

2563

2011-2012 Regular Sessions

I N   S E N A T E

January 25, 2011

---

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:

1     Section 1. Paragraph a of subdivision 2 of section 120-aa of the  
2     general municipal law, as amended by chapter 70 of the laws of 1988, is  
3     amended to read as follows:  
4     a. Pursuant to the authority of this section, EXCEPT AS PROVIDED IN  
5     SUBDIVISION TWO OF SECTION 27-0107 OF THE ENVIRONMENTAL CONSERVATION  
6     LAW, no later than September first, nineteen hundred ninety-two, a muni-  
7     cipality shall adopt such a local law or ordinance to require that solid  
8     waste which has been left for collection or which is delivered by the  
9     generator of such waste to a solid waste management facility, shall be  
10    separated into recyclable, [reuseable] REUSABLE or other components for  
11    which economic markets for alternate uses exist. For purposes of this  
12    section, the term "economic markets" refers to instances in which the  
13    full avoided costs of proper collection, transportation and disposal of  
14    source separated materials are equal to or greater than the cost of  
15    collection, transportation and sale of said material less the amount  
16    received from the sale of said material.  
17    S 2. Subdivision 2 of section 27-0107 of the environmental conserva-  
18    tion law is renumbered subdivision 3 and a new subdivision 2 is added to  
19    read as follows:  
20    2. THE PLAN, OR ANY MODIFICATION THEREOF, SUBMITTED BY A PLANNING UNIT  
21    COMPRISED OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, WILL BE  
22    IN EFFECT FOR SUCH PLANNING UNIT IF THE DEPARTMENT FINDS IN APPROVING  
23    THE PLAN OR MODIFICATION THEREOF THAT THE PLAN, OR THE PLAN AS MODIFIED,  
24    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.

LBD06801-01-1

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

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

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

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

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

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

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

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

39 S 3. This act shall take effect immediately.