

# Ulster County Government Sustainability Initiatives: Environmental Executive Orders, Laws, Resolutions & Procedures

Ulster County Department of the Environment

November 2019

Patrick K. Ryan, County Executive



# **Ulster County Government Sustainability Initiatives: Environmental Executive Orders, Laws, Resolutions & Procedures (2019)**

## **This Compilation**

This collection of sustainability initiatives was compiled to serve as guidance, where applicable, to Ulster County's municipal governments while reviewing their operations and considering ways to improve their sustainability. The Executive Orders, laws, resolutions and procedures in this guide can be used as templates, "first drafts" or as starting points for discussions among local law makers.

## **Additional Resources**

There are many other resources available to help municipalities with their sustainability initiatives. For example, Ulster County engages in a comprehensive bidding process for many products, including "green" products, used by the County. Local municipalities can purchase off of the County's awarded bids. This can save time and money for municipalities while ensuring that the products meet specified environmental and health standards.

In addition, Ulster County's many environmental initiatives and programs are documented online at <http://ulstercountyny.gov/environment/>

For additional information on any of the Executive Orders, laws, resolutions and procedures included in this guide, please contact Amanda LaValle, Coordinator, Ulster County Department of the Environment at (845) 338-4755 or [alav@co.ulster.ny.us](mailto:alav@co.ulster.ny.us).

For information regarding County bids and cooperative purchasing, please contact Ed Jordan, Deputy Director of Purchasing at (845) 334-5574 or [ejor@co.ulster.ny.us](mailto:ejor@co.ulster.ny.us).

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[Excerpt from Ulster County SOP Manual](#): Environmentally Preferable "Green" Procurement

### **Green Cleaning**

[Resolution No. 282, November 16, 2010](#): Requiring the Purchase and Use of Green Cleaning Products in All County Facilities

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[Resolution No 283, November 16, 2010](#): Requiring the Purchase and Use of Low or No Volatile Organic Compounds (VOC) Paints and Coatings in All County Facilities

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[Resolution No. 218, June 10, 2004](#): Resolution Designating Ulster County as an Energy Smart Community

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[Resolution No. 383, November 8, 2006](#): Establishing High Performance Green Building Standards for County of Ulster New Construction Projects

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[SOP B.7.: "Energy Smart" Office Procedures](#) from County of Ulster Standard Operating Procedures (SOP) Manual

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[Resolution No. 387, December 10, 2008](#): Adopting County Of Ulster Energy Policy

**Sustainable Energy Loan Program**

[Local Law No. 6 of 2014](#): To Establish A Sustainable Energy Loan Program In The County Of Ulster

[Local Law No. 2 of 2018](#): Amending Local Law 6 of 2014, To Improve And Strengthen The Sustainable Energy Loan Program

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**Global Warming Advisory Committee**

[Resolution No. 139, April 11, 2007](#): Authorizing The Creation Of An Ulster County Global Warming Advisory Committee

**Climate Smart Community Pledge**

[Resolution No. 184, August 16, 2011](#): Climate Smart Community Pledge for the County Of Ulster

[Resolution No. 185, August 16, 2011](#): Dissolving The Global Warming Committee And Creating A Climate Smart Committee

## **Renewable Energy Purchases and Climate Action Goals**

[Executive Order No. 1-2014](#): Regarding the County's Use of Renewable Energy

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[Resolution No. 315.1, September 17, 2019](#): Establishing A Policy Regarding Ulster County's Use Of Renewable Energy

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[Memorandum, August 7, 2008](#): Guidance for Fuel Efficient Vehicle Purchase

### **Sustainable Green Fleet Policy**

[Local Law No. 9 of 2015](#): Establishing a Sustainable Green Fleet Policy

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[Resolution No. 375.1, September 17, 2019](#): Declaring Ulster County A Pollinator Friendly Municipality And Promoting Landscape Maintenance and Practices To Attract And Sustain Pollinator Species.



## Section Seven: Eliminating or Reducing Toxins and Pollutants

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[Local Law No. 3 of 2006](#): To Adopt Countywide Notification Requirements For Commercial And Residential Lawn Pesticide Applications

### **Ban on Pesticides on County Property**

[Local Law No. 4 of 2009](#): Requiring Non-Toxic Landscape Maintenance on Land Owned or Leased by the County of Ulster, with Exceptions and Waivers in Appropriate Circumstances

### **Ban on Hydraulic Fracturing on County Property**

[Resolution No. 74, March 15, 2011](#): Prohibiting the Leasing of any County-Owned Lands, including but not limited to County Parks for High-Volume Chemical Slick-Water Hydraulic-Fracturing to Extract Natural Gas

### **Ban on Hydraulic Fracturing Brine Procurement**

[Executive Order No. 1-2012](#): Banning the Purchase and/or Use of Liquid Waste Product from Hydraulic Fracturing Operations

### **Ban on Hydraulic Fracturing Brine Application on County Roads**

[Local Law No. 6 of 2012](#): Known as the "Hydraulic Fracturing Brine Prohibition Act"

### **Web Resources for Municipalities on Hydraulic Fracturing**

[Resolution No. 245, October 16, 2012](#): Establishing a County Policy Requiring the Posting of Information on the County Website to Assist Ulster Municipalities to Enact Local Ordinances Prohibiting Hydraulic. Also included are the available web resources as of January 2013.

### **Establishing an Environmental Remediation Fund**

[Resolution No. 42, April 21, 2015](#): Establishing an Environmental Remediation Fund

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**Mandatory Source Separation and Recycling Law**

[Local Law No. 4 of 2010](#): Amending Local Law Number 8 of 1991 as Amended By Local Law Number 8 of 2007 Ulster County Mandatory Source Separation and Recycling Law

**Amendments to Ulster County Solid Waste Management Law**

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[Resolution No. 394, November 18, 2014](#): Establishing the Ulster County Solid Waste Management Improvement Commission

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[Local Law No. 4 of 2015](#): Regulating the Use of Polystyrene Foam Disposable Food Service Ware by Food Service Establishments in Ulster County

**Bring Your Own Bag (BYOBag) Act**

[Local Law No. 5 of 2018](#): Promoting The Use Of Reusable Bags And Regulating The Use Of Plastic Carryout Bags And Recyclable Paper Carryout Bags

[Local Law No. 1 of 2019](#): Amending Local Law No. 5 of 2018, A Local Law Promoting The Use Of Reusable Bags And Regulating The Use Of Plastic Carryout Bags And Recyclable Paper Carryout Bags

**Skip The Straw Act**

[Local Law No. 2 of 2019](#): Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request

**Zero Waste Community**

[Resolution 451, November 19, 2019](#): Establishing A Policy That Ulster County Shall Be A Zero Waste Community

# **Section One: Organizational Structure**

This section includes: the local law that created the Department of the Environment and the planning document that initiated its work within County government operations.



## **Local Law Number 17 Of 2007**

### **County Of Ulster**

#### **A Local Law To Create The Department Of The Environment And The Office Of Coordinator Of The Department Of The Environment For The County Of Ulster**

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

##### **SECTION 1. ESTABLISHMENT OF THE DEPARTMENT**

[a] There is hereby created a Department of the Environment, the head of which shall be the Coordinator of the Department of the Environment who shall be appointed on the basis of his or her experience and qualifications as specifically set forth in the civil service class specifications for that position.

[b] Prior to December 31, 2008, the Coordinator of the Department of the Environment shall be appointed by the Ulster County Legislature and shall serve at the pleasure of the Ulster County Legislature; and such appointment shall not extend beyond December 31, 2008. Thereafter, commencing January 1, 2009, the Coordinator of the Department of the Environment shall be appointed by the County Executive subject to confirmation of the County Legislature and such appointee shall serve at the pleasure of the County Executive.

[c] The Coordinator of the Department of Environment shall execute environmental policy for the County and shall be responsible for the development of environmental policy subject to approval by the Ulster County Legislature prior to December 31, 2008, and thereafter subject to approval by the County Executive.

##### **SECTION 2. COORDINATOR OF THE DEPARTMENT OF THE ENVIRONMENT - POWERS AND DUTIES**

The Coordinator of the Department of the Environment shall:

[a] Have the authority to appoint and remove all officers and employees of the Department of the Environment, except as such power and authority is specifically limited by local law or New York State statute.

**Local Law Number 17 Of 2007**

**County Of Ulster**

**A Local Law To Create The Department Of The Environment And The Office Of Coordinator Of The Department Of The Environment For The County Of Ulster**

[b] Coordinate environmental policy and resource planning for all inter-related County Departments and the Ulster County Environmental Management Council;

[c] Supervise the efforts of the Department of the Environment employees and coordinate with the efforts of other inter-related County Departmental staff on all environmental projects;

[d] Review the progress of environmental projects through oversight of the duties of technical staff assigned and make recommendations to ensure the project is on-time and the goals of the Environmental Management Council are being met;

[e] Provide administrative and technical assistance to the Environmental Management Council;

[f] Review on-going County projects and/or activities with environmental implications and assure that the requirements and guidelines of the project are followed in context with established policies and procedures;

[g] Act as administrative liaison with personnel in other County Departments, as well as with Federal, State, regional and private environmental planning agencies, consultants and other interested parties involved with environmental issues;

[h] Formulate and prepare the annual departmental budget;

[i] Prepare plans, reports, informational material and administrative documents designed to support or implement environmental objectives of Ulster County and the Environmental Management Council to meet both State and Federal requirements;

[j] Coordinate the efforts of County departments and municipalities to utilize Geographic Information System (GIS) equipment and software, as well as global positioning equipment to compile, collect, organize and analyze geographic

**Local Law Number 17 Of 2007**

**County Of Ulster**

**A Local Law To Create The Department Of The Environment And The Office Of Coordinator Of The Department Of The Environment For The County Of Ulster**

information relative to the focus and planning objectives of Ulster County and the Environmental Management Council;

[k] Prepare and present oral, written and multi-medial reports to the County Legislature, municipal officials, the media and the public;

[l] Have all the powers and perform all the duties now or hereafter conferred or imposed by local law or resolution of the Ulster County Legislature.

**SECTION 3. DEPUTIES**

[a] The Coordinator of the Department of Environment shall have the power to appoint one or more Deputy Coordinators of the Department of the Environment within the limits of appropriations, therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Ulster County Legislature.

[b] The term of office of any deputy appointed hereunder shall coincide with that of the Coordinator of the Department of the Environment, provided that such appointment may be revoked at any time by the Coordinator of the Department of the Environment by written revocation filed with the County Clerk. All positions of Deputy Coordinator shall be in the exempt class of Civil Service.

[c] Deputy Coordinators of the Department of the Environment shall perform such duties pertaining to the office of the Department of the Environment as the Coordinator of the Department of the Environment may direct and shall act generally for and in such place of the Coordinator and perform such other and further duties as the Coordinator may assign and direct.

[d] If there be but one deputy, he or she shall possess the powers and perform the duties of the Coordinator of the Department of the Environment during the absence or inability of the Coordinator of the Department of the Environment to act. If there be more than one deputy, the Coordinator of the Department of the Environment shall designate in writing and file in the Office of

**Local Law Number 17 Of 2007**

**County Of Ulster**

**A Local Law To Create The Department Of The Environment And  
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Environment For The County Of Ulster**

the County Clerk and the Clerk of the Legislature the order in which they are to serve during his or her absence or inability to act.

[e] In the event of a vacancy in the office of the Coordinator of the Department of the Environment, such deputy, or the deputy so designated, shall possess the power to perform the duties of his or her principal until the disability is removed, or in the case of a vacancy, until a successor is appointed and has qualified. If no designation shall have been made and filed, the senior deputy shall act.

**SECTION 4. EFFECTIVE DATE**

This Local Law shall take effect upon the appointment by the Ulster County Legislature of a Coordinator of the Environment by resolution adopted subsequent to the date of adoption of this Local Law and compliance with the requirements of law.

**Adopted: October 10, 2007**



# Ulster County Department of the Environment

## Environmental Plan



FINAL  
December 2008



## **THE CHALLENGE**

Today's environmental issues and problems are interdisciplinary and complex. They not only impact our physical environment but our overall quality of life, public safety, local and global economies, and even human health. This is true even within Ulster County. We face localized issues, like flooding, that have profound effects on the environment and our communities. We also face global issues, like climate change and energy issues, that effect our local natural resources, infrastructure and even our daily driving routines. All environmental issues, even local ones, have complex ecological and social interconnections.

When we consider the interconnected nature of environmental issues, its not a surprise that attempting to manage and address environmental issues at a County level often requires the action of multiple departments that draw on many different types of expertise. Our local environmental issues regularly cross traditional County department boundaries. From a County government perspective the challenge then becomes: how do we effectively and efficiently integrate departments and individuals to address our complex environmental issues?

## **A NEW STRATEGY**

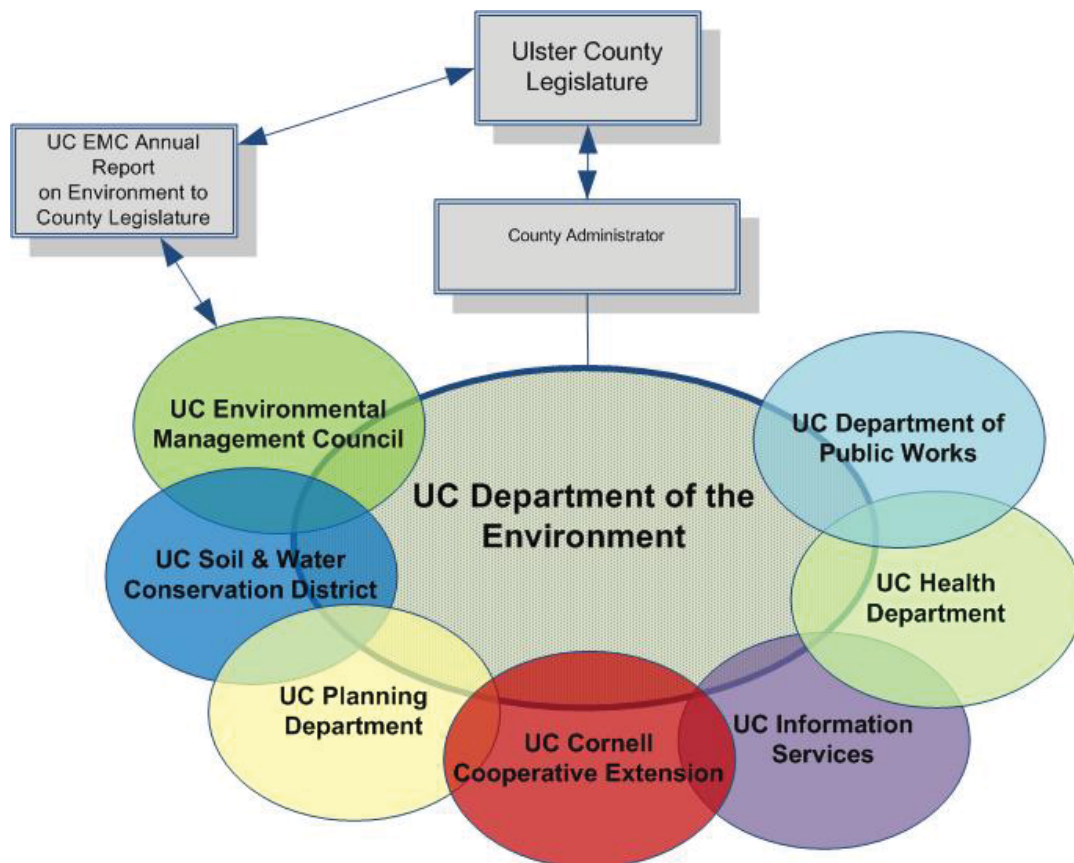
In the fall of 2007, with the creation of the UC Department of the Environment, Ulster County embarked on an innovative way to meet this challenge. The Department of the Environment has a unique role within Ulster County government. It is responsible for coordinating programs and activities related to the environment across six different county departments and agencies. Those Departments and Agencies include: UC Health Department, UC Planning Department, UC Information Services, Cornell Cooperative Extension of Ulster County, UC Soil and Water Conservation District, and UC Department of Public Works. Collectively, these Departments and Agencies are referred to as the Coordinated Departments.



The Coordinated Departments tackle a host of environmental problems. Their programs are wide ranging and reflect the expertise and experience of personnel in each Department. (A list of Coordinated Department environmental programs is included as Appendix A.) The Department of the Environment is responsible for working with all the involved departments to increase the efficiency and efficacy of projects with a variety of environmental implications.

Department of the Environment responsibilities include supervising select environmental compliance responsibilities, providing a forum for the Coordinated Departments to share information on environmental projects, providing technical assistance to County departments, and helping County departments characterize and address existing environmental needs. This helps the County to prevent duplication of services. The Department allows the County to ensure that stewardship is balanced with financial accountability.

***The Department of the Environment as a Coordinating Department***



## **THE ENVIRONMENTAL PLAN**

This document is the Ulster County Environmental Plan as prepared by the UC Department of the Environment in collaboration with the Coordinated Departments. The Environmental Plan is the cornerstone of the Department of the Environment's coordinating efforts. The Plan is called for in the local law creating the Department and it establishes a way to prioritize across the many ongoing environmental projects in County government. It allows the Department of the Environment to apply its unique environmental perspective and focus efforts in a way that will produce tangible environmental benefits for Ulster County. This Environmental Plan is both the product of our initial discussions as well as a guide to the Department of the Environment's work over the next year.

There are many projects or activities that could potentially benefit from the coordination role and environmental perspective the Department of the Environment offers. However, it is critical that the Department of the Environment focus efforts on specific projects where we can add value to the work that is already being progressed by individual departments through coordination and environmental expertise. This Plan is meant to transparently present the reason for the Department's involvement in specific programs and activities.

The purpose of this Environmental Plan is to: 1) identify the projects on which the Department of the Environment will focus 2) outline sets of objectives for each project, and 3) list action items, deliverables and deadlines related to those projects. This will allow the Department of the Environment and the Coordinated Departments to prioritize environmental work across the county and focus on issues that have been identified to be of the highest priority and ones which are viewed to be key building blocks for subsequent efforts.

## HOW THIS PLAN WAS DEVELOPED

Beginning in March 2008, a series of meetings were conducted by the Department of the Environment with individual Department Heads representing the Coordinated Departments. These initial meetings explored the major responsibilities of each agency and the environmental dimensions of that work. This initial dialogue allowed for a basic assessment to be constructed for each of the coordinated departments to identify and better understand their individual strengths, weaknesses, opportunities and challenges.

From this initial dialogue, **three main functions** of the Department of the Environment were identified. These functional areas address the roles the department plays. They include: defining the department, coordinating existing programs and efforts within the county, and exploring ways to enhance environmental stewardship within County government and communities. These functional areas build on each other. For example, initially there needs to be more time invested in department establishment. In subsequent years, more time can be devoted to coordination and enhancing stewardship.

The initial Coordinated Department discussion also led to the identification of **four main program areas** in which the Department of the Environment will focus its efforts. These program areas are intended to be broader categories which encompass similar types of projects and initiatives. They represent the more specific work the Department is undertaking and include: activities associated with establishing the Department, regulatory compliance issues such as stormwater, sustainability initiatives, and natural resource related projects.

Both the functional areas and the program areas were developed by the Department of the Environment in close cooperation with the Coordinated Departments. These functional duties of the Department and the program areas are reflected throughout this plan.

**SCOPE OF THIS PLAN**

Because the Department of the Environment was created as a coordinating agency within county government, this plan is not about launching major new policy initiatives or programs that effect the entire county-at-large. As such, this plan is not about taking work or regulatory responsibilities (i.e. stormwater compliance) away from municipalities. Moreover, this plan is not about building the Department of the Environment to assume the work responsibilities entrusted to other county agencies nor is it about creating additional regulations.

The primary objective of the Environmental Plan is to identify and prioritize the projects where the coordination and the professional input that the Department of the Environment offers will add value and expertise to the process or product. This primary objective reflects the primary goal of the Department of the Environment, which is to effectively coordinate environmental programs, services and compliance within the county government and between county agencies, thereby expanding and enhancing overall environmental capacity. In this way, the county can improve its effectiveness and efficiency in stewarding county environmental resources and reduce our own environmental footprint.

However, throughout all of our Department efforts, it is critical to remember that the Department must also be flexible so that it can respond to unanticipated issues and opportunities. It is important for this Department to exercise professional judgment when appropriate and address issues that are not explicitly detailed in this plan.

## WORK AREAS

### WORK AREA #1 - DEPARTMENT ESTABLISHMENT & DEVELOPMENT

#### Key Message

The Department of the Environment is filling a profound need within Ulster County for environmental coordination and information while also establishing itself as a new 'coordinating department'. It is important for the Department to:

- 1) invest time in establishing procedures and operating guidelines;
- 2) provide information to the County, municipalities and public and learn from them about the challenges they face and the needs they have; and,
- 3) maintain flexibility as a coordinating department to address important issues as they arise and provide information about more efficient problem solving within the County.

#### CONTEXT

Ulster County has a unique opportunity for coordination and enhancement of environmental projects with the Department of the Environment. However, in order to realize the full potential of the Department of the Environment and the Coordinating Department model, we need to take the time necessary to properly develop and establish the Department. The process by which the Department of Environment operates is just as important as the program's specific content. In order to do it right, the Department of the Environment needs to invest time establishing procedures with the Coordinated Departments, establish and support its relationship to the Environmental Management Council, and develop links with the municipalities.

The Department of the Environment crosses department boundaries. It is in a unique position to learn about the strengths, weaknesses, opportunities and challenges facing the County in our collective effort to provide environmental services. It needs to build operating procedures that integrate the strengths and expertise of the Coordinated Departments. It also needs to learn how to give back to the Coordinated Departments by creating a learning environment where information and experiences are shared. The Department of the Environment wants to work with the Coordinated Departments to further explore operating procedures, guidelines for involvement and projects, review procedures, procedures for future environmental plans, and methods of communication.

The Department of the Environment also needs to develop relationships with municipalities and to become established as an environmental resource in the community. These relationships, along with the Department's close relationship with the Environmental

Management Council, are critical to understanding the environmental needs and challenges Ulster County is facing.

### OBJECTIVES FOR DEPARTMENT ESTABLISHMENT

#### Objectives

- E&D1- Establish Departmental operating procedures with Coordinated Depts.
- E&D2- Increase awareness of Department within County Government, municipalities, and local environmental organizations.
- E&D3- Establish the DoEnv as an information resource within the County through resource guides, information and links (web or in office).
- E&D4- Provide the UC EMC with technical and administrative support
- E&D5- Be responsive to environmental and coordination needs within the County.

### IMPLEMENTATION PLAN FOR DEPARTMENT ESTABLISHMENT

Actions	Lead	Coordinated	Deliverable	Due Date
<b>1. Establish Rules and Procedures</b>				
Establish a guide to operating procedures and Departmental responsibilities	DoEnv	Coord Depts	Formalized Guidelines	12/1/08
<b>2. Develop Resource Guides</b>				
Monitor calls to DoEnv and log questions asked	DoEnv	NA	Call Log	Continuous
Create Database of environmental educators in area	DoEnv	CCE, UCSWCD	Database	11/1/2008
Survey County government sponsored education & outreach.	DoEnv	All Depts	List	2/1/2009
<b>3. Develop Department Website-</b>				
Launch initial basic website	DoEnv	IS	Website	10/1/2008
Add resource guides and additional information	DoEnv	IS	Website	Continuous
<b>4. Connect to Municipal Level</b>				
Attend a meeting or make connection in every municipality (via CAC meeting, town planners, planning board, other)	DoEnv	EMC, Planning	Report on meeting	6/1/2009
Perform needs assessment of towns to identify highest priority environmental items.	EMC, Planning	DoEnv	Needs Assessment Report	6/1/2009
<b>5. Support EMC</b>				
Provide Administrative Support	DoEnv	EMC	NA	Continuous
Provide technical support	DoEnv	EMC	NA	Continuous



**WORK AREA #2- REGULATORY COMPLIANCE: STORMWATER****Key Message**

Stormwater- also known as non-point source pollution- can negatively impact water quality and ecosystem health and has the potential to increase flood flows and infrastructure damage during precipitation events. Successfully administering and following the DEC Stormwater program will not only ensure regulatory compliance for the County but will help to protect our valuable water resources and help to prevent flood damage.

**CONTEXT**

Stormwater is another term for surface water runoff and is of environmental concern because it often carries pollutants including sediment, salt, oils, nutrients, bacteria, and other chemical pollutants. It is a major source of pollution in our waterways. The New York State Department of Environmental Conservation (DEC) has taken on regulating stormwater within the state through several programs. Although the majority of the regulatory responsibility lies with individual municipalities, the county has regulatory responsibilities to fulfill.

Stormwater is a problem because of the pollutants it carries and its negative impact on water quality. However, stormwater quantity is also a problem. The more impervious surfaces there are in a watershed, the more surface water runoff there is during storm events and the greater the potential is for erosion and flooding. Stormwater programs offer another opportunity to educate people about the connections between landuse and flooding. Any public outreach on this issue should include these landscape connections between landuse and flooding.

Ulster County has developed a strong Stormwater Management Program within the Department of Public Works. The Stormwater Management Program has been very successful partnering with other county departments and agencies in meeting regulatory requirements. The Department of the Environment sees the County's primary objective with respect to stormwater to be building our internal capacity. This includes working with partners, leading efforts through the pooled resources model, and looking for additional grant funding for projects.

The Stormwater regulatory programs are relatively new, somewhat complex and require considerable resources and technical expertise at the municipal level. The County, because of the stormwater program and technical resources, is in a position where we can help build capacity at the municipal level. We see this as an important role that the Stormwater Management Program and the Department of the Environment can play. Sharing information,

techniques, and technical resources (where appropriate) are ways the County can support the municipalities in their compliance.

## OBJECTIVES FOR STORMWATER

### Objectives

SW1- Coordinate with the UC DPW Stormwater Management Program to ensure that the county is meeting the regulatory requirements of the DEC Stormwater Program.

SW2- Support municipalities with their permit compliance by providing information, technical support and, where applicable, staff support.

## IMPLEMENTATION PLAN FOR STORMWATER

Actions	Lead	Coordinated	Deliverable	Timeframe
<b>1. County Compliance</b>				
Prepare audit documentation for County	DPW	DoEnv, UCSWCD, Planning	Audit binder	10/1/2008
Complete storm drain stenciling of County infrastructure in MS4 area	DPW, UCSWCD	DoEnv	# of drains stenciled	10/15/2008
Draft a new Stormwater Management Plan addressing each of the six MCMs, tasks, dates, and responsible parties	DPW	DoEnv, UCSWCD, Planning	Management Plan	2/1/2009
Prepare Annual Report for County	DPW	DoEnv	Annual Report	6/1/2009
Begin Outfall Structure- Monitoring	DPW	DoEnv, UCSWCD, UCHD	Monitoring Schedule	11/1/2008
Identify and Eliminate Illicit Discharges	DPW	UCSWCD, UCHD, DoEnv	Document and correct as they occur	Continuous
Identify funding opportunities for Stormwater Management	DoEnv	DPW, UCSWCD, Planning	Inform DPW	Continuous
Review use of pesticides, herbicides and fertilizers by County on County property (beyond current scope of Stormwater permit)	DoEnv	DPW, UCHD	Report for file	6/1/2009
<b>2. Municipal Support-</b>				
Create maps delineating regulated areas and other areas of importance. Post on SWMP website	UCIS	DPW, DoEnv,	Maps on website	2/1/2009
Hold workshop/information session for interested municipalities on sewershed delineation mapping.	DPW	DoEnv, UCIS, UCSWCD, UCHD	Information Session/Workshop	3/1/2009
Support storm drain stenciling of Municipal infrastructure in MS4 area	UCSWCD	DPW, DoEnv, UCSWCD	Report # of drains stenciled	Continuous
Support Outfall Structure- Monitoring	DPW	UCIS, UCSWCD, DoEnv, UCHD	Track outreach to towns	Continuous
Identify funding opportunities for Stormwater Management Program Mapping	DoEnv	DPW, UCSWCD, Planning	Information to Coordinated Departments, Applications as appropriate	Continuous

## **WORK AREA #3- SUSTAINABILITY**

### **Key Message**

Reducing our consumption of energy and natural resources is not only environmentally responsible but often also economically responsible. For this current Environmental Plan, we have focused our sustainability initiatives around four areas that will serve as a catalyst for additional improvements in the future. These areas include: energy policy, climate protection, recycling and procurement.

### **CONTEXT**

Ulster County commands and consumes considerable material and energy resources to run its necessary operations. However, a significant opportunity exists to alter our consumption patterns in order to conserve energy, improve energy efficiency, and reduce overall waste generation. The Division of Buildings and Grounds within Public Works has made many initial inroads in this area including energy audits, use of green cleaning products, and switching to energy conserving products and techniques in buildings. The Department of the Environment believes that Ulster County government is ready to build and expand on the many initial successes in sustainable practices implemented.

For example, the development and adoption of a comprehensive Energy Policy for Ulster County Government has the potential to positively contribute to climate protection. It could help to systematically reduce energy demand beginning with ongoing county operations, save significant financial resources, contribute to enhanced environmental quality, and provide the leadership necessary to encourage our local communities to take responsibility and act accordingly.

### **OBJECTIVES FOR SUSTAINABILITY**

#### **Objectives**

- S1 - Facilitate the research, development and implementation of a comprehensive Energy Policy for UC Government that will reduce energy demand of county operations and save money.
- S2 – Support the Global Warming Advisory Committee.
- S3 – Assess and improve material use and recovery by UC Government.

**IMPLEMENTATION PLAN FOR SUSTAINABILITY**

<b>Actions</b>	<b>Lead</b>	<b>Coordinated</b>	<b>Deliverable</b>	<b>Timeframe</b>
<b>ENERGY CONSERVATION</b>				
Complete a draft Energy Policy including a policy rationale and implementation strategy.	DoEnv,	DPW, Global Warming Adv Committee	Policy	12/1/2008
Begin to develop a "Smart Offices" campaign to educate county employees about energy conservation. <sup>1</sup>	DoEnv,	DPW, CCE	Initial program scope document	10/15/2008
Establish a range of energy conservation projects with financing mechanisms.	DoEnv	DPW	Initial guidance document and updates	1/1/2009
Determine the feasibility of a "green power" demonstration project, partnering with The Solar Energy Consortium (TSEC) and utilizing a county facility.	DoEnv, DPW	Planning	Memo to UC Env. Committee, UC Public Works Committee	12/1/2008
Review local government energy conservation efforts in NYS and within the region; compare programs and evaluate relative ease and cost.	DoEnv, Planning	DPW	Initial guidance document and updates	10/1/2008
Produce an Energy Policy Rationale and Implementation Strategy document. This document will support the development of an energy policy with measurable goals.	DoEnv, Planning	DPW	Rationale and Implementation Plan	12/15/2008
<b>CLIMATE PROTECTION</b>				
Select a framework (ICLEI or Climate Registry) for evaluating the implications of climate change within Ulster County; provide program development assistance to support the Global Warming Advisory Committee (GWAC) in this effort.	DoEnv	DPW, GWAC	Recommendation to GWAC and the UC Env. Committee on preferred method	11/1/2008
Identify funding sources to help the county address climate change mitigation planning.	DoEnv, Planning	DPW		Continuous
Place Climate Protection web resources on county website.	DoEnv	UCIS, GWAC	Website Information	3/1/2009
Train the trainers-develop a workshop on climate protection program development for interested educators (GWAC).	DoEnv	CCE, UCHD, GWAC	Workshop	8/1/2009
<b>RECYCLING PROGRAM</b>				
Conduct a survey of county employee recycling habits	DoEnv	UCPW, UCRRA <sup>2</sup>	Report on Survey Results	2/1/2009
Establish a baseline recycling rate for county buildings	DoEnv, UCPW	UCRRA <sup>2</sup>	Rates	2/1/2009
Develop increased participation benchmarks to capture additional recyclable materials.	DoEnv	DPW; UCRRA <sup>2</sup>	Benchmarks	3/15/2009
Develop an initiative to increase county-wide institutional recycling rates and recycling awareness.	DoEnv	DPW, CCE, UCRRA <sup>2</sup>	Program planning document	Summer 2009
<b>GREEN PROCUREMENT</b>				
Research Green Procurement Policies and Procedures and produce guidance document.	DoEnv	UC Purchasing Department <sup>3</sup>	Initial guidance document and updates	1/1/2009; Continuous

<sup>1</sup> Pending legislative approval of UC Energy Policy<sup>2</sup> UCCRA is not a Coordinated Department but has expressed eagerness to work with the DoEnv as a partner on this project<sup>3</sup> UC Purchasing is not a Coordinated Department but would be consulted on this project

**WORK AREA #4- NATURAL RESOURCES****Key Message**

There is a great need within the County to improve the coordination around, and ability of, the County, local municipalities and residents to make planning and land use decisions that protect critical natural resources in Ulster County. In order to protect important natural resources and encourage smart development in suitable areas, we need to be able to adequately identify and characterize our natural resources and build our capacity to use GIS as a tool to do so.

**CONTEXT**

Natural resource management and protection is a large and complicated undertaking. It requires data characterizing resources, an understanding of threats and trends, current scientific understanding, and serious coordination at the local, county and state levels. It builds on and requires the work of many non-profit, advocacy and community groups. It is a large undertaking. There are a few specific roles the Department of the Environment can play that will help coordinate the efforts and interests of the County and also build capacity of other organizations to do successful natural resource planning.

First, the County is in an excellent position to provide an updated and expanded Natural Resource Inventory (NRI). An NRI is a computer based map inventory that provides information necessary for decision making, (like that needed for the Open Space Partnership) and gives municipalities a powerful tool to improve their own decision making capacity. The NRI is an ideal opportunity to link County capabilities and resources with municipal needs. The Department of the Environment views the NRI as a keystone effort in this Work Area.

Second, the Department of the Environment plays an important role in other regional resource planning and watershed planning efforts. The County, through its infrastructure, planning responsibilities, and other regulatory responsibilities, is a key stakeholder in many different regional resource efforts. The Department of the Environment is a logical party to participate in many of these planning efforts. We can coordinate and represent County interests in natural resource planning and ensure that the appropriate parties are informed of activities.

Third, the Department has technical expertise in natural resource planning and is well suited to serve as a link between state level efforts (and other larger efforts) and municipal activities. This is another way in which the Department of the Environment can support municipalities and other local efforts by building their capacity with tools and information.

Effective natural resource planning is dependent on information and informed decision making. We believe the Department is in an excellent position to coordinate natural resource efforts within the county, build the capacity of others, and to be a point for improved communication. These are all important efforts to achieve effective natural resource planning.

## OBJECTIVES FOR NATURAL RESOURCES

### Objectives

- NR1- Update the Natural Resource Inventory (NRI) GIS database. Explore ways to make that information more accessible to local land use decision makers.
- NR2- Act as a technical resource for partners engaged in Natural Resource Planning. Represent and advocate for the County in funding and projects.
- NR3- Support the Open Space plan by providing data necessary to prioritize acquisition (NRI) and research guidance for interpreting that data.

## IMPLEMENTATION PLAN FOR NATURAL RESOURCES

Actions	Lead	Coordinated	Deliverable	Date
<b>1. Natural Resource Inventory</b>				
Seek Grant Funding to Support the NRI update- NYS DEC Hudson River Estuary Program	DoEnv	UCIS, Planning	Completed Grant Application	June 27, 2008 (completed)
Update the NRI database	DoEnv	UCIS, Planning, UC EMC, UCSWCD	Geodatabase File	10/1/2008
Review and inventory County water resource data.	DoEnv, UCHD		Summary Report	3/1/2009
Conduct Needs Assessment/Survey of Municipalities.	DoEnv	EMC	Report	1/1/2009
Expand NRI datasets		DoEnv, Planning, UCHD	Updated Geodatabase files	4/1/2009
Make data available on a web based platform	UCIS	DoEnv	Web Application	8/1/2009
Coordinate ongoing GIS activities	UCIS	DoEnv	Reconvene GIS Coordinating Committee	Continuous
<b>2. Watershed Planning</b>				
Represent County in local watershed planning	DoEnv	UCSWCD, Planning, UCHD	NA	Continuous
Identify funding for county interests, apply as applicable	DoEnv	Planning, EMC, UCSWCD, UCHD	Information to Coordinated Departments, Applications as appropriate	Continuous
<b>3. Open Space Planning</b>				
Participate in the Open Space Partnership	DoEnv, EMC, Planning	NA	NA	Continuous
Support prioritization through NRI development	DoEnv, Open Space Partnership	EMC, Planning	Updated Geodatabase	6/1/2009
Research acquisition prioritization for guidance document	DoEnv, Open Space Partnership	EMC, Planning	Report	6/1/2009



**HOW THIS PLAN WILL BE APPLIED**

For each of the Work Areas detailed in this report, the Department of the Environment will be convening and facilitating a Work Area Team. The Work Area Teams will be comprised of key personnel in the appropriate lead and coordinated departments listed in each implementation plan. The Work Area Teams will discuss, guide and accomplish the items in the implementation plan. Team meetings, similar to Coordinated Department Meetings, will be a forum for enhanced communication and coordination. In addition, the Work Area Team focused on Natural Resources will primarily be devoted to the use of GIS in natural resource related planning by the County. The Coordinated Departments have expressed a strong desire for improved and enhanced coordination of GIS related matters.

This plan will be used to guide the work of the Department of the Environment from September of 2008 through August of 2009. In order to address issues of relative importance, the Department of the Environment along with the Coordinated Departments will prioritize projects and implementation activities. We realize that because of the nature of our role as a coordinating department, we will inevitably be involved with other important and pressing projects which are not included in this plan during this time period. Six months after this plan is finalized we will review our progress in achieving the goals set out in the plan. We will document any additional projects which we are subsequently involved in and provide an update memorandum for the Coordinated Departments and the Environmental Committee of the Legislature.

**PLAN REVIEW PROCESS**

The Environmental Plan, as per local law establishing the Department, will be submitted to the Ulster County Legislature. In future years, the Environmental Plan will include a review of the progress of the Department to the goals and the Action Plan items in the previous year's plan. Comments and suggestion are valuable at any time. Please contact the Department of the Environment via phone (338-7287), email ([environment@co.ulster.ny.us](mailto:environment@co.ulster.ny.us)) or send comments to the attention of the Department of the Environment, PO Box 1800, Kingston, NY 12402.

**Appendix A-  
List of Coordinated Departments and their  
Major Environmental Responsibilities**

**ULSTER COUNTY SOIL AND WATER CONSERVATION DISTRICT**

Major Environmental Responsibilities

- Stream Bank Stabilization and Remediation
- Stream Corridor Riparian Buffer Establishment and Maintenance
- Wetlands Preservation and Restoration
- Wildlife Habitat Preservation and Establishment
- Forestry Best Practices and Protection (consult with NYSDEC)
- MS4 and non-MS4 Stormwater Erosion and Sediment Control Assessment and Best Management Practices
- Groundwater Protection (Support Capacity to UC Health Dept. and NYSDEC on As-Needed Basis)
- Flood Response and USDA Emergency Watershed Protection Program
- Pesticide and Herbicide Controls - Agriculture and Forestry through Best Management Practices
- Invasive Species Identification and Control
- Biodiversity Planning through USDA Programs in Consultation with NYSDEC
- Open Space Planning (Support Capacity to Both UC Planning Dept. and County Agricultural Farmland Protection Board, Providing Input and Assistance on an As-Needed Basis)
- Agricultural Environmental Management (AEM) Assessment, Planning and Implementation of Best Management Practices
- Agricultural Best Management Practices Cost Sharing Programs (USDA) and Grants to Implement AEM Projects
- Homeowner Assistance for Slope Stabilization, Critical Area Planting Recommendations, Drainage, Ponds and Permitting
- Municipal Assistance for Mapping, Erosion and Sediment Control, Stabilization and Permitting as Needed
- Bareroot Tree and Shrub and Fish Stocking Programs

**ULSTER COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

Major Environmental Responsibilities

- Prepare and Submit Annual report of State of County's Environment to the Legislature
- Prepare a Plan for the Protection of County's Environment and natural Resources
- Develop and Maintain an Inventory of Open Space, Marshes, Wetlands and Natural Resources
- Advise Municipalities on Best Management Practices (BMP) in Regard to Environmental Resources
- Recommend Ecologically Sound Planning Methods to County and Municipalities
- Develop Education and outreach Programs for Wetlands Identification and Protection, Stormwater Control, Biodiversity Planning and Stream Monitoring
- Develop a Plan to Write Grants for Inter-Municipal Environmental Programs
- Provide Advice on Developing BMPs for Surface and Groundwater Management

## **CORNELL COOPERATIVE EXTENSION OF ULSTER COUNTY**

### **Major Environmental Responsibilities**

- Water quality and pesticide use for farm and garden
- Soil tests, plants and insect identification
- Invasive species control
- Best Management Practices for agricultural soils and crops
- Integrated Pest Management and Organic Agriculture Methods
- Environmental science, citizen science and GIS for adults and youth
- Environmental and biodiversity issues for adults and youth  
Youth environmental leadership on sustainable household practices, watershed monitoring and climate change
- Support for youth gardening activities in schools, clubs and communities
- Stream management planning and education in the Ashokan Watershed  
Effective wildlife damage mitigation techniques for farmers, homeowners and businesses
- Principles of water wise gardening that can reduce pollution by conserving water using demonstration gardens in a hands-on practical method
- Adoption of stormwater management practices on residential properties using a demonstration rain garden.
- Composting and demonstrating the different methods using model and actual composters on-site in our gardens
- Outreach gardening booths at local fairs, festivals, farmers markets and events that allow for one on one interaction with the public
- Annual workshops that address all types of home gardening issues and distribution of learning materials
- Outreach on alternative energy for agriculture
- Energy efficiency for agriculture and consumers
- Facilitate purchase of development rights and ag district law to protect agricultural land base

## **ULSTER COUNTY HEALTH DEPARTMENT**

### **Major Environmental Responsibilities**

- Water Supply and Wastewater Permitting and Testing - Public and Private
- Restaurant / Food Sanitation
- Migrant Housing Water and Sewage
- Beach / Pool / Campsites / Parks Water Cleanliness (Temporary Residences)
- Chemical Spills
- Hazardous Waste Storage
- Environmental Health Assessment
- Communicable Disease – Including Water Borne, and Vector Transmitted (eg Rabies and Lyme)
- Refuse and Sludge Haulers and Disposal Sites
- Collaboration with NYS DEC and NYC DEP
- Environmental Health Education

## **ULSTER COUNTY PLANNING DEPARTMENT**

### **Major Environmental Responsibilities**

- Comprehensive Planning
- Referral Responsibility under General Municipal Law
- Technical Assistance to Municipalities and the Legislature
- Implementation of Various County Planning Documents

## **ULSTER COUNTY INFORMATION SERVICES**

### **Major Environmental Responsibilities**

- Disposal of Technology Related Equipment in Compliance with NYS DEC and Federal Regulations
- Provide Infrastructure for the Department of the Environment (and other County Departments) to Operate, including Telephones, Communications, Computer Equipment and Services
- Coordinate and Develop County-Wide GIS Hardware, Software, Training and Database standards to facilitate inter- and intra- Agency Collaboration, Compatibility, and Data Sharing
- Provide Technical Recommendations and Consulting Services to County Departments and Municipalities on GIS and other Environmentally Related Technology Projects
- Design and Develop Business Applications to Address the Environmentally Related Operational Needs of County Departments

## **ULSTER COUNTY DEPARTMENT OF PUBLIC WORKS**

### **BUILDINGS AND GROUNDS DIVISION**

#### **Major Environmental Responsibilities**

- Maintain MS4 Controls on all County Run Operations
- Follow Pesticide and hazardous Materials Notification Guidelines in all County Run Operations
- Follow Storage and Use Guidelines for all Chemical Products
- Follow Non-Stormwater Discharge Controls for all County Run Operations
- Follow MS4 Guidelines and Controls for all County Run Operations
- Monitor and maintain MS4 Stormwater Records for County Operations
- Emergency Response to Chemical Spills in Municipal Operations
- Oversee Energy Audits - Current Operations
- Incorporate “Green Building” Criteria in all Future Operations

### **HIGHWAYS AND BRIDGES DIVISION**

#### **Major Environmental Responsibilities**

- Comply with SPDES regulations on Construction, Repair and Reconstruction of Roads, Drainage Systems and Bridges.
- Post Construction Inspection and Remediation for Stormwater Management
- Pollution Prevention / Good Housekeeping for Municipal Operations
- NPDES and SPDES Permits
- Flood Management and Emergency Response
- Perform Environmental Review of and Apply for Permits for Construction Projects Progressed by UCDPW.

## **Section Two: Green Purchasing**

This section contains: resolutions and a local law adopted by the Ulster County Legislature and approved by the County Executive as well as procedures from Ulster County's "Standard Operating Procedures (SOP) Manual" relating to the sustainable procurement of a variety of goods, materials, and supplies.

# I. PURCHASING

## I.1. ...Environmentally Preferable “Green” Procurement

DATE: May 1, 2011

The purpose of this SOP is to minimize the negative environmental impacts of the County’s activities by ensuring the procurement of services and products that:

- reduce toxicity
- conserve natural resources, materials, and energy
- maximize recyclability and recycled content
- maximize energy efficiency in procurement of new computer equipment
- reward manufacturers and vendors that reduce environmental impacts in their production and distribution systems
- create a model for successfully purchasing environmentally preferable products that encourages other purchasers within our local communities to adopt similar goals

**Recycled Goods and Services** - The County supports markets for recycled goods and other environmentally preferable products and services by requiring County departments, administrative units and contractors to procure and utilize such goods, products and services whenever practicable.

1. Purchase products and services that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety to the greatest extent practicable, and that meet the performance requirements. Factors that should be considered when determining the environmentally preferable good or service include, but are not limited to:
  - a. Minimization of virgin material use in product or service life cycle.
  - b. Maximization of recycled products used in product or service life cycle.
  - c. Maximization of recycled material content used in product or service life cycle.
  - d. Environmental cost of entire product or service life cycle.
  - e. Reuse of existing products or materials in product or service life cycle.
  - f. Recyclability of product.
  - g. Minimization of packaging.
  - h. Reduction of energy/water consumption.
  - i. Toxicity reduction or elimination.
  - j. Elimination of non-certified hardwoods in product or service life cycle.
  - k. Durability and maintenance requirements.



- I. Ultimate disposal of the product.
2. Procure environmentally preferable products and services where criteria have been established by governmental or other widely recognized authorities (e.g., EPEAT Silver, Energy Star, EPA Eco Purchasing Guidelines).
3. Integrate environmental factors into the County's buying decisions where external authorities have not established criteria, such as:
  - a. instituting practices that reduce waste by increasing product or service efficiency and effectiveness, resulting in the purchase of fewer products wherever practicable and cost-effective without reducing safety or workplace quality.
  - b. replacing disposable products with reusable or recyclable products that also durable, long lasting, and refillable to the greatest extent practicable.
  - c. supporting eco-labeling practices by buying products bearing such labels in preference of others, where they are available and provide economic value.
  - d. taking into account life cycle costs and benefits.
  - e. evaluating, as appropriate, the environmental performance of vendors in providing products and services.
4. Raise staff awareness on the environmental issues affecting procurement by providing relevant information and training.
5. Encourage suppliers and contractors to offer environmentally preferable products and services at competitive prices.
6. Encourage providers of services to consider environmental impacts of service delivery.
7. Comply with all environmental legislative and regulatory requirements in the procurement of products and services, including, but not limited to Resolution No. 282 of 2010 requiring the purchase and use of green cleaning products in all County facilities and Resolution No. 283 of 2010 requiring the purchase and use of low or no volatile organic compounds (VOC) paints and coatings in all County facilities.
8. **Definitions**
  - a. **Environmentally Preferable Products and Services** means products and services that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.
  - b. **Life Cycle Cost** means the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted over the lifetime of the product.
  - c. **Practicable** means sufficient in performance and available at a reasonable price.

- d. **Recyclable Product** means a product which, after its intended end use, can demonstrably be diverted from the County of Ulster's solid waste stream for use as a raw material in the manufacture of another product.
- e. **Recycled Material** means material and byproducts that have been recovered or diverted from solid waste, and have been utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.
- f. **Virgin Material** means any material occurring in its natural form. Virgin Material is used in the form of raw material in the manufacture of new products.

9. **Purchasing Department Responsibilities:**

- a. Develop and maintain information about environmentally preferable products and services and recycled products containing the maximum practicable amount of recycled materials, to be purchased by departments, administrative units and contractors whenever possible.
- b. Inform departments, administrative units and contractors of their responsibilities under this procedure and provide implementation assistance.
- c. Require the use of recycled materials and recycled products by incorporating them in bid specifications where practicable.
- d. Disseminate information on recycled and environmentally preferable product procurement requirements, specifications, and performance to assist vendors with procurement opportunities with the County.

10. **Department of Environment Responsibilities:**

- a. Support the Purchasing Department in its implementation of this procedure by providing training, information when requested, and assistance in the evaluation of environmentally preferable products and services.
- b. Support departments and administrative units in evaluation and analysis of environmentally preferable products and services.
- c. In collaboration with the Purchasing Department and the requisitioning department or administrative unit, establish guidelines governing the review and approval of specifications for the procurement of selected materials based on considerations of recycling, energy and water conservation, life cycle costing and other environmental considerations.

11. **Department and Administrative Unit Responsibilities:**

- a. Evaluate each requested product and service to determine the extent to which the specifications could include an environmentally preferable option.

- b. Determine standard(s) at which products are considered environmentally preferable based on the selective criteria contained in this procedure.
- c. Purchase recycled products with the maximum amount of recycled material practicable.
- d. Ensure that contracts issued by the departments or administrative unit include environmentally preferable products and recycled products wherever practicable.
- e. Ensure that contracts issued by the department or administrative units require the maximum practicable amount of recycled material and that contractors provide certification of this content and report amounts used.
- f. Ensure that all paper printing activities use recycled paper with a minimum recycled content as specified by the Purchasing Department.
- g. Utilize both sides of paper sheets whenever practicable in printing and copying.
- h. Expand the awareness and use of environmentally preferable products and services.

Notes:

Goal - encourage and increase the procurement of environmentally preferable products and services. It reflects a commitment to provide environmental leadership and appropriate guidance. By incorporating environmental considerations into public purchasing, the County of Ulster can help to reduce negative impacts on the local and global environment, remove unnecessary hazards from its operations, protect the public health, reduce costs and liabilities, and potentially improve the environmental quality at the workplace and in our local communities. This is an effective way to direct the County's effort in procuring environmentally preferable products and services.

Nothing in this procedure shall be construed as requiring a department, administrative unit or contractor to procure products that do not comply with General Municipal Law, perform adequately for their intended use or are not available at a reasonable price in a reasonable period of time.

**Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities**

Legislator Robert Parete, Co-Sponsors: The Environmental Subcommittee (Co-Chairmen Petit and Shapiro and Legislators Belfiglio, Robert Parete and Rodriguez), and Multi-Sponsors: The Governmental Services, Environmental and Administrative Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Petit, Ronk, Richard Parete, Robert Parete, Rodriguez and Shapiro) and Legislators Briggs, Donaldson, Gregorius, Hochberg, Lomita, Loughran, Madsen, Richard Parete, Provenzano, Sheeley, Stoeckeler and Zimet offer the following:

WHEREAS, the Ulster County Legislature's Governmental Services, Environmental and Administrative Committee is tasked with setting policies that pertain to environmental issues, and

WHEREAS, the Ulster County Legislature is committed to providing safe and healthy facilities for employees, customers and visitors, and

WHEREAS, Green cleaning products are cleaning and maintenance products that minimize adverse impacts on human health and the environment and yet clean effectively, and

WHEREAS, a Green Cleaning policy can reduce the levels of cleaning chemicals, mold, and airborne dust, major indoor triggers of asthma attacks, and

WHEREAS, as the green cleaning product market continues to expand, more cleaning products and competition are available in the marketplace which will lower costs, and

WHEREAS, facilities that implement a Green Cleaning Program may realize a reduction in overall cleaning cost due to:

- Reducing chemical waste and waste disposal requirement;
- Reducing the amount and number of cleaning products needed;
- Causing a reduction in sick time and at-work injuries; and
- Instituting an overall green cleaning training program that includes training about product use to reduce waste and obtain the best results.

WHEREAS, Green Seal is an Independent, non-profit organization, "Third Party Certifying" organization, and

WHEREAS, Third Party Certified (TPC) products are cleaning products have been certified by an established and legitimate, nationally-recognized program developed for the purpose of identifying environmentally preferable products. Any such TPC certification program shall:

**Resolution No. 282 November 16, 2010**

**Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities**

- Have an open, transparent process for setting standards that involves the public and key stakeholders
- Clearly define the fees a manufacturer must pay for certification;
- Clearly identify any potential conflicts of interest;
- Have criteria for certification that are publicly available and transparent;
- Certification is based on consideration of human health and safety, ecological toxicity, other environmental impacts, and resource conservation, as appropriate, for the product and its packaging, on a life cycle basis;
- Require periodic revisions and updates of the standards;
- Monitor and enforce the standards, provide for the authority to inspect the manufacturing facilities, and periodically do so;
- Have a registered/legally protected certification mark;
- Make the standards easily accessible to purchasers and manufacturers (e.g. available for download on the program's website);
- Be developed by consensus, if possible;
- Establish leadership levels in standards for products, and

WHEREAS, the Governmental Services, Environmental and Administrative Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, the Ulster County Legislature hereby establishes a "green" cleaning policy that mandates the purchase and use of cleaning products in all county facilities. Green Cleaning Products shall meet GS-37 standard as provided by Green Seal or equivalent. Green Seal, a non-profit organization that provides science-based environmental certification standards, has developed the "Environmental Standard for General-Purpose, Bathroom, Glass, and Carpet Cleaners Used for Industrial and Institutional Purposes"(GS-37), which establishes certification requirements for safer and less harmful cleaning products. Under the GS-37 standard for Green Seal Certification, products must meet requirements for toxic compounds, carcinogens and reproductive toxins, skin and eye irritation, skin sensitization, and combustibility, as well as life cycle analysis from production to disposal, and be it further

**Resolution No. 282 November 16, 2010**

**Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities**

RESOLVED, product categories certified under GS-37 include the following:

- General Purpose Cleaners
- Glass Cleaners
- Bath Cleaners
- Carpet Cleaners
- Carpet Spot Removers
- Toilet Bowl Cleaners

and, be it further

RESOLVED, the Ulster County policy on green cleaning does not supersede or change existing health, labor, education and environmental regulations related to cleaning and maintenance practices and disposal of hazardous chemicals. However, in certain locations (e.g., food service areas) and for special circumstances (e.g., blood spills) different products and practices may be needed to satisfy the requirements of existing public health, labor, education and environmental conservation regulations, and, be it further

RESOLVED, the Purchasing Department shall issue an Annual report to the Legislative Committee responsible for Environmental issues on the procurement of green cleaning products, and, be it further

RESOLVED, Ulster County staff is permitted to deplete existing inventories of cleaning products. Implementation shall take effect by June 1, 2011,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32                      NOES: 0  
(Absent: Legislator Shapiro)

FINANCIAL IMPACT:  
NONE

**Resolution No. 282 November 16, 2010**

**Requiring The Purchase And Use Of Green Cleaning Products In All County Facilities**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of November, 2010, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of November in the year Two Thousand and Ten.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this

18<sup>th</sup> Day of November, 2010.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this

23<sup>rd</sup> Day of November, 2010.

/s/ Michael P. Hein  
Michael P. Hein, County Executive



**Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities**

Legislator Robert Parete, Co-Sponsors: The Environmental Subcommittee (Co-Chairmen Petit and Shapiro and Legislators Belfiglio, Robert Parete and Rodriguez), and Multi-Sponsors: The Governmental Services, Environmental and Administrative Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Petit, Ronk, Richard Parete, Robert Parete, Rodriguez and Shapiro) and Legislators Briggs, Donaldson, Gregorius, Hochberg, Lomita, Loughran, Madsen, Richard Parete, Provenzano, Sheeley, Stoeckeler and Zimet offer the following:

WHEREAS, the Ulster County Legislature endeavors to provide a healthy work environment for all employees, and

WHEREAS, estimates demonstrate that Americans spend up to 90% of their time indoors. Many common items contain toxic chemicals that may lead to a variety of health problems, and

WHEREAS, as an operator of public buildings, Ulster County has an important responsibility to adopt and implement public policies and practices that seek to protect the long-term health of all those who work in and visit these properties, and

WHEREAS, according to the United States Environmental Protection Agency (EPA) website, “Volatile organic compounds (VOCs) are emitted as gases from certain solids or liquids. VOCs include a variety of chemicals, some of which may have short- and long-term adverse health effects. Concentrations of many VOCs are consistently higher indoors (up to ten times higher) than outdoors”, and

WHEREAS, VOCs are emitted by a wide array of products numbering in the thousands, including traditional paints, and

WHEREAS, as the “green” product market continues to expand, more products and competition are available in the marketplace which will lower costs, and

WHEREAS, avoidance of toxic substances and conditions, as they might influence not only the environment but human health more directly, is a longstanding concern of the Ulster County Legislature, and

WHEREAS, Green Seal is an independent non-profit organization dedicated to safeguarding the environment and transforming the marketplace by promoting the manufacture, purchase, and use of environmentally responsible products and services, and

**Resolution No. 283 November 16, 2010**

**Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities**

WHEREAS, the Governmental Services, Environmental and Administrative Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, Ulster County shall procure and use low- or no-VOC paints and sealers on all new, renovation and repair projects in County-owned and leased facilities, and, be it further

RESOLVED, Ulster County shall procure and use low- or no VOC paints and coatings that meet Green Seal GS-11 Standards or equivalent. Green Seal establishes requirements and GS-11 Standard for paints and coatings, and, be it further

RESOLVED, the Director of Purchasing shall report to the Environmental Committee of the County Legislature on the procurement of low- or no-VOC paints on an annual basis, and, be it further

RESOLVED, Ulster County staff is permitted to deplete existing inventories. Implementation shall take effect by June 1, 2011.

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32                      NOES: 0  
(Absent: Legislator Shapiro)

FINANCIAL IMPACT:  
NONE

1120

**Resolution No. 283 November 16, 2010**

**Requiring The Purchase And Use Of Low Or No Volatile Organic Compounds (VOC) Paints And Coatings In All County Facilities**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of November, 2010, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of November in the year Two Thousand and Ten.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this

18<sup>th</sup> Day of November, 2010.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this

23<sup>rd</sup> Day of November, 2010.

/s/ Michael P. Hein  
Michael P. Hein, County Executive

**Requiring That Certain Publications Shall Be Printed On At Least 30% Recycled Content Paper**

Legislators Robert S. Parete, Provenzano and Zimet and Co-Sponsors: The Government Operations and Environmental Services Committee (Chairman Shapiro and Legislators Bernardo, Maio, Petit, Ronk, Robert Parete and Zimet) offer the following:

WHEREAS, according to the United States Environmental Protection Agency, the United States uses about 68 million tons of paper and paperboard each year, and more than 2 billion books, 350 million magazines, and 24 billion newspapers are published, and the average office worker uses 10,000 sheets of copy paper each year, and

WHEREAS, the Ulster County Legislature believes it is fundamentally important to protect our natural resources through efforts to Reduce the total waste stream, Reuse what we can, and Recycle everything else, and

WHEREAS, purchasing and using recycled paper continues the demand and diverts waste from clogging landfills, and

WHEREAS, printing is defined as any process that transfers to paper or another substrate a printed image from a negative, plate, electronic memory, electronic file, die or stencil, and

WHEREAS, certain publications is defined as magazines, booklets and pamphlets; corner-stitched, side-stitched, saddle-stitched or perfect bound. And, shall also include the printing of items such as brochures, envelopes, letterheads, business cards and forms, and

WHEREAS, various national and international standards apply to printing, and

WHEREAS, where paper with at least 30% post-consumer recycled content is not available, or does not meet required form, function and utility, paper procurements shall use post-consumer recycled content to the extent practicable, and

WHEREAS, the Government Operations & Environmental Services Committee has the authority set policy pertaining to the Department of the Environment, Environmental Management Council, Fish and Wildlife Management Board, Forest Practice Board and Soil & Water Conservation District, including the protection of waterways and the County's recycling efforts, and

**Resolution No. 159 June 21, 2011**

**Requiring That Certain Publications Shall Be Printed On At Least 30% Recycled Content Paper**

WHEREAS, the Government Operations & Environmental Services Committee has met and considered this resolution, now, therefore, be it

RESOLVED, in recognition of Earth Day in April of 2011, certain publications shall be printed on at least 30% Recycled Paper to the maximum extent practicable and whenever feasible, all county departments shall apply this policy to other printed items such as brochures, envelopes, letterheads, business cards and forms, and be it further

RESOLVED, all County Departments and elected officials are encouraged to disseminate publications through electronic means to the greatest extent possible, and be it further

RESOLVED, that all County Departments and elected officials are encouraged to print using one color or shades of one color (monochromatic), and be it further

RESOLVED, that certain County Department publications shall have a recycled paper logo or the words "Printed on Recycled Paper", and be it further

RESOLVED, all County Departments Heads and elected officials are encouraged to print publications and material using double sided paper to the maximum extent practicable, and be it further

RESOLVED, the Ulster County Purchasing Department shall issue an annual report to the Ulster County Legislature regarding its responsibility on the procurement of all aggregate paper purchases, and be it further

RESOLVED, this policy shall take effect on July 1, 2011,  
and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 27                      NOES: 4  
(NOES: Legislators Frey, Roberts, Sweeney and  
Terrizzi)  
(Absent: Legislators Aiello and Wadnola)

Resolution No. 159 June 21, 2011

**Requiring That Certain Publications Shall Be Printed On At Least 30% Recycled Content Paper**

FINANCIAL IMPACT:  
TO BE DETERMINED

0623

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 21<sup>st</sup> day of June, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 23<sup>rd</sup> Day of June in the year Two Thousand and Eleven.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
23<sup>rd</sup> Day of June, 2011.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this  
29<sup>th</sup> Day of June, 2011.

/s/ Michael P. Hein  
Michael P. Hein, County Executive

## **Section Three: Energy Conservation**

This section includes: resolutions and local laws adopted by the Ulster County Legislature and approved by the County Executive that set policies for County energy use; procedures for conserving energy in County government operations; and Ulster County's Energy Policy and Implementation Guidebook.



## RESOLUTION DESIGNATING ULSTER COUNTY AS AN ENERGY SMART COMMUNITY

The Government Efficiency and Reform Committee (Chairman Noonan and Legislators Busick, Harris, Maloney, Lomita, Robert Parete and Shapiro), Bartels, Berardi, Dart, Donaldson, Feldmann, Hyatt, Kraft, Loughran, R.A. Parete, Provenzano, Rodriguez, Stoeckeler and Zimet offers the following:

WHEREAS, the United States has a finite amount of natural resources from which to create energy, and

WHEREAS, the cost of energy continues to escalate, and

WHEREAS, the New York State Energy Research and Development Authority provides significant technical and financial assistance for energy efficient improvements in commercial, residential and institutional buildings, and

WHEREAS, the legislature of Ulster County, NY recognizes the value to our community in promoting energy efficiency, and

WHEREAS the Government Efficiency and Reform Committee has met and reviewed this request with the majority of the members voting approval, and

RESOLVED, that the Ulster County Legislature does hereby designate itself as an Energy Smart Community, and

FURTHER RESOLVED, that the Ulster County Legislature seeks to partner with NYSERDA to promote energy efficiency throughout the County of Ulster, and

FURTHER RESOLVED, that the Ulster County Legislature encourages all owners and users of commercial, residential and institutional buildings in Ulster County to cooperate with the County and NYSERDA to find and utilize more efficient sources and systems.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 33

NOES: 0

FINANCIAL IMPACT:

\$0.00

0624

**Establishing High Performance Green Building Standards For County Of Ulster New Construction Projects**

Legislators Bartels, Donaldson, Gregorius, Kraft, Loughran, R.S. Parete, Provenzano, Sheeley, Terpening and Zimet, the Efficiency, Reform and Intergovernmental Affairs Committee (Chairman Bischoff and Legislators Liepmann, Rodriguez, Shapiro, Busick and Cummings), the Environmental Committee (Chairman Shapiro and Legislators Distel, R.A. Parete, Rodriguez, Fabiano and McAfee) and the Public Works Committee (Chairman Berardi and Legislators Bischoff, Cahill, Dart, Lomita, Stoeckeler, Fabiano, Felicello and McAfee) offer the following:

WHEREAS, development and construction practices are significant contributors to the depletion of natural resources and a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming and other negative consequences, and

WHEREAS, buildings use one-quarter of all the world's wood harvest, consume two-fifths of all materials and energy flows, and account for more than one-third of CO2 emissions, and

WHEREAS, Ulster County spends in excess of \$1,375,000.00 annually on combined fuel costs for its conventionally constructed public buildings, and

WHEREAS, construction of public buildings to high performance green building standards will reduce energy use, conserve water, reduce waste, increase the use of recycled materials, improve the health and satisfaction of Ulster County employees and citizens and empower economic development of businesses involved in green building and materials, and

WHEREAS, the Federal Government, states and municipalities across the U.S. have adopted high performance green building principles by incorporating the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system into their building projects, and

WHEREAS, comprehensive studies have been completed concluding that LEED Silver rating can be achieved with little increase in construction costs (0-3%) and that the economic benefits of green design are approximately 10 times the initial investment, and

WHEREAS, construction costs represent only 20-30 percent of the building's entire costs over its 30 to 40 year life, emphasis should be placed on the life cycle costs of a public building. High performance green buildings have reduced lifecycle costs, and

Resolution No. 383 November 8, 2006

**Establishing High Performance Green Building Standards For  
County Of Ulster New Construction Projects**

WHEREAS, the construction industry in the County of Ulster represents a significant portion of our economy through Capital Improvement Projects and proposed development, and as a significant portion of the building industry is represented by small business, an increase in sustainable building practices will encourage and promote new and innovative small business development throughout New York, and

WHEREAS, the Environmental Committee has met and reviewed said request with a majority of members voting approval, and

WHEREAS, the Efficiency, Reform and Intergovernmental Affairs Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Public Works Committee has met and reviewed said request with a majority of members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that before taking on any County funded construction projects, including major renovations, representatives of Ulster County will meet with NYSERDA to inform themselves of any relevant programs and/or incentives, and

FURTHER RESOLVED, the County will request a NYSERDA audit before any capital project, renovation or new construction, that requires a bid, and

FURTHER RESOLVED, that all Ulster County funded new construction of public buildings be designed and built to a minimum rating of "LEED™ Silver" using the U.S. Green Building Council's LEED-NC™ rating system *except as set forth below*, and

FURTHER RESOLVED, if another agency is funding part of a construction project, the project is not required to be LEED certified unless mutually agreed to by the agency and Ulster County, and

FURTHER RESOLVED, that *in the event that* certain new building types may not be appropriate for LEED certification for reasons other than those financial, *then*, in *such* situations the *Ulster County* Department of Buildings and Grounds *shall* provide a report to the *Ulster County* Public Works Committee *setting forth*

Resolution No. 383 November 8, 2006

**Establishing High Performance Green Building Standards For  
County Of Ulster New Construction Projects**

*the reasons why such LEED certification is not appropriate, at which time the report shall be forwarded to the full Legislature for its determination, and*

FURTHER RESOLVED, County agencies are encouraged to work cooperatively with one another to achieve the goals outlined in this resolution, and

FURTHER RESOLVED, that requests for proposals and bids for County funded construction projects shall explain the requirement for LEED certification, and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0  
(Absent: Legislators Alfonso, Every and Felicello)

FINANCIAL IMPACT:  
PROJECTED SAVINGS

1135

## **B.7. ...“Energy Smart” Office Procedures**

**DATE: May 1, 2011**

Following this procedure will save significant energy, material and financial resources. This procedure must be followed except where legal requirements dictate otherwise.

### **1. Use less paper, printer ink and copy machine toner.**

- a. Print when needed and for County purposes only.
  - i. Send an email instead of printing or copying.
  - ii. Use the scanning feature available on many office copy machines to scan and email a document, instead of printing and sending it.
  - iii. Print one copy of a report for employees to share instead of printing multiple copies.
- b. Use paper, ink and toner efficiently.
  - i. Use double-sided or duplex printing when printing from the computer or using the copy machine.
  - ii. Reduce the margins to a maximum of 0.75" on the left and right; and to 0.5" top & bottom.
  - iii. Single space or 1.5 space rather than double space the document.
  - iv. Choose a smaller font and font size (e.g. Century Gothic 11pt) which can result in less toner, ink and paper use.
  - v. Print using Draft mode.
- c. Reuse paper whenever possible. Use the back of preprinted paper for drafts or for scrap paper.
- d. Recycle paper when no longer usable.

### **2. Turn off lighting and office equipment when not in use.**

- a. Turn off all lights when not needed or when leaving the area.
- b. Turn off computers when not in use or at the end of the day.
- c. Enable the standard energy efficiency features to “power-down” individual computers after periods of inactivity. Standard energy efficiency features can be found on the home page of the Intranet in the Frequently Used Documents section under “Energy Smart Office Procedures.”
- d. Use a ‘power strip’ to turn off office equipment (printers, copiers, fax machines, etc) at the end of the workday and when not in use for extended periods.

3. **Recycle at work.** Recycling is required by law. The Ulster County Mandatory Source Separation and Recycling Law bans regulated recyclable materials from inclusion in the regular trash. In Ulster County buildings, employees must separate recyclables into the following categories:
  - a. Paper, including all office paper, newsprint, magazines, thin board (like tissue or cereal boxes) and paper packaging.
  - b. Commingled recyclables, including glass, metals, and plastic food, beverage and other types of containers.
  - c. Cardboard, including corrugated cardboard must be broken down and set out for recycling.
4. **Dispose of materials appropriately.**
  - a. Computer equipment must be disposed of in an environmentally safe manner. Request Information Services to dispose of all computer equipment.
  - b. Toner must be handled according to packing/manufacture's directions.
  - c. For other materials like paint, consult with Department of Public Works, Division of Buildings & Grounds.



Ulster County  
Department of the Environment

# **Ulster County Government Energy Policy & Implementation Guidebook**



December 2008





# ULSTER COUNTY GOVERNMENT ENERGY POLICY

## EXECUTIVE SUMMARY

### **Purpose:**

The purpose of this policy is to introduce cost-effective, energy-efficient technologies into County facilities and promote an energy conscious culture that encourages prudent decisions with regard to energy consumption. In the bigger picture, the reduction in total energy demand that will result across all county government operations can help hedge against higher energy costs and help to drive down the need for new power plants and energy imports.

Energy conservation is the key element of this policy because of its potential to reduce overall energy demand and consumption. Energy conservation also plays an important role in addressing climate change by lowering overall greenhouse gas emissions. It is often the most economical strategy to advance climate protection efforts and provides an environmentally benign alternative to increased energy production and consumption. Moreover, by lowering energy demand, energy conservation provides for greater flexibility in choosing preferred methods of energy production, e.g., “green power” - renewable energy that is produced with no man-made greenhouse gas emissions.

### **History:**

The Ulster County Government Energy Policy was initiated by Ulster County Environmental Committee and the Global Warming Advisory Committee (a special advisory committee to the Legislature). In June 2008, the Ulster County Department of the Environment took over the effort to refine and finalize the policy. The policy was prepared with technical assistance from the US Department of Energy, National Renewable Energy Laboratory.

The Ulster County Legislature adopted the Ulster County Government Energy Policy at their December 10, 2008 meeting. Ulster County has joined a very small group of NY counties and municipalities with energy policies.

### **Implementation:**

This policy is supported by a fourteen page **Implementation Guidebook** and sets measurable energy reduction goals. The Implementation Guidebook provides a structure to realize these goals through a combination of energy conservation upgrades, enhanced operational efficiencies, and employee action. It allows for a considerable reduction in overall energy consumption without the use of capital funding. The guidebook is not a static document and may be modified in the future to reflect emerging “best practice” energy conservation and energy management strategies and initiatives. The guidebook also supports objectives that result in healthier buildings and enhanced worker comfort, both of which can contribute to greater workplace productivity.

# **Ulster County Government Energy Policy**

## **Purpose:**

The purpose of this policy is to ensure energy and resource efficiency are explicitly considered and examined throughout the County government and County decision-making. This policy establishes guidelines for cost-efficient and sustainable resource consumption and allows the Ulster County Department of the Environment to coordinate implementation of the policy specifics through the Ulster County Government Energy Policy Implementation Guidebook. This guidebook is not a static document and may be modified in the future to reflect emerging “best practice” energy conservation and energy management strategies and initiatives.

## **Background:**

- The efficient and conscientious use of energy by municipal government is essential to modeling good citizenship, accountability, and service.
- Local government has a responsibility to be a leader in workplace resource efficiency.
- Optimizing energy conservation and energy management can result in significant cost savings and enhanced environmental stewardship.
- The combustion of fossil fuels - through electricity generation, heating and transportation - results in carbon dioxide emissions. Increased concentrations of carbon dioxide in the atmosphere contribute to the greenhouse effect and global climate change.
- A reduction in energy consumption by Ulster County government will reduce greenhouse gas emission attributable to County operations.
- As energy costs continue to rise, energy conservation measures provide costs avoidance/cost savings as well as help to decrease domestic demand for volatile foreign oil imports.
- To effectively address energy conservation by a large municipal entity, both operational efficiency and employee usage patterns must be addressed.

**The Ulster County Legislature hereby resolves and declares that it is the policy of Ulster County Government to:**

- Recognize the energy demand and environmental impact associated with the County’s operation and management of facilities necessary to provide services to the people of Ulster County;
- Establish efficient energy management within County government operations as a fundamental operational objective;
- Execute an implementation strategy to detail the goals and action items of this policy;
- Implement, where practicable, energy efficiency measures through a variety of mechanisms such as life cycle analysis and energy performance contracting;

- Provide for the verification and commissioning of fundamental building systems to ensure they are designed, constructed, installed, calibrated, and operating as intended, in order to achieve exemplary energy performance goals;
- Adhere to voluntary green construction and remodeling standards for buildings where appropriate, such as ENERGY STAR, and encourage various nationally supported and resource efficient standards, such as the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED), for building excellence when appropriate and/or life cycle cost effective;
- Encourage operation and planning based on the prudent use of natural resources and minimize greenhouse gas emissions from burning fossil fuels, water use, and waste generation;
- Encourage the tracking, promotion, and publication of sustainable and energy efficient practices;
- Encourage vehicle fleet efficiency and the use of alternative fuels;
- Encourage the adoption of environmentally preferable purchasing policies for products, vehicles, and service and suggest that contractors and suppliers commit to similar energy efficiency and sustainability standards;
- Encourage the expansion of renewable energy use and other distributed generation technologies throughout the County's facilities and activities.
- Provide County personnel with proper training and education in implementing this policy;
- Serve as an educational and informational resource in energy efficient practices within the workplace and foster a sense of personal responsibility for optimal energy management in employees;
- Recognize and reward individual and collective efforts that contribute to the County's energy resource conservation policy goals;
- Regularly measure the County's environmental impact, including energy use, water use, fleet emissions, recycled materials, and waste generation;
- Support continuous energy performance improvements by funding new efficiency measures with funds derived from utility savings.
- Research and consider additional cost-effective technologies as they become available;
- Utilize innovative financing and contractual mechanisms, incentive and reward systems, and shared savings programs to further the County's goals.

## Adopting County Of Ulster Energy Policy

The Environmental Committee (Chairman Shapiro and Legislators Bischoff, R.A. Parete, Rodriguez, Fabiano, Petit and Roberts) offers the following:

WHEREAS, the purpose of this policy is to ensure energy and resource efficiency are explicitly considered and examined throughout the County government and County decision-making, and

WHEREAS, this policy establishes guidelines for cost-efficient and sustainable resource consumption and allows the Ulster County Department of the Environment to coordinate implementation of the policy specifics through the "Ulster County Government Energy Policy Implementation Guidebook", and

WHEREAS, local government has a responsibility to be a leader in workplace resource efficiency, and

WHEREAS, setting policy will ensure the proper use of public funds with regards to the County practice of efficient and conscientious use of energy by municipal government and is essential to modeling good citizenship, accountability, and service, and

WHEREAS, "County of Ulster Energy Policy" is hereby annexed, and

WHEREAS, the Environmental Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Legislature hereby approves the annexed "County of Ulster Energy Policy," in the form as filed with the Clerk of the Ulster County Legislature or as modified by the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30                      NOES: 0  
(Absent: Legislators Aiello, Felicello and Kraft)

FINANCIAL IMPACT:  
TO BE DETERMINED

**ULSTER COUNTY GOVERNMENT  
ENERGY POLICY  
IMPLEMENTATION GUIDEBOOK**

# **ULSTER CONTY GOVERNMENT ENERGY POLICY IMPLEMENTATION GUIDEBOOK**

## **I. MISSION STATEMENT**

- A.** Ulster County Government commits to significantly improve its energy management in order to maximize use of taxpayer dollars and maximize resource efficiency. Ulster County Government further commits to continually seeking ways to realize the full potential of current energy control systems as well as new equipment and upgrades and to accelerate the implementation process of behavioral and operational resource conservation measures.

The following objectives form the basis this energy policy and can be modified to reflect current conditions over time:

- Continually and systematically improve the efficient use of all Ulster County Government energy resources to ensure a secure and sustainable energy supply by increasing energy efficiency to the maximum extent practicable in all Ulster County Government buildings and facilities.
  - Ensure that new and existing Ulster County Government buildings and facilities are designed, maintained and upgraded, as required, to be as energy efficient as practicable based on life cycle cost evaluations.
  - Implement clean and renewable energy systems to the maximum extent practicable in Ulster County Government buildings, facilities and operations to improve energy security, reduce costs, and meet or exceed the requirements of the NYS Renewable Portfolio Standard (25% of Retail Electricity Sales by 2013).
  - Increase energy efficiency to the maximum extent practicable for all Ulster County Government vehicles, including the increased use of the most fuel efficient vehicles available and alternate-fueled vehicles in the county fleet.
  - Continually and systematically reduce harmful greenhouse gas emissions generated through Ulster County Government operations by replacing conventional and more polluting sources of energy with clean and renewable energy sources in order to conserve essential energy resources and positively contribute to a healthy and stable climate future.
- B.** Ulster County Government seeks to encourage comfortable employee working conditions, introduce cost-effective, energy-efficient technologies into its facilities, and promote an energy conscious culture to encourage cost-effective decisions with regard to energy consumption.
- C.** As a consumer of products and services, Ulster County Government encourages reducing our use and cost of energy and water where appropriate by:
- 1) Purchasing best practice energy-and water-saving products and technologies, which reduce operating costs;
  - 2) Promoting energy and resource efficiency, water conservation, and the use of renewable energy products, and by helping to foster markets for emerging technologies; and

- 3) Participating in the existing local, statewide, regional, and federal energy management training efforts and encouraging internal training.
- D.** Where appropriate, Ulster County Government may encourage resource conservation as a workplace value by:
- 1) Providing training and technical assistance resources, which assist energy managers and facilities personnel in evaluating various energy-saving technologies.
  - 2) Providing clear goals, performance indicators, and a measurement framework to assist managers.
  - 3) Enabling facility managers and facilities personnel to implement energy efficiency projects using innovative financing strategies through public-private partnerships and utility incentive programs.
  - 4) Implementing outreach and communication strategies to increase awareness among employees at all levels, not only those involved in energy or facility management.
  - 5) Encouraging all employees to develop energy-efficient habits in the workplace on a daily basis.
- E.** Ulster County Government strives to serve as a good example to other local governments by demonstrating, where appropriate, the benefits of energy efficiency, water conservation, and alternative energy strategies (renewable and other distributed generation technologies).

## **II. ESTABLISH ENERGY CONSERVATION PROGRAM STRUCTURE**

### **A. Establish Team & Responsibilities**

- 1) Designation of an Energy Efficiency Team: Ulster County Government encourages the Department of the Environment to develop, implement and coordinate an Energy Efficiency Team to review issues pertaining to this Guidebook and the Energy Policy, address issues pertaining to energy laws and state and federal regulations affecting County facilities, and inform and educate County employees regarding best practices and progress in the implementation of the Energy Policy and this Implementation Guidebook.
- 2) The Energy Efficiency Team shall include Department of the Environment staff and can also include representation from the Department of Public Works, Planning Department, and Purchasing Department.
- 3) Technical Support Teams consisting of appropriate maintenance, custodial, and facilities personnel from each county building or facility can also be formed to meet the goals and requirements of this Energy Policy and Implementation Guidebook. Technical Support Teams are encouraged to be in regular contact with the Department of the Environment to implement policy goals and develop building-specific plans to reduce resource consumption wherever necessary.



## **B. Establish Accountability Framework**

- 1) To effectively achieve its energy and resource conservation goals, Ulster County Government is dedicated to tracking and measuring results. Life Cycle Assessment strategies will be utilized where appropriate.
- 2) Annual Resource Conservation Review  
The Energy Efficiency Team will meet annually to revisit goals, discuss metrics and performance tracking, and update this guidebook. Revised plans may be included in annual reports to the Ulster County Legislature and should coincide with the development of a long term / 5 year plan.
- 3) Annual Budget Submission  
The Department of Public Works, Buildings and Grounds, and/or the Department of the Environment budget submissions may specifically request funding necessary to achieve the goals of the policy and guidebook. Budget submissions may include the costs associated with: encouraging the use of, administering, and fulfilling agency responsibilities under energy savings performance contracts, utility energy-efficiency service contracts, and other contractual platforms for achieving conservation goals; encouraging implementation of life-cycle cost-effective measures; encouraging procurement of life-cycle cost-effective products; encouraging implementation of shared savings with other involved departments.
- 4) Shared savings and financial incentives  
A portion of savings potentially derived from the ongoing implementation of this Energy Policy is encouraged to be designated to Ulster County Government as a whole to be shared and to protect against budget shortfalls or for use at the discretion of Ulster County Government. Consistent with the promotion of energy efficiency, a portion of the energy savings will be budgeted through a County approved shared savings plan to encourage:
  - Purchase of new energy-efficient equipment and/or to finance energy-efficiency retrofitting projects, additional energy saving management projects, related capital improvements, initiatives, and training, invest in renewable energy systems, and purchase electricity from renewable energy sources.
  - Provision of staff, faculty and administration energy efficiency training and/or technical assistance; operation and maintenance training for building operators and maintenance staff which can have tremendous impact on energy and water use; and promote employee involvement to enhance facility comfort and/or make operations more efficient, typically resulting in reduced maintenance costs.
- 5) Innovative Financing and Contractual Mechanisms
  - In addition to available appropriations, Ulster County Government encourages maximization of its use of available alternative financing contracting mechanisms, including, but not limited to, utility demand side management programs, shared energy savings contracts, and energy savings performance contracts, to meet the goals of the policy and implementation guidebook. Energy savings performance contracts and utility energy-efficiency service contracts provide significant opportunities for making County facilities more energy efficient at no net cost to

taxpayers. In addition, the Department of the Environment is encouraged to work with the County Legislature to identify and eliminate internal regulations, procedures, or other barriers to implementation of the policy and guidebook.

- Ulster County Government will strive to procure appropriate utility rebates and/or equipment manufacturer's rebates.
- The Ulster County Purchasing Department and the Ulster County Department of the Environment shall seek additional opportunities to negotiate favorable rates for electric power and natural gas purchases, including but not limited to pursuing an aggregated and cooperative procurement of electricity supply that emphasizes increasing the amount of clean and renewable energy purchased in a competitive marketplace.
- The development, implementation and ongoing refinement of this Energy Policy is consistent with the "Develop Strategic Advantage in Green and Renewable Technologies and Products" recommendation included as part of a group of comprehensive economic development strategies advocated in Ulster Tomorrow: A Sustainable Economic Development Plan for Ulster County.
- Putting optimal energy conservation measures in place is the first priority of this Energy Policy. Part of this process can require the use of skilled local contractors to provide energy efficiency improvements to Ulster County Government buildings and facilities. This approach can help to keep more of our "energy dollars" in local circulation, creating an "economic multiplier" effect which strengthens the local economy. Moreover, financial savings accrued over the life of these initial energy efficiency improvements can be reinvested in the local economy in the form of more advanced energy conservation measures that can provide even more savings and local economic benefits. This approach provides that energy efficiency improvement projects designed to minimize the drain of energy dollars from the local economy can be leveraged to save money while helping to spur local economic growth.

### **C. Staff Development & Engagement**

- 1) Ulster County Government is encouraged to ensure that all appropriate personnel that are involved in resource conservation related decisions and operations will receive training for implementing the policy and guidebook.
- 2) Ulster County Government may provide relevant training or training materials for those programs that they deem appropriate in relating to the energy management strategies contained in the policy and guidebook.
- 3) At a minimum, every new employee that works in County facilities or with energy equipment is encouraged to be given basic instruction on the introduction to energy management, the whole building approach, lighting, HVAC, energy management systems and controls, efficient water use, and efficiency standards for other natural resources.
- 4) Ulster County Government is encouraged to incorporate into existing procurement courses, or develop for new courses, information on energy management tools, including energy savings performance contracts, utility

energy efficiency service contracts, ENERGY STAR and other energy efficient products, water and other natural resources, and life cycle cost analysis.

#### **D. Communications & Recognition Strategy**

- 1) Ulster County Government is encouraged to develop outreach programs that include education, training, and promotion of ENERGY STAR and other energy efficient products for all its employees.
- 2) Ulster County Government will develop a comprehensive internal and external communications strategy to showcase its resource conservation efforts and successes.
- 3) Ulster County Government is encouraged to designate exemplary new and existing facilities with significant public access and exposure as showcase facilities to highlight energy or water efficiency and renewable energy improvements.
- 4) When Ulster County Government constructs a new building or designs a new building addition, it may designate it, at the earliest stage of development, to be a showcase highlighting advanced technologies and practices for energy efficiency, water conservation, or use of solar and other renewable energy.
- 5) Ulster County Government may designate one of its major buildings to become a showcase to highlight energy or water efficiency and also may attempt to incorporate cogeneration, solar and other renewable energy technologies, and indoor air quality improvements. Selection of such buildings may be based on considerations such as the level of visitors, historic significance, and the likelihood that visitors will learn from displays and implement similar projects.

### **III. FACILITIES**

<b>Goals &amp; Performance Indicator(s)</b>	Reduce energy consumption in buildings, facilities and operations by a minimum of 10%, as a county portfolio, over the next five years beginning in 2009, using 2007 energy use as a baseline.  All new buildings set to 75 in EPA's Target Finder (See "III. D.") Reduce water consumption in facilities by 10% as a County portfolio, by 2011.
<b>Baseline(s)</b>	Establish baseline energy (by 2009) and water (by 2010) performance for every facility.
<b>Measurement</b>	Track energy and water use monthly using EPA's ENERGY STAR Portfolio Manager.

Ulster County Government encourages development of sustainable building principals in new and existing facilities with the Legislature having adopted the "LEED Silver" designation of the US Green Building Council as the minimum rating standard of energy efficiency that must be achieved for all new construction and major renovation of county

buildings and facilities. The Legislature has also adopted a Mid-Hudson “Energy Smart Community” designation with the expressed intent to partner with NYSERDA to promote energy efficiency throughout Ulster County.

Ulster County Government is encouraged to optimize life-cycle costs, pollution, and other environmental and energy costs associated with the construction, life-cycle operation, and decommissioning of facilities. Ulster County Government may use Energy Savings Performance Contracts, utility energy-efficiency service contracts, or other means to conduct evaluations and make improvements to buildings in order to meet the criteria.

#### **A. Proposed Energy Efficiency Measures**

Energy efficiency measures shall include, but not be limited to, the following:

1) Physical Plant - routine maintenance and upkeep

- Lighting
  - Turn off all unnecessary lights, especially in unused offices and conference rooms and turn down remaining lighting levels where possible.
  - Replace incandescent lighting with energy efficient low-wattage fluorescent lamps and ballasts.
  - Install energy efficient parking lot and emergency lighting; all outdoor lights are to be placed on photo cells and/or timers.
  - Install LED traffic signals and exit signs wherever possible.
  - Replace all incandescent flood lights with CFL floodlights.
  - Upgrade all electrical panels at the Ulster County Fairgrounds.
- Buildings
  - Establish air conditioning temperature set points; heat temperature set points (Both can be adjusted to maximize efficiency while continuing to provide year around comfort).
  - Install maximum temperature set back during heating season; air conditioning shut down on nights and weekends.
  - Convert existing toilets to power 1 gal /1.6 gal flush units.
  - Install automatic low flow faucet and toilet controls.
  - Place all exhaust fans on individual timers or computers.
  - Set hot water temperature at or below 120 F., or as practicable.

2) Larger Projects

- Lighting
  - Place all interior lighting on timers or computer controls for low occupancy conditions; Install interior motion sensors in all county buildings to optimize lighting use.
- Buildings
  - Retrofit buildings and facilities to established high performance energy efficient standards as required, e.g., comprehensive air sealing and maximum insulation.
  - Replace existing boilers with new high efficiency boilers.

- Install specific energy savings devices, e.g., programmable thermostats, motion sensors, variable speed motors for HVAC equipment, etc., where appropriate.
- Implement the already adopted (LEED Silver) high efficiency energy standards for major renovations and for new construction.
- Install “economizers” on all HVAC equipment (Provides greater thermal efficiency by recovering low temperature energy from the flue gas before it is exhausted to the atmosphere).

## **B. Reduction of Fossil Fuel Use**

- 1) Through life-cycle cost-effective energy measures, we will encourage the reduction of fossil fuels and the associated greenhouse gas emissions attributed to building and facility energy use.
- 2) We will consider renewable energy sources as an alternative to conventional fossil fuel use and as a potential means to reduce and/or eliminate unnecessary fossil fuel use through the deployment of renewable energy sources or by other appropriate methods.
- 3) Where alternative fuels and/or renewable energy sources are not practical or life-cycle cost-effective, we will encourage the improvement of the efficiency of our buildings and facilities.

## **C. Life-Cycle Analysis**

- 1) Ulster County Government is encouraged to use life-cycle cost analysis in making decisions about investments in products, services, construction, and other projects to lower our costs and to reduce energy and water consumption.
- 2) Buildings that minimize life-cycle costs with efficiency measures are encouraged to be recognized. Such recognition is an assessment of the County’s progress toward implementing the Energy Policy.

## **D. “ENERGY STAR”; “LEED”; “Green Globes”**

Ulster County Government will strive to meet the ENERGY STAR building criteria for energy performance and indoor environmental quality in their eligible facilities to the maximum extent possible. All county funded buildings shall be designed to achieve 75 points on the EPA national energy performance rating system as determined by EPA’s ENERGY STAR Target Finder, provided that the building is supported by EPA’s rating system. Operating buildings should be benchmarked annually using EPA’s ENERGY STAR Portfolio Manager. These ENERGY STAR tools are available. Buildings that rank in the top 25 percent in energy efficiency relative to comparable commercial and State buildings receive the ENERGY STAR building label. Ulster County Government may integrate this building rating tool into additional general facility audits that may be undertaken as part of energy performance contracts.

Ulster County Government may use voluntary standard assessment rating systems including, but not limited to, the Green Building Initiative’s Green Globes rating system and/or the U.S. Green Building Council’s LEED (Leadership in Environmental and Efficient Design) rating system.

## **E. Energy Audits**

- 1) Ulster County Government is encouraged to implement cost-effective recommendations from comprehensive audits of facilities performed within the past 5 years, for installation of energy efficiency, water conservation, and renewable energy technologies consistent with supporting the energy program goals.
- 2) Ulster County Government is encouraged to further identify high priority buildings and facilities to conduct comprehensive energy audits. After completion of a comprehensive facility audit of each targeted county building or facility, Ulster County Government is encouraged to begin implementing cost-effective recommendations for installation of energy efficiency, water conservation, and renewable energy technologies for each facility consistent with supporting the specific needs of the facilities' Technical Support Teams. Such audits may be conducted as part of energy performance contracts and should also be used to verify energy savings.

## **F. Off-Grid Energy Generation**

Ulster County Government may use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, wind turbines, fuel cells, and other off-grid design alternatives, where such systems are life-cycle cost-effective and offer benefits including energy efficiency, pollution prevention, source energy reductions, avoided infrastructure costs, or expedited service.

## **G. Water use**

Through life cycle cost effective measures, such as increasing efficiency of water usage by installing high efficiency plumbing fixtures for all facilities and pumping processes including waste water, Ulster County Government encourages the reduction of water consumption and associated energy use in our facilities to reach the goals set under the appropriate sections of this policy. Where possible and appropriate, water cost savings and associated energy cost savings will be included in Energy Savings Performance Contracts and other financing mechanisms.

## **H. Temperature Settings**

- 1) Central heating controls and individual room thermostats shall be programmed to a specific temperature range and may have an unoccupied setback temperature setting as low as 55 degrees.
- 2) Central cooling controls and individual room thermostats shall be programmed to a specific temperature range and may have an unoccupied setback temperature setting as high as 80 degrees.
- 3) Setback temperatures may go into effect as early as deemed necessary by facilities staffs provided that as increases or decreases in temperatures do not create an unnecessarily uncomfortable working environment for employees and do not unreasonably affect the working environment during normal operating hours. Setback times may vary by building.

- 4) Specific temperature settings shall be under total Department of Public Works, Buildings and Grounds system control. Individual building occupants will not have the ability to change or override Buildings and Grounds settings. Any temperature change requests must be directed through the Lotus Notes system.
- 5) Building temperatures will remain at setback temperatures during weekends and holidays unless specific requests have been made 24 hours in advance through Lotus Notes and deemed necessary and cost effective by the appropriate facility manager.

Exception: Buildings open for normal public use on weekends shall be set to accommodate normal work day settings mentioned above in H, 1 - 4.

#### **I. Space Heaters**

The use of electric space heaters in individual offices and departments shall be prohibited unless the staff member has been determined to have specific needs with approval obtained through the area Facility Manager, an energy endorsement by the Department of the Environment, and a safety endorsement by the Safety Department.

#### **IV. Purchasing**

<b>Goals &amp; Performance Indicator(s)</b>	All ENERGY STAR products; top 25% energy efficient products where ENERGY STAR products are unavailable. # of products implemented vs. # of products available.
<b>Baseline(s)</b>	Create % and Goal by 2009.
<b>Measurement</b>	Audit of available ENERGY STAR products and the percentage of ENERGY STAR products purchased versus purchased in 2008.

Ulster County Government encourages the initiation of a regional purchasing approach for energy products/equipment as well as services such as electricity, natural gas, water, and any other identified measures that would further enhance energy efficiency and conservation of natural resources. Ulster County Government will strive to develop a purchasing plan that specifies products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose.

The Purchasing Department and the Department of the Environment shall seek additional opportunities to negotiate favorable rates for electric power and natural gas purchases, including but not limited to pursuing an aggregated and cooperative procurement of electricity supply that emphasizes increasing the amount of clean and renewable energy purchased in a competitive marketplace.

The Purchasing Department is further encouraged to increase the sourcing of county office supplies containing the highest percentage of recycled materials content to the maximum extent practicable.

#### **A. ENERGY STAR® and Other Energy-Efficient Products**

- 1) The Purchasing Department is encouraged to select, where life-cycle cost effective, ENERGY STAR and other energy efficient products when acquiring products that use energy, e.g., HVAC equipment, hot water heaters, computers and office equipment, appliances, etc. For product groups where ENERGY STAR labels are not yet available, the Purchasing Department is encouraged to select products that are in the upper 25 percent of energy efficiency for their respective product categories.
- 2) Ulster County Government is encouraged to incorporate energy-efficiency criteria consistent with ENERGY STAR and other designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as into product specification language developed for all purchasing procedures.

#### **B. Electricity from Renewable Energy Sources**

- 1) Beginning June 15, 2005, Ulster County Government initiated a 7 year contract with Community Energy, Inc. to purchase 10% of its annual electricity demand from "Green Power" (no man-made greenhouse gas emissions) in the form of clean and renewable wind energy generated in New York State. This Energy Policy directs Ulster County Government to increase this purchase to 25%, or to the maximum extent practicable, by 2013. This increased procurement of "Green Power" is consistent with the "Renewable Portfolio Standard" adopted by the New York State Public Service Commission on September 22, 2004 that requires 25% of the state's electricity to be supplied from renewable energy sources by 2013.
- 2) Ulster County Government encourages the expansion of the use of renewable energy (passive solar, solar thermal, solar electric, wind, hydro electric, geothermal, biomass) and other distributed generation technologies within our facilities and in our activities by encouraging the implementation of alternative energy projects and by encouraging purchase of electricity from renewable energy sources.
- 3) Through life cycle cost analysis, Ulster County Government may evaluate its current use of electricity from renewable energy sources. Ulster County Government may also consider the greenhouse gas intensity of the source of the electricity and may strive to minimize the greenhouse gas intensity of purchased electricity.
- 4) Based on this review, Ulster County Government may adopt policies and pursue projects that increase the use of electricity from renewable energy sources. Ulster County Government may include provisions for the purchase of electricity from renewable energy sources as a component of their requests for bids whenever procuring electricity. Ulster County Government may use savings from energy efficiency projects to pay additional incremental costs of electricity from renewable energy sources.

#### **V. Transportation**

<b>Goals &amp; Performance</b>	Overall decrease in petroleum usage through various means including, but not limited to, a
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<b>Indicator(s)</b>	reduction in total # of fleet vehicles, an increase in total # of alternative fuel vehicles, ensuring vehicle type is properly matched with specific function/ task, addressing how driving behavior impacts fuel consumption, improved overall fleet mileage, etc.
<b>Baseline(s)</b>	Audits to set baseline in year 2009.
<b>Measurement</b>	Verifiable decrease in vehicular petroleum consumption; % of vehicles that exceed average or standard fuel efficiency for respective vehicle class, use combined power or alternative fuels.

Ulster County Government strives to reduce petroleum consumption through encouragement of improvements in fleet fuel efficiency and the use of alternative fuel vehicles and alternative fuels such as E85 or bio-fuels. Ulster County Government also encourages the improvement of access to alternative modes of transportation, including public transportation (e.g., buses, light rail), carpooling, bicycling, and walking. Specifically, Ulster County Government seeks to:

- Reduce the total number of fleet vehicles.
- Downsize current and future fleet vehicles.
- Require the highest fuel efficiency vehicle available be procured for each vehicle class and explicitly consider fuel costs over a projected 5 year period to more accurately reflect the total cost associated with specific vehicle purchasing.
- Require alternate-fuel vehicles to the maximum extent practicable be procured for each vehicle class, including public transit buses, explicitly considering fuel costs over a projected 5 year period to more accurately reflect the total cost associated with specific vehicle purchasing.
- Reduce and eliminate vehicle idling.
- Replace required on-the-job driving with telecommunications, mass transit, carpooling, biking or walking to the maximum extent practicable.
- Create incentives to reduce county employee driving, e.g., transit passes, preferred parking for carpools and vanpools, expand UCAT ridership to & from work (currently \$.30 one-way for county employees), alternating 4 day work week, etc.

**A. Fleet purchasing & fuel specifications**

Ulster County Government may develop a purchasing plan for E85, biofuel, or combined power vehicles.

**B. Community Advocacy**

Ulster County Government may work with vehicle-intensive businesses throughout the County to reduce greenhouse gas emissions through fleet and fuel choices.

## VI. Waste & Recycling

<b>Goals &amp; Performance Indicator(s)</b>	Establish a baseline recycling rate for all county buildings and facilities as a % reduction of overall waste; Develop increased participation benchmarks to capture additional recyclable materials. Weight (in pounds; tons) per week/month/year
<b>Baseline(s)</b>	Audits to set baseline in year 2009
<b>Measurement</b>	Increased capture rate of recyclable materials per collection, per year; % reduction in waste collection, frequency, and container size.

When we think about energy, it is important to consider more than just our direct energy consumption (e.g. lights, appliances, vehicles, heat) but all the energy required to produce the goods and materials we use everyday. All goods and materials require energy in their processing, manufacturing, distribution, and disposal. The recycling of materials decreases not only the demand for raw materials but also the amount of energy required for the processing and extraction of raw materials. Therefore, increasing the capture rate for all recyclable materials within all county offices and agencies is also an important contributor to the goals of a comprehensive Energy Policy.

As an additional energy saving measure, county recycling requirements must be met for all “regulated recyclable materials” as per the Ulster County Mandatory Source Separation and Recycling Law. These recyclable materials shall include, but not be limited to, all regulated recyclable materials in addition to construction and demolition debris, automotive and consumer batteries, computers and other electronic devices, fluorescent lamps, thermostats and other mercury-laden devices where appropriate.

Ulster County Government is encouraged to implement a program to work with local/regional waste management to ensure efficient pickup of trash and solid waste through the elimination of unnecessary pickups, accomplished through effective compacting of trash bins prior to pickup and appropriate bin sizing, pickup frequency, and recycling practices. Ulster County Government is encouraged to implement an enhanced recycling program at each facility to offer alternatives to waste collection, processing and disposal that may derive additional cost savings for the County.

## VII. Information Technology

<b>Goals &amp; Performance Indicator(s)</b>	% of Energy Star labeled computers and monitors to overall total; % of total computers and monitors enabled and using Energy Star PC Power Management low power sleep mode
<b>Baseline(s)</b>	Audits to set baseline in year 2009
<b>Measurement</b>	Audits to verify percentages annually

Ulster County Information Services is a major user of energy resources, not only to power desk top computer and printer equipment, but also to cool server rooms and maintain the uninterrupted power supply required to provide for a stable computing environment. UC Information Services is committed to ensuring that the equipment solutions proposed and ultimately provided meet the needs of County users while maintaining the highest level of energy efficiency practicable. UC Information Services will partner with the Department of the Environment, the Department of Public Works, Buildings and Grounds, and the Purchasing Department to find mutually agreeable solutions to further the County's commitment to energy conservation.

## **VIII. Employee Energy Conservation**

The Department of the Environment will develop an "Energy Smart Offices" program to educate and encourage county employees to reduce energy consumption and promote "ownership" of energy costs by individual departments.

Electricity used by common office equipment (including computers, monitors, copy machines, computer network equipment, telephone network, printers and fax machines) makes up a significant share of the electricity used in commercial buildings. Power monitoring is a common technique that decreases the amount of power consumed when the equipment is not in use. Other efficiency features such as double-sided printing can save money and reduce the environmental costs of producing the paper.

The Energy Smart Offices Program shall include, but not be limited to:

**Office Temperatures** - Establishing mandatory temperature set-points for heating and a/c during hours of operation.

**Lights Out** - Turning off lights in unoccupied areas; use lighting appropriate to the task – unnecessary lighting should be turned off.

**Power Down** - Fully enabling energy saving features on computers and office equipment, e.g., "energy saver" mode on copy machines; shutting down equipment that is not in use overnight or on weekends.

**More E-Mail = Less Paper** – Make greater use of e-mail for communication, reducing the need for printing and copying.

**Double-Sided Printing & Copying** - Whenever an office printer or copier must be used, make sure all defaults are set for double-sided.

**Scan vs. Copy** - Utilize the scanner feature on the copier to export documents to a computer, reducing the amount of paper used.

**Energy Conservation Captains** - Assign one or more employees in each work area to assure that lights and equipment are turned off at the end of each workday, recycling requirements are consistently met, etc.

	UC GOVERNMENT ENERGY POLICY IMPLEMENTATION GUIDEBOOK - Task Distribution						
	Dept. of the Environment	DPW - Buildings and Grounds	Purchasing Dept.	Information Services	Personnel	County Executive Office	Energy Performance Contractor
Guidebook Section							
I. Mission Statement	I.C + Promoting Energy and Resource Efficiency  I.D + Communication & Outreach; Employee Energy Conservation.		I.A + Fleet Vehicles  I.C + Purchasing "Best Practice" Products & Technologies  I.D + Financing Strategies				I.A Increasing Energy Efficiency; Clean and Renewable Energy  I.C Energy Mgmt. Training  I.D Tech. Asst. & Performance Indicators
II. Energy Conservation Program Structure	II.A + Energy Efficiency Team  II.B + Annual Resource Conservation Review; Annual Budget Submission.  II.C + Employee Energy Training  II.D + Communications Strategy	II.A + Technical Support Teams  II.B + Annual Budget Review	II.B + Negotiate Favorable Utility Rates;  II.B + Increase 'Green Power' Procurement  II.C + Incorporate info. on energy mgmt. tools		II.C Employee Energy Training	II.B Shared Savings & Financial Incentives  II.D Designate 'Showcase' Facilities	II.B Local Sub-Contractor Preference
III. Facilities	III.C + Life-Cycle Analysis  III.D + Energy Performance Criteria	III.A Proposed Energy Efficiency Measures  III.G Water Use  III.H +Temperature Settings				III.C Recognition of county bldgs. that minimize life-cycle costs through energy efficiency.	III.A Proposed Energy Efficiency Measures  III.B Reduction of Fossil Fuels  III.D Energy Performance Criteria  III.E Energy Audits  III.G Water Use
IV. Purchasing	Negotiate Favorable Utility Rates; Increase 'Green Power' Procurement.		+ Regional Purchasing for High Performance Equipment; Negotiate Favorable Utility Rates; Maximize 'Recycled Material Content' in Office Supplies.  IV.A + Energy Efficient Product Procurement  IV.B + Electricity from Renewable Energy Sources			IV.B Electricity from Renewable Energy Sources	
V. Transportation	+ Develop and Implement Anti-Idling Requirements for All County Vehicles.		V.A + 'Fuel Efficient' Fleet Vehicle Purchasing Plan			Reduce Petroleum Consumption through Fleet Downsizing, Increased Fleet Efficiency, Alternative Fuel Vehicles; Create Incentives to Reduce County Employee Driving.	
VI. Waste & Recycling	+ Establish Baseline Recycling Rate for All County Buildings and Facilities; Increase Capture Rate for All Designated Recyclable Materials.						
VII. Information Tech.	+ Educate All Staff to Power-Down all Plug-In Office Equipment.		+ Develop Procurement Standards to Require Purchasing the Most Energy Efficient Plug- In Office Equipment.	+ Determine # of 'Energy Star'-Rated Computers and Monitors Currently In Use; Enable All Computers and Monitors to "Power-Down" When Not In Use.			
VIII. Employee Energy Conservation	+ Develop and Implement 'Energy Smart Offices' Program to Educate, Enable and Require All County Employees to Reduce Energy Consumption.						

Notes: [Energy Performance Contractor](#) will be selected and tasked in early 2009.  
+ Denotes Lead Agency for those specific tasks.

# **Local Law Number 6 Of 2014**

## **County Of Ulster**

### **A Local Law To Establish A Sustainable Energy Loan Program In The County Of Ulster**

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

#### **SECTION 1. SHORT TITLE**

This Local Law shall be known as the “Energize NY Benefit Financing Program”, and shall read as follows:

#### **SECTION 2. LEGISLATIVE INTENT AND PURPOSE**

- A. It is the policy of both the County of Ulster and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County of Ulster finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This Local Law establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the County of Ulster, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this section and fulfilling an important public purpose.
- B. The County of Ulster is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This Local Law shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the County of Ulster”.

#### **SECTION 3. DEFINITIONS**

For purposed of this Local Law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

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- a. **Authority** – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.
- b. **County** – County of Ulster, State of New York
- c. **EIC** – The Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the County tax collector as a charge to be levied on the real property and collected in the same manner and same form as the County taxes.
- d. **Energy Audit** – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.
- e. **Energy Efficiency Improvement** – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.
- f. **Qualified Property Owner** – An owner of residential or commercial real property located within the boundaries of the County that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this Local Law.

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- g. **Renewable Energy System** – An energy generating system for the generation of electric or thermal energy, to be used primarily as such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.
- h. **Renewable Energy System Feasibility Study** – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

**SECTION 4. ESTABLISHMENT OF AN ENERGIZE NY BENEFIT  
FINANCING PROGRAM**

- A. An Energize NY Benefit Financing Program is hereby established by the County, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this Local Law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of ten percent (10%) of the appraised value of the real property where the Renewable Energy Systems and / or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and / or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

**SECTION 5. PROCEDURES OF ELIGIBILITY**

- A. Any property owner in the County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and on the Ulster County Government website.

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- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 6 of this Local Law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 7 of this Local Law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and /or Renewable Energy Systems be deemed a Qualified Property Owner.

**SECTION 6. APPLICATION CRITERIA**

- A. Upon the submission of an application, EIC acting on behalf of the County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
  - 1. The proposed Energy Efficiency Improvement and / or Renewable Energy Systems are determined to be cost effective by the Authority;
  - 2. The proposed Energy Efficiency Improvements and / or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
  - 3. Sufficient funds are available to provide to the property owner;
  - 4. The property owner is current in payments on any existing mortgage;
  - 5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
  - 6. Such additional criteria, not inconsistent with the criteria set forth above, as the County, or EIC acting on its behalf, may set from time to time.



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**SECTION 7. OPT-IN, ENERGIZE FINANCE AGREEMENT**

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on behalf of the County.
- B. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the County, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 8 of this Local Law have been met.
- C. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under section 9 of this Local Law.

**SECTION 8. ENERGY AUDIT, RENEWABLE ENERGY SYSTEM  
FEASIBILITY STUDY**

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 3.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 3.
- C. The cost of such Energy Audit and / or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

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**SECTION 9. TERMS AND CONDITIONS REPAYMENT**

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the County, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their real property tax bill and shall be levied and collected at the same time and in the same manner as County taxes, provided that such charge shall be separately listed on the tax bill. The County shall make payment to EIC or its designee in the amount of all such separately listed charges within thirty (30) days of the County real property tax due date.
- B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County at the time the Energize Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**SECTION 10. VERIFICATION AND REPORT**

- A. EIC shall be responsible for verifying and reporting to the County on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.

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- B. The County shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

**SECTION 11. EFFECTIVE DATE**

This Local Law shall take effect upon filing with the Secretary of State.

**Adopted by the County Legislature: October 21, 2014**

**Approved by the County Executive: November 18, 2014**

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

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.**

The Ulster County Legislature hereby finds and determines that the County of Ulster enacted Local Law No. 6 of 2014 (codified as Chapter 190 of the Code of the County of Ulster), pursuant to provisions of New York General Municipal Law, to establish a Sustainable Energy Loan Program. This program authorized the Energy Improvement Corporation (“EIC”), a local development corporation acting on behalf of the County of Ulster, to make funds available to qualified property owners for the installation of renewable energy systems and energy-efficiency measures.

The Ulster County Legislature further finds that the New York State Legislature recently amended certain provisions of the municipal sustainable energy loan program to “eliminate barriers that have been identified that have prevented the program from reaching its full potential.”

The Ulster County Legislature finds that the amendments to the program, enacted as Chapter 320 of the 2017 Laws of the State of New York, seek to encourage net metered and community solar projects, will allow the County of Ulster’s program to use monies available from the State or any State authority, and will permit a more flexible loan standard for commercial properties.

Therefore, the purpose of this law is to amend the County of Ulster’s Sustainable Energy Loan Program in conformity with changes recently enacted to the New York State enabling legislation.

**SECTION 2. Section 2 of Local Law 6 of 2014 is hereby amended to read as follows:**

**SECTION 2. Legislative intent and purpose.**

- A. It is the policy of both the County of Ulster and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean

energy economy. The County of Ulster finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This Local Law establishes a program that will allow the Energy Improvement Corporation ("EIC"), a local development corporation, acting on behalf of the County of Ulster pursuant to the municipal agreement to be entered into between the County of Ulster and the EIC **pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”)**, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this section and fulfilling an important public purpose.

- B. The County of Ulster is authorized to implement this Energize NY Benefit Financing Program pursuant to **the Municipal Home Rule Law** and Article 5-L of the New York General Municipal Law.
- C. This Local Law shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the County of Ulster."

**SECTION 3. The definitions of “EIC” and “Renewable Energy System” in Section 3 of Local Law No. 6 of 2014 are hereby amended to read as follows:**

**EIC**

The Energy Improvement Corporation, a local development corporation, duly organized under § 1411 of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the County **tax collecting officer** as a charge to be levied on the real property and collected in the same manner and same form as the County taxes.

## RENEWABLE ENERGY SYSTEM

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, **except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property**, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority, not including the combustion or pyrolysis of solid waste.

### **SECTION 4. Section 4 of Local Law No. 6 of 2014 is hereby amended to read as follows:**

#### SECTION 4. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the County, whereby EIC, acting on its behalf **pursuant to the Municipal Agreement**, may provide funds to qualified property owners in accordance with the procedures set forth under this Local Law, to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements and the verification of the installation of such systems and improvements.
- B. **For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.**

- C. **For financings made to a Qualified Property Owner who is an individual,** the funds provided shall not exceed the lesser of: (i) 10% of the appraised value of the real property where the renewable energy systems and/or energy efficiency improvements will be located, or (ii) the actual cost of installing the renewable energy systems and/or energy efficiency improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

**SECTION 5. Paragraph B of Section 5 of Local Law No. 6 of 2014 is hereby amended to read as follows:**

- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 6 of this Local Law. EIC may also request further information from the property owner, where necessary, to aid in its determination.

**SECTION 6. Section 6 of Local Law No. 6 of 2014 is hereby amended to read as follows:**

**SECTION 6. Application criteria.**

Upon the submission of an application, EIC, acting on behalf of the County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed energy efficiency improvements and/or renewable energy systems are determined to be cost effective **based on guidelines issued** by the Authority;

- B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding.**
- C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;**
- D. Sufficient funds are available from EIC to provide financing to the property owner;**
- E. The property owner is current in payments on any existing mortgage;**
- F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and**
- G. Such additional criteria, not inconsistent with the criteria set forth above, as the County, or EIC acting on its behalf, may set from time to time.**

**SECTION 7. Section 7 of Local Law No. 6 of 2014 is hereby amended to read as follows:**

**SECTION 7. Energize NY Finance Agreement.**

- A. A qualified property owner may participate in the Energize NY Benefit Financing Program through the execution of an energize NY finance agreement made by and between the qualified property owner and EIC, acting on behalf of the County (the “Energize NY Finance Agreement”).**
- B. Upon execution of the Energize NY Finance Agreement, the qualified property owner shall be eligible to receive funds from EIC, acting on behalf of the County, for the acquisition, construction, and installation of qualifying**



renewable energy systems and energy efficiency improvements, provided the requirements of section 8 of this Local Law have been met.

- C. The **Energize NY Finance Agreement** shall include the terms and conditions of repayment set forth under section 9 of this Local Law.

**SECTION 8. Section 9 of Local Law No. 6 of 2014 is hereby amended to read as follows:**

**SECTION 9. Terms and conditions repayment.**

The **Energize NY Finance Agreement** between the qualified property owner and EIC, acting on behalf of the County, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the qualified property owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on his or her real property tax bill and shall be levied and collected at the same time and in the same manner as County taxes, provided that such charge shall be separately listed on the tax bill. The County shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of **the date the payment is due to be made to the County.**
- B. The term of such repayment shall be determined at the time the Energize NY Finance agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County at the time the **Energize NY Finance Agreement** is executed by the property owner and EIC.

D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program **as set forth in Article 5-L of the General Municipal Law** and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**SECTION 9. EFFECTIVE DATE.**

This Local Law shall take effect upon filing with the Secretary of State.

**Adopted by the County Legislature: May 15, 2018**

**Approved by the County Executive: June 13, 2018**

**Filed with New York State Department of State: June 25, 2018**

**Establishing A Policy To Require Annual Public Reporting Of Building Energy Consumption And Benchmarking Information For County Owned Buildings**

Referred to: The Energy and Environment Committee (Chairman Richard Parete and Legislators Bartels, Heppner, Lapp, and Wawro)

Legislators James H. Delaune and Kevin A. Roberts and Legislators Bartels, Greene, Heppner, Lapp, R. Parete and Wawro offer the following:

WHEREAS, Ulster County has distinguished itself as an environmental leader through numerous environmental actions including earning designation by NYS as a Bronze Certified Climate Smart Community; and

WHEREAS, per Executive Order No. 1-2016, Ulster County purchases renewable energy credits ensuring all our electricity comes from renewable sources, received a Green Power Leadership award from the United States Environmental Protection Agency (EPA) and is recognized by the United States EPA one of the top municipal green energy purchasers in the country; and

WHEREAS, the County further demonstrates leadership on climate protection by purchasing carbon credits to offset all remaining greenhouse gas emissions associated with operations resulting in a net carbon neutral government operation; and

WHEREAS, per Executive Order No. 1-2016 the County Executive committed to reducing- through conservation, efficiency and renewable generation- the GHG emissions associated with operations by 25% by 2025 and 80% by 2050 over the 2012 baseline; and

WHEREAS, since 2012 government efficiency and restructuring efforts have resulted in over a 20% reduction in electricity use and an average savings of over \$370,000 per year to tax payers; and,

WHEREAS, NYS Energy Research and Development Authority (NYSERDA) has announced a new Clean Energy Communities program which would allow the County access to significant grant funding to further implement clean energy actions reducing both energy costs and greenhouse gas emissions; and,

WHEREAS, the Clean Energy Communities program requires that the County implement certain High-Impact Actions; and

WHEREAS, one of the High-Impact Actions requires the legislative establishment of a policy requiring the public reporting of building benchmarking and energy consumption; and

**Resolution No. 447      October 18, 2016**

**Establishing A Policy To Require Annual Public Reporting Of Building Energy Consumption And Benchmarking Information For County Owned Buildings**

WHEREAS, the County already has instituted an operational practice of tracking all building energy use and producing reports; now, therefore be it

RESOLVED, that it is the policy of Ulster County to continue to collect energy use data for all fuel types used, on a monthly basis where possible, on all buildings greater than 1,000 square feet in size that are owned or occupied by the County of Ulster as well as data documenting property use; and, be it further

RESOLVED, that the County will maintain records as necessary for carrying out the purposes of this Local Policy, including but not limited to energy bills and other documents received from tenants and/or utilities and such records shall be preserved by the County for a period of at least three (3) years; and, be it further

RESOLVED, that the County will make publically available on the internet no later than September 1<sup>st</sup> of each year annual summary statistics, as well as a comparison of the annual summary statistics across calendar years for all years since annual reporting under this local policy has been required for all the buildings, for each covered building for the pervious calendar year including Energy Use Intensity (EUI), weather normalized source EUI, annual greenhouse gas emissions, an energy performance score where available, and other information as required by EPA Portfolio Manager or deemed appropriate by the County,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20                      NOES: 0  
(Absent: Legislators Delaune, Gerentine, and Maloney)

Passed Committee: Energy and Environment as amended on October 12, 2016

FINANCIAL IMPACT:  
NONE

**Resolution No. 447      October 18, 2016**

**Establishing A Policy To Require Annual Public Reporting Of  
Building Energy Consumption And Benchmarking Information For  
County Owned Buildings**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 18<sup>th</sup> Day of October in the year Two Thousand and Sixteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of October in the year Two Thousand and Sixteen.

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

Submitted to the County Executive this  
19<sup>th</sup> Day of October, 2016.

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

Approved by the County Executive this  
24<sup>th</sup> Day of October, 2016.

/s/ Michael P. Hein  
Michael P. Hein, County Executive

## **Section Four: Renewable Energy Use And Climate Action**

This section includes: a resolution adopted by the Ulster County Legislature that sets policy for County energy use and greenhouse gas reduction goals; and executive orders that mandate use of renewable energy and climate goals for County Government Operations.

**Purchase And Use Of Renewable Wind Energy For Ulster County**

The Environmental and Consumer Affairs Committee (Chairman Hathaway, and Legislators DePew, Harris, Meyer, Bartels, R.A. Parete and Shapiro) and Legislators Aiello, Alfonso, Berardi, Busick, Cummings, Dart, Donaldson, Every, Feldmann, Felicello, Gerentine, Hyatt, Kraft, Lomita, Loughran, Maloney, McAfee, Noonan, R.S. Parete, Provenzano, Roberti, Rodriguez, Stock, Stoeckeler, Tipp and Zimet offer the following:

WHEREAS, Ulster County recognizes the benefits of supporting renewable energy and conservation, such as reduced levels of air pollution, reducing our national reliance on foreign sources of oil and lessening trends and impacts that lead to environmental degradation, and

WHEREAS, Ulster County is committed to exploring renewable energy and conservation through its partnership with the New York State Energy Research and Development Authority (NYSERDA) as a designated "Energy Smart Community," and

WHEREAS, New York State adopted the Renewable Portfolio Standard (RPS) program on September 24, 2004, thereby establishing New York State as a leader in the field of renewable energy, stimulating investment in renewable energy and ensuring that by 2013 New York citizens receive 25% of their electricity from renewable energy sources such as wind power, and

WHEREAS, the higher price per kilowatt hour (kwh) for renewable energy should be weighed against the unknown costs of public health and safety, environmental clean-up, governmental subsidies to support conventional energy sources and the impact on foreign relations for producing electricity from burning coal, nuclear power or natural gas and importing oil, and

WHEREAS, Ulster County intends to offset these additional costs and premiums by implementing recommendations from the January 30, 2004 energy efficiency audit on County owned properties and through initiation of further audits on County owned or leased buildings, and

WHEREAS, the Environmental and Consumer Affairs Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Ulster County Legislature does hereby adopt policy that Ulster County purchase a minimum of 10 % of its total annual projected electricity needs in the form of a seven year contract with [~~Community Energy, Inc.~~] a wind-power provider,

**Resolution No. 177 May 12, 2005**

**Purchase And Use Of Renewable Wind Energy For Ulster County**

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 27                      NOES: 0  
(Legislator Aiello left at 10:00 PM)  
(Legislator Noonan left at 10:05 PM)  
(Legislator Busick left at 10:07 PM)  
(Absent: Legislators Hyatt, Loughran and Stoeckeler)

Legislator Hathaway motioned, seconded by Legislator Shapiro to amend the resolution as indicated in [ ].

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 27                      NOES: 0  
(Legislator Aiello left at 10:00 PM)  
(Legislator Noonan left at 10:05 PM)  
(Legislator Busick left at 10:07 PM)  
(Absent: Legislators Hyatt, Loughran and Stoeckeler)

FINANCIAL IMPACT:

\$18,207.00 – ANNUALLY FOR SEVEN YEARS

0531



**Authorizing The Creation Of An Ulster County Global Warming Advisory Committee**

The Environmental Committee (Chairman Shapiro and Legislators Bartels, Distel, R.A. Parete, Rodriguez, Fabiano and McAfee) and Legislator Roberti offer the following:

WHEREAS, Global warming is the observed increase in the average temperature of the Earth's atmosphere and oceans in recent decades, and its projected continuation in the future, and

WHEREAS, a report just issued by the United Nation's Intergovernmental Panel on Climate Change (IPCC) states that it is very likely that the main cause of the 1-degree increase in worldwide temperatures in the past decade is the greenhouse emissions created by the burning of fossil fuels, and

WHEREAS, Global warming is being cited as the cause of glacier reduction, rises in sea levels, changes in rainfall patterns, and the increased intensity and frequency of extreme weather events, and

WHEREAS, many climate scientists believe that unless immediate action is taken the impacts will continue to worsen and have serious consequences for the worldwide population, potentially impacting worldwide food supply, leading to the depletion of the ozone layer, the extinction of animal and plant species and cause extreme floods, droughts, heat waves, hurricanes, tornados and other extreme weather events, and

WHEREAS, strategies to mitigate the impacts of global warming include: the development of new technologies to reduce greenhouse emissions, the creation of renewable energy sources such as bio diesel, wind power, solar power, hybrid vehicles, and energy conservation, and

WHEREAS, Ulster County has passed positive environmental legislation by enacting policies on the purchase of wind power and green building standards, and is also investigating the purchase of hybrid vehicles and updating its open space plan, and

WHEREAS, the Ulster County Legislature recognizes global warming as a serious problem and encourages local governments, businesses and citizens to take action to alleviate the impacts of global warming, and

WHEREAS, the Ulster County Legislature believes it is in the best interest of the County of Ulster to create an Advisory Committee to address this issue, and

**Resolution No. 139 April 11, 2007**

**Authorizing The Creation Of An Ulster County Global Warming Advisory Committee**

WHEREAS, the Ulster County Environmental Committee has met and reviewed said request with a majority of members voting approval.

RESOLVED, the Ulster County Legislature hereby creates the Global Warning Advisory Committee which shall consist of eight members, who shall be appointed by the Chairman of the Ulster County Legislature and shall consist of : (1) one representative from an environmental organization; (2) one Legislator from the Public Works Committee; (3) one representative from the Ulster County Area Transit; (4) upon, its establishment, one representative from the County department responsible for environmental affairs; (5) one Legislator from the Ulster County Environmental Committee; (6) one representative from the business community; (7) one representative from town or village government; (8) and one member of the Ulster County Environmental Management Council, and

FURTHER RESOLVED, that the Chairman of the Ulster County Legislature, in making appointments to this Committee, shall consider the recommendation of the Ulster County Environmental Management Council as to appointment of the member from the Ulster County Environmental Management Council, and

FURTHER RESOLVED, that the Chairman of the Ulster County Legislature, in appointing the Chairperson of this Committee, shall consider the recommendation of the Ulster County Environmental Committee as to the appointment of the Chairperson of this Committee, and

FURTHER RESOLVED, the Global Warming Advisory Committee will report to the Ulster County Legislature in writing before December 31 of each year. The report will include an evaluation of the effectiveness of County policies/programs that impact global warming (preservation of open space, wind power and green building standards policies, purchase of hybrid vehicles, etc.) and recommendations on new policies/legislation/actions that can be taken by the County, local governments and individual citizens to mitigate the impacts of global warming,

and moves its adoption.

**Resolution No. 139 April 11, 2007**

**Authorizing The Creation Of An Ulster County Global Warming  
Advisory Committee**

ADOPTED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0  
(Absent: Legislators Every and Felicello)

FINANCIAL IMPACT:  
NONE

0409

**Climate Smart Community Pledge For The County Of Ulster**

Legislator Laura Petit and Co-Sponsors: The Governmental Services and Administration Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Ronk, Robert Parete, Madsen and Rodriguez) offer the following:

WHEREAS, Ulster County understands that climate change poses a real and increasing threat to our local and global environments and is primarily exacerbated by the current burning of fossil fuels, and

WHEREAS, Ulster County is desirous of investigating methods to address and reduce such threats, and

WHEREAS, it is believed the scale of greenhouse gas (hereinafter referred to as “GHG”) emissions reductions required for climate stabilization will require sustained and substantial efforts and that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come, and

WHEREAS, Ulster County’s timely response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovative economies, healthy and safe schools, and resilient infrastructures, and

WHEREAS, Ulster County has established itself as an energy and environmental leader through policies, resolutions and local law including those establishing the County as an Energy Smart Community, requiring the purchase of renewable energy, establishing energy efficient building standards, establishing a County Government Energy Policy, and other resolutions regarding energy conscious and green purchasing, and

WHEREAS, there exists opportunities to take a comprehensive approach to implement policies and programs at the County government level to further reduce GHG emissions, increase energy efficiencies, promote local job growth, increase economic activity and resiliency, improve quality of life, and promote social justice, and

WHEREAS, Ulster County has a long-standing interest in attracting and retaining innovative businesses and is in a position to serve as an example for surrounding municipalities and all of New York State by setting a precedent for reducing GHG emissions, and

WHEREAS, the Towns of New Paltz, Rosendale and Saugerties, the Village of New Paltz and the City of Kingston have already set the bar as leaders in adopting the Climate Smart and Green Jobs Community Pledge, and

**Resolution No. 184 August 16, 2011**

**Climate Smart Community Pledge For The County Of Ulster**

WHEREAS, the effects of climate change will significantly impact infrastructure, economy and livelihoods, disrupt ecological communities, spread invasive species and exotic diseases, negatively impact drinking water supplies and stormwater and sewer treatment infrastructure, and pose health threats to our citizens, and

WHEREAS, the “green economy” of clean and efficient energy systems, high performance buildings, clean and efficient transportation, and healthy materials and products, is an arena of emerging interest in New York State with job growth and training opportunities already emerging through the area’s solar, wind, geothermal and energy services companies, as well as other dynamic sectors, and

WHEREAS, Ulster County can lead by making a commitment to climate change which will contribute substantially to other community objectives and competitively position the County for funding through New York State Energy Research Development Authority (hereinafter referred to as NYSERDA), Energy-Efficiency Block Grants, and other applicable future federal grant opportunities, such as the pending American Clean Energy and Security Act of 2009, reducing energy cost and improving operational efficiency of aging infrastructure will lower Ulster County’s government operating cost and save taxpayer dollars, and in addition to lowering infrastructure and service costs, community-wide climate protection will also help to maintain property values by making communities desirable and attractive to new residents, now, therefore, be it

RESOLVED, that Ulster County shall strive to reduce GHG emissions and adapt to a changing climate, and be it further

RESOLVED, that the Global Warming Advisory Committee established by Resolution No. 139, dated April 11, 2007, be reformed as the Climate Smart Committee and designated to review and make recommendations on climate change and green jobs initiatives, publicly present an annual report on its findings and work cooperatively with similar task forces and organizations within Ulster County and in neighboring communities to ensure that efforts complement and reinforce one another.

The Climate Smart Committee shall be charged with investigating the following and making recommendations to the Ulster County Legislature regarding same:

**Resolution No. 184 August 16, 2011**

**Climate Smart Community Pledge For The County Of Ulster**

**1. Pledge to combat climate change by becoming a Climate Smart Community**

Set goals, both short term and long term, to reduce GHG emissions and adapt to predicted climatic changes. Work cooperatively with similar municipal task forces in Ulster County to ensure that efforts complement and reinforce one another.

**2. Set Goals, Inventory Emissions, Move to Action**

Gather data, inventory GHG emissions, and establish baselines for County government operations. Encourage stakeholder and public input and develop an action plan.

**3. Decrease Energy Demand for County Government Operations**

Work with County agencies, who will educate the public, in order to adopt and meet a goal of reducing electricity use by 10 percent from projected levels by or before 2014.

A. Existing Public Facilities. Use the comprehensive investment grade energy audit of County buildings (completed in 2010) to identify opportunities for conservation and efficiency retrofits. Purchase energy efficient equipment and appliances to meet current ENERGY STAR standards, improve lighting, heating, and cooling efficiency, set thermostats for maximum energy conservation, decrease plug load from office equipment, and increase pump efficiency in water and wastewater systems.

B. New Public Buildings. Ensure that Resolution No. 383 dated November 8, 2006, "Establishing High Performance Green Building Standards For County Of Ulster New Construction Projects," is followed.

C. Infrastructure. Incorporate energy efficient technologies and operations and maintenance practices as per the Ulster County Government Energy Policy Implementation Guidebook. Suggest new technologies and practices for future inclusion into the Implementation Guidebook.

**Resolution No. 184 August 16, 2011**

**Climate Smart Community Pledge For The County Of Ulster**

D. Vehicle Fleet and Commuting. Improve the average fuel efficiency of County government fleet vehicles. Discourage vehicle idling and encourage bicycling, car-pooling, and public transit for employees. Ensure that Resolution No. 229, dated July 8, 2009, "Establishing A Pedestrian And Bicycle Policy," is followed. Consider non-motorized transportation routes on County roads such as bike lanes. Consider reducing the number of vehicles, converting fleet vehicles to sustainable alternative fuels, and using electric vehicles where possible. Establish a tele-commuting policy for County employees, where appropriate.

**4. Encourage Renewable Energy for County Government Operations**

Supply as many of the local government's power, heat, and hot water needs as possible from solar, wind, and small hydro through purchase or direct generation as outlined in the new State goal of reducing energy use by 80% by 2050. The County currently purchases ten (10) percent of its total energy from renewable wind resources. Support the increase of renewable purchases and look for ways to support local renewable energy sources.

**5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practices**

Expand the "reduce, reuse, recycle" approach to waste management in local government operations and in the whole community. Reduce the amount of solid waste generated—promote backyard composting, implement volume-based pricing and educate residents on how to prevent waste. Promote reuse and provide a space for drop-off or trade of reusable goods. Expand the availability of recycling receptacles in local government buildings and outdoor spaces, require duplex printing in government offices, compost food scraps and green waste, and adopt a comprehensive green purchasing program incorporating green clean supplies (Resolution No. 262, adopted October 19, 2010) and recycled paper (Resolution No. 159, adopted June 21, 2011).

**6. Promote Climate Protection Through Community Land Use Planning**

Combat climate change by encouraging low-emissions development that is resilient to climatic changes. When updating land use policies, building codes or community plans, include provisions to combat climate change; reduce sprawl, preserve and protect open space, biodiversity, and water supplies; promote compact, transit-

**Resolution No. 184 August 16, 2011**

**Climate Smart Community Pledge For The County Of Ulster**

oriented, bikeable and walkable communities; promote infill development, minimize new development in floodplains; maintain or establish healthy community forests; and promote best forest management practices and encourage tree planting, especially along waterways and streets, to increase shading and to absorb carbon dioxide. Use the authority of the County's Planning Board to assure that new development projects reflect the community's desires for viable ecosystems and low carbon footprints.

**7. Plan for Adaptation to Unavoidable Climate Change**

Evaluate risks from unavoidable climate change, set adaptation goals and plan for adaptation. Identify climate change impacts (such as flooding, drought, and extreme temperatures) that could affect County government operations and the broader community. Identify areas such as County supported water supply and sewer infrastructures that may be at risk due to increased intensity of rainfall, turbidity and sedimentation, increased flash floods and increased droughts in late summer, sea-level rise, and other future changes in climate. Factor risks into long-term investments and decision-making. Execute climate change adaptation and preparedness measures through County government planning, development, and operation, giving priority to the highest risk areas.

**8. Green Innovation Strategy**

Identify opportunities to incorporate climate protection, sustainability and environmental goods and service industries into economic development plans. Encourage workforce development training and school curricula that support the emerging green collar job sector, including renewable energy and energy efficiency, as well as climate smart solid waste management practices. Procure climate smart goods and services for local government operations and support modernizing of local and national electricity grids.

**9. Inform and Inspire the Public**

Lead by example. Highlight local government commitment to reducing energy use, saving tax dollars, and adapting to changing conditions. Demonstrate the benefits of energy savings, energy efficiency, and renewable energy projects by communicating community climate goals and progress to constituents through various means including "open house," public forums, workshops//charrettes and use of the County website on energy savings: [www.SustainableUlster.org](http://www.SustainableUlster.org).



**Resolution No. 184 August 16, 2011**

**Climate Smart Community Pledge For The County Of Ulster**

**10. Commit to an Evolving Process**

Acknowledge that research and policy on climate protection are constantly improving and evolving. Be willing to consider new ideas and commit to update plans and policies as needed. Compare successes, cooperate and collaborate with neighboring communities to redirect less effective actions and amplify positive results.

**11. Renewable Return on Investment**

Continue to actively support and implement the financing framework for continuous energy performance improvements established in the adopted Ulster County Government Energy Policy. New energy efficiency measures should be funded in part with funds derived from utility savings. The Climate Smart Communities Committee will further promote and implement energy efficiency improvements by seeking to establish consideration of renewable energy across County government, including both procurement and operations, and to explore additional ways to implement energy reduction and renewable energy technologies,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 24                      NOES: 6  
(NOES: Legislators Bernardo, Hansut, Harris,  
Hayes, Roberts and Ronk)  
(Absent: Legislators Felicello, Frey and Richard  
Parete)

FINANCIAL IMPACT:  
NONE

0808

**Resolution No. 184 August 16, 2011**

**Climate Smart Community Pledge For The County Of Ulster**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of August, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of August in the year Two Thousand and Eleven.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this

19<sup>th</sup> Day of August, 2011.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this

25<sup>th</sup> Day of August, 2011.

/s/ Michael P. Hein  
Michael P. Hein, County Executive

**Dissolving The Global Warming Committee And Creating A Climate Smart Committee**

Legislator Laura Petit and Co-Sponsors: The Governmental Services and Administration Committee (Chairman Roberts and Legislators Belfiglio, Fabiano, Ronk, Robert Parete, Madsen and Rodriguez) offer the following:

WHEREAS, pursuant to the Ulster County Charter Section C11(k) and the Administrative Code: "Section A2-5 (11) Powers and duties of the Legislature. Among such powers and duties, but not by way of limitation, it shall have the power: *to conduct studies and investigations in furtherance of its legislative functions, and in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations,*" and

WHEREAS, pursuant to Resolution No. 139 dated April 11, 2007, the Ulster County Legislature created a Global Warming Advisory Committee which made recommendations and an annual report that was incorporated into the County Energy Efficiency policy and Ulster Tomorrow as an initial step forward to address Global Warming, and

WHEREAS, the Committee consisted of eight members, who were appointed by the Chairman of the Ulster County Legislature and consisted of : (1) one representative from an environmental organization; (2) one Legislator from the Public Works Committee; (3) one representative from the Ulster County Area Transit; (4) upon, its establishment, one representative from the County department responsible for environmental affairs; (5) one Legislator from the Ulster County Environmental Committee; (6) one representative from the business community; (7) one representative from town or village government; (8) and one member of the Ulster County Environmental Management Council, and

WHEREAS, pursuant to Resolution No. 184 dated August 16, 2011, the County will continue to strive to reduce greenhouse gas emissions and adapt to a changing climate, now, therefore, be it

RESOLVED, that Ulster County is committed to taking the lead in addressing climate change, energy reduction and sustainability, and be it further

**Resolution No. 185 August 16, 2011**

**Dissolving The Global Warming Committee And Creating A Climate Smart Committee**

RESOLVED, that the original Global Warming committee shall be dissolved and re-established as the Climate Smart Committee for the purpose of taking a comprehensive approach to implement future policies and programs at the County government level to reduce greenhouse gas emissions, increase energy efficiencies, promote local job growth, increase economic activity and resiliency, improve quality of life, and promote social justice, and be it further

RESOLVED, that the membership of the Climate Smart Committee shall be comprised of five members, who shall be appointed by the Chairman of the Legislature (1) one representative from an environmental organization; (2) one Legislator from the Governmental Operations and Environmental Services; (3) one Legislator from the Public Works and Capital Projects; (4) one representative from the business community; and (5) one representative from town or village government, and be it further

RESOLVED, after consultation with and approval of the County Executive, the Climate Smart Committee will seek input from the Department of the Environment, the Department of Public Transportation (UCAT) and the Environmental Management Council, and be it further

RESOLVED, that the County Executive may appoint staff from the Executive branch of government to assist the Climate Smart Committee in its work,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30                      NOES: 0  
(Absent: Legislators Felicello, Frey and Richard Parete)

FINANCIAL IMPACT:  
NONE

0809

**Resolution No. 185 August 16, 2011**

**Dissolving The Global Warming Committee And Creating A  
Climate Smart Committee**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16<sup>th</sup> day of August, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of August in the year Two Thousand and Eleven.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this

19<sup>th</sup> Day of August, 2011.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this

25<sup>th</sup> Day of August, 2011.

/s/ Michael P. Hein  
Michael P. Hein, County Executive



MICHAEL P. HEIN  
COUNTY EXECUTIVE  
COUNTY OF ULSTER

EXECUTIVE ORDER NO. 1-2014

REGARDING THE COUNTY'S USE OF RENEWABLE ENERGY

WHEREAS, the County of Ulster has a legitimate governmental interest in protecting the environment and human health within the County and beyond; and

WHEREAS, pursuant to Section C-25(B) of the Ulster County Charter, the Ulster County Executive has the power and duty necessarily implied or incidental thereto to "supervise, direct and control the administration of all departments" of the County; and

WHEREAS, presently, 80% or more of the power purchased by the County is generated from non-renewable sources; and

WHEREAS, carbon dioxide is regulated by the Environmental Protection Agency as a pollutant, with recognized detrimental impacts on the environment and human health; and

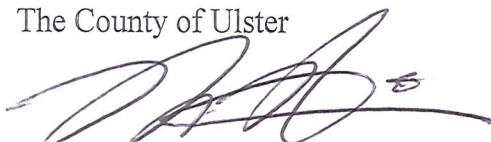
WHEREAS, it is in the best interest of the County to reduce its carbon footprint and to maximize its use of renewable energy sources to meet its energy needs in an effort to protect both the environment and human health; and

WHEREAS, pursuant to Section C-74(B)(2) of the Ulster County Charter and Section A16-1(B)(2)(a) of the Ulster County Administrative Code, the Purchasing Director has the authority and the discretion to execute utility contracts;

NOW, THEREFORE, I, MICHAEL P. HEIN, County Executive of the County of Ulster, in accordance with the aforementioned and in furtherance of my statutory duties, do hereby order and direct the following:

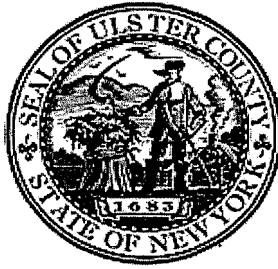
1. It shall be the responsibility of the Purchasing Department to ensure that for the remainder of 2014 and all of 2015, 100% of the County's electricity is purchased from renewable energy sources by obtaining Green-e Energy certified Renewable Energy Certificates (RECs).
2. It shall be the responsibility of the Departments of Environment, Purchasing, Planning and Buildings and Grounds to develop and implement a long term plan to further reduce the County's carbon footprint and to maximize its use of sustainable and renewable energy sources for its energy needs.
3. This Executive Order shall take effect immediately and shall remain in effect until otherwise superseded or revoked.

The County of Ulster

  
Michael P. Hein, County Executive

Dated: June 4, 2014  
Kingston, New York





MICHAEL P. HEIN  
COUNTY EXECUTIVE  
COUNTY OF ULSTER

EXECUTIVE ORDER NO. 1-2016

REGARDING THE COUNTY'S USE OF RENEWABLE ENERGY  
FOR THE YEARS 2016 AND 2017

WHEREAS, the County of Ulster has a clear governmental interest in protecting the environment and human health within the County and beyond; and

WHEREAS, pursuant to Section C-25(B) of the Ulster County Charter, the Ulster County Executive has the power and duty necessarily implied or incidental thereto to "supervise, direct and control the administration of all departments" of the County; and

WHEREAS, carbon dioxide, and other by-products of fossil fuel combustion, are regulated by the Environmental Protection Agency as pollutants, with recognized detrimental impacts on the environment and human health; and

WHEREAS, it is in the best interest of the County to reduce its carbon footprint and to maximize its use of renewable energy sources to meet its energy needs in an effort to protect both the environment and human health; and

WHEREAS, in 2014 the County Executive directed the Department of Purchasing to ensure that for the remainder of 2014 and all of 2015 that 100% of the County's electricity is purchased from renewable energy sources; and

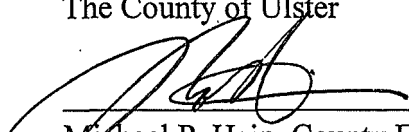
WHEREAS, Ulster County has been nationally recognized by the United States Environmental Protection Agency as a top municipal leader for its commitment to procure renewable energy as well as its commitment to reduce greenhouse gas emission associated with government operations through conservation, efficiency, and on-site renewable generation; and

WHEREAS, pursuant to Section C-74(B)(2) of the Ulster County Charter and Section A16-1(B)(2)(a) of the Ulster County Administrative Code, the Purchasing Director has the authority and the discretion to execute utility contracts;

NOW, THEREFORE, I, MICHAEL P. HEIN, County Executive of the County of Ulster, in accordance with the aforementioned and in furtherance of my statutory duties, do hereby order and direct the following:

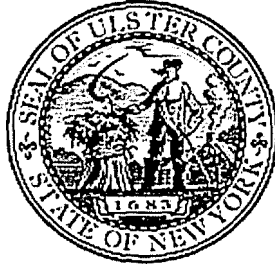
1. It shall be the responsibility of the Department of Purchasing to ensure that for the years of 2016 and 2017, 100% of the County's electricity is purchased from renewable energy sources by obtaining Green-e Energy certified Renewable Energy Certificates (RECs).
2. It shall be the responsibility of the Department of Environment, in close coordination with the Departments of Purchasing, Planning and Public Works, to develop and implement a long term plan to further reduce the County's carbon footprint and to maximize its use of sustainable and renewable energy sources for its energy needs.
3. It shall be the responsibility of the Department of the Environment Coordinator to act as the Climate Smart Communities Coordinator for government operations.
4. Ulster County will endeavor to operate a carbon neutral government and furthermore decrease greenhouse gas emission associated with its operations (through conservation, efficiency, and on-site renewable generation) by 25% by 2025 and 80% by 2050 using the County's 2012 greenhouse gas emission inventory as a baseline.
5. This Executive Order shall take effect immediately and shall remain in effect until otherwise superseded or revoked.

The County of Ulster

  
\_\_\_\_\_  
Michael P. Hein, County Executive

Dated: February 2, 2016  
Kingston, New York





MICHAEL P. HEIN  
COUNTY EXECUTIVE  
COUNTY OF ULSTER

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Nina Postupack  
Ulster County Clerk

18-1306

EXECUTIVE ORDER NO. 2-2018

REGARDING THE COUNTY'S USE OF RENEWABLE ENERGY  
FOR THE YEARS 2018 AND 2019

**WHEREAS**, the County of Ulster has a clear governmental interest in protecting the environment and human health within the County and beyond; and

**WHEREAS**, pursuant to Section C-25(B) of the Ulster County Charter, the Ulster County Executive has the power and duty necessarily implied or incidental thereto to "supervise, direct and control the administration of all departments" of the County; and

**WHEREAS**, many of the by-products of fossil fuel combustion, are regulated by the Environmental Protection Agency as pollutants, with recognized detrimental impacts on the environment and human health; and

**WHEREAS**, it is in the best interest of the County to reduce its carbon footprint and to maximize its use of renewable energy sources to meet its energy needs in an effort to protect both the environment and human health; and

**WHEREAS**, in 2014 and again in 2016, I, Michael P. Hein, the County Executive directed the Department of Purchasing to ensure that 100% of the County's electricity is purchased from renewable energy sources; and

**WHEREAS**, Ulster County has been nationally recognized by the United States Environmental Protection Agency as a top municipal leader for its commitment to procure renewable energy as well as its commitment to reduce greenhouse gas emission associated with government operations through conservation, efficiency, and on-site renewable generation; and

**WHEREAS**, pursuant to Section C-74(B)(2) of the Ulster County Charter and Section A16-1(B)(2)(a) of the Ulster County Administrative Code, the Purchasing Director has the authority and the discretion to execute utility contracts;

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AUG 10 2018

**NOW, THEREFORE, I, MICHAEL P. HEIN**, County Executive of the County of Ulster, in accordance with the aforementioned and in furtherance of my statutory duties, do hereby order and direct the following:

1. It shall be the responsibility of the Department of Purchasing to ensure that for the years of 2018 and 2019, 100% of the County's electricity is purchased directly from renewable energy sources or by obtaining Green-e Energy certified Renewable Energy Certificates (RECs).
2. It shall be the responsibility of the Department of Environment, in close coordination with the Departments of Purchasing, Planning and Public Works, to develop and implement a Climate Action Plan for county government operations to further reduce the County's carbon footprint and to maximize its use of sustainable and renewable energy sources for its energy needs.
3. It shall be the responsibility of the Department of the Environment Coordinator to act as the Climate Smart Communities Coordinator for government operations.
4. Ulster County shall endeavor to operate a carbon neutral government and furthermore decrease greenhouse gas emissions associated with its operations (through conservation, efficiency, and on-site renewable generation) by 25% by 2025 and 80% by 2050 using the County's 2012 greenhouse gas emission inventory as a baseline.
5. Ulster County government shall support ways to decrease energy use, decrease greenhouse gas emissions and increase the use of green power across our community and set a goal of decreasing community wide greenhouse gas emissions by 40% by 2030 and 80% by 2050 (below 1990 levels) using the regional GHG emissions inventory as a baseline.
6. This Executive Order shall take effect immediately and shall remain in effect until otherwise superseded or revoked.

The County of Ulster

  
\_\_\_\_\_  
Michael P. Hein, County Executive

Dated: August 10, 2018  
Kingston, New York

# ULSTER COUNTY EXECUTIVE

244 Fair St., P.O. Box 1800, Kingston, New York 12402

Telephone: 845-340-3800

Fax: 845-334-5724

PATRICK K. RYAN  
*County Executive*



MARC RIDER  
*Deputy County Executive*

## EXECUTIVE ORDER NO. 1-2019

### REGARDING THE COUNTY'S USE OF RENEWABLE ENERGY FOR THE YEARS 2019 AND 2020

**WHEREAS**, the County of Ulster has a clear governmental interest in protecting the environment and human health within the County and beyond; and

**WHEREAS**, overwhelming consensus exists among the world's leading climate scientists, the Intergovernmental Panel on Climate Change (IPCC), regarding the impacts of greenhouse gas emissions and carbon pollution including a rapid and unprecedented increase in atmospheric temperatures; and,

**WHEREAS**, it is in the best interest of the County to accelerate the reduction of carbon pollution by maximizing its usage of locally generated renewable energy, reinforcing its commitment to protect the environment and human health in Ulster County and beyond; and,

**WHEREAS**, pursuant to Section C-25(B) of the Ulster County Charter, the Ulster County Executive has the power and duty necessarily implied or incidental thereto to "supervise, direct and control the administration of all departments" of the County; and,

**WHEREAS**, starting in 2014, Ulster County has purchased 100% of its electricity from renewable energy sources; and,

**WHEREAS**, this environmental leadership, commitment to renewable energy and net carbon neutral government operations has been recognized by the NYS Department of Environmental Conservation and the United States Environmental Protection Agency; and,

**WHEREAS**, pursuant to Section C-74(B)(2) of the Ulster County Charter and Section A16-1(B)(2)(a) of the Ulster County Administrative Code, the Purchasing Director has the authority and the discretion to execute utility contracts.

**NOW, THEREFORE, I, PATRICK K. RYAN**, County Executive of the County of Ulster, in accordance with the aforementioned and in furtherance of my statutory duties, do hereby order and direct the following:

1. It shall be the responsibility of the Department of Purchasing, in close coordination with the Department of the Environment, to ensure that for the years of 2019 and 2020, 100% of the County's electricity is purchased directly from local renewable energy sources or by obtaining Green-e Energy certified Renewable Energy Certificates (RECs).
2. Ulster County shall endeavor to continue to operate a net carbon neutral government and furthermore decrease greenhouse gas emission associated with its operations (through conservation, efficiency, on-site/local renewable generation) by 25% by 2025 and 80% by 2050 using the County's 2012 greenhouse gas emission inventory as a baseline.
3. Ulster County shall endeavor to supply 100% of its annual building and fleet electricity usage from locally generated renewable energy sources by the year 2030.
4. It shall be the responsibility of the Department of Environment, in close coordination with the Departments of Purchasing, Planning and Public Works, to implement the June 2019 Climate Action Plan for county government operations to meet the County's carbon emission reduction goals, drive deployment of clean technology and improve climate resilience.
5. It shall be the responsibility of the Department of the Environment Coordinator to act as the Climate Smart Communities Coordinator for government operations.
6. Ulster County government shall support ways to decrease energy use, decrease greenhouse gas emissions and increase the use of green power across our community and sets a goal of decreasing community wide greenhouse gas emissions by 80% by 2050 (below 1990 levels) using the regional GHG emissions inventory as a baseline.
7. This Executive Order shall take effect immediately and shall remain in effect until otherwise superseded or revoked.

The County of Ulster



Patrick K. Ryan, County Executive

Dated: June 18, 2019  
Kingston, New York

Referred to: The Energy and Environment Committee (Chairwoman Greene and Legislators Eckert, Heppner, Wawro, and Woltman)

Legislator Kathy Nolan and Legislators Eckert, Greene, Heppner, Wawro and Woltman offer the following:

WHEREAS, Ulster County first pledged to become a Climate Smart Community in 2011; and

WHEREAS, Ulster County began purchasing 100% of its electricity from renewable energy sources in 2014; and

WHEREAS, in 2015, Ulster County established a sustainable green fleet policy addressing the vehicles of the fleet under the control of the County in order to improve vehicle fuel efficiency and reduce greenhouse gas emissions; and

WHEREAS, Ulster County attained the Department of Environmental Conservation's Silver Climate Smart Community designation in 2016, the highest yet achieved through this program; and

WHEREAS, in 2016, Ulster County was featured in National Geographic magazine for its environmental initiatives and achievements; and

WHEREAS, Ulster County's Utility-Scale Solar Project became fully operational in 2018, generating approximately 20% of all the electricity used by the Ulster County Government; and

WHEREAS, on June 18, 2019, the County Executive signed an executive order to move the county toward the goal of having 100 percent of the county government's electrical needs produced by locally generated renewable energy sources by 2030; and

WHEREAS, New York State, in its Climate Leadership and Community Protection Act, has established similar goals; and

WHEREAS, the Ulster County Legislature desires to reinforce Ulster County's commitment to environmental leadership by codifying the County's renewable energy use into law; now, therefore be it

RESOLVED, that 100% of Ulster County's electricity utilized in 2019 and 2020 shall be purchased directly from local renewable energy sources, or as an interim solution only, by obtaining Green-e Energy certified Renewable Energy Certificates (RECs); and, be it further

RESOVLED, Ulster County shall continue to operate a net carbon neutral government and shall decrease greenhouse gas emissions associated with its operations by 25 by the year 2025 and 80 by the year 2050 using the County's 2012 greenhouse gas emission inventory as a baseline; and, be it further

RESOLVED, Ulster County shall supply 100% of its annual building and fleet electricity usage from locally generated renewable energy sources by the year 2030; and, be it further

RESOLVED, Ulster County shall endeavor to achieve the Department of Environmental Conservation's Gold Climate Smart Community designation by the year 2025; and, be it further

RESOLVED, that Ulster County Government shall assist and support our towns and communities in increasing the use of green power and decreasing community wide greenhouse gas emissions by 80 % by the year 2050; **and, be it further**

**RESOLVED, that in order to determine whether these goals remain attainable and/or whether or not they should be modified or amended, the Coordinator of the Ulster County Department of the Environment shall file, with the County Executive and the Clerk of the Legislature on or before March 1st of each year, an annual report detailing the status of each of the goals outlined above,**

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 20                      NOES: 0  
(Absent: Legislators Collins, Delaune, and Fabiano)

Passed Committee: Energy and Environment as amended on August 8, 2019

Referred back to Energy and Environment Committee at Legislative Session on August 20, 2019

Passed Committee: Energy and Environment on September 5, 2019

FINANCIAL IMPACT:  
NONE

Legislator Nolan motioned, seconded by Legislator Ronk, to include a RESOLVED clause containing a reporting requirement as indicated above in bold font.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 20 NOES: 0  
(Absent: Legislators Collins, Delaune, and Fabiano)

STATE OF NEW YORK  
ss:  
COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17<sup>th</sup> Day of September in the year Two Thousand and Nineteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of September in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this  
19<sup>th</sup> Day of September, 2019.

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

Approved by the County Executive this  
25<sup>th</sup> Day of September, 2019.

/s/ Patrick K. Ryan  
Patrick K. Ryan, County Executive

Referred to: The Energy and Environment Committee (Chairwoman Greene and Legislators Eckert, Heppner, Wawro, and Woltman)

Legislators Dean Fabiano, Joseph Maloney, and Mary Wawro, and Legislators Archer, Bartels, Collins, Delaune, Donaldson, Eckert, Greene, Heppner, Nolan, Petit, and Rodriguez offer the following:

WHEREAS, in April 2016 leaders from 174 countries and the European Union recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement; and

WHEREAS, on October 8, 2018, the United Nations released a special report which projected that limiting warming to 1.5° C this century will require an unprecedented transformation of the global economy over the next 12 years; and

WHEREAS, the United States of America has disproportionately contributed to this climate change and thus bears more responsibility to address this crisis; and

WHEREAS, restoring a safe and stable climate requires an emergency mobilization to rapidly and safely draw down excess carbon from the atmosphere, and to implement measures to protect all people and species from the consequences of climate change; and

WHEREAS, addressing climate change fairly requires transitioning from fossil fuels to clean, renewable energy that is ecologically sustainable and equitable for all people; and

WHEREAS, Ulster County has historically acted as an environmental leader and all branches of government shall continue to strive to convert to an ecologically, socially and economically regenerative economy at emergency speed; and

WHEREAS, on June 18, 2019, the County Executive signed an executive order to move the County toward the goal of having 100 percent of the county government's electrical needs produced by locally generated renewable energy sources by 2030, and the Ulster County Legislature reinforced Ulster County's commitment to environmental leadership by codifying the County's renewable energy use into law on September 17, 2019; now, therefore be it

RESOLVED, the Ulster County Legislature declares that a climate emergency threatens our local communities, county, state, nation, and world; and, be it further

RESOLVED, Ulster County urges leaders at every level of government to commit to a climate emergency mobilization effort to reverse global warming and end greenhouse gas emissions as quickly as possible; and, be it further



RESOLVED, Ulster County urges governmental leaders to commit to educating our residents about the climate emergency and the mobilization effort at the local, state, national, and global levels; and, be it further

RESOLVED, Ulster County underscores the need for full community participation, inclusion, and support, and recognizes that the residents of Ulster County and members of community organizations, faith-based, youth, labor, business, academic institutions, and other such community allies will be integral to and provide leadership of the mobilization effort; and, be it further

RESOLVED, the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor Andrew Cuomo, Assembly and Senate Majority and Minority Leaders, Assembly and Senate Environmental Conservation Committee Chairs, and all Ulster County elected Assemblymembers and Senators,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 1  
(Noes: Legislator Gerentine)  
(Absent: Legislator Rodriguez)

Passed Committee: Energy and Environment on October 3, 2019

FINANCIAL IMPACT:  
NONE

STATE OF NEW YORK  
COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15<sup>th</sup> Day of October in the year Two Thousand and Nineteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17<sup>th</sup> Day of October in the year Two Thousand and Nineteen.

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

## **Section Five: Fleet Initiatives**

This section contains: resolutions and policies adopted by the Ulster County Legislature and approved by the County Executive that provide for sustainable government fleet operations and guidelines for public use of EV charging stations.

# COUNTY OF ULSTER

P.O. BOX 1800  
KINGSTON, NEW YORK 12402

## DEPARTMENT OF THE ENVIRONMENT

17 Pearl Street, Kingston NY

Phone: 845-338-7287

Fax: 845-338-7682



AMANDA L. LAVALLE  
COORDINATOR

MARTIN J. REISINGER  
DEPUTY COORDINATOR

## MEMORANDUM

To: Alan Lomita, Chairman  
Way and Means Committee, Ulster County Legislature

CC: Brian Shapiro, Chairman  
Environmental Committee, Ulster County Legislature

From: Amanda LaValle and Marty Reisinger  
Ulster County Department of the Environment

Re: Guidance for fuel-efficient vehicle purchase

Date: 8/07/08

The Department of the Environment completed some brief research into your question about enhanced fuel-efficiency standards for vehicle purchase by the County. We unfortunately didn't find any definitive methodology referencing Federal CAFÉ (Corporate Average Fleet Efficiency) standards. However, we did find some useful information which we feel may be of help in the procurement process. In this memo, you will find our suggestions along with some background information. In addition, attached to this memo is a graph which represents the purchase prices and estimated five year fuel costs for vehicles available on state contract. We think that this visualizes the benefit of purchasing fuel efficient vehicles by considering the combined costs of fuel use along with initial purchase cost.

We hope that this information will be useful to you and the committee. Please call on us (338-7455; 340-3522) with any questions or concerns.

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### **Background Information on Fuel Efficiency Requirements-**

In 1975 the Federal government first established the Corporate Average Fuel Economy (CAFÉ) standards. Those standards doubled passenger car fuel economy average to an average of 27.5 mpg. The standards were reduced for Model Years '86 -'89 and increased back to 27.5 mpg for Model Year 1990 and have remained at this level since that time. The standard for light trucks was set at 22.2 mpg for model year 2007. New CAFÉ standards are set to increase fuel economy for both cars and light trucks to 35 mpg by 2020. We

did not find any reference to municipal or state government enacting their own fleet average standards as a way to increase fleet efficiency.

In New York State, Executive Order #111 was signed in June of 2001 and it sets standards for alternative fuel vehicle procurement for state government. NYS Executive Order #111 requires all state agencies, public benefit corporations and public authorities to assure that at least 50% of all new light-duty vehicles acquired shall be “alternative-fuel” vehicles by 2005. Alternative-fuel vehicle acquisitions are to increase by 10% annually through 2010, arriving at 100% of all vehicles purchased. Alternative-fuel vehicles, as defined, include Bi-fuel (CNG/ gasoline; propane/gasoline), Flex-fuel (ethanol/gasoline), hybrid (electric/gasoline), and licensed “Neighborhood Electric” vehicles. While not specifically required under E.O. #111, all other entities in NY State, e.g., county governments, are “encouraged” to also adopt these requirements.

### **EPA Green Vehicles Guide**

Securing specific vehicle purchases based on enhanced fuel efficiency and lowest emissions can be supported by referencing the US EPA Green Vehicle Guide. The actual website (<http://www.epa.gov/greenvehicles/Index.do>) is a useful tool that allows you to search the make, model and model year of all available vehicles and compare specific choices for fuel efficiency and lowest emissions profile - both important environmental criteria.

For your use, we included a spreadsheet that provides the green vehicle rating criteria for cars that are available on state contract. We referenced this spreadsheet to the current state bid lists for “Passenger Cars” and “Alternative Fuel Vehicles” issued by NYS, Office of General Services. You can review this spreadsheet to easily identify the best performing vehicles currently on state contract.

### **UC Department of the Environment Recommendations-**

In summation of our research, we would like to offer these general guidelines for procurement of vehicles.

#### 1- Explicitly consider fuel costs as part of the purchase costs

We realize it may not be economically feasible to purchase only hybrid vehicles or the most fuel efficient vehicles within a particular vehicle class. However, we suggest that in addition to the purchase cost of the vehicle the County consider the fuel costs of operating the vehicle over a five year period of time. We contend that the purchase cost *plus* the fuel cost for the vehicle more accurately reflects the costs to the County associated with a vehicle purchase. The bar chart attached to this memo illustrates this cumulative cost.

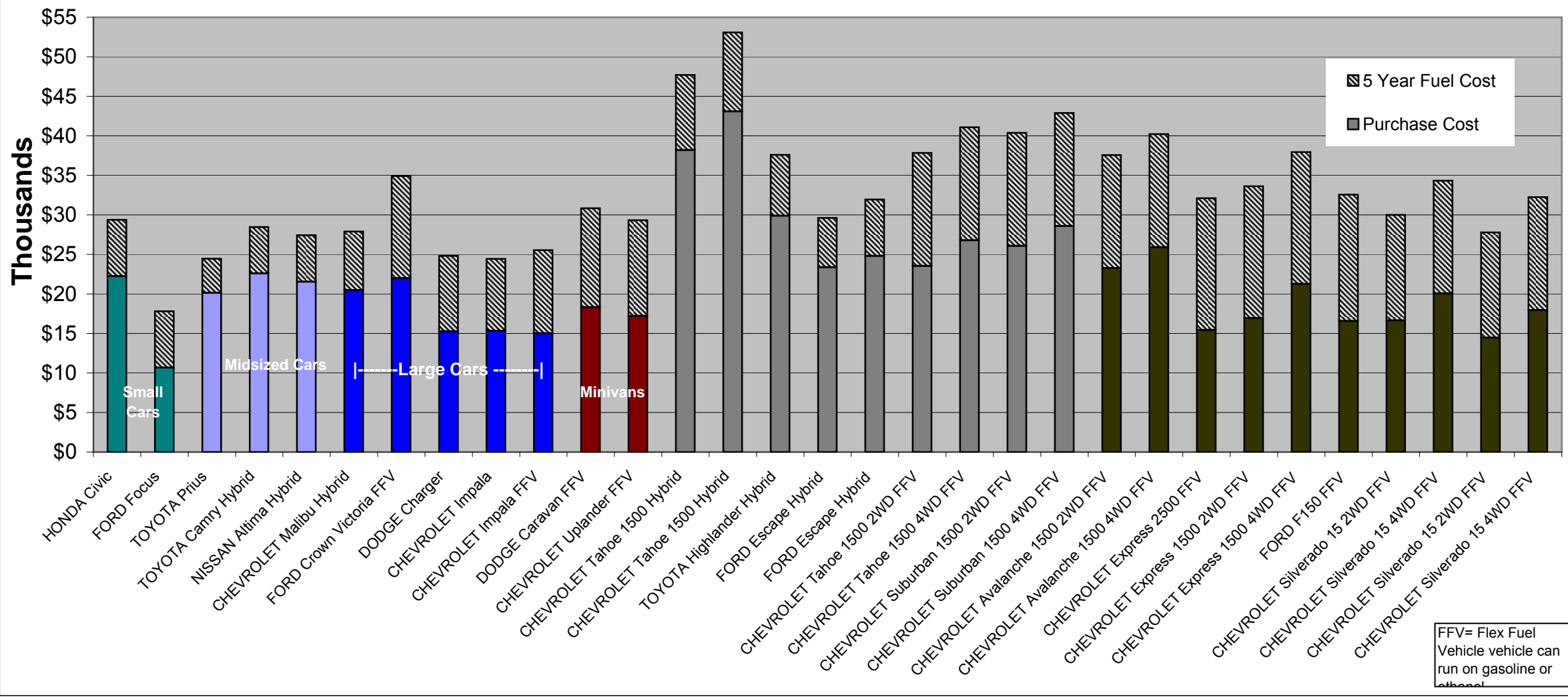
#### 2- Buy hybrid or highly fuel efficient vehicles when practicable

There are several vehicles on state contract which may be more costly to procure which actually cost less over a period of time due to increased fuel efficiency and decreased fuel costs. For example, if the County were to purchase an SUV, we would highly suggest the **Ford Escape Hybrid** be reviewed. In addition, for mid-sized cars we suggest the **Toyota Prius**. Both vehicles are cost effective, fuel efficient and produce low levels of emissions.

#### 3- Buy Flex-Fuel vehicles when available

Although the practicality and environmental benefit of ethanol fuels are highly debatable at this point in time, there are quite a few vehicles on the state contract list which are available in models which can run on gasoline or ethanol for no increase in purchase cost. When this is the case, we suggest buying the flex-fuel vehicle for the following reason 1) ethanol may become more widely available as a fuel source 2) alternative methods of ethanol production which have environmental benefits may be developed in the coming years. Purchase of flex fuel vehicles now would be a low to no cost way to position the County to take advantage of the economic and environmental advantages of alternative fuels in the future.

# Cost Comparison of Selected Vehicles Available on 2008 State Contract



## Model Year 2008 Green Vehicle Guide

Model	Veh Class	Cyl	Drive	Fuel	Air Pollution Score	City MPG	Hwy MPG	Cmb MPG	Greenhouse Gas Score	EPA SmartWay rated	NYS contract	2008 NYS Contract Price	5 yrs fuel at \$4/gal and 10K mpy	Purchase Cost + 5 yrs fuel
HONDA Civic	small car	(4 cyl)	2WD	CNG	9	24	36	28		yes	YES	\$22,246	\$7,143	\$29,389
<a href="#">FORD Focus</a>		(4 cyl)	2WD	Gasoline	9.5	24	33	28	8	yes	YES	\$10,673	\$7,143	<a href="#">\$17,815</a>
<a href="#">TOYOTA Prius</a>	midsize car	(4 cyl)	2WD	Gasoline	8	48	45	46	10	yes	YES	\$20,122	\$4,348	<a href="#">\$24,470</a>
TOYOTA Camry Hybrid		(4 cyl)	2WD	Gasoline	8	33	34	34	9	yes	YES	\$22,590	\$5,882	\$28,472
NISSAN Altima Hybrid		(4 cyl)	2WD	Gasoline	9.5	35	33	34	9	yes	YES	\$21,554	\$5,882	\$27,436
CHEVROLET Malibu Hybrid		(4 cyl)	2WD	Gasoline	6	24	32	27	8	yes	YES	\$20,478	\$7,407	\$27,886
FORD Crown Victoria FFV	large car	(8 cyl)	2WD	ethanol/gas	6/6	11/15	16/23	13/18	6/5	no	YES	\$22,009	\$12,903	\$34,912
DODGE Charger		(6 cyl)	2WD	Gasoline	6	18	26	21	6	no	YES	\$15,274	\$9,524	\$24,798
CHEVROLET Impala		(6 cyl)	2WD	Gasoline	6	18	29	22	6	no	YES	\$15,332	\$9,091	\$24,423
<a href="#">CHEVROLET Impala</a>		(6 cyl)	2WD	ethanol/gas	6/6	14/18	21/29	16/22	8/6	yes	YES	\$15,016	\$10,526	<a href="#">\$25,542</a>
DODGE Caravan	minivan	(6 cyl)	2WD	ethanol/gas	6/6	11/17	17/24	13/19	6/5	no	YES	\$18,334	\$12,500	\$30,834
CHEVROLET Uplander		(6 cyl)	2WD	ethanol/gas	6/6	12/16	17/23	14/19	7/5	yes	YES	\$17,204	\$12,121	\$29,326
CHEVROLET Tahoe 1500 Hybrid	SUV	(8 cyl)	2WD	Gasoline	6	21	22	21	6	no	YES	\$38,186	\$9,524	\$47,710
CHEVROLET Tahoe 1500 Hybrid		(8 cyl)	4WD	Gasoline	6	20	20	20	6	no	YES	\$43,069	\$10,000	\$53,069
TOYOTA Highlander Hybrid		(6 cyl)	4WD	Gasoline	8	27	25	26	8	yes	YES	\$29,899	\$7,692	\$37,591
<a href="#">FORD Escape Hybrid</a>		(4 cyl)	2WD	Gasoline	8	34	30	32	9	yes	YES	\$23,376	\$6,250	<a href="#">\$29,626</a>
<a href="#">FORD Escape Hybrid</a>		(4 cyl)	4WD	Gasoline	8	29	27	28	8	yes	YES	\$24,804	\$7,143	<a href="#">\$31,947</a>
CHEVROLET Tahoe 1500		(8 cyl)	2WD	ethanol/gas	7/7	11/14	15/20	12/16	6/4	yes	YES	\$23,546	\$14,286	\$37,832
CHEVROLET Tahoe 1500		(8 cyl)	4WD	ethanol/gas	7/7	11/14	14/19	12/16	6/4	yes	YES	\$26,794	\$14,286	\$41,080

## Model Year 2008 Green Vehicle Guide

Model	Veh Class	Cyl	Drive	Fuel	Air Pollution Score	City MPG	Hwy MPG	Cmb MPG	Greenhouse Gas Score	EPA SmartWay rated	NYS contract	2008 NYS Contract Price	5 yrs fuel at \$4/gal and 10K mpy	Purchase Cost + 5 yrs fuel
CHEVROLET Suburban 1500	SUV	(8 cyl)	2WD	ethanol/gas	7/7	11/14	15/20	12/16	6/4	yes	YES	\$26,085	\$14,286	\$40,371
CHEVROLET Suburban 1500		(8 cyl)	4WD	ethanol/gas	7/7	11/14	14/19	12/16	6/4	yes	YES	\$28,595	\$14,286	\$42,881
CHEVROLET Avalanche 1500		(8 cyl)	2WD	ethanol/gas	7/7	11/14	15/20	12/16	6/4	yes	YES	\$23,275	\$14,286	\$37,561
CHEVROLET Avalanche 1500		(8 cyl)	4WD	ethanol/gas	7/7	11/14	14/19	12/16	6/4	yes	YES	\$25,925	\$14,286	\$40,211
CHEVROLET Express 2500	van	(8 cyl)	2WD	ethanol/gas	6/6	9/12	12/16	10/14	4/2	no	YES	\$15,439	\$16,667	\$32,106
CHEVROLET Express 1500		(8 cyl)	2WD	ethanol/gas	6/6	9/12	12/16	10/14	4/2	no	YES	\$16,954	\$16,667	\$33,621
CHEVROLET Express 1500		(8 cyl)	4WD	ethanol/gas	6/6	9/12	12/16	10/14	4/2	no	YES	\$21,279	\$16,667	\$37,946
FORD F150 FFV	pickup	(8 cyl)	4WD	ethanol/gas	3/3	9/13	12/17	10/15	4/3	no	YES	\$16,305	\$16,000	\$32,305
FORD F150 FFV		(8 cyl)	4WD	ethanol/gas	6/6	9/13	12/17	10/15	4/3	no	YES	\$16,571	\$16,000	\$32,571
CHEVROLET Silverado 15		(8 cyl)	2WD	ethanol/gas	6/6	11/15	15/20	13/17	6/4	no	YES	\$16,654	\$13,333	\$29,988
CHEVROLET Silverado 15		(8 cyl)	4WD	ethanol/gas	6/6	11/14	14/19	12/16	6/4	no	YES	\$20,041	\$14,286	\$34,327
CHEVROLET Silverado 15		(8 cyl)	2WD	ethanol/gas	7/7	11/15	15/20	13/17	6/4	yes	YES	\$14,458	\$13,333	\$27,791
CHEVROLET Silverado 15		(8 cyl)	4WD	ethanol/gas	7/7	11/14	14/19	12/16	6/4	yes	YES	\$17,958	\$14,286	\$32,244
	Note- Vehicles in blue font are considered preferred environmental choices. Please see the EPA green vehicle guide <a href="http://www.epa.gov/greenvehicle/">http://www.epa.gov/greenvehicle/</a> for additional information on the EPA rating criterium and SmartWay designation													

## **Local Law No. 9 Of 2015**

### **County Of Ulster**

#### **A Local Law Establishing A Sustainable Green Fleet Policy**

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

##### **SECTION 1. LEGISLATIVE INTENT AND PURPOSE.**

The Ulster County Legislature finds that government must be innovative, efficient, and cost effective.

Ulster County recognizes that energy use associated with the operation of its motor vehicle fleets exacerbates local air quality problems and results in greenhouse gas emissions that contribute to global climate change. While the operation and maintenance of the County vehicle fleet is essential to the ability to provide a wide range of services to the public, the fleet represents a significant environmental and financial cost to Ulster County.

In 2012, the County's baseline year for its Greenhouse Gas (GHG) Inventory, the fleet consumed 201,000 gallons of gasoline and over 306,000 gallons of diesel fuel and was responsible for the emission of approximately 4,899 metric tons of CO<sub>2</sub> equivalent or approximately 35% of the County's total GHG emissions.

Energy costs represent a significant amount of spending for Ulster County government and Ulster County desires to continue in its leadership role in environmental stewardship. The County's energy costs totaled \$4,178,670 in fiscal year 2014 of which \$1,734,637 is vehicle energy costs.

Ulster County recognizes that its agencies and/or departments have a significant role to play in improving local air quality and reducing greenhouse gas emissions by improving the energy efficiency of its Fleet and reducing emissions from fleet operations.

Ulster County recognizes that improving the energy efficiency of its fleet can lead to significant long-term monetary savings.

Ulster County wishes to exercise its power as a participant in the marketplace to ensure that purchases and expenditures of public monies are made in a manner consistent with the policy of improving local air quality and reducing greenhouse gas emissions.

Ulster County wishes to establish a "Green Fleet" policy addressing the vehicles of the fleet under the control of the County in order to improve vehicle fuel efficiency and reduce greenhouse gas emissions.



**Local Law No. 9 Of 2015**

**County Of Ulster**

**A Local Law Establishing A Sustainable Green Fleet Policy**

A Green Fleet Policy involves a number of different steps to reduce emissions, decrease costs, and increase efficiency. These steps include:

- a. the downsizing of vehicles
- b. the optimization of vehicle use
- c. incorporate efficiency into bid specifications
- d. maximize vehicle efficiency through maintenance and operation
- e. the elimination of vehicles
- f. where possible encourage the use of transit systems, bike riding, walking, & telecommuting

Ulster County is committed to using electric, hybrid-electric, hybrid and sustainable green vehicles across the fleet. Any initiative to introduce alternative fuel technologies will consider the sustainability of the fuel including lifecycle energy and emissions, as well as the renewability of the fuel source.

Additionally Ulster County seeks to move toward zero emission vehicles by promoting the use of electric, hybrid-electric, hybrid, and sustainable green vehicles by residents and will do so by:

1. Giving priority to purchasing hybrid, hybrid-electric, and sustainable green vehicles; and
2. Installing electric vehicle charging stations at County-owned facilities.
3. Supporting initiatives and research which will lead to the further deployment of electric, hybrid-electric, hybrid, and sustainable green vehicles across the community.

**SECTION 2. DEFINITIONS.**

1. **“Green Vehicle”** refers to any vehicle that employs technology that reduces fuel consumption or emissions and shall include, but is not limited to, vehicles that have electric drive trains (EVs), hybrid-electric, and hybrid vehicles that use both a rechargeable energy storage system and combustible fuel (HVs).

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**A Local Law Establishing A Sustainable Green Fleet Policy**

2. **“Passenger Vehicle”** means any motor vehicle designed primarily for the transportation of persons and having a design capacity of twelve persons or less.
3. **“Light Duty Truck”** means any motor vehicle, with a manufacturer’s gross vehicle weight rating of 6,000 pounds or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.
4. **“Medium Duty Vehicle”** means any vehicle having a manufacturer’s gross vehicle weight rating of 14,000 pounds or less and which is not a light-duty truck or passenger vehicle.
5. **“Heavy Duty Vehicle”** means any motor vehicle, licensed for use on roadways, having a manufacturer’s gross vehicle weight rating greater than 14,000 pounds.

**SECTION 3. FLEET INVENTORY.**

1. In order to establish a baseline of data so that the "Green Fleet" policy can be established, implemented, and monitored, the Fleet Manager, in consultation with the Coordinator of the Department of Environment, shall develop an inventory and assessment of the fleet vehicles within each department or agency. This inventory shall include:
  - a. Number of vehicles classified by the model year, make, model, engine size, vehicle identification number (VIN), drivetrain type (2-wheel drive or 4-wheel drive), and the rated vehicle weight and classification (light-duty, medium-duty, heavy-duty);
  - b. Miles per gallon (or gallon equivalent) per vehicle;
  - c. Type of fuel (or power source, e.g., electricity) used;
  - d. Average cost per gallon (or gallon equivalent) of fuel;
  - e. Average fuel cost per mile;

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**County Of Ulster**

**A Local Law Establishing A Sustainable Green Fleet Policy**

- f. Annual miles driven per vehicle;
  - g. Total fuel (or power) consumption per vehicle;
  - h. Vehicle function (i.e., the tasks associated with the vehicle's use);
  - i. Estimated emissions per mile for each pollutant by vehicle type/class based on EPA tailpipe standards for the following: Carbon Monoxide (CO), Nitrogen Oxides (NOx), and Particulate Matter (PM).
  - j. Carbon Dioxide (CO<sub>2</sub>) calculations based on gallons (or gallon equivalent) of fuel consumed.
2. Once the Fleet Inventory from each department is submitted, an assessment on vehicular use will be performed by the Fleet Manager, in consultation with the Coordinator of the Department of Environment. The assessment will examine;
- a. vehicle needs;
  - b. the use of the smallest, most efficient vehicle to carry out necessary tasks; and
  - c. replacing existing vehicles with Green vehicles that will accomplish substantially the same tasks.

**SECTION 4. THE ULSTER COUNTY GREEN FLEET POLICY.**

It is the policy of Ulster County:

- 1. to purchase, lease, or otherwise obtain the most energy efficient and cost effective vehicles possible that meet the operational needs of the County.
- 2. to purchase vehicles that are appropriately sized for the purposes to which they are intended.

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**County Of Ulster**

**A Local Law Establishing A Sustainable Green Fleet Policy**

3. to manage and operate its fleet in a manner that is energy efficient and minimizes emissions.
4. that all County employees in Ulster County owned vehicles at any time, or in personal vehicles while on County property during work shifts, shall not allow a vehicle to be left to idle for any period of time greater than five minutes. This policy shall not apply during times of emergency response or for vehicles which require longer idling periods for equipment operations needs.

**SECTION 5. GREEN FLEET POLICY STRATEGIES.**

In order to accomplish the goals stated in Section 4 above, the following policies shall be implemented:

1. Include a minimum efficiency standard in miles per gallon (or gallon equivalent) for each vehicle class for which the County has a procurement specification for and include such a standard in any new vehicle procurement specification.
2. Include a minimum emissions standard for each vehicle class for which the County has a procurement specification for and include such a standard in any new vehicle procurement specifications.
3. Ensure a minimum of 5% of the fleet by 2020 are Green vehicles. Thereafter, annually, a minimum of 20% of passenger vehicles purchased, leased or otherwise obtained will be Green and Green vehicles that qualify in another vehicle weight class may, for the purposes of this requirement, qualify as a passenger vehicle on a one vehicle for one vehicle basis.
4. Review all vehicle procurement specifications and modify them as necessary to ensure that the specifications are written in a manner flexible enough to allow the purchase or lease of green vehicles.
5. Review every new vehicle purchase request and modify them as necessary to ensure that the vehicle class to which the requesting vehicle belongs is appropriate for the duty requirements that the vehicle will be called upon to perform.

## **Local Law No. 9 Of 2015**

### **County Of Ulster**

#### **A Local Law Establishing A Sustainable Green Fleet Policy**

6. Review the fleet inventory taken in Section 3 above to identify older vehicles that are used infrequently (or not at all), as well as those vehicles that are disproportionately inefficient, and schedule their elimination or replacement.
7. Implement a program that will train County employees to drive efficiently and utilize efficient operating techniques such as route optimization.
8. Reduce motor vehicle use by the utilization of fleet-management software, optimizing vehicle use, the selection of the right vehicle for the employees' tasks, and encourage transit use, bicycle riding, walking, and ride sharing and telecommuting where feasible.
9. Maximize efficiency of the vehicles by having them regularly maintained and checking tire pressure and keeping them aerodynamic (putting racks, ladders and tools on vehicle roofs only when necessary).
10. Procure and utilize Green vehicles when their use is appropriate to the application and a life-cycle cost analysis demonstrates the procurement and utilization of the vehicle to be economically feasible.
11. Purchase the right size vehicle for the job.
12. Keep apprised of the technological advances and product innovations for fleet vehicles such as, but is not limited to, the use of low rolling resistance tires and using nitrogen to inflate tires.

#### **SECTION 6. MONITORING OF THE GREEN FLEET POLICY.**

In order to determine whether the goals outlined in Section 4 above and the actions outlined in Section 5 above, have been reached, and/or whether or not they should be modified or amended, annually, on or before March 1<sup>st</sup> of each year, a report, prepared by the Coordinator of the Ulster County Department of the Environment, in conjunction with the Ulster County Fleet Manager and any other department of the County that the Coordinator of the Department of Environment may deem necessary, shall be filed with the County Executive and the Ulster County Legislative Standing Committee assigned with the Department of the Environment and any other Committee as determined by the Clerk of the Legislature.

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**A Local Law Establishing A Sustainable Green Fleet Policy**

The annual report shall include, but not be limited to:

- a. Information addressing the criteria of Sections 1, 3 and 5 above;
- b. Documentation of the fuel use and emissions associated with the ulster county fleet;
- c. An assessment of whether or not the goals set forth in the policy have been attainable; and if not, the reasons relevant;
- d. Recommendations regarding actions to be taken in order to meet the goals set forth in the Policy; and
- e. Recommendations as to specific changes or modifications to the Policy that would promote the goals of the Policy.

The Legislative Standing Committee(s) as designated, having reviewed the information and recommendations set forth in the annual report, shall, if it deems necessary, propose to the full Legislature any changes or modifications to this Policy.

**SECTION 7. WAIVER**

The County Executive may request a waiver of the purchase requirements of Section 5 of this Law by resolution of the County Legislature if he/she determines that such a waiver is in the best interest of the taxpayers and residents of Ulster County. No such waiver shall take effect unless such a resolution is deemed passed with a majority of the County Legislature voting in the affirmative.

**SECTION 8. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this regulation, or its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order of judgment shall be rendered.

**Local Law No. 9 Of 2015**

**County Of Ulster**

**A Local Law Establishing A Sustainable Green Fleet Policy**

**SECTION 9. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the New York State Secretary of State.

**Adopted by the County Legislature: August 18, 2015**

**Approved by the County Executive: September 17, 2015**

**Filed with New York State Department of State: September 28, 2015**

**Establishing A Policy For Use of Electric Vehicle Charging Stations  
On Ulster County Property**

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators R. Parete, Rodriguez, Ronk and Wawro), and The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Archer, Greene, Loughran, Roberts)

Legislators John Parete and Kenneth Ronk offer the following:

WHEREAS, to date, Ulster County has installed nine electric car charging stations at county facilities available for public use; and

WHEREAS, the decision to offer the electric free of charge to all non-commercial vehicles is still being vetted; and

WHEREAS, now that these electric vehicle charging stations are available for use by the County and the general public, the Ulster County Legislature has determined that it is responsible to establish a policy regulating the use of said electric vehicle charging stations; now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby establishes and adopts the “Ulster County Electric Vehicle Charging Station Policy” attached hereto as Exhibit A,

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 21              NOES: 1  
(Noes: Legislator Greene)  
(Legislator Briggs left at 7:46 PM)

Defeated in Committee: Public Works and Capital Projects on September 3, 2015

Petition to Discharge successfully executed on September 4, 2015

FINANCIAL IMPACT:  
NONE



**Resolution No. 332      September 15, 2015**

**Establishing A Policy For Use of Electric Vehicle Charging Stations  
On Ulster County Property**

Legislator Ronk motioned, seconded by Legislator Bartels, to strike Section II. B. of the Policy, and to amend Section II. A. of the Policy by striking the words “during the hours of 7:00 AM to 6:00 PM, Monday through Friday”, and replacing them with “for more than two hours.”

**MOTION ADOPTED BY THE FOLLOWING VOTE:**

**AYES:    21                      NOES:    1**  
**(Noes: Legislator Greene)**  
**(Legislator Briggs left at 7:46 PM)**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15<sup>th</sup> Day of September in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17<sup>th</sup> Day of September in the year Two Thousand and Fifteen.

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

Submitted to the County Executive this  
17<sup>th</sup> Day of September, 2015.

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

Returned unsigned by the County Executive and  
deemed adopted this 25<sup>th</sup> Day of September, 2015.

/unsigned/  
Michael P. Hein, County Executive

## **EXHIBIT A**

### **Ulster County Electric Vehicle Charging Station Policy**

#### **I. DEFINITIONS**

As used in this policy, the following terms shall have the meanings indicated:

“Electric Vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from an off-board source, that is stored on-board for motive purposes. “Electric Vehicle” includes:

- a. Any “battery electric vehicle”, defined as any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating;
- b. Any “plug-in hybrid electric vehicle (PHEV)”, defined as an electric vehicle that:
  - a. Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
  - b. Charges its battery primarily by connecting to the grid or other off-board electrical source;
  - c. May additionally be able to sustain batter charge using an on-board internal-combustion-driven generator; and
  - d. Has the ability to travel powered by electricity;
- c. Any “neighborhood electric vehicle”, defined as a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per house and conforms to federal regulations set forth in 49 CFR Section 571.500; and
- d. Any “medium-speed electric vehicle”, defined as a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR Section 571.500.

## Ulster County Electric Vehicle Charging Station Policy

“Electric Vehicle Charging Station” means a designated area that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle, and that is publicly owned and publicly available on Ulster County Real Property.

“Electric Vehicle Parking Space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle”.

### II. REGULATING THE USE OF DESIGNATED ELECTRIC VEHICLE CHARGING STATION PARKING SPACES

A. No person shall stop, stand, or park a vehicle other than an electric vehicle within any space marked or signed as reserved for “electric vehicle charging” ~~during the hours of 7:00 AM to 6:00 PM, Monday through Friday.~~ **for more than two hours.**

~~B. It is unlawful to park or permit to be parked any electric vehicle in a space marked as “electric vehicle charging”, if such electric vehicle is not in the process of charging.~~

C. Any fees charged to park in a non-designated electric vehicle charging spot located in a County-owned parking lot shall also apply to each electric vehicle charging parking spot. The County may also deem it appropriate to charge for use of the electric energy supplied at the charging stations.

D. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in the space.

### III. PENALTY

Unauthorized vehicles found in violation of this policy may be towed at the discretion of the County of Ulster. Any costs associated with towing an unauthorized vehicle shall be at the owner’s expense.

## **Ulster County Electric Vehicle Charging Station Policy**

### **IV. REPORTING**

On or before March 1<sup>st</sup> of each year, a usage report, prepared by the Coordinator of the Ulster County Department of the Environment, in conjunction with any other department of the County that the Coordinator of the Department of Environment may deem necessary, shall be filed with the County Executive and the Ulster County Legislative Standing Committee assigned with oversight of the Department of the Environment and any other Committee as determined by the Clerk of the Legislature.

This report shall include, but not be limited to, the number of users of the Ulster County electric charging stations, the amount of time each electric vehicle spent charging, and the cost associated with the electric use. These reports will be utilized to review the Ulster County Electric Vehicle Charging Station Policy annually. The Ulster County Legislature may implement charging use time limits if deemed necessary, or as recommended by the Ulster County Legislative Standing Committee assigned with oversight of the Department of the Environment.

## **Section Six: Natural Resources**

This section contains resolutions and local laws adopted by the Ulster County Legislature and approved by the County Executive that protect natural resources in Ulster County.

Referred to: The Public Works and Capital Projects Committee (Chairwoman Petit and Legislators Fabiano, Greene, Litts, and Nolan), and The Energy and Environment Committee (Chairwoman Greene and Legislators Eckert, Heppner, Wawro and Woltman)

Legislator Kathy Nolan and Legislators Archer, Bartels, Collins, Delaune, Donaldson, Eckert, Greene, Heppner, Joseph Maloney, Petit, and Rodriguez offer the following:

WHEREAS, Ulster County has a history of protecting our local environment, including open space, forest preserves, surface waters, and rare and endangered plants and animals; and

WHEREAS, the recent swift and dramatic global declines in insect populations highlights the degree to which humans are dependent upon pollinators in our gardens, crops, food chain and ecosystems, making it necessary to continue our commitment to their protection; and

WHEREAS, there are now eight (8) endangered species of bees in the United States, one of which, the Rusty Patched Bumblebee, was native to but now is no longer found in Ulster County; and

WHEREAS, recent data documents dramatic declines in insect populations in the United States and globally; and

WHEREAS, neonicotinoid pesticides are absorbed into the pollen and nectar of plants and can remain present for years, causing potentially lethal neurotoxic effects on visiting insects, especially bees; and

WHEREAS, insectivorous bird populations (birds relying on a diet of insects, other invertebrates, and worms) have declined as much as thirty-three percent (33%) since the 1970s, the most rapid drop in population in any bird group; and

WHEREAS, the flight range of our smallest pollinators may encompass individual lawns and gardens, with one single backyard being the entire world to some of our pollinating insects, giving each and every person the power to effect change to create a healthier and more sustainable future; and

WHEREAS, pollinators are critical to Ulster County's agriculture; and

WHEREAS, Ulster County, through Local Law No. 4 of 2004 “... Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster,” is committed to minimizing the use of toxic herbicides and insecticides; and

WHEREAS, Local Law No. 3 of 2006 imposes on residents and commercial businesses in Ulster County notification requirements prior to the use of certain pesticides; and

WHEREAS, introduction of carbon-sequestering grasses and plants can reduce Green House Gas emissions; and

WHEREAS, the Town of Olive is one of eight municipalities in New York State that have taken the National Wildlife Federation’s Municipal Monarch Pledge; and

WHEREAS, the National Wildlife Federation, the Xerces Society, and other organizations invite and encourage individuals, organizations, businesses, schools, universities, and municipalities to take pledges to promote pollinating plants and protect pollinators; and

WHEREAS, Ulster County has been a leader in working with partners in agriculture, wildlife, and conservation; now, therefore, be it

RESOLVED, that Ulster County is hereby declared a Pollinator Friendly County; and, be it further

RESOLVED, that Ulster County shall encourage and establish host plants and nectar plant species for local pollinators – bee species, butterflies, moths, and other flying insect species – along with carbon-sequestering grasses and other plants, in and along all County properties and parks; and, be it further

RESOLVED, that, where practicable, Ulster County shall take measures to restore and increase habitat to include native plants with succession blooming, aiming to establish or re-establish carbon-sequestering plants and plants providing pollen and nectar along County roads whenever such roads are reconstructed or repaved and shall avoid roadside mowing of areas designated to protect pollinating plants, except as necessary to maintain sightlines, preserve pavement, or protect road safety; and, be it further

RESOLVED, that Ulster County shall conduct an inventory of all pesticides it uses and make efforts to phase out the use of neonicotinoid pesticides in favor of lesser toxic methods as part of an Integrated Pest Management System promoting pollinator friendly practices; and, be it further

RESOLVED, that Ulster County will encourage municipalities within Ulster County to adopt practices that promote carbon sequestration and protection of pollinators; and, be it further

RESOLVED, that Ulster County will encourage local educators to teach about host and nectar plants and to promote the establishment of pollinator gardens at schools and throughout the community; and, be it further

RESOLVED, that Ulster County will encourage residents and gardeners to plant carbon-sequestering ground covers, along with pollinator host and nectar plants native to this region, and to avoid use of neonicotinoid insecticides; and, be it further

RESOLVED, that this Resolution shall take effect immediately; and, be it further

RESOLVED, that the Clerk of the County Legislature shall forward certified copies of this resolution to the appropriate County Officials,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 20                      NOES: 0  
(Absent: Legislators Collins, Delaune, and Fabiano)

Passed Committee: Public Works and Capital Projects as amended on September 4, 2019

Passed Committee: Energy and Environment on September 5, 2019

FINANCIAL IMPACT:  
NONE



STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17<sup>th</sup> Day of September in the year Two Thousand and Nineteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of September in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this  
19<sup>th</sup> Day of September, 2019.

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

Approved by the County Executive this  
25<sup>th</sup> Day of September, 2019.

/s/ Patrick K. Ryan  
Patrick K. Ryan, County Executive

## **Section Seven: Eliminating or Reducing Toxins and Pollutants**

This section contains: an Executive Order, resolutions and local laws adopted by the Ulster County Legislature and approved by the County Executive that provide for reducing the exposure of residents, visitors, employees, and the environment to potential toxins and pollutants.

## Local Law Number 3 Of 2006

### County Of Ulster

#### **A Local Law To Adopt Countywide Notification Requirements For Commercial And Residential Lawn Pesticide Applications**

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

**Section 1: Legislative Intent.** This Legislature finds that individuals and their personal property are, or can be, unwittingly exposed to pesticides applied on their neighbor's property from commercial and residential lawn applications. This Legislature further finds that pesticides may pose health and safety risks to people, particularly children, pregnant women, the elderly and people with infirmities. The intent of this local law is to provide information to county residents about certain pesticide applications to which they may be exposed, so that they can take steps to minimize such exposure to themselves, their families, pets, crops, livestock, backyard wildlife and property.

Accordingly, this Legislature hereby adopts the special notice requirements for commercial and residential lawn applications of pesticides as set forth in Section 33-1004 of the New York Environmental Conservation Law. It is intended that this local law be read and applied consistently with that section and all other applicable provisions of the Environmental Conservation Law and regulations promulgated thereunder.

This law shall be known as the Ulster County Neighbor Notification Law.

**Section 2: Definitions.** All terms used herein shall be as defined in Article 33 of the New York Environmental Conservation Law:

- a. "Abutting property" means any property which has any boundary or boundary point in common with the property on which the pesticide is to be applied.
- b. "Agency" means any state agency; municipal corporation; public authority; college, as that term is defined in the education law; railroad, as that term is defined in the railroad law; or telegraph, telephone, telegraph and telephone, pipeline, gas, electric, or gas and electric corporation as those terms are defined in the transportation corporations law, which applies pesticides.
- c. "Commercial lawn application" means the application of pesticide to ground, trees, or shrubs on public or private outdoor property. For the

**Local Law Number 3 Of 2006**

**County Of Ulster**

**A Local Law To Adopt Countywide Notification Requirements  
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purposes of this Local Law the following shall not be considered commercial lawn application:

- (1) the application of pesticide for the purpose of producing an agricultural commodity;
  - (2) residential application of pesticides;
  - (3) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
  - (4) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the environmental conservation law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and
  - (5) the application of pesticides on golf courses or turf farms.
- d. "Commissioner" means the Commissioner of the New York State Department of Environmental Conservation.
- e. "Dwelling" means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families.
- f. "General use pesticide" means a pesticide which does not meet the state criteria for a restricted pesticide as established under authority of section 33-0303 of the New York Environmental Conservation Law.
- g. "Multiple dwelling" means any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other.
- h. "Pesticide" means:
- (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
  - (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

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### County Of Ulster

#### **A Local Law To Adopt Countywide Notification Requirements For Commercial And Residential Lawn Pesticide Applications**

- i. "Premises" means land and improvements or appurtenances or any part thereof.
- j. "Residential lawn application" means the application of general use pesticides to ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purposes of this Local Law the following shall not be considered residential lawn application:
  - (1) the application of pesticides for the purpose of producing an agricultural commodity;
  - (2) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
  - (3) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and
  - (4) the application of pesticides on golf courses or turf farms.

**Section 3: Notification Requirements for Commercial and Residential Lawn Applications.** The provisions in this section are adopted in their entirety and without exception, pursuant to section 33-1004 of the New York environmental conservation law.

a. Retail Consumer Information Sign.

(1) All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner pursuant to subdivision one of section 33-1005 of the environmental conservation law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

Prior Notification of Commercial Lawn Applications.

(1) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply

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written notice, as defined in subdivision three of section 33-1005 of the environmental conservation law, to:

- A. occupants of all dwellings on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to
- B. owners, owners' agents, or other persons in a position of authority for all other types of premises that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner.

(2) Such prior notification provisions shall not apply to the following:

- A. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);
- B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;
- C. the use of non-volatile insect or rodent bait in a tamper resistant container;
- D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;
- E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;
- F. the use of boric acid and disodium octaborate tetrahydrate;

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- G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
- H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;
- I. the application of a pesticide by direct injection into a plant or the ground;
- J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;
- K. the application of a pesticide to the ground or turf of any cemetery; and
- L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the Commissioner of the New York State Department of Health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. Posting of Residential Lawn Applications.

- (1) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches

## Local Law Number 3 Of 2006

### County Of Ulster

#### **A Local Law To Adopt Countywide Notification Requirements For Commercial And Residential Lawn Pesticide Applications**

above the ground and shall be at least four inches by five inches in size.

- (2) Such markers shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

**Section 4: Enforcement.** Pursuant to section 33-1004 of the New York Environmental Conservation Law, the Ulster County Department of Health shall enforce the provisions of this local law administratively, provided that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in Section 5 of this law and shall be payable to and deposited with Ulster County.

#### **Section 5: Penalties.**

##### **a . Administrative Sanctions.**

- (1) A person providing a commercial lawn application who violates any provision of this local law shall be liable for a civil penalty not to exceed five thousand dollars for a first violation, and not to exceed ten thousand dollars for a subsequent offense.
- (2) An owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, who violates any rule or regulation pursuant to subdivision b(1)(B) of section 3 of this local law (Prior Notification of Commercial Lawn Applications), and a person who violates any provision of subdivision c of such section (Posting of Residential Lawn Applications), shall for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials prepared by the Commissioner pursuant to subdivision two of section 33-1005 of the New York Environmental Conservation Law. Such person shall, however, for a second violation, be liable for a civil penalty not to exceed one hundred dollars, and not to exceed two hundred fifty dollars for any



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subsequent violation.

(3) A person who violates the provisions of subdivision a of section 3 of this local law (Retail Consumer Information Sign) shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable for a civil penalty not to exceed one hundred dollars for a second violation, and not to exceed two hundred fifty dollars for a subsequent violation.

b. Criminal Sanctions for Persons Providing Commercial Lawn Applications.

(1) Any person providing a commercial lawn application and having the culpable mental states defined in subdivision one or two of section 15.05 of the New York Penal Law who violates any provision of this local law, except an offense relating to the application of a general use pesticide, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed ten thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

(2) Any person providing a commercial lawn application who violates any provision of this local law relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed twenty-five hundred dollars. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subdivision, punishment shall be a fine not to exceed five thousand dollars.

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**Section 6: Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 7: Effective Date and Filing.** This law shall take effect on the first day of January after it shall have been adopted and filed with the office of the Secretary of State.

Within twenty days after adoption of this law, the Clerk of the County Legislature shall forward one certified copy thereof to the Commissioner of the New York State Department of Environmental Conservation and one to the New York State Attorney General.

**Adopted: December 6, 2006**

## **Local Law No. 4 Of 2009**

### **County Of Ulster**

#### **A Local Law Requiring Non-Toxic Landscape Maintenance On Land Owned Or Leased By The County Of Ulster, With Exceptions And Waivers In Appropriate Circumstances**

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

##### **SECTION 1. NAME OF LOCAL LAW.**

This law shall be known as “The Ulster County Non-Toxic Landscape Maintenance Act.”

##### **SECTION 2. DEFINITIONS.**

For the purpose of this local law the following are defined as follows:

“Natural, Non-Toxic, Least Toxic or Biological Pesticide” shall mean a pesticide that is a naturally occurring substance or microorganism that controls pests in a non-toxic manner, or, if approved by the Department of the Environment or the Advisory Committee, the least toxic method possible.

“Integrated Pest Management” shall mean technique for agricultural disease and pest control in which as many pest control methods as possible are used in an ecologically harmonious manner to keep infestation within manageable limits.

“Non-toxic Pest Management (“NPM”)” shall mean a problem-solving strategy that prioritizes a natural, non-toxic approach to turf grass and landscape management without the use of toxic and synthetic pesticides. It mandates the use of natural, non-toxic, or, as a last resort with the Advisory Committee approval, least toxic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.

Essential NPM practices include, but are not limited to:

- regular soil testing;
- addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of the Northeast Organic Farmers’ Association Massachusetts and Connecticut Chapters Organic Land Care Program and/or the Organic Material Review Institute of Eugene, or;
- selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance;

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- using, with the Advisory Committee approval, the least toxic organic, or non-toxic non-organic, products as some organic products are toxic;
- modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- the use of physical controls, including hand-weeding and over-seeding;
- the use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and
- eliminating pest habitats and conditions supportive of pest population increases.

“Pest” shall mean (1) any insect, rodent, fungus, weed or (2) any other form of terrestrial or aquatic or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms ordinarily present on or in humans or living animals) which the commissioner of the New York State Department of Environmental Conservation declares to be a pest.

“Pesticide” shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and any substance or mixture of substances intended for use as a plant regulator, defoliator or desiccant. It shall include all pesticide products registered as such by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation, and all products for which experimental use permits and provisional registrations have been granted by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

“Toxic” shall mean any substance that is harmful to humans. It is recognized that, by their very nature, pesticides and herbicides are toxic to those pests they are designed to eliminate. Obviously, the concern of this local law is to limit pesticides’ toxicity to humans while preventing pests from multiplying and thereby endangering humans. A pesticides’ relative toxicity to humans is the

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standard that should govern the determination as to which pesticides should be utilized. Measures of relative toxicity have been determined by measuring their effect upon adult humans, who have greater mass and weights than children. Thus, children are at greater risk from exposures to even low levels of pesticides.

**SECTION 3. LEGISLATIVE INTENT.**

The County of Ulster agrees with the U.S. Environmental Protection Agency (EPA) that “all pesticides are toxic to some degree..., and the commonplace, widespread use of pesticides is both a major environmental problem and a public health issue.”

The County of Ulster recognizes that all residents, (particularly children), as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides in particular.

The County of Ulster recognizes that a balanced and healthy ecosystem is vital to the health of the town and its citizens; and as such is also in need of protection from exposure to hazardous chemicals and pesticides, in particular.

Furthermore, the County of Ulster recognizes that it is in the best interest of public health to eliminate the use of toxic pesticides on County-owned land; to encourage the reduction and elimination of the use of toxic pesticides on private property; and to introduce and promote natural, non-toxic, or as a last resort and with the Advisory Committee approval, least toxic management practices to prevent and, when necessary, control pest problems on County-owned and leased land.

Therefore, the County of Ulster seeks to implement non-toxic pest management (NPM) on County-owned and leased lands.

**SECTION 4. DECLARATION OF PHILOSOPHY AND PRINCIPLES.**

The County of Ulster hereby adopts the precautionary principle (as defined by the Wingspread statement) as the basis for its non-toxic pest management (NPM) policy. The precautionary principle states:

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“When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established.”

**SECTION 5. ENACTMENTS.**

The County of Ulster hereby adopts an NPM policy that mandates the following on all properties where the County is responsible to maintain the outside areas, including lawns and grassy areas:

1. that the use and application of toxic chemical pesticides, either by County of Ulster employees or by private contractors, for the purpose of turf and landscape maintenance, is prohibited on all lands maintained by the County of Ulster;
2. that, if toxic products must be used, based upon a waiver or exemption, then natural, least toxic turf and landscape cultural practices and maintenance shall be the method of choice to understand, prevent, and control potential pest problems;
3. that all control products used under the terms of this policy shall be in keeping with, but not limited to, those products on the approved list of the Northeast Organic Farming Association Connecticut and Massachusetts Chapters' Organic Land Care Program or approved by the Advisory Committee;
4. that County of Ulster employees who work with turf grass and the landscape receive education and training in natural, least toxic turf and landscape management to be coordinated by the Advisory Committee, if, in its opinion and discretion, such training is necessary;
5. that a listing of all County-maintained lands affected by this policy be made available to the public by posting a list on the County website.

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**SECTION 6. ADVISORY COMMITTEE ON NON-TOXIC PEST MANAGEMENT.**

1. An Advisory Committee on Non-toxic Pest Management will be formed with the following members: Commissioner of Public Works or designee, Coordinator of the Department of the Environment or designee, Executive Director of the Soil and Water Conservation District or designee, Director of Cornell Cooperative Extension or designee, and the Chairman of the Environmental Management Council or designee.

The Advisory Committee will oversee and assist in the implementation of the NPM policy, to develop an NPM program consistent with this local law, and to advise the Chairperson of the Ulster County Legislature's Committee responsible for environmental issues of any problems encountered or amendments required to achieve the full and successful implementation of this policy.

2. The Advisory Committee shall seek the participation, advice, and counsel of experts in the fields of non-toxic turf and landscape management and NPM protocol. Broad community participation, including parents, schools, advocates, and local landscaping businesses shall be encouraged on a non-voting basis.

3. Any decision by the Advisory Committee, pursuant to this local law shall be by majority vote of the entire committee membership, and not merely a majority or those present and voting.

**SECTION 7. EXEMPTIONS.**

All turf and landscape pest management activities taking place on land maintained by the County of Ulster land shall be subject to this local law, except as follows:

1. Pesticides or classes of pesticides classified by the United States environmental protection agency as not requiring regulation under the federal insecticide, fungicide and rodenticide act under 40 CFR § 152.25, and therefore exempt from such regulation when intended for use, and used only in the manner specified.

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2. Biological pesticides, such as bacillus thuringiensis or milky spore, that are not genetically modified.
3. Pesticides in contained baits for the purpose of rodent control.
4. Poison ivy and poison oak that constitutes a health hazard.
5. Tick control.
6. Any property, or categories of properties, as recommended from time to time by the Ulster County coordinator of environmental resources and approved by the Ulster County Legislature by mere resolution.

**SECTION 8. WAIVERS.**

1. Any County agency or contractor may apply to the Advisory Committee for a single-use waiver of the restrictions established pursuant to this local law. Such application shall be in a form and manner prescribed by the Advisory Committee and shall contain such information as the committee deems reasonable and necessary to determine whether such waiver should be granted. The Advisory Committee may grant such waivers by a majority vote of the voting membership, not merely a majority of those present and voting. In determining whether to grant or deny a request for a waiver, the Advisory Committee shall consider (i) the magnitude of the infestation, (ii) whether the pest situation poses an immediate threat to public health, property, or the environment (iii) the availability of effective alternatives consistent with this local law, and (iv) the likelihood of exposure of humans to the pesticide.

No waiver shall be approved unless the following conditions have been met: (i) Any pesticide used of all available choices must have the least acute and chronic toxic effect on human health or safety; and, (ii) The applicant must submit a plan demonstrating how underlying causes of the pest outbreak will be addressed in a manner consistent with this local law to prevent future outbreaks.



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2. If a pest situation poses an immediate threat to human health and warrants the use of pesticides that would otherwise not be permitted under this local law, the Ulster County Commissioner of Health or Public Health Director shall have the authority to grant a temporary emergency waiver for a period of thirty days. Notice of the waiver request shall be given to the Advisory Committee for advice on resolving the problem without the use of pesticides. The Commissioner or Public Health Director may extend the waiver for one additional period not to exceed six months. Nothing in this waiver provision prohibits the County of Ulster from adopting additional waivers via resolution for as long as the condition exists.

Any County Department using a pesticide under such a waiver must comply with all applicable federal and state laws regarding pesticide use and the Ulster County pesticide neighbor notification law.

**SECTION 9. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**SECTION 10. EFFECTIVE DATE.**

This local law shall take effect immediately upon filing with the New York State Secretary of State.

**Adopted by the County Legislature: June 10, 2009**

**Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas**

Legislators Zimet, Petit, Aiello, Bernardo, Gregorious and Madsen and Co-Sponsors: Legislators Briggs, Donaldson, Hochberg, Lomita, Loughran, Richard Parete, Robert Parete, Provenzano, Rodriguez, Shapiro, Sheeley and Stoeckeler offer the following:

WHEREAS, it is increasingly clear that drilling for natural gas using slick-water hydraulic-fracturing (hydrofracking) may have severe adverse impacts on communities and the environment, and

WHEREAS, the process of pumping chemicals under intense pressure into an underground shale formation to release gas for extraction may contaminate drinking water supplies, including the New York City system in the Catskills, and

WHEREAS, such activity would undoubtedly place added stress on species that may increasingly come under stress from the impacts of climate change, and

WHEREAS, past Governor David A. Paterson had issued Executive Order 41 - Requiring Further Environmental Review of High Volume Hydraulic Fracturing in the Marcellus Shale directing the Department of Environmental Conservation (DEC) to conduct further comprehensive review and analysis of high-volume horizontal hydraulic fracturing in the Marcellus Shale thereby requiring that high-volume, horizontal hydraulic fracturing would not be permitted until July 1, 2011, at the earliest, and

WHEREAS, Executive Order No. 41 does not include low volume vertical hydraulic fracturing which allows 16 wells for every single horizontal well, and utilizes similar toxic compounds to extract gases, and

WHEREAS, similar extraction practices in a township in Susquehannah County, Pennsylvania, contaminated the drinking water supply and subsequent litigation and a settlement of 4.1 million dollars was awarded to the residents, and

WHEREAS any economic boost to the state's economy from development and sale of natural gas from Marcellus Shale is short term at best, and will foreclose the long-term economic benefit to the county of tourism and agriculture, and

WHEREAS, the Ulster County Legislature adopted Resolution 378 - County of Ulster Energy Policy on December 10, 2008, which included minimizing greenhouse gas emissions, that would be impossible to meet if natural gas drilling occurred on County-owned land, and

Resolution No. 74 March 15, 2011

**Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas**

WHEREAS, improving and protecting the quality of life, Open Space and Waterways concluded that increased energy conservation and use of renewable energy are important ways to avert the most catastrophic impacts of climate change, now, therefore, be it

RESOLVED, that Ulster County will not lease any county-owned lands, including but not limited to County park lands, for high-volume, **chemical** slick-water hydraulic-fracturing to extract natural gas, and be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senate Majority Leader Dean G. Skelos, Senate Minority Leader John L. Sampson, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian M. Kolb, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez and Thomas Kirwan, New York State Department of Environmental Conservation Acting Commissioner Joseph Martens, and the New York State Association of Counties,

and move its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0  
(Absent: Legislators Felicello and Shapiro)

Legislator Zimet motioned, seconded by Legislator Madsen to amend the resolution adding the word “chemical” to the title and the first “RESOLVED” and adding New York State Assemblyman Cahill to the second “RESOLVED”.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0  
(Absent: Legislators Felicello and Shapiro)

Resolution No. 74 March 15, 2011

**Prohibiting The Leasing Of Any County-Owned Lands, Including But Not Limited To County Parks For High-Volume Chemical Slick-Water Hydraulic-Fracturing To Extract Natural Gas**

FINANCIAL IMPACT:  
NONE

0301

STATE OF NEW YORK  
ss:  
COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 15<sup>th</sup> day of March, 2011, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of March in the year Two Thousand and Eleven.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
18<sup>th</sup> Day of March, 2011.

/s/ Karen L. Binder  
Karen L. Binder, Clerk  
Ulster County Legislature

Approved by the County Executive this  
22<sup>nd</sup> Day of March, 2011.

/s/ Michael P. Hein  
Michael P. Hein, County Executive



**MICHAEL P. HEIN  
COUNTY EXECUTIVE  
COUNTY OF ULSTER**

**EXECUTIVE ORDER NO. 1-2012**

**Banning The Purchase And/Or Use Of Liquid Waste Product  
From Hydraulic Fracturing Operations**

WHEREAS, as Ulster County Executive, I, Michael P. Hein, acknowledge the inherent dangers and potentially adverse environmental impacts present in the natural gas mining process known as hydraulic fracturing; and

WHEREAS, as Ulster County Executive, I, Michael P. Hein, am committed to protecting the health, safety and welfare of the citizens of Ulster County by preventing all residents from having contact with hydrofracking waste fluid/brine; and

WHEREAS, the fluid used in the hydraulic fracturing process is an insidious mixture of chemicals, including known carcinogens; and

WHEREAS, the hydraulic fracturing process creates a liquid waste product known as hydrofracking waste fluid/brine which may contain the same dangerous mixture of chemicals as the production brine; and

WHEREAS, the County of Ulster does not use hydrofracking waste fluid/brine, including but not limited to, the byproduct of the process known as hydraulic fracturing in any matter whatsoever;

NOW, THEREFORE, I, MICHAEL P. HEIN, as County Executive of the County of Ulster, do hereby direct and order as follows:

1. No County department, agency or unit, including the Department of Public Works, shall solicit, procure or use, or cause to be solicited, procured or used on its behalf, any amount of hydrofracking waste fluid/brine.

2. No County-owned property, including highways and roads, shall be subject to the application of hydrofracking waste fluid/brine. This includes properties leased by the County to any municipality or entity, or any highways or roads that are maintained by any municipality under the County's shared services program.
3. For the purposes of this Executive Order, hydrofracking waste fluid/brine shall include, but not be limited to, the byproduct of the process known as hydraulic fracturing.

This Executive Order shall take effect immediately and shall remain in full force and effect until otherwise superseded or revoked.

The County of Ulster  
By:

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Michael P. Hein  
County Executive

Dated: April 12, 2012  
Kingston, New York

## **Local Law Number 6 Of 2012**

### **County Of Ulster**

#### **A Local Law Of The County Of Ulster, New York Known As The “Hydraulic Fracturing Brine Prohibition Act”**

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

A new Chapter, Chapter 306 is added to the Code of the County of Ulster to read as follows.

##### **§306-1**

Title. This Local Law shall be known by and may be cited as the “Hydraulic Fracturing Brine Prohibition Act”.

##### **§306-2**

Definitions. As used in this Chapter, the following terms shall have the following meanings:

“Application” shall mean the physical act of placing Brine on one or more County roads or one or more pieces of County property. Each physical act shall be deemed separate when the person committing the act stopping for any reason the placement of the Brine for any purpose, including but not limited to stopping a vehicle used in the placement of the Brine, stopping work for any reason, re-loading or replacing any material or equipment necessary to apply the brine.

“Brine” shall mean: (a) production brine; or (b) produced waters; or (c) flowback; or (d) flowback fluids; or (e), hydraulic fracturing fluid, any or all, which are generated as a result of drilling for, or seeking gas in wells including but not limited to High Volume Hydraulic Fracturing, as defined herein.

“Commissioner” shall mean: The Commissioner of the Department of Public Works except for the use of the word “commissioner” in Section 306-5 may mean any other commissioner designated by the County Executive or may mean the Commissioner of Public Works as determined by the County Executive.

“Flowback” shall mean liquids and solids produced during initial completion and clean-up of the well or clean-up of a well following a re-fracture or workover.

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“Flowback fluids” shall mean liquids produced following drilling and initial completion and clean-up of the well or clean-up of a well following a re-fracture of workover.

“High Volume Hydraulic Fracturing” shall mean a natural gas well stimulation technique consisting of the injection into the earth of a water and chemical mix with the intent of increasing the ability to extract natural gas from very tight rock.”

“Hydraulic fracturing fluid” shall mean fluid used to perform hydraulic fracturing and includes the primary carrier fluid and all applicable additives.

“Municipality” shall mean the County of Ulster

“Production brine or produced waters” shall mean liquids co-produced during oil and gas production.

“Property” shall mean real property, improved or otherwise, which the County of Ulster owns or controls.

“Roads” shall mean public roads, streets, or bridges owned or controlled by the municipality.

§306-3

Use of Brine prohibited. No Brine shall be applied to or placed upon property or roads of the municipality. In any bid for materials, services, or equipment which relate to property maintenance or road improvements or road construction, the municipality in a bid specification or bid document describing the nature of the services or equipment sought, and any agency or division of the municipality, shall expressly state in capitalized, bold font, “THE PLACEMENT OF BRINE ON ANY ROAD OR PROPERTY OF THE COUNTY OF ULSTER IS UNLAWFUL. ANY BIDDER SHALL FILE A SWORN STATEMENT WITH THEIR BID THAT NO BRINE AS DEFINED BY LOCAL LAW OF THE MUNICIPALITY WILL BE SOLD TO THE MUNICIPALITY AS PART OF THE BID, OR UTILIZED ON OR PLACED ON ANY

PROPERTY OR ROAD OF THE COUNTY OF ULSTER. BIDDERS ARE DIRECTED TO CHAPTER 306 OF THE LAWS OF THE COUNTY OF ULSTER FOR THE DEFINITION OF BRINE.”



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**A Local Law Of The County Of Ulster, New York Known As The  
“Hydraulic Fracturing Brine Prohibition Act”**

§306-4

Statement to be included in Bid. The Statement provided for in §306-3, which shall be a sworn statement under penalty of perjury, shall read substantially as follows:

“We, \_\_\_\_\_ hereby submit a bid for materials, equipment, or labor for the \_\_\_\_\_ of \_\_\_\_\_. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no Brine will be used by the undersigned bidder or any contractor, sub-contractor, agent, or vendor thereof in connection with the bid; nor will the undersigned Bidder or any sub-contractor, agent, or vendor thereof and/or therefor apply or supply any Brine to any property or road(s) of the County of Ulster as a result of the submittal of this bid if selected.” The Statement shall otherwise be sworn to under penalty of perjury in a form satisfactory to the County Attorney.

§306-5

Duty of Employees to be Familiar with this Chapter. The County Executive or, at the County Executive’s option, a department head or a commissioner of any Department appointed by the County Executive is authorized to develop policies to ensure county employees are familiar with this Chapter and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this Law. This shall not excuse non-compliance by a contractor or vendor of the County.

§306-6

Penalties for Violations.

- A. Breach of Contract. A violation of the provisions of this Chapter shall be deemed a breach of contract and shall authorize the Director of Purchasing in cooperation with the County Attorney and any other officer or employee of the County deemed necessary by the County Attorney, commence a civil Breach of Contract action against the violator of the provisions of this Chapter. Damages sought shall be determined by the County Attorney but may include, but shall not be

**Local Law Number 6 Of 2012**

**County Of Ulster**

**A Local Law Of The County Of Ulster, New York Known As The  
“Hydraulic Fracturing Brine Prohibition Act”**

limited to the cost of any consequential damages of the breach of contract. In addition, a determination by the Director of Purchasing that the contract was awarded through shall make a finding that the Contractor was not a responsible bidder and shall cause notice of such irresponsibility to be circulated in a form approved by the County Attorney to each other County in New York State. The County Attorney is further authorized to commence any necessary action to enjoin any violation of this Chapter he or she believes to be occurring.

- B. Criminal Penalties. In addition to prosecution for Perjury as determined by the District Attorney, any person who violates this article shall be guilty of an unclassified misdemeanor and subject to a fine not to exceed \$25,000.00 per violation and/or up to fifteen days' imprisonment. Each application of brine shall constitute a separate and distinct violation.

§306-7. Separability. If any sentence, clause, paragraph, subdivision, subparagraph, part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to other persons or circumstances and the Legislature hereby declares that it would have enacted this article or the remainder thereof had the invalidity of such provision or application thereof been apparent.

§306-8

Effective Date. This act shall take effect 30 days after it shall have been filed with the Secretary of State.

Final Revision(8)  
5.3.12

**Establishing A County Policy Requiring The Posting of Information  
On the County Website to Assist Ulster County Municipalities To  
Enact Local Ordinances Prohibiting Hydraulic Fracturing**

Referred to: The Environmental, Energy and Technology Committee (Chairman Belfiglio and Legislators Lopez, Ronk, Wawro, Bartels, John Parete and Wishnick) offer the following:

Legislator Robert Aiello offers the following:

WHEREAS, there are a number of companies that are interested in drilling and hydraulic fracturing, commonly known as “fracking,” for natural gas in the Marcellus Shale formation in New York State; and

WHEREAS, fracking could endanger private wells and municipal aquifers by contaminating these water supplies; and

WHEREAS, this danger has given municipalities a reason to ban fracking within their borders through zoning laws; and

WHEREAS, the ban on fracking is a matter of Home Rule and can only be done by a village, town, or city; and

WHEREAS, there were two recent New York Supreme Court decisions that upheld local laws that banned fracking; and

WHEREAS, the Ulster County Legislature desires to assist municipalities in their pursuit to ban fracking; and

WHEREAS, the Ulster County Legislature does not support the practice of hydraulic fracturing; now, therefore, be it

RESOLVED, that the policy of Ulster County shall be that links to resources on the regulations or prohibition of hydraulic fracturing be posted prominently on the County website; and

RESOLVED, upon posting of the links, the Clerk of the Legislature will provide appropriate municipal notification;

and moves its adoption.

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**Establishing An Environmental Remediation Fund**

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators Richard Parete, Rodriguez, Ronk, and Wawro), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio and Maloney, and Richard Parete)

Legislator John Parete offers the following:

WHEREAS, Ulster County is concerned about a number of active and abandoned parcels that are encumbered by the presence of known environmental contamination; and

WHEREAS, often these parcels get abandoned to taxes, forcing the county to either remediate the sites and/or to remove them from a taxable status and defer formal foreclosure, thereby placing these parcels into a non-taxable and non-responsible status; and

WHEREAS, remediation can prove to be an expensive proposition both fiscally and in terms of investment of staff time, and such costs are typically borne by the County in advance of any cost recovery; and

WHEREAS, there are other environmental initiatives that the Ulster County Legislature may choose to engage in with uncertain costs from time-to-time, such as the proposed pilot program for alternative fuel and greening of the Ulster County fleet; now therefore be it-

RESOLVED that an amount, not to exceed \$100,000, shall be appropriated in the 2016 budget for the evaluation and possible remediation of the properties identified in the County's annual tax foreclosure process, and such funds shall be expended in accordance with the policy set forth in Resolution 43A of the Resolutions of 2015,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 1  
(Noes: Legislator Briggs)  
(Absent: Legislator Wishnick)

**Resolution No. 42      April 21, 2015**

**Establishing An Environmental Remediation Fund**

Postponed in Committee: Energy and Environment on February 4, 2015

Passed Committee: Energy and Environment on March 4, 2015

Passed Committee: Ways and Means as amended on March 17, 2015

Referred back to the Ways and Means Committee at Legislative Session on March 17, 2015

Passed Committee: Ways and Means as amended on April 15, 2015

FINANCIAL IMPACT:  
NONE

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 21<sup>st</sup> Day of April in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 23<sup>rd</sup> Day of April in the year Two Thousand and Fifteen.

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

Submitted to the County Executive this  
23<sup>rd</sup> Day of April, 2015.

Approved by the County Executive this  
28<sup>th</sup> Day of April, 2015.

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

/s/ Michael P. Hein  
Michael P. Hein, County Executive

**Establishing Policy For Use Of The Environmental Remediation Fund**

Referred to: The Energy and Environment Committee (Chairman Loughran and Legislators Richard Parete, Rodriguez, Ronk, and Wawro), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio and Maloney, and Richard Parete)

Legislator John Parete offers the following:

WHEREAS, Resolution No. 42 established an Environmental Remediation Fund; and

WHEREAS, a policy is required to ensure the proper use of this fund; and

WHEREAS, this fund was established with a goal of returning qualifying environmentally blighted property in Ulster County to a useful status within a reasonable timeframe; now, therefore be it,

RESOLVED that the Ulster County Legislature hereby adopts the following policies regarding the use of the Fund:

1. The purpose of the fund is to pay for the evaluation and/or remediation of properties identified in the County's annual tax foreclosure process as having, or potentially having environmental problems.
2. The Legislature hereby recommends that a list of at least ten parcels to evaluate and remediate will be created and maintained using the following criteria and considerations:
  - a. property which has already been evaluated/studied;
  - b. property which can be more easily remediated, or which may involve limited environmental problems;
  - c. parcels which have large market value;
  - d. ongoing businesses which are not paying taxes and are not being foreclosed on due to environmental concerns;
  - e. property which has had interest in purchase expressed and/or has high potential for redevelopment and reuse.
3. The Legislature hereby recommends that an Environmental Site Review of these parcels will be conducted. This review will involve the preparation of a data report listing information sources and findings, site features and conditions observed during the visual inspection, and conclusions regarding the potential or confirmed existence of recognized environmental conditions that warrant further investigation and/or remediation. Recommendations for further site investigation or remediation, if necessary, will be included. It is anticipated that the County, in

**Resolution No. 43A      April 21, 2015**

**Establishing Policy For Use Of The Environmental Remediation Fund**

its tax foreclosure process, may request County Court to grant "temporary incident of ownership" to gain access to the property for remedial investigation.

4. The Legislature recommends that in cases involving parcels which have been remediated by NYS Department of Environmental Conservation or the New York State Environmental Protection and Spill Compensation Fund, the County will negotiate with the State to permit its tax foreclosure process to continue, by seeking the removal of any environmental liens covering State cleanup costs.

5. The Legislature hereby recommends that parcels be selected for evaluation and remediation, using the criteria and considerations defined above, by a team that includes the Chairman of the Energy and Environment Committee, the Chairman of the Ways and Means Committee, the Commissioner of Finance, the Director of the County Planning Department, and Director of the Department of the Environment and the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Wishnick)

Postponed in Committee: Energy and Environment on February 4, 2015

Passed Committee: Energy and Environment as amended on March 4, 2015

Passed Committee: Ways and Means on March 17, 2015

Referred back to the Ways and Means Committee at Legislative Session on March 17, 2015

Passed Committee: Ways and Means as amended on April 15, 2015

FINANCIAL IMPACT:  
NONE



**Resolution No. 43A      April 21, 2015**

**Establishing Policy For Use Of The Environmental Remediation Fund**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 21<sup>st</sup> Day of April in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 23<sup>rd</sup> Day of April in the year Two Thousand and Fifteen.

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

Submitted to the County Executive this  
23<sup>rd</sup> Day of April, 2015.

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

Approved by the County Executive this  
28<sup>th</sup> Day of April, 2015.

/s/ Michael P. Hein  
Michael P. Hein, County Executive

## **Section Eight: Solid Waste Management and Recycling**

This section contains: resolutions and local laws adopted by the Ulster County Legislature and approved by the County Executive that provide for mandatory source separation and recycling as well as continuous improvement of the County's solid waste management regulations. The section also contains local laws regulating the use of certain single-use plastic items within Ulster County.

## **Local Law Number 4 Of 2010**

### **County Of Ulster**

#### **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.**

**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.**

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

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.

**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**

**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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**County Of Ulster**

**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**

- (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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**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**

**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 or colored glass bottles, jars, and jugs, 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 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 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 includes discarded items used in the handling of pharmaceuticals, such 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 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. Execute 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 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 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. 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.

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- (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 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.



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(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 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.



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(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; and
- (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, 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 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 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 discovery, 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 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

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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 inquiries 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.

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(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 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;

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- (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. 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**

**Approved by the County Executive: October 6, 2010**

# **Local Law Number 10 of 2012**

## **County of Ulster**

### **A Local Law Amending Local Law Number 9 of 1991, Ulster County Solid Waste Management Law**

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

#### **ULSTER COUNTY SOLID WASTE MANAGEMENT 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.     Hauler Licensing Requirements**
- Section 8.     Revocation or Denial of Licenses**
- Section 9.     Flow Control**
- Section 10.    Priority**
- Section 11.    Severability.**
- Section 12.    Effective Date**

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**A Local Law Amending Local Law Number 9 of 1991, Ulster County Solid Waste Management Law**

**Section 1. Short Title.**

This local law shall be known as the “Ulster County Solid Waste Management Law”

**Section 2. Findings and Legislative Purpose**

The Ulster County Legislature finds that:

- (a) In 1991, the County of Ulster and the Ulster County Resource Recovery Agency (hereinafter the Agency) prepared a Local Solid Waste Management Plan pursuant to the provisions of Environmental Conservation Law §27-0106 and §27-0107 in order to define the County’s policies with respect to solid waste management. It is the policy of the County, in accordance with the solid waste management policies of the State of New York, to reduce the amount of solid waste generated; reuse material for the purpose for which it was originally intend or recycle material that cannot be reused; recover energy from solid waste that cannot be economically or technically reused or recycled; and dispose of solid waste that is not being reused, recycled or from which energy is not being recovered by land burial or other means approved by law. This local law is intended to advance and support the policies expressed in the Local Solid Waste Management Plan.
- (b) The Agency’s mission is to provide an efficient, economical and environmentally sound solid waste management system in and for the County of Ulster. The Agency strives to carry out the principles of New York’s solid waste hierarchy in its work, emphasizing reuse of materials, reduction of Municipal Solid Waste (MSW), and the carrying out of an effective and user friendly recycling program, with landfill disposal of MSW that cannot be reused, reduced or recycled. The Agency also provides a pilot organics composting project, and holds Household Hazardous Waste and Electronics recycling events for the residents of the County. Municipal drop off centers for disposal of solid waste and recycling developed by the Agency offer County residents a convenient alternative to private collection contracts. The Agency routinely negotiates contracts with area solid waste collection firms for disposal of MSW at its two conveniently placed transfer stations, and long



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hauls through private contractors the processed waste to permitted landfills in New York State.

- (c) Together with the preparation of the Local Solid Waste Management Plan, the County adopted Local Law Number 8 of 1991 (the Ulster County Mandatory Source Separation and Recycling Law) and Local Law Number 9 of 1991 (the Ulster County Solid Waste Management Law) with the intent that the provisions of each law should complement the other in the management of solid waste and recyclables collection and disposal in the County.
- (d) Section 4 of Local Law Number 9 of 1991 provided for the restriction of competition in solid waste disposal to the extent that waste generated or brought within the County of Ulster could be directed to a solid waste facility designated by the Agency, as authorized by Public Authorities Law § 2050-t(3). Enforcement of section 4 of Local Law Number 9 of 1991 was suspended following judicial decisions calling similar provisions in the laws of other communities into question on constitutional grounds. In 2007, the United States Supreme Court affirmed the power of local government to direct the flow of solid waste and recyclables to public facilities, and this amendment to Local Law Number 9 of 1991 is adopted to advance the goals of the Ulster County Local Solid Waste Management Plan in a manner conforming to the standards established by the Court.
- (e) Local Law Number 8 of 1991 (the Ulster County Mandatory Source Separation and Recycling Law) has been amended on two occasions: by Local Law No. 8 of 2007 and Local Law No 4 of 2010. The most recent amendment set forth in Local Law No 4 of 2010 sets forth Findings and Legislative Purposes with respect to County policy on recycling and solid waste management which the Legislature hereby re-affirms and adopts as additional Findings and Purposes for this amendment.
- (f) In addition, the Legislature finds that the establishment of a requirement for an occupational license for persons engaged in the collection of solid waste and recyclables in Ulster County, together with the re-institution of flow control over the disposal of solid waste generated within the County will assist the County and the Agency in fulfilling the goals of the Local Solid Waste Management Plan. The license and flow control requirements established

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herein are intended to enhance the ability of the Agency to gather information relevant to the generation, type and quantity of waste and recyclables in the County; assist in the environmentally sound and economical disposal of solid waste; provide sufficient user revenue to the Agency to administer the operation of an integrated solid waste management system; reduce the subsidy provided by Ulster County taxpayers to the solid waste system; and assist the County and the Agency in the enforcement of environmental laws and regulations.

- (g) The Legislature further finds that the amendments contained herein will assist the Agency in establishing a structured disposal fee for all haulers operating within the County and thereby encourage competition among haulers, for the benefit of all consumers of solid waste services within the County.

#### **Section 3. Statutory Authority**

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.

**"Agency Executive Director"** shall mean the Executive Director of the Ulster County Resource Recovery Agency.

**“Collection”** shall mean the pick-up, collection or delivery of Solid Waste to a Hauler at the point of generation.

**“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

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and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, asphalt 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.

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

**“Disposal”** shall mean the post-collection delivery of Solid Waste to any location for processing, transfer, transportation, or any permanent disposition.

**“Generator”** shall mean any person or legal entity that produces Solid Waste including regulated Recyclable Materials requiring off-site disposal.

**“Hauler”** shall mean any person engaged in the business of collecting, storing, and transporting Municipal Solid Waste, including Recyclable Materials, except where otherwise designated in this local law.

**“Independent Administrative Hearing Officer”** shall have the meaning set forth in section 20 of Local Law No 4. of 2010.

**“Municipality”** shall mean any county, city, town, village, improvement district, public authority, or other municipal corporation established by law.

**“Municipal Solid Waste” or “MSW”** shall mean that Solid Waste which is generated at residences, institutions, businesses, or other properties, exclusive of Construction and Demolition Debris and Recyclable Materials that have been separated from MSW.

**“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

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organization or any other legal entity including a municipality or any other waste generator.

**“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.

**“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).

#### **Section 5. Administration**

This local law shall be implemented, 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) 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 5.

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- (b) Designate Solid Waste Management Facilities that may receive, process, transfer, transport or dispose of Municipal Solid Waste.
- (c) Issue summonses, notices and administrative complaints to persons in violation of the provisions of this Local Law, adjudicate alleged violations, impose civil penalties and license suspensions and/or revocations as provided herein, and take all lawful action to enforce the provisions of this local law, including but not limited to applications to courts of competent jurisdiction.

**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 the procedure set forth in section 6 of Local Law Number 4 of 2010 (the Ulster County Mandatory Source Separation and Recycling Law).

**Section 7. Hauler Licensing Requirements**

- (a) No Hauler shall collect, transport or dispose of Solid Waste and/or Recyclable Materials generated within the County without obtaining a Hauler License issued by the Agency. Licenses issued pursuant to this local law shall be in the nature of a privilege subject to the terms and conditions set forth in this local law and shall not be deemed to create a property interest with respect to the License in the holder thereof.
- (b) The Agency shall be authorized to issue a Hauler License to qualified applicants upon submission of a written application containing such information as may be required by the Agency for administrative purposes, including, but not limited to, the following:
  - 1. The name and address of the applicant, specifying, in the case of any corporation, the names and addresses of each officer and director thereof.

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2. If the applicant conducts business under a trade name or if the applicant is a partnership, the application for a license must be accompanied by a copy of the trade name or partnership certificate duly certified by the Clerk of the county in whose office the certificate was filed.
3. The experience of the applicant in the business of collection and disposal of refuse and similar material.
4. The number of collection vehicles to be operated by the applicant and a description of each such vehicle, including the ownership of the vehicle, the make, year, model of chassis and body type, the cubic capacity or tare weight, and color of vehicle, the current New York State registration number, and the community or communities in which the vehicle will operate. All vehicles shall be marked with the name of the licensee. The Agency shall be authorized to issue identification numbers for each vehicle, to be marked or affixed thereto.
5. The number and location of all waste and Recyclable Materials containers distributed by the licensee to customers within the County. All such containers shall be marked with the name of the licensee. The Agency shall be authorized to issue identification numbers for each such container, to be marked or affixed thereto.
6. The location of any and all terminals proposed to be used by the applicant for the storage of licensed vehicles.
7. Applicant's proposed daily route and pickup schedule for each area and building to be serviced. Within thirty (30) days of occurrence, any changes in the daily route and pickup schedule shall be reported, in writing, to the Agency. This subdivision shall not apply to such routes and special districts as are provided for by contract with a Municipality.
8. The name, address and telephone number, both day and night, of the applicant or the person in charge of the business.

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9. Any other relevant information the Agency may require.

(c) Additional requisites for obtaining and holding a license.

1. Fees. Each application shall be accompanied by an application fee of \$200, plus \$100 for each vehicle to be used by the licensee in the provision of service in the County. A municipality is not subject to the application fee under the provisions of this paragraph.
2. Insurance. Before a license may be issued by the Agency, each applicant shall file with the Agency proof of the following insurance coverage, consisting of a certificate of the insurance carrier:
  - i. Workmen's compensation insurance or proof of exemption.
  - ii. Disability benefits insurance.
  - iii. Bodily Injury Liability Insurance in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** for each occurrence, and in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** general aggregate.
  - iv. Property Damage Liability Insurance in an amount not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** for each occurrence and in an amount of not less than **ONE MILLION AND 00/100 (\$1,000,000.00) DOLLARS** general aggregate.
3. Duty to keep records. Every licensee shall keep complete and accurate books of account with respect to the operation of its business, in which shall be entered and shall show, among other things, all income derived or received from each of its customers and/or other sources, together with



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details of all expenses disbursements made or incurred in the operation of its business. Such books of account shall be kept current on a monthly or quarterly basis and brought up-to-date not later than thirty (30) days after the expiration of such period. All such records shall be retained by the licensee for at least three (3) years.

4. Right of inspection. The Agency shall have the right to inspect books of account and records maintained by the licensee. Every Hauler shall keep and maintain records of every customer serviced by the Hauler. Such records shall be available for inspection and examination at any time upon demand by the Agency, or its duly authorized agent or employee, and shall be preserved for a period of three (3) years, except that the Agency may consent to their destruction within that period or may require that they be kept longer. Such consent shall be in writing and signed by the Agency Executive Director.
5. Global Positioning System. Each licensee may be required, at the discretion of the Agency, to install and maintain equipment to be identified by the Agency for the tracking of collection vehicles by satellite or other means. If the Agency determines that it is necessary to install a GPS system, then in that event, the Agency shall give the licensee thirty (30) days notice prior to the date of required installation of the GPS system. It shall be the responsibility of the licensee to bear the cost of the GPS system.

(d) Term of License. Each license issued pursuant to this section shall be valid for a term expiring on December 31 of the year of issuance, unless issued in the month of December, in which case it shall expire the 31<sup>st</sup> Day of December of the next year. License renewals shall be considered in the same manner and subject to the same conditions as original applications.

(e) Licenses Not Transferable. Licenses issued pursuant to this local law shall not be transferable or assignable by the licensee. Changes in ownership or control of a licensed entity shall be reported to the Agency within 10 days.



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**Section 8. Revocation or Denial of Licenses**

- (a) The Agency shall be authorized to deny an application or suspend or revoke a Hauler license issued pursuant to this local law where one (1) or more of the following situations is found to exist:
1. That the Hauler has failed and refused, without reasonable cause, to collect and dispose of Municipal Solid Waste, except in a situation where a contract has been lawfully terminated.
  2. That the Hauler has failed to account or pay, without reasonable cause, any disposal bills to the Agency.
  3. That the Hauler is insolvent or has made a general assignment for the benefit of creditors or has been adjudged a bankrupt, or a money judgment has been secured against it upon which an execution has been returned wholly or partly unsatisfied.
  4. That the Hauler has failed to keep and maintain records or has refused to allow the inspection thereof as otherwise provided in this local law.
  5. That the Hauler has violated any of the provisions of this local law or the provisions of Local Law No. 4 of 2010 as it currently exists or may be amended from time to time.
  6. That the Hauler has ceased to operate as a private refuse collector for which a license was previously issued.
  7. That the Hauler has been convicted of a felony or misdemeanor which in the judgment of the Agency renders such person unfit or undesirable to hold such license.
  8. That the Hauler has failed to abide by any rule or regulation promulgated by the Agency and implemented in furtherance of its administrative or enforcement efforts.

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- (b) Procedure. Whenever, in the judgment of the Executive Director of the Agency, sufficient evidence exists to support a determination that a license held by any Hauler should be suspended or revoked, or that civil penalties should be imposed pursuant to this local law, the Agency shall serve written notice of such suspension or revocation, and/or the amount of civil penalty imposed, upon the Hauler, together with notice of the effective date of such suspension, revocation or penalty, which date shall be not less than twenty (20) days from the date of such notice. Written notice of suspension or revocation of a license shall be served personally or by certified mail, return receipt requested, addressed to such Hauler's last-known address; and if by certified mail, a copy of the notice shall be posted on the Hauler's premises as stated in the license application. Such notice shall contain factual allegations sufficient to inform the Hauler of the nature and circumstances of the violation charged, and shall further inform the Hauler of the right to a hearing to contest the suspension, revocation and/or penalty. The Hauler may invoke the right to a hearing by serving a written demand for hearing upon the Agency at any time prior to the effective date of the suspension, revocation or penalty, and service of such demand shall serve to stay such suspension, revocation or penalty pending the determination of the Independent Administrative Hearing Officer, pursuant to the procedures set forth in section 20 of Local Law No 4. Of 2010. Any applicant aggrieved by the denial of a license after application pursuant to this section may request that the Agency hold a hearing on such denial.
- (c) Nothing herein shall prevent the Agency from enforcement of the provisions of this local law, and all rules, regulations, orders and determinations made pursuant thereto, by actions or proceedings for legal and/or equitable relief, brought in the name of the Agency or the County in any court of competent jurisdiction.

**Section 9. Flow Control**

- (a) All Municipal Solid Waste generated within the County of Ulster shall be delivered for disposal to a Solid Waste Management Facility designated by the Agency. The County hereby intends to regulate and control the collection, transportation and disposal of all Municipal Solid Waste, by whomever collected, within the municipalities within the County and to authorize the

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Agency to establish standards and promulgate regulations to accomplish such control. The Agency's designation may include a determination that a particular Solid Waste Management Facility shall be the only facility used for the disposal of Municipal Solid Waste generated within all of, or a described area within, the County of Ulster or by a particular person or persons.

(b) In administrative proceedings under Local Law No. 4 of 2010 to enforce the provisions of this section there shall be rebuttable evidentiary presumptions that:

1. The placement of a Municipal Solid Waste container that is marked or identified with the name of a Hauler holding or required to hold a license for the collection of Municipal Solid Waste pursuant to this local law at any location within the County shall be presumptive evidence that such Hauler is providing Solid Waste collection service at said location.
2. Evidence of Municipal Solid Waste in a container located in the County as described in sub-section (1) above, and subsequent observation of the same Container empty, shall be presumptive evidence that Municipal Solid Waste was collected from the container by the Hauler whose name is marked on the container.
3. The failure to deliver any Municipal Solid Waste to an Agency designated Solid Waste Management Facility within three (3) days of the collection of Municipal Solid Waste from any location within the County shall be presumptive evidence of a violation of this section.

(c) Penalties. Any Hauler who violates any of the provisions of this section 9 of this local law, or who fails to perform any duty imposed by this local law or any rule or regulations promulgated pursuant thereto, may be liable for a civil penalty not to exceed \$5,000 and/or revocation of all licenses issued pursuant to this local law.

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**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. Severability.**

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. Effective Date**

This law shall take effect upon filing with the Secretary of State.

**Adopted by the County Legislature: December 4, 2012**

**Approved by the County Executive: December 18, 2012**

**Establishing The Ulster County Solid Waste Management Improvement Commission**

Referred to: The Energy and Environment Committee (Chairman Bartels and Legislators Greene, Richard Parete, Ronk and Wawro)

Chairman of the Energy and Environment Committee, Tracey A. Bartels, offers the following:

WHEREAS, Pursuant to New York State Environmental Conservation Law Article 27-0107 and 6 NYCRR Part 360, the responsibility for implementation of the State Solid Waste Management Plan lies with local government; and

WHEREAS, in 1986, The Ulster County Resource Recovery Agency “UCRRA” was organized by the New York State Legislature, at the request of the Ulster County Legislature, for the specific purpose of providing comprehensive solid waste management services to the people of Ulster County; and

WHEREAS, UCRRA was given responsibility for the development of a County plan, which was accepted by UCRRA and the County Legislature in May of 1991, and ultimately approved by the New York State Department of Environmental Conservation in 1993; and

WHEREAS, under the Ulster County Solid Waste Management Plan, the UCRRA and the County adopted a comprehensive waste strategy, incorporating a management hierarchy of reduction, reuse, and recycling, followed by landfilling as the preferred methods of disposal; and

WHEREAS, the Ulster County Solid Waste Management Plan further called for “the design, permit and construction of a single, new capacity landfill as the primary means of disposing of wastes which cannot be reduced, reused, recycled, or composted”; and

WHEREAS, pursuant to the Ulster County Solid Waste Management Plan, the County of Ulster entered into a Service Agreement with UCRRA in 1992; and

WHEREAS, service agreements have been agreed to between the UCRRA and a majority of the towns and the City of Kingston. Most of these agreements are set to expire by the end of 2014; and

WHEREAS, in Local Law Number 12 of 2012, the Ulster County Legislature amended Local Law Number 9 of 1991 to re-enact flow control; and

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WHEREAS, flow control was re-enacted to “assist the County and the Agency in fulfilling the goals of the Local Solid Waste Management Plan.” Additionally, the

re-enactment of flow control was intended to “enhance the ability of the Agency to gather information relevant to the generation, type and quantity of waste and recyclables in the County; assist in the environmentally sound and economical disposal of solid waste; provide sufficient user revenue to the Agency to administer the operation of an integrated solid waste management system; reduce the subsidy provided by Ulster County taxpayers to the solid waste system; and assist the County and the Agency in the enforcement of environmental laws and regulations”; and

WHEREAS, Ulster County currently exports approximately 116,000 tons of solid waste annually at an expense in excess of \$6.9 million dollars; and

WHEREAS, fossil fuel costs continue to rise making long haul disposal both fiscally and environmentally unsustainable; and

WHEREAS, Ulster County is a Climate Smart Community and, as such, has pledged climate smart solid waste management; and

WHEREAS, new technologies, grant funding and new hosting incentives have emerged and should be evaluated and reviewed by the elected officials and general public as part of a comprehensive, environmental and cost effective method of solid waste disposal; and

WHEREAS, pursuant to § C-11. Powers and duties of Legislature. And Section A2-5 (11) of the Administrative Code, the Legislature is empowered “To conduct studies and investigations in furtherance of its legislative functions and, in connection therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations.”; and

WHEREAS, pursuant to Section C-16 of the Ulster County Charter and Section A2-11 of the Administrative Code: “Members of all citizens' committees, commissions and boards appointed pursuant to § C-11K of this Charter shall serve at the pleasure of the County Legislature. They shall serve without compensation other than for actual and necessary expenses within appropriations made therefor, unless otherwise provided by resolution of the County Legislature. The Chairman of the County Legislature shall be a member ex officio of all such committees,

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*commissions and boards.*”; now, therefore be it

RESOLVED, that the Ulster County Legislature hereby establishes the Ulster County Solid Waste Management Improvement Commission; and, be it further

RESOLVED, that the Solid Waste Management Improvement Commission shall consist of up to twelve (12) members, whose members shall serve without compensation other than for actual and necessary expenses with appropriations made therefore, unless other provided by resolution of the County Legislature, pursuant to Section C16 of the Ulster County Charter and Section A211 of the Administrative Code; and, be it further

RESOLVED, that the membership of the Solid Waste Management Improvement Commission shall include (1) the Chair of the Legislature or Legislative member designee; (2) the Chair of Ulster County Legislature’s Ways and Means Committee or Ways and Means Committee member designee; (3) the Chair of Ulster County Legislature’s Energy and Environment Committee or Energy and Environment Committee member designee; (4) the President of the Ulster County Association of Town Supervisors and Village Mayors or Ulster County Association of Town Supervisors and Village Mayors member designee; (5) the Mayor from the City of Kingston or designee; (6) the Chair of the UCRRA Board of Directors or UCRRA Board of Directors member designee; (7) the Chair of the Climate Smart Committee or Climate Smart Committee member designee; and the following members to be recommended to the full Legislature for appointment by the Energy and Environment Committee: (8) an UCRAA Licensed Hauler; (9) a Representative from the Reuse and Recycling Community; (10) a Representative from the League of Women Voters or an Environmental Group Representative; (11 & 12) two at large Representatives of the General Public; and, be it further

RESOLVED, that a request will be made for a Representative from the Executive’s Office to serve in an ex-officio manner in order to provide support as needed, to encourage an open dialogue and to provide continuity; and, be it further

RESOLVED, that all tentative appointments to the Solid Waste Management Improvement Commission shall be made within thirty (30) days from the passage of this resolution and subsequently will require approval by the full Legislature; and, be it further

RESOLVED, that the Commission shall first meet within thirty (30) days of its membership appointment approval by the full Legislature; and, be it further



**Resolution No. 394      November 18, 2014**

**Establishing The Ulster County Solid Waste Management Improvement Commission**

RESOLVED, Commission members, once appointed, shall serve for the duration of the Commission assignment; and, be it further

RESOLVED, that the Solid Waste Management Improvement Commission shall comprehensively review the technologies, grant funding and host benefits available to newly established solid waste disposal facilities; and, be it further

RESOLVED, that in furtherance of its objective, the Solid Waste Management Improvement Commission is authorized to seek information from and/or visit solid waste disposal, recycling and composting facilities as well as any other federal, state, or local agency or group it deems prudent; and, be it further

RESOLVED, that the first meeting of the Solid Waste Management Improvement Commission shall be called by the Representative of the Energy and Environment Committee and at that meeting the permanent Chairman of the Committee shall be elected; and, be it further

RESOLVED, that within one (1) year of its initial meeting, the Solid Waste Management Improvement Commission shall provide a written report of its findings and recommendations to the Ulster County Legislature and the County Executive; and, be it further

RESOLVED, a Legislative staff person shall be assigned to the Solid Waste Management Improvement Commission for the purpose of providing support and recording services as requested by the Commission; and, be it further

RESOLVED, to ensure a comprehensive review and evaluation process, all levels of available municipal data, tools, resources, assets and opportunities will be made available for the Commission and the public to have direct input into the Commission's ultimate recommendations for consideration by the full Legislative body,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22      NOES: 1  
(Noes: Legislator Lopez)



**Resolution No. 394      November 18, 2014**

**Establishing The Ulster County Solid Waste Management Improvement Commission**

Passed Committee: Energy and Environment as amended on November 10, 2014

FINANCIAL IMPACT:  
NONE

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 18<sup>th</sup> Day of November, 2014, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19<sup>th</sup> Day of November in the year Two Thousand and Fourteen.

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

## **Local Law Number 4 Of 2015**

### **County Of Ulster**

#### **A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

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

##### **SECTION 1. TITLE.**

This local law shall be known as “Food Service Waste Reduction Act.”

##### **SECTION 2. LEGISLATIVE INTENT AND FINDINGS.**

The Legislature finds and determines that polystyrene foam is a common environmental pollutant and non-biodegradable substance commonly used as food service ware and that there is no meaningful recycling or reuse of polystyrene foam food service ware.

The Legislature further finds and determines that the Environmental Protection Agency has found that the polystyrene manufacturing process is the fifth largest creator of hazardous waste in the United States.

The Legislature further finds and determines that evidence suggests that a component of polystyrene foam, styrene, is a carcinogen and neurotoxin. According to EPA studies, styrene is now detectable in the fat tissue of every man, woman and child in the United States.

The Legislature further finds and determines that alternative cost-effective biodegradable, compostable and/or reusable food service ware is readily available. Such alternatives are less toxic and more environmentally friendly than polystyrene foam.

The Legislature further finds and determines that the use of biodegradable, compostable food, and/or re-useable service ware will reduce the waste stream and reduce waste costs. Therefore, the purpose of this local law is to eliminate the use of polystyrene foam food service ware by Food Service Establishments within Ulster County.

Therefore, the Legislature hereby finds and determines that the prohibition of the use of polystyrene foam disposable food service ware in Ulster County is in the best interests of the citizens of Ulster County.

**Local Law Number 4 Of 2015**

**County Of Ulster**

**A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

**SECTION 3. DEFINITIONS.**

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

“Chain Food Service Establishment” – means a food service establishment or food service establishments operating in Ulster County that is or are part of a group of fifteen or more food service establishment locations nationally, doing business under the same trade name, offering predominantly the same types of meals, foods or menus regardless of the type of ownership of the individual food service establishment locations.

“County” – The County of Ulster.

“Customer(s)” – Any person(s) obtaining Prepared Food from any Food Service Establishment.

“Disposable Food Service Ware” – All bowls, plates, cartons, cups, other containers, trays, or other items designed for one time use on or in which any Food Service Establishment directly places and/or packages food or provides same to Customer(s) to place and/or package food or which are used by Customer(s) to consume or transport food. This includes, but is not limited to, service ware for takeout Prepared Food and/or leftovers from partially consumed meals prepared at or by Chain Food Service Establishments for consumption at a specific location. This does not include single-use disposable items such as straws, cup lids, or utensils.

"Food Service Establishment" means any establishment, located or providing food within the County of Ulster, which sells or otherwise provides prepared food and/or beverages for public consumption on or off its premises and includes, but is not limited to, any store, shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, super market, delicatessen, catering truck, mobile food truck, cart or vehicle, or any other person who provides prepared food; and any organization, group or individual which regularly provides food as a part of its services.

“Health Commissioner” – The Commissioner of Health for Ulster County.

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“Polystyrene Foam” – Any blown polystyrene, expanded, and extruded foams (commonly referred to as Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion blow molding (extruded from polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

“Prepared Food” – Any food or beverage which is (1) served in Ulster County or (2) which is packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the premises. Prepared food does not include raw meats, poultry and/or seafood sold for the purpose of cooking off premises.

**SECTION 4. PROHIBITION ON THE USE OF DISPOSABLE POLYSTYRENE FOAM FOOD SERVICE WARE.**

A. No Chain Food Service Establishment shall sell or otherwise provide prepared food in any disposable food service ware that contains polystyrene foam.

B. No Food Service Establishment shall sell or otherwise provide prepared food in any disposable food service ware that contains polystyrene foam.

C. No County facilities, County managed concessions, County sponsored events or County permitted events shall distribute or utilize disposable food service containers containing expanded polystyrene or non-recyclable plastic.

**SECTION 5. EXEMPTIONS TO THE POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE PROHIBITION.**

A Chain Food Service Establishment or Food Service Establishment may seek an exemption from the prohibition under Section 5 due to a “unique packaging hardship” under Subsection A of this Section or a “financial hardship” under Subsection B of this Section.

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**County Of Ulster**

**A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County**

- A. The Chain Food Service Establishment or Food Service Establishment must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware to qualify for a “unique packaging hardship” exemption.
- B. The Chain Food Service Establishment or Food Service Establishment must demonstrate both of the following to qualify for a “financial hardship” exemption: (1) a gross income under \$300,000 on their annual income tax filing for the most recent tax year, and (2) with respect to each specific and necessary polystyrene foam disposable food service ware, that there is no feasible alternative that would cost the same or less than the polystyrene foam disposable food service ware.
- C. The Chain Food Service Establishment or Food Service Establishment may submit a written application for an exemption on a form provided by the Department of Health. The Commission of Health or designee (“Commissioner”) may require the applicant to submit additional information or documentation to make a determination regarding the exemption request. Within thirty (30) days of receiving a completed application and supporting documentation, if any, the Commissioner must either grant or deny the applicant’s request for an exemption and must notify the applicant of his or her determination. A request for exemption shall be reviewed on a case by case basis, and may be granted in whole or in part, with or without conditions, for a period of up to twelve (12) months. The Chain Food Service Establishment or Food Service Establishment must apply for a new exemption period no later than sixty (60) days prior to the expiration of the then current exemption period to preserve a continuous exemption status. Each application shall be reviewed anew and will be based on the most current information available. The determination of the Commissioner shall be final and is not subject to appeal.

**SECTION 6. ENFORCEMENT AND NOTICE OF VIOLATION.**

- A. The Commissioner of Health or designee shall have responsibility for notification and enforcement of this local law. The Commissioner of Health or designee is authorized to promulgate rules and regulations and take any

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and all other reasonable actions necessary to implement and enforce this local law. Any rules and regulations so promulgated shall be made available on the County of Ulster website in a manner approved by the Commissioner of Health.

- B. Anyone violating or failing to comply with any of the requirements of this Chapter or of any regulation or administrative procedure authorized by it shall be guilty of an infraction.
- C. The County Attorney may seek legal, injunctive, or any other relief to enforce this Chapter and any regulation or administrative procedure authorized by it.
- D. The remedies and penalties provided in this Chapter are cumulative and not exclusive of one another.

**SECTION 7. PENALTIES.**

Violations of this local law shall be enforced as follows:

- A. For the first violation, the Commissioner of Health, or designee, upon determination that a violation of this local law has occurred, shall issue a written warning notice to the Chain Food Service Establishment or Food Service Establishment which will specify the violation and the appropriate penalties in the event of future violations.
- B. Thereafter, the following penalties shall apply:
  - 1. First Offense. Any Chain Food Service Establishment or Food Service Establishment guilty of a first offense shall be guilty of a violation and shall be fined an amount not to exceed two hundred and fifty (\$250) dollars.
  - 2. Second Offense. Any Chain Food Service Establishment or Food Service Establishment guilty of a second offense shall be guilty of a violation and shall be fined an amount not to exceed five hundred (\$500) dollars.

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3. Third and Subsequent Offense. Any Chain Food Service Establishment or Food Service Establishment guilty of a third or subsequent offense shall be guilty of a violation and shall be fined an amount not to exceed one thousand (\$1,000) dollars.
4. Fines are cumulative and each day that a violation occurs shall constitute a separate violation.

For the purpose of this section, each physical location or establishment shall be treated individually, and offenses and fines for separate locations shall be considered individually.

**SECTION 8. REVERSE PREEMPTION.**

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

**SECTION 9. SEVERABILITY.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

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**SECTION 10. EFFECTIVE DATE AND APPLICABILITY.**

This local law shall be effective six (6) months subsequent to filing in the Office of the Secretary of State for Chain Food Service Establishments, County facilities, County managed concessions, County sponsored events and County permitted events, and one (1) year subsequent to filing in the Office of the Secretary of State for Food Service Establishments. The local law shall apply to all transactions occurring on or after the effective dates referenced above.

**Adopted by the County Legislature: March 17, 2015**

**Approved by the County Executive: April 16, 2015**



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

**SECTION 1. TITLE.**

This Local Law shall be known by and may be cited as “The ‘Bring Your Own Bag’ (BYOBag) Act.”

**SECTION 2. LEGISLATIVE INTENT AND FINDINGS.**

The Ulster County Legislature hereby finds and determines that data released by the United States Environmental Protection Agency shows that between 500 billion and 1 trillion plastic bags are consumed worldwide each year.

The Ulster County Legislature further finds and determines that the production and disposal of single-use checkout bags has significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of non-renewable polluting fossil fuels, and increased clean up and disposal costs.

The Ulster County Legislature further finds and determines that most plastic bags do not biodegrade; over time, the bags break down into smaller, more toxic petro-polymers, which eventually contaminate soils and waterways affecting the environment and human health.

The Ulster County Legislature further finds and determines that it is estimated that plastic bags account for over 10% of debris that washes up on the United States coastlines.

The Ulster County Legislature further finds and determines that plastic bags can have a devastating effect on wildlife; birds can become entangled in the bags and different species of sea life can die from ingesting plastic bags, which they mistake for food.

The Ulster County Legislature further finds and determines that U.S. retailers spend approximately \$4 billion annually to purchase disposable bags, costs that are passed on to the consumer in the form of higher prices. Municipalities are spending millions of dollars to clean up and dispose of plastic bags.

The Ulster County Legislature further finds and determines that less than 5 percent of plastic bags are recycled, in part, due to the fact that it costs more to recycle a bag than to produce a new one.

The Ulster County Legislature further finds and determines that several nations around the world have banned or are moving towards banning the distribution of plastic bags, and twelve municipalities in New York State have implemented some combination of bans and/or fees for carryout bags, including the Village of New Paltz.

The Ulster County Legislature further finds and determines that studies document that banning plastic checkout bags and placing a mandatory charge on recyclable paper checkout bags will dramatically reduce the use of both types of bags and increase the customers' use of reusable bags. "An Analysis of the Impact of Single-Use Plastic Bags" by the New York State Plastic Bag Task Force, created by Governor Cuomo in 2017, issued on January 13, 2018 supports the same.

The hybrid solution has proven effective throughout the United States and the international community in reducing plastic bag use and encouraging the switch to reusable bags. Communities such as Los Angeles, California have documented success with the ban/fee hybrid since its adoption in 2012, showing a 94% reduction in carryout bag consumption.

The Ulster County Legislature further finds and determines that reusable bags are readily available with numerous sources and vendors for such bags.

Therefore, the purpose of this local law is to encourage consumers in Ulster County to use their own reusable bags by prohibiting retail stores in Ulster County from providing plastic carryout bags to their customers and requiring that a fee be placed on recyclable paper bags and certain other plastic bags.

### **SECTION 3. DEFINITIONS**

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

“COVERED STORE” shall mean an establishment engaged in the retail sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, apparel stores, home center and hardware stores, stationary and office supply stores, farmers markets, open-air flea markets and food service establishments that provide carryout bags to consumers. This term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores or food marts.

“CUSTOMER” means any Person obtaining goods from a Covered Store.

“FOOD SERVICE ESTABLISHMENT” shall mean a place where prepared food is provided for individual portion service directly to a Customer whether consumption occurs on or off the premises.

“PERSON” shall mean any natural person, firm, corporation, partnership or other organization or group however organized.

“SINGLE USE PLASTIC CARRYOUT BAG” shall mean a single use plastic bag less than 4 mils thick that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store. “Plastic Carryout Bag” does not include (1) a bag without handles used to carry produce, meats, dry goods or other non-prepackaged food items to the point of sale within a store or market

or to prevent such food items from coming into direct contact with other purchased items; (2) a garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner such as a dry cleaner; (3) a bag provided by a pharmacy to carry prescription drugs.

“RECYCLABLE PAPER BAG” shall mean a paper bag that (1) contains no old-growth fiber; (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and (3) displays the word “Recyclable” on the outside of the bag.

“RETAIL SALES” shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers’ markets, flea markets and restaurants. The term “retail sales” does not include sales of goods at yard sales, tag sales, and other sales by residents at their homes.

“REUSABLE BAG” shall mean a bag with handles that is specifically designed and manufactured for multiple reuse that is provided by a Covered Store to its Customer at the point of sale and is capable of carrying twenty-two (22) pounds over a distance of one hundred and seventy five feet (175) for a minimum of one hundred and twenty five (125) uses and is either: (a) made of cloth or other machine washable fabric; or (b) made of durable plastic that is at least 4 mils thick.

#### **SECTION 4. PROHIBITION**

No Covered Store shall provide a Single Use Plastic Carryout Bag to any Customer, at the check out stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment.

## **SECTION 5. PERMITTED BAGS**

All Covered Stores may provide or make available to Customers only Recyclable Paper Bags or Reusable Bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits Customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

## **SECTION 6. REGULATION OF RECYCLABLE PAPER BAGS**

- A. Any Covered Store that provides a Recyclable Paper Bag to a Customer must charge that customer a minimum of 5 cents (\$0.05) for each bag provided.
- B. All Covered Stores must indicate on the Customer receipt the number of Recyclable Paper Bags provided and the total amount charged for the bags.
- C. All monies collected by a Covered Store under this Chapter will be retained by the Covered Store.

## **SECTION 7. REGULATION OF REUSABLE BAGS**

- A. Covered Stores may provide their customers with reusable bags free of charge for a two-week period each year from April 15 to April 30.
- B. With the exception of the aforementioned fee exemption periods, Covered Stores that provide a Reusable Bag to their Customers must charge a minimum of 5 cents (\$0.05) for each bag provided.
- C. All Covered Stores must indicate on the Customer receipt the number of Reusable Bags provided and the total amount charged for the bags.

D. All monies collected by a Covered Store under this Chapter will be retained by the Covered Store.

E. Each Covered Store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging Customers to use reusable bags.

#### **SECTION 8. ADDITIONAL OBLIGATIONS FOR COVERED STORES**

A. All Covered Stores shall post signs at or near the point of sale located in such Covered Stores to notify Customers of the Provisions of this Law, as well as the per bag charge for Recyclable Paper Bags and Reusable Bags.

B. No Covered Store may make available for sale Recyclable Paper Bags or Reusable Bags unless the amount of the sale of each such bag is separately itemized on the sales receipt.

C. No Covered Store shall provide a credit to any Person specifically for the purpose of offsetting or avoiding the carryout bag charge required by Sections 6 and 7 of this Law.

#### **SECTION 9. ENFORCEMENT.**

The County Executive shall designate a County Department or Departments to have primary responsibility for enforcement of this Chapter. The Director of the designated Department(s) is authorized to promulgate rules and regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours.

A copy of the rules and regulations will be provided to the Clerk of the Legislature before they are publicly disseminated.

## **SECTION 10. VIOLATION PENALTIES**

- A. If it is determined that a violation of this Chapter has occurred, a written warning notice will be issued to the operator of a Covered Store that a violation has occurred and the potential penalties that will apply for future violations.
- B. Any Covered Store that violates or fails to comply with any of the requirements of this Chapter after a written warning notice has been issued for that violation shall be guilty of an infraction.
- C. If a Covered Store has subsequent violations of this Chapter that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator of the store:
  - (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written warning notice is given;
  - (2) A fine not exceeding two hundred fifty dollars (\$250.00) for the second violation after the written warning notice is given; or
  - (3) A fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is given.
- D. A fine shall be imposed for each day a violation occurs or is allowed to continue.
- E. All fines collected pursuant to this Chapter shall be used to assist the County with its costs of implementing and enforcing the requirements of this Chapter and/or for public education and outreach.

## **SECTION 11. APPLICABILITY.**

This law shall apply to all actions occurring on or after the effective date of this law.

## **SECTION 12. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

## **SECTION 13. REVERSE PREEMPTION.**

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The Ulster County Legislature may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

## **SECTION 14. EFFECTIVE DATE.**

This local law shall take effect July 15, 2019.

**Adopted by the County Legislature: September 20, 2018**

**Approved by the County Executive: October 19, 2018**

**Filed with New York State Department of State: October 25, 2018**



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

**SECTION 1.** Section 5. of Local Law No. 5 of 2018 is hereby amended as follows:

**SECTION 5.** PERMITTED BAGS

All Covered Stores may provide or make available to Customers Recyclable Paper Bags or Reusable Bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits Customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

**SECTION 2.** Section 6. of Local Law No. 5 of 2018 is hereby amended as follows:

**SECTION 6.** REGULATION OF RECYCLABLE PAPER BAGS

- A. **Except as described in subsection D**, any Covered Store that provides a Recyclable Paper Bag to a Customer must charge that customer a minimum of 5 cents (\$0.05) for each bag provided.
- B. All Covered Stores must indicate on the Customer receipt the number of Recyclable Paper Bags provided and the total amount charged for the bags.
- C. All monies collected by a Covered Store under this Chapter will be retained by the Covered Store.
- D. **Exemption: All Covered Stores that provide Recyclable Paper Bags to customers shall provide such bags free of charge for items purchased by any person using the New York State Supplemental Nutrition Assistance Program (SNAP) or New York State Special Supplemental Nutrition Program for Women, Infants and Children (WIC), as full or partial payment.**

**SECTION 3.** Section 9. of Local Law No. 5 of 2018 is hereby amended as follows:

**SECTION 9. EDUCATION AND ENFORCEMENT.**

The County Executive shall designate a County Department or Departments to have primary responsibility for **the implementation** of this Chapter. **The Director of the designated Department(s) shall complete an education campaign by December 31, 2019, informing the public and Covered Stores about the requirements of this Local Law. After December 31, 2019, the Director shall begin enforcement efforts as described in Section 10 herein.** The Director of the designated Department(s) is authorized to promulgate rules and regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours.

A copy of the rules and regulations will be provided to the Clerk of the Legislature before they are publicly disseminated.

**SECTION 4. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**SECTION 5. REVERSE PREEMPTION.**

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The Ulster County Legislature may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

**SECTION 6. EFFECTIVE DATE.**

This local law shall take effect July 15, 2019.

**Adopted by the County Legislature: February 19, 2019**

**Approved by the Acting County Executive: March 20, 2019**

**Filed with New York State Department of State:**

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

### **SECTION 1. TITLE.**

This Local Law shall be known and referred to as the “Skip the Straw Law.”

### **SECTION 2. LEGISLATIVE INTENT AND FINDINGS.**

The County of Ulster is dedicated to conserving resources and reducing greenhouse gas (GHG) emissions, waste, litter, and pollution. The Ulster County Legislature has actively been considering and implementing laws aimed at protecting our environment. In 2015, Ulster County began regulating the use of polystyrene foam disposable food service ware by food service establishments in the County. Regulating the use of plastic carryout bags is another measure aimed at reducing the amount of plastic that can end up in our environment through litter, windblown debris, and over-flowing trash cans.

Millions of plastic straws are used each day in the United States. This equates to billions of straws per year filtering into landfills and littering our waterways and oceans. Less consumption equals less waste. The Ulster County Legislature desires to increase awareness in our community of the simple decisions we can all make to reduce waste.

The Ulster County Legislature recognizes that making straws available upon request will drastically reduce the plastic put into our environment, helping to preserve our community. Allowing customers to make a choice regarding whether or not they want a straw for their beverage empowers each patron to choose to help eliminate plastic pollution, and is a small step towards the elimination single use plastic.

### **SECTION 3. DEFINITIONS.**

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

"Beverage Straw" shall mean a tube for transferring a beverage from its container to the mouth of the drinker.

"Dine-In Customer" shall mean a customer that orders and consumes Prepared Food on a Restaurant's premises.

"Fast Food Service Establishment" shall mean food service establishments located within the County of Ulster that serve food and/or beverages (1) via a drive-through; (2) in a packaged form for take-out/take-away; or (3) from stands or kiosks which provide no shelter for customers.

"Prepared Food" shall mean food or beverage prepared for consumption on the Restaurant's premises, using any cooking or food preparation technique.

"Restaurant" shall mean any vendor located or providing food within the County of Ulster which provides Prepared Food for public consumption on its premises.

"Single-Use" shall mean a product that is designed to be only used one time in its same form by the customer, food vendor or other entity.

"Take-Out Food Orders" shall mean prepared meals or other food or beverage items that a customer purchases at a Restaurant and intends to eat elsewhere.

#### **SECTION 4. REGULATION OF SINGLE-USE BEVERAGE STRAWS.**

A. Restaurants and Fast Food Service Establishments shall only provide a Single-Use Plastic Beverage Straw to a Dine-In Customer upon the customer's request.

B. Restaurants and Fast Food Service Establishments shall only provide a Single-Use Plastic Beverage Straw to a customer purchasing a Take-Out Food Order upon the customer's request.

Nothing in this law shall prevent any establishment from providing paper or non-plastic straws without a request.

## **SECTION 5. NOTIFICATION REQUIREMENT.**

A. Each Restaurant and Fast Food Service Establishment that provides single-use plastic beverage straws shall post a sign in a location easily visible to each customer which shall state: “SINGLE-USE PLASTIC BEVERAGE STRAW AVAILABLE UPON REQUEST.”

B. Signs shall be protected from tampering, damage, removal, or concealment.

## **SECTION 6. PENALTIES.**

Violations of this local law shall be enforced as follows:

A. For the first violation, the Commissioner of Health, or designee, upon determination that a violation of this local law has occurred, shall issue a written warning notice to the Fast Food Service Establishment or Restaurant which will specify the violation and the appropriate penalties in the event of future violations.

B. Thereafter, the following penalties shall apply:

1. First Offense. Any Fast Food Service Establishment or Restaurant guilty of a first offense shall be guilty of a violation and shall be fined an amount not to exceed twenty five (\$25) dollars.

2. Second Offense. Any Fast Food Service Establishment or Restaurant guilty of a second offense shall be guilty of a violation and shall be fined an amount not to exceed fifty (\$50) dollars.

3. Third and Subsequent Offense. Any Fast Food Service Establishment or Restaurant guilty of a third or subsequent offense shall be guilty of a violation and shall be fined an amount not to exceed one hundred (\$100) dollars for each offense.

For the purpose of this section, each physical location or establishment shall be treated individually, and offenses and fines for separate locations shall be considered individually.

#### **SECTION 7. REVERSE PREEMPTION.**

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

#### **SECTION 8. SEVERABILITY.**

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

#### **SECTION 9. EFFECTIVE DATE.**

This local law shall be effective three (3) months subsequent to filing in the Office of the Secretary of State.

**Adopted by the County Legislature: May 21, 2019**

**Approved by the County Executive: June 20, 2019**

**Filed with New York State Department of State: July 3, 2019**



Referred to: The Energy and Environment Committee (Chairwoman Greene and Legislators Eckert, Heppner, Wawro, and Woltman), and The Ways and Means Committee (Chairwoman Archer and Legislators Donaldson, Gerentine, Maio, Joseph Maloney, Petit, and Ronk)

Legislator Laura Petit offers the following:

WHEREAS, Ulster County is in the process of updating its Ten-Year Solid Waste Management Plan and understands that materials management poses a real and increasing threat to our local and global environments and economy; and

WHEREAS, Ulster County has established itself as an energy and environmental leader through policies, resolutions and local laws including those establishing bans on plastic foam take out containers and single use bags; policies on single use straws, plastic ware and condiment packages; and the adoption of the Climate Smart Pledge; and

WHEREAS, New York State has established §Title 22 Food Donation and Food Scraps Recycling, §Title 27 Plastic Bag Reduction, Reuse and Recycling and §Title 28 Bag Waste Reduction laws as a means to modify consumer habits and post-consumer disposal methods; and

WHEREAS, the Ulster County Executive signed Executive Order Number 1 of 2019 establishing ambitious new goals for the New Green Deal for Ulster County and the Ulster County Sustainability Initiatives of 2013; and

WHEREAS, by diverting materials out of the solid waste stream there is the potential to create green jobs in manufacturing, the arts and fill pantries and shelters with valuable items such as clothing and food; and

WHEREAS, Ulster County can lead by making a commitment to materials management and zero waste which will contribute substantially to other community objectives and competitively position the County for funding through New York State Department of the Environment (hereinafter referred to as NYSDEC) Consolidation Funding Applications and other applicable future federal grant opportunities, such as Environmental Protection Agency Waste Reduction and Pollution Prevention which will reduce waste disposal costs while improving operational efficiency of an aging infrastructure and reduce the need for limited landfill space; now, therefore be it

RESOLVED, that the County of Ulster, as a Sustainability Initiatives and Climate Smart leader, shall adopt a policy to strive to reduce waste and promote reuse and zero waste; and, be it further

RESOLVED, the Ulster County Department of the Environment and the Planning Department shall review and make recommendations on waste reduction, reuse and zero waste, and publicly present, on or before July 1<sup>st</sup> of each year, an annual report on its findings, and work cooperatively with similar task forces and organizations within Ulster County and in neighboring communities to ensure that efforts compliment and reinforce one another; and, be it further

RESOLVED, the Ulster County Energy and Environment and Recycling Oversight Committees shall be charged with investigating the following and making recommendations to the Ulster County Legislature regarding the same:

**1. Reduce Solid Waste Disposal Through Zero Waste Initiatives**

Set, goals, both short and long term to reduce solid waste destined for landfill or incineration by adopting and implementing sustainable materials management programs which will reduce GHG emissions, fill pantries and shelters and create green jobs.

**2. Set Goals, Note Benchmarks, Move to Action**

Using the Department of the Environment, County Solid Waste Authority, municipal and local organizations, establish baselines for County waste reduction. Development quantifiable targets consistent with local and state waste reduction goals and annually propose a schedule and financing strategy to meet them. Encourage stakeholder and public input and develop an action plan.

**3. Focus on Solid Waste Components to Create Alternative Use And/Or Reduction**

Municipal Solid Waste (including Household and Commercial)- Municipal solid waste (MSW) is generated by households, commercial activities and other sources whose activities are similar to those of households, business and governmental enterprises. It does not include other waste arising from industrial manufacturing activities, construction and demolition processes or agriculture. MSW is quantifiable waste created and measured through current disposal practices involving haulers and disposal.

- Recyclables
- Textiles
- Electronics
- Food waste
- Yard waste and Brush
- Hazardous Waste
- Metal
- Reusables

Industrial Waste (including manufacturing) - Industrial waste including manufacturing is comprised of many different waste streams arising from a wide range of industrial processes. Some of the largest waste generating industrial sectors include: the production of basic metals, food, beverage and tobacco products, wood and wood products and paper and paper by products.

Hazardous Waste Source - Hazardous waste arises from a wide range of different sources including households, commercial activities and industry. Hazardous waste is classified as such depending on whether it exhibits particular characteristics.

Construction and Demolition Waste Source - Construction and demolition waste arises from activities such as the construction of buildings and civil infrastructure (Highways and Bridges). Demolition debris includes total or partial demolition of buildings and civil infrastructure including road planning and maintenance. Construction and demolition waste arising from the demolition and renovation of old buildings makes up a large proportion of the total solid waste stream. It is made up of numerous materials including concrete, bricks, wood, glass, metals, plastic, solvents, asbestos and excavated soil, many of which could be recycled in one way or another.

Waste from Electrical and Electronic Waste (EWaste) - The production of electrical and electronic equipment (EWaste) is one of the fastest growing manufacturing activities globally. This development has resulted in an increase of waste electric and electronic equipment. To address potential environmental problems that could stem from improper management of EWaste, NYSDEC passed legislation to improve the reuse, recycling and other forms of material recovery from EWaste. The State goal is to reduce the amount and types of materials disposed in landfills. The law became effective and mandated implementation began April 1, 2011.

**Biodegradable Solid Waste (Organics)** - Biodegradable solid waste including food waste is waste from households and commercial activities that is capable of undergoing biological decomposition with proper aeration, ratio of carbon and nitrogen and moisture content. Organics is food, garden and yard waste, uncoated paper and cardboard are all classified as biodegradable municipal solid waste produced in retail, restaurants and other food service activities. A range of options are used to treat organics. Alternatives to landfilling include composting, mechanical-biological pre-treatment recycling and incineration (with and without energy recovery). This waste has been targeted by the EPA as one of the easiest portions of the solid waste stream to address, and one that will have the largest impact on waste reduction.

**Packaging Waste Source** - Packaging waste can arise from a wide range of sources including supermarkets, retail outlets, manufacturing industries, households, hotels, hospitals, restaurants and transport companies. Packaging is defined as any material which is used to contain, protect, handle, deliver and present goods. Items such as glass bottles, plastic containers, Styrofoam®, aluminum cans, food wrappers, timber pallets and drums are all classified as packaging and represents up to 17% of the municipal solid waste stream.

**End-of-Life Vehicles (ELVs) and Tires Definition** -End-of-Life Vehicles (ELVs) are cars and light trucks that are considered waste and that must be disposed of. The ELV directives for the collection of end-of-life vehicles and vehicle tires have been in effect for decades. Due to the weight of a vehicle and regulations regarding disposition (i.e. registering, insuring, etc.) ELVs have been taken to scrap yards since the inception of junk yards for scrap. Tire collections took a bit longer and were for some time unregulated.

**Agricultural Waste Source** - Agricultural waste is composed of organic wastes (animal excreta in the form of slurries and farmyard manures, spent mushroom compost, soiled water and silage effluent) and waste such as plastic, scrap machinery, fencing, pesticides, waste oils and veterinary medicines. Agricultural waste, under a Zero Waste initiative, is for the most part recyclable through a best practices policy. Because of the manner of operations, most agricultural material can be managed on site and sustainably.

#### **4. Materials Management Practices and Options**

Landfill Prevention and Minimization - All generators of solid waste are included in this category and is the preferred method for sustainable materials management practices by both the EPA and NYSDEC. Prevention can take the form of reducing the quantities of materials used in a process or reducing the quantity of harmful materials which may be contained in a product. Prevention can also include the reuse/diversion of products.

Prevention means eliminating or reducing the quantity of waste which is produced in the first place, thus reducing the quantity of waste which must be managed. Prevention is the most desirable waste management option as it eliminates the need for handling, transporting, recycling or disposal of solid waste. It provides the highest level of environmental protection by optimizing the use of resources and by removing a potential source of pollution. Both the EPA Sustainable Materials Management and NYSDEC Beyond Waste endorse waste prevention through diversion and reuse.

Minimization includes any process or activity that avoids, reduces or eliminates waste at its source or results in re-use or recycling. Although most waste prevention and minimization measures can be applied at all stages in the lifecycle of a product including: the production process, marketing, distribution, or utilization stages (using the entire product up), discarding the product at the end-of life stage, there should be an aggressive public campaign to alter consumption habits.

ReUse Source - Reuse avoids discarding a material to a waste stream when its initial use has concluded. Reuse is preferable to recycling as the item is reused or repurposed without going through a detailed treatment process thus helping to save on energy and material usage. It is a method of sustainable materials management that can be used by all solid waste generators. Reuse means the use of a product on more than one occasion, either for the same purpose or for a different purpose, without the need for reprocessing. It is preferable that a product be re-used in the same state i.e., returnable pallets, using an empty glass jar for storing items and using second hand clothes.

Recycling - Recycling is generated by both consumers and manufacturers. Many different materials can be recycled. Waste materials can either be recycled for use in products similar to their original use (i.e., paper recycling) or can be recycled into a product which is different than the original use (i.e., recycling plastic bottles into fleece jackets or using construction and demolition waste as road aggregate. Definition: Recycling involves the treatment or reprocessing of a discarded waste

material to make it suitable for subsequent reuse either. It benefits the environment by reducing the use of virgin materials. It includes recycling of organic wastes but excludes energy recovery. Composting is also considered recycling. Yard waste (brush and yard clippings) has been banned from landfilling for years due to the production of methane gas resultant of decomposition.

**ReUse Mid-Stream Wastes – “Discarded Reusables or Rescued Materials”**  
Generally, the definition of mid-stream wastes are the unusable by-product of industry typically involving oil and/or natural gas industries (waste water, lye from bio-fuel, etc.) For the purpose of municipal zero waste, mid-stream waste is generated locally by every household, school, business, and governmental office, through material wasting inefficiencies (purchasing too much product/duplication of services), excess packaging, and unnecessary product discard. The biggest roadblock for diversion in this category is liability concerns even though there are State and federal “Good Samaritan” laws.

**Recycle Down-Stream Wastes – “End of Pipe Diversion”** Down-stream wastes are generated locally by every household, school, business, and governmental office, with the intent to dispose of unwanted packaging, products, and other wastes created. Wastes at this level must be collected, processed and sent to a final disposal facility. Down-stream captured wastes are a direct financial burden to the local government for collection and processing, and include landfilling, green waste composting, recycling and disposal of household hazardous wastes.

**Energy Recovery Definition-** Energy Recovery includes any technique or method of minimizing the input of energy to an overall system by the exchange of energy from one sub-system of the overall system with another. Energy recovery can be a natural process done during the decomposition stage of food waste or manure composting facility. Of course, there are many other sources for recovery of renewable energy such as solar, wind, and water, however, under solid waste energy recovery would be energy processed while processing waste.

**Landfill -** A disposal site where solid waste is dumped on a liner and covered daily with a layer of dirt and other materials in such a way as to reduce contamination of the surrounding land. Modern landfills are often lined with layers of absorbent material and sheets of plastic to keep pollutants from leaking into the soil and water.

## **5. Focus on Materials Management and Handling**

A comprehensive Zero-Waste Plan addresses the actions local consumers, businesses, and government can take to reduce the impact of pre-stream, mid-stream and downstream wastes created at the local level through more aggressive reuse and conservation measures. To be a truly environmentally friendly and sustainable community, it is necessary to develop a Zero Waste action plan that encompasses all aspects of community, business and government functions. To have a truly successful program, every community member needs to participate and take on responsibilities.

## **6. Green Innovation Strategy**

Identify opportunities to incorporate waste reduction through materials management that will create local green job growth and support social services programs/organizations working with the Department of the Environment Green Business Initiative and the Department of Economic Development. Encourage workforce development training and school curricula that support the emerging green collar job sector, including manufacturing, repurposing and reuse as well as smart materials management practices.

## **7. Inform and Inspire the Public**

Lead by example. Highlight local government, business and organizations commitment to reduce waste generation. Demonstrate the benefits of waste reduction and reusable materials savings by communicating community goals and progress to constituents through various means including “open house” forums, workshops/charrettes and use of the County website: [www.sustainableulster.org](http://www.sustainableulster.org).

Continuously update and enforce materials management education through local advertising and signage.

## **8. Commit to an Evolving Process**

Acknowledge that research, policy, consumer habits and markets are constantly changing and evolving. Be willing to consider new ideas and commit to update plans and policies as needed. Compare successes, cooperate and collaborate with neighboring communities to redirect less effective actions and amplify positive results.

## **9. Return on Investment**

Continue to actively support and implement the financing framework for ongoing performance improvements established in the adoption of the Green Procurement Policy, Sustainability Initiatives and this Zero Waste policy. New measures should be funded in part with savings derived from waste reduction and reuse practices while encouraging the Ulster County Solid Waste Authority to reinvest in their infrastructure and other public benefit outreach,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 1  
(Noes: Legislator Ronk)

Passed Committee: Energy and the Environment on November 7, 2019

Postponed in Committee: Ways and Means for One Week on November 12, 2019

Passed Committee: Ways and Means on November 19, 2019

FINANCIAL IMPACT:  
NONE



STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 19<sup>th</sup> Day of November in the year Two Thousand and Nineteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21<sup>st</sup> Day of November in the year Two Thousand and Nineteen.

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

Submitted to the County Executive this  
21<sup>st</sup> Day of November, 2019.

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

Returned unsigned by the County Executive and  
deemed adopted this 26<sup>th</sup> Day of November, 2019.

/unsigned/  
Patrick K. Ryan, County Executive