§ 120-aa. Source separation and segregation of recyclable or reuseable materials. 1. The legislature hereby finds that it is in the public interest, in order to further the purposes of the state policy on solid waste management articulated in section 27-0106 of the environmental conservation law, for a municipality to adopt a local law or ordinance to require the source separation and segregation of recyclable or reuseable materials from solid waste.

2. a. Pursuant to the authority of this section, no later than September first, nineteen hundred ninety-two, a municipality shall adopt such a local law or ordinance to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility, shall be separated into recyclable, reuseable or other components for which economic markets for alternate uses exist. For purposes of this section, the term "economic markets" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said material less the amount received from the sale of said material.

b. For purposes of this section, "components" shall include paper, glass, metals, plastics, garden and yard waste, and may include other elements of solid waste.

c. Prior to exercising the authority of this section to enact such a local law or ordinance, the municipality shall hold a public hearing relating to its proposed provisions and shall give due consideration to existing source separation, recycling and other resource recovery activities in the area, to the adequacy of markets for separated materials, and to any additional effort and expense to be incurred by residents in meeting the proposed separation requirements. The authority provided in this section shall be in addition to and without limitation upon the authority vested in municipalities under any other statute.

d. In fulfillment of the provisions of this section a municipality may use public lands or buildings or private lands or buildings, open to the

public, upon written consent of the owner, as a recycling center or depot for the storage of recyclable materials. The office of general services and any other agency, authority or commission holding title to lands or buildings in the name of the people of the state shall fully cooperate with any person acting under the authority of this section to establish a recycling program, provided that such use is not inconsistent with the principle purpose of such lands or buildings, subject to local zoning restrictions.