STATE OF NEW YORK

1616

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Cities

AN ACT to amend the general city law, in relation to requiring that a city with a population of one million or more shall establish a residential composting program for all buildings with residential units

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general city law is amended by adding a new section 20-h to read as follows:

§ 20-h. Residential composting. 1. As used in this section:

(a) "Compostable waste" and "organic waste" shall mean materials, including but not limited to food scraps, plant trimmings, food-soiled paper and certified compostable products, that will:

(i) undergo degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds, and biomass at a rate consistent with other known compostable materials; and

(ii) leave no visible, distinguishable or toxic residue, including no adverse impact on the ability of composts to support plant growth once the finished compost is placed in soil.

(b) "Latched container" means a solid container that can be fastened such that animals such as rats or pigeons cannot break into the container.

(c) "Organics recycler" means a facility, permitted by the department, that recycles organic waste through use as animal feed or a feed ingredient, rendering, land application, composting, aerobic digestion, anaerobic digestion, fermentation, or ethanol production. Animal scraps, food soiled paper, and post-consumer food scraps are prohibited for use as animal feed or as a feed ingredient. The proportion of the product created from organic waste by a composting or digestion facility, including a wastewater treatment plant that operates a digestion facili-

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

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ty, or other treatment system, must be used in a beneficial manner as a soil amendment and shall not be disposed of or incinerated.

(d) "Incinerator" shall have the same meaning as provided in section 72-0401 of the environmental conservation law.

(e) "Landfill" shall have the same meaning as provided in section 72-0401 of the environmental conservation law.

(f) "Transfer facility" means a solid waste management facility, whether owned or operated by a private or public entity, other than a recyclables handling and recovery facility, used oil facility, or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer to another solid waste management facility for processing, treating, disposal, recovery, or further transfer.

2. Within one year after the effective date of this section, any city with a population of one million or more shall establish a residential composting program for all buildings with residential units in the city. Such program shall:

(a) encourage residents to separate compostable waste from garbage and other recyclables and place the compostable waste in labeled containers;

(b) consistent with the best waste collection practices to avoid odor and vermin, establish requirements for composting containers, labels and liner bags, including a requirement that containers be capable of being latched; and

(c) provide collection and education resources for the public, including regular periodical guidance, training, updates, signage and flyers for the purposes of teaching and retaining effective procedures for sorting materials for organics and other recycling.

3. Each city subject to the provisions of this section shall:

(a) arrange for compostable waste to be transported and/or processed separately from garbage and recycling;

(b) regulate organics recyclers to ensure that their activities do not impair water quality or otherwise harm human health and the environment; and

(c) establish a fine program for building owners and managers who do not comply with the requirements of this section.

4. Each city subject to the provisions of this section shall promulgate rules requiring, at a minimum, that within six months of the date of establishment of the program:

(a) residential building owners or managers, including residential buildings managed by a municipal or state agency, must have one or more composting areas for the storage of designated organic waste prior to collection;

(b) composting areas must be reasonably accessible to residents unless organic waste is collected directly from individual dwelling units by building staff;

(c) composting areas must be within the building, unless no reasonably accessible area is available, in which case the composting area can be in an accessible area behind the property line;

(d) composting areas must be maintained by the building owner or manager and designated organic waste materials must be stored so as not to create a nuisance or sanitary problem;

(e) residential building owners or managers must post and maintain labels and signs created by the municipality with instructions on identifying and separating compostable waste from garbage and recyclables; and

(f) building owners and managers must ensure containers are latched at the time of storage or set-out and that containers are consistent with regulations set forth by the municipality.

5. (a) Beginning one year after the establishment of the program, and annually thereafter, each local government subject to this section shall submit a report summarizing the progress of the residential composting program to the department of environmental conservation, including, but not limited to:

(i) the amount of compostable waste collected; and

(ii) the costs associated with such program.

(b) By the year two thousand twenty-four, and annually thereafter, the department of environmental conservation shall post a report on its website detailing composting programs in the state. Such report shall include an evaluation of the effectiveness of composting programs required by this section, and information on costs and collection rates.

6. (a) Any waste transporter that collects organic waste from a residential building shall:

(i) deliver organic waste to a transfer facility that will deliver such organic waste to an organics recycler; or

(ii) deliver such organic waste directly to an organics recycler.

(b) Any waste transporter that transports organic waste from a residential facility shall take all reasonable precautions to not deliver the organic waste to an incinerator or a landfill nor commingle the material with any other solid waste unless such commingled waste can be processed by an organics recycler.

7. Every city having a population of one million or more which establishes and implements an organic waste recovery program pursuant to this section shall be eligible to apply for state assistance for a waste reduction project pursuant to title seven of article fifty-four of the environmental conservation law.

§ 2. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately.