STATE OF NEW YORK

2158

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 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 provide curbside composting collection sites

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. Curbside composting collection. 1. For the purpose of this section, the following terms shall have the following meanings:

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

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

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

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

(e) "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 curbside composting collection sites in the city. For every five thousand people, there shall be at least one curbside composting collection site. Such curbside composting collection sites 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; 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 bi-weekly collection days for such curbside composting collection sites;

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

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

4. (a) Any waste transporter that collects organic waste from such curbside composting collection sites 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.

§ 2. This act shall take effect immediately.