S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 23, 2010

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to reimbursement to municipal corporations for costs associated with the release or threatened release of any putrescible or non-putrescible waste by any person engaged in the transportation of such waste by rail

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

Section 1. The environmental conservation law is amended by adding a new section 27-0709 to read as follows:

S 27-0709. REIMBURSEMENT FOR CLEANUP RESPONSE.

1. ANY MUNICIPAL CORPORATION SHALL BE ENTITLED TO REIMBURSEMENT FOR COSTS ASSOCIATED WITH THE RESPONSE TO ANY INCIDENT INVOLVING THE RELEASE OR THREATENED RELEASE OF ANY PUTRESCIBLE WASTE OR NON-PUTRESCIBLE WASTE BY ANY PERSON ENGAGED IN THE TRANSPORTATION OF SUCH WASTE BY RAIL.

2. "COSTS" AS USED IN THIS SECTION, INCLUDE, BUT ARE NOT LIMITED TO ANY COSTS:

(A) INCURRED DURING THE CLEANUP OF ANY UNLAWFUL DISPOSAL OF PUTRESCIBLE OR NON-PUTRESCIBLE WASTE;

(B) EXPENDED FOR EMERGENCY RESPONSE OR INCURRED BY EMERGENCY RESPONDERS; AND

(C) THE COMMISSIONER DEEMS APPROPRIATE.

S 2. This act shall take effect immediately.

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

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