

Agenda

Public Facilities Committee

June 15, 2020, 4:00 p.m., Virtual Meeting via Zoom

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (05/18/20)
- C. Privilege of the Floor
 1. Proposed Resolution - Amend 2020 Budget Appropriations and Revenues – North Chautauqua County Water District
 2. Proposed Resolution – Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Grant to Partially Offset Operating Costs for Chautauqua County Jamestown Airport
 3. Proposed Resolution – Removing In-Ground Fuel System at Dunkirk Airport
 4. Proposed Resolution – Amend Budget for Maintenance of Roads and Capital Improvements – Funded Roads
 5. Proposed Resolution – Authorize Acceptance of Funds from the Federal Transit Administration Coronavirus Aide, Relief, and Economic Security (CARES) Act of 2020
 6. Proposed Resolution - Acceptance of CARTS Public Transportation 2018 Modernization and Enhancement Program Supplemental Grant
 7. Memo – RNG and Flow Control
 8. Proposed Resolution – Approving SEQRA Findings and Determinations for Landfill Renewal Natural Gas (RNG) Agreements
 9. SEAF Part 1 – RNG Project
 10. SEAF Parts 2 & 3 – RNG Project
 11. Proposed Resolution - Authorize Landfill Renewable Natural Gas (RNG) Agreements with Chautauqua Green Energy LLC (CGE)
 12. Proposed Resolution - Approving SEQRA Findings and Determinations for Solid Waste Flow Control Local Law in Chautauqua County

13. SEAF Part 1 – Flow Control Local Law
14. SEAF Parts 2 & 3 – Flow Control Local Law
15. Local Law Intro. 1-20 – A Local Law Providing Solid Waste Flow Control in Chautauqua County
16. Discussion – Review of Departments and Services – Re: Preliminary 2021 Budget – Department Heads under Public Facilities
17. Other

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

KMD 06/03/20
KMW 6.3.20
SMA 06/03/20
KLC 6/4/20
PMW 6/4/20

TITLE: Amend 2020 Budget Appropriations and Revenues—North
Chautauqua County Water District

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, North Chautauqua County Water District (NCCWD) expenditures will exceed initial budgetary estimates because the budget does not include depreciation associated with construction completed in the Village of Brocton; and

WHEREAS, the NCCWD will recognize revenue in excess of budget due to the amortization of “Deferred Inflows of Resources” in recognition of the total value of assets capitalized in excess of financing the construction; now therefore be it

RESOLVED, That the EWN Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

EWN.-----924.0000	Unassigned Fund Balance—Net Assets, Unrestricted	\$ 79,681
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and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EWN.8310.----.4	Contractual—Water District	\$211,681
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INCREASE REVENUE ACCOUNT:

EWN.8310.----.R277.0000	Miscellaneous—Other Unclassified Rev	\$132,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB 06/01/20
KMD 06/01/20
ABC 06/01/20
SMA 06/01/20
KLC 06/03/20
PMW 06/03/20

TITLE: Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Grant to Partially Offset Operating Costs for Chautauqua County Jamestown Airport

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport, a non-primary public airport in the National Plan of Integrated Airport Systems (NPIAS), in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and enhances current and future economic development in the County; and

WHEREAS, pursuant to Public Law 116-136 (CARES Act), Federal funds were made available to U.S. public airports in the NPIAS to “prevent, prepare for, and respond to coronavirus impacts, including support for continuing airport operations”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received CARES Act Grant Offer, Grant No. 3-36-0048-054-2020 in the amount of \$69,000 (hereinafter called “the Grant”) for the Chautauqua County Jamestown Airport, and said funds will be used for any purpose for which airport revenues may be lawfully used; and

WHEREAS, the Airport Commission reviewed and recommended that the County accept the Grant for the purpose of offsetting the Chautauqua County Jamestown Airport’s operating costs; and

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than July 1, 2020 in order for the Grant to be valid; and

WHEREAS, pursuant to Resolution No. 137-20, the revenue associated with the Grant was amended into the 2020 Adopted Budget so no other budget amendments are necessary; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the CARES Act Grant Offer, Grant No. 3-36-0048-054-2020 in the amount of \$69,000 for the Chautauqua County Jamestown Airport; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SMA 5/27/20
KMD 05/27/20
BPB 05/27/20
KLC 5/27/20
PMW 5/28/20

TITLE: Removing In-Ground Fuel System at Dunkirk Airport

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, Resolutions 75-18 and 76-18 authorized capital accounts and bond issuance for the design and construction of a new fuel farm at the Dunkirk Airport, at a maximum estimated cost of \$650,000 to replace the existing in-ground fuel storage system; and

WHEREAS, in furtherance of the replacement project, the former fixed-base operator at the Dunkirk Airport, Dunkirk Aviation Sales & Service, Inc. (“Dunkirk Aviation”), was responsible for removing the existing in-ground fuel storage system that it owns; and

WHEREAS, despite requests from the County, Dunkirk Aviation has not initiated the removal of the in-ground fuel storage system, but construction of the new fuel farm is complete and NYSDEC is requiring that the County, as owner of the airport, remove the existing in-ground system by November 2020; and

WHEREAS, construction of the new fuel farm was bonded for the sum of \$563,000 and completed at a cost of \$558,130, and sufficient appropriated monies remain in the project’s \$650,000 capital appropriation account to remove the existing in-ground system; therefore be it

RESOLVED, That the Department of Public Facilities is authorized to proceed with the removal of the in-ground fuel system at the Dunkirk airport utilizing the remaining funds in the capital appropriation account established pursuant to Resolution 76-18, designated as H.5610.25003.4 Contractual – Chautauqua County Airport-Fuel Farm DNK (2018); and be it further

RESOLVED, That the Department of Public Facilities and County Law Department take all necessary steps to seek reimbursement for the expense of removal of the in-ground system from Dunkirk Aviation.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB 06/03/20
KMD 06/03/20
KMW 06.03.20
SMA 06/03/20
KLC 6/4/20
PMW 6/4/20

TITLE: Amend Budget for Maintenance of Roads and Capital Improvements—
Funded Roads

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, Cassadaga Windfarm LLC applied for permitting to the Chautauqua County Department of Public Facilities (DPF) to utilize county roads in the Towns of Arkwright, Villenova, Charlotte and Cherry Creek, including County Road 85, for work within the right of way (ROW) and overweight and over-dimensional hauling associated with the windfarm construction in the aforementioned towns; and

WHEREAS, pursuant to Resolution Nos. 242-19 and 127-20, the DPF assessed and received permit fees to fund repairs to the county roads when the windfarm construction activities have been completed; and

WHEREAS, additional work on County Road 85 is required, and should be funded by local dollars because it will be performed on a section of the road not used by Cassadaga Windfarm LLC; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

D.5112.393.4	Contractual--Capital Improvements, Funded Road Program	\$285,600
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DECREASE APPROPRIATION ACCOUNT:

D.5110.----.4	Contractual—Maintenance of Roads	\$285,600
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB 06/03/20
KMD 06/03/20
TMT 06/03/20
SMA 06/03/20
KLC 06/04/20
PMW 06/04/20

TITLE: Authorize Acceptance of Funds from the Federal Transit Administration Coronavirus Aide, Relief, and Economic Security (CARES) Act of 2020

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel Jr.:

WHEREAS, under the CARES Act of 2020, Chautauqua County has been recommended as eligible to receive supplemental funding for the following endeavors:

1. Standard Operating Assistance \$2,050,351
2. Appalachian Development Funding \$37,037
3. Mobility Management \$61,204

and;

WHEREAS, supplemental CARES Act funding may be used at up to a federal share of 100% and may be used for any eligible activity authorized under the Formula Rural Area Program; and

WHEREAS, supplemental CARES Act funding may also be used for operating activities (net of fare revenues), including the cost of drivers' salaries, fuel, and items having a useful life of less than one year, such as personal protective equipment and cleaning supplies; and

WHEREAS, supplemental CARES Act funding may also be used for the salary of the Mobility Manager until the 100% federally funded and budgeted revenue is received from the 2019-2020 5311 Grant; and

WHEREAS, the 2020 Adopted Budget cannot be amended at this time because the exact use of these funds is not yet known; however, it is known that these funds may not be used to reduce local share; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB 06/08/20
KMD 06/08/20
TMT 06/08/20
SMA 06/08/20
KLC 06/08/20
PMW 06/09/20

TITLE: Acceptance of CARTS Public Transportation 2018 Modernization and Enhancement Program Supplemental Grant

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel Jr.:

WHEREAS, the County of Chautauqua has been awarded grant funds by the New York State Department of Transportation under the 2018 Modernization and Enhancement Supplemental Program for the following projects:

1. Purchase 3 – Hybrid Trolleys	\$600,000
2. Service Improvements – Rebranding	\$327,500
3. R & D New Tech – Route Match	\$400,999
4. Consultant Services – Routes	<u>\$126,501</u>

Total Grant: \$1,500,000

; and

WHEREAS, funding for all of the foregoing four (4) projects will be at a rate of 100% state dollars; and

WHEREAS, upon execution of the contract, the budget will be amended as necessary in subsequent resolutions once the County is ready to expend the grant funds; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date



CHAUTAUQUA COUNTY DEPARTMENT OF LAW

PAUL M. WENDEL, JR.
County Executive

STEPHEN M. ABDELLA
County Attorney

MEMORANDUM

TO: County Executive Paul M. Wendel, Jr.
Chairman Pierre Chagnon and all County Legislators

FROM: Stephen M. Abdella, County Attorney

DATE: June 9, 2020

RE: Renewable Natural Gas (RNG) Agreements and Solid Waste Flow Control

The June agendas for the Public Facilities Committee and Audit & Control Committee contain companion legislation to approve renewable natural gas (RNG) agreements for the County Landfill, and the adoption of a solid waste flow control local law for Chautauqua County.

RNG Agreements

The County owns and operates a landfill gas-to-energy generating facility at the County Landfill that has provided substantial net revenues to the County since 2010. However, the depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas to a third party who will convert it to renewable natural gas (RNG).

Similar to the Landfill's existing gas-to-energy electric generation plant, the purpose of the RNG facility is to process and dispose of landfill gas created by the decomposition of solid waste in the County Landfill. As part of its DEC permit to operate the landfill, the County is required to dispose of such landfill gas in an environmentally responsible manner, and processing such gas as a renewable source of energy is the optimal manner in which to do so with the least environmental impact. The RNG facility will turn a waste gas that would otherwise be flared into a beneficial renewable source of fuel. The RNG will be transported through the existing natural gas pipeline system and used elsewhere, thereby reducing air emissions at the Chautauqua County Landfill.

The development of an RNG facility at the County Landfill is intended to allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues over a twenty-two (22) year period. The selected developer, Chautauqua Green Energy LLC (CGE) shall construct at its own expense an RNG plant and infrastructure on an approximately two (2) acre site at the County Landfill. CGE will also be responsible at its own expense for operating and/or mothballing the County's existing gas-to-energy plant, and maintaining it in good working order.

County Executive Paul M. Wendel, Jr.
Chairman Pierre Chagnon and All County Legislators
June 9, 2020
Page Two

For the first ten (10) years of the proposed RNG agreements, CGE shall pay the County a base payment of \$1,000,000 per year, and a royalty payment of \$0.05/MMBTU for all Landfill gas conveyed by the County to CGE. The initial ten (10) year period will fund the pay-off of the County's electric generation plant. For years eleven (11) through twenty-two (22) of the agreement, CGE shall pay the County a base payment of \$1,000 per year, and a royalty payment of \$1.00/MMBTU for all Landfill gas conveyed by the County to CGE.

Solid Waste Flow Control Local Law

In order to assure CGE that the Landfill will produce sufficient landfill gas to make its investment economically viable, a condition of the RNG agreements with CGE is that the County shall adopt a solid waste "flow control" local law. The flow control local law will require that all solid waste generated within the County that is of the type currently received at County solid waste facilities, including municipal solid waste collected from residences and businesses, and construction and demolition debris, must be disposed of at the County Landfill or transfer stations. The local law's requirements would take effect January 1, 2021.

It is important to note that the adoption of a flow control local law will not cause the generation of any additional waste within the County, and all waste received at County solid waste facilities will be within existing permits. Even before adoption of the local law, it is estimated that the County is already receiving nearly 100% of the applicable solid waste being generated in the County due to the County's competitive pricing. Eleven (11) other counties in New York State have previously adopted flow control local laws.

Besides facilitating the development of an RNG plant at the Landfill and its resulting revenues, flow control will help allow the County to maintain its competitive pricing while ensuring the continued environmental benefits of several County solid waste programs, including, but not limited to, special collections for household hazardous waste, the monitoring and maintenance of closed landfill facilities, a program of recycling electronic and other waste, assistance in the disposal of code enforcement demolition wastes for all local governments in order to reduce neighborhood blight, and assistance for all local governments in the event of emergencies such as floods, lake fish kills, and lake weed infestations.

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SMA 06/08/20
BPB 06/08/20
KMD 06/08/20
KLC 06/08/20
PMW 06/08/20

TITLE: Approving SEQRA Findings and Determinations for Landfill Renewable Natural Gas (RNG) Agreements

BY: Public Facilities Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates a landfill gas-to-energy generating facility at the County Landfill that has provided substantial net revenues to the County since 2010; and

WHEREAS, the depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas to a third party who will convert it to renewable natural gas (RNG); and

WHEREAS, the County issued a request for proposals (RFP) for the development of an RNG facility at the County Landfill that is intended to allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues; and

WHEREAS, DPF and the County Law Department have reviewed the proposed project and determined that it is an "Unlisted" action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form ("SEAF") has been prepared for the project, and found there to be no or very low probability of any adverse impact; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are on file with the Clerk of the County Legislature; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed actions will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed actions.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Short Environmental Assessment Form

Part 1 - Project Information

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			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
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, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> 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?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

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?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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.

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.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SMA 06/08/20
BPB 06/08/20
KMD 06/08/20
KLC 06/09/20
PMW 06/09/20

TITLE: Authorize Landfill Renewable Natural Gas (RNG) Agreements with Chautauqua Green Energy LLC (CGE)

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates a landfill gas-to-energy generating facility at the County Landfill that has provided substantial net revenues to the County since 2010; and

WHEREAS, the depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas to a third party who will convert it to renewable natural gas (RNG); and

WHEREAS, the County issued a request for proposals (RFP) for the development of an RNG facility at the County Landfill that is intended to allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues; and

WHEREAS, in response to the County's RFP, Vireo Energy, a renewable energy financial consulting firm from Malibu, California, and EmKey Gathering LLC from Erie, Pennsylvania, a natural gas gathering company operating in southwestern New York and northwest Pennsylvania, have formed a new company Chautauqua Green Energy LLC for the purposes of building, owning, operating, and managing the County's proposed RNG project; now therefore be it

RESOLVED, That the County Executive is authorized to enter into a lease and any other necessary agreements with Chautauqua Green Energy LLC (CGE), 558 West 6th Street, Erie, Pennsylvania, to enable the development of an RNG facility at the County Landfill, to include the following terms and conditions:

1. RNG Plant and Infrastructure. CGE, at its sole expense, shall design, construct, operate, and maintain an RNG plant and infrastructure at the County Landfill, to be completed within twenty-four (24) months of execution of the lease agreement. Unless the County elects to purchase the RNG plant and infrastructure upon the termination of the lease agreement, CGE, at its sole expense, shall also be responsible for the decommissioning and removal of the RNG plant and infrastructure except for buried facilities, such as pipelines, which may be abandoned in place.
2. Leased Premises. An approximately two (2) acre site at the County Landfill, and subsurface rights to install gas gathering and transmission lines on Landfill property to serve the RNG plant.
3. Term. Twenty-two (22) years, including the period of design and construction of the RNG plant and infrastructure.
4. Existing County Gas-to-Energy Plant. For the full term of the lease agreement, including the period of design and construction of the RNG plant and infrastructure, CGE, at its sole expense, shall be responsible for operating and/or mothballing the County's existing gas-to-energy plant, and maintaining it in good working order.
5. Rights and Use of Landfill Gas. For the full term of the lease agreement, including the period of design and construction of the RNG plant and infrastructure, CGE shall

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

have exclusive rights to all biogas emanating from the County's landfill and collected by the County's gas collection system. CGE shall be obligated during said full term of the lease agreement to utilize all County Landfill biogas by consuming it in the RNG plant or the County's gas-to-energy plant, or by flaring it, to ensure County's compliance with air and nuisance odor regulations.

6. Utilities. CGE shall obtain and pay for all utilities necessary to operate and maintain the RNG plant and infrastructure, the existing County gas-to-energy plant, and any other project facilities operated by CGE over the term of the lease agreement.
7. Taxes and Costs. CGE shall pay all taxes, assessments, charges, fees, fines or penalties which may be owed by reason or as a result of CGE's ownership and/or operation of the RNG plant and infrastructure, the existing County gas-to-energy plant, and any other project facilities.
8. Government Requirements. CGE shall, at its sole expense, comply with all Federal, State and local requirements for the RNG plant and infrastructure, including its construction, operation, maintenance, decommissioning, and removal, and also comply with all government requirements for the operation, maintenance, and/or mothballing of the existing County gas-to-energy plant, and for any other project facilities.
9. Payments to County.

2020: \$1,000,000 in installments to be approved by the County Executive.

Years two (2) through (10):

- a. Base payment of \$1,000,000.00 per year, payable in quarterly installments; and
- b. Royalty payment of \$0.05/MMBTU for all Landfill biogas captured by the County's gas collection system and provided to CGE, payable in quarterly installments.

Years eleven (11) through twenty-two (22):

- a. Base payment of \$1,000.00 per year; and
- b. Royalty payment of \$1.00/MMBTU for all Landfill biogas captured by the County's gas collection system and provided to CGE, payable in quarterly installments.

10. Other. As negotiated by the County Executive.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Approving SEQRA Findings and Determinations for Solid Waste Flow Control Local Law in Chautauqua County

BY: Public Facilities Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, there is a local law being proposed for adoption by the Chautauqua County Legislature entitled "A Local Law Providing Solid Waste Flow Control in Chautauqua County"; and

WHEREAS, the adoption of said local law is an "Unlisted" action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form ("SEAF") has been prepared which found there to be no or very low probability of any adverse impact; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are on file with the Clerk of the County Legislature; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) adoption and implementation of the above-referenced proposed local law will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed action.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Short Environmental Assessment Form

Part 1 - Project Information

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			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
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, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
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: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
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: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> 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?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. 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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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.

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.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

LOCAL LAW
INTRODUCTORY NO. 1-20
CHAUTAUQUA COUNTY

A LOCAL LAW PROVIDING SOLID WASTE FLOW CONTROL
IN CHAUTAUQUA COUNTY

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

SECTION 1. GENERAL PROVISIONS

A. Legislative Intent and Purpose

The purpose and intent of this Local Law is to ensure that Solid Waste generated within Chautauqua County continues to be managed in a manner which protects public health, public safety and the environment, and which provides for the financial stability of the County solid waste system. During the 1960's, the County faced a solid waste crisis as environmentally sound disposal of solid waste was beyond the financial means of small local governments. County involvement began in 1967 with a permit requirement for the approximately forty (40) town, village, and private waste dumps that were in operation at the time. Gradually the small open dumps were closed and the County created a comprehensive County-wide solid waste disposal system. Currently, the County operates its solid waste system in accordance with the following:

- 1) New York State solid waste management policies set forth in Environmental Conservation Law (ECL) §27-0106;
- 2) Local Law 9-92 of the County of Chautauqua, entitled *Mandating Source Separation and Segregation of Recyclable or Reusable Material*, and rules, regulations, and permit requirements promulgated pursuant thereto;
- 3) Local Law 13-95 of the County of Chautauqua, entitled *A Local Law Establishing User Fee Policy and Procedure*;
- 4) Local Law 14-95 of the County of Chautauqua, entitled *A Local Law Regulating the Use of Chautauqua County Sanitary Landfill & Transfer Stations*, and rules, regulations, and permit requirements promulgated pursuant thereto; and
- 5) The Local Solid Waste Management Plan for the County of Chautauqua, with pending updates under review.

The County Legislature finds and determines that in addition to the laws, rules, regulations, permit requirements, policies, and plan set forth above, establishing local flow control over the collection and disposal of certain Solid Wastes generated within the County of Chautauqua is in the public interest and assists the County in achieving the intent and purposes of this enactment.

This Legislature recognizes that regulation of Solid Waste is a proper and necessary exercise of the County of Chautauqua's police powers as it is fundamentally related to the public health, safety and well-being of persons and the environment within the County of Chautauqua. Moreover, regulation of Solid Waste is a necessary and proper exercise of the County's home rule

powers under N.Y. Const., Art. IX, § 2[c][ii][10], Sections 10 and 20 of the Municipal Home Rule Law, Section 120-aa of the General Municipal Law and Section 226-b of the County Law.

B. Declaration of Policy

The Legislature recognizes that the County's solid waste system, comprised of a solid waste landfill, transfer stations, landfill gas-to-energy plant, and other assets, is a critical part of the environmental infrastructure of Chautauqua County and provides facilities and services which are necessary to protect public health and the environment. It is hereby declared to be the public policy of the County of Chautauqua to provide for the continued operation and viability of its comprehensive, publicly owned and operated solid waste management system and to provide mechanisms for the continued financial viability of its system in light of state and federal regulations and requirements.

The County's solid waste management program is intended on a County-wide basis to provide environmentally sound disposal of solid wastes, to provide special collections for household hazardous waste, to safely monitor and maintain closed landfill facilities, to provide for a program of recycling electronic and other waste, to encourage the growth of recycling in both the public and private sectors, to provide public education on proper waste management methods, to provide assistance in the disposal of code enforcement demolition wastes for all local governments in the County in order to reduce neighborhood blight, to provide assistance for all local governments in the County in the event of emergencies such as floods, lake fish kills, and lake weed infestations, to recover energy from the generation of landfill gas, and to employ new techniques of waste management as they become available. This Local Law is intended to ensure the orderly and reliable collection of solid waste by municipalities and qualified collection firms, to provide a means to gather relevant information regarding waste generation for planning and administration of the solid waste program, to assist in the enforcement of recycling laws, to provide a sufficient and reliable source of landfill gas for energy production as a renewable natural gas (RNG), and to advance the goals of the Solid Waste Management Plan and its periodic updates.

This law regulates only the collection, transport, processing and disposal of Solid Waste generated within the incorporated limits of Chautauqua County. This Local Law shall not be construed to extend the jurisdiction of the County of Chautauqua beyond the incorporated limits of the County of Chautauqua. It shall be the policy of the County of Chautauqua, in the adoption, implementation and enforcement of this Local Law, to treat all persons subject to its provisions in a fair and impartial manner without regard to their location or legal residence, within or without the boundaries of the County of Chautauqua, the State of New York, or any other state.

SECTION 2. DEFINITIONS

A. Chautauqua County Department of Public Facilities (DPF). An administrative unit of the County of Chautauqua with responsibility for the operation of the County's Solid Waste Facilities and Solid Waste and Recycling programs.

B. County Solid Waste Facility. Any facility owned or operated by the County of Chautauqua, which includes, but shall not be limited to, the Chautauqua County Landfill, the

County transfer stations, the County landfill gas-to-energy plant, and all facilities identified by the Deputy Director for the receipt of household hazardous waste, electronic waste and such other facilities as may be established by the County from time to time.

C. Commercial Hauler. Any person who is engaged in the business of collecting and transporting solid waste for disposal from the locations within the County of Chautauqua at which such waste is generated. For purposes of this definition, “person” shall mean any individual, public or private corporation, political subdivision, government agency, department or bureau of New York State or United States government, municipality, industry, partnership, association, limited liability company, trust, estate, non-profit entity, tax-exempt entity, or any other legal entity.

D. Deputy Director. The Deputy Director of the Division of Solid Waste of the Chautauqua County Department of Public Facilities (DPF).

E. Solid Waste and Related Terms. The terms Solid Waste, Construction and Demolition Debris, Organic, Recyclable, Regulated Medical Waste, and other terms in common usage in the solid waste industry, shall, unless otherwise specifically defined herein, have the meanings set forth in 6 NYCRR 360.2 or successor provision.

SECTION 3. FLOW CONTROL

A. All Solid Waste, including, but not limited to, Construction and Demolition Debris, and wastes generated and collected from residences, businesses, institutions and other locations within the County of Chautauqua shall be delivered for disposal to the County Solid Waste Facility designated by the Deputy Director pursuant to this Local Law, except as otherwise provided pursuant to Section 3 (B), below.

B. This Local Law shall not be applicable to collection and disposal of source separated Recyclables, source separated Organic Wastes, Regulated Medical Wastes, and any materials that are not authorized for acceptance at County Solid Waste Facilities by New York State law or regulation or Local Laws 9-92 and 14-95 of the County of Chautauqua, or as otherwise provided by rules, regulations, and permit requirements promulgated pursuant to Local Laws 9-92, 14-95, and this Local Law.

C. Compliance with the provisions of this Local Law shall be a term and condition of all permits issued in furtherance of this Local Law and Local Laws 9-92 and 14-95 of the County of Chautauqua. It shall be unlawful for any Commercial Hauler to collect, transport or dispose of Solid Waste or Recyclables generated within Chautauqua County without a permit issued pursuant to this Local Law. Violations of the provisions of this Local Law, and/or rules, regulations, and permit requirements promulgated pursuant to this Local Law, shall subject the violator to the penalties set forth in said Local Law 14-95.

D. In order to ensure proper compliance with this Local Law, the Deputy Director is hereby empowered to promulgate rules and regulations to implement the Solid Waste flow control required by this Local Law, including, but not limited to, permit requirements, reasonable civil penalties, and procedures for suspension or revocation of permits granted pursuant hereto. The

rules and regulations promulgated by the Deputy Director shall be subject to policies and procedures specified by the County Legislature pursuant to a duly adopted and approved resolution.

SECTION 4. UPDATING OF ADMINISTRATIVE REFERENCES IN PRIOR LOCAL LAWS

References to the “Division of the Environment” and “DPW”, in prior Local Laws 13-95 and 14-95 of the County of Chautauqua, are hereby updated and deemed to be, respectively, the “Division of Solid Waste” and “DPF”.

SECTION 5. SEVERABILITY

If any part of this Local Law or the application thereof to any person should be adjudged to be invalid by any court of competent jurisdiction, such judgment shall, unless otherwise provided in said judgment, be confined in its operation to the application, part or provision of this Local Law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this Local Law or the application thereof to other persons or circumstances. The Chautauqua County Legislature hereby declares that it intends that the provisions of this Local Law that are not specifically adjudged to be invalid shall remain in full force and effect.

SECTION 6. COUNTY NOT LIABLE

Nothing in this enactment shall be deemed to impose any civil or criminal liability upon, or give rise to, a cause of action against any official, employee or agency of the County of Chautauqua for failing to act in accordance with this Local Law or by enforcing same in good faith.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect January 1, 2021.