AGENDA

CONSERVATION, SUSTAINABILITY AND GREEN INITIATIVES COMMITTEE

JULY 23, 2019

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. RESOLUTION NO. 180 FOR 2018: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “J” FOR 2018

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

3. LOCAL LAW “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

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

CURRENT BUSINESS:

5. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION REGARDING THE MAINTENANCE OF SNOWMOBILE TRAILS IN ALBANY COUNTY
LADIES AND GENTLEMEN:

The Conservation, Sustainability, and Green Initiatives Committee of the Albany County Legislature met on July 8, 2019. Messrs. Mendick, Comisso, Ethier, Plotsky, Stevens, and Frainier were present. Messrs. Domalewicz, Fein, and Reinhardt were excused. The following items were discussed and/or acted upon:

1. Resolution No. 120: Public Hearing on Proposed Local Law No. “D” for 2019: Ms. Plotsky made a motion to amend the date to July 23, 2019 and that motion passed unanimously. After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

2. Resolution No. 220: Public Hearing on Proposed Local Law No. “F” for 2019: Ms. Plotsky made a motion to amend the date to July 23, 2019 and that motion passed unanimously. After a brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

Respectfully Submitted,
THE AUDIT AND FINANCE COMMITTEE

WANDA WILLINGHAM, Chairperson
WILLIAM CLAY
CHRISTOPHER HIGGINS
RAYMOND F. JOYCE
JOSEPH O’BRIEN

CHARLES DAWSON, JR.
PAUL BURGDORF
RICHARD MENDICK
MARK E. GRIMM
RESOLUTION NO. 180

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "J" FOR 2018

Introduced: 4/9/18
By Mr. Fein:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "J" for 2018, "A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS" 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, April 24, 2018, 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 and Improvement Committees – 4/9/18
LOCAL LAW NO. "J" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS

Introduced: 4/9/2018
By Messrs. Fein and Higgins:

BE IT ENACTED, by the Legislature of the County of Albany as follows:

Section 1. Legislative Intent

The Legislature finds that the external color of a petroleum bulk storage tank affects the amount of pollutants emitted from the tank into the air.

The Legislature further finds that dark-colored tanks absorb more heat, resulting in greater emissions of air pollutants, and that tanks painted white absorb less heat and therefore have lower emissions of air pollutants than dark-colored tanks.

The Legislature further finds that emissions from oil and petroleum-based products emit pollutants into the air including volatile organic compounds such as benzene, a known human carcinogen.

The Legislature further finds that all residents of the County of Albany deserve the ability to breathe clean air.

The Legislature further finds that safeguarding the health of the residents of Albany County is an important role of the government of the County of Albany.

The Legislature further finds that many residents of the County of Albany residing in the Southern end of the City of Albany do not have the ability to breathe clean air where they live due to emissions of air pollutants from a variety of industrial sources including but not limited to petroleum bulk storage tanks.

The Legislature further finds that air quality monitoring by the New York State Department of Environmental Conservation in the Southern end of the City of Albany has detected high levels of benzene and other air pollutants.

Therefore, the purpose of this Local Law is to reduce the harmful air pollutants emitted by petroleum bulk storage tanks that residents of the County of Albany are forced to breath.

Section 2. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:
A. "Petroleum Bulk Storage Tank" means any tank with a capacity of 500,000 gallons or greater designed to store or being used to store oil or petroleum-based products.

B. "Existing Tank" means a Petroleum Bulk Storage Tank in existence on the effective date of this law.

C. "New Tank" means a Petroleum Bulk Storage Tank constructed after the effective date of this law.

D. "Operator" an entity, corporation, or individual that owns or operates a Petroleum Bulk Storage Tank.

Section 3. Color Requirements For New and Existing Petroleum Bulk Storage Tanks

A. As set forth below, all Existing and New Petroleum Bulk Storage Tanks located in Albany County must meet the following Color Requirement: (1) The entirety of the exterior of the tank must be painted white in a manner that completely covers any dark-colored surfaces on the tank, except for a logo or written text provided that such logo or written text does not exceed five percent (5%) of the exterior surface area of the tank; and (2) The white tank coloring shall be maintained as necessary to prevent underlying dark-colored surfaces from being exposed.

B. All New Tanks must meet the Color Requirement prior to being used or placed in operation.

C. All Existing Tanks must meet the Color Requirement within ninety (90) days of the effective date of this law.

D. The Operator is responsible for ensuring that the Color Requirement is complied with for all Petroleum Bulk Storage Tanks owned by the Operator.

Section 4. Health Commissioner's Enforcement Authority

The Health Commissioner is authorized to take any and all reasonable actions necessary to enforce this Local Law.

Section 5. Penalties

Any violation of Section 3 of this Local Law shall be punishable as follows:
A. First Offense. Any Operator guilty of a first offense shall be guilty of a violation and shall be given a written warning allowing thirty (30) days to correct the violation.

B. Second Offense. Any Operator guilty of a second offense, meaning not correcting the first offense violation within the allowed thirty (30) days, shall be guilty of a violation and shall be fined an amount not to exceed one thousand dollars ($1,000) for each day the violation continues.

Section 5. Reverse Preemption.

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempts such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempts state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 7. Effective Date and Applicability

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

Referred to Law and Conservation and Improvement Committees – 4/9/18
LOCAL LAW D— FOR 2019

A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING
BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN
ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY
COUNTY SHOPPING ESTABLISHMENTS

Introduced: 02/28/2019
By Ms. Cunningham, Messrs. Reinhardt, Mss. Lekakis and Plotsky, Messrs.
Dawson and Fein, Ms. McLean Lane, Messrs. Joyce, Higgins, O’Brien, Bullock,
and Mayo and Miller:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
ALBANY, as follows:

Section 1. Title.

This Local Law shall be known as the “The Albany County Reusable Shopping Bag
Incentive Act/Elminate Single-Use Plastic Bag Use in Albany County Act.”

Section 2. Legislative Purpose and Findings.

The Albany County Legislature hereby finds and determines that it is imperative
that the use and reliance on single-use plastic shopping bags must be reduced, and
ultimately, eliminated. Further, the data and evidence supporting the massive
proliferation of single-use plastic bags in Albany County, the State of New York and
in our nation is troubling and the future of our planet depends on legislative bodies
such as the Albany County Legislature taking proactive steps to mitigate and
eliminate the unnecessary usage of single-use plastic bags in Albany County.

Environmental Impact: The Environmental Protection Agency’s data indicates that
between 500 billion and 1 trillion plastic bags are consumed worldwide each year.
The United States is purportedly responsible for using approximately 100-260 million
plastic bags annually. To manufacture 100 billion plastic bags, 12 million barrels of
oil is required. The production and disposal of single-use plastic bags has significant
environmental consequences and impacts including the contamination of the
environment, the depletion of natural resources, the use of non-renewable polluting
fossil fuels and increased clean up and disposal costs and challenges.

It is now believed that there are 5.25 trillion pieces of plastic debris in the ocean. Of
that mass, 263,000 tons float on the surface, while some four billion plastic
microfibers per square kilometer litter the deep sea. Ocean debris, which
predominantly consists of plastic pollution, has dire consequences for ocean mammals
and birds, which commonly mistake plastic bags for food. Plastic bags have been
found in the intestines and stomachs of marine life, and one in three leatherback sea turtles have been found with plastic in their stomachs. Plastic ocean debris is responsible for killing an estimated 1,000,000 seabirds and 100,000 ocean mammals each year. At least 267 different species have been negatively affected by plastic pollution, including plastic bags.

Over-reliance on plastic: The average American family takes home almost 1,500 single-use plastic bags each year, and a single-use plastic bag is used for an average of 12 minutes. Other data suggests that an average family accumulates 60 plastic bags in only four trips to the grocery store. The average American recycles one plastic bag out of every 200 used.

The Albany County Legislature applauds Governor Cuomo and the New York State for their inclusion in the 2019 New York State Budget, the "New York State Bag Waste Reduction Act" and further intends to take steps to institute a paper bag fee to ensure that bag waste is further reduced.

Managing the disposal of single-use plastic bags is also costly to the taxpayer. In communities that have examined policies to discourage the use of single-use plastic bags, there have been data collected indicating that the disposal costs of managing the trash-impact of plastic bag garbage is significant. From the New York State Plastic Bag Task Force, created by Governor Cuomo in 2017, this analysis of the cost to taxpayers in particular communities:

"Prior to California’s statewide single-use plastic bag ban, the City of San Diego consumed 500 million single-use plastic bags each year. Approximately 95% of these ended up in landfills and cost the people of California $25 million per year to manage. A 2013 study reported that of the 100 billion single-use plastic bags that Americans use each year, nearly 60 million end up as litter nationwide. The study also indicated that residents in coastal areas pay almost $15 per resident in overall litter cleanup costs. According to a draft proposal in 2017 for a single-use plastic bag ban in Madison County, NY, it was noted that the county "expends significant sums of money to control and pick-up litter." In NYC alone, single-use carry-out bags account for 1,700 tons of residential garbage each week, which equates to 91,000 tons of plastic and paper carry-out bags each year and presently costs the City $12.5 million annually to dispose of this material outside the city."

The Albany County Legislature further finds that policies aimed at banning single-use plastic bags or charging a fee for recyclable bag usage are effective.

Solutions that result in a fee for single-use bags, or that institute a ban on single-use plastic bags altogether work effectively, with resounding results. Data
supporting this is abundant: when the City of Los Angeles, CA adopted a ban/fee hybrid-policy model in 2012, there was a 94% reduction in carryout bag consumption.

Further, policy proposals to combat the consumption of single-use plastic bags is prolific across the world. According to the Governor's report:

Municipalities within New York State, across the United States, and around the world have implemented single-use plastic bag reduction measures in a variety of forms. On a worldwide scale, more than 75 countries have taken steps to reduce the consumption of single-use plastic bags. About one-third of these have instituted bans, approximately one-third have instituted fees, and the remaining one-third have taken the approaches listed below that differ from an outright ban or fee. As of March 2017, bans on the distribution of single-use plastic bags existed in nearly 180 cities, towns, and municipalities across the country, and fees existed in almost 30. Of the existing single-use bag fees, at least half are used in combination with a bag ban. In these instances, plastic bags are banned and the fees exist on other types of single-use carry-out bags such as paper and compostable plastic. Most programs across the United States, for either a ban or a fee, include an exemption for certain bags such as produce and meat bags, prescription bags, dry cleaning bags, and newspaper bags.

In New York State, ten cities, towns or villages have enacted plastic bag bans and one municipality has a plastic bag ban with a fee on single-use paper bags and bags that qualify as reusable, including 2.25 mil flexible plastic bags. The City of Long Beach has a single-use plastic bag fee in place and Suffolk County’s single-use plastic bag fee took effect January 1, 2013.

Municipalities that have taken these steps find successful outcomes, with significant reductions in the carryout bag consumption, including that of single-use plastic bags. In addition, municipalities are also finding taxpayers/direct environmental benefit from instituting bag bans or fees: The City of San Jose saw an 82% reduction in plastic bags in their storm drain system, a 60% reduction of plastic bag litter in their creeks and rivers, and a 50% reduction in plastic bag litter in neighborhoods after instituting its plastic bag ban and fee on the allowable alternatives.

Section 3. Definitions

For purposes of this local law, the following terms shall have the meanings indicated below:
(a) "Covered Store" shall mean an establishment engaged in the retail sale of personal, consumer, household items including but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, gas stations, hardware and home improvement stores, stationary and office supply stores and food service establishments that provide carryout bags to consumers. Covered stores also include all apparel, clothing and shoe stores, including those in malls.

(b) "Customer" shall mean any person obtaining goods from a covered store.

(c) "Food Service Establishment" shall mean a place where prepared food is provided for individual portion service directly to a customer whether consumption occurs on or off the premises.

(d) "Person" shall mean any natural person, firm, corporation, partnership or other organization or group, however organized.

(e) "Single-use Plastic Carryout Bag" shall mean a single-use plastic bag less than 4 mils (1 mil equals 1/1000 inch thickness) thick that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store. A typical plastic supermarket bag is .5 mil, a thicker "mail store" plastic bag is 2.3 mil or greater. "Single-use Plastic Carryout Bag" does not include (1) a bag without handles used to carry produce, meat, dry goods or other non-prepackaged food items to the point of sale within a store or market or to prevent such food items from coming into direct contact with other purchased items; (2) a garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner such as a dry cleaner.

(f) "Recyclable Paper Bag" shall mean a paper bag that (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled content.

(g) "Retail Sales" shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sale, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.

(h) "Reusable Bag" shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and meets all the following requirements: (1) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet; (2) is machine washable or capable of being cleaned and disinfected; (3) does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable State and Federal standards and regulations for packaging or reusable bags; and (4) if made of plastic, a minimum of 4 mils thick.

Section 4—Prohibition.
No covered store shall provide a single-use plastic carryout bag to any customer at the check-out stand, cash register, point of sale or other point of departure, for the purpose of transporting food or merchandise out of the establishment. — This prohibition shall also apply to any "order online and pickup in store" or food delivery service.

Section 46 Imposition of Fees for Use of Paper Bags/Permitted Bags:

(a) Covered stores may not provide or make available to customers at the check-out stand, cash register, point of sale or other point of departure, any single-use plastic carry-out bag for the purpose of transporting food or merchandise out of the establishment.

(b) All-covered stores shall make available to customers, only recyclable paper bags or boxes, or reusable bags for the purpose of carrying away goods or other materials from the point of sale. Nothing in this local law prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

(c) On or immediately after the effective date of the state law, Albany County covered stores shall charge customers at least $.05 for each recyclable paper bag that is provided to customers. On or immediately after the effective date, all covered stores shall indicate on the customer receipt the number of recyclable paper bags that are provided to customers and the fee at which they were charged for the use of the recyclable paper bag. All monies collected by a covered store shall be retained by the covered store.

(d) Per Title 28, Section 2 of the NYS 2019 Budget Bill, the $.05 fee shall be reflected on the sales slip invoice, receipt provided to the customer. The use of single-use plastic bags shall be prohibited, while the use of recyclable paper bags shall be available. On or immediately after the effective date, recyclable paper bags shall be available for at least $.05 and single-use plastic bags shall not be available in Albany County Covered Stores.

(e) Exempt individuals that shall not pay the $.05 fee include any customers using the supplemental nutritional assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payment for any items purchased.

(f) The $.05 fee shall be reported and paid to the New York State Commissioner of Taxation and Finance on a quarterly basis, before the twentieth day of the month following each quarterly period.

Section 5 Distribution of Fees

(a) Per New York State Law, $.03 of the $.05 fee shall be paid to the State of New York Environmental Protection Fund. The remaining $.02 will be paid to the Comptroller of Albany County, for purposes of establishing programs to purchase reusable bags provided to customers for their direct use.
Section 66. Responsibilities and Obligations of Covered Stores.

(a) All covered stores shall post signs at or near the point of sale located in such Covered Stores to notify customers of the provisions of this law, as well as the per bag charge for recyclable paper bags and reusable bags that the store may offer. Covered stores shall also indicate in signage that recyclable paper bags will be available for a charge of at least $.05 each recyclable paper bag.

(b) Covered Stores must make available, on the customer receipt, the itemized number of recyclable or reusable bags used, on the sales receipt, including online receipts.

(c) Covered stores may retain the mandatory bag fee of at least $.05 per recyclable paper bag.

(d) No Covered Store shall provide a credit to any person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this Local Law.

(e) Covered Stores shall be encouraged to work with organizations seeking to donate reusable bags for customer use that would allow for wide, free distribution of free reusable bags.

(f) Covered stores shall also be encouraged to adopt "leave-a-bag" "take-a-bag" initiatives that encourage consumer engagement on the use of reusable bags and that aim to enable wide adoption in communities with a high proportion of customers with limited incomes.

(g) Covered stores shall waive the fee for any customer using Supplemental Nutrition Assistance Program (SNAP) and the federal Women-Infants and Children (WIC) Program cards. Covered stores shall have discretion in waiving the recyclable bag fee for any low-income constituency it deems appropriate.

(h) Covered stores shall be discouraged from "stock-piling" plastic bag inventory and shall make every effort to be ready for the implementation of this local law.

Section 7. Deduction from Employee Wages Prohibition

Covered stores are prohibited from making a charge against, or deduction from, the wages of an employee to offset any penalty levied against the covered store pursuant to this local law.

Section 8. Albany County Responsibilities, Enforcement and Penalties.

(a) Department that will oversee this Local Law: The Albany County Executive shall deem the appropriate department within Albany County Government to oversee the enforcement, implementation of regulations and other guidance to
secure the successful implementation of this Local Law. Further, the County Executive shall inform the Legislature of his or her recommendation to ensure enforcement of this Local Law. In addition, on an annual basis, the Department selected by the Albany County Executive to oversee and implement this local law shall prepare an annual recycling report that includes information detailing the success of the effort to eliminate the commercial use of plastic bags and include information such as:

i. the effectiveness of this local law in reducing the use of paper bags single-use carryout bags;
ii. the waste and litter reduction benefits of this local law;
iii. the number of notices of violation issued pursuant to this local law; and
iv. any cost-savings to the County attributable to single-use carryout bag reduction such as reduced contamination of local waterways or reduction in flooding or combined sewer overflows. This report shall also be shared with state and local legislators, as well as provided to the New York State Department of Environmental Conservation.

(b) Compliance Assistance to Business and Retail Community: The County Executive shall ensure that information regarding this local law, its effective date, penalties and other relevant compliance information shall be distributed via website and other electronic means in order to ensure that Albany County's Covered Stores shall be well informed about all aspects of compliance and adherence. The Albany County Department that will oversee and implement this law shall provide electronic templates that include the important information regarding this local law referenced in Section 6, subsection 3 regarding the imposition of the bag fee that covered stores shall be able to print out and display at points of sale. This template shall be easily downloadable from the County website and hard copies shall be made available at the Albany County Office Building for retail operators who need signage. In addition, the Albany County Department that will oversee this local law shall engage the business and retail community affected by this local law prior to the implementation date to provide technical and other assistance and information, and shared approaches regarding compliance. These outreaches to the business community shall include county-wide business round tables.

c) Penalties: Any Covered Store found to be in violation of the provisions of this law shall be liable for a civil penalty payable to the County of Albany pursuant to the following penalty structure:

i. Any Covered Store found to be in violation of the provisions of this law a first time shall be issued a written warning.
ii. Any Covered Store found to be in violation of the provisions of this law a second time shall be liable for a civil penalty not to exceed $100.00.
iii. Any Covered Store found to be in violation of the provisions of this law a third time shall be liable for a civil penalty not to exceed $250.00.
iv. Any Covered Store found to be in violation of the provisions of this law a fourth time shall be liable for a civil penalty not to exceed $500.00.

v. For each subsequent violation, daily fines of $100.00 shall be instituted and applied for violations of this Local Law until compliance is achieved.

vi. The Albany County Executive's designee department shall have the discretion to temporarily suspend the business practices of Covered Stores that persistently violate this Local Law.

vii. All fines collected for violations of the Local Law shall be used to offset any costs of compliance and oversight of adherence to this Local Law.

Section 8. Severability.

If any clause, sentence, paragraph, section or any part of this local 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 judgement 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 judgement shall be rendered.

Section 9. Reverse Preemption.

This local law shall be null and void on the day that a statewide law is in effect, incorporating either the same or substantially similar provisions as are contained in this local law or in the event that a relevant state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The Albany County Legislature shall determine by resolution whether or not the identical or substantially similar statewide law or relevant pre-emptive state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 10. Effective Date.

The effective date of this local law will be six (six) months from the date of its filing with the Secretary of State, simultaneous to the effective date of the single-use statewide bag ban, March 1, 2020.
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Albany County Legislature

Name of Action or Project:
Local Law to Incentivize the use of reusable shopping bags and institute a fee on the use of Paper Bags in Albany County

Project Location (describe, and attach a location map):
Albany County

Brief Description of Proposed Action:
Adoption of a local law known as the "Albany County Reusable Shopping Bag Incentive Act" to incentivize the use of reusable shopping bags by imposing a fee on the use of paper bags in covered stores. The intent of the law is to further reduce bag waste. The law is applicable to establishments engaged in the retail sales of personal, consumer, and household items and food service establishments that provide carryout bags. Also all apparel, clothing and shoe stores. No adverse impacts to environmental resources are anticipated from this action. (see attached proposed Local Law No. "O" for 2019.

Name of Applicant or Sponsor: Albany County

Telephone: (518) 447-7166

Address:
112 State St. Room 710

City/PO: Albany

Zip Code: 12207

State: NY

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?
   NO YES
   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

2. Does the proposed action require a permit, approval or funding from any other governmental Agency?
   NO YES
   If Yes, list agency(s) name and permit or approval:

3.a. Total acreage of the site of the proposed action? ______ acres
   b. Total acreage to be physically disturbed? ______ acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? ______ acres

4. Check all land uses that occur on, adjoining and near the proposed action.
   □ Urban  □ Rural (non-agriculture)  □ Industrial  □ Commercial  □ Residential (suburban)
   □ Forest  □ Agriculture  □ Aquatic  □ Other (specify): ________________________
   □ Parkland
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
   b. Consistent with the adopted comprehensive plan? 

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? 

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify: 

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
   b. Are public transportation service(s) available at or near the site of the proposed action?  
   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? 

9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies: 

10. Will the proposed action connect to an existing public/private water supply?  
    If No, describe method for providing potable water: 

11. Will the proposed action connect to existing wastewater utilities?  
    If No, describe method for providing wastewater treatment: 

12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  
    b. Is the proposed action located in an archeological sensitive area? 

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
    b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
    If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: 

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: 
    - Shoreline 
    - Forest 
    - Agricultural/grasslands 
    - Early mid-successional 
    - Wetland 
    - Urban 
    - Suburban 

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? 

16. Is the project site located in the 100 year flood plain? 

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
    If Yes,  
    a. Will storm water discharges flow to adjacent properties?  
    b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
    If Yes, briefly describe: 

Page 2 of 4
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?
   If Yes, explain purpose and size:
   [Response]

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
   If Yes, describe:
   [Response]

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
   If Yes, describe:
   [Response]

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Laura DeGaetano
Date: June 20, 2019
Signature:

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

<table>
<thead>
<tr>
<th>Question</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>2. Will the proposed action result in a change in the use of intensity of use of land?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
| 7. Will the proposed action impact existing:
   a. public/private water supplies? | ✓                             |                                   |
| b. public/private wastewater treatment utilities? | ✓                             |                                   |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | ✓                             |                                   |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | ✓                             |                                   |
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  

<table>
<thead>
<tr>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
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</table>

11. Will the proposed action create a hazard to environmental resources or human health?  

<table>
<thead>
<tr>
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<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

It has been determined that the adoption of Local Law No. "O" For 2016 known as "The Albany County Reusable Shopping Bag Incentive Act" will not result in a significant adverse environmental impact. Given the intent to incentivize the use of reusable bags and reduce the amount of non-reusable bag waste there is expected to be a positive impact on the environment.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Albany County

Name of Lead Agency  
Hon. Andrew Joyce

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date  
Chairman

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)
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

Introduced: 5/13/19
By: Mss. Cunningham, Lekakis, McLean Lane, Messrs. Smith, Miller, Higgins, Reinhardt and Bullock:

Section 1. Findings and Purpose
The Albany County Legislature finds and determines that:

Littered plastic products, including straws and plastic cutlery have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs. Plastics synthesized from petroleum and natural gas do not biodegrade. Even with the emergence of bioplastics, which are derived from renewable biomass sources, such as plants and microorganisms, there is no certified type of bioplastic that biodegrades in a marine environment.

The Albany County Legislature prioritizes the protection of the environment and through public policymaking and adoption of local laws, intends to take initiative to minimize the unnecessary use of plastic in our environment. A reduction in the use of plastic straws and cutlery will further serve Albany County's goal of reducing plastic litter.

Section 2. Definitions
For the purposes of this ordinance, the following shall have the following meanings:

"Beverage Provider" means any business, organization, entity, group, or individual located in the [name of jurisdiction] that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

"Plastic Cutlery" means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer intended for only one-time use. "Plastic cutlery" includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as wood, bamboo, etc.

"Plastic Beverage Straw" means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer for transferring a beverage from its container to the mouth of the drinker. "Plastic Beverage Straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, grain stalks, bamboo, etc.

"Food service ware" means all containers, bowls, plates, trays, cups, lids, napkins, and other like items that are designed for one-time use for prepared foods, including, without limitation, service ware for takeout foods and/or leftovers from partially
consumed meals prepared by food vendors. The term “food service ware” does not include items composed of aluminum.

Section 3. Plastic Straws and Cutlery Upon Request
(a) All Albany County restaurants, including fast food restaurants, beverage providers, or vendors shall only offer plastic cutlery and straws, upon request.
(b) Nothing in this section precludes restaurants, including fast food restaurants, beverage providers, vendors, or persons from using or making non-plastic alternatives, such as those made from paper, grain stalks, sugar cane, or bamboo, available to beverage consumers.

Section 4. Designated County Department for Compliance and Enforcement
The County Executive shall designate the appropriate County department that shall oversee implementation, compliance and adherence to this local law. This designated department shall have the authority to enforce this ordinance. Each day of violation, after written notice, is a separate violation. Violations will be subject to the following penalties:

First Offense: written warning
Second Offense: $100 penalty
Third and subsequent offense: $250 penalty

Section 5. Severability
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance. Such decision shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

Section 5. Effective Date
This ordinance shall take effect six months after the date of enactment.

Referred to Law and Conservation, Sustainability and Green Initiatives Committees - 5/13/19
Honorable Andrew Joyce  
Chairman, Albany County Legislature  
112 State Street, Rm. 710  
Albany, NY 12207

Dear Chairman Joyce:

I am requesting that the County Legislature approve the submittal of a request for funding to the NYS Office of Parks, Recreation and Historic Preservation on behalf of the Frontier Sno-Riders Snowmobile Club and Ridgerunners Snowmobile Club of Middleburgh Inc. This funding will be utilized for the purpose of maintaining New York State designated snowmobile trails in Albany County. The state funding will be passed through to the snowmobile clubs to conduct trail maintenance. There is no cost to the County and administrative responsibility is minimal.

Enclosed please find the completed Request for Legislative Action. If you have any questions, please feel free to contact me at 447-5670.

Sincerely,

Laura DeGaetano  
Sr. Natural Resource Planner

cc  Dennis Feeney, Majority Leader  
Frank Mauriello, Minority Leader  
Kevin Cannizzaro, Majority Counsel  
Arnis Zilgme, Minority Counsel
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant
  New Submission Date 09/01/2019
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed)
  Click or tap here to enter text:

Contract Terms/Conditions:

Party (Name/address):
  New York State Office of Parks, Recreation, and Historic Preservation
  625 Broadway
  Albany, NY 12207

Additional Parties (Names/addresses):
  Click or tap here to enter text.

Amount/Raise Schedule/Fee:
Scope of Services:
  Maintenance of Approved Snowmobile Trails

Bond Res. No.:
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 ☐
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Authorization to apply for grant funding New York State Snowmobile Trails Grant in Aid Program

Date: 07/01/2019
Submitted By: Laura DeGaetano
Department: Economic Development, Conservation and Planning
Title: Sr. Natural Resource Planner
Phone: 518-447-5670
Department Rep.
Attending Meeting:

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
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: 100%
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

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: 359
Date of Adoption: 08/13/2018

Justification: (state briefly why legislative action is requested)
There are over 22 miles of snowmobile trails in Albany County that are maintained by various snowmobile clubs. Existing trails and proposed new trails are eligible for funding from NYS Office of Parks, Recreation and Historic Preservation. The County sponsors the annual Grant-in-Aid application to allow the clubs to submit one comprehensive application rather than have duplicate administrative processes. In the 2018-2019 season, the grant program awarded $12,432 for trail maintenance in Albany County. We will be notified of the amount of funding available for this year in the fall as the awards are based on a percentage of the revenue the state receives from permits. This is pass-through funding to the trail maintenance organizations. There is no cost to the county and minimal clerical/administrative responsibility.
NYS Snowmobile Trails
Grant-in-Aid Program

Phase II

Trail System Grant-In-Aid Application

Application Deadline: September 1, 2019
INTRODUCTION
This application contains the forms needed for filing the 2019-2020 state aid for snowmobile trails grant application. Please read this application thoroughly before filling out the forms as some areas have been revised to facilitate data gathering and shorten processing time. The application and all the associated conditions of funding represent a project agreement between OPRHP and the Local Sponsor. Failure to follow the conditions may jeopardize funding for current and subsequent project years.

To be eligible to receive Snowmobile Trail Grant funds, a COMPLETE APPLICATION MUST BE POSTMARKED BY September 1, 2019 with all required documentation as outlined in this grant application. There may be only one application per sponsor and it must include summary information for all Trail Maintenance Entities (TMEs) within their jurisdiction. Local Sponsors are encouraged to set their own deadlines to have sufficient time to review TME submissions. OPRHP will support a Local Sponsor’s decision to reject submissions if TMEs do not comply with Local Sponsor submission deadlines.

Snowmobile trail grants are issued to the local government sponsor on a pro-rated basis derived from the Phase II Application. A 70% portion of the total grant made available to the governmental local sponsor after November 1st, followed by the remaining 30% made available following the end of the state fiscal year (March 31st) after submission and review of adequate documentation and sufficient available funds existing in the statewide Trail Fund account. Failure to submit the supporting documentation and all required items by the deadline dates may disqualify an applicant for current and future funding, as well as result in a reduction to the final grant award amount or recovery of funds where applicable. Local Sponsors submitting an application should strongly encourage TMEs to maintain accurate and up to date records and receipts of all maintenance, signing, and operations undertaken on the OPRHP Snowmobile Unit approved snowmobile trails.

The total grant amounts are based on projected funds received from snowmobile registration fees. If the funds from registration fees do not meet total grant award projections, a percentage deduction will be levied equally among all grant recipients against the 30% payment.

No trail will be eligible for funding unless it has been previously designated by OPRHP as part of the New York State Snowmobile Trail System. Trails are approved by OPRHP based on how they relate to the statewide snowmobile system as explained in the Phase I documentation. New construction of trails, including reroutes and trails to be considered for funding which were not funded in the previous project year, must have obtained a Local Sponsor SEQRA determination (see page 21) and have the permission and approval of landowners, administering agencies of the state, or other municipal entities charged with management of impacted lands. Trails that were submitted as new or that requested modification and which received conceptual approval following the Phase I application will be designated and added to the trail mileage award calculation if all the required documentation is submitted and approved under this application. OPRHP cannot accept any additional trails or trail modifications that were not submitted in the 2019-2020 Phase I application.
OPRHP will assign all trail classifications. Corridor and secondary route trail markers and other appropriate snowmobile trail signs must be used on trails receiving state funds and placed in compliance with guidelines found in the New York State Snowmobile Trail Signing Handbook. Applicants and TMEs can obtain a copy of this handbook by visiting the OPRHP website or by contacting the Snowmobile Unit at the address listed in this document. Placement of trail signs on Department of Environmental Conservation (DEC) lands may only be made with the written approval of the DEC Regional Land Manager. Funds can only be expended on approved trails as determined by OPRHP.

**TRAIL USER FEE STATEMENT:** Trails upon which a local user fee is imposed will not be eligible for State Snowmobile Trail Program funding unless the Local Sponsor can document consistency with Section 25.09 of the Parks, Recreation and Historic Preservation Law and the rules and regulations adopted thereto. Non-discrimination and indemnification are addressed in the conditions of the grant.

Questions regarding this application may be directed to the Snowmobile Unit at (518) 474-0446.

Local Sponsors must return this application to:

ATTN: Snowmobile Unit
NYS Office of Parks, Recreation, and Historic Preservation
Albany, NY 12238

**Application**

Who may file an Application?

The Local Sponsor only as defined in the Glossary. Towns and Villages are only eligible to apply if the County does not participate.

Who signs the Application?

The Authorized Official as defined in the Glossary and listed on the Application Cover Page.

Who acts as liaison with OPRHP?

The Authorized Project Administrator, who must be an employee of the municipality.

When do I need to apply?

The deadline for submitting applications to OPRHP is September 1, 2019 (See the schedule of important dates on page 2).

Can Local Sponsors set deadlines?

Yes, OPRHP encourages Local Sponsors to provide themselves with sufficient time for review and resubmission of revised materials sent in by TMEs.