

STATE OF NEW YORK

6192--D

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

Introduced by M. of A. KELLES, ROMERO, GALLAGHER, ROSENTHAL, SIMON, FORREST, GRIFFIN, OTIS, EPSTEIN, SCHIAVONI, SHRESTHA, SIMONE, SLATER, SEAWRIGHT, CLARK, LEVENBERG, TAPIA, LUNSFORD, TAYLOR, LAVINE, BENEDETTO, REYES, PAULIN, BENDETT, McDONALD, TAGUE, SIMPSON, STIRPE, COLTON, LUPARDO -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing a moratorium on the sale and use of biosolids

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

1 Section 1. Article 27 of the environmental conservation law is amended
2 by adding a new title 8 to read as follows:

TITLE 8

MORATORIUM ON THE SALE AND USE OF BIOSOLIDS

3 Section 27-0801. Definitions.

4 27-0803. Moratorium on the sale and use of biosolids.

5 § 27-0801. Definitions.

6 As used in this title:

7 1. "Biosolids" means the accumulated semi-solids, solids or liquids
8 resulting from treatment of wastewaters from publicly or privately owned
9 or operated sewage treatment plants.

10 2. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a
11 class of fluorinated organic chemicals containing at least one fully
12 fluorinated carbon atom.
13
14

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

LBD10313-15-5

1 3. "Wastewater treatment facility" means any facility that treats
2 wastewater, including but not limited to municipal sewage treatment
3 plants, industrial wastewater treatment plants, and septage treatment
4 facilities.

5 § 27-0803. Moratorium on the sale and use of biosolids.

6 1. For the period commencing on the effective date of this title and
7 ending five years after such date, a moratorium shall be established on
8 the land application, and issuance, renewal, or approval of any permits
9 related thereto, of:

10 (a) biosolids generated from a publicly or privately owned or operated
11 wastewater treatment facility;

12 (b) compost material that included in its production biosolids gener-
13 ated from a publicly or privately owned or operated wastewater treatment
14 facility; and

15 (c) any other product or material that is intended for use as a ferti-
16 lizer, soil amendment, topsoil replacement or mulch, or for other simi-
17 lar agricultural purposes including parks, golf courses, or other non-
18 crop land applications, that is derived from or contains biosolids
19 generated from a publicly or privately owned or operated wastewater
20 treatment facility.

21 2. For the period commencing on the effective date of this title and
22 ending five years after such date, a moratorium shall be established on
23 selling, offering for sale, distributing, or otherwise providing bioso-
24 lids, including products containing biosolids, in the state for use as
25 fertilizer, soil amendment, topsoil replacement, mulch, or for other
26 similar purposes.

27 3. The moratoria in subdivisions one and two of this section shall not
28 apply to:

29 (a) the disposal or placement at a solid waste landfill of any of the
30 materials that are prohibited from application, spreading, sale or
31 distribution by this section; or

32 (b) the land application of or the sale or distribution of compost
33 materials or other agricultural products or materials derived from or
34 containing residuals generated as a result of the processing or culti-
35 vation of food, food waste, crops or vegetative material, manure,
36 litter, food processing waste, process wastewater from any animal feed-
37 ing operation, digestate from such materials, or any other product or
38 material that is not derived from or does not contain biosolids.

39 § 2. The environmental conservation law is amended by adding a new
40 section 71-2704 to read as follows:

41 § 71-2704. Violations of title 8 of article 27 of this chapter.

42 A person who violates any of the provisions of, or who fails to
43 perform any duty imposed by title 8 of article 27 of this chapter, or
44 the rules, regulations, orders or determinations of the commissioner
45 promulgated thereto, shall be liable for a penalty of not to exceed
46 twenty-five hundred dollars for each such violation and an additional
47 penalty of not more than five hundred dollars for each day during which
48 such violation continues, and, in addition thereto, such person may be
49 enjoined from continuing such violation. Penalties and injunctive relief
50 provided herein shall be recoverable in an action brought by the attor-
51 ney general at the request and in the name of the commissioner.

52 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
53 sion, section or part of this act shall be adjudged by any court of
54 competent jurisdiction to be invalid, such judgment shall not affect,
55 impair, or invalidate the remainder thereof, but shall be confined in
56 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-
2 ment shall have been rendered. It is hereby declared to be the intent of
3 the legislature that this act would have been enacted even if such
4 invalid provisions had not been included herein.
5 § 4. This act shall take effect on the sixtieth day after it shall
6 have become a law.