§ 27-0107. Local solid waste management plans; purpose and scope.

1. Purpose and scope. (a) A planning unit may undertake and complete a timely process leading to a local solid waste management plan for such unit for at least a ten-year period. For purposes of this section and section 27-0109 of this article, "planning unit" shall mean a county, two or more counties acting jointly, a local government agency or authority established pursuant to state law for the purposes of managing solid waste, any city located in the county of Nassau, or two or more other municipalities which the department determines to be capable of implementing a regional solid waste management program.

(b) The local solid waste management plan shall:

(i) characterize the solid waste stream to be managed in the planning period and methods to increase waste diversion including, but not limited to recycling and composting;

(ii) assess existing and alternate proposed solid waste management programs and facilities;

(iii) address to the maximum extent practicable the comments and views expressed by concerned governmental, environmental, commercial and industrial interests and the public on the waste reduction, recycling, reuse and disposal alternatives;

(iv) identify the parties with responsibility to implement each element of the plan and the steps which must be undertaken by each;

(v) set forth a timetable for implementing the plan;

(vi) describe the participation in the preparation of the plan of each municipality which has chosen to participate in such preparation; and

(vii) describe (A) measures undertaken by the municipalities participating in the planning unit to secure participation of neighboring jurisdictions, (B) the limitations, if any, imposed by the proposed plan on solid waste management alternatives available to such neighboring jurisdictions, and (C) alternatives which would be available if a local solid waste management plan including such jurisdictions were prepared. Specific written suggestions received from neighboring jurisdictions shall be summarized and reflected in the plan.

(c) Such plan shall take into account the objectives of the state solid waste management policy, provide for or take into account management of all solid waste within the planning unit, and embody, as

may be appropriate to the circumstances, sound principles of solid waste management, natural resources conservation, energy production, and employment creating opportunities.

(d) Such plan is authorized to include and shall utilize, to the extent practicable, prepared resource materials or generic analyses so as to minimize the development and use of original data to degrees of detail not pertinent to the circumstances.

(e) A plan may be submitted to the department by a planning unit on its own initiative or upon the request of the participating municipalities. The department shall review such plan and advise the planning unit that:

(i) the plan contains the elements set forth in paragraph (b) of this subdivision. Thereafter such plan shall become the local solid waste management plan in effect for such municipalities; or

(ii) the plan as submitted does not contain the elements set forth in paragraph (b) of this subdivision. The department shall state the reasons for its determination under this subparagraph.

(f) For purposes of this subdivision, the department shall not serve as lead agency as defined in subdivision six of section 8-0111 of this chapter.

(g) For purposes of this section, "solid waste" shall have the same meaning as is found in subdivision one of section 27-0701 of this article, but shall not include source, special nuclear or by-product material as defined in the atomic energy act of 1954, as amended, or hazardous waste which appears on the list or satisfies the characteristics of hazardous waste promulgated pursuant to section 27-0903 of this article or, low level radioactive waste as defined in section 29-0101 of this chapter.

2. The department shall promulgate rules and regulations in accordance with the provisions of the state administrative procedure act for the implementation of this section and section 27-0109 of this article.