§ 27-0103. State solid waste management plan.

1. For the purposes of this article, the department is designated as the official state agency with the responsibility for preparing and updating the New York state solid waste management plan (hereinafter referred to as the "plan") consistent with the state resource recovery policies declared in the New York state resource recovery policy act, with this title, with titles five and seven of this article, and with the federal "Resource Conservation and Recovery Act of 1976" and amendments thereto.

2. The commissioner shall biennially review the status of programs and information contained within the plan and make recommendations for legislation or other state action related to:

(a) comprehensive procurement policies applicable to state agencies and public authorities which will give maximum feasible encouragement to the procurement of products manufactured with stated levels of secondary materials;

(b) incentives for developing and expanding markets for promoting the return of secondary materials and other recovered resources to productive use; and

(c) analysis of packaging and other various components of the waste stream to propose changes which will conserve energy and reduce solid waste generation.

In making such recommendations and reviewing said plans the commissioner shall take into account sound principles of solid waste management and relevant considerations of natural resources conservation, energy production and employment creating opportunities and shall further take into account any relevant changes in federal and state laws, any local solid waste management plans developed pursuant to section 27-0107 of this article, and the experience of agencies, local governments, private industry, the public and the results of the public participation contemplated by the United States Environmental Protection Agency's Guidelines for Public Participation in Programs under the Resource Conservation and Recovery Act (40 CFR Part 25). On the basis of that review, the commissioner shall modify the plan, as appropriate,

and, not later than March thirty-first of every other year, shall file such modified plan with the governor and the legislature.

3. Amendments to the plan shall assure current attention to:

(a) an identification of the boundaries of those regions within the state which, as a result of urban concentration, geographic conditions, secondary materials markets, technological feasibility, and other factors, are appropriate for carrying out regional solid waste management;

(b) identification of which solid waste functions will be planned for and carried out by which local authorities, regional authorities, state authorities, agencies and public benefit corporations, giving due consideration to the compatibility of the planning and implementing functions which can be combined at the local level;

(c) identification of local, regional and state authorities and agencies which shall have responsibility for the solid waste functions identified in the plan which shall be managed and carried out by or on behalf of such entities or any combination thereof, giving due consideration to the compatibility of the planning and implementing functions which can be combined at the local level;

(c-1) identification of strategies, programs and practices, in consultation with the commissioner of the office of general services, to be undertaken by the state in the management of solid waste generated by state agencies, to ensure the attainment by the state of statewide solid waste reduction and recycling goals established in the plan. Using information obtained from individual state agencies, the plan shall set forth dates by which the state of New York as a generator of solid waste is to recover progressively increasing amounts of recyclable materials from its waste stream and attain a reduction in its waste stream, consistent with the statewide waste reduction and recycling goals identified in the plan.

(d) identification of the environmental impacts including, but not limited to, air or water pollution, or the generation of hazardous waste resulting from the utilization of solid waste management technologies;

(e) identification and projections of changes in the waste stream that are likely to occur during the useful life of a proposed facility, on a statewide and regional basis, during the projected planning period;

(f) the status of solid waste management activities and capacity, and projected special needs within the state;

(g) an assessment of future programs and resource needs to effectuate the purposes of such plan;

(h) an assessment of alternative resource recovery practices including but not limited to source separation, waste volume reduction, community recycling centers and sanitary landfill or other environmentally sound disposal manner or practice;

(i) any local solid waste management plan submitted to the commissioner by or on behalf of any municipality;

(j) legislative recommendations appropriate to effectuate the purposes of this title; and

(k) any other recommendations as may be appropriate.

4. In the case of any region which, pursuant to the federal "Resource Conservation and Recovery Act of 1976", would be located in two or more states, the commissioner shall include in the plan an identification of such regions and the function to be performed thereby and shall submit to the governor and the legislature recommendations for the development and enactment of the interstate agreements necessary to carry out the purposes of this article.

5. In connection with developing and updating the plan, the commissioner may request and shall receive from any department, division, board, bureau, commission or other agency of the state or any political subdivision thereof or any public authority such assistance and data as may be reasonably necessary to enable the commissioner to carry out his responsibilities under this section. In making such request, the commissioner shall consult and cooperate with such municipality or other public body to ensure against unnecessary duplication of effort or other administrative inefficiency.