

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Wednesday, July 29, 2020

5:30 PM

Held Remotely

Conservation, Sustainability and Green Initiatives **Committee**

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. LOCAL LAW NO. "B" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

CURRENT BUSINESS:

3. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REGARDING THE MAINTENANCE OF SNOWMOBILE TRAILS IN ALBANY COUNTY

County of Albany

112 State Street
Albany, NY 12207



Meeting Minutes

Tuesday, June 30, 2020

6:15 PM

Held Remotely

Conservation, Sustainability and Green Initiatives Committee

PREVIOUS BUSINESS:

Present: William Reinhardt, Beroro T. Efekoro, Mickey Cleary,
Matthew J. Miller, Merton D. Simpson, Victoria Plotsky,
Samuel I. Fein, Patrice Lockart and Peter B. Tunny

1. APPROVING PREVIOUS MEETING MINUTES

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

2. LOCAL LAW NO. "B" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

This Local Law was tabled at the request of the Sponsor.

3. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2020

A motion was made to amend the date and location for the proposed public hearing. The motion carried by a unanimous vote.

A motion was made that this proposal be moved forward with a positive recommendation as amended. The motion carried by a unanimous vote.

LOCAL LAW NO. "B" FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY

Introduced: 2/10/20

By Messrs. Reinhardt, Miller, Mss. Cunningham, Plotsky, Messrs. Kuhn, A. Joyce, Ms. Chapman, Messrs. Bruschi, Clay, Cleary, Efekoro, Fein, Mss. Lekakis, McLaughlin, McLean Lane, Messrs. Reidy, Peter and Simpson:

Section 1: TITLE

This Local Law shall be known as the "Albany County Clean Air Law."

Section 2: STATUTORY AUTHORIZATION

This Local Law is hereby adopted pursuant to the provisions of the New York Municipal Home Rule Law § 10(1)(ii)(a)(11), the Clean Air Act (42 U.S.C. § 7416), the Resource Conservation and Recovery Act (42 U.S.C. § 6929), New York State Air Pollution Control Act (Environmental Conservation Law §§ 19-0703 and 19-0709), and New York State Environmental Conservation Law § 27-0711.

Section 3: INTENT

It is the intent of this Local Law to promote and protect the public health and welfare of the residents of Albany County by prohibiting the burning or related processing of Waste.

Section 4: DEFINITIONS

As used in this Local Law, the following terms shall have the following meanings:

- A. NEW WASTE DISPOSAL FACILITY** shall mean any non-residential facility that, after the effective date of this Local Law:
- 1) disposes of Waste, uses Waste to heat an industrial process, or uses Waste to produce energy (heat, electricity, or a burnable fuel), and
 - 2) accomplishes this through the combustion of Waste (or gases produced on-site from the burning, gasification or pyrolysis of such Waste), or by producing a solid, liquid and/or gaseous fuel product through conversion of Waste.
 - 3) A New Waste Disposal Facility does not include:
 - i. landfills,
 - ii. publicly owned treatment works,
 - iii. anaerobic digesters,
 - iv. facilities burning landfill gas or gas produced from anaerobic digestion, unless they are also burning Waste,

- v. systems used exclusively for on-site space heating purposes at a residential home,
- vi. manufacturing facilities that, on a consistent basis as part of their operations, have, prior to the effective date of this law, burned Waste generated on-site from their own manufacturing process, and plan to continue burning the same types of Waste, or
- vii. facilities which maintain valid permits identifying the types of Waste contained in this law which were lawfully disposing of such types of Waste through the combustion process pursuant to such permits in the 12 months preceding the effective date of this local law.
- viii. [facilities that burned an average of at least 10 tons of Waste per day throughout calendar year 2019.]

B. **RESPONSIBLE OFFICIAL** shall mean the natural person who is on file with the New York State Department of Environmental Conservation (DEC) as the Responsible Official, as defined in 6 NYCRR 201-2(b)(28). If no such individual properly meeting that definition is currently on file with DEC, the Responsible Official shall be the owner of the New Waste Disposal Facility. If the owner is a business entity, then the Responsible Official(s) shall be the person or persons sharing the highest level of decision-making power within the business entity.

C. **PERSON** shall mean any natural person, general or limited partnership, corporation, limited liability company, limited liability partnership, firm, association or organization, trust or other legal entity, or any combination thereof, and the agent(s) or employee(s) thereof.

D. **BURNING AND/OR PROCESSING** shall mean any type of combustion process involving any waste, including for use as a fuel in recovering useable energy.

E. **COMBUSTION** shall mean the thermal treatment of waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the waste. Examples of the combustion process include incineration, pyrolysis, and fluidized bed.

F. **WASTE** shall mean:

- i. all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form; [and]
- ii. solid waste as defined by 6 NYCRR 360.2(a) and 42 USC 6903(27); [and]

- iii. biosolids; [and]
- iv. hazardous waste as defined by NY Environmental Conservation Law § 27-0901(3); [and]
- v. waste as defined by NY Environmental Conservation Law § 27-0901(11); [and]
- vi. aqueous film-forming foam that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS);
- vii. low-level radioactive waste as defined by N.Y. Environmental Conservation Law § 29-0101(1);
- viii. high-level radioactive waste;
- ix. transuranic waste;
- x. regulated medical waste as defined by NY Environmental Conservation Law § 27-1501(1); [and]
- xi. automobile shredder residue; [and]
- xii. discarded automobiles; [and]
- xiii. waste tires as defined by NY Environmental Conservation Law § 27-1901(13); [and]
- xiv. plastics, or any material that has been source separated for recycling or composting purposes; [and]
- xv. pharmaceutical wastes or expired pharmaceuticals; [and]
- xvi. disaster debris; [and]
- xvii. electronic wastes; [and]
- xviii. processed engineered fuel; [and]
- xix. refuse derived fuels; [and]
- xx. any material determined by the U.S. Environmental Protection Agency or New York state agency to be a non-hazardous secondary material, or
- xxi. the solid residue of any air or water pollution control device.

Section 5: PROHIBITION

- A. [No person shall be permitted to operate a New Waste Disposal Facility in Albany County.] No person shall be permitted to burn or otherwise use the combustion process to dispose of Waste at a New Waste Disposal Facility in Albany County.
- B. [No person shall burn:
 - a. low-level radioactive waste as defined by N.Y. Environmental Conservation Law § 29-0101(1);
 - b. high-level radioactive waste;
 - c. transuranic waste; or
 - d. aqueous film-forming foam that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS).]

Section 6: PENALTIES FOR OFFENSES

A. Failure to comply with any of the provisions of this Local Law shall be a violation as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of up to \$2,000 or imprisonment of the Responsible Official for not more than 10 days, or both, for the first offense. A second offense shall be a misdemeanor as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine up to \$5,000 or imprisonment of the Responsible Official for a period of not more than 30 days, or both. All subsequent offenses shall be a misdemeanor punishable of a fine up to \$10,000 or imprisonment of the Responsible Official for a period of not more than 50 days, or both. For purposes of this subsection, each day of noncompliance with this Local Law shall constitute a separate and distinct offense.

B. Injunctions; concurrent remedies.

- i. In addition to any other remedy provided herein, the County of Albany may institute a suit in equity where unlawful conduct exists for an injunction to restrain a violation of this article.
- ii. In addition, any officer enforcing this law may issue stop work orders or compliance notices relative to any violation of this Local Law.
- iii. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the County of Albany from exercising any other remedy provided herein or otherwise provided at law or equity.
- iv. The terms and provisions of this article are to be liberally construed, so as best to achieve and effectuate the goals and purposes hereof.

C. In the event the County desires or is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs and expenses incurred by the County relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, any responsibility or liability therefor, and the amount thereof, shall be determined by a court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

Section 7: ENFORCEMENT AND ADMINISTRATION

Enforcement of this Local Law shall be the responsibility of the law enforcement agencies within the County.

Section 8: SEVERABILITY

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law

shall remain in effect.

Section 9: EFFECTIVE DATE

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



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF ECONOMIC DEVELOPMENT,
CONSERVATION AND PLANNING
112 STATE STREET – SUITE 1310
ALBANY, NEW YORK 12207-2021
(518) 447-5670

July 1, 2020

Honorable Andrew Joyce
Chairman, Albany County Legislature
112 State Street, Rm. 710
Albany, NY 12207

Dear Chairman Joyce:

I am requesting that the County Legislature approve the submittal of a request for funding to the NYS Office of Parks, Recreation and Historic Preservation on behalf of the Frontier Sno-Riders Snowmobile Club and Ridgerunners Snowmobile Club of Middleburgh Inc. This funding will be utilized for the purpose of maintaining New York State designated snowmobile trails in Albany County. The state funding will be passed through to the snowmobile clubs to conduct trail maintenance. There is no cost to the County and administrative responsibility is minimal.

Enclosed please find the completed Request for Legislative Action. If you have any questions, please feel free to contact me at 447-5670.

Sincerely,

Laura DeGaetano
Sr. Natural Resource Planner

cc Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1740, Version: 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):

Authorization to apply for grant funding through New York State Snowmobile Trails Grant-in-Aid Program

Date: 07/01/2020
 Submitted By: Laura DeGaetano
 Department: Economic Development, Conservation and Planning
 Title: Sr. Natural Resource Planner
 Phone: 518-447-5670
 Department Rep.
 Attending Meeting: Laura DeGaetano

Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel

- Personnel Non-Individual
- Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline 9/1/2020

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):

New York State Office of Parks, Recreation and Historic Preservation
625 Broadway
Albany, NY 12207

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Maintenance of funded snowmobile trails

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes No
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes No

Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.

Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.

Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: 100%

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.

Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes No

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 359

Date of Adoption: 08/13/2018

Justification: (state briefly why legislative action is requested)

There are over 22 miles of snowmobile trails in Albany County that are maintained by various snowmobile clubs. Existing trails and proposed new trails are eligible for funding from NYS OPRHP. The County sponsors the annual Grant-in-Aid application to allow the clubs to submit one comprehensive application rather than have duplicate administrative processes. In the 2019-2020 season, the grant program awarded \$12,792 for trail maintenance in Albany County. We will be notified of the amount of funding available for this year in the fall as the awards are based on a percentage of the revenue the state receives from permits. This is pass-through funding to the trail maintenance organizations. There is no cost to the county and minimal clerical/administrative responsibility.

RESOLUTION NO. 359

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REGARDING THE MAINTENANCE OF SNOWMOBILE TRAILS IN ALBANY COUNTY

Introduced: 8/13/18

By Conservation & Improvements Committee:

WHEREAS, The Department of Economic Development, Conservation and Planning has requested approval to submit a grant application to the NYS Office of Parks, Recreation and Historic Preservation on behalf of the Frontier Sno-Riders Snowmobile Club and Ridgerunners Snowmobile Club of Middleburgh for the purpose of maintaining designated snowmobile trails in Albany County, and

WHEREAS, The Natural Resource Planner has indicated that existing snowmobile trails and proposed new trails in Albany County are eligible for maintenance funding at no cost to the County from the NYS Office of Parks, Recreation and Historic Preservation and the County will be notified of the amount of funding available later this year, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to the NYS Office of Parks, Recreation and Historic Preservation on behalf of the Frontier Sno-Riders Snowmobile Club and Ridgerunners Snowmobile Club of Middleburgh for the purpose of maintaining designated snowmobile trails in Albany County at no cost to the County, and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant application as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote – 8/13/18