



2021 Legislative Priorities

POLICY BRIEF

Environmental Conservation

December 30, 2020

Policy Snapshot:

- **Enact S.8480 (Kaminsky) / A.10662 (Hunter) (2019)** to create a more stable and comprehensive e-waste recycling infrastructure that ensures the burden for collection and disposal remains with the manufacturer.
- **Enact S.5655 (Metzger) / A.7561-A (Woerner) (2019)**, expanding the zero-emission vehicle (ZEV) rebate for municipalities.
- Expand the Bottle Bill to include additional glass containers, such as liquor, wine, and iced tea bottles.
- **Enact S.2610 (Metzger) / A.4105 (Englebright) (2019)**, establishing a product stewardship program for primary batteries.

CONTACT: Ryan Gregoire, NYSAC Legislative Director
rgregoire@nysac.org • (518) 465-1473 x. 221

Priority Policy Actions

Expansion of the Bottle Bill

Counties play an important role in sustainable waste management. In the face of global recycling market volatility that has caused unsustainable cost increases, additional state support is needed to maintain recycling efforts for conserving natural resources and keeping waste out of landfills.

Recommendation

Counties recommend expanding the Bottle Bill to include additional glass receptacles, such as liquor, wine, and tea bottles. Glass containers need to be removed from the recycling stream. When it breaks, glass contaminates other recyclables and wrecks the machinery in processing plants. To save municipal material recovery facilities (MRFs) money, expanding the bottle bill will dramatically reduce glass contamination.

E-Waste Disposal

The New York State Electronic Equipment Recycling and Reuse Act was adopted in 2010 to assist local governments with managing the fast-growing electronics waste stream. The law required electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs. It banned the disposal of electronic waste in landfills, which gave counties the fiscal responsibility e-scrap collection in their communities.

Recommendation

NYSAC calls on the state to alleviate the financial and administrative burden on municipalities who are dealing with these electronics by continuing to fund the reimbursement of expenses incurred collecting and recycling e-waste through a \$3 million appropriation, the same level which was included in the SFY 2016-17 Budget, but has since been expended. Counties approved for less than 50 percent reimbursement in 2019 should be made whole.

Adirondack Constitutional Amendments (1st Passage):

1) Camp Gabriel

The Camp Gabriel Correctional Facility, located in the town of Brighton, county of Franklin, was used as a private tuberculosis sanatorium, then became part of Paul Smith's College, and then was purchased in 1982 by the State as a minimum-security facility, then became part of the state-owned Forest Preserve. The State closed the facility in 2009 due to budget concerns. The facility includes approximately forty-eight structures and improvements located on approximately 55 acres of a 92-acre state-owned parcel, and includes housing units, support buildings, a pavilion, a chapel, an administrative building, and a sewage treatment plant.

The facility has been vacant and deteriorating since its closure in 2009, creating an eyesore and hazard to public health and safety and a liability risk to the State. The continued deterioration of the facility is not in the best interests of the State, the county, or the town. The cost to the State of demolishing and removing the structures and improvements from the land would be considerable and many years would pass before the land could become revegetated as wild forest land. Attempts by the State to sell the facility since its closure have been frustrated due to title concerns related to the prohibition on the alienation of Forest Preserve land contained in Article 14, Section 1 of the State Constitution.

The facility has the potential to be repurposed as a complex for community and economic development in Franklin County. The bill requires that the legislature must approve a community and economic development plan for the facility and at least 300 acres of land for inclusion in the Forest Preserve before the land may be conveyed to the County.

2) Cathead Mountain

The mountainous and remote nature of Adirondack Park communities poses significant challenges to ensuring reliable emergency communications systems for municipalities, the State Police, and the Department of Environmental Conservation. Cathead Mountain, located in the Town of Benson, Hamilton County, is uniquely situated to meet critical public health and safety communication needs in the southern area of the Adirondack Park.

The summit of Cathead Mountain, including Lots 122, 165, 166, 167 and 172, is privately owned by Hatchbrook Sportsmen Club, Inc. (HSC). HSC, which is the successor in title to the Thomas Gang, also owns Lots 113 and 114 to the south of the summit. HSC's land on the summit is an inholding surrounded by land owned by the People of the State of New York as Forest Preserve. Of particular importance to this issue are Forest Preserve lots 120 and 121, which are located between HSC's land on the summit and HSC's land to the south of the summit. Thus, in order to

access Lots 122, 165, 166 and 172 from Lots 113 and 114, Forest Preserve Lots 120 or 121 must be crossed.

Presently, communications equipment owned by both the Department and the State Police are co-located on an old existing DEC fire tower on Lot 166 at the summit of the mountain. Lease payments are made by the State to HSC for this use. There is no motorized access to the tower, and power is supplied by an on-site wind turbine and generator and on-site solar panels. To more fully and reliably serve the emergency communication needs of the community, Hamilton County proposes to erect a new tower at a site just to the north of the current fire tower and co-locate all existing emergency communications systems on the summit to this new site. Thus, existing DEC and State Police equipment and the power sources for the equipment would be relocated off the existing DEC fire tower.

The summit of the mountain was once a popular hiking destination, providing access to a fire tower which enabled the public to enjoy an extraordinary panoramic view rare in the southern Adirondacks. However, as a result of a 1998 decision by the Department to deny motorized access to the Thomas Gang across lot 120 to access lot 167, the Thomas Gang (and subsequently HSC) closed the trail to the summit to hikers.

Motor vehicle access and a consistent and reliable source of power are considered by the State Troopers and the County to be essential to ensuring the reliability of emergency communications equipment. However, neither currently exist due to both Adirondack Park State Land Master Plan (Master Plan) classification guidelines and Article XIV, Section 1 of the State Constitution.

This legislation will holistically resolve these issues by allowing Hamilton County to construct a new emergency communications tower on the summit; providing motorized access to the tower, providing a stable source of power to the tower, and allowing the public to once again hike to the summit of the mountain. In addition, the legislation would result in the addition of 580 additional acres of land to be added to the Forest Preserve.

Adirondack Trail Project

The NYS Department of Environmental Conservation (DEC) designs, constructs, and maintains all trails in the Adirondack Forest Preserve. Since 2014, DEC planned and approved to move forward on an Adirondack trail project that would both help to maintain the integrity of the Adirondack Forest Preserve and allow for sustainable access into the preserve for the public to enjoy. This project would create a 27-mile trail to be used by snowmobiles in the winter and by hikers in the other seasons, moving existing snowmobile trails to the edge of the Forest Preserve and away from areas that are more susceptible to damage. The State Appellate Division Third Department ruled against DEC, stopping the planned construction of a trail intended for snowmobile and hiker use. On August 9th, 2019, Attorney General Letitia James filed an appeal to the NYS Court of Appeals in order for this important trail project to continue and for DEC to maintain their right to reasonably provide maintenance to the Adirondack Park for both public enjoyment and forest preservation.

Recommendation:

NYSAC supports the state's efforts to protect this important DEC trail program.

Additional State Policy Recommendations

- **Enact S.8480 (Kaminsky) / A.10662 (Hunter) (2019)** to create a more stable and comprehensive e-waste recycling infrastructure that ensures the burden for collection and disposal remains with the manufacturer.
- Renew the \$3 million appropriation for e-waste collection and disposal programs.
- Continue support for remediation of PFAS and other water contaminants.
- Provide funding for counties to administer Septic System Replacement.
- **Enact S.5655 (Metzger) / A.7561-A (Woerner) (2019)**, expanding the zero-emission vehicle (ZEV) rebate for municipalities.
- Expand the Bottle Bill to include additional glass containers, such as liquor, wine, and iced tea bottles.
- **Enact S.2610 (Metzger) / A.4105 (Englebright) (2019)**, establishing a product stewardship program for primary batteries.
- Roll out the state-mandated State Drinking Water Information System (SDWIS) that has been delayed eliminating considerable data entry and allow counties to spend more time on other program tasks.