

State Budget Victories: Bigger Better Bottle Bill Passed!

The New York State 2009-10 budget is finalized. It was a tough battle, but we have won some important victories. Thank you to everyone, and also to those that responded to action alerts and participated in the March 6th Lobby Day and e-letter writing campaign. Those 2,400 letters really made a difference!

EPF

The Environmental Protection Fund was funded at \$222 million, which is \$17 million more than what the Governor proposed. The majority of the Real Estate Transfer Tax was preserved as the main funding source, at \$199, and the balance is made up of new fees, such as a new wetland permit fee. Additionally, the proposed \$45 million sweep of cash from the EPF was rejected.

BOTTLE BILL

The Bottle Bill expansion is included in the budget, and although it does not include everything we hoped, it is a solid win for the environment. It expands the nickel deposit to water bottles, including any flavored water or nutritionally enhanced water, except if it contains sugar. This inclusion makes up 70% of non-carbonated beverage containers. Additionally, the expansion directs 80% of the unclaimed nickels to the state's general fund, with the remaining

20% going to bottling companies

The Bottle Bill budget provision increases the per-container handling fee to 3.5 cents per container, and extends the NYC provisions to retailers statewide. Stores may take back 72 bottles and cans per person per day (instead of the required 240) if:

- (1) there is a redemption center within a certain distance;
- (2) they are under 10,000 square feet in size;
- (3) they maintain a 2-hour window per day for taking back the full amount.

Also requires large stores (over 40,000 square feet) to maintain return vending machines and/or a dedicated return area for bottles and cans. The budget also provides state assistance through the Environmental Protection Fund to private, not-for profit, and municipal entities for establishing redemption centers. The expansion and most of the other changes in the bill go into effect June 1st, 2009; the state will collect unclaimed deposits starting April 15th, 2009.

Additional highlights of our budget victories

No property tax cap on state land. NYS will continue to pay full property taxes on all land owned for preservation, allowing local governments to receive much needed revenue and the State to continue to acquire and protect open space and ecologically significant land across the State.

The State-operated pheasant farm in Ithaca will remain open through an increase in hunting and fishing license fees. Those fees will generate an estimated \$16 million and will be dedicated to the Conservation Fund to support fishing, hunting and trapping

programs throughout the State, as well as wildlife protection and population reduction programs.

Establishes new state marine fishing fees, estimated to bring in \$2.6 million.

In addition, the budget updates the state's Title V air pollution permit program by raising the cap and changing the flat \$45 per ton fee to pollute to a sliding scale, bringing an additional \$2.5 million to that program.

The proposed elimination of Greenway funding was rejected. The Greenway funding is restored at 80 percent of last year's funding levels.

\$2.7mi remains intact for Brownfield Opportunity Area Grants.

There is a new wetlands application fee that was strongly advocated by Sierrans. Expected annual revenue: \$1.3m, to be deposited into the EPF.

Pesticide registration fees have doubled, and will go into the EPF.

Mined land reclamation fees for mines over 20 acres have also been doubled, estimated at \$1.7 mi annually to go into the SRO account at DEC, then to general fund.

New reporting requirements and fees associated with large water withdrawals.

The budget also updates water pollution discharge fees to support the Department of Environmental Conservation. (State Pollution Discharge Elimination System Program – SPDES fees).

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