



Department of
Environmental
Conservation

Division of Materials Management Bureau of Waste Reduction & Recycling

Regulations & Legislation

April 24, 2018



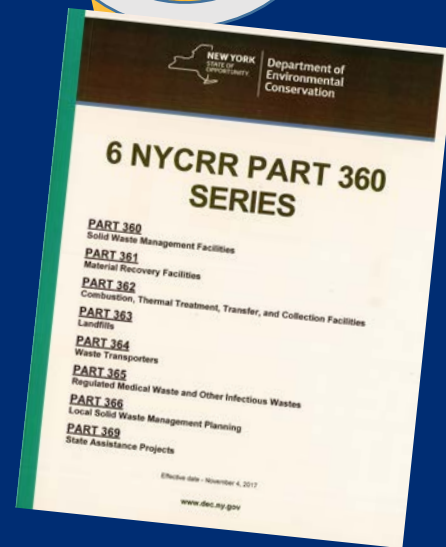
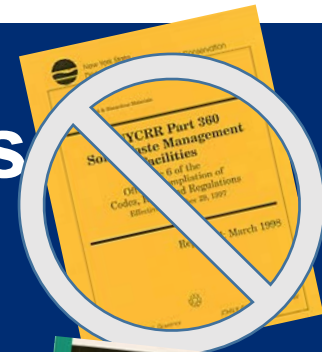
Topics

- Solid Waste Management Facilities Regulations (Part 360)
- Product Stewardship & E-Waste
- Pharmaceuticals
- Plastic Bags
- Other Regulations and Legislation
- Game

Newly Adopted Part 360 Revisions

Part 361 Material Recovery Facilities (effective 11/4/17)

- Subpart 361-1 Recyclables Handling and Recovery Facilities
- Subpart 361-2 Land Application and Associated Storage Facilities
- Subpart 361-3 Composting and Other Organics Processing Facilities
- Subpart 361-4 Mulch Processing Facilities
- Subpart 361-5 Construction and Demolition Debris Processing Facilities
- Subpart 361-6 Waste Tire Handling and Recovery Facilities
- Subpart 361-7 Metal Processing and Vehicle Dismantling Facilities
- Subpart 361-8 Used Cooking Oil and Yellow Grease Processing Facilities



Organic Materials

recycled & regulated under 6 NYCRR Part 361



Yard Trimmings



Animal Mortalities
/Slaughter Waste



Manure/Crop
Residuals



Food Scraps



Mixed Solid
Waste



Biosolids

Part 361 Organics Facilities Revisions

New exemption for small scale composting facilities to facilitate composting at community gardens: 1000 lbs. or 1 cubic yard per week

New Registration provisions for food scrap composting has been increased from 1000 to 5000 cubic yards per year

Added Animal Feed and Fermentation Facility Categories

Added Mulch Facilities Regulations (361-4)



Wasted food in



NYS generates 3.2 million
tons of food scraps
annually!

30% of our municipal solid
waste stream is comprised
of **organics**!

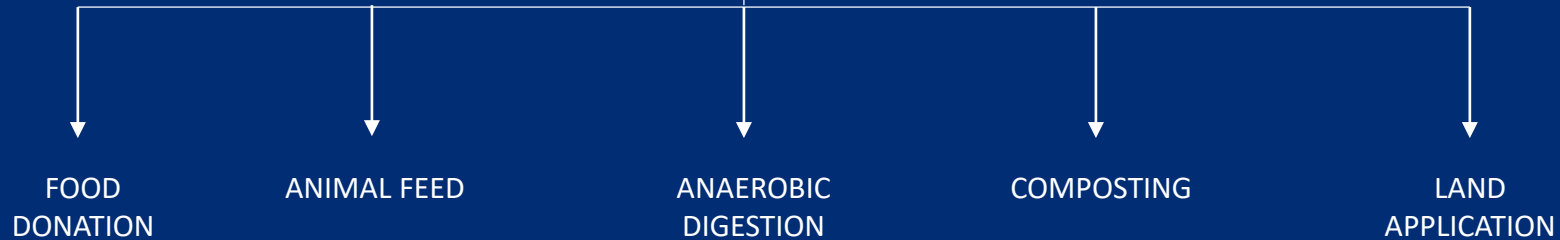
18.5% of the MSW stream
is food waste!



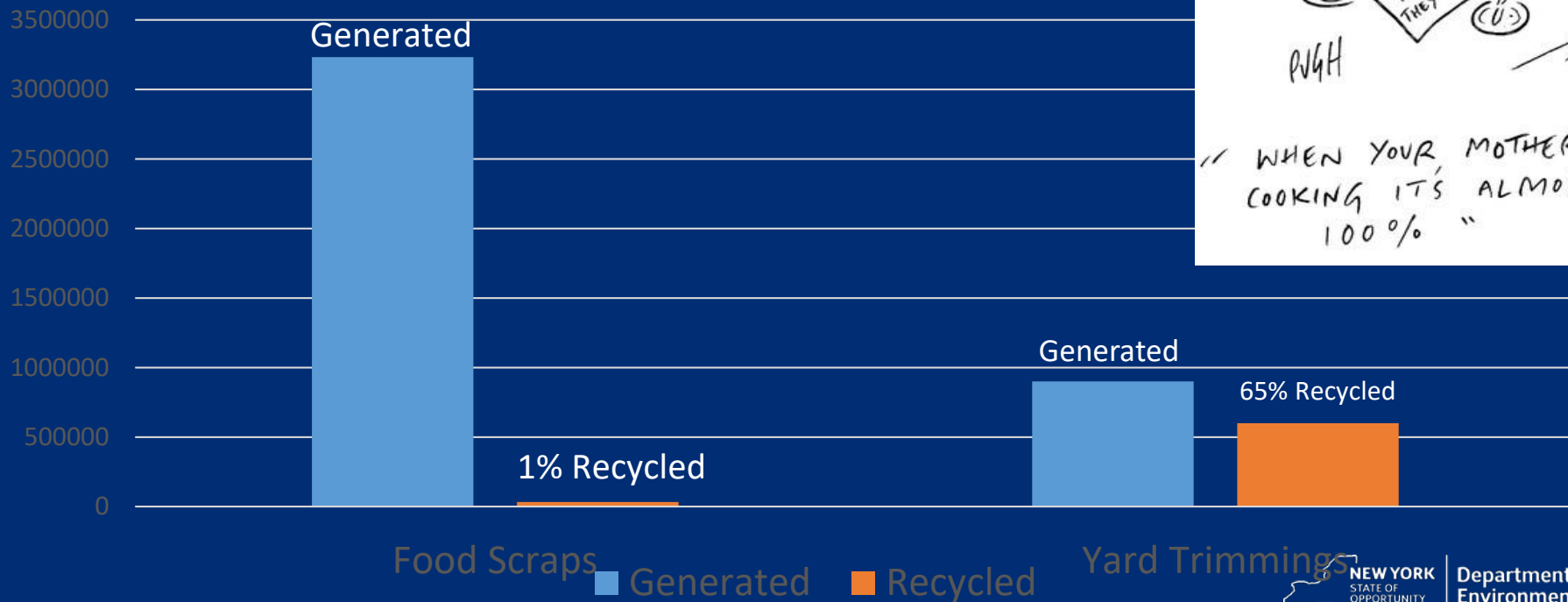
FOOD WASTE



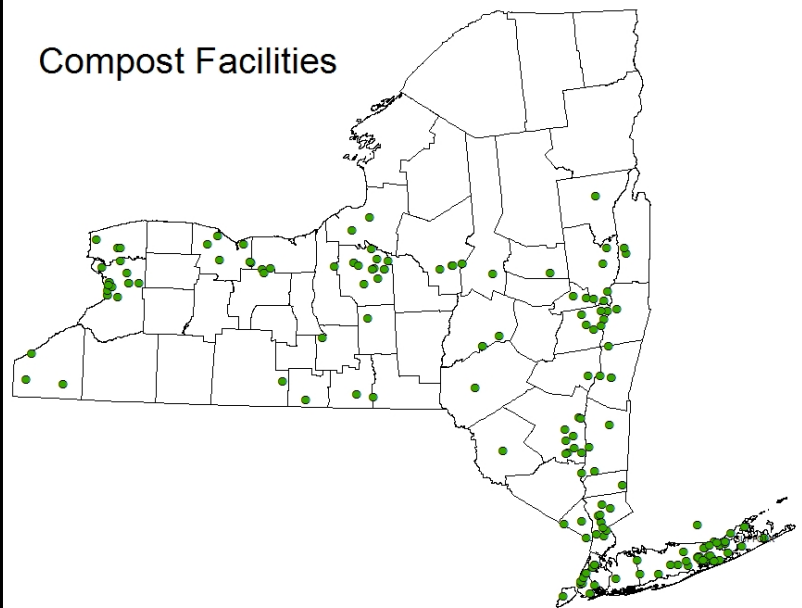
LANDFILL



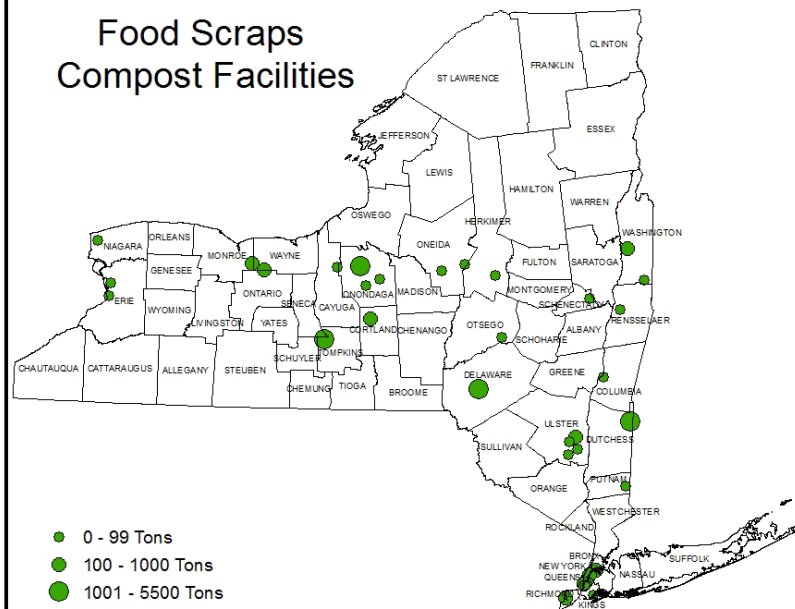
Organics Generated and Percent Recycled in NYS



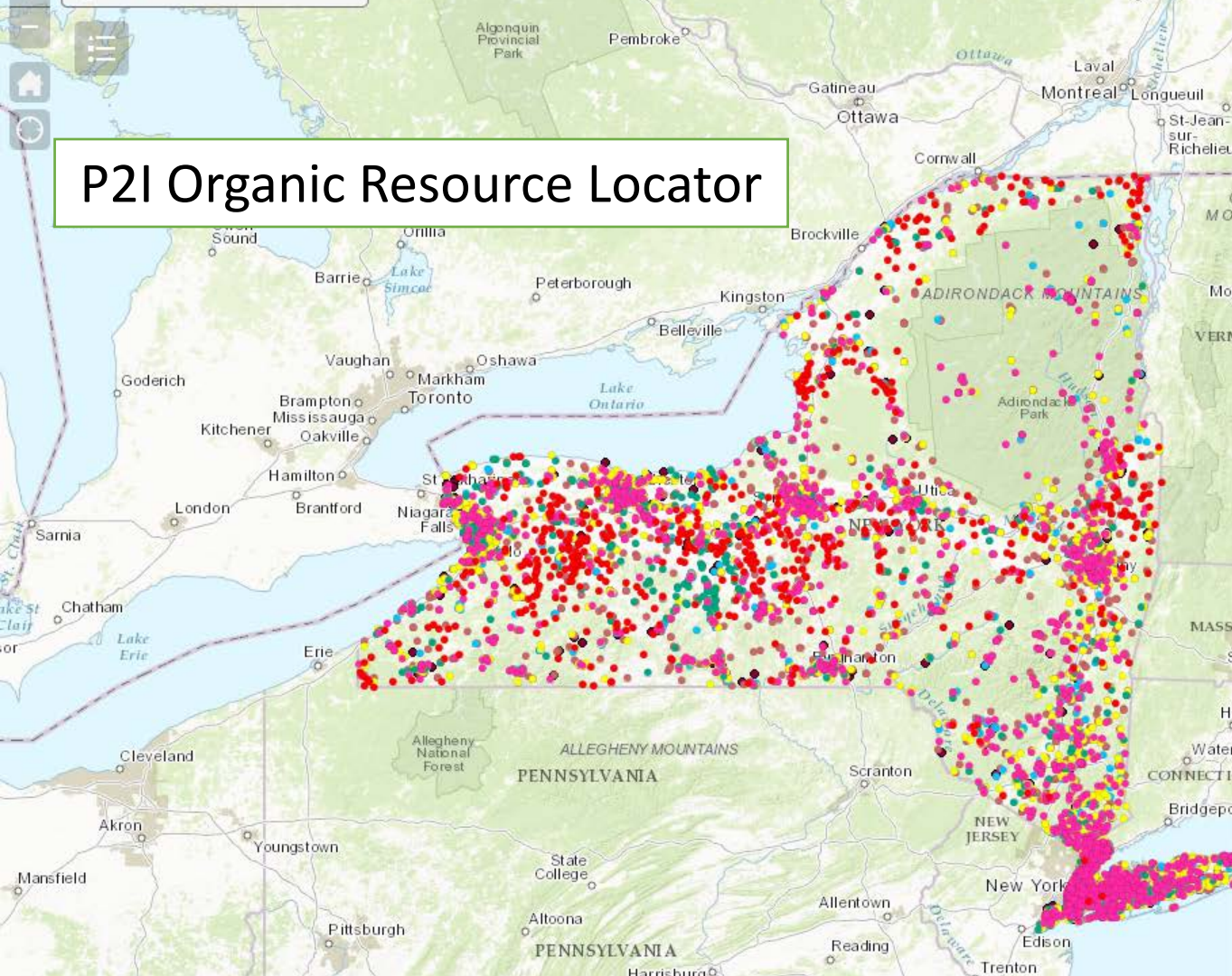
Compost Facilities



Food Scraps Compost Facilities



P2I Organic Resource Locator



1. Choose Layer:

☒ CAFO

- ☒ cattle
- ☒ dairy
- ☒ heifers
- ☒ horses
- ☒ other
- ☒ poultry
- ☒ sheep
- ☒ swine

☒ Event Venues & Resorts

- ☒ banquets
- ☒ casinos
- ☒ caterers
- ☒ convention & meeting facilities
- ☒ golf courses
- ☒ halls & auditoriums
- ☒ horse racing
- ☒ hotels & motels
- ☒ music shows
- ☒ party planning service
- ☒ resorts
- ☒ skiing centers & resorts

☒ Food Processors

- ☒ bakery / grains
- ☒ beverages
- ☒ brewery
- ☒ coffee / tea
- ☒ dairy
- ☒ distillery
- ☒ fruit / vegetables
- ☒ meat / seafood
- ☒ miscellaneous
- ☒ sauces / dressings
- ☒ winery

☒ Restaurants

☒ Institutions

- ☒ colleges & universities
- ☒ correctional facilities
- ☒ hospitals
- ☒ military bases
- ☒ nursing homes

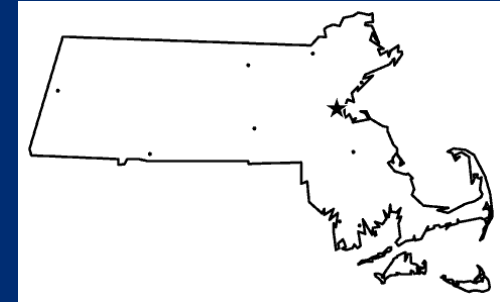
☒ Retail

- ☒ big box

Food Scraps Legislation – Sister States



CT:
Mandates generators >1 ton/wk with a facility located within 20 mi.



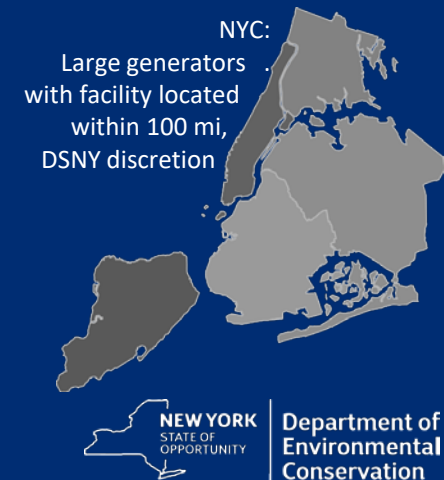
MA:
Mandates generators >52 tons/yr to divert
(note: can donate below limit to avoid enforcement)



VT:
Began >104 tons/yr in 2014, now aggressively lowering until all generators required to divert by 2020.



CA:
\$47.5M dedicated to organics infrastructure and healthy soils
Current entities generating >8 cy/week, aggressively lowering to >2 cy/wk in 2020.



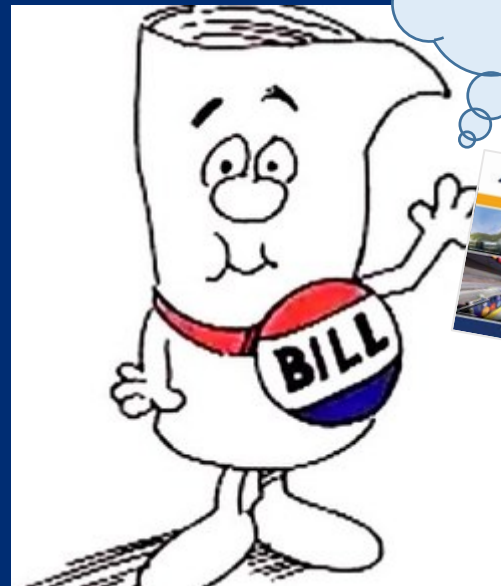
Proposed Organics Diversion Legislation

2018-2019 NYS Executive Budget –

Removed

Beginning January 1, 2021:

- “Designated food scraps generators” (≥2 tons/week) must donate
- If a viable facility exists within **40** miles, the generator must recycle food scraps
- Disposal of separated food scraps is prohibited



Where do we go from here?

Continue outreach & education

Follow through with funding for donation and recycling

Implement new Part 360 regs, which encourage more food scraps composting

Be ready for future legislation proposals!



Empire State Development Funding

\$4 million - Large Food Scraps
Generators

\$2 million - Food Bank Association
of New York State



DEC and P2I

Municipal Grants (Fast-track regs AND Budget bill carve-outs (up to \$2M))

CNY Food Bank mobile cold trailers (\$75k)

Food Bank Association for staff and education (\$800k)

Climate Smart Communities (\$3.7M in 2016)

Cornell (\$200k)

Pollution Prevention Institute – community grants, business assistance

New opportunity in 2018 – food pantry and soup kitchen funding





Farm to Food Bank Tax Credit

- Farm businesses now eligible to receive up to a \$5,000 tax credit annually for 25% of their donation measured at fair market value.
- Eligible recipients of food: A 501 (c)(3) nonprofit – food bank, food pantry, soup kitchen or other hunger relief emergency food site.
- Effective January 1st, 2018





Product Stewardship



Product Stewardship in New York State

- What is Product Stewardship?
- Current NYS Product Stewardship Laws:
 - Electronic Equipment Recycling and Reuse Act (2010) & Proposed Regulations
 - Rechargeable Battery Recycling Law (2010)
 - Mercury Thermostat Collection Act (2013)
- Proposed Legislation
- Product Stewardship Resources



What is Product Stewardship?

- All those involved in the lifecycle of a product, share responsibility for reducing the health and environmental impacts that result from the production, use and end-of-life management of the product.
- Manufacturers bear primary financial responsibility.
- Typical critical elements of product stewardship programs:
 - Performance Measures Convenience Environmental standards Education
Reporting Definitions Stakeholders Responsibilities

NYS Electronic Equipment Recycling & Reuse Act

- Signed into law May 28, 2010
- Broad range of covered electronic equipment
- Wide range of covered consumers
- Comprehensive convenience standards, performance goals & environmental standards
- Goals of waste stream diversion, resource conservation, shift to shared responsibility, increased e-waste recycling & reuse

Covered Electronic Equipment

- Computers
(including laptops, desktops, tablets and e-readers)
- Computer peripherals
 - monitors
 - electronic keyboards
 - mice
 - facsimile machines
 - document scanners
 - printers
- Televisions
- Small electronic equipment
 - VCRs
 - digital video recorders
 - portable digital music players
 - DVD players
 - digital converter boxes
 - cable or satellite receivers
(including digital media receivers)
 - electronic or video game consoles
- Small scale servers

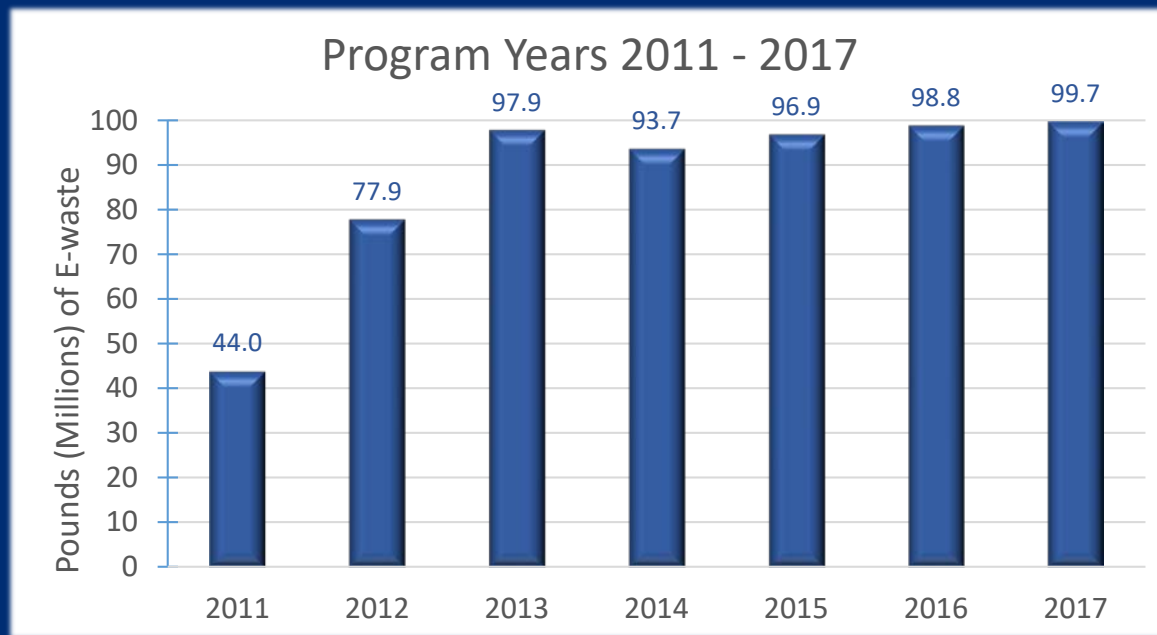
Stakeholders

- Manufacturers
- Collective organizations
- Recycling facilities
- Consolidation facilities
- Collection sites
- Retailers
- Waste haulers/transporters
- Waste management facilities
- Consumers



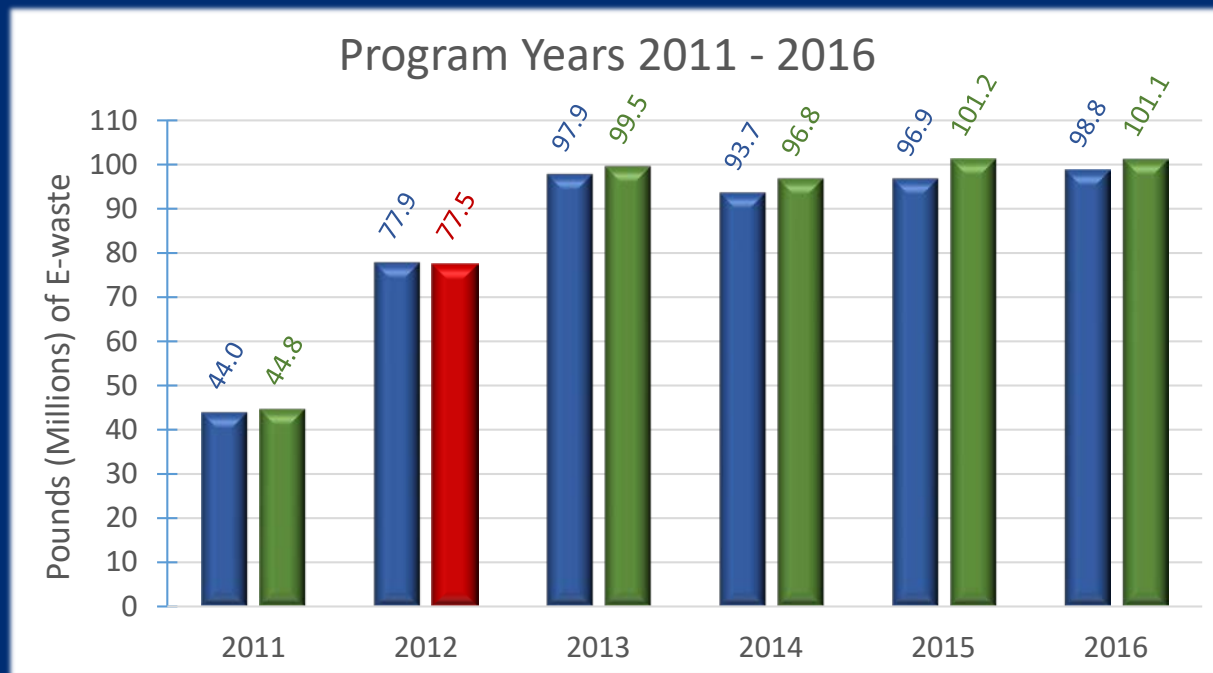
E-waste Recycling Program

Statewide Recycling or Reuse Goals



E-waste Recycling Program Performance

Statewide Goal vs. Manufacturer-Reported Collection



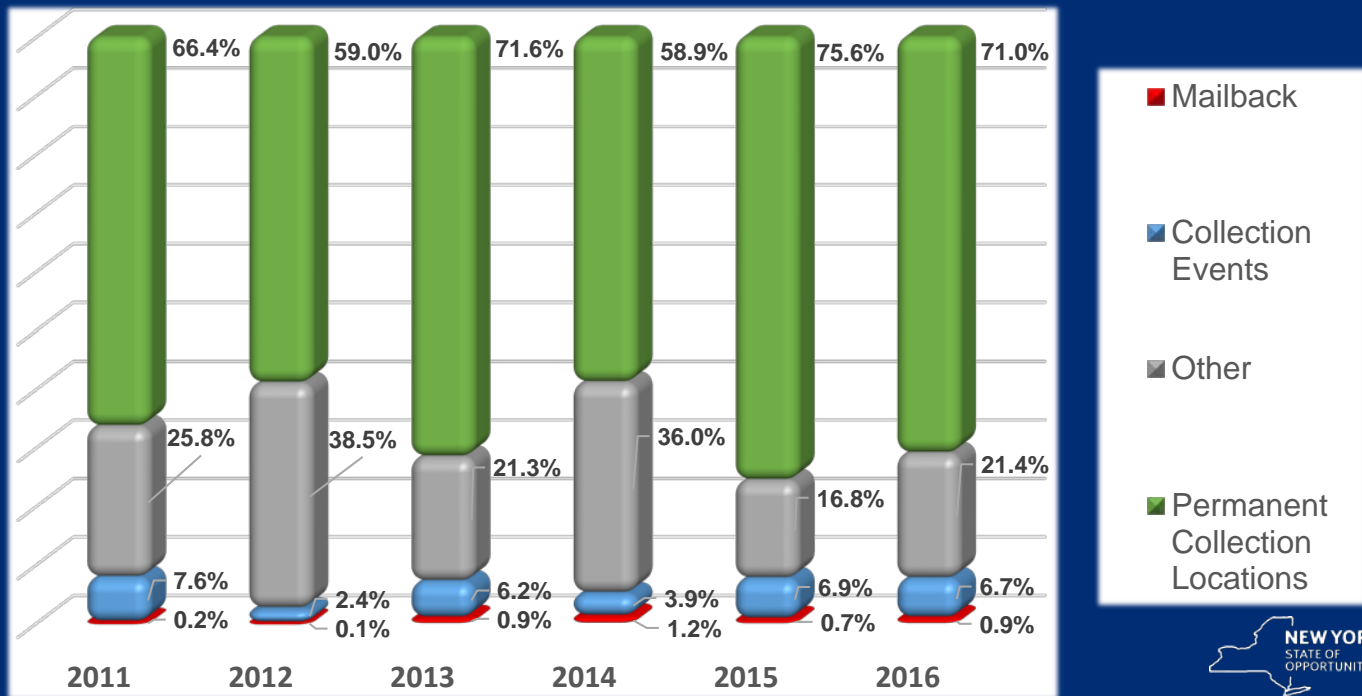
520+ million lbs. accepted for recycling/reuse in the first 6 years!



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E-waste Recycling Program Performance

Percentage Results by Acceptance Method (2011-2016)



Proposed 6 NYCRR Part 368 Rulemaking - Product Stewardship and Product Labeling

- Subpart 368-1 Recycling Labeling
- Subpart 368-2 Mercury-Added Consumer Products Labeling
- Subpart 368-3 Electronic Waste Collection, Recycling and Reuse



Proposed 6 NYCRR Part 368 Rulemaking Schedule

- **Spring 2018**
 - File proposed rulemaking package w/ Department of State
 - Notice in State Register & Environmental Notice Bulletin (ENB)
 - 60 day comment period with public hearing(s)
- **Summer 2018**
 - Assess public comments, revise express terms, and prepare final rulemaking package
 - Submit for executive review & certificate of adoption
 - Publish final Environmental Impact Statement in ENB
 - File Notice of Adoption with Department of State
 - Regulations become effective



Rechargeable Battery Recycling Law

- Signed into law December 10, 2010.
- Covers Ni-Cd, Pb, Li+, Ni-MH, and other rechargeable dry cells, as well as battery packs of these sold to consumers for personal use. Certain exclusions apply (auto, boat, truck, wheelchairs, etc.).
- Stakeholders include manufacturers, retailers, and consumers.



Rechargeable Battery Recycling Law

- Disposal ban also in effect.
- Retailers selling rechargeable batteries required to accept used rechargeable batteries from consumers:
 - Up to 10 per day regardless of where purchased, or
 - As many as a consumer purchases from the retailer



Rechargeable Battery Recycling Law

Call2Recycle Collection Data

New York State Collection (lbs.)	2010	2011	2012	2013	2014	2015	2016
Nickel Cadmium (Ni-Cd)	104,826	98,752	89,661	106,120	97,435	104,922	90,459
Lithium Ion (Li-Ion)	39,896	39,189	48,794	55,967	65,752	72,077	60,955
Nickel Metal Hydride (Ni-MH)	32,766	37,107	29,330	31,261	26,286	24,223	21,780
Small Sealed Lead Acid (SSLA/Pb)	54,163	99,128	74,276	88,166	71,758	58,578	80,950
Totals	231,651	274,176	242,061	281,514	261,231	259,800	254,144



Mercury Thermostat Collection Act

- Effective December 18, 2013
- Requires convenient options for homeowners
- Disposal ban already in effect since 2005 (under MACP)
- Set a first year (2015) collection goal of 15,500 thermostats
- Years 2016-2023 established by Department
- Sunsets January 1, 2024
- Possible financial incentive “bounty”
- Stakeholders include manufacturers, wholesalers, retailers, qualified contractors and qualified local government authorities



Mercury Thermostat Collection Act

TRC Collection Data

Year	# Collected	Collection Goal
2013	2,473	-
2014	4,786	-
2015	6,466	15,500
2016	7,270	Not Set
Total	20,995	



Other National Product Stewardship Initiatives

- Appliance refrigerants
- Automobile switches
- Batteries (rechargeable and single use)
- Carpet
- Cell phones
- Electronics
- Framework legislation
- Ionization smoke detectors
- Mattresses
- Mercury lamps
- Mercury Thermostats
- Paint
- Pesticide containers
- Pharmaceuticals
- Phone books
- Photovoltaic panels
- Rechargeable batteries
- Sharps
- Solar panels
- Tires



Currently-Proposed PS Legislation In NYS

- Primary batteries: [A 6280](#), [S 1448](#)
- Carpet: [A08569](#) [S 7147](#)
- Consumer goods: [A 7273](#)
- E-waste amendment: [S 2116A](#)
- Paint: [A 1038](#), [S 881](#), [A 2242](#)
- Pharmaceuticals: [A 9576](#), [S 7354](#), [S 6557](#)
- Solar panels: [A 7757](#), [S 2837](#)

Additional NYS Product Stewardship Resources

- Electronic Equipment Recycling and Reuse Act
<http://www.dec.ny.gov/chemical/65583.html>
- Rechargeable Battery Recycling Law
<http://www.dec.ny.gov/chemical/72065.html>
- Mercury Thermostat Collection Act
<http://www.dec.ny.gov/chemical/92655.html>
- NYS Product Stewardship Council
<https://nypsc.org/>





Pharmaceuticals



Pharmaceuticals

Background

- Improper management and disposal of unwanted or expired pharmaceuticals can lead to accidental poisoning and cause adverse environmental impacts.
- Pharmaceuticals in NY's waters negatively affects fish & other aquatic life.
- Prescription drug abuse has risen dramatically over the last few decades.
- Pharmaceutical take back through product stewardship can provide an effective solution

DEC Activities

- Pharmaceuticals as Emerging Contaminants: A Rationale for Reduction in New York State's Waters
- Commissioner Policy #66
- Pilot Pharmaceutical Take Back Program



IMPORTANT MESSAGE
Help Protect New York's Waters

DON'T FLUSH Unwanted Household Medications or Pour Them Down the Drain

Return to collection sites.
or
Mail back using a pre-addressed envelope from your pharmacist.
or
Toss in the garbage after mixing with something undesirable such as coffee grounds or dirt.



For full instructions or a map of collection sites, visit:
www.dontflushyourdrugs.net

Existing Pharmaceutical Stewardship Laws

- California – 9 Counties, 4 Cities
- Illinois – Cook County
- Massachusetts
- New York – Rockland County
- Vermont
- Washington – 7 Counties and the State



Legislation in New York

- Senate Bill 6750
 - Vetoed by Governor Cuomo
- Senate Bill 7354/ Assembly Bill 9576
 - Currently in session



Pharmaceutical Take Back Report

- Identify aspects of Pharmaceutical EPR laws
- Conduct stakeholder meetings
 - Environmental groups
 - Local & state governments
 - Retail & Industry
- Develop a report



Plastic Bags



Plastic Bags

- NYC adopts local plastic bag law
- March 2017 Governor Cuomo created the NYS Plastic Bag TF
- TF met 6 times in 2017 to discuss the issues & develop a report
- Included a roundtable discussion with various stakeholders
- TF develop a comprehensive report with alternatives
- No Specific Recommendation

Plastic Bags

- **Task Force**

- Basil Seggos, Commissioner, NYSDEC
- Senator Thomas O'Mara, NYS Senate
- Assemblyman Steve Englebright, NYS Assembly
- Stephen Acquario, Executive Director, NYS Association of Counties
- Marcia Bystryn, New York League of Conservation Voters
- Michael Rosen, Food Industry Alliance



Why was the Task Force created?

The Facts



12 million barrels of oil



100 billion plastic bags



12 minutes of use

Photo: CNS News



Photo: National Geographic



500+ years of persistence

Photo: Huffington Post



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Why was the Task Force created?

The Issues



Photo: Bangor Daily News

Several RHRFs in NYS were surveyed by DEC regarding extra operational costs as a result of single-use plastic bag contamination. These RHRF's reported a range of costs between \$300,000 to \$1 million.



Photo: The Davis Vanguard



Photo: Karen Laslo

Why was the Task Force created?

Photo: EPA

The Issues

Scientists discover a dead sperm whale and conduct an autopsy to find the cause of death



facebook.com/OccupyEducated

Inside the whale's unusually bloated stomach, they find 100 plastic bags



© Pelagos Cetacean Research Institute



Plastic bags are the most commonly ingested type of debris amongst sea turtles.

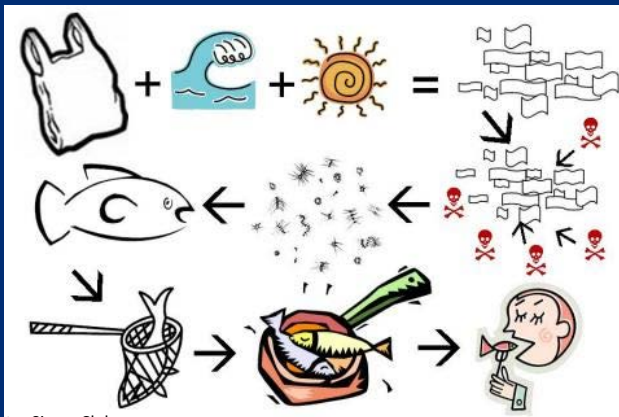
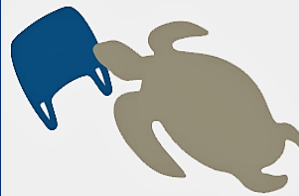


Photo: Sierra Club

Photo: Surfrider Foundation



Department of Environmental Conservation



Current Policy in New York State

New York State's Plastic Bag Reduction, Reuse and Recycling Act of 2009 (Act)

- Requires stores with 10,000 square feet or more of retail space & chains which operate five or more stores with greater than 5,000 square feet of retail space, and which provide plastic carryout bags to customers, must provide an in-store plastic bag & film plastics recycling program.
- In effect since January 1, 2009
- On March 1, 2015, it was expanded to include the collection and recycling of certain film plastics (i.e., uncontaminated non-rigid film plastic packaging products composed of plastic resins, which include, but are not limited to, newspaper bags, dry cleaning bags and shrink-wrap).
- Stores must keep records but are not required to submit any documentation or reports to DEC unless requested.
- Compliance is currently tracked through consumer complaints.



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Actions Taken

Municipal Level - In NYS, 13 municipalities have enacted a local plastic bag ordinances.

Municipal Phone Survey – Key Findings

- Areas with bans have seen **increase in paper bag** use
- Ban has been most frequently used because
 - 1) It's seen as easiest to implement and
 - 2) Some areas just wanted SUPBs eliminated
- General support of consumers, retailers mixed
- Main concern of retailers is to use up bag inventory
 - may need 4-6 months to clear them out
- **Need educational campaigns before, during and after ordinance is enacted**

Bans

Town of East Hampton
 Village of East Hampton
 Hastings on Hudson
 Larchmont
 Mamaroneck
 New Castle
 New Paltz Village
 Patchogue Village
 Rye
 Southampton Town
 Southampton Village

Fees

Long Beach, NY
 Suffolk County - NY



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Options

Continue existing policy (no changes)

Strengthen & enforce existing Plastic Bag Reduction, Reuse and Recycling Act (increase in education, enforcement and reporting requirements)

Make manufacturers responsible for recycling of Single-Use Plastic Bags (SUPBs)

SUPB ban

SUPB fee

SUPB fee per transaction

Fee on SUPBs and paper bags

Hybrid – SUPB ban + fee on allowable alternatives



Baseline Considerations Regardless of Approach Taken

- **Educational campaign**
- **Litter and base use assessment**
 - Require pre- and post-statutory study to assess litter composition and bag use performance.
- **Plastic bag recycling**
 - Continue retail establishments collection requirements of the current law
 - This will continue collection of non-covered plastic bags and film plastic
- **Disposition of fees**
 - Determine where fees to be directed
 - State's Environmental Protection Fund (EPF), Retailers, Some Combination
- **Exemptions** If fees are assessed,
 - New York State Supplemental Nutritional Assistance Program (SNAP),
 - New York State Special Supplemental Nutrition Program for Women, Infants and Children (WIC),
 - or any successor programs, as full or partial payment toward the items purchased should be exempt.
- **Phase-in period**
 - Estimate at least eight months to educate consumers, establish any required administrative systems, and if a ban is implemented, to enable retailers to phase out their existing stock of plastic bags.

Further Action Underway

- Developing complaint response protocols
- Working directly w/ problematic retailers
- Working closely w/ NYSAR3 SUP Committee & National WRAP program
- Boosting public education
- Implement a plastic bag rollout plan when a decision is made on moving forward
- Would love partners 😊



Other Regulations & Proposed Legislation

- **Returnable Container Act**
 - Regs & Legislation
- **Various Products**
 - Children's (phthalates, toxic chemicals, bisphenol A, organohalogen flame retardants)
 - Food service ware
 - Plastic straws
- **Mercury Products**
 - Lamps, switches
- **Excess Food**
- **GAME**



Thank You

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E-waste Recycling Program Performance -

Recycling Surcharges Issued (2012 - 2016)

Program Year	2012	2013	2014	2015	2016
Manufacturers	10	9	10	10	5
Pounds Under-collected	90,512	466,461	523,512	139,605	468,238
Surcharges Issued	\$41,922.30	\$176,536.50	\$242,848.70	\$67,747.90	\$191,052.20

Recycling Credits (2015 – 2017)

Program Year	2015	2016	2017
Credits Available	5,073,482	9,457,920	12,572,899
Manufacturers with Credits	24	28	31

