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

1. "Area of operation" means either or both the counties of Oneida and Herkimer.

2. "Authority" means the public benefit corporation created by section two thousand forty-nine-cc of this title, known as the Oneida-Herkimer solid waste management authority.

3. "Bonds" means 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" means the acquisition, erection, building, alteration, repair, 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 incidental thereto.

5. "Cost" as applied to any project, means and includes the cost of construction, the cost of the acquisition of all 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 building 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, credit enhancement 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 either of the counties, any municipality, 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.

6. "Counties" means the counties of Oneida or Herkimer, or Oneida and Herkimer individually, as shall be determined by the usage of such terms in this title.

7. "Governing body" means the members of the authority constituting and acting as the governing body of the authority.

8. "Legislative body" or "legislative bodies" means either or both of the county legislatures of the counties of Oneida and Herkimer.

9. "Municipality" means any county, city, town, village, improvement district, or area established under the town law, refuse district established under the county law, district or area having powers similar to a refuse district created under any general or special law, or public corporation of the state, or any combination thereof.

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

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

12. "Real property" means 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 judgment, mortgages or otherwise and all claims for damage for such real property.

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

14. "Revenues" means all rates, fees, rents, charges and other income derived by the authority from its operation.

15. "Solid waste" means all putrescible and non-putrescible solid wastes, including, but not limited to, materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or rejected, having served their intended use, or as a manufacturing by-product, including, but not limited to, garbage, refuse, industrial, commercial and agricultural waste 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.

16. "Solid waste management-resource recovery facility" or "facility" means 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, 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, source separation 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 designated in subdivision two-a of section two of the public service law.

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

18. "State" means the state of New York.