

DANIEL P. MCCOY
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DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

September 10, 2020

Honorable Necole Chambers, Clerk
Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

Dear Ms. Chambers:

I hereby transmit, pursuant to Article 3 Section 309 (b)(ii) of the Albany County Charter, my approval of Local Law No. "B" for 2020, entitled:

**"A LOCAL LAW OF THE COUNTY OF ALBANY TO PROHIBIT WASTE
BURNING AND TO PROTECT THE CLEAN AIR OF ALBANY COUNTY"**

Local Law No. "B" for 2020 was adopted by your Honorable Body on August 10, 2020 and a certified copy presented to me on August 12, 2020. An executive public hearing was held on August 26, 2020. Local Law No. "B" for 2020, seeks to promote and protect the public health and welfare of the residents of Albany County by prohibiting the burning or related processing of Waste.

Today, I sign Local Law "B" for 2020, known as the "Clean Air Act", pursuant to the powers granted to me under Article 3, Section 309(b)(ii) of the Albany County Charter. Protecting the health, safety and welfare of our residents has always been my primary goal, and this legislation takes affirmative steps to do just that. I congratulate the Legislature in passing the Clean Air Act and I am proud to sign this law as a continuation of the Green initiatives taken by my administration over the past eight (8) years, in partnership with the Legislature. The Clean Air Act continues our mission and provides us with the necessary tools to protect our environment, fight against pollution, and protect the lives of our children, our elderly and all residents.

While there may be opponents to this Law, it is important to note that the Clean Air Act received bipartisan support in the Legislature, and I applaud the Republican members for reaching across the aisle to do the right thing and vote in favor of this legislation. It is also important to note that during the public comment period, nearly every person submitted testimony in favor of the Clean Air Act. I am aware of the naysayers, their criticism and arguments of illegality, but the

truth is that as of today, there is no federal or state law or judicial decision that prohibits the enactment of the Clean Air Act, and any reference to any such law or decision is simply misguided and misplaced. When I was elected into office, I took an oath to protect our citizens and the threat of a lawsuit is not going to deter or detract me from honoring that oath.

While air pollution has no boundaries, the Clean Air Act is limited in terms of its geographic effectiveness. The New York State Environmental Conservation Law provides authority for towns, cities and villages to "opt out" of this County Law by enacting their own legislation. As this "opt out" provision is a concern for a county with nineteen (19) municipalities, I would ask the individual county legislators, as county leaders, to take an affirmative role in working with your legislative counterparts and the local municipalities in your legislative districts to seek collaborative mechanisms to limit the amount of local deviation from the protective measures in this Clean Air Act. I am confident that if we work together in this cohesive and holistic approach, we can find a real solution to this issue that ensures consistent regulations throughout the County that will not only protect the quality of air we breathe, but will also be a model for surrounding counties to adopt.

Therefore, by the authority vested in me pursuant to Article 3, Section 309 (b)(ii) of the Albany County Charter, I respectfully approve Local Law No. "B" for 2020.

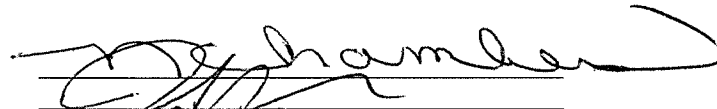
Sincerely,


Daniel P. McCoy
Albany County Executive

DPM/jn

cc: Honorable Andrew Joyce, Chairman, Albany County Legislature
Honorable Susan Rizzo, Albany County Comptroller, Department of audit and Finance
Rebekah Kennedy, Esq., Majority Counsel, Albany County Legislature
Arnis Zilgme, Esq., Minority Counsel, Albany County Legislature
Eugenia Condon, Esq., County Attorney, Albany County Department of Law
Edward L. Dott, Executive Deputy Comptroller, Albany County Department of Audit and Control
David M. Latina, Commissioner, Albany County Department of General Services
Anthony J. Fontanelli, Associate Operations Supervisor, Albany County Department of Audit and Control

Receiver Signature:
Deliverer Signature:
Date:
Time:



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