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

1119

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. SCHIMEL -- Multi-Sponsored by -- M. of A. COLTON, GLICK, GOTTFRIED, KELLNER, McDONOUGH, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to recycling program requirements; requires store operators to post signs regarding reusable bags

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

Section 1. Section 27-2705 of the environmental conservation law, as added by chapter 641 of the laws of 2008, is amended to read as follows:
S 27-2705. Recycling program requirements.
An at-store recycling program provided by the operator of a store shall require:
1. a plastic carryout bag provided by the store to have printed or displayed on the bag, in a manner visible to a consumer, the words "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING". Provided, however, such store shall be allowed for one year from the effective date of this subdivision to use its existing stock of plastic carryout bags. A store may also apply to the commissioner for approval of an alternative plastic bag recycling message. The commissioner shall approve or reject the proposed message within forty-five days;
2. a plastic carryout bag collection bin that is visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags. This subdivision shall apply to stores not within an enclosed shopping mall and stores of at least fifty thousand square feet within an enclosed shopping mall. In the case of an enclosed shopping mall, the owner of the enclosed mall shall place bins at reasonable intervals throughout the enclosed mall area;

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

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3. all plastic carryout bags collected by the store to be collected, transported and recycled along with any other in-store plastic recycling, except for plastic bags that are not sufficiently free of foreign material to enter the recycling stream. Plastic carryout bags collected by the store or the manufacturer, which are free of foreign material, shall not be disposed of in any solid waste disposal facility permitted or authorized pursuant to title seven of this article;

4. the store or its agent to maintain, for a minimum of three years, records describing the collection, transport and recycling of plastic carryout bags collected by weight, provided however that stores or its agents may weigh such bags and any other in-store plastic recycling at a regional collection center. Such records shall be made available to the department upon request, to demonstrate compliance with this title; [and]

5. the operator of the store to (a) make reusable bags available to customers within the store for purchase, and (b) permit a reuseable bag to be used in lieu of a plastic carryout bag or paper bag[.]; AND

6. THE CONSPICUOUS POSTING OF SIGNS, NO SMALLER THAN FOUR SQUARE FEET, THAT HAVE PRINTED OR DISPLAYED ON THE SIGN THE WORDS "DON'T FORGET YOUR REUSABLE TOTE BAG". THE OPERATOR OF THE STORE IS RESPONSIBLE FOR POSTING AT LEAST ONE SUCH SIGN AT EACH ENTRANCE OF THE STORE OPEN TO THE PUBLIC. THE OWNER OF ANY PARKING AREAS, AS DEFINED BY SECTION ONE HUNDRED TWENTY-NINE-A OF THE VEHICLE AND TRAFFIC LAW, OR PARKING LOTS, AS DEFINED BY SECTION ONE HUNDRED TWENTY-NINE-B OF THE VEHICLE AND TRAFFIC LAW, THAT ARE PROVIDED IN CONNECTION WITH THE PREMISES OF THE STORE, SHALL BE RESPONSIBLE FOR POSTING SUCH SIGNS THROUGHOUT THE PARKING AREA OR PARKING LOT OF THE STORE. IN THE CASE OF A STORE WITH A PARKING AREA OR PARKING LOT OF TEN THOUSAND SQUARE FEET OR LESS, NO LESS THAN FIVE SIGNS SHALL BE POSTED. IN THE CASE OF A STORE WITH A PARKING AREA OR PARKING LOT GREATER THAN TEN THOUSAND SQUARE FEET, NO FEWER THAN SIX SIGNS SHALL BE POSTED, AND ONE ADDITIONAL SIGN SHALL BE POSTED FOR EVERY ADDITIONAL ONE THOUSAND SQUARE FEET. THIS SUBDIVISION SHALL APPLY TO STORES WITHOUT REGARD AS TO WHETHER THE STORE IS WITHIN AN ENCLOSED SHOPPING MALL.

S 2. This act shall take effect immediately.