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

5184

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. TITONE, TOBACCO -- Multi-Sponsored by -- M. of A. HYER-SPENCER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting transloading of certain waste at facilities in Richmond county

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 27-0309 to read as follows:

S 27-0309. PROHIBITIONS ON SOLID WASTE, TOXIC WASTES AND HAZARDOUS WASTES; RICHMOND COUNTY.

1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS PROVIDED IN SUBDIVISIONS TWO AND THREE OF THIS SECTION, NEITHER THE CITY OF NEW YORK NOR ANYONE AFFILIATED WITH SUCH CITY, SHALL ENGAGE IN THE TRANSLOADING OF MUNICIPAL SOLID WASTES, TOXIC WASTES OR HAZARDOUS WASTES AT ANY FACILITY IN RICHMOND COUNTY, UNLESS SUCH WASTES ORIGINATE IN RICHMOND COUNTY.

2. THE CITY OF NEW YORK OR OTHER AUTHORIZED ENTITY MAY ENGAGE IN THE TRANSLOADING OF MUNICIPAL SOLID WASTES, TOXIC WASTES AND HAZARDOUS WASTES ONLY AFTER AN ENVIRONMENTAL IMPACT STUDY IS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THIS CHAPTER. A PUBLIC HEARING SHALL BE HELD NOT LATER THAN THIRTY DAYS FOLLOWING THE COMPLETION OF SUCH STUDY.

3. THIS SECTION SHALL NOT APPLY TO MUNICIPAL SOLID WASTES, TOXIC WASTES OR HAZARDOUS WASTES WHICH ARE RECEIVED AT A FACILITY IN RICHMOND COUNTY IN A CONTAINER WHICH IS SUBSEQUENTLY SHIPPED OUT OF RICHMOND COUNTY WITHOUT THE CONTAINER HAVING BEEN OPENED.

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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