51, Section F of the Ulster County Code
Waiver form

**Use this form to apply for a waiver from the Food Waste Prevention and Recovery Act
regulations**

Ulster County may waive the requirements of Section 304-51, paragraph B of the Food Waste Prevention and Recovery Act with respect to post-consumer food scraps if the County determines that a facility is not reasonably able to separate post-consumer food scraps without contamination, that compliance with the requirements of paragraph B would result in extraordinary financial hardship to the large food scraps generator, or other unique circumstances. Any waiver granted hereunder shall be for a maximum period of one year and shall include a requirement that the large food scraps generator participate in an education program designed to achieve compliance with this section.

1. Request for Waiver

Pursuant to Chapter 304-51, Section F of the Ulster County Code, a Waiver from the Food Waste Prevention and Recovery Act regulations is hereby requested. A request for Waiver shall be reviewed on a case-by-case basis, and may be granted in whole or in part, with or without conditions, for a maximum period of one year.

I am applying for a Waiver for the following circumstances (check one):

- facility is not reasonably able to separate post-consumer food scraps without contamination
- compliance with the requirements would result in extraordinary financial hardship
(The Large Food Scraps Generator must demonstrate a gross income of under \$300,000 on its annual income tax filing for the most recent tax year)
- other unique circumstances

Please provide an explanation of circumstances. The Commissioner of the Ulster County Department of Health will consider all reliable evidence and make a determination based on the totality of the circumstances.

Please list the supporting documentation provided, which **must** include at a minimum: (1) an independently conducted third-party waste audit; AND (2) an annual income tax filing for the

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most recent tax year:

The Ulster County Department of Health has thirty (30) days from receipt of the completed Waiver form and supporting documentation to render a decision. The Commissioner of the Ulster County Department of Health 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 Waiver form; attach all supporting documentation and mail to the address below. Completion of all fields and submission of all supporting documentation is required prior to granting a Waiver.

**Ulster County Department of Health
Attn: Director of Environmental Services
239 Golden Hill Lane
Kingston, New York 12401**

For more information, please email doh-environmental@co.ulster.ny.us or visit <https://ulstercountyny.gov/environment/food-waste-prevention-and-recovery-act>.

LARGE 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 #: _____

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PRIMARY CONTACT INFORMATION:

Primary Contact Name:

Primary Contact Phone:

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 the Ulster County Department of Health 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 Waiver 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 Health Department Use Only

____ **Approval of Waiver:** *Valid through* _____

____ **Denial of Waiver:** *Reason for denial* _____

<i>Signature</i>	<i>Date</i>
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A large food scraps generator wishing to renew their Waiver must submit a new Waiver form at least 90 days prior to the expiration date of the current Waiver.

The determination by the Ulster County Commissioner of Health is final and is not subject to appeal.

The Ulster County Commissioner of Health or her/his designee retains the discretion to revoke any Waiver upon notice to the large food scraps generator.