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

1007

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the general municipal law and the environmental conservation law, in relation to the solid waste management plan in cities with a population of one million or more

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

Section 1. Paragraph a of subdivision 2 of section 120-aa of the general municipal law, as amended by chapter 70 of the laws of 1988, is amended to read as follows:

a. Pursuant to the authority of this section, EXCEPT AS PROVIDED IN SUBDIVISION TWO OF SECTION 27-0107 OF THE ENVIRONMENTAL CONSERVATION LAW, no later than September first, nineteen hundred ninety-two, a municipality shall adopt such a local law or ordinance to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility, shall be separated into recyclable, [reuseable] REUSABLE or other components for which economic markets for alternate uses exist. For purposes of this section, the term "economic markets" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said material less the amount received from the sale of said material.

S 2. Subdivision 2 of section 27-0107 of the environmental conservation law is renumbered subdivision 3 and a new subdivision 2 is added to read as follows:

2. THE PLAN, OR ANY MODIFICATION THEREOF, SUBMITTED BY A PLANNING UNIT COMPRISED OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, WILL BE IN EFFECT FOR SUCH PLANNING UNIT IF THE DEPARTMENT FINDS IN APPROVING THE PLAN OR MODIFICATION THEREOF THAT THE PLAN, OR THE PLAN AS MODIFIED, CONTAINS THE ELEMENTS SET FORTH IN PARAGRAPH (B) OF SUBDIVISION ONE OF

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

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THIS SECTION AND EITHER CONFORMS TO REQUIREMENTS SET FORTH IN SECTION ONE HUNDRED TWENTY-AA OF THE GENERAL MUNICIPAL LAW OR:

(A) DEMONSTRATES THE PLANNING UNIT'S EFFORTS TO ACHIEVE, TO THE MAXIMUM EXTENT PRACTICABLE, EITHER PRIOR TO OR FOLLOWING COLLECTION, THE GOALS OF THE STATE POLICY ON SOLID WASTE MANAGEMENT AS ARTICULATED IN SECTION 27-0106 OF THIS TITLE AND AS ESTABLISHED IN THE STATE SOLID WASTE MANAGEMENT PLAN PREPARED PURSUANT TO SECTION 27-0103 OF THIS TITLE; AND

(B) DEMONSTRATES THAT THE PLANNING UNIT HAS PROVIDED FOR THE MANDATORY SEPARATION, EITHER PRIOR TO OR FOLLOWING COLLECTION, BY SEPTEMBER FIRST, TWO THOUSAND TEN, OF RECYCLABLE, REUSABLE OR OTHER COMPONENTS OF SOLID WASTE FOR WHICH ECONOMIC MARKETS FOR ALTERNATE USES EXIST, AND FOR CONTINUING MONITORING AND ENFORCEMENT TO ACHIEVE THE RECOVERY OF SUCH COMPONENTS; AND

(C) DEMONSTRATES THAT THE PLANNING UNIT HAS PROVIDED THAT THE SOLID WASTE TO BE SEPARATED FOLLOWING COLLECTION IS GENERATED SOLELY FROM COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL SOURCES; AND

(D) PROVIDES, OR DEMONSTRATES THAT THE PLANNING UNIT HAS ESTABLISHED, A SCHEDULE FOR THE ESTABLISHMENT BY SEPTEMBER FIRST, TWO THOUSAND EIGHT, OF ENFORCEABLE MEASURES WHICH MINIMIZE CONTAMINATION AND MAXIMIZE MARKETABILITY OF RECYCLABLE, REUSABLE OR OTHER COMPONENTS OF SOLID WASTE RECOVERED FOLLOWING COLLECTION; AND

(E) PROVIDES, OR DEMONSTRATES THAT THE PLANNING UNIT HAS ESTABLISHED, A SCHEDULE FOR THE ESTABLISHMENT BY SEPTEMBER FIRST, TWO THOUSAND TEN, OF ENFORCEABLE MEASURES FOR THE REPORTING OF THE POST-COLLECTION SEPARATION PROCESSES, AND THE SALE OR DISPOSITION OF THE SEPARATED COMPONENTS AND RESIDUES; AND

(F) DEMONSTRATES THAT THE PLANNING UNIT HAS PROVIDED OR WILL PROVIDE BY SEPTEMBER FIRST, TWO THOUSAND TEN, FOR SEPARATION OF SOLID WASTE INTO RECYCLABLE, REUSABLE OR OTHER COMPONENTS FOLLOWING COLLECTION ONLY AT SOLID WASTE MANAGEMENT FACILITIES OPERATING PURSUANT TO A VALID PERMIT OR ORDER ISSUED BY THE DEPARTMENT OR OTHERWISE LAWFULLY OPERATING; AND

(G) ANNUALLY DEMONSTRATES FINANCIAL COMMITMENT, AS REFLECTED IN THE RELEVANT PORTIONS OF THE PLANNING UNIT'S FOUR-YEAR FINANCIAL PLAN, NECESSARY TO ACHIEVE THE MANDATORY SEPARATION, BY SEPTEMBER FIRST, TWO THOUSAND TEN, OF COMPONENTS OF SOLID WASTE AS SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION.

S 3. This act shall take effect immediately.