§ 2041-a. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Area of operation" shall mean any or all of the participating counties.

2. "Authority" shall mean the public benefit corporation created by section two thousand forty-one-b of this title, known as the Montgomery, Otsego, Schoharie solid waste management authority.

2-a. "Authorities budget office" shall mean the independent entity within the department of state established pursuant to section four of this chapter.

3. "Bonds" shall mean the bonds, notes or other evidences of indebtedness issued by the authority pursuant to this title and the provisions of this title relating to bonds and bondholders which shall apply with equal force and effect to notes and noteholders, respectively, unless the context otherwise clearly requires.

4. "Construction" shall mean the acquisition, erection, building, alteration, repair, improvement, increase, enlargement, extension, reconstruction, renovation or rehabilitation of a solid waste management resource recovery facility including any appurtenances thereto which may be necessary or desirable to promote the efficiency or effectiveness of a project; the inspection and supervision thereof; and the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other actions incidental thereto.

5. "Cost", as applied to any contract, means and includes the cost of construction, the cost of the acquisition of all property, including real property and other property, both real and personal and improved and unimproved, the cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of relocating tenants or other occupants of the buildings or structures on such land and the cost of acquiring any lands to which such buildings or

structures may be moved or relocated, the cost of all systems, facilities, machinery, apparatus and equipment, financing charges, interest prior to, during and after construction to the extent not paid or provided for from revenues or other sources, the cost of engineering and architectural surveys, plans and specifications, the cost of consultants' and legal services, the cost of lease guarantee or bond insurance, other expenses necessary or incidental to the construction of such project and the financing of the construction thereof, including the amount authorized in the resolution of the authority providing for the issuance of bonds to be paid into any reserve or other special fund from the proceeds of such bonds and the financing of the placing of any project in operation, including reimbursement to a county, any municipality, state authority, the state, the United States government or any other person for expenditures that would be costs of the project hereunder had they been made directly by the authority.

6. "Governing body" shall mean the members of the authority constituting and acting as the governing body of the authority.

7. "Legislative body" or "legislative bodies" shall mean any or all of the boards of supervisors of the counties of Montgomery and Schoharie and the board of representatives of the county of Otsego.

8. "Municipality" shall mean any county, including any participating county, city, town, village, refuse district under the county law, improvement district under the town law, any other such instrumentality, including an agency or public corporation of the state, or any of the foregoing, or any combination thereof.

9. "Participating counties" shall mean those of the counties of Montgomery, Otsego and Schoharie that shall have appointed members of the authority and shall have filed a certificate in accordance with section two thousand forty-one-b of this title.

10. "Person" shall mean any natural person, partnership, association, joint venture or corporation, exclusive of a public corporation.

11. "Primary public water supply aquifer" shall mean a highly productive water bearing formation identified by the department consisting of unconsolidated (non-bedrock) geologic deposits, which: (1) receives substantial recharge from the overlying land surface; and (2) is presently utilized as a major source of water for public water supply.

12. "Principal aquifer" shall mean unconsolidated (non-bedrock) geologic deposits identified by the department which: (1) receives substantial recharge from the overlying land surface; (2) is known to be highly productive or whose geology suggests a potentially abundant source of water; and (3) is not presently used as a major source of water for public water supply.

13. "Project" shall mean any solid waste management resource recovery facility and any appurtenances thereto necessary or desirable to promote the efficiency or effectiveness of any facility, of which, or any portion of which, the planning, development, financing, construction, operation or maintenance is authorized to be undertaken in whole or in part by the authority pursuant to this title.

14. "Real property" shall mean lands, structures, franchises and interests in land, waters, lands underwater, riparian rights, air rights, space rights and any fixtures, equipment and articles of personal property affixed to or used in connection therewith, and any and all things and rights included within said term and includes not only fees simple absolute, but also any and all lesser interests including, but not limited to easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgment, mortgages or otherwise and all claims for damages for such real estate.

15. "Resource recovery" shall mean the separation, extraction and recovery of usable materials, energy or heat from solid waste through source separation, incineration, recycling centers or other programs, projects or facilities.

16. "Revenues" shall mean all rates, fees, rents, charges and other income derived by the authority from its operations.

17. "Solid waste" shall mean all putrescible and non-putrescible solid wastes, including, but not limited to, materials or substances discarded or rejected, whether as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection or for any other reason, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded, having served their intended use, or are a manufacturing by-product, including, but not limited to, garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, or waste which appears on the list or satisfies the characteristics of hazardous waste promulgated by the commissioner of environmental conservation pursuant to section 27-0903 of the environmental conservation law.

18. "Solid waste management resource recovery facility" or "facility" shall mean any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is being used, occupied or employed for or is incidental to the collecting, receiving, transporting, storage, processing, or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including, but not limited to, recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution and related plants and facilities, sanitary landfills, leachate treatment

facilities, plants and facilities for compacting, composting or pyrolization of solid wastes, secure land burial facilities, landspreading facilities, surface impoundments and waste oil storage, reprocessing and recycling facilities, incinerators, and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in subdivisions four and five of section 51-0903 of the environmental conservation law. Any such facility producing either electricity or shaft horsepower and useful thermal energy shall constitute a co-generation facility as defined in subdivision two-a of section two of the public service law.

19. "Source separation" shall mean the segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

20. "State" shall mean the state of New York.