

ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES COMMITTEE
ENVIRONMENTAL CONCERNS AGENDA
AUGUST 25, 2020

COMMITTEE MEMBERS: Supervisors Braymer, Dickinson, Hogan, Beaty, Merlino, Simpson & Strough

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items: None.
- IV. Discussion Items:
 1. Septic Inspection at Transfer Law.
 2. Local Solid Waste Management Plan for 2019-28 and a ZERO WASTE Vision.
- V. Referrals/Pending Items: None.
- VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
- VII. Motion to adjourn

Attachments: 1. Proposed County Law Entitled: "Septic Inspection Upon Transfer"
2. Comments on the Warren County Draft Local Solid Waste Management Plan for 2019-2028 and a ZERO WASTE Vision

**A COUNTY LAW ENTITLED:
“SEPTIC INSPECTION UPON TRANSFER”**

**BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WARREN COUNTY,
NEW YORK AS FOLLOWS:**

SECTION 1. COUNTY LAW # ___ of 2020 is hereby enacted as follows:

- A. Title:** This County Law shall be known as “Septic Inspection Upon Transfer” Law.
- B. Statutory Authority:** Enactment of this County Law is pursuant to powers vested in the Warren County Board of Supervisors pursuant to the provisions of New York State County Law, New York State General Municipal Law and New York State Public Health Law.
- C. Intent and Findings:** The intent of this County Law is to protect groundwater, surface waterbodies and soils from contaminating exposure to excess nutrients and pollutants. Warren County finds that the occurrence of such excess nutrients and pollutants can be increased by the presence of inadequately functioning septic systems. Poorly maintained, aging or failing septic systems pose a threat to public health with particularly acute impacts upon the general public through contaminated drinking water and can create widespread negative environmental impacts impairing recreational opportunities and contaminating precious ecological resources within Warren County.
- D. Applicability:** In determining the areas of application of this County Law, Warren County finds that it is appropriate to include all developed real properties, situate within 250 feet of the water bodies specified in Appendix A, serviced by an onsite wastewater treatment system, regardless of the distance of the wastewater treatment from the water body. This County Law will not apply in the City of Glens Falls, which has its own code enforcement office and few, if any, properties without sewer service. This County Law will also not apply in the Town of Bolton or the Town of Queensbury so long as these local municipalities have local laws regarding septic inspections upon transfer of properties, which, at the time of adoption of this County Law, they do.
- E. Compliance Required:** Except where specifically exempted by the provisions hereof, or otherwise exempted by the application of a federal or state law, this County Law shall apply to all conveyances of real property by deed or testamentary instrument transferring ownership of a developed real property serviced by a septic system where those premises are not exclusively serviced by a municipal sewer line and the septic system servicing the real property is located wholly or partially within Warren County, New York.
- F. Definitions:** The following meanings shall be ascribed to the words or phrases specific to this County Law:
- 1. Conveyance:** The transfer of ownership of real property by a deed instrument or by a testamentary instrument.
 - 2. Qualified Inspector:** A natural person, corporation or similar business entity who
 - a) by authority, certification or license “in good standing” granted by the State of

New York is a professional engineer, or septic system engineer/designer, or

b) by current certification, training or licensing in the discipline(s) of septic system design, septic installation and/or septic inspection such inspector has been trained by the New York Onsite Wastewater Treatment Training Network, Inc. (OTN), or equivalent training recognized by the New York State Department of Health or the New York State Department of Environmental Conservation, or

c) by current certification, training or licensing such inspector is qualified in the discipline of home inspections encompassing training in septic system inspections issued by the New York State Department of State, Division of Licensing Services, or

d) by current certification, training or licensing in the discipline of septic system design or septic system inspections such inspector is approved or authorized by the New York State Department of Health or the New York State Department of Environmental Conservation.

3. OSWT Inspection: A professional assessment of an onsite waste water treatment system, occurring in advance of the transfer of ownership to real property by deed or testamentary instrument to a new owner being conducted by a Qualified Inspector for the purposes of determining a septic system's substantial satisfactory performance in compliance with the applicable New York State Department of Health Schedule 75A and any local municipal requirements then in effect at the time of the permitted installation of the septic system.

4. Septic system: Any self-contained, underground, onsite wastewater devices or processes designed or installed for the collection and treatment of household, commercial or industrial effluents and/or sewage and where a municipal sewer service "hook up" is not utilized at the real property. Also referenced herein as an OSWT.

G. Inspection Prior to Conveyance of Real Property.

1. Prior to any conveyance of a developed real property where the improved property utilizes an On-Site Wastewater Treatment System (OSWT), the OSWT shall be inspected by a Qualified Inspector who shall certify in a written report to the Warren County Building Codes Department (on a form to be provided by the Department), the pre-conveyance condition(s) of the inspected OSWT. The OSWT inspection shall first require a pre-inspection surcharge of the septic tank and absorption field with an average daily flow volume (i.e., flush all toilets, run all water for a period of time) to check the septic system for failure prior to pumping out, followed by a pre-inspection septic tank pump out by a contractor possessing a valid New York State Part 364 Waste Transporter Permit with valid authorization to transport septage. Further, all seepage pits and septic drainfield distribution boxes (D-box) accepting effluent from a septic tank must be uncovered and opened by the property owner or their agent prior for the OSWT inspection. The pre-inspection septic tank pump out and OSWT inspection shall be arranged by the property owner as early in the real property conveyancing process as possible in order to secure an accurate and timely inspection of the OSWT with a required notification to the Warren County Building Codes Department and to the third

party transferee.

2. Any transfer of title by deed or testamentary instrument of any developed real property subject to this County Law shall be considered incomplete and not in compliance with the requirements of this County Law, until and unless:

(i) the owner/seller/transferor has obtained, from the Warren County Building Codes Department a Certificate of Satisfactory Septic Inspection constituting a written acknowledgment from the County demonstrating satisfactory compliance with this County Law, or

(ii) the owner/seller/transferor has obtained a variance from any requirement imposed hereunder issued by the County in accordance with the provisions of this County Law, or

(iii) the owner/seller/transferor has obtained a written approval for a deferral issued by the Warren County Building Codes Department in accordance with the provisions of this County Law, or

(iv) the conveyance is exempt from the pre-closing real property conveyancing inspection requirements and the owner/seller/transferor qualifies within all applicable provisions for exemption as set forth in this County Law.

3. It shall be violation of this County Law not to substantially conform to the OSWT inspection requirements specified herein. "After the Fact" compliance in conformity with the requirements of this County Law shall be the obligation of the new record of owner of the real property whereby in "good faith" and under circumstances of oversight, lack of notice or other legitimate reason a pre-closing septic system inspection and satisfactory result did not occur "in good faith" prior to a real estate closing and transfer of title. Under such circumstances the new owner of the real property shall comply within the period of one hundred and twenty (120) days after notification from the County specifying all compliance requirements. Any willful or neglectful failure to timely complete an "after the fact" satisfactory compliance, conforming to the requirements of this County Law shall constitute a violation.

4. Upon a satisfactory OSWT inspection, in accordance with the protocols set forth herein, the Warren County Building Codes Department shall issue in the name of the current property owner a written Certificate of Satisfactory Septic Inspection confirming that the OSWT has been inspected and the results of such inspection are in substantial conformity with the requirements of this County Law. Issuance of such a written certification dated within three years prior to the actual conveyance of the developed real property shall constitute presumptive proof of compliance with this County Law.

5. The OSWT inspection standards shall conform to the specifications provided in the materials provided by the Warren County Building Codes Department, and such materials shall be made available on the County website. The following minimum standards shall apply to each OSWT inspection:

(i) A residential OSWT shall be in substantial compliance with the APPENDIX 75A of the New York State Department of Health Waste Water

Treatment Standards for Residential onsite wastewater treatment systems and any local municipal requirements then in effect at the time of the permitted installation of the septic system.

(ii) Where required by law, an OSWT shall be in compliance with any New York State Pollutant Discharge Elimination System (SPDES) Permit or permit issued by New York State Department of Health issued for the real property.

(iii) All holding tanks shall be equipped with a float switch and high level shut off alarm located in a conspicuous place to indicate when a holding tank pump out shall be necessary. The high level alarm shall be connected to a solenoid water shut off valve and function as designed. A written copy of all holding tank pump out records shall be maintained by the property owner or the owner's agent and shall be available for review and inspection by the Warren County Building Codes Department;

(iv) For an aerobic treatment system or enhanced treatment unit (ETU), the new real property owner shall provide a signed copy of an updated service contract to the Warren County Building Codes Department no later than sixty (60) days after the conveyance of real property and copies of subsequent years' service contracts when requested by the Warren County Building Codes Department;

(v) Upon an OSWT inspection and where an OSWT is determined to be failing or inadequate, the Qualified Inspector shall notify the Warren County Building Codes Department and a written Notice of Violation and Order to Remedy shall be issued by the Warren County Building Codes Department and provided to the record owner of the real property. A compliance agreement between the Warren County Building Codes Department and the record owner, demonstrating a plan to correct each OSWT failure or deficiency shall be required prior to the conveyance of real property. The remediation plan shall be prepared by the record owner of real property or the owner's designee, vendee or consultant. Warren County Building Codes Department may engage an engineering consultant to review the remediation plan. The cost of an engineer's review and report, in the furtherance of resolving a Notice of Violation and Order to Remedy shall be at the expense of the record owner of the property unless otherwise allocated between the parties to the real property conveyance. The County shall be entitled to reimbursement for the engineer's review and report in resolving a Notice of Violation and Order to Remedy prior to the issuance of any Certificate of Satisfactory Septic Inspection.

H. Exemption and/or Deferrals. Certain conveyances of real property may be exempt from the provisions of this County Law or deferred where circumstances so require, in the following situations and pursuant to the conditions identified below:

1. Where the real property to be conveyed is not intended to be inhabited, and the new owner plans to demolish each existing structure served by the existing OSWT an exemption or deferral may apply. In order to qualify for an exemption, a notarized affidavit signed by the purchaser shall be provided to the Warren County Building Codes Department certifying that:

(a) any existing dwelling on the real property will not be inhabited and each dwelling is to be demolished with no immediate plans to rebuild, or

(b) the dwelling(s) on the real property will not be inhabited; will be demolished and rebuilt in conformity with current OSWT requirements. In the instance where a demolished property is intended to be rebuilt, and were a deferral is appropriate, such affidavit shall be submitted to the Warren County Building Codes Department accompanied by a building permit application providing adequate detail sufficient to demonstrate a proposed compliant OSWT. The Warren County Building Codes Department may in a proper case require a security deposit to be provided by the record owner, in an amount sufficient to secure the future assurances of OSWT compliance. Such security shall be held in a non-interest bearing escrow account by the County Treasurer to be released to the record owner of the real property upon conclusion of the demolition, or in the case of development, upon final inspection by the Warren County Building Codes Department approving the OSWT.

2. Upon a showing of “good cause”, a temporary deferral of the time requirements for an OSWT inspection or post inspection, repair or replacement may be authorized in writing by the Warren County Building Codes Department due to winter weather conditions or other constraints. In order to qualify for such temporary deferral, a notarized affidavit from the proposed new property owner providing assurance of a complete and satisfactory OSWT inspection within six (6) months of the date of the conveyance of real property, or June 1, whichever occurs first, shall be filed with the Warren County Building Codes Department. The Warren County Building Codes Department may in a proper case require a security deposit to be provided by the record owner, in an amount sufficient to secure the future assurances of OSWT compliance. Such security shall be held in a non-interest bearing escrow account by the County Treasurer to be released to the real property owner of record upon the completion of a timely and satisfactory OSWT inspection.

3. Where the real property with an OSWT system is being conveyed from a trustee in bankruptcy, a court appointed receiver, a court appointed referee or upon execution by a judgment creditor in a Sheriff’s sale, the new owner/purchaser or transferee, shall assume the obligations imposed by this County Law and compliance shall be required within six (6) months of the recording of the instrument of conveyance.

4. When the Warren County Building Codes Department records indicate an existing Certificate of Satisfactory Septic Inspection, or other OSWT inspection record of the real property’s OSWT system having satisfied all of the requirements of this County Law, or a septic permit issued and approved and on file with the applicable local municipality evidencing satisfactory inspection or new installation, within a period of three (3) years prior to the date of the proposed conveyance of the same property, an additional OSWT inspection shall not be required as a pre-requisite to any conveyance.

5. Where there is an existing OSWT on developed real property and the existing OSWT shall be terminated, providing that the developed real property is to be “hooked up” with an existing and available municipal sewer service, no OSWT Inspection shall be required upon the further requirement that the municipal sewer service hook up shall occur prior to or simultaneously with the conveyance of the real property with the further requirement that the property owner shall undertake a prompt removal of all existing OSWT components, and prompt remediation of the real property and structures so that the OSWT cannot be used in the future.

6. Upon a failure to complete any required OSWT inspection; or any failure to complete all OSWT repairs/installation requirements identified by the OSWT inspection within the time specified or any subsequent deadline extended in writing by the Warren County Building Codes Department, such circumstances, in the discretion of the Administrator of the Warren County Building Codes Department, shall constitute sufficient cause for the forfeiture of any security deposit held in escrow. Under such circumstances the County, upon at least 30 days’ written notice to the owner, unless required sooner by emergency circumstances, may utilize security deposit funds to cover any expenses required to abate the conditions caused by such failure and such forfeiture of security deposit shall be in addition to all enforcement opportunities available to the County, including all remedies available in law or equity.

I. Failure of OSWT. An OSWT Pre-closing Inspection of an existing OSWT shall be deemed a substantial failure and/or the OSWT shall be considered a substantially non-compliant OSWT where the standards for a compliant OSWT, as specified within, are deemed upon inspection to be unsatisfactory. A non-compliant or substantially unsatisfactory OSWT includes the following examples:

1. Lack of a pre-treatment vessel (*e.g.*, no septic tank, no aerobic treatment unit, no ETU, etc.) prior to effluent discharge to any subsurface treatment (soil treatment area or absorption field);
2. Where there is a discharge of effluent directly or indirectly to the ground’s surface, with surface breakouts, ponding or saturated soil areas;
3. Where there is a direct pipe surface discharge of grey water (into a drywell, over an embankment, into a roadside ditch or stream/tributary, etc.);
4. Where a dye test results in the presence of dye on the ground surface or found in an adjacent / downstream waterbody;
5. Where there is a backup of sewage into the dwelling building, septic tank or facility as a result of a system overload or malfunction, or a clogged soil treatment area;
6. Where the existing septic tank requires pumping more than four times per year and/or sewage, septage or effluent is observed upon inspection flowing back into the septic tank from the secondary treatment area during pump out;
7. The presence of a metal septic tank;

8. The presence of a cesspool, defined as a covered hole or pit used to receive untreated sewage from any occupied structure being utilized as a primary source of wastewater disposal;

9. The presence of a holding tank that discharges effluent to surrounding sub-surface areas.

10. Where a septic tank, seepage pit, enhanced treatment unit (ETU) or soil treatment area (STA) upon inspection is found to be discharging to any outlet.

11. Every substantial failure or substantial non-conformity with the requirements of New York State Department of Health Appendix 75A or local municipal regulations.

12. Every substantial failure or substantial non-conformity with the requirements of a validly issued and current SPDES permit or New York State Department of Health approval permit.

J. Access to Parcel for Inspection. Whenever an OSWT inspection has been undertaken pursuant to this County Law, the Warren County Building Codes Department, upon reasonable notice and during regular business hours, unless required by emergency circumstances, shall be presumed to be authorized by the real property owner to enter the premises in order to determine compliance with this County Law.

K. Administrative Review. Appeals of any written determination of any County official or their agents and/or requests for a variance from the strict application of the requirements of this County Law shall be considered by the Real Property and Environmental Concerns Committee ("Committee"), or, if said committee or a substantially similar committee does not exist, then the committee responsible for oversight of the Real Property Department shall consider appeals and requests. A variance application shall be made in a timely manner, and an appeal from a determination of any County official shall be timely submitted to the Committee, when such application or appeal is provided in writing to the Real Property Director within sixty (60) days of the determination appealed from.

1. Administrative appeal from a determination of a County official and/or an application for a variance from the strict application of the requirements of this County Law shall be presented in writing to the Committee and the applicant shall state the grounds for the relief sought. Each administrative appeal from a determination of a County official and/or an application for a variance addressed to the Committee shall be served upon the Real Property Director within the time limit specified herein. No fee shall be imposed upon the submission of such administrative appeal or application for variance. The applicant shall also serve a copy of the appeal or application for a variance upon the Administrator of the Warren County Building Codes Department.

2. The Committee shall conduct a public hearing, upon ten (10) days public notice to all owners of record owning real property within five hundred feet of the subject property. Such notice to include a mailing sent by first class mail.

3. Upon the conclusion of such hearing, the Committee shall consider all relevant information, including any evidence or information submitted by the applicant, all relevant environmental impacts, any relevant information obtained from the Warren

County Building Codes Department, and any comments from the public and any recommendations from the County's consulting engineer (the cost of which will be borne by the applicant). The Committee may take into consideration the age of the existing OSWT, whether the system appears to be satisfactorily functioning, its proximity to any waterbody, watercourse or stream, the circumstances concerning the appeal, or upon request for variance, any undue hardship to the property owner, the effect, if any, upon nearby real properties, the practical difficulties in strictly complying with the requirements of the County Law, and all other matters relevant to the issue as determined by the Committee.

4. In evaluating appeals or requests for variances from the requirements of this County Law, the applicant shall be required to demonstrate by a preponderance of the evidence that the enforcement of any specific provision of this County Law imposes a practical difficulty or undue hardship upon the applicant's real property.

5. In the event additional information is required, the Committee may direct a subsequent inspection of the OSWT at issue.

6. A decision of the Committee shall be considered a "final determination" subject to further appeal pursuant to an Article 78 proceeding in any court of competent jurisdiction.

7. Duties imposed upon owners of real property by the application of this County Law shall not be considered delegable or transferable to any third party unless expressly provided for herein or consented to by a resolution of the Committee.

L. Notice of Violation and Penalties

1. A person who shall fail to comply with an obligation imposed by this County Law or with any provision specified by this County Law, shall be entitled to a Notice of Violation and Order to Remedy to be issued to the real property owner of record by the Warren County Building Codes Department specifying the OWTS compliance issues and mandating compliance within a reasonable specified period of time.

2. In the event that any real property owner or occupant of the real property is issued a Notice of Violation and Order to Remedy, or a subsequent real property owner is deemed to be in violation of this County Law, in either case, each specific allegation of a failure to comply shall constitute a separate violation.

3. Each offense against any provision of this County Law shall constitute a separate violation, punishable by a fine not to exceed Five Hundred Dollars (\$500.00). Each week any violation continues after service of a Notice of Violation and Order to Remedy upon

the responsible person(s) such offense shall constitute a separate violation when separately charged.

SECTION 2. Severability

Where any clause, sentence, paragraph, subdivision, section, or part of this County 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, and such adjudication shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this County 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 3. Effective Date

This County Law **shall take effect** on June 1, 2021.

APPENDIX A

LIST OF WATER BODIES

1. Lake George
2. Schroon Lake
3. Schroon River
4. Brant Lake
5. Loon Lake
6. Lake Luzerne
7. Hudson River

Comments on the Warren County Draft Local Solid Waste Management Plan for 2019-2028 and a ZERO WASTE Vision, 7-20-20

The recently completed Warren County 2019-2028 Local Solid Waste Management Draft Plan (Draft Plan) does not reflect the principles and practice of Zero Waste, an approach that is gaining momentum across the country as well as worldwide. The Draft Plan uses a linear waste management model based on incineration and landfilling, rather than promoting waste prevention, energy saving, and resource reutilization. In other words, the Draft Plan mostly focuses on continuing to destroy large quantities of valuable materials in the waste stream, rather than thoughtful purchases, recycling, and reuse for the benefit of the county. If not revised, this Plan presents an enormous missed opportunity. Warren County deserves better.

Zero Waste is the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health. It focuses on waste prevention and wise stewardship of the earth's rapidly declining resources. It embraces a new and healthy way of looking at our garbage. Municipal leadership, waste management laws and regulations, and forward-thinking Zero Waste projects can challenge the alarming costs of "just throwing things away" and take Warren County in the right direction.

The Value of ZERO WASTE

The Zero Waste Planning Committee believes that a Zero Waste future for Warren County is feasible and necessary. **The Zero Waste approach is less costly, stimulates job creation and economic growth, and is good for the environment and climate.** The emphasis on disposal in the current Draft Plan will take the County in a wrong direction again and will cost Warren County citizens millions of dollars. For the past thirty years valuable resources have gone up in smoke leaving behind toxic ash.

Our goal is to inspire the people and elected officials of Warren County to rethink the way we manage our materials. In 2010 the NYS Dept. of Environmental Conservation released Beyond Waste, A Sustainable Materials Management Strategy for New York State (REDUCE-REUSE-RECYCLE-COMPOST), which laid out strategies for dramatically increasing the state's waste diversion rate. Warren County should be ready to join hundreds of other communities to plan and implement Zero Waste.

Job Creation and Economic Impact

By embracing the Zero Waste framework and facilitating waste diversion, Warren County can reduce costs to residents and businesses for recycling and waste disposal. Improved, expanded and new recycling, composting and reuse facilities, programs, and businesses will create more jobs, boost small business profits, and stimulate a new generation of home-grown entrepreneurs.

Typically, for every 10,000 tons of materials incinerated, one job is created. For every 10,000 tons of materials processed for recycling and composting, five to ten jobs are created: hundreds more jobs are created as processed materials are sent to agriculture and industry. Each step of processing waste, manufacturing goods, and selling the repurposed items adds value to these materials, which expands the Warren County employment and business tax base.

Successful Zero Waste Models

Cities, counties and many other political jurisdictions in the United States, Europe and Asia have demonstrated that it is feasible and beneficial to make substantial progress toward Zero Waste. Los Angeles, San Francisco, and Seattle are examples of cities that, having embraced the goal of Zero Waste, now divert at least 70% of municipal solid waste for recycling and composting. Examples of such programs in New York State are many and include:

Composting:

Starting 11 years ago, the Ulster County Resource Recovery Agency (UCRRA) initiated its own pilot project and went on to establish a successful and profitable composting operation. In 2019 UCRRA took in 4,000 tons of food waste and made 1,700 tons of finished compost, all of which they sold in bulk for \$30 a ton. UCRRA has generously offered to mentor Warren County in setting up a pilot composting program.

Organic matter is the single largest component of the waste stream, estimated to comprise between 35 and 40%. Foods discarded from households and businesses are valuable ingredients for making high quality soil amendments for which there is year-round demand in the county and region. Yet currently high-value food waste is co-mingled with residential and commercial garbage and sent to the aging Hudson Falls incinerator or a landfill. Most of the County's yard and tree waste is dumped or piled somewhere for passive decomposition, rather than being processed along with food scraps into "black gold". There was no mention, in the Draft Plan, of the NY State 2019 Food Donation and Food Scrap Recycling Law, which goes into effect on Jan. 1, 2022, and will mandate requiring large food producers to donate edible food scraps to local food pantries and send the excess to composting facilities if available within a 25-mile radius. The final Plan should recommend establishing such a facility in our region.

Reuse:

While reusable products only make up about 2 to 5% of the waste stream, they have the highest value of all components of our wastes, worth on average \$500 per ton when repaired or refurbished. Citizens can then buy good used products for pennies on the dollar. In *The Repair Revolution*, John Wackman and Elizabeth Knight document the thriving reuse sector of the Hudson Valley region. The book describes how to create reuse networks and participate in curb swaps, repair cafes and re-stores. It provides models for initiating reuse programs, with guidance on cooperative planning, marketing, and educational programs.

Finger Lakes ReUse is a thriving non-profit business in Ithaca started in 1995 with strong support from Tompkins County officials under the county Solid Waste Management Plan. In its first five years, it grew from 3 people at the onset to 14 entry-level jobs. Today it has 40 permanent employees, all paid a living wage, with 75% of its funding coming from sales. Besides two retail stores, it runs a job training program, an electronics center that repairs and resells items, a deconstruction service, and a weekly Fixers Collective (volunteers repairing small appliances, rewiring lamps, etc.). Finger Lakes ReUse is developing a template for helping other communities to develop similar reuse operations. This includes sharing its sources of funding and business planning resources.

Current Solid Waste Management in Warren County

At present, Warren County lacks a coordinated system for managing its waste. In regard to waste collection all the county's municipalities, garbage, and recyclables are collected curbside by dozens of private haulers. The only exception is Lake Luzerne where the village provides

curbside pickup. Only a few municipalities require hauler permits. One neighborhood may have four or five haulers picking up along the same street. Permits that are issued do not require any waste or recycling reporting, such as the amounts and destination of wastes and recyclables. In most towns, residents and businesses may take their own bagged garbage and separated recyclables to a publicly owned transfer station, but this option is greatly underutilized.

The Draft Plan points out that as there are no waste hauler reporting requirements, no baseline data exists. The Draft Plan recommends a hauler permit system that requires the reporting of solid waste handling data. Such data reporting would allow the county to establish a garbage surcharge as a funding mechanism for needed 21st century waste management programs. Warren County would provide the oversight of municipal hauler permitting and coordination and analysis of collected data.

Currently much of our local waste is incinerated at the costly and polluting Wheelabrator Hudson Falls, considered a “waste-to-energy” incinerator. However, the U.S. Energy Information Agency rates trash incineration as the least efficient and most economically costly way to generate electricity.

Local residents are concerned about the air pollution from Wheelabrator Hudson Falls, which has been identified as the worst air polluter in Warren and Washington counties. Total pollution from the Hudson Falls incinerator is greater than each of the other 9 incinerators in New York State, even though it is the smallest. The US EPA air emissions inventory shows that Wheelabrator Hudson Falls releases more lead per ton of waste burned than any other incinerator in the U.S. and the third highest amount of mercury per ton of waste burned. Warren County also has the dubious distinction of having the highest cancer rates in New York State.

Education and Goal Setting

The aim of the Zero Waste Planning Committee is to make the Zero Waste approach the norm for municipalities, school systems, businesses, institutions, and individuals. The Draft Plan does recommend education outreach (such as brochures, seminars, and websites) but does not specify what this education will consist of, who will deliver it, how it will be funded, how business people will be persuaded to attend seminars, and why the approach will be effective. And it does not recommend a recycling coordinator or educator to lead such an effort.

The Draft Plan fails to set any numerical goals for waste diversion. Limited reuse, and recycling actions are mentioned but no goals or oversight measures are described. **Without goals, we lack direction. We also need to measure our progress. If we do not measure it, we cannot manage waste diversion properly.**

An appropriate waste reduction/diversion from disposal goal for Warren County is 50% by 2025. The national recycling rate has been hovering around 35% on average for several decades. With improvement in the source-separation of recyclables (“single stream” recycling is the current system in Warren County, which has failed due to high rates of contamination) and the additional diversion of food waste (under the 2019 NYS Food Donation and Food Scrap Recycling Law diversion mandate), 50% is reasonable and achievable. **Goal setting coupled with education will be one driver of success.**

Steps to Success

The Zero Waste Planning Committee has been meeting for almost a year. It meets twice a month and sends monthly e-mail reports to the Warren County Supervisors and other interested officials and community leaders. Committee members research Zero Waste successes around the country and facilitate Zero Waste educational programs with guest presentations by leaders in the field such as the Ulster County Resource Recovery Agency and Neil Seldman, founder of the Institute for Local Self-Reliance.

The Committee members as well as many others in Warren County support specific recommendations to the Warren County Supervisors, in hopes that many, especially the 50% waste diversion goal, will be added to the final Warren County Solid Waste Management Plan for 2019-2028:

- Set the ambitious yet realistic goal of 50% waste reduction and diversion by 2025. (The Draft Plan projects shockingly small waste reduction/diversion rates between 0 and 4 % annually.)
- Form a planning committee of municipal representatives, and citizen volunteers from the Zero Waste Planning Committee, to share action and education strategies to achieve the 50% waste reduction and diversion goal in five years. Bring in acknowledged Zero Waste experts to advise.
- Designate a Warren County Zero Waste Coordinator, a management position responsible for developing and implementing the initiatives needed to meet the 50% waste reduction/diversion goal.
- Establish a countywide waste hauler permit system that requires all haulers to report data quarterly about the organic and recyclable waste they collect (amounts, municipal origin, destinations) as proposed by the Draft Plan.
- Create an across-the-board hauler surcharge of \$10 per ton on garbage destined for disposal to be used for Zero Waste implementation.
- Explore the development of a dual-stream county-owned mini MRF (materials recovery facility), or small-scale processing facility that the private haulers could deliver the recyclables to for a reasonable fee.
- Adapt transfer stations for reuse by adding sorting centers for reusable and repairable items to be made available to the public at no cost as recommended in the draft Plan.
- Financially support (through grants) the development of a local non-profit reuse business dedicated to reuse/repair and job training in order to jumpstart the reuse sector and bring hard-to-employ people into the job market earning a living wage.
- Consider using bonds to capitalize new Zero Waste infrastructure, just as Warren and Washington Counties used their bonding authority 35 years ago building the trash

incinerator. Zero Waste infrastructure costs a fraction of the cost of an incinerator and pollutes less. Move away from incineration.

- Establish a countywide food waste composting facility starting with a pilot program. (The Zero Waste Planning Committee has been collaborating with Warren County officials on moving this idea forward.)
- Develop a peer-to-peer program with cities and counties that have reached at least a 50% waste reduction and diversion goal.
- Require a comparative financial analysis of Zero Waste vs Incineration at Wheelabrator Hudson Falls so that citizens and officials can make clear decisions.

The chief way we dispose of our solid waste “garbage” now is incineration. Markets for our co-mingled recyclables are few. A Zero Waste approach is beneficial to prepare for the ultimate closure of the aging Hudson Falls incinerator, whenever that happens. Cost to haul garbage out of the area will become onerous. Wasting organic resources such as food scraps and other valuable commodities makes no sense. The good news is that better answers exist. A Zero Waste community can be achieved through action plans and measures that significantly reduce waste and pollution.

We urge our Warren County Supervisors to demand that the Local Solid Waste Plan for the next ten years reflects the promise of Zero Waste.

Submitted by the Zero Waste Planning Committee, July 14, 2020