

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of Rensselaer (Introductory)

Local Law No. (Introductory) of the year 2019

A local law of the County of Rensselaer Establishing a Solid Waste Management Facilities One (1) Year Moratorium and amending Local Law No. 2 of 2019

By: Stammel, Loveridge, Hoffman, Herrington, Bayly, Bendett, Casale, Fiacco, Grant, Patire, Peter, Tesman, Wysocki, Grimm, Doran, Burns, Fleming, Sullivan-Teta, Weaver

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Be It Enacted by the Rensselaer County Legislature as follows:

Section 1. Title

This Local Law shall be known as the "Solid Waste Management Facilities Moratorium Law." This Local Law amends Local Law No.2 of 2019.

Section 2. Legislative Findings and Purpose

The Rensselaer County Legislature hereby finds and determines that it is in the best interest of the residents of the County of Rensselaer to protect the Hudson River as well as Municipal Drinking Water Sources in the County from possible contamination and damage from adverse effects caused by locating Solid Waste Management Facilities, as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste for the purpose of disposal, use as a fuel product or transfer to a facility in Rensselaer County or outside the County within a one (1) mile distance from the Hudson River and its tributaries as it adjoins the borders of the County of Rensselaer, or Municipal Drinking Water Sources in the County, including, but not limited to, the Tomhannock Reservoir and its tributaries.

The purpose of this local law is to protect public health and safety, as well as the environment, in Rensselaer County, by requiring a one (1) year moratorium, from the effective date of this Local Law, **on the local and/or state approval of, or local and/or state permitting of, or expansion of,** any Solid Waste Management Facilities, **as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York,** including, but not limited to landfills, transfer stations **and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste for the purpose of disposal, use as a fuel product or transfer to a facility in Rensselaer County or outside the County** within a one (1) mile distance from the Hudson River **and its tributaries** or Municipal Drinking Water Sources, including, but not limited to, the Tomhannock Reservoir **and its tributaries.**

Section 3. Moratorium

The Rensselaer County Legislation hereby prohibits, for a period of one (1) year from the effective date of this Local Law, **the local and/or state approval of permits, or expansion of,** or opening of any Solid Waste Management Facility, **as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York,** including, but not limited to landfills, transfer stations **and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste for the purpose of disposal, use as a fuel product or transfer to a facility in Rensselaer County or outside the County** within a one (1) mile distance from the Hudson River **and its tributaries** as it adjoins the borders of the County of Rensselaer, or from any Municipal Drinking Water Sources in the County, including, but not limited to, the Tomhannock Reservoir **and its tributaries.**

Section 4. Public Hearings

The Rensselaer County Legislature shall conduct public hearings and gather information on what further safeguards, if any, need to be put in place to assure that the public health and environment of Rensselaer County are not put in jeopardy from the operation of, **or expansion of,** any Solid Waste Management Facilities, **as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York,** including, but not limited to landfills, transfer stations **and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste for the purpose of disposal, use as a fuel product or transfer to a facility in Rensselaer County or outside the County** located within one (1) mile of the Hudson River **and its tributaries** or from any Municipal Drinking Water Sources in the County, including, but not limited to, the Tomhannock Reservoir **and its tributaries.**

Section 5. State Environmental Quality Review Act compliance

This County Legislature determines that the adoption of this Local Law constitutes a "Type II action" as said term is defined in the State Environmental Quality Review Act ("SEQRA"), and that no further action with respect to same is required under SEQRA.

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law, which shall remain in full force and effect except as limited by such order or judgment.

Section 7. Effective Date

This Local Law shall be effective immediately.

Local Law ADOPTED by the following vote:

Ayes:

Nays:

Abstain:

August 13, 2019

Approved by the County Executive:

Dated: _____

Steven F. McLaughlin
County Executive