

IMPORTANT INFORMATION ABOUT ZONE SCHEDULES

This zone schedule is being made available pursuant to 15 CFR 400.44(e), which states: “The Board shall make copies of zone schedules available on its Web site.”

Availability of this zone schedule on the FTZ Board’s website does not imply that the FTZ Board has approved any rate/charge, policy or other content of this zone schedule. In particular, while the FTZ Board staff intends to conduct spot checks over time, zone schedules are not reviewed for compliance with the public utility requirement (19 U.S.C. 81n, 15 CFR 400.42) prior to making the zone schedules available via the Board’s website.

Pursuant to 15 CFR 400.44(b)(4), a grantee may not assess any specific rate or charge for which the amount – or formula for calculating the amount – does not appear in the zone schedule that the grantee has submitted to the FTZ Board.

Complaints about a grantee’s compliance with statutory and regulatory requirements related to public utility and uniform treatment – including rate or charge amounts/formulas, a grantee assessing a rate or charge amount/formula that does not appear in its zone schedule, and a grantee not affording uniform treatment under like conditions – may be presented to the FTZ Board under 15 CFR 400.45 (which also allows for complaints to be made on a confidential basis, if necessary).

Questions or concerns may be addressed to the FTZ Board staff at (202) 482-2862 or ftz@trade.gov.



FTZ #172 – Zone Schedule – Oneida County New York
Economic Development Growth Enterprises Corporation – Zone Operator
584 Phoenix Drive • Rome, NY 13441
315-338-0393 • 800-765-4990 • Fax 315-338-5694
Email: farcuri@mvedge.org • www.mvedge.org

FTZ 172

Oneida County

Zone Schedule

Mohawk Valley EDGE (on behalf of the County of Oneida)

Effective: August 1, 2014



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INTRODUCTION

This Zone Schedule (“Schedule”) has been adopted by the County of Oneida, New York (“Oneida County”), a body politic and corporate created and existing under the laws of New York State, acting in its capacity as the Grantee of Foreign Trade Zone Number 172 and shall govern all operations taking place within Foreign Trade Zone Number 172 .

Schedule Content: This Schedule has been promulgated and adopted by the Grantee and contains the internal rules and regulations governing the use of Foreign Trade Zone 172 by Operators, Subzone Operators, Users and all other persons or entities. The Schedule also includes the Rates and Charges applicable to the use of the Zone. This Schedule is intended to conform with and supplement the Foreign Trade Zones Act (“Act”) and the rules and regulations of the Board and United States Customs and Border Protection (“USCBP”). The effective date of this Schedule is set forth on the cover page.

Amendments and Interpretations: Subject only to the requirements of the Act and the FTZ Regulations, this Schedule may be modified, amended or replaced by Oneida County at any time, if it determines it to be necessary or appropriate to do so. Oneida County and its agents shall, in its sole discretion, interpret the provisions of this Schedule and determine the applicability of any of its provisions. Oneida County and its agents shall also have complete authority governing the imposition of the Rates and Charges provided for herein, including a decision to waive any such rate or charge in whole or in part.

ARTICLE 1: DEFINITIONS

The following words have the following meanings when used in this Schedule:

1.01 “Act” means the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 998-1003; 19 USC 81 81a-81u), as amended.

1.02 “Activated Area” means a Zone Site or Subzone or any portion thereof that has been activated pursuant to the Act.

1.03 “Alternative Site Framework” (ASF) means a three part application which transforms a general-purpose zone by creating a defined “Service Area” comprising of one or more Counties within a specified Customs District where a “usage-driven” site



can be established in thirty (30) days or a traditional “magnet” industrial park site can be established in six (6) to ten (10) months if certain criteria are met.

1.04 “Board” means the U.S. Foreign-Trade Zones Board of the United States (U. S.) Department of Commerce, as established by the Act.

1.05 “Customs Territory” means the territories of the U.S. in which general U.S. Tariff laws apply. This includes all of the U.S. States, District of Columbia and Puerto Rico minus any areas within the boundaries of Foreign Trade Zones.

1.06 “Domestic Merchandise” means merchandise which has been (i) produced in the United States and not exported, or (ii) previously imported into the Customs Territory of the United States and properly released from USCBP’s custody. Foreign merchandise on which all necessary and applicable duties and taxes have been paid, and upon which no drawback has been claimed, is considered Domestic Merchandise when admitted to a foreign-trade zone.

1.07 “FTZ” means Foreign-Trade Zone (capitalized or not) as defined by the Act.

1.08 “FTZ Regulations” means Title 15, Code of Federal Regulations (CFR), Part 400, as presently constituted and as amended from time to time, which governs the grant of authority, the establishment and maintenance of FTZ’s by Grantees.

1.09 “General Purpose Zone” means those portions of the Zone used for the general import, storage and distribution of merchandise which do not involve manufacturing or processing.

1.10 “Grant” means the authorization, as amended, issued to the Grantee that established the Zone.

1.11 “Grantee” means Oneida County, as the recipient of the Grant, subject to the requirement of Title 15 CFR Part 400, this Schedule and all other applicable federal, state and local statutes and regulations.

1.12 “Magnet Site” means large industrial/commercial sites intended to attract multiple potential FTZ operators/users meeting criteria established by the Grantee in accordance with the Act.



1.13 “Operating Agreement” means a written agreement between the Grantee and any Operator utilizing the Zone that establishes the rules, procedures and requirements for the Operator’s use of the Zone.

1.14 “Operator” means any company or other entity that executes an Operating Agreement with the Grantee and that assumes the responsibilities enumerated by an Operating Agreement and 19 CFR 146.

1.15 “Port Director” means the local Port Director with jurisdiction over the nearest port of entry and the Zone, pursuant to Section 4.02(h) of 15 CFR 15.

1.16 “Schedule” means this schedule of rules, regulations and fees issued and promulgated by the Grantee.

1.17 “Service Area” means Oneida County, New York.

1.18 “Subzone” means a special purpose zone established for a limited use that cannot be accommodated as a general purpose use within the Zone.

1.19 “Usage-driven Site” means a site designated to meet a specific operator/users present need for FTZ designation and cannot be used by another entity.

1.20 “Zone Site” means each separate area comprising the Zone and its Subzones including the buildings and facilities located within that particular area that is utilized by an Operator while exercising the rights and privileges granted it pursuant to its Operating Agreement with the Grantee.

ARTICLE 2: RULES AND POLICIES

2.01 Promotion: It is the policy of Oneida County to promote the use of the U.S. Foreign Trade Zone program and the Zone. Oneida County and its agent shall encourage companies that can benefit from the activities allowed under the Act to invest resources and create jobs for the purpose of increasing commerce.

2.02 Qualifications: Persons and business entities may qualify as users of the Zone provided that they have:

- Satisfied any requirements imposed by Oneida County;
- Executed the necessary Operating Agreement; and
- Conformed with all federal, state and municipal statutes and regulations.



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2.03 Local Laws: Users, whether operating on or off of property owned by Oneida County, shall comply with all the requirements of applicable local laws, including the provisions of local zoning ordinances.

2.04 Other Federal Requirements: Users shall comply with such legislation, rules or regulations promulgated by agencies having jurisdiction of certain import and/or exports, including but not limited to, the Food and Drug Administration, Fish and Wildlife Commission, Environmental Protection Agency, Department of Defense, Import Administration, Export Administration, Alcohol, Tobacco & Firearms and any other agencies related to the import and export of merchandise. Users shall cooperate fully with all such agencies.

2.05 Availability of Approved Facilities: In the event there are no facilities available in the approved areas of the Zone that meet the user's requirements, Oneida County and its agent shall use its best efforts to obtain approved status for an area located outside of the Zone to accommodate such facilities on a first-come, first-to-be-served basis.

2.06 Application to the FTZ Board: Oneida County and its agent shall have the primary responsibility for filing applications with the FTZ Board requesting modifications to FTZ 172. Requests for modification may include expansion of the Zone, Zone boundary modifications, Subzone applications and/or changes in the scope of authority. However, a potential user may file an application directly with the Board subject to the approval of Oneida County and the Port Director evidenced by a letter of concurrence from each, when required.

2.07 Interpretation of Zone Schedule: Whenever interpretation of the provisions of this schedule become necessary, such interpretation shall be made solely by Oneida County and its agent in accordance with the regulations and the laws of the State of New York.

2.08 Permission: No user shall commence operations within the Zone or a Subzone without having first received approval for activation from the Port Director.

2.09 Treatment of Merchandise:

- A. Admission: Application for admission of merchandise into the Zone must be approved by the Port Director.



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- B. Status of Merchandise: Status of merchandise in the Zone shall be determined by the Port Director.
- C. Treatment:

C.1 General Purpose: Merchandise may be imported, exported, stored, labeled, exhibited, separated, sorted, graded, cleaned, and/or mixed with foreign or domestic merchandise within the Zone. Distribution of merchandise into Customs Territory or export of merchandise from the Zone shall be processed in accordance with the Act.

C.2 Manufacturing or Processing in the Zone: No manufacturing or processing activities as defined by the Regulations, shall take place in the General Purpose Zone unless the site has been designated as an appropriate site for processing or manufacturing by the FTZ Board and Oneida County.

- D. Sunset Provision: All zone operators in general-purpose zone sites are subject to sunset provisions. A usage-driven site operator must demonstrate bona-fide zone activity within three (3) years from the date the site was first approved by the FTZ Board or lose zone status. If an operator is located in a magnet site, the operator or another operator in the magnet site must activate a portion of the magnet site within five (5) years from the date the site was first approved by the FTZ Board. Failure to meet the sunset provisions will result in automatic deletion of zone status.
- E. Prohibited Use: The Zone shall not be used to circumvent trade laws and directives of the United States, nor shall the Zone be used for any activities that do not comply with any other federal, state and municipal law or regulation.
- F. Controlled Access to the Zone: All persons and vehicles entering and leaving each Zone site shall do so only through designated entrances to, and exits from, activated areas.

2.10 Reporting: All users are required to compile an annual report in the format prescribed by the FTZ Board using the Online FTZ Information System (OFIS) within thirty (30) days after the close of the annual reporting period. The report shall address the activated areas of the Zone detailing the total value of cargo that was handled in the Zone for the reporting period specified. Users may be required from time to time to furnish information to other governmental entities. Users shall cooperate and provide



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any information necessary to comply with mandates of other governmental entities possessing jurisdiction over cargo handled through the Zone.

2.11 Indemnification: All users operating within the Zone shall be required to indemnify, defend and hold harmless Oneida County, its officers, employees, and any of its agents or representatives from all claims and demands including, but not limited to, claims and demands for personal injuries, including death, and for property damage and for any other loss, arising out of or connected or related in any way to the activities of the user, its agents, officers, representatives, employees or contractors within the Zone or in connection with any of its activities or responsibilities related to its use of the Zone. Without limiting the generality of the foregoing, it is understood that users recognize that this indemnification includes any liability resulting from all claims and demands prosecuted by any governmental agency, department or other entity, including without limitation, any claim or demand made for lost duty, penalties, fines and liquidated damages.

2.12 Rates and Fees: Users shall pay Oneida County for services rendered at the rates published in Article 3 of this Schedule, listed below.

2.13 Late Fees: A late fee assessment of one and one-half percent (1.5%) per month, will be imposed on all past due amounts not made within ten (10) days of the due date and shall be assessed for as long as said amount remains delinquent. This provision shall not preclude Oneida County from terminating any agreement(s) as provided herein or from exercising any other remedy contained herein or as provided by law.

[remainder of page intentionally left blank]



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ARTICLE 3: RATES/CHARGES FOR FTZ 172

FEE SCHEDULE FOR FTZ No. 172 - Oneida County	
Operator Fees for All Sites Activated for Warehousing Only	
<i>Annual Fee Schedule for Activated Operators with Warehousing Authority</i>	
Less than 20,000 sq. ft. of Activated Zone Space	\$1,000
20,000 – 50,000 sq. ft.	\$1,500
>50,000 – 100,000 sq. ft.	\$2,000
>100,000 – 250,000 sq. ft.	\$2,500
More than 250,000 sq. ft.	\$3,000
Operator Fees for All Sites with Manufacturing Authority	
<i>Annual Fee Schedule for Activated Operators with Manufacturing Authority</i>	
Less than 20,000 sq. ft. of Activated Zone Space	\$1,000
20,000 – 50,000 sq. ft. of Activated Zone Space	\$1,750
>50,000 – 100,000 sq. ft. of Activated Zone Space	\$2,500
>100,000 – 250,000 sq. ft. of Activated Zone Space	\$3,500
More than 250,000 sq. ft. of Activated Zone Space	\$5,000
<i>Includes Traditional General-Purpose Zone, Magnet, Usage-Driven, & Subzone Sites</i>	
One-Time Administrative Fees	
Late Annual Report Information Starting 30 Days Before FTZB Due Date	\$50/day
Grantee Agreement & Activation Fee	\$750
Sponsorship of Major Boundary Modification Application	\$2,500
Sponsorship of Scope of Authority Request	\$750



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ARTICLE 4: INFORMATION ON PUBLIC OPERATOR

Mohawk Valley EDGE (Economic Development Growth Enterprises Corporation) has a standing professional services agreement with Oneida County, which provides that EDGE will conduct a number of economic development activities on behalf of Oneida County, including, but not limited to, the operation of FTZ 172.

EDGE is a vertically integrated economic development organization that assists businesses in locating, growing and prospering in Oneida and Herkimer Counties.

EDGE promotes the area's people, work force, quality of life, infrastructure, sites, and everything else the region has to offer to businesses, site selection specialists and industrial developers.

A private, not-for-profit corporation, EDGE is an integral part of the long-term effort by the public and private sectors to strengthen opportunities and open the door for new businesses and industries to locate and grow within the region.

EDGE does not levy any additional operator's fees or charges for zone-specific services offered as Oneida County's agent for FTZ 172 beyond those reflected in Article 3 of this Schedule.

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