



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 6, 2015

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Application for State Assistance: Erie County Regional Composting

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning (DEP) seeking authorization for the filing of an application for funding from the New York State Department of Environmental Conservation to support the construction of a regional compost facility and to authorize the County Executive to sign the resulting contract if the application is approved.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner, Thomas R. Hersey, Jr. at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark Poloncarz", written in a cursive style.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Maria R. Whyte, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Environment and Planning
Re: Application for State Assistance: Erie County Regional Composting Facility
Date: May 6, 2015

SUMMARY

The Department of Environment and Planning (DEP) is seeking authorization to submit a full application for state funds for capital costs related to building a regional compost facility and execution of the resulting contract.

FISCAL IMPLICATIONS

There will be no impact on County resources. The New York State Department of Environmental Conservation (NYSDEC) provides 50% reimbursement toward the construction and equipment associated with the regional compost facility. For the project to proceed, matching funds will be solicited through collaboration between a private developer/contractor and in-kind services from the municipal partners.

REASONS FOR RECOMMENDATION

The NYSDEC has informed the DEP that funding is available for the construction and equipment for a regional compost facility.

This state funding would provide a significant critical contribution toward the economic viability of such a regional compost facility.

Recycling organic materials by composting reduces the generation of greenhouse gases; creates soil amendments, energy and jobs; can save landfill space and reduces reliance on waste disposal. Local municipalities have expressed interest utilizing outlets for compostable materials which would be available through a regional compost facility.

BACKGROUND INFORMATION

Disposal of yard waste, brush and other compostable materials has been of interest to many municipalities in the County. Over the past few years, there is been an increased focus on these potential savings due to heightened transportation costs associated with disposal of these materials in a landfill or waste-to-energy facility.

The County has been engaged with the State on the possibility of constructing a compost facility for a number of years, but the municipal commitment had not been as strong as has been indicated at this time. Due to the previous engagement in the state funding process, the potential matching costs for this facility has been earmarked by the State and a full the application has been solicited for submittal on April 1, 2015.

The project was based on a study to construct a compost facility within the Alden Correction Facility. There was sufficient interest in the project that an application to and approval from the NYSDEC for a study of the proposed site and construction plan was completed in 2005.

DEP was aware of interest from several municipalities for a regional facility, but it was the current need expressed by members of the Northwest Solid Waste Management Board (Towns of Tonawanda and Grand Island) along with the City of Buffalo who strongly indicated their desire to have an alternative to the current disposal practices.

Over the past few years DEP has been made aware of interested private entities regarding the potential of a composting operation as well as to assess the amount of eligible waste from within the County. There continues to be interest and a Request for Proposal process will be put in place to solicit matching funding and contractor to oversee development and operation of the facility.

CONSEQUENCES OF NEGATIVE ACTION

The DEP will forfeit NYSDEC funding and be unable to access the grant resources to support and assist in the building of a regional compost facility. The economic development opportunities and potential for expanding the collection of additional compostable materials beyond yard waste will be lost. Two local municipalities will not be able to reduce disposal costs without access to a regional compost facility.

STEPS FOLLOWING APPROVAL

Application will be submitted.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Application for State Assistance:
Erie County Regional Composting

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, Erie County (herein called the MUNICIPALITY), has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the People of the State of New York (herein called the STATE), and the MUNICIPALITY be executed for such STATE Aid.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York and includes all understanding and assurances contained in said application; and be it further

RESOLVED, that Erie County Executive or the Deputy County Executive is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE; and be it further

RESOLVED, that the MUNICIPALITY agrees that it will provide funding for the entire cost of said Municipal Waste Reduction and Recycling Project; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that Erie County Executive Mark Poloncarz or the Deputy County Executive is authorized to enter into intermunicipal agreement (s) with the municipal partners: Cities of Buffalo and Tonawanda, Villages of Williamsville and Kenmore, and Towns of Grand Island and Tonawanda, to coordinate the implementation of this project; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; NYSDEC (2); the County Attorney; Maria Whyte, Commissioner of Environment and Planning; and Thomas R. Hersey, Jr., Deputy Commissioner of Environment and Planning.