

Local Law Number 4 Of 2020

County Of Ulster

A Local Law Amending Various Provisions Of Local Law No. 1 Of 2020, A Local Law Amending The Code Of The County Of Ulster To Include Mandatory Food Scraps Composting By Large Generators

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

SECTION 1. Section 304-46. of the Code of the County of Ulster shall be amended to read as follows:

Section 304-46. 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 sustainability and protecting our environment. In 2015, Ulster County established a sustainable green fleet policy to reduce emissions, decrease costs, and increase efficiency. Also in 2015, the County began regulating the use of polystyrene foam disposable food service ware by food service establishments in the County. On July 15, 2019, Ulster County will begin regulating the use of single use plastic carryout bags, 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. Under current consideration in the Ulster County Legislature is a law requiring restaurants and fast food service establishments provide plastic beverage straws solely upon request.

Ulster County was one of the first counties in New York State to receive Climate Smart certification, and continues making it a priority to increase awareness and provide education regarding environmental health.

Food waste is a matter intrinsically linked with the growing challenges of food security, resource and environmental sustainability, and climate change. According to the U.S. Environmental Protection Agency, food scraps and yard waste together currently make up about 30 percent of what we throw away. The proposed composting law requires regulated entities to prioritize their diversion practices based on a clearly delineated hierarchy. A significant amount of waste in our landfills should have been composted leaving critical landfill space open for material that cannot be recycled or composted. Benefits to the County of composting include creation of nutrient rich soil for agriculture and landscaping uses, increased tilth and the ability of soil to retain water and to store greenhouse gases, and reduced erosion.

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The Ulster County Legislature believes that banning disposal of food by large food waste generators aligns with Ulster County's sustainability initiatives and vision. Diverting food waste from disposal to programs for the purpose of providing nourishment to the food insecure, programs to supplement local farms with animal feed, composting to improve soil quality, and/or conversion to energy is key to a sustainable Ulster County by improving local health, and the county's environment, and further reduction of its carbon footprint. It will also reduce the waste stream the Ulster County Resource Recovery Agency is responsible for disposing of.

This law, commencing January 1, 2021, requires large food waste generators to separate such waste from the general waste stream and then either arrange for its reuse by the food insecure or for animal feed, to it on site, or to arrange for licensed services for the purpose of delivering it to a processing facility for composting or anaerobic digestion. The law will remove food waste generated on an annual basis from the waste stream incrementally from generators producing 2 tons per week to 0.5 tons per week by July 1, 2023.

The Ulster County Legislature has determined that Ulster County should increase food scrap recycling beyond the basic requirements in New York State's Food Donation and Food Scraps Recycling statute. This local law expands food scrap recycling requirements by regulating generators of smaller amounts of waste, by including schools and hospitals, and through other extensions beyond State law. The Legislature finds that Ulster County has a robust network of facilities ready to accept food scraps for the above mentioned purposes, and that maximizing the removal of food from the waste stream is essential to reducing the overall volume of waste in the County.

The Ulster County Legislature believes education is a fundamental component of this legislation. The law will require the County to identify and recommend actions to address challenges, to encourage the continued viability of the County's organic waste processing and recycling infrastructure, and to foster partnerships with local municipalities, stakeholders, the Ulster County Resource Recovery Agency and other specified state and regional agencies. The law also would allow the County to cooperate with local jurisdictions and organizations to provide assistance for increasing the feasibility of food waste recycling and to identify certain financing mechanisms and state funding incentives.

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The additional purpose of this legislation is to implement the food recovery hierarchy in Ulster County as set forth in US Environmental Protection Agency guidance and state legislation. While this law shall apply to large food waste generators, residential and small-quantity food waste generators are encouraged to reduce food waste and compost organic waste.

The law applies within the boundaries of Ulster County, NY to all food waste generators. This law is not intended to regulate large food waste generators otherwise regulated under New York State's Food Donation and Food Scraps Recycling Act, ECL Art. 27, Tit. 22, and specifically exempts such large food waste generators from the requirements hereunder. The Ulster County Legislature intends this law to supplement the benefits of New York State's Food Donation and Food Scraps Recycling rather than supersede or establish duplicative regulation with such state law.

SECTION 2. Section 304-50. of the Code of the County of Ulster shall be amended to read as follows:

Section 304-50. APPLICABILITY.

Large food scraps generators shall be subject to the requirements of Section 304-51 as of the following dates:

- (a) Beginning January 1, 2021, a large food scraps generator whose acts or processes produce more than 2 tons per week of food scraps;
- (b) Beginning July 1, 2021, a large food scraps generator whose acts or processes produce more than 1 ton per week of food scraps;
- (c) Beginning July 1, 2022, a large food scraps generator whose acts or processes produce more than .75 ton per week of food scraps; and
- (d) Beginning July 1, 2023, a large food scraps generator whose acts or processes produce more than .5 ton per week of food scraps.

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County Of Ulster

A Local Law Amending Various Provisions Of Local Law No. 1 Of 2020, A Local Law Amending The Code Of The County Of Ulster To Include Mandatory Food Scraps Composting By Large Generators

SECTION 3. Section 304-52. of the Code of the County of Ulster shall be amended to read as follows:

Section 304-52. NOTIFICATION, TRAINING, AND EDUCATION.

A. Ulster County or the Agency pursuant to an agreement with the County shall provide educational resources, including periodic guidance, training, updates, signage, and flyers, for any existing food scraps generator for the purposes of teaching and retaining effective procedures for sorting materials for organics. The County may enter into an agreement with the Agency to provide any portion of the training pursuant to this section.

B. The County or Agency shall promote best practices for covered large food scraps generators to comply with the requirements of this law, and for all entities and the public to manage excess food, food scraps, and organic waste in a similar manner.

C. The County or Agency may collect and report information to promote improved management of excess food, food scraps and organic waste, including information on practices by covered large food waste generators, other entities and the public, or lists of entities and resources providing assistance for reducing such materials, facilities accepting such materials, or financing mechanisms and incentives available for recovery.

D. Ulster County shall notify large food scraps generators that they are subject to the requirements of section 304-51 at least three months prior to the applicable date of such requirements to the individual large food scraps generator under section 304-50.

SECTION 4. Section 304-54. of the Code of the County of Ulster shall be amended to read as follows:

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Section 304-54. IMPLEMENTATION AND ENFORCEMENT.

The County Executive shall designate a County department or departments to have responsibility for implementation and enforcement of the requirements of this Chapter. The Director of the designated Department(s) is authorized to promulgate rules and regulations and to take any other action reasonable and necessary to implement and enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any large waste food generator 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 5. 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 6. EFFECTIVE DATE.

This law shall be effective upon filing in the Office of the Secretary of State.

Adopted by the County Legislature: June 16, 2020

Approved by the County Executive: July 17, 2020

Filed with New York State Department of State: August 7, 2020