STATE OF NEW YORK

6192--D

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

Introduced by M. of A. KELLES, ROMERO, GALLAGHER, ROSENTHAL, SIMON, FORREST, GRIFFIN, OTIS, EPSTEIN, SCHIAVONI, SHRESTHA, SIMONE, SLATER, SEAWRIGHT, CLARK, LEVENBERG, TAPIA, LUNSFORD, TAYLOR, LAVINE, BENEDETTO, REYES, PAULIN, BENDETT, McDONALD, TAGUE, SIMPSON, STIRPE, COLTON, LUPARDO -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing a moratorium on the sale and use of biosolids

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

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 8 to read as follows:

TITLE 8

MORATORIUM ON THE SALE AND USE OF BIOSOLIDS

Section 27-0801. Definitions.

27-0803. Moratorium on the sale and use of biosolids.

§ 27-0801. Definitions.

As used in this title:

1. "Biosolids" means the accumulated semi-solids, solids or liquids resulting from treatment of wastewaters from publicly or privately owned or operated sewage treatment plants.

2. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

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

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3. "Wastewater treatment facility" means any facility that treats wastewater, including but not limited to municipal sewage treatment plants, industrial wastewater treatment plants, and septage treatment facilities.

§ 27-0803. Moratorium on the sale and use of biosolids.

1. For the period commencing on the effective date of this title and ending five years after such date, a moratorium shall be established on the land application, and issuance, renewal, or approval of any permits related thereto, of:

(a) biosolids generated from a publicly or privately owned or operated wastewater treatment facility;

(b) compost material that included in its production biosolids generated from a publicly or privately owned or operated wastewater treatment facility; and

(c) any other product or material that is intended for use as a fertilizer, soil amendment, topsoil replacement or mulch, or for other similar agricultural purposes including parks, golf courses, or other non-crop land applications, that is derived from or contains biosolids generated from a publicly or privately owned or operated wastewater treatment facility.

2. For the period commencing on the effective date of this title and ending five years after such date, a moratorium shall be established on selling, offering for sale, distributing, or otherwise providing biosolids, including products containing biosolids, in the state for use as fertilizer, soil amendment, topsoil replacement, mulch, or for other similar purposes.

3. The moratoria in subdivisions one and two of this section shall not apply to:

(a) the disposal or placement at a solid waste landfill of any of the materials that are prohibited from application, spreading, sale or distribution by this section; or

(b) the land application of or the sale or distribution of compost materials or other agricultural products or materials derived from or containing residuals generated as a result of the processing or cultivation of food, food waste, crops or vegetative material, manure, litter, food processing waste, process wastewater from any animal feeding operation, digestate from such materials, or any other product or material that is not derived from or does not contain biosolids.

§ 2. The environmental conservation law is amended by adding a new section 71-2704 to read as follows:

§ 71-2704. Violations of title 8 of article 27 of this chapter.

A person who violates any of the provisions of, or who fails to perform any duty imposed by title 8 of article 27 of this chapter, or the rules, regulations, orders or determinations of the commissioner promulgated thereto, shall be liable for a penalty of not to exceed twenty-five hundred dollars for each such violation and an additional penalty of not more than five hundred dollars for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation. Penalties and injunctive relief provided herein shall be recoverable in an action brought by the attorney general at the request and in the name of the commissioner.

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section

or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law.