§ 2049-b. Definitions. As used in this title, unless a different meaning clearly appears from the context:

1. "Authority" shall mean the public benefit corporation created by section two thousand forty-nine-c of this title, known as the town of North Hempstead solid waste management authority.

2. "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 shall apply with equal force and effect to notes and noteholders, respectively, unless the context otherwise clearly requires.

3. "Construction" shall mean the acquisition, erection, building, alteration, improvement, increase, enlargement, extension, reconstruction, renovation or rehabilitation of a solid waste management-resource recovery facility; 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 preliminary or incidental thereto.

4. "Cost", as applied to any project, shall mean and include the cost of planning and design, 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 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 consultant and legal services, the cost of lease guarantee or bond insurance and the cost of 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 the town or any municipality or state agency, 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.

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

6. "Municipality" shall mean any county, city, town, village, refuse district under the county law, improvement district under the town law, any other such instrumentality, including any agency or public corporation of the state, any such instrumentality created under the Nassau county civil divisions act, or any of the foregoing, or any combination thereof.

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

8. "Project" shall mean any solid waste management-resource recovery 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.

9. "Real property" shall mean lands, structures, franchises and interests in land, waters, lands underwater, riparian rights and air rights 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 judgments, mortgages or otherwise.

10. "Resource recovery" shall mean the separation, extraction or recovery of usable materials, energy or heat from solid waste through

source separation, incineration, recycling centers or other programs, projects or facilities.

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

12. "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, is being accumulated, stored, or physically, chemically or biologically treated prior to being discarded, has served its intended use, or is a manufacturing or mining by-product, including, but not limited to, garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, mining 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, and waste which appears on the list of hazardous waste promulgated by the commissioner of environmental conservation pursuant to section 27-0903 of the environmental conservation law.

13. "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 to be 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, shredding or 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 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 rerefining facilities, incinerators and other solid waste disposal, reduction or conversion facilities, and "resource recovery equipment" and "disposal equipment" as such terms are 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.

14. "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.

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

16. "Town" shall mean the town of North Hempstead.