STATE OF NEW YORK

2738

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting sewage, wastewater and soil amendment pollution; and to amend the state finance law, in relation to the disposition of funds from civil penalties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known as and may be cited as the "Stop Toxic Fertilizer Act".

§ 2. The environmental conservation law is amended by adding a new section 17-2107 to read as follows:

§ 17-2107. Prohibition against sewage and wastewater pollution.

1. (a) No person or entity shall spread sewage, wastewater or soil amendment products containing sewage, wastewater, or compost from sewage sludge on lands in the state for any purpose.

(b) No person or entity shall sell, distribute, or give sewage, wastewater or soil amendment products containing sewage, wastewater or compost from sewage sludge in the state.

2. The provisions of this section shall not apply to the disposal or placement of sewage, wastewater or soil amendment products containing sewage, wastewater, or compost from sewage sludge at a solid waste landfill.

3. (a) A person or entity violating this section shall be liable to the state for a civil penalty of up to ten million dollars for each occurrence. The penalty shall be commensurate with the scope of the violation. A hearing or opportunity to be heard shall be provided prior to the assessment of any civil penalty.

(b) The department is hereby authorized to enforce the provisions of this section and all monies collected shall be deposited to the credit of the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(c) The commissioner shall promulgate rules and regulations to enforce the provisions of this section including the institution of hearings and penalties for violations.

§ 3. Subdivision 3 of section 92-s of the state finance law, as amended by chapter 734 of the laws of 2021, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-n of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law, all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law, beginning with the fiscal year commencing on April first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received by the state each fiscal year in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, from the payments collected pursuant to subdivision four of section 27-1012 of the environmental conservation law and all funds collected pursuant to section 27-1015 of the environmental conservation law, **all moneys collected pursuant to section 17-2107 of the environmental conservation law,** all moneys required to be deposited pursuant to sections 27-2805 and 27-2807 of the environmental conservation law, all moneys collected pursuant to section 71-2730 of the environmental conservation law, all moneys required to be deposited pursuant to section 27-3205 of the environmental conservation law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

§ 4. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.