

7085

I N   S E N A T E

March 23, 2016

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Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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:

- 1     Section 1. Section 27-2705 of the environmental conservation law, as  
2     added by chapter 641 of the laws of 2008, subdivisions 2, 3 and 4 as  
3     amended by chapter 481 of the laws of 2014, is amended to read as  
4     follows:  
5     S 27-2705. Recycling program requirements.  
6     An at-store recycling program provided by the operator of a store  
7     shall require:  
8     1. a plastic carryout bag provided by the store to have printed or  
9     displayed on the bag, in a manner visible to a consumer, the words  
10    "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING". Provided, howev-  
11    er, such store shall be allowed for one year from the effective date of  
12    this subdivision to use its existing stock of plastic carryout bags. A  
13    store may also apply to the commissioner for approval of an alternative  
14    plastic bag recycling message. The commissioner shall approve or reject  
15    the proposed message within forty-five days;  
16    2. a collection bin that is visible, NEAR THE ENTRANCE OF SUCH STORE,  
17    easily accessible to the consumer, and clearly marked, WITH A SIGN IN AT  
18    LEAST SIXTEEN POINT FONT AND PLACED ABOVE SUCH BIN, INDICATING THAT THIS  
19    IS THE LOCATION TO RECYCLE PLASTIC BAGS, INCLUDING, BUT NOT LIMITED TO,  
20    GROCERY STORE BAGS, DRY CLEANING BAGS AND NEWSPAPER BAGS AND that the  
21    collection bin is available for the purpose of collecting and recycling  
22    plastic carryout bags and film plastic. This subdivision shall apply to  
23    stores not within an enclosed shopping mall and stores of at least fifty  
24    thousand square feet within an enclosed shopping mall. In the case of an  
25    enclosed shopping mall, the owner of the enclosed mall shall place bins  
26    at reasonable intervals throughout the enclosed mall area;  
27    3. all plastic carryout bags and film plastic collected by the store  
28    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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1 any other in-store plastic recycling, except for plastic bags that are  
2 not sufficiently free of foreign material to enter the recycling stream.  
3 Plastic carryout bags and film plastic collected by the store or the  
4 manufacturer, which are free of foreign material, shall not be disposed  
5 of in any solid waste disposal facility permitted or authorized pursuant  
6 to title seven of this article;

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

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

17 6. THE DEPARTMENT IS AUTHORIZED TO DETERMINE THE APPROPRIATE FINES FOR  
18 NONCOMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND SHALL HAVE THE  
19 AUTHORITY TO FINE ANY STORE OWNERS WHO FAIL TO COMPLY WITH THE  
20 PROVISIONS OF THIS SECTION.

21 S 2. This act shall take effect on the one hundred twentieth day after  
22 it shall have become a law.