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

10368--A

I N A S S E M B L Y

May 24, 2016

Introduced by M. of A. ENGLEBRIGHT, JAFFEE -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to certain recycling program requirements

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, subdivisions 2, 3 and 4 as amended by chapter 481 of the laws of 2014, 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 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 and film plastic. 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;

3. all plastic carryout bags and film plastic collected by the store to be collected, EMPTIED REGULARLY, transported and recycled along with

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

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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 and film plastic 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 and film plastic collected by weight, provided however that stores or its agents may weigh such bags, film plastic and any other in-store plastic recycling at a regional collection center. Such records shall be made available ANNUALLY to the department [upon request, to demonstrate compliance with this title] BY DECEMBER THIRTY-FIRST AND MAY BE SUBMITTED ELECTRONICALLY; 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.

S 2. Section 27-2709 of the environmental conservation law is amended by adding a new subdivision 3 to read as follows:

3. THE DEPARTMENT SHALL POST ANNUALLY, NO LATER THAN MARCH THIRTY-FIRST, ON THE DEPARTMENT'S INTERNET WEB SITE INFORMATION COLLECTED PURSUANT TO SUBDIVISION FOUR OF SECTION 27-2705 OF THIS TITLE. SUCH INFORMATION MAY BE AGGREGATED.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.