## 5587

2013-2014 Regular Sessions

IN SENATE

May 23, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to end of life vehicle processing facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The title heading of title 23 of article 27 of the environ-2 mental conservation law, as added by chapter 180 of the laws of 2006, is 3 amended to read as follows:

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[VEHICLE DISMANTLING] END OF LIFE VEHICLE PROCESSING FACILITIES

S 2. Section 27-2301 of the environmental conservation law, as added by chapter 180 of the laws of 2006, is amended to read as follows: S 27-2301. Definitions.

As used in this title:

10 1. "Container" shall mean any portable OR STATIONARY device, INCLUDING 11 TANKS in which a material is stored, transported, treated, disposed of 12 or otherwise handled.

13 2. "Contingency plan" means a document describing organized, planned 14 and technically coordinated and financially feasible courses of action 15 to be followed in case of emergency or other special conditions.

16 3. "DECOMMISSION" SHALL MEAN THE REMOVAL OF POTENTIAL ENVIRONMENTAL 17 CONTAMINANTS FROM AN END-OF-LIFE VEHICLE INCLUDING BUT NOT LIMITED TO 18 FLUIDS, BATTERIES, REFRIGERANTS AND MERCURY SWITCHES.

4. "Discharge" shall mean the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of any solid waste, or solid waste constituent, including leachate, into or on any air, land or water.

23 [4.] 5. "End of life vehicle" shall mean any motor vehicle sold, 24 given, or otherwise disposed of as junk or salvage.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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[5.] 6. "Good condition" shall mean no severe rusting, apparent structural defects or deteriorations and not leaking.

3 [6.] 7. "Groundwater" shall mean water below the land surface in a 4 saturated zone of soil or rock. This includes perched water separated 5 from the main body of groundwater by an unsaturated zone.

6 [7.] 8. "Leak-resistant" or "leak-proof" shall mean designed and main-7 tained to prevent the escape of contained liquids or other materials 8 when appropriately closed regardless of container orientation (i.e., 9 upright, tipped over).

10 [8.] 9. "Mercury containing devices" shall mean any device or material 11 into which elemental mercury or mercury compounds are intentionally 12 added during the manufacture of such devices and which the continued 13 presence of mercury is required to provide a specific characteristic, 14 appearance or quality or to perform a specific function. Such items 15 include but are not limited to convenience lighting switches, antilock 16 brake assemblies, and high intensity discharge head lamps.

17 [9.] 10. "Surface water" shall mean lakes, bays, sounds, ponds, 18 impounding reservoirs, perennial streams and springs, rivers, creeks, 19 estuaries, marshes, inlets, canals, the Atlantic ocean within the terri-20 torial limits of New York state, and all other perennial bodies of 21 surface water, natural or artificial, inland or coastal, fresh or salt, 22 public or private, pursuant to article 15 of this chapter.

23 [10.] 11. "Vector" shall mean a carrier that is capable of transmit-24 ting a pathogen from one organism to another including, but not limited 25 to, flies and other insects, rodents, birds and vermin.

26 [11.] 12. "[Vehicle dismantler] END OF LIFE VEHICLE PROCESSING FACILI-TY" shall mean any person or entity, INCLUDING VEHICLE DISMANTLERS OR 27 SCRAP PROCESSORS engaged in the business of acquiring PER YEAR MORE THAN 28 29 TWENTY-FIVE motor vehicles or trailers for the purpose of DECOMMISSION-ING AND dismantling the same for parts or reselling such vehicles as 30 shall not include a person that receives no more than twen-31 scrap, but 32 ty-five end of life vehicles per year and stores less than fifty end of 33 life vehicles on site at any one time.

34 S 3. Section 27-2303 of the environmental conservation law, as added 35 by chapter 180 of the laws of 2006, is amended to read as follows: 36 S 27-2303. Regulation of [vehicle dismantling] END OF LIFE VEHICLE PROC-

36 S 27-2303. Regulation of [vehicle dismantling] END OF LIFE VEHICLE PROC-37 ESSING facilities.

All [vehicle dismantlers] END OF LIFE VEHICLE PROCESSING FACILITIES owning or controlling a facility for the dismantling of end of life vehicles on site shall be subject to the requirements of this title.

41 1. An annual report shall be submitted to the department, to be 42 included on the department's website, including, but not be limited to, 43 the following:

44 (a) the number of end of life vehicles received AND PROCESSED at the 45 facility;

46 (b) [the number of end of life vehicles crushed and removed from the 47 facility;

48 (c)] the number of end of life vehicles stored at the facility at the 49 end of the reporting year;

50 [(d)] (C) the approximate area at the facility used for storage of end 51 of life vehicles;

[(e)] (D) the quantities of waste vehicle fluids extracted from end of bife vehicles received and their disposition, including the quantity bits sold, used on-site, stored on-site, and disposed; and

55 [(f)] (E) the number and if applicable nature of any violation of all 56 applicable rules and regulations of the state.

All fluid draining, removal, and collection activities shall be 1 2. conducted on SEALED asphalt or concrete surface or other surface that 2 3 allows equivalent protections to surface and groundwater. Such surfaces 4 shall be cleaned daily, or more frequently when spillage has occurred, using absorbent materials that are collected and properly disposed of. 3. All fluids shall be completely drained, removed, collected, and 5 6 7 stored for appropriate use, treatment or disposal, UTILIZING BEST 8 MANAGEMENT PRACTICES. End of life vehicles arriving at the facility shall be inspected 9 4. 10 upon arrival for leaking fluids and unauthorized waste. Leaks should be remedied or contained to avoid releases of fluids to the environment. 11 Prior to vehicle crushing or shredding, the following potential 12 5. environmental contaminants shall be drained, 13 removed, deployed, collected and/or stored, as appropriate and in accordance with best 14 15 management practices: 16 (a) fluids including engine oil, transmission fluid, transaxle fluid, 17 front and rear axle fluid, brake fluid, power steering fluid, coolant, 18 WASHER FLUID and fuel; (b) lead acid batteries; 19 20 (c) small PCB capacitors, mercury switches or other mercury containing 21 devices; 22 (d) refrigerants used in automobile air conditioning systems; and (e) air bags [are deployed or removed] CONTAINING SODIUM AZIDE. 6. Fluids shall be contained in an appropriate container for 23 24 the 25 specific waste vehicle fluid. Fluids that are stored shall be placed in 26 closed containers. The containers shall be in good condition. The containers shall be clearly and legibly marked as to contents. Contain-27 28 shall be stored on a bermed asphalt or concrete surface or surface ers 29 that allows equivalent protection to groundwater. 7. Lead acid batteries shall not be stored on the ground. All 30 lead acid batteries shall be covered by a tarp or other means in a manner 31 32 that severely restricts water from coming into contact with the lead 33 acid battery. Leaking batteries shall be stored in a leakproof container 34 separately from intact lead acid batteries and provisions shall be in 35 place to absorb any leakage. 8. Small PCB capacitors, mercury switches and other mercury containing 36 37 devices shall be stored in an appropriate labeled container for recycl-38 ing or disposal. 39 9. No more than one thousand waste tires off vehicles shall be stored 40 at the facility at any one time unless a permit is obtained pursuant to 41 this title. 10. Fluids shall not be intentionally released on the ground or to 42 43 surface water. 11. [Ensure the safe storage of automobiles at such facilities, 44 including the regulation of stacking automobiles.] END-OF-LIFE VEHICLES 45 SHALL BE STORED AND STACKED SAFELY UTILIZING BEST MANAGEMENT PRACTICES. 46 47 12. Access to and use of facility shall be continuously controlled by 48 fencing, gates, signs, or natural barriers. 49 13. Vegetation shall be controlled to prevent encroachment into fire 50 access lanes or driveways at the facility and to decrease the potential 51 of fire. 14. [Ensure the safe handling, processing and storage of any residues, 52 including, but not limited to, product left over after an automobile is 53 54 crushed and parts have been extracted, in such a manner as to prevent off-site migration or run-off.] RESIDUES SHALL BE SAFELY HANDLED, PROC-55 ESSED AND STORED UTILIZING BEST MANAGEMENT PRACTICES. 56

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1 15. Dust shall be effectively controlled so to not constitute a 2 nuisance or hazard to health, safety, or property.

3 16. The facility shall be maintained so as to prevent or control 4 on-site populations of vectors using techniques appropriate for 5 protection of human health and the environment and prevent the facility 6 from being a vector breeding area.

7 17. The facility shall have a contingency plan which includes a 8 description of the actions to be taken by facility employees in the 9 event of a fire, a spill or release of vehicle waste fluids, or unau-10 thorized material is received at the facility.

11 18. Upon the receipt of an end of life vehicle, the date that it is 12 received shall be recorded and maintained on-site.

13 S 4. Paragraph (g) of subdivision 1 of section 3-0317 of the environ-14 mental conservation law, as added by chapter 77 of the laws of 2010, is 15 amended to read as follows:

16 (g) regulated as a [vehicle dismantler] END-OF-LIFE VEHICLE PROCESSING 17 FACILITY pursuant to title 23 of article 27 of this chapter;

18 S 5. This act shall take effect immediately; provided, however, that 19 the amendments to section 3-0317 of the environmental conservation law 20 made by section four of this act shall not affect the repeal of such 21 section and shall expire and be deemed repealed therewith.