

# STATE OF NEW YORK

2039

2017-2018 Regular Sessions

## IN SENATE

January 11, 2017

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 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 § 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  
21 solid waste management facility for processing, treating, disposal,  
22 recovery, or further transfer.

23 f. "Transporter" means any person or entity engaged in the off-site  
24 transportation of solid waste by air, rail, highway, or water.

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

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1 2. a. No transporter shall knowingly commingle materials with other  
2 solid waste or knowingly cause materials to be commingled with other  
3 solid waste if such materials are recyclable materials.

4 b. No transporter shall knowingly deliver materials that are recycla-  
5 ble materials to, or knowingly cause materials that are recyclable mate-  
6 rials to be delivered to: (i) an incinerator; (ii) a landfill; (iii) a  
7 transfer station, unless such recyclable materials are kept separated  
8 from other solid waste; or (iv) anyone who the transporter knows or  
9 should know will either commingle such recyclable materials with other  
10 solid waste or deliver such recyclable materials to an incinerator or a  
11 landfill for disposal.

12 c. No operator of an incinerator or a landfill shall knowingly accept  
13 materials for disposal if such materials are recyclable materials.

14 d. No operator of a transfer station shall knowingly commingle materi-  
15 als with other solid waste or cause materials to be transferred to an  
16 incinerator or landfill for disposal if such materials are recyclable  
17 materials.

18 § 2. Paragraphs b and c of subdivision 2 of section 120-aa of the  
19 general municipal law, as amended by chapter 70 of the laws of 1988, are  
20 amended to read as follows:

21 ~~b. [For purposes of this section, "components" shall include paper,~~  
22 ~~glass, metals, plastics, garden and yard waste, and may include other~~  
23 ~~elements of solid waste.]~~ No later than July first, two thousand nine-  
24 teen, a municipality shall adopt a local law or ordinance to require  
25 that recyclable materials be separated from other solid waste which has  
26 been left for collection or which is delivered by the generator of such  
27 waste to a solid waste management facility. For purposes of this  
28 section, "recyclable materials" means and includes: (i) newsprint, glass  
29 containers, metal containers, polyethylene teraphthalate (#1 code) and  
30 high density polyethylene (#2 code) plastic containers; (ii) corrugated  
31 cardboard containers and paper board; (iii) mixed paper generated by  
32 non-residential entities or by residential buildings consisting of more  
33 than four dwellings; and (iv) any other recyclable, reusable or other  
34 materials for which the municipality determines that economic markets  
35 for alternate uses exist, or which the municipality determines should be  
36 separated from other solid waste for recycling.

37 ~~c. Prior to [exercising the authority of this section to enact such a~~  
38 ~~local law or ordinance] making a determination under subparagraph (iv)~~  
39 ~~of paragraph b of this subdivision,~~ the municipality shall hold a public  
40 hearing relating to its proposed provisions and shall give due consider-  
41 ation to existing source separation, recycling and ~~[other resource~~  
42 ~~recovery]~~ solid waste disposal activities in the area, to the adequacy  
43 of markets for separated materials, and to any additional effort and  
44 expense to be incurred by residents in meeting the proposed separation  
45 requirements. The authority provided in this section shall be in addi-  
46 tion to and without limitation upon the authority vested in munici-  
47 palities under any other statute.

48 § 3. Severability. If any clause, sentence, paragraph, section or  
49 part of this act shall be adjudged by any court of competent jurisdic-  
50 tion to be invalid, such judgment shall not affect, impair or invalidate  
51 the remainder thereof, but shall be confined in its operation to the  
52 clause, sentence, paragraph, section or part thereof directly involved  
53 in the controversy in which such judgment shall have been rendered.

54 § 4. This act shall take effect on the one hundred eightieth day after  
55 it shall have become a law.