§ 2041-t. Special powers of participating counties and municipalities. 1. The participating counties and one or more municipalities within the area of operation, or the authority and the participating counties, shall have power to contract from time to time between or among themselves, or among themselves and with the authority, in relation to the collecting, receiving, transporting, storage, processing or disposal of solid waste or for the purchase or use of any materials, energy, by-products or residue generated by or resulting from the operation of any facility. Any such contract to which the authority, or any participating county, or any municipality within the area of operation, are parties may include provisions stipulating the minimum or maximum rates, rentals, fees and other charges to be collected for the use and availability of facilities. Any such contract may also include provisions in connection with a facility obligating such participating county or municipality to deliver or cause to be delivered, periodically to a specified facility or facilities, all or any portion of the solid waste generated in such participating county or municipality for processing or disposal and to make periodic payments for such processing or disposal whether or not delivery of any such solid waste shall be made, subject only to such exceptions, terms and conditions as may be provided therein.

2. To further the governmental and public purposes of the authority, including the implementation of any contract or proposed contract contemplated by this title, any participating county and municipalities within the area of operation shall have power to adopt and amend local laws, ordinances and regulations imposing appropriate and reasonable limitations on competition with respect to collecting, receiving, transporting, delivering, storing, processing and disposing of solid waste or the recovery by any means of any material or energy product or resource therefrom, and shall further have the power to adopt and amend local laws requiring that all solid waste generated, originated or brought within their respective boundaries, subject to such exceptions as may be determined to be in the public interest, shall be delivered to a specified facility or facilities; provided, however, that any such local law enacted by a participating county shall take precedence over and shall supersede any inconsistent provisions of any such local law

enacted by a municipality within that participating county. Any such local law shall be adopted in accordance with the procedure provided by the municipal home rule law, except that no such local law shall be subject to either mandatory or permissive referendum. For the purposes of this section, solid waste shall have the same meaning as defined in section two thousand forty-one-a of this title, but shall not include any scrap or other material of value separated from the waste stream and held for purposes of materials recycling. Upon the adoption of any local law, ordinance or regulation pursuant to this section, the participating county or municipality shall file with the commissioner of the department of environmental conservation a verified copy of such local law, ordinance or regulation.

3. Each participating county is authorized to resell or otherwise dispose of all or any part of the materials, energy, by-products or residue purchased, received or obtained from the authority pursuant to subdivision one of this section. Any resale or other disposition may be made in such manner as each participating county may deem proper and upon such terms and conditions as may be agreed upon by the parties thereto.

4. Each participating county and all other municipalities within the area of operation shall have power to perform such other acts, to enter into such other contracts, including contracts between or among themselves, execute such instruments and to undertake such future proceedings as shall be determined necessary or desirable to effectuate the purpose of this title, including the making of gifts, grants, loans or contributions to the authority.

5. Except as otherwise provided by section one hundred twenty-w of the general municipal law, any contract entered into by a municipality in connection with, or in any manner relating to, any project or facility pursuant to this section may be for such term or duration, not to exceed twenty-five years, as may be agreed upon by the parties thereto.

6. Any contract entered into pursuant to this section to which the authority shall be a party may be pledged by the authority as security

for any issue of bonds, and may be assigned, in whole or in part, by the authority to any public corporation or person which shall construct, purchase, lease or otherwise acquire any facility, or part thereof, financed in whole or in part by the authority.

7. Any contract, lease or agreement entered into by the authority pursuant to this title and which provides for the construction of a facility which combusts solid waste shall provide for the utilization of Best Available Control Technology to control the environmental impact of such facility. Such technology may include fabric filtration and dry scrubbers to control particulate and acid gas emissions. Any facility at a minimum shall be constructed and operated in compliance with requirements of the department of environmental conservation. Any such contract, lease or agreement also shall include but not be limited to provisions for:

(a) monitoring of emissions for toxic air contaminants or surrogates thereof where appropriate to determine permit compliance at least twice during the first year of operation and after any detection of permit violations, and at least annually thereafter; such monitoring to include provisions for use of statistically valid sampling procedures in all monitoring; and

(b) sampling and testing of ash and dust residues at least semi-annually, pursuant to a method assuring statistical validity, to determine appropriate disposition or disposal based on relative toxicity.