

STATE OF NEW YORK

5759--C

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

Introduced by Sens. HARCKHAM, CLEARE, COMRIE, FAHY, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KRUEGER, MAYER, SERRANO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Agriculture -- committee discharged, bill amended, 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

Section 27-0801. Definitions.

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

§ 27-0801. Definitions.

As used in this title:

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

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

15 3. "Wastewater treatment facility" means any facility that treats
16 wastewater, including but not limited to municipal sewage treatment

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

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1 plants, industrial wastewater treatment plants, and septage treatment
2 facilities.

3 § 27-0803. Moratorium on the sale and use of biosolids.

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

8 (a) biosolids generated from a publicly or privately owned or operated
9 wastewater treatment facility;

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

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

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

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

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

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

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

39 § 71-2704. Violations of title 8 of article 27 of this chapter.

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

50 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
51 sion, section or part of this act shall be adjudged by any court of
52 competent jurisdiction to be invalid, such judgment shall not affect,
53 impair, or invalidate the remainder thereof, but shall be confined in
54 its operation to the clause, sentence, paragraph, subdivision, section
55 or part thereof directly involved in the controversy in which such judg-
56 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.
3 § 4. This act shall take effect on the sixtieth day after it shall
4 have become a law.