

George S. Latimer  
County Executive

September 23, 2021

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Members of the Board of Legislators:

In accordance with the procedures set forth in §253-b and §254 of the New York State County Law, transmitted herewith is a report (the "District Plan Modification") submitted by the Westchester County Solid Waste Agency (the "Agency"), on behalf of Refuse Disposal District No. 1 (the "District"), to reallocate funds within the District's plan of improvements. The District Plan Modification recommends modification of the Solid Waste District Management Plan, which was originally approved pursuant to Act No. 32-1982, as amended and modified from time to time, most recently by Act No. 168-2017 (the "District Plan"). The District Plan Modification requests and recommends the reallocation of previously approved expenditures from capital project RD020 (Material Recovery Facility-Compressed Natural Gas Facilities) and capital project RD075 (Croton Landfill Stations-Pump Station Rehabilitation Program) to capital project RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI). These modifications would allow for the purchase and installation of equipment to replace equipment that has reached the end of its useful life. In order to implement the recommendations of the District Plan Modification, an act to modify the District Plan, pursuant to Article 5-A of the New York State County Law, is required to authorize the reallocation of approved expenditures, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds.

The Agency must replace vital Material Recovery Facility ("MRF") and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers in order to continue to process residential curbside recyclables and solid waste collected by District municipalities and deliver solid waste to a final disposal site. The proposed reallocation of \$3,800,000.00 will enable the Agency to replace equipment that has reached the end of its useful life. The total maximum amount for District improvements was last increased in 2017, when an increase and improvement of District facilities in the amount

of \$33,480,000.00 was approved by Act No. 168-2017 and Order of the State Comptroller dated January 26, 2018, increasing the maximum Authorized District Improvement Debt to \$217,804,431.00.

Also transmitted herewith is an act (the "District Plan Modification Act") pursuant to Article 5-A of the New York State County Law, to modify the District Plan to authorize the reallocation of approved expenditures as described above, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds.

The Department of Environmental Facilities (the "Department") anticipates appropriations for this project to be included in the Westchester County Executive's 2022 Proposed Budget, and the debt authorization to be included with a package of debt authorizations to be submitted to your Honorable Board in conjunction with the Westchester County Executive's 2022 Budget Proposal.

The Agency, on behalf of the District, recommends the following modifications to the District Plan, all as more fully set forth in the attached District Plan Modification:

RD020 - Material Recovery Facility-Compressed Natural Gas Facilities ("RD020"). This capital project was to provide funding for the design and construction of compressed natural gas ("CNG") filling stations at the Yonkers Transfer Station/MRF. After comprehensive review and pilot testing of vehicles, it was determined that CNG vehicles for haulage of solid waste from County transfer stations to the Waste-to-Energy plant in Peekskill was not feasible. Therefore, the remaining available \$1,800,000.00 is no longer required for this project and may be reallocated to capital project RD021 (Haulage Vehicle and Solid Waste Equipment (Phase VI)) ("RD021") to fund necessary equipment replacement.

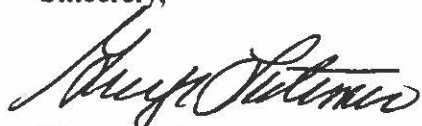
RD075 - Croton Landfill Station-Pump Stations Rehabilitation Program ("RD075"). Rehabilitation of the Croton Landfill Pump Station has been substantially completed for less than previous cost estimates. Therefore, \$2,000,000 of the remaining project funds of \$2,500,000 may be reallocated to capital project RD021 to fund needed equipment replacement. The remaining \$500,000 will remain in capital project RD075 to ensure appropriate completion of the project.

As set forth more fully in the District Plan Modification, funding for the recommended reallocation will come from RD020 and from a portion of the monies presently earmarked for capital project RD075. The Agency has made a determination that reallocation of the capital funds is appropriate as it will allow the funds to be used to replace necessary equipment that is beyond its useful life. It should also be noted that it is not necessary to submit an application to the New York State Comptroller for an increase and improvement of facilities because the proposed reallocation of funds will not increase the Maximum Authorized District Improvement Debt in the amount of \$217,804,431.

The Planning Department has advised that, based on its review, the above-referenced District Plan Modification and capital project are classified as "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

In accordance with Article 5-A of the New York County Law, forwarded herewith is a Resolution to authorize a public hearing on the proposed District Plan Modification, which sets a date for the public hearing and annexes a copy of the Notice to be published, as well as directs the Clerk to publish said notice and the District Amendment Act to authorize such a modification. Please note that the public hearing notice requirements are specified in New York State County Law §253-b and §254. Thereafter, if your Honorable Board determines that such action is in the public interest, it may authorize the modification by adopting the District Plan Modification Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer  
County Executive

GSL/LJV/di

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a report (the “District Plan Modification”) submitted by the Westchester County Solid Waste Agency (the “Agency”), on behalf of Refuse Disposal District No. 1 (the “District”), to reallocate funds within the District’s plan of improvements in accordance with the procedures set forth in §253-b and §254 of the New York State County Law. The District Plan Modification recommends modification of the Solid Waste District Management Plan, which was originally approved pursuant to Act No. 32-1982, as amended and modified from time to time, most recently by Act No. 168-2017, (the “District Plan”). The District Plan Modification requests and recommends the reallocation of previously approved expenditures from capital project RD020 (Material Recovery Facility-Compressed Natural Gas Facilities) and capital project RD075 (Croton Landfill Stations-Pump Station Rehabilitation Program) to capital project RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI) to allow for the purchase and installation of equipment to replace equipment that has reached the end of its useful life. In order to implement the recommendations of the District Plan Modification, an act to modify the District Plan, pursuant to Article 5-A of the New York State County Law, is required to authorize the reallocation of approved expenditures, noting that such reallocation of funds will not exceed the previously approved maximum expenditure of District funds.

The Agency has advised your Committee that it must replace vital Material Recovery Facility (“MRF”) and Transfer Station equipment that has reached the end of its useful life, including, but not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers in order to continue to process residential curbside recyclables and solid waste collected by District municipalities and deliver solid waste to a final disposal site. The proposed reallocation of \$3,800,000.00 will enable the Agency to replace equipment that has reached the end of its useful life. The total maximum amount for District improvements was last increased in 2017, when an increase and improvement of District facilities in the amount of \$33,480,000.00 was approved by Act No. 168-2017 and Order of the State Comptroller dated January 26, 2018, increasing the maximum Authorized District Improvement Debt to \$217,804,431.00.

Your Committee is in receipt of an act (the “District Plan Modification Act”) pursuant to Article 5-A of the New York State County Law, to modify the District Plan to authorize the reallocation of approved expenditures as described above, noting that such reallocation of approved expenditures will not exceed the previously approved maximum expenditure of District funds.

Your Committee is advised that the Department of Environmental Facilities (the “Department”) anticipates appropriations for this project will be included in the Westchester County Executive’s 2022 Proposed Budget, and the debt authorization will be included with a package of debt authorizations to be submitted to your Honorable Board in conjunction with the Westchester County Executive’s 2022 Budget Proposal.

Your Committee is advised that the Agency, on behalf of the District, recommends the following modifications to the District Plan, all as more fully set forth in the attached District Plan Modification:

RD020 - MRF-Compressed Natural Gas Facilities (“RD020”). This capital project was to provide funding for the design and construction of compressed natural gas (“CNG”) filling stations at the Yonkers Transfer Station/MRF. After comprehensive review and pilot testing, it was determined that CNG vehicles for haulage of solid waste from County transfer stations to the Waste-to-Energy plant in Peekskill was not feasible. Therefore, the remaining available \$1,800,000.00 is no longer required for this project and may be reallocated to capital project RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI) (“RD021”) to fund necessary equipment replacement.

RD075 - Croton Landfill Station-Pump Stations Rehabilitation Program (“RD075”). Rehabilitation of the Croton Landfill Pump Station has been substantially completed for less than previous cost estimates. Therefore, \$2,000,000 of the remaining project funds of

\$2,500,000 may be reallocated to capital project RD021 to fund needed equipment replacement. The remaining \$500,000 will remain in capital project RD075 to ensure appropriate completion of the project.

As set forth more fully in the District Plan Modification, funding for the recommended reallocation will come from capital project RD020 and from a portion of the funds presently earmarked for capital project RD075. Your Committee is advised that the Agency has made a determination that reallocation of the capital funds is appropriate as it will allow it to replace necessary equipment that is beyond its useful life. It should also be noted that it is not necessary to submit a petition to the New York State Comptroller for an increase and improvement of facilities because the proposed reallocation of funds will not increase the Maximum Authorized District Improvement Debt in the amount of \$217,804,431.

The Planning Department has advised that, based on its review, the above referenced District Plan Modification and capital project are classified as "Type II" actions pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations. Therefore, no further environmental review is required. Your Committee concurs with this conclusion.

Your Committee has been advised that pursuant to Article 5-A of the County Law, a public hearing on the proposal to modify the District Plan is required. The public hearing notice requirements for a modification of a District plan are set forth in §253-b and §254 of the New York State County Law. Thereafter, if your Honorable Board determines that such action is in the public interest, it may authorize the modification by adopting an Act to that effect. Accordingly annexed hereto is a resolution which sets a date for the public hearing and annexes a copy of the Notice to be published, as well as directs the Clerk to publish said notice.

Your Committee recommends adoption of Resolution. Further, should your Honorable Board determine, after a public hearing, that adoption of the District Plan Modification is in the public interest, it is recommended that your Honorable Board adopt the

District Plan Modification Act. It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the Resolution, as well as the Act authorizing said modification.

Dated: \_\_\_\_\_, 2021  
White Plains, New York

C:DI 9/23/21

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

SUBJECT: Refuse District Debt Plan Mod

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$                   -

Total Current Year Revenue \$                   -

Source of Funds (check one):  Current Appropriations  Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount \$                   -

Describe: \_\_\_\_\_

Potential Related Operating Budget Revenues: Annual Amount \$                   -

Describe: \_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

Next Four Years: \_\_\_\_\_

Prepared by: Louis Vetrone

Title: Deputy Commissioner

Department: Budget

Date: September 24, 2021

Reviewed By: 

Deputy Budget Director

Date: 9/24/21



TO: Daniela Infield, Senior Assistant County Attorney  
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM  
Director of Environmental Planning



DATE: September 23, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR REFUSE DISPOSAL  
DISTRICT NO. 1 DISTRICT PLAN MODIFICATION**

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**PROJECT/ACTION:** Modification of the Solid Waste Management Plan for Refuse Disposal District No.1 (District Plan) in order to reallocate unused funds from capital projects RD020 and RD075 to capital project RD021 - Haulage Vehicle and Solid Waste Equipment Phase VI, which provides for the replacement of solid waste vehicles and equipment that are reaching the end of their useful life or for the addition of solid waste equipment that will increase efficiency. The proposed District Plan modification will allow the District to utilize funds that were allocated to, but no longer needed for, RD020 and RD075 to fund replacement of equipment needed at the County's Materials Recovery Facility and Transfer Station in Yonkers without exceeding the District's authorized expenditure limit. Equipment in need of replacement include, but is not limited to, solid waste compactors, solid waste haulage vehicles, recyclables processing equipment, and solid waste containers.

**With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:**

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
  - **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
-

**COMMENTS:** At this time, authorization is being sought to modify the Solid Waste Management Plan to allow for the reallocation of funds. A subsequent request for authorization to undertake capital project RD021 will be made at a future date.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Norma Drummond, Commissioner  
Louis Vetrone, Deputy Commissioner, Department of Environmental Facilities  
Melissa-Jean Rotini, Director, Environmental Management Operations, DEF  
Claudia Maxwell, Associate Environmental Planner

**RESOLUTION NO. \_\_\_\_ – 2021**

**WHEREAS**, by Act 32-1982 the Westchester County Board of Legislators (the “Board of Legislators”) duly established Refuse Disposal District No. 1 (the “District”) in the County of Westchester, New York, and adopted a comprehensive solid waste management plan (the “District Plan”) for the environmentally sound disposal of solid waste within the County; and

**WHEREAS**, the District Plan contemplated that the District would undertake to provide certain capital improvements and facilities necessary for the operation of the County solid waste management system; and

**WHEREAS**, at the time of the establishment of the District in 1982 the authorized maximum expenditure was \$45,000,000.00, which was subsequently increased from time to time; and

**WHEREAS**, by Act 78-1998 an increase and improvement of District facilities in the amount of \$44,950,000.00 and approved by order of the State Comptroller dated August 11, 1998, brought the maximum District expenditure for improvements to a total amount of \$184,324,431.00; and

**WHEREAS**, pursuant to the Solid Waste Agency Report dated March 2004 (the “2004 District Report”), the Board of Legislators, by Act 75-2004, reallocated capital expenditures for the District within the current maximum amount of \$184,324,431.00; and

**WHEREAS**, pursuant to the Solid Waste Agency Report dated March 2012 (the “2012 District Report”), the Board of Legislators, by Act 169-2012, reallocated capital expenditures for the District within the current maximum amount of \$184,324,431.00; and

**WHEREAS**, pursuant to the Solid Waste Agency Report dated February 10, 2014 (the “2014 District Report”), the Board of Legislators, by Act 57-2014, reallocated capital expenditures for the District within the current maximum amount of \$184,324,431.00; and

**WHEREAS**, pursuant to the Solid Waste Agency Report dated October 26, 2016 (the “District Plan”), the Board of Legislators, by Act 168-2017, submitted a petition to the New York State Comptroller to increase capital expenditures for the District by \$33,480,000, to the

current maximum amount of \$217,804,431.00, which was approved by order of the State Comptroller dated January 26, 2018; and

**WHEREAS**, the Westchester County Department of Environmental Facilities, Division of Solid Waste, acting as the Westchester County Solid Waste Agency has duly filed a report with this Board, dated August 17, 2021, recommending a modification of the District Plan to authorize reallocation of previously approved expenditures from capital project RD020 (Material Recovery Facility -Compressed Natural Gas Facilities) in the amount of \$1,800,000.00 and from capital project RD075 (Croton Landfill Station-Pump Stations Rehabilitation Program) in the amount of \$2,000,000.00, for a total of \$3,800,000 to RD021 (Haulage Vehicle and Solid Waste Equipment Phase VI) to fund necessary equipment replacement; and

**WHEREAS**, reallocation of approved expenditures will not exceed the previously approved maximum expenditure amount; and

**WHEREAS**, appropriations for this project will be included in the Westchester County Executive's 2022 Proposed Budget, and the debt authorization will be included with a package of debt authorizations to be submitted to your Honorable Board in conjunction with the Westchester County Executive's 2022 Budget Proposal; and

**WHEREAS**, in accordance with Article 5-A of the New York State County Law, this Board is required to schedule a public hearing upon the aforesaid proposal to modify the District Plan.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that a public hearing shall be held upon the proposal to amend the District Plan of Refuse Disposal District No. 1 in the County of Westchester to authorize reallocation of previously approved expenditures for improvements in accordance with the Report of the Solid Waste Agency dated August 17, 2021; said hearing to be held in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_\_ .m.; and be it further

**RESOLVED**, that the Clerk of the Board is hereby authorized and empowered take all necessary steps in furtherance hereof; and be it further