

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

**DRAFT
IMAs ON FILE**

Your Committee is in receipt of a communication from the County Executive which, if adopted, would authorize the County of Westchester (the "County"), acting on behalf of Westchester County Refuse Disposal District No. 1 (the "District"), to enter into intermunicipal agreements ("IMAs") with municipal corporations located within the county in order to continue an Organic Yard Waste Transfer Program for a term from April 1, 2018 through March 31, 2023.

In February of 1988, a Comprehensive Recycling Plan was submitted to your Honorable Board that proposed various strategies and programs, each designed to increase recycling of solid waste in Westchester county. After careful consideration and extensive examination, your Honorable Board approved this plan in concept as Resolution No. 155-1988 and, subsequently, authorized several programs proposed therein. These programs and the County's extensive public outreach effort have greatly contributed to a growing awareness, among citizens and public officials alike, of the need for recycling in the county.

Noting that the County is the State-mandated Solid Waste Planning Unit for Westchester county, the County is required to undertake programs for the recycling or environmentally sound disposal of organic yard waste from municipalities and/or to promote the management of organic waste within the county. It is presently estimated that approximately 29% of the county's waste stream is organic yard waste: grass, brush and leaves. If not for the existence of the organic yard waste program, much of the organic yard waste generated in the county would be disposed of in the garbage and incinerated at the Resource Recovery Facility, rather than being put to productive reuse.

In furtherance of the Comprehensive Recycling Plan, your Honorable Board enacted Act No. 65-1998 authorizing the County, acting on behalf of the District, to enter into IMAs with municipal corporations located within the District in order to initiate an Organic Yard Waste Transfer Program for a term from April 1, 1998 through March 31, 2003. Since that time, your Honorable Board has approved the renewal of the IMAs as follows:

- 1) Act No. 15-2003 for a term of April 1, 2003 through March 31, 2008;
- 2) Act No. 33-2009 for a term of April 1, 2008 through March 31, 2013; and
- 3) Act No. 203-2013 for a term of April 1, 2013 through March 31, 2018.

Twenty three (23) municipalities currently have an IMA on file with the County and participate in the program. For informational purposes, a list is appended identifying the District municipalities that currently participate in this program and the composting facilities to which yard waste is currently transported (See Appendix "A"). Each participating municipality provides a site where yard waste from that community, as well as others, is collected. The County provides transportation of the yard waste from the municipal sites to a composting facility. Although the host municipalities are required to pay a fee to the County for this service to help defray costs, the fee is less than the tipping fee that would be charged for disposing of the waste at the Charles Point Resource Recovery Facility.

The County proposes to continue this important program for an additional five (5) year period and, also, offer it to municipalities that are not members of the District in order to promote the expansion of efforts to provide methods for the environmentally sound disposal and/or recycling of organic yard waste within the county.

Under the proposed program, municipalities that choose to host an organic yard waste transfer site would enter into an IMA with the County for the term from April 1, 2018 through March 31, 2023. In addition to providing a transfer site, each municipality will be responsible

for supplying a qualified equipment operator, a front end loader capable of top loading 100 cubic yard trailers, and a loading ramp. The municipality must also register the transfer site with the New York State Department of Environmental Conservation and conduct site specific environmental reviews as necessary to comply with the State Environmental Quality Review Act ("SEQRA"). Pursuant to the program, organic yard waste would be received at the host municipal sites. In all cases, the County would then arrange for the transport of the yard waste to composting facilities outside the county to be disposed of at County expense (currently \$43.633 per ton).

As noted above, both District members and non-District members will be eligible to participate in this program. The rate applicable to district members would be \$17.35 per ton for the period from April 1, 2018 through December, 2018. Effective January 1st of each year, each District member would be required to pay the County at a rate subject to an annual adjustment factor equal to the percentage change in the All Items Consumer Price Index for all Urban Consumers for (1982-84=100) for New York-Newark-Jersey City, NY-NJ-PA Metropolitan Statistical Area as published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI"). However, if a District host-municipality accepts organic yard waste from a non-District municipality, it will pay to the County a rate of \$52.36 per ton for such non-District waste, subject to an annual CPI adjustment, which amount represents the County's actual disposal cost plus an administrative fee.

Non-District host municipalities will also pay a rate of \$52.36 per ton, subject to an annual CPI adjustment. In the event a non-District member elects to join the District during the term of these IMAs, it will be entitled to an automatic adjustment in its rate, allowing for the payment of the District rate outlined above.

Pursuant to the IMAs, the host-municipalities may charge other municipalities using the transfer site a mutually agreed upon tipping fee, but in no event may it be higher than the municipal tipping fee for the Resource Recovery Facility, as such fee may be adjusted from time to time.

The Planning Department has conducted an environmental review of this proposed program and has concluded that this is a “Type II” action under SEQRA, which requires no further environmental review. The SEQRA documentation is attached for your reference. Your Committee concurs with this conclusion.

It should be noted that approval of the Act authorizing the County to enter into these IMAs requires the affirmative vote of a majority of the voting strength of your Honorable Board.

Continuation of the Organic Yard Waste Transfer Program will assist our municipalities in the processing of their yard waste through an IMA. Therefore, your Committee recommends adoption of the annexed Act.

Dated: _____, 2018
White Plains, New York

COMMITTEE ON

Dated: June 11, 2018
White Plains, New York

COMMITTEE ON PUBLIC WORKS

Maryanne Blinn
Cathy Park
David J. Tubiolo
Nancy Barr
K. O'Sullivan

COMMITTEE ON BUDGET & APPROPRIATIONS

Arthur K.
W. N. Moore
Cathy Park
David J. Tubiolo
Nancy Barr
Margaret A. Cyio

Appendix "A"

Members of Westchester County Refuse Disposal District No. 1 that currently have an IMA on file for the Organic Yard Waste Transfer Program:

1. Village of Briarcliff Manor
2. Village of Bronxville
3. Village of Irvington
4. Village of Mamaroneck
5. Village of Mount Kisco
6. Village of Ossining
7. Village of Pleasantville
8. Village of Port Chester
9. Village of Scarsdale
10. Village of Sleepy Hollow
11. Village of Tarrytown
12. Village of Croton-on-Hudson
13. Town of Cortlandt
14. Town of Eastchester
15. Town of Greenburg
16. Town of Harrison
17. Town of Mamaroneck
18. City of Mount Vernon
19. City of New Rochelle
20. City of Peekskill
21. City of Rye
22. City of Yonkers
23. City of White Plains

*(several other RDD member municipalities deliver yard waste to an IMA host site, including, but not limited to Ardsley, Dobbs Ferry, Elmsford, Town of Ossining, Pelham, Pelham Manor and Tuckahoe)

Current Commercial Compost Sites Where Yard Waste is Delivered:

Organic Recycling Inc. (Goshen, NY)
Perfect Cut Recycling (Tuxedo, NY)
We Care Organics (Hillburn, NY)
McEnroe Organic Farms (Millertown, NY)
West Hook Sand and Gravel (Hopewell Junction, NY)
Waste Conversions (Milford, CT)
Scott's Earthgro (Lebanon, CT)

FISCAL IMPACT STATEMENT

SUBJECT: Organic Yard Waste IMA NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ 2,961,400

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: Expense: _____

Revenue: Fund: 251; Dept: 60; Unit: 7800; Revenue source: 9220

Potential Related Operating Budget Expenses: Annual Amount \$7,570,490

Describe: The Expense to the County of transporting and composting the Organic Yard waste received from the Municipalities.

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: James Arnett

Title: Deputy Commissioner

Department: Environmental Facilities

Date: May 24, 2018

Reviewed By: 

Budget Director

Date: 5/25/18

TO: Mario Parise, Assistant Commissioner
Department of Environmental Facilities

FROM: David S. Kvinge, AICP, RLA, CFM
Director of Environmental Planning



DATE: May 11, 2018

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR ORGANIC YARD
WASTE INTERMUNICIPAL AGREEMENTS**

In response to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6NYCRR Part 617 (SEQR).

The action involves an Act of the Board of Legislators that would authorize the County, acting on behalf of Westchester County Refuse Disposal District No. 1, to enter into agreements with local municipalities within Westchester County that are part of the District to continue the Organic Yard Waste Transfer Program from April 1, 2018 through March 31, 2023. The program has been in place since 1998 under consecutive 5-year terms, the latest of which has recently expired.

As before, this ongoing program, which essentially assists municipalities with the management and costs of carting yard waste to an existing composting site, is classified as a Type II action pursuant to section 617.5(c)(20), "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment." As such, no environmental review is required for the proposed Act.

It is noted that agreements with municipalities that have an existing municipal yard waste program, where no physical changes will occur, would also be classified as Type II pursuant to section 617.5(c)(20). However, municipalities that are proposing a new collection site will be required to undertake further environmental review as may be required by SEQR. Since the municipality has principal jurisdiction over selection of the collection site, the municipality should act as lead agency and coordinate its review with the County as an involved agency, as appropriate, in accordance with SEQR.

Please contact me if you need any additional information regarding this classification.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Norma Drummond, Acting Commissioner
Claudia Maxwell, Associate Environmental Planner

ACT NO. 87 - 2018

AN ACT authorizing the County of Westchester, acting on behalf of Westchester County Refuse Disposal District No. 1, to enter into intermunicipal agreements with municipal corporations located within the County in order to continue an Organic Yard Waste Transfer Program for a term from April 1, 2018 through March 31, 2023.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (the "County"), acting on behalf of Westchester County Refuse Disposal District No. 1 (the "District"), is hereby authorized to enter into intermunicipal agreements ("IMAs") with municipal corporations located within the County in order to continue an Organic Yard Waste Transfer Program for a term from April 1, 2018 through March 31, 2023.

§2. District members and non-members shall be eligible to participate in this program. Pursuant to the IMAs, organic yard waste shall be received at the host municipal sites and disposed of at County expense (currently \$43.633 per ton). The rate applicable to district members would be \$17.35 per ton for the period from April 1, 2018 through December, 31, 2018. Effective January 1st of each year, each District member would be required to pay the County at a rate subject to an annual adjustment factor equal to the percentage change in the All Items Consumer Price Index for all Urban Consumers (1982-84=100) for New York-Newark-Jersey City, NY-NJ-PA Metropolitan Statistical Area as published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI"). However, if a District host-municipality accepts organic yard waste from a non-District municipality, it will pay to the County a rate of \$52.36 per ton for such non-District waste, subject to an annual CPI adjustment, which amount represents the County's actual disposal cost plus an administrative fee. Host municipalities that are not District members shall also pay the County \$52.36 per ton, subject to an annual CPI adjustment. To the extent that any non-District member joins the District during the term of this IMA, that municipality shall be entitled to an automatic rate adjustment to allow for the payment of the District rate. The County shall arrange for the transport of the yard waste to composting facilities outside the county.

§3. The IMAs shall require each host municipality to indemnify and defend the County against any claims arising out of this agreement.

§4. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 87 - 2018, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on June 18, 2018, and approved by the County Executive on June 21, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 22nd day of June, 2018.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

