NYSAC
NEW YORK STATE
ASSOCIATION OF COUNTIES

The County Perspective on

Municipal Solid Waste Landfill Management

Testimony submitted by the

New York State Association of Counties (NYSAC)
&
New York State Association for Solid Waste Management (NYSASWM)

to the

Assembly Standing Committee on Environmental Conservation
&
Legislative Commission on Solid Waste Management

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Chairs and Members of the Assembly Standing Committee on Environmental Conservation and the Legislative Commission on Solid Waste Management:

Thank you for the opportunity to submit testimony on the effectiveness of New York's municipal solid waste landfill management and closure laws and regulations. The New York State Association of Counties (NYSAC) represents all 62 counties in New York State, including the City of New York. We submit this testimony jointly with the New York State Association for Solid Waste Management (NYSASWM), a NYSAC affiliate established in 1975 whose members are primarily the municipal solid waste management providers that operate New York's public waste systems.

Counties are at the center of New York's solid waste system. Of the 69 local solid waste management planning units recognized by the Department of Environmental Conservation (DEC), 44 are individual counties, and others, such as the GLOW Region and the Oneida-Herkimer Solid Waste Authority, are regional units run by counties or through intermunicipal partnerships. Each planning unit is responsible for planning how waste in its area is reduced, recycled, and disposed of. Our goal today is to outline what New York's landfill framework has achieved, the pressures it now faces, and the steps the Legislature can take to protect, extend, and plan for the State's disposal capacity.

New York's Standards Already Lead the Nation

Over the past 50 years, the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act (RCRA) have transformed solid waste management. What were once largely uncontrolled disposal sites are now highly engineered and closely regulated environmental facilities. The legacy of RCRA is one of great success, and New York has led the nation in building on it.

Today's landfills incorporate composite liners, leachate collection and treatment, groundwater monitoring, stormwater controls, landfill gas collection, engineered closures, and long-term post-closure monitoring. These systems are designed to protect public health and prevent contamination of our air, water, and surrounding communities.

Counties, local authorities, and their partners have invested billions of local dollars to build and operate these facilities. They are part of integrated systems that pair landfills with waste reduction, recycling, composting, and resource recovery, consistent with the State's circular economy and climate goals.

Counties have a direct stake in this hearing's goal of preventing future contamination because they own, operate, and close many of the landfills this framework governs. They also bear the cost when that framework changes. As you review these laws and regulations, we believe the focus should be on whether existing requirements are achieving their intended objectives and whether new mandates will produce measurable improvements that communities can afford to build and sustain.

Capacity Is Shrinking as County Costs Rise

New York's solid waste system now faces two pressures at once: shrinking disposal capacity and strained county finances.

The 2023 State Solid Waste Management Plan estimates that as few as 16 years of municipal solid waste landfill capacity may remain, and the State's largest landfill is nearing capacity. That is a short horizon for infrastructure that takes decades to develop. It is not an exaggeration to say "it takes ten years to do anything" when it comes to designing, permitting, financing, and constructing a landfill. Decisions made in the next few years will determine whether New York manages its own waste in 2040 or sends it to other states.

At the same time, counties face a fiscal reckoning. On October 1, 2026, the federal share of SNAP administrative costs fell from 50 percent to 25 percent, shifting an estimated $168 million in new annual costs to counties and New York City. Far greater exposure to SNAP benefit costs could follow as early as fall 2027. These federal cost shifts land on top of the social services, public health, and public safety programs counties already administer for the State. Counties cannot absorb new, unfunded environmental mandates on top of them without raising property taxes or cutting services.

Solid waste is where these pressures meet. The environmental and public health benefits of better landfill management extend well beyond municipal boundaries, but the compliance costs stay inside them, with limited opportunity for cost recovery. Counties need a sustainable solid waste system: one that protects the environment and that local governments can afford to operate for decades. The Legislature can help in three ways: protect the capacity we have, extend it by keeping material out of landfills, and plan now for what comes next.

Protect the Capacity We Have

New York's existing landfills are among its most important environmental assets, and the fastest way to lose capacity is to make the facilities we have unaffordable to operate. Every new requirement should meet two tests: does it produce a measurable environmental benefit, and can facilities afford to meet it without closing early?

Avoid shifting New York's waste burden to other states

When New York loses landfill capacity, waste is exported out of state, bringing more truck miles, more transportation emissions, and surface and groundwater impacts to the communities that receive it. We cannot claim environmental success by simply moving our waste, our emissions, and our environmental responsibilities across state lines. That is not environmental progress, and it runs counter to the Climate Leadership and Community Protection Act (CLCPA), the State's environmental justice commitments, and the work that went into developing the current Part 360 regulations.

Align State regulatory requirements

Solid waste management is multifaceted—it touches air, water, and land at the same time. Landfill gas, hauling emissions, leachate, stormwater, groundwater, and the disposal of treatment residuals are governed by different divisions of the DEC under different programs. When those programs move independently, one division's solution can become another division's problem.

Treatment for emerging contaminants is a clear example. Removing per- and polyfluoroalkyl substances (PFAS) from landfill leachate and wastewater concentrates them into residuals that must then be disposed of, and DEC expects much of that material to be solidified and placed in landfills. Requirements that depend on landfill capacity should not, at the same time, put that

capacity at risk. **We ask that DEC's Divisions of Materials Management, Water, and Air Resources act in step with one another and that the Legislature ensure DEC has the staff and technical expertise to review complex permit applications on schedule.**

Phase and fund new requirements

Public infrastructure does not get built overnight, especially in the municipal sector. A county responding to a new requirement must complete engineering and design, secure approval from its county legislature or board, finance the project through budget and bonding cycles, follow public procurement requirements, obtain permits, and build within a construction season limited by weather. **Regulatory change should be phased to match.** Phasing lets early projects inform later ones, reduces the risk of stranded investment as technology and federal standards evolve, and recognizes the constraints facing smaller municipalities with smaller economies of scale and tighter budgets. Sound risk management balances the size of the response against the size of the risk, within limited financial and human resources.

Counties support stronger protection against PFAS, but new requirements also need State funding. DEC's proposed leachate treatment rule, which drew nearly 400 comments, shows why. DEC estimates the rule would cost each facility $3 million to $50 million in capital and $1.5 million to $8 million a year to operate, and 22 of the 32 affected landfills are owned by local governments. DEC's own analysis states the proposal is not expected to impose additional costs on the State. The costs fall on local governments and their ratepayers, even though landfills are passive receivers of PFAS, not their source.

Existing assistance is limited. DEC has expanded the Water Quality Improvement Project (WQIP) program to cover leachate treatment at municipally owned landfills, and the Environmental Facilities Corporation (EFC) has made $77.8 million in federal infrastructure grants available for municipal projects that address emerging contaminants in leachate. These programs are competitive and cover only part of the cost, the federal funds run only through 2026, and none pays for operation, which will continue for decades. **The State should commit multi-year funding for both the capital and operating costs of new requirements.**

Any expanded post-closure obligation should also come with State funding, because closed landfills collect no tipping fees. Landfills nearing the end of their lives should keep the option to close rather than build treatment they would use only briefly.

Extend Capacity by Keeping Material Out of Landfills

Keeping material out of landfills is the most direct way to extend the life of the capacity New York already has. An estimated 860,000 tons of potentially recyclable material is thrown away in New York each year because of confusion about what is recyclable and a lack of proper infrastructure. The following measures would extend the life of the landfills we have while reducing costs for local taxpayers.

Make producers responsible for what they sell

Counties strongly support extended producer responsibility (EPR). Today, local governments and their taxpayers pay to collect, recycle, and dispose of products and packaging they did not design, make, or sell. EPR makes producers responsible for the end-of-life costs of what they put

on the market. It moves those costs off property taxpayers, and it gives manufacturers a reason to design products that are easier to reuse and recycle.

New York has already shown that EPR works. Since the State's paint stewardship program launched in 2022, funded by a fee on new paint sales, manufacturers have built a network of 388 year-round drop-off sites, putting 99.3 percent of New Yorkers within 15 miles of one. In 2025 alone, the program collected nearly 775,000 gallons of leftover paint at no charge to residents, material that would otherwise fall to local household hazardous waste programs to collect and manage.

Packaging and paper are the largest opportunity. Local governments manage and pay to dispose of packaging waste but have no control over how much is produced or how it is designed. The Packaging Reduction and Recycling Infrastructure Act (PRRIA), S.1464 (Harckham)/A.1749 (Glick), would shift those costs to producers, provide an estimated $300 million in annual relief to local taxpayers, encourage more recyclable packaging, prohibit PFAS and other toxic chemicals in packaging, and fund recycling infrastructure. **We urge PRRIA's enactment, with printed paper included and with the DEC staffing and resources needed to implement it.**

The same model should extend to other products that are costly or dangerous to manage at the end of their lives. We urge the Legislature to:

- **Reform e-waste recycling.** The 2010 Electronic Equipment Recycling and Reuse Act was meant to shift e-waste costs to manufacturers, yet local governments still carry significant costs. The law (ECL § 27-2605) should be amended to stop mail-back programs from satisfying convenience standards, require manufacturers to establish and fund permanent local collection sites, strengthen DEC's enforcement authority, and reimburse municipal e-waste costs.
- **Establish EPR for solar panels.** As solar deployment grows, so will the number of end-of-life panels. Manufacturers should finance collection and recycling, and developers should be responsible for end-of-life remediation.
- **Enact mattress EPR** under S.1463 (Kavanagh)/A.1209 (Paulin).
- **Support battery and household hazardous waste collection.** These materials pose safety risks at collection and processing facilities, and local governments need dedicated support to manage them.

Expand the Bottle Bill with protections for local recycling

NYSAC and NYSASWM support expanding the Bottle Bill provided the law includes two protections for local recycling programs. Higher redemption would pull more glass out of the curbside recycling stream, where it is difficult and costly to process, and would advance our shared goal of recovering more material.

First, a portion of the new unclaimed deposit revenue should be dedicated to local governments. Expansion would generate significant new unclaimed deposit revenue for the State while pulling aluminum and plastic containers—some of the most valuable commodities local programs sell to offset their costs—out of municipal recycling. Local governments would still have to run the trucks, facilities, and staffing that their programs require, with less revenue to support them. Revenue generated from material that once supported local recycling should help sustain the programs that lose it.

Second, that revenue should be distributed through a flexible fund for local and regional recycling. Expansion will affect communities differently. Some smaller operations that already sort redemption containers from their recyclables could recover more revenue, and communities that send material to larger facilities could see lower processing costs, while regional facilities serving several counties would lose the most commodity value. A flexible fund could reimburse lost commodity value where it occurs and support recycling infrastructure, market development, and intermunicipal projects that fall outside current grant eligibility.

These protections should be written into the law itself so that the local programs that make New York's recycling system work are not weakened by a policy meant to strengthen it.

Invest in municipal recycling and food waste reduction

The enacted SFY 2027 State Budget provides $23 million in the Environmental Protection Fund (EPF) for waste reduction and recycling projects, including $6 million for food donation and food scrap recycling. The Municipal Waste Reduction and Recycling (MWR&R) program reimburses 50 percent of eligible project costs, a match that many communities, especially smaller and rural ones, struggle to meet. **We ask the Legislature to increase MWR&R funding, including at least $10 million for food donation and food scrap recycling, and to lower the local match by raising the State share of eligible costs to 75 percent.**

The food waste funding is especially urgent. On January 1, 2027, the Food Donation and Food Scraps Recycling Law expands to entities generating an average of one ton of wasted food per week within 50 miles of an organics recycler, bringing many more generators, including in rural areas, under its requirements. Food is among the largest sources of landfill methane. State investment should prioritize prevention and donation and should account for the PFAS implications of organics diversion as composting and digestion capacity grows.

Stop PFAS at the source

Treatment at the landfill is the last and most expensive point to address PFAS. **The State's strategy should focus on keeping PFAS out of products and the waste stream in the first place and should hold manufacturers, not local taxpayers, accountable for PFAS treatment and remediation costs.**

Biosolids are a related capacity issue. Restricting land application of PFAS-affected biosolids without viable alternatives sends more of that material to landfills, consuming capacity and adding PFAS to leachate. We ask that DEC, the Department of Health, and the Department of Agriculture and Markets convene a working group, including county representatives, to identify science-based alternatives.

Plan for Future Landfill Capacity

New York may have as few as 16 years of landfill capacity left, but it has no clear plan for what replaces it. Today, decisions about disposal capacity are made one facility and one permit at a time. Given how long it takes to develop waste infrastructure, **the State needs to take the lead in planning for the future of landfill capacity now.**

That plan should identify where New York's disposal capacity will come from as existing landfills close and how much containment capacity the State will need for wastes best managed that way, including PFAS concentrate from leachate and wastewater treatment. Tying the plan to the

State's diversion goals would ensure that investments in recycling, organics, and reuse count toward future capacity. The plan should also preserve the balance between public and private landfills. Their coexistence recognizes local priorities, niche needs and opportunities, and very real cost considerations, and keeping both functional best serves New York's communities and businesses.

Counties have long made solid waste decisions through local planning units under home rule, and a State-led plan should build on top of that structure with incentives and support, not new mandates. Planning must also come with the tools to carry it out.

We ask the State to expand grants, technical assistance, and incentives for local governments to:

- **Expand and modernize recycling processing capacity**. Facilities need upgraded equipment to sort increasingly complex packaging and more capacity as diversion grows, and capital grants let local governments make those investments without passing the full cost to ratepayers.
- **Fund the education and outreach that drive participation**. Recycling works only when residents know what belongs in the bin, and confusion about what is recyclable is one of the main reasons recoverable material ends up in landfills.
- **Pursue intermunicipal and regional solutions**, including regional leachate treatment where water resource recovery facilities can serve as hubs.

We also urge the Legislature to support in-state end markets for recovered materials, fund direct technical assistance for smaller municipalities, and build a centralized digital system for recycling and solid waste reporting. The State is better positioned than any single county to do each of these. Strong end markets would keep recycling revenue and manufacturing jobs in New York. Technical assistance would help municipalities that lack the staff for planning, engineering, and grant applications compete for the programs meant to help them. A reporting system with standardized software and support for transfer stations would reduce the time local staff spend on State reporting and give the State better data to plan with.

Whatever form this support takes, it must be predictable and multi-year. Counties finance landfills, recycling facilities, and treatment systems over decades, but most State support arrives through competitive grants that cannot be counted on from one budget to the next. A locality cannot commit to a long-term capacity plan, or ask its taxpayers to, without knowing the State will remain a partner for the life of the investment.

The Path Forward

With as few as 16 years of landfill capacity left and counties absorbing new costs, the choices the Legislature makes now will shape New York's solid waste system for decades. To protect the capacity we have, extend it, and plan for what comes next, NYSAC and NYSASWM respectfully urge the Legislature to:

1. Use the Legislature's oversight and budget authority to ensure that solid waste regulations are scientifically justified, risk-based, transparent, technically achievable, and economically responsible and that new requirements account for their cumulative impacts on counties, taxpayers, businesses, and statewide disposal capacity.

2. Fund the DEC staff and technical expertise needed to review permit applications on schedule, and use legislative oversight to ensure coordination between DEC's Divisions of Materials Management, Water, and Air Resources.
3. Phase new requirements on realistic timelines that reflect municipal design, financing, procurement, permitting, and construction.
4. Commit multi-year State funding for both the capital and operating costs of new requirements, including leachate treatment.
5. Preserve the closure option for landfills near the end of their lives and fund any expanded post-closure obligations.
6. Expand extended producer responsibility, starting with enactment of PRRIA (S.1464/A.1749) with printed paper included.
7. Expand the Bottle Bill (S.5684/A.6543) with a dedicated share of unclaimed deposits for local governments, distributed through a flexible fund for local and regional recycling.
8. Extend producer responsibility to other hard-to-manage products by reforming e-waste recycling, establishing EPR for solar panels, and enacting mattress EPR (S.1463/A.1209).
9. Hold PFAS manufacturers, not local taxpayers, accountable for treatment and remediation costs, and convene a biosolids working group that includes counties.
10. Lead a statewide plan for future landfill capacity, backed by grants, technical assistance, and incentives for local governments.

Conclusion

Environmental protection and responsible waste management are not competing objectives. Properly engineered landfills are an essential part of both, and New York's landfills are part of our waste management solution alongside treatment, destruction, reduction, and recycling.

Counties are not here to complain—we are here to partner. We ask that our locally-based, integrated waste management systems be held to standards that are science-based and risk-balanced and that our programs be funded well enough to maintain the comprehensive services every New Yorker relies on.

NYSAC and NYSASWM appreciate the opportunity to submit this testimony and welcome continued dialogue with the Legislature and DEC to protect New York's communities while maintaining a reliable, affordable, and environmentally responsible solid waste management system.