

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Tuesday, February 25, 2020

6:00 PM

**Harold L. Joyce Albany County Office Building
Room 730**

Conservation, Sustainability and Green Initiatives Committee

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

CURRENT BUSINESS:

1. AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION OF SARATOGA COUNTY FOR THE REMOVAL OF INVASIVE SPECIES AT ANN LEE POND

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

Sponsors: Reinhardt and Peter

3. 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

Sponsors: Reinhardt, Miller, Cunningham, Plotsky, Kuhn, Joyce, Chapman, Cleary, Fein, Lekakis, McLaughlin, Reidy, McLean Lane and Peter

Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Conservation, Sustainability and Green Initiatives Committee of the Albany County Legislature met on October 29, 2019. Chairperson Reinhardt, Messrs. Commisso, Fein, Ms. Plotsky, and Messrs. Frainier, Domalewicz, and Stevens were present. Messrs. Ethier and Mendick were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.

1. Resolution No. 180: Public Hearing on Proposed Local Law No. “J” for 2018: Tabled at Request of the Sponsor.
2. Local Law No. “J” for 2018: A Local Law of the County of Albany, New York Establishing Color Requirements for Petroleum Bulk Storage Tanks: Tabled at Request of Sponsor.
3. Local Law No. “D” for 2019: A Local Law to Incentivize the Use of Reusable Shopping Bags and to Eliminate the Use of Single-Use Plastic Bags in Albany County Shopping Establishments: Passed with favorable recommendation 4 – 3.
4. Local Law No. “F” for 2019: A Local Law to Require Albany County Restaurants and Eating Establishments to Provide Straws and Plastic Cutlery Only Upon Request: Tabled at the Request of the Sponsor.
5. Resolution No. 407: Public Hearing on Proposed Local Law No. “I” for 2019 – A Local Law of the County of Albany, New York to Establish Clean Air Standards for Waste Burning Facilities: Passed Unanimously to amend date to November 19, 2019.
6. Local Law “I” for 2019: A Local Law of the County of Albany, New York to Establish Clean Air Standards for Waste Burning Facilities: Tabled at the Request of the Sponsor.
7. Resolution No. 450: Public Hearing on Proposed Local Law No. “F” for 2019 – A Local Law of the County of Albany, New York to Require Albany County Restaurants and Eating Establishments to Provide Straws and Plastic Cutlery Only Upon Request: Passed Unanimously with favorable recommendation.

Respectfully submitted,

THE CONSERVATION AND IMPROVEMENT COMMITTEE

WILLIAM W. REINHARDT, Chairperson GILBERT F. ETHIER

RICHARD W. MENDICK
FRANK COMMISSO
GARY DOMALEWICZ
SAMUEL I. FEIN

JOHN FRAINIER
VICTORIA PLOTSKY
TRAVIS STEVENS



DANIEL P. MCCOY
COUNTY EXECUTIVE

DANIEL C. LYNCH
DEPUTY COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF PUBLIC WORKS
449 NEW SALEM ROAD
VOORHEESVILLE, NEW YORK 12186-4826
(518) 765-2055 - FAX (518) 447-7047
www.albanycountyny.gov

LISA M. RAMUNDO
COMMISSIONER

SCOTT D. DUNCAN
DEPUTY COMMISSIONER

January 29, 2020

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

Dear Chairman Joyce:

The Department of Public Works is requesting the approval to enter into a municipal agreement with Cornell Cooperative Extension of Saratoga County for invasive species removal at Ann Lee Pond. Capital/Mohawk Partnership for Regional Invasive Species Management (PRISM), is hosted by the Cornell Cooperative Extension of Saratoga County. The agreement would allow PRISM to manually remove Lesser Celandine from Ann Lee Pond this spring as well as educate Department staff on how to identify the invasive plant. Their service is at no cost to the County.

Lesser Celandine is an aggressive invader of wetlands that propagates in the spring and dies back in the summer. If left unchecked, it chokes out wetlands and leaves little room for native plant species.

Removal requires completely digging out the bulbils from the soil and disposing of the in dark plastic contractor bags.

If you have any questions or additional information is needed, please contact my office.

Sincerely,

Lisa M. Ramundo
Commissioner

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Kevin Cannizzaro, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1482, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Approval for an Agreement with Cornell Cooperative Extension for the Removal Lesser Celandine at the Ann Lee Pond

Date: January 29, 2020
Submitted By: Lisa M. Ramundo
Department: Public Works
Title: Commissioner
Phone: 518-765-2055
Department Rep.
Attending Meeting: Lisa M. Ramundo

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 Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Inter-Municipal Agreement

Contract Terms/Conditions:

Party (Name/address):

Cornell Cooperative Extension, Saratoga County/056
50 West High Street
Ballston Spa, NY 12020

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: No Charge
Scope of Services: Remove Lesser Celadine in Ann Lee Pond

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: Click or tap here to enter text.

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) May 1, 2020-July 31, 2020

Length of Contract: 3 Months

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: Click or tap here to enter text.

Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

The Department of Public Works is requesting the approval to enter into a municipal agreement with Cornell Cooperative Extension of Saratoga County for invasive species removal at Ann Lee Pond. Capital/Mohawk Partnership for Regional Invasive Species Management (PRISM), is hosted by the Cornell Cooperative Extension of Saratoga County. The agreement would allow PRISM to manually remove Lesser Celandine from Ann Lee Pond this spring as well as educate Department staff on how to identify the invasive plant. Their service is at no cost to the County.

Lesser Celandine is an aggressive invader of wetlands that propagates in the spring and dies back in the summer. If left unchecked, it chokes out wetlands and leaves little room for native plant species.

Removal requires completely digging out the bulbils from the soil and disposing of the in dark plastic contractor bags.

If you have any questions or additional information is needed, please contact my office.

Spencer Barrett

Proposal for Lesser Celandine Removal at Ann Lee Pond



Introduction: The Capital/Mohawk PRISM is a group that was founded to combat invasive species in the Capital Region from the Town of Catskill to the Town of Glen’s Falls. Invasive species have varied impacts depending on the species, but are all classified by their weedy presence outside of their native range and their negative impact on the ecology, the economy, and/or human health in their new location. Removal efforts by the PRISM focus on emerging invasives, those that do not have an extremely established population in the region. The hope is that by focusing on these less present invaders, the overall effect of invasive species can be minimized through keeping new species at bay, especially in protected natural areas. All PRISMs work to coordinate management efforts regarding invasive species as well as educate the public about the threat these species pose.

Species of Focus: Lesser Celandine is one such species whose impact is mainly considered on an ecological basis. Historically, humans have put our wetlands under strain through development and as a result, many of our endangered plants and animals are those that make use of these areas for habitat and forage. Some of the most threatening invasive species are those that invade wet areas, putting those already imperiled species at further risk. Lesser Celandine, unfortunately, prefers these areas. It has been reported since the 1800s in Pennsylvania, and has spread west to Missouri, with populations also existing on the west coast. On state risk assessments for this plant, it scores 85.56, an invasive rank of Very High for the state of New York.

The plant itself is a spring ephemeral, completely dying back by summer. This makes it very hard to manage due to a limited management window. This window does exist in May. The plant can be removed by completely digging out the bulbils from the soil and disposing of them in dark plastic contractor bags, preferably on-site. Thankfully, the management of this plant is relatively low-intensity, straightforward, and with follow-up, can be successful. The highest priority should be placed on streambed locations as these have the highest risk of spread through water movement.

The Site: Reports of Lesser Celandine at Ann Lee Pond first reached the PRISM by way of third-party report from local naturalist David Behm, who has conducted a wildflower survey of the property. These reports were verified by Terrestrial Coordinator Spencer Barrett and PRISM Coordinator Kris Williams during the 2018 field season. The main population of the plant is near the northern parking lot in a drainage area leading into the pond, though it stretches in patches along the path leading south. The reason this find is significant and the reason the PRISM is proposing the removal of this plant is due to the geography of the infestation, the northernmost confirmed population of Lesser Celandine in the

region. Due to the hydrology of the site as well as the close proximity of the plant to the walking path, it is imperative to get a handle on this plant before further disturbance occurs and the risk of this plant spreading increases. It is also recommended that native species be planted in place of the plant to discourage other invasive species from making use of the disturbed area. While it is currently unknown if there are other Lesser Celandine locations in Albany County, it is the hope of the PRISM that involving Albany County DPW will increase the number of eyes on the ground looking for new infestations of this aggressive invader.

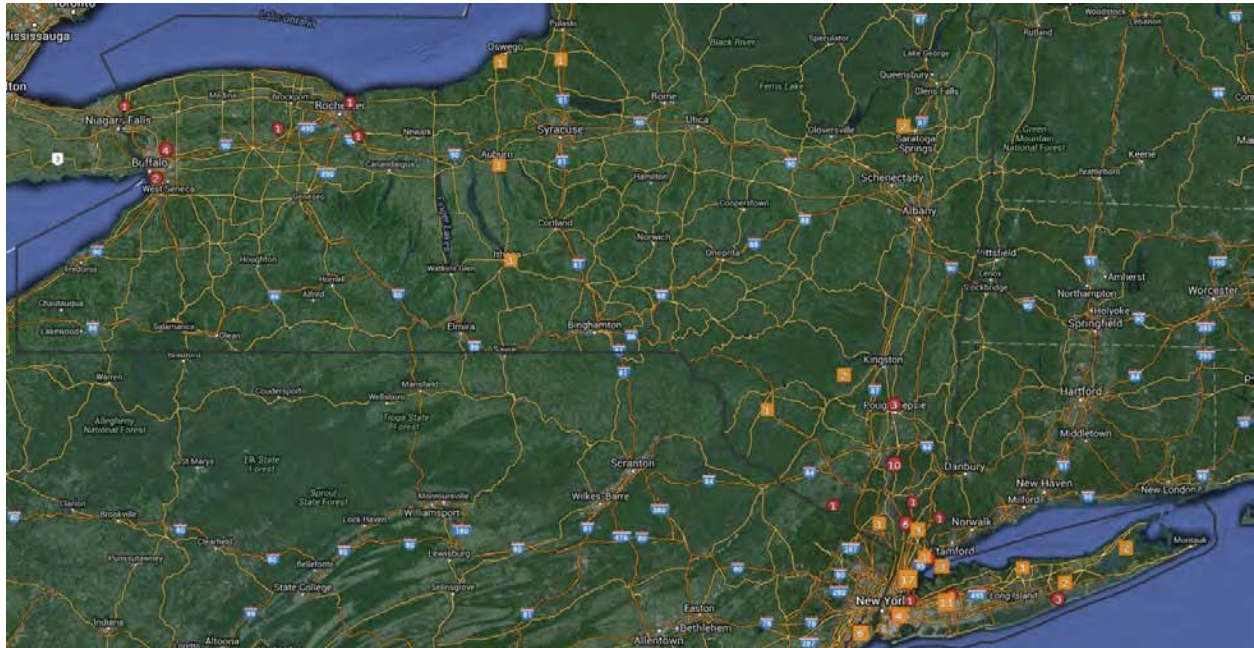
Synopsis: The proposed event is an invasive species removal project with an educational component for any DPW staff that wish to attend. The PRISM agrees to furnish the event with available tools and supplies, including black contractor bags for disposal, trowels, shovels, and gloves that we have on-hand, as well as making staff available for days of the proposed project. The goal of the removal is to reduce the amount of Lesser Celandine on site at Ann Lee Pond significantly, with follow up efforts to follow in coming years with an end goal of full on-site eradication. This work would be done with no monetary cost to the county. Proposed timing for this event is a two day time period (Monday-Thursday) occurring during the last two weeks of May.

References:

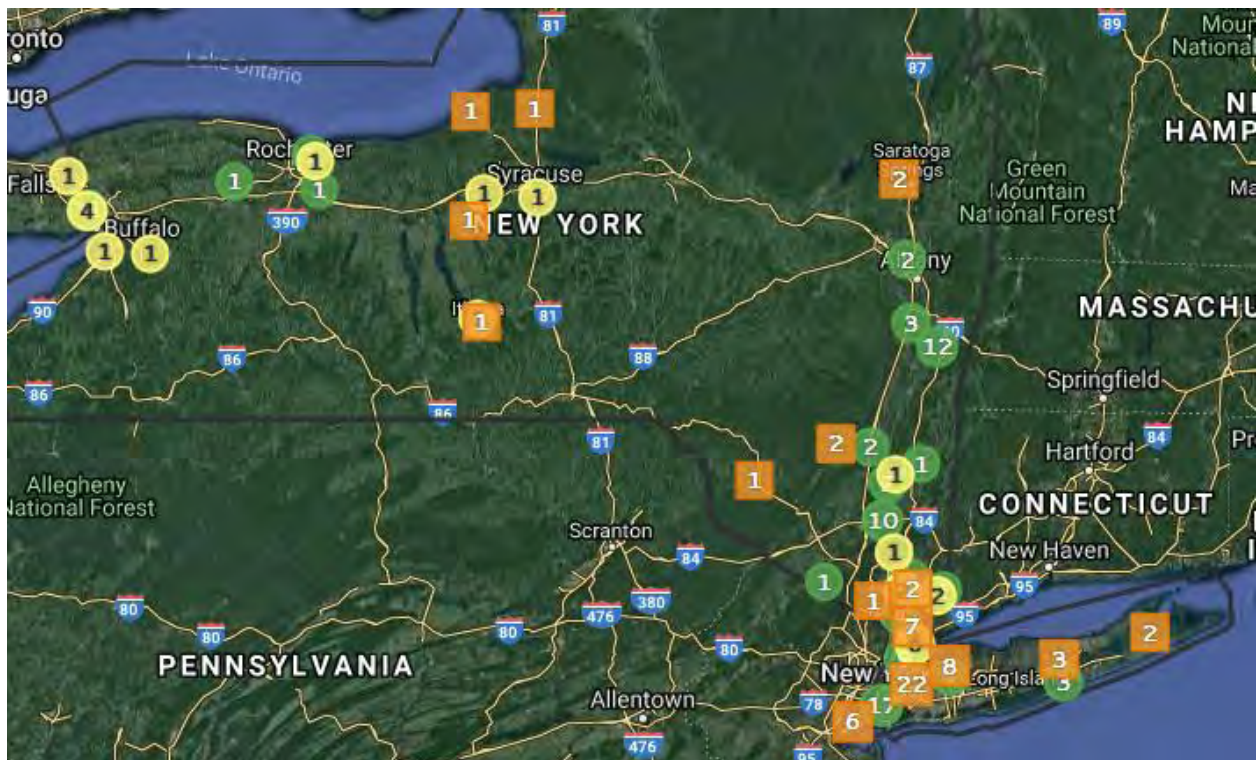
- NY Invasive Species Information: http://nyis.info/invasive_species/lesser-celandine/
- Cap/Mo PRISM Website: <http://www.capitalmohawkprism.org/>
- PRISM Lesser Celandine Factsheet:
http://www.capitalmohawkprism.org/uploads/8/1/4/0/81407728/ficaria_verna_lesser_celandine.pdf
- DEC PRISM Information: <https://www.dec.ny.gov/animals/47433.html>

The Capital-Mohawk PRISM is funded by the New York State Department of Environmental Conservation through the Environmental Protection Fund. The PRISM is hosted by the Cornell Cooperative Extension of Saratoga County.

2015 Map of Recorded Lesser Celandine Locations: (Orange= Historical Record)



Current Map of Lesser Celandine (December, 2018):



Locations of Lesser Celandine at Ann Lee Pond:



Lesser Celandine illustration showing the characteristic bulbils which are the target of removal.



Lesser Celandine Infestation photos (not in flower) at Ann Lee Pond:





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/28/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER P. W. Wood & Son, Inc. 2333 N Triphammer Rd, Ste 501 PO Box 4798 Ithaca, NY 14852 Jamie A. Ferris CIC, AAI, CPIA		607-266-3303	CONTACT NAME: Karen Supek PHONE (A/C, No, Ext): 607-266-3303 FAX (A/C, No): 607-266-9663 E-MAIL ADDRESS: ccecontracts@thewoodoffice.com
INSURED Cornell Cooperative Extension Saratoga County/056 50 W High Street Ballston Spa, NY 12020		INSURER(S) AFFORDING COVERAGE INSURER A : Philadelphia Indemnity Ins Co	NAIC # 18058
		INSURER B :	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

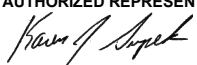
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK1978278	05/24/2019	05/24/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 Emp Ben. \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK1978278	05/24/2019	05/24/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10000			PHUB674961	05/24/2019	05/24/2020	EACH OCCURRENCE \$ 20,000,000 AGGREGATE \$ 20,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Memorandum of Agreement for the Removal of Invasive Species at the Ann Lee Pond Nature and Historic Preserve May-June 2020.

CERTIFICATE HOLDER

CANCELLATION

COALBA1 County of Albany Albany County Office Building 112 State Street Albany, NY 12207	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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RESOLUTION NO. 130

AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE
EXTENSION OF SARATOGA COUNTY FOR THE REMOVAL OF INVASIVE
SPECIES AT THE ANN LEE POND

Introduced: 4/8/19

By Public Works Committee and Mr. Bullock:

WHEREAS, The Commissioner of the Department of Public Works has requested authorization to enter into an agreement with Cornell Cooperative Extension of Saratoga County in collaboration with the Capital-Mohawk Partnership for Regional Invasive Species Management (PRISM) regarding the removal of Lesser Celandine at the Ann Lee Pond, and

WHEREAS, Lesser Celandine is an invasive perennial flowering plant species that has been detected near the northern parking lot in a drainage area of the Ann Lee Pond and needs to be removed, and

WHEREAS, The Commissioner has indicated the agreement would allow PRISM to manually remove Lesser Celandine from the Ann Lee Pond this spring as well as educate the Department staff on how to identify the invasive plant in the future at no cost to the County, now, therefore, be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to execute an agreement with Cornell Cooperative Extension of Saratoga County in connection with PRISM for the removal of Lesser Celandine at the Ann Lee Pond for a term commencing May 1, 2019 and ending August 1, 2019, and, be it further

RESOLVED, That said agreement be approved by the County Attorney as to form and content prior to the execution thereof, and, be it further

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

Adopted by unanimous vote - 4/8/19.

RESOLUTION NO. 80

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “B” FOR 2020

Introduced: 2/10/20

By Messrs. Reinhardt and Peter:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed 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” be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, March 24, 2020, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Conservation, Sustainability and Green Initiatives Committees – 2/10/20

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. Cleary, Fein, Mss. Lekakis, McLaughlin, McLean Lane, Messrs. Reidy and Peter:

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 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. publically 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 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(1) 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. high-level radioactive waste; and
- vii. transuranic waste; and
- viii. regulated medical waste as defined by NY Environmental Conservation Law § 27-1501(1); and
- ix. automobile shredder residue; and
- x. discarded automobiles; and
- xi. waste tires as defined by NY Environmental Conservation Law § 27-1901(13); and
- xii. pharmaceutical wastes or expired pharmaceuticals; and
- xiii. disaster debris; and
- xiv. electronic wastes; and
- xv. processed engineered fuel; and
- xvi. refuse derived fuels; and
- xvii. the solid residue of any air or water pollution control device.

Section 5: PROHIBITION

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.

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: CONFLICTS OF LAW

Whenever any Local Law, Chapter, Ordinance or Regulation of the County of Albany, State of New York, or United States of America is inconsistent with this Local Law, whichever Local Law, Chapter, Ordinance or Regulation is more stringent shall supersede the less stringent Local Law, Chapter, Ordinance or Regulation.

Section 10: EFFECTIVE DATE

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

*Referred to Law and Conservation, Sustainability and Green Initiatives
Committees – 2/10/20*