

5404--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the general municipal law, in relation to disposal and source separation of recyclable materials

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 27-0709 to read as follows:
3 S 27-0709. DISPOSAL OF SOURCE SEPARATED RECYCLABLES.
4 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION:
5 A. "INCINERATOR" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION
6 72-0401 OF THIS CHAPTER.
7 B. "LANDFILL" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION
8 72-0401 OF THIS CHAPTER.
9 C. "LOCAL RECYCLING LAW" MEANS A LOCAL LAW OR ORDINANCE ADOPTED PURSU-
10 ANT TO THE PROVISIONS OF SECTION ONE HUNDRED TWENTY-AA OF THE GENERAL
11 MUNICIPAL LAW.
12 D. "RECYCLABLE MATERIALS" MEANS RECYCLABLE COMPONENTS OF SOLID WASTE
13 WHICH HAVE BEEN SEPARATED FROM OTHER SOLID WASTE AS REQUIRED BY THE
14 LOCAL RECYCLING LAW ADOPTED PURSUANT TO SUBDIVISION TWO OF SECTION ONE
15 HUNDRED TWENTY-AA OF THE GENERAL MUNICIPAL LAW.
16 E. "TRANSFER STATION" MEANS A SOLID WASTE MANAGEMENT FACILITY, WHETHER
17 OWNED OR OPERATED BY A PRIVATE OR PUBLIC ENTITY, OTHER THAN A RECYCLA-
18 BLES HANDLING AND RECOVERY FACILITY, USED OIL FACILITY, OR A
19 CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING FACILITY, WHERE SOLID
20 WASTE IS RECEIVED FOR THE PURPOSE OF SUBSEQUENT TRANSFER TO ANOTHER

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

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1 SOLID WASTE MANAGEMENT FACILITY FOR PROCESSING, TREATING, DISPOSAL,
2 RECOVERY, OR FURTHER TRANSFER.

3 F. "TRANSPORTER" MEANS ANY PERSON OR ENTITY ENGAGED IN THE OFF-SITE
4 TRANSPORTATION OF SOLID WASTE BY AIR, RAIL, HIGHWAY, OR WATER.

5 2. A. NO TRANSPORTER SHALL KNOWINGLY COMMINGLE MATERIALS WITH OTHER
6 SOLID WASTE OR KNOWINGLY CAUSE MATERIALS TO BE COMMINGLED WITH OTHER
7 SOLID WASTE IF SUCH MATERIALS ARE RECYCLABLE MATERIALS.

8 B. NO TRANSPORTER SHALL KNOWINGLY DELIVER MATERIALS THAT ARE RECYCLA-
9 BLE MATERIALS TO, OR KNOWINGLY CAUSE MATERIALS THAT ARE RECYCLABLE MATE-
10 RIALS TO BE DELIVERED TO: (I) AN INCINERATOR; (II) A LANDFILL; (III) A
11 TRANSFER STATION, UNLESS SUCH RECYCLABLE MATERIALS ARE KEPT SEPARATED
12 FROM OTHER SOLID WASTE; OR (IV) ANYONE WHO THE TRANSPORTER KNOWS OR
13 SHOULD KNOW WILL EITHER COMMINGLE SUCH RECYCLABLE MATERIALS WITH OTHER
14 SOLID WASTE OR DELIVER SUCH RECYCLABLE MATERIALS TO AN INCINERATOR OR A
15 LANDFILL FOR DISPOSAL.

16 C. NO OPERATOR OF AN INCINERATOR OR A LANDFILL SHALL KNOWINGLY ACCEPT
17 MATERIALS FOR DISPOSAL IF SUCH MATERIALS ARE RECYCLABLE MATERIALS.

18 D. NO OPERATOR OF A TRANSFER STATION SHALL KNOWINGLY COMMINGLE MATERI-
19 ALS WITH OTHER SOLID WASTE OR CAUSE MATERIALS TO BE TRANSFERRED TO AN
20 INCINERATOR OR LANDFILL FOR DISPOSAL IF SUCH MATERIALS ARE RECYCLABLE
21 MATERIALS.

22 S 2. Paragraphs b and c of subdivision 2 of section 120-aa of the
23 general municipal law, as amended by chapter 70 of the laws of 1988, are
24 amended to read as follows:

25 b. [For purposes of this section, "components" shall include paper,
26 glass, metals, plastics, garden and yard waste, and may include other
27 elements of solid waste.] NO LATER THAN JULY FIRST, TWO THOUSAND EIGH-
28 TEEN, A MUNICIPALITY SHALL ADOPT A LOCAL LAW OR ORDINANCE TO REQUIRE
29 THAT RECYCLABLE MATERIALS BE SEPARATED FROM OTHER SOLID WASTE WHICH HAS
30 BEEN LEFT FOR COLLECTION OR WHICH IS DELIVERED BY THE GENERATOR OF SUCH
31 WASTE TO A SOLID WASTE MANAGEMENT FACILITY. FOR PURPOSES OF THIS
32 SECTION, "RECYCLABLE MATERIALS" MEANS AND INCLUDES: (I) NEWSPRINT, GLASS
33 CONTAINERS, METAL CONTAINERS, POLYETHYLENE TERAPHTHALATE (#1 CODE) AND
34 HIGH DENSITY POLYETHYLENE (#2 CODE) PLASTIC CONTAINERS; (II) CORRUGATED
35 CARDBOARD CONTAINERS AND PAPER BOARD; (III) MIXED PAPER GENERATED BY
36 NON-RESIDENTIAL ENTITIES OR BY RESIDENTIAL BUILDINGS CONSISTING OF MORE
37 THAN FOUR DWELLINGS; AND (IV) ANY OTHER RECYCLABLE, REUSEABLE OR OTHER
38 MATERIALS FOR WHICH THE MUNICIPALITY DETERMINES THAT ECONOMIC MARKETS
39 FOR ALTERNATE USES EXIST, OR WHICH THE MUNICIPALITY DETERMINES SHOULD BE
40 SEPARATED FROM OTHER SOLID WASTE FOR RECYCLING.

41 c. Prior to [exercising the authority of this section to enact such a
42 local law or ordinance] MAKING A DETERMINATION UNDER SUBPARAGRAPH (IV)
43 OF PARAGRAPH B OF THIS SUBDIVISION, the municipality shall hold a public
44 hearing relating to its proposed provisions and shall give due consider-
45 ation to existing source separation, recycling and [other resource
46 recovery] SOLID WASTE DISPOSAL activities in the area, to the adequacy
47 of markets for separated materials, and to any additional effort and
48 expense to be incurred by residents in meeting the proposed separation
49 requirements. The authority provided in this section shall be in addi-
50 tion to and without limitation upon the authority vested in munici-
51 palities under any other statute.

52 S 3. Severability. If any clause, sentence, paragraph, section or
53 part of this act shall be adjudged by any court of competent jurisdic-
54 tion to be invalid, such judgment shall not affect, impair or invalidate
55 the remainder thereof, but shall be confined in its operation to the

1 clause, sentence, paragraph, section or part thereof directly involved
2 in the controversy in which such judgment shall have been rendered.
3 S 4. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law.