S T A T E O F N E W Y O R K

1576

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. COLTON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring state agencies and persons contracting with such agencies to recycle construction and demolition site waste

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 163-b to read as follows:

S 163-B. CONSTRUCTION AND DEMOLITION SITE WASTE RECYCLING. 1. AS USED IN THIS SECTION:

(A) "CONTRACTOR" MEANS A GENERAL CONTRACTOR HAVING A CONTRACT WITH A STATE AGENCY, AND ALL SUBCONTRACTORS OF SUCH GENERAL CONTRACTOR PERFORMING PUBLIC WORK PURSUANT TO SUCH CONTRACT.

(B) "CONSTRUCTION AND DEMOLITION DEBRIS" SHALL NOT INCLUDE ANY MATERIAL THAT IS CONTAMINATED BY LEAD, ASBESTOS OR OTHER HAZARDOUS MATERIAL IN SUCH A WAY AS TO RENDER RECYCLING ILLEGAL OR IMPOSSIBLE.

(C) "RECYCLER" MEANS A RECYCLING FACILITY, TRANSFER STATION OR OTHER WASTE HANDLING FACILITY PERMITTED PURSUANT TO THIS ARTICLE WHICH ACCEPTS CONSTRUCTION AND DEMOLITION DEBRIS FOR RECYCLING OR FOR FURTHER TRANSFER TO A RECYCLING FACILITY.

(D) "REUSE" MEANS (I) THE ON-SITE USE OF REPROCESSED CONSTRUCTION AND DEMOLITION DEBRIS IF SUCH ON-SITE USE IS AUTHORIZED IN WRITING BY THE COMMISSIONER; AND (II) THE OFF-SITE REDISTRIBUTION OF A MATERIAL WHICH WOULD OTHERWISE BE DISPOSED OF, FOR USE IN THE SAME OR SIMILAR FORM AS IT WAS PRODUCED.

(E) "STATE AGENCY" SHALL MEAN (1) (I) ANY STATE DEPARTMENT, OR (II) ANY DIVISION, BOARD, COMMISSION OR BUREAU OF ANY STATE DEPARTMENT, OR (III) THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK, INCLUDING ALL THEIR CONSTITUENT UNITS EXCEPT COMMUNITY COLLEGES

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

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AND THE INDEPENDENT INSTITUTIONS OPERATING STATUTORY OR CONTRACT COLLEGES ON BEHALF OF THE STATE, OR (IV) A BOARD, A MAJORITY OF WHOSE MEMBERS ARE APPOINTED BY THE GOVERNOR OR WHO SERVE BY VIRTUE OF BEING STATE OFFICERS OR EMPLOYEES AS DEFINED IN SUBPARAGRAPH (I), (II) OR (III) OF PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

(2) THE FOLLOWING ONLY TO THE EXTENT OF STATE CONTRACTS ENTERED INTO FOR ITS OWN ACCOUNT OR FOR THE BENEFIT OF A STATE AGENCY AS DEFINED IN SUBPARAGRAPH ONE OF THIS PARAGRAPH:

DORMITORY AUTHORITY OF THE STATE OF NEW YORK;

FACILITIES DEVELOPMENT CORPORATION;

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY;

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION.

2. EVERY STATE AGENCY AND EVERY CONTRACTOR PERFORMING PUBLIC WORK FOR A STATE AGENCY SHALL RECYCLE OR REUSE CONSTRUCTION AND DEMOLITION DEBRIS PRODUCED ON SITE AS PART OF CONSTRUCTION OR DEMOLITION ACTIVITIES BY MEETING THE FOLLOWING REQUIREMENTS:

(A) ON A PUBLIC WORKS PROJECT COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, THE STATE AGENCY OR CONTRACTOR SHALL CAUSE TO BE RECYCLED OR REUSED AT LEAST TWENTY-FIVE PERCENT OF THE CONSTRUCTION AND DEMOLITION DEBRIS, AS MEASURED BY WEIGHT, PRODUCED ON SITE.

(B) ON A PUBLIC WORKS PROJECT COMMENCED ONE YEAR OR MORE AFTER THE EFFECTIVE DATE OF THIS SECTION, THE STATE AGENCY OR CONTRACTOR SHALL CAUSE TO BE RECYCLED OR REUSED AT LEAST FIFTY PERCENT OF THE CONSTRUCTION AND DEMOLITION DEBRIS, AS MEASURED BY WEIGHT, PRODUCED ON SITE.

3. WITHIN THIRTY DAYS OF COMPLETION OF A PUBLIC WORKS PROJECT, THE STATE AGENCY OR CONTRACTOR SHALL SUBMIT DOCUMENTATION TO THE STATE COMPTROLLER TO REPORT COMPLIANCE WITH THIS SECTION. DOCUMENTATION SHALL BE IN A FORM PRESCRIBED BY THE STATE COMPTROLLER, AND SHALL CONSIST OF NOTARIZED AFFIDAVITS FROM THE STATE AGENCY OR CONTRACTOR AND THE WASTE HAULER OR RECYCLER FOR THE PUBLIC WORKS PROJECT CERTIFYING THE EXTENT TO WHICH THE PUBLIC WORKS PROJECT COMPLIES WITH THIS SECTION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.