

# NYS Legislative Update

## Bill Status as of March 1, 2015

TO: NYSASWM Board

FROM: Kevin Voorhees, Legislative Chair (Ph: 315-457-5200. E-mail: [KVoorhees@BartonandLoguidice.com](mailto:KVoorhees@BartonandLoguidice.com))

<b>Environmental Protection Fund (\$ 000) – Overall EPF Proposed for 2015/2016 is \$172M [\$10M more than last year]</b>							
<b>Category</b>	<b>FY 15/16 Proposed</b>	<b>FY 14/15 Enacted</b>	<b>FY 13/14 Enacted</b>	<b>FY 12/13 Enacted</b>	<b>FY 11/12 Enacted</b>	<b>FY 10/11 Enacted</b>	<b>FY 9/10 Enacted</b>
Landfill Closure/Gas	250	250	250	270	600	600	750
Municipal Recycling (DEC)	7,500	7,000	7,000	6,435	6,435	6,639	10,825
Secondary Materials (DED)	1,000	1,000	1,000	1,000	1,000	1,000	2,250
<b>TOTALS</b>	<b>8,750</b>	<b>8,250</b>	<b>8,250</b>	<b>7,705</b>	<b>8,035</b>	<b>8,239</b>	<b>13,825</b>

*Note: This is the first year of a 2-year legislative session, so none of the bill numbers from last year have been carried forward to this year. The provisions set forth in many of the bills introduced this session are, however, as is common practice, identical to provisions that were contained in last year's bills – they have simply been repackaged with new bill numbers and sometimes with different bill sponsors. Bill sponsors and current bill status are indicated in parentheses.*

### **1. Product Stewardship Bills**

- a. Pharmaceuticals (A.710 [Englebright] in EnCon Com/No Same As in Senate). Requires manufacturers to establish take back programs for prescription and over the counter drugs. Includes a landfill disposal ban. Previously introduced in 2009/2010 but died in EnCon Com.
- b. Pharmaceuticals from health care facilities (A.2855 [Englebright] in Health Com/ No Same As in Senate).
- c. Packaging (A.4724 [Colton] in EnCon Com/No Same As in Senate). Introduced since 1993 legislative session but has never passed.
- d. Thermostats containing mercury (S.686 [Avella] in EnCon Com/No Same As in Assembly).
- e. Mercury containing lamps (A.1906 [Englebright]/S.890 [Avella]), in EnCon Coms; 4th time introduced but never passed. Two similar bills in Senate (S.919 [Avella] and S. 3261 [Sanders], both are in EnCon Com and neither has a Same As bill in the Assembly).
- f. Requires removal of mercury switches before disposal of automobiles and includes requirement for manufacturers to establish a collection program (A.4732 [Colton]/S.1911 [Marcellino] in EnCon Coms). 5th time introduced in Assembly, but never passed.
- g. Phased ban on sale and disposal of virtually all products containing mercury (A.647 [Rosenthal] in EnCon Com/No Same As in Senate). Introduced since 2005 but never passed.
- h. Ionization smoke detectors (A.2740 [Englebright] in EnCon Com/No Same As in Senate).
- i. Paint stewardship pilot program (A.3304 [Peoples-Stokes] in EnCon Com/No Same As in Senate). 1<sup>st</sup> introduced in 2010.

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### 2. Bills to Require 50% Recycling of Waste Generated at C&D Sites

- a. Statewide requirement (A.4756 [Colton] in EnCon Com/No Same As in Senate). Introduced since 2009 but never passed.
- b. In NY City (A.4758 [Colton] in EnCon Com/S.3271 [Sanders] in Cities Com). Introduced in Assembly since 2009 but never passed.
- c. For State Agency projects or contracts (A.4672 [Colton] in GovOps Com/No Same As in Senate). Introduced since 2009 but never passed.

### 3. Proposed Bans on Disposal, Sale and/or Use

- a. Bans commingling and disposal of source separated recyclables; includes statewide list of recyclables (A.4624 [Colton] in EnCon Com/No Same As in Senate). This bill has passed the Assembly 14 times, including last year.
- b. Bans disposal of yard waste (A.471 [Englebright] in EnCon Com/No Same As in Senate). 1<sup>st</sup> introduced in 1997 but has never passed.
- c. Immediately bans disposal of hardcover books and requires municipalities to establish recycling/reuse programs for hardcover books within 2 years of effective date (A.5275 [Englebright]/S.926 [Avella] in EnCon Coms). 3<sup>rd</sup> time introduced but has never passed.
- d. Bans ocean disposal of dredged spoils containing toxics within 3 miles of NYC and Long Island shorelines (A.4734 [Colton] in EnCon Com/No Same As in Senate). 1<sup>st</sup> introduced in 2001 but has never passed.
- e. Bills proposing bans on the sale of various specific products containing mercury:
  - i. Rotational balancing products (A.172 [Rosenthal] in EnCon Com/No Same As in Senate).
  - ii. Prohibits use, purchase and storage of mercury and mercury products in schools (A.2347 [Englebright] in Education Com/No Same As in Senate). Introduced since 2003.
- f. Bans use of polystyrene containers by restaurants and food vendors (A.5232 [Abinati] in Consumer Affairs Com/No Same As in Senate).
- g. Bans use of Styrofoam “packing peanuts” (A.708 [Englebright] in EnCon Com/No Same As in Senate). Identified as a new bill although a similar bill has been introduced since 1995 but has never passed.
- h. Bans use of disposable Styrofoam food service ware by agencies, municipalities and their contractors unless there is no affordable compostable or recyclable product available (S.2493 [Krueger] in EnCon Com/No Same As in Assembly). Similar bill also bans restaurants and food vendors from using disposable Styrofoam food service ware unless there is no affordable compostable or recyclable product available (S.2782 [Krueger] in EnCon Com/No Same As in Assembly).
- i. Prohibits grocery stores from providing plastic carryout bags and requires them to provide recyclable paper bags at no charge to customers (A.3636 [DenDekker] in EnCon Com/No Same As in Senate).

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- j. Bills proposing to ban various aspects of hydrofracking (*this is a partial list*):
- i. Bans wastewater plants and solid waste management facilities from accepting disposal of waste from oil and gas extraction activities, including leachate from solid waste that is associated with natural gas extraction activities (A.130 [Buchwald]/S.340 [Hoylman] in EnCon Coms).
  - ii. Prohibits the sale, purchase or use of any liquid waste product from hydrofracking and requires DEC to establish regulations for disposal of such products (A.2478 [Mosley]/S.3863 [Krueger] in EnCon Coms).
  - iii. Establishes a moratorium on disposal of liquid or solid wastes resulting from out of state hydrofracking. The moratorium will be repealed on whichever occurs later: (a) 120 days after EPA issues a report on the effects of hydrofracking on water quality and public health, or (b) when DEC proves that it is capable of regulating and enforcing a hydrofracking regulatory program that includes the ability to identify all chemical components of drilling fluid (S.901 [Avella] in EnCon Com/No Same As in Assembly).
  - iv. Prohibits treatment of hydrofracking fluids at wastewater treatment plants located over sole source aquifers or primary aquifers (A.2611 [Englebright]/S.297 [Martins] in EnCon Coms).
  - v. Prohibits hydrofracking waste from being transported or disposed in New York State (A.4943 [O'Donnell]/S.47 [Hoylman] in EnCon Coms). 1<sup>st</sup> introduced in 2013.
  - vi. Not a disposal ban, but waste from oil/gas drilling would be subject to all hazardous waste regulations with no exemptions (S.884 [Avella] in EnCon Com/No Same As in Assembly).
  - vii. Also not a disposal ban, but this bill would require permits for solid waste management facilities to require radiation detection devices if permitted to accept waste from oil and gas drilling activities (S.3060 [Young] in EnCon Com/No Same As in Assembly).

**4. Various Recycling Bills**

- a. Authorizes sale of “NY Recycles License Plate” with \$25 annual service charge deposited in to EPF for recycling & reduction programs (A.1806 [Gunther] in Transportation Com/No Same As in Senate). Introduced since at least 2005. Passed once, but was vetoed.
- b. Authorizes State Health Dept. to establish regulations for recycling and solid waste disposal at mass gatherings (A.1577 [Cahill] in Health Com/ No Same As in Senate). 10th time introduced but only passed Assembly once, in 2004.
- c. Requires NYC to collect recyclables from city parks and historic sites (S.1161 [Serrano] in Cities Com/No Same As in Assembly). 5<sup>th</sup> time introduced.
- d. Requires NYC’s solid waste plan to include a plan for litter control and recycling receptacles (A.4679 [Colton]/S.1776 [Parker] in EnCon Coms). Passed at least 4 prior years in Assembly but never in Senate.
- e. Requires recycling of used oil filters (A.1949 [Pretlow] in EnCon Com/No Same As in Senate). 1<sup>st</sup> proposed in 2002 but has never passed.

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- f. Requires State Office of Parks to collect discarded recyclables at state parks, historic sites and recreational facilities. It also encourages municipalities to implement recycling programs at municipal parks and recreational facilities, and makes such municipal programs eligible for recycling project grants (A.819 [Englebright] in Tourism Com/No Same As in Senate). Introduced 5 previous times; passed Assembly once.
- g. Requires OGS to implement a recycling program for all state owned and leased property (A.484 [Englebright] in Government Ops Com/No Same As in Senate). Introduced 4 prior times but never passed.
- h. Requires NYSDOT to use recycled aggregate concrete in certain projects and to study future uses of such recycled material (S.3532 [Panepinto] in Transportation Com/No Same As in Assembly).
- i. Requires DEC to develop and implement a program for the collection and recycling of cigarette butts, which includes a minimum deposit of 1 cent per cigarette to fund the program (A.4064 [DenDekker]/S.3425 [Stavisky] in EnCon Coms). First introduced in 2010.
- j. Requires task force to study feasibility of recycling cigarette butts (A.4107 [DenDekker] in EnCon Com/No Same As in Senate).

### 5. Proposed Expansions of the Bottle Bill

- a. Add fruit juices, iced tea, milk, wine and liquor containers (A.495 [Englebright] in EnCon Com/No Same As in Senate). 1st introduced in 1995 but has never passed.
- b. Add wine and liquor containers (A.485 [Englebright] in EnCon Com/No Same As in Senate). 1st introduced in 2009.

### 6. Facility Siting

- a. Establishes a solid waste facility siting review board (A.4700 [Clark] in EnCon Com/No Same As in Senate). Introduced since 1996 but has never passed.
- b. Prohibits locating a hazardous waste disposal facility or hazardous waste transfer station within 1,500 feet of school property (A.923 [Lentol] in EnCon Com/No Same As in Senate). Similar bill in Senate (S.2285 [Dilan] in EnCon Com/No Same As in Assembly). 1<sup>st</sup> introduced in 2007. Passed in 2011/2012 session but was vetoed.
- c. Bans medical waste facilities in areas not zoned for such uses (S.4044 [Sampson] in EnCon Com/No Same As in Assembly). 5th time introduced, but has never passed.

### 7. Restrictions on Waste Transfer Operations in NYC and/or Long Island

- a. Prohibits marine waste transfer stations in NYC from locating or reactivating within 800 feet of public housing projects (S.2556 [Krueger] in EnCon Com/No Same As in Assembly). Introduced 4 previous times but has never passed.
- b. Prohibits transloading of waste originating outside of Staten Island on Staten Island, unless the waste is fully containerized (A.2963 [Titone] in EnCon Com/No Same As in Senate). Introduced since 2003 but has never passed.

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- c. Establishes various waste handling requirements that primarily relate to rail transfer operations in NYC and Long Island, including a daily handling limit of 550 tons (A.3635 [Hevesi] in EnCon Com/No Same As in Senate). This is a new bill, which apparently is a reaction to an emergency transfer station permit authorized by DEC in July of 2014 for a temporary transfer operation on Long Island.

### 8. Drugs

- a. Authorizes residential health care facilities to return and redistribute unused medication if still in original tamper evident packaging (A.5449 [Englebright] in Health Com/No Same As in Senate). 1<sup>st</sup> introduced in 2007.
- b. Requires pharmacies to accept and dispose of unused prescription drugs (A.1001 [Miller] in Health Com/No Same As in Senate). 3<sup>rd</sup> time introduced but has never passed.
- c. Establishes a drug repository program to accept and dispense donated prescription drugs (A.2622 [Morelle] in Higher Education Com/No Same As in Senate). Introduced in Assembly since 2003 but has never passed.
- d. Directs the NYS Department of Health to oversee a program for safe disposal of unused controlled substances (S.3687 [Hannon] on 1<sup>st</sup> Report, Cal. 164/No Same As in Assembly).

### 9. Citizen Lawsuits; Toter Reflections; Take Title; Raptor Protections on LFG Flares; Dredgings as BUD

- a. Would authorize citizen lawsuits for violations of most environmental laws and regulations (S.1087 [Parker] in EnCon Com/No Same As bill reported in Assembly). Former Brodsky bill. Tried 20 times before; passed Assembly 10 times; never passed in Senate.
- b. Requires reflective materials on curbside collection waste containers (A.2760 [Englebright] in Consumer Affairs Com/No Same As in Senate). 1<sup>st</sup> introduced in 2001 but has never passed.
- c. Authorizes municipalities to take title to solid waste generated within their borders (A.2678 [Englebright] in Local Gov't Com/No Same As in Senate). Introduced since 1999 but has never passed.
- d. Requires landfill gas flares to install safer and taller perches for raptors and to attach spikes to all landfill gas flares (A.3289 [Englebright] in EnCon Com/No Same As in Senate). Introduced since 2009.
- e. Would classify materials dredged or excavated from waters of the State as beneficial use materials and not solid waste (A.4169 [Brook-Krasny] in EnCon Com/No Same As in Senate). 1<sup>st</sup> introduced in 2011.

### 10. Money Bills

- a. Provides sales tax exemption for transportation of recycled goods (A.4709 [Colton] in Ways & Means Com/No Same As in Senate). 9<sup>th</sup> time introduced but has never passed.
- b. Requires 5 cent charge for each plastic bag provided by retailers to their customers and a 5 cent charge for each piece of plastic film that enters the state (S.3098 [Krueger] in EnCon Com/No Same As in Assembly).

**The last session day scheduled for this legislative session is June 17th.**