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

2590

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 21, 2009

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. COOK, DIAZ -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to agricultural assessments of land applied with sludge

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

Section 1. Subdivision 1 of section 305 of the agriculture and markets law is amended by adding a new paragraph g to read as follows:

G. (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF SEWAGE SLUDGE OR OTHER SLUDGE OR ANY PRODUCT MADE FROM SEWAGE SLUDGE OR OTHER SLUDGE, IS APPLIED UPON LAND, SUCH APPLICATION SHALL RENDER THE LAND UPON WHICH SUCH APPLICATION OCCURRED INELIGIBLE FOR AN AGRICULTURAL ASSESSMENT PURSUANT TO THIS SECTION OR SECTION THREE HUNDRED SIX OF THIS ARTICLE BEGINNING WITH THE ASSESSMENT ROLL PREPARED ON THE BASIS OF THE FIRST TAXABLE STATUS DATE OCCURRING ON OR AFTER SUCH APPLICATION. IF THE LAND UPON WHICH SUCH APPLICATION HAS OCCURRED CONSTITUTES ONLY A PORTION OF A PARCEL DESCRIBED ON THE ASSESSMENT ROLL, THE ASSESSOR SHALL APPORTION THE ASSESSMENT, AND ADJUST THE AGRICULTURAL ASSESSMENT ATTRIBUTABLE TO THE PORTION OF THE PARCEL NOT SUBJECT TO THE APPLICATION BY SUBTRACTING THE PROPORTIONATE PART OF THE AGRICULTURAL ASSESSMENT ATTRIBUTABLE TO THE PORTION UPON WHICH APPLICATION HAS OCCURRED. NO LAND SHALL BE RENDERED INELIGIBLE FOR AN AGRICULTURAL ASSESSMENT AS A RESULT OF ANY APPLICATION OF SEWAGE SLUDGE OR OTHER SLUDGE OR ANY PRODUCT MADE FROM SEWAGE SLUDGE OR OTHER SLUDGE MADE AT ANY TIME UPON SUCH LAND, PROVIDED THAT ONE OR MORE OF SUCH APPLICATIONS OCCURRED BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH.

(II) FOR PURPOSES OF THIS PARAGRAPH, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "SLUDGE" MEANS ANY SOLID, SEMI-SOLID OR LIQUID WASTE GENERATED FROM A WASTEWATER TREATMENT PLANT, WATER SUPPLY TREATMENT PLANT OR AIR POLLUTION CONTROL FACILITY, BUT SHALL NOT INCLUDE THE TREATED EFFLUENT

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

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FROM A WASTEWATER TREATMENT PLANT OR THE FOOD PROCESSING WASTES GENERATED FROM A FOOD PROCESSING ESTABLISHMENT LICENSED PURSUANT TO THE PROVISIONS OF ARTICLE TWENTY-C OF THIS CHAPTER; AND

(B) "SEWAGE SLUDGE" MEANS THE ACCUMULATED SEMI-SOLIDS OR SOLIDS RESULTING FROM TREATMENT OF WASTEWATERS FROM PUBLICLY OR PRIVATELY OWNED OR OPERATED SEWAGE TREATMENT PLANTS.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.