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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. COLTON, MAISEL, SCHIMEL, LUPARDO -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, GLICK, REILLY -- 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:

- 1 Section 1. The executive law is amended by adding a new section 163-b
2 to read as follows:
3 S 163-B. CONSTRUCTION AND DEMOLITION SITE WASTE RECYCLING. 1. AS USED
4 IN THIS SECTION:
5 (A) "CONTRACTOR" MEANS A GENERAL CONTRACTOR HAVING A CONTRACT WITH A
6 STATE AGENCY, AND ALL SUBCONTRACTORS OF SUCH GENERAL CONTRACTOR PERFORM-
7 ING PUBLIC WORK PURSUANT TO SUCH CONTRACT.
8 (B) "CONSTRUCTION AND DEMOLITION DEBRIS" SHALL NOT INCLUDE ANY MATERI-
9 AL THAT IS CONTAMINATED BY LEAD, ASBESTOS OR OTHER HAZARDOUS MATERIAL IN
10 SUCH A WAY AS TO RENDER RECYCLING ILLEGAL OR IMPOSSIBLE.
11 (C) "RECYCLER" MEANS A RECYCLING FACILITY, TRANSFER STATION OR OTHER
12 WASTE HANDLING FACILITY PERMITTED PURSUANT TO THIS ARTICLE WHICH ACCEPTS
13 CONSTRUCTION AND DEMOLITION DEBRIS FOR RECYCLING OR FOR FURTHER TRANSFER
14 TO A RECYCLING FACILITY.
15 (D) "REUSE" MEANS (I) THE ON-SITE USE OF REPROCESSED CONSTRUCTION AND
16 DEMOLITION DEBRIS IF SUCH ON-SITE USE IS AUTHORIZED IN WRITING BY THE
17 COMMISSIONER; AND (II) THE OFF-SITE REDISTRIBUTION OF A MATERIAL WHICH
18 WOULD OTHERWISE BE DISPOSED OF, FOR USE IN THE SAME OR SIMILAR FORM AS
19 IT WAS PRODUCED.
20 (E) "STATE AGENCY" SHALL MEAN (1) (I) ANY STATE DEPARTMENT, OR (II)
21 ANY DIVISION, BOARD, COMMISSION OR BUREAU OF ANY STATE DEPARTMENT, OR
22 (III) THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW

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

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1 YORK, INCLUDING ALL THEIR CONSTITUENT UNITS EXCEPT COMMUNITY COLLEGES
2 AND THE INDEPENDENT INSTITUTIONS OPERATING STATUTORY OR CONTRACT
3 COLLEGES ON BEHALF OF THE STATE, OR (IV) A BOARD, A MAJORITY OF WHOSE
4 MEMBERS ARE APPOINTED BY THE GOVERNOR OR WHO SERVE BY VIRTUE OF BEING
5 STATE OFFICERS OR EMPLOYEES AS DEFINED IN SUBPARAGRAPH (I), (II) OR
6 (III) OF PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF
7 THE PUBLIC OFFICERS LAW.

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

11 DORMITORY AUTHORITY OF THE STATE OF NEW YORK;
12 FACILITIES DEVELOPMENT CORPORATION;
13 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY;
14 NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION.

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

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

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

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

35 S 2. This act shall take effect on the first of January next succeed-
36 ing the date on which it shall have become a law.