STATE OF NEW YORK

5331--A

Cal. No. 538

2023-2024 Regular Sessions

IN SENATE

March 2, 2023

Introduced by Sens. HARCKHAM, ADDABBO, BROUK, COONEY, HOYLMAN-SIGAL, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to expanding the food donation and food scraps recycling program

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

Section 1. Subdivision 1 of section 27-2201 of the environmental conservation law, as added by section 2 of part SS of chapter 58 of the laws of 2019, is amended to read as follows:

1. "Designated food scraps generator" means a person who generates at a single location an annual average of two tons per week or more of food scraps **between January first, two thousand twenty-three and December thirty-first, two thousand twenty-five, an annual average of one ton per week or more of food scraps between January first, two thousand twenty-six and December thirty-first, two thousand twenty-seven, and an annual average of one-half ton per week or more of food scraps beginning January first, two thousand twenty-eight and thereafter** based on a methodology established by the department pursuant to regulations, including, supermarkets, large food service businesses, higher educational institutions, hotels, food processors, correctional facilities, and sports or entertainment venues. For a location with multiple independent food service businesses, such as a mall or college campus, the entity responsible for contracting for solid waste hauling services is responsible for managing food scraps from the independent businesses.

§ 2. The opening paragraph of paragraph (b) of subdivision 1 and paragraph (a) of subdivision 3 of section 27-2203 of the environmental

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

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conservation law, as added by section 2 of part SS of chapter 58 of the laws of 2019, are amended to read as follows:

except as provided in paragraph (c) of this subdivision, each designated food scraps generator that is within [~~twenty-five~~] fifty miles of an organics recycler, to the extent that the recycler has capacity to accept all of such generator's food scraps based on the department's yearly estimate of an organic recyclers' capacity pursuant to section 27-2211 of this title, shall:

(a) the designated food scraps generator does not meet the [~~two tons~~] tonnage per week threshold pursuant to subdivision one of section 27-2201 of this title;

§ 3. The department of environmental conservation is authorized and directed to complete the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act no later than 180 days after the date on which this act shall have become a law.

§ 4. This act shall take effect immediately; provided, however, that section two of this act shall take effect January 1, 2026.