

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:

1 Section 1. The general city law is amended by adding a new section
2 20-h to read as follows:

3 § 20-h. Residential composting. 1. As used in this section:

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

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

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

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

16 (c) "Organics recycler" means a facility, permitted by the department,
17 that recycles organic waste through use as animal feed or a feed ingre-
18 dient, rendering, land application, composting, aerobic digestion, anae-
19 robic digestion, fermentation, or ethanol production. Animal scraps,
20 food soiled paper, and post-consumer food scraps are prohibited for use
21 as animal feed or as a feed ingredient. The proportion of the product
22 created from organic waste by a composting or digestion facility,
23 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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1 ty, or other treatment system, must be used in a beneficial manner as a
2 soil amendment and shall not be disposed of or incinerated.

3 (d) "Incinerator" shall have the same meaning as provided in section
4 72-0401 of the environmental conservation law.

5 (e) "Landfill" shall have the same meaning as provided in section
6 72-0401 of the environmental conservation law.

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

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

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

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

24 (c) provide collection and education resources for the public, includ-
25 ing regular periodical guidance, training, updates, signage and flyers
26 for the purposes of teaching and retaining effective procedures for
27 sorting materials for organics and other recycling.

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

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

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

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

36 4. Each city subject to the provisions of this section shall promul-
37 gate rules requiring, at a minimum, that within six months of the date
38 of establishment of the program:

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

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

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

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

52 (e) residential building owners or managers must post and maintain
53 labels and signs created by the municipality with instructions on iden-
54 tifying and separating compostable waste from garbage and recyclables;
55 and

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

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

9 (i) the amount of compostable waste collected; and

10 (ii) the costs associated with such program.

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

16 6. (a) Any waste transporter that collects organic waste from a resi-
17 dential building shall:

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

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

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

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

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

40 § 3. This act shall take effect immediately.