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

2942--A

2009-2010 Regular Sessions

I N S E N A T E

March 6, 2009

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law, in relation to the New York state waste prevention program

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

Section 1. Paragraph h of subdivision 1 of section 261 of the economic development law, as amended by section 14 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

h. "Eligible project" shall mean actions taken by or on behalf of a New York business involving the acquisition, construction, alteration, repair or improvement of a building, fixtures, machinery or equipment, provided that such project results in:

(i) source reduction or material substitution, provided that the substitution of one hazardous substance, product or nonproduct output for another does not result in the creation of a new risk,

(ii) in-process recycling,

(iii) recycling or reuse of non-hazardous solid wastes,

(iv) increased energy efficiency,

(v) conservation of the use of water or other natural resources improvements in process economics,

(vi) elimination of the purchase of materials, the production of which for the use of said firm would result in more waste or resource consumption, or

(vii) other practices or technologies that reduce the use of hazardous materials or otherwise improve air or water quality.

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

LBD00751-02-0

The term "eligible project" shall also include actions taken by or on behalf of a business to support costs of equipment, and/or the acquisition and/or rehabilitation of real property or structures located or to be located in the state related to the collecting, sorting, and packaging of empty beverage containers as such terms are defined in title ten of article twenty-seven of the environmental conservation law. Such actions shall be eligible for state assistance payments under the beverage container assistance program pursuant to section 27-1018 of the environmental conservation law.

The term "eligible project" shall not include [end of pipe pollution control technologies or practices where such controls or practices are designed primarily to achieve compliance with the environmental conservation law or regulations promulgated pursuant thereto, or] energy recovery or incineration, or out-of-process recycling or reuse of hazardous waste or hazardous substances.

S 2. Paragraph e of subdivision 1 of section 264 of the economic development law, as amended by chapter 471 of the laws of 1998, is amended to read as follows:

e. "Eligible project" shall mean actions taken by or on behalf of a New York business involving the acquisition, construction, alteration, repair or improvement of a building, fixtures, machinery or equipment, provided that such project results in:

(i) source reduction or material substitution, provided that the substitution of one hazardous substance, product or nonproduct output for another does not result in the creation of a new risk,

(ii) in-process recycling,

(iii) recycling or reuse of non-hazardous solid wastes,

(iv) increased energy efficiency,

(v) conservation of the use of water or other natural resources improvements in process economics,

(vi) elimination of the purchase of materials, the production of which for the use of said firm would result in more waste or resource consumption, or

(vii) other practices or technologies that reduce the use of hazardous materials or otherwise improve air or water quality.

The term "eligible project" shall not include [end of pipe pollution control technologies or practices where such controls or practices are designed primarily to achieve compliance with the environmental conservation law or regulations promulgated pursuant thereto, or] energy recovery or incineration, or out-of-process recycling or reuse of hazardous waste or hazardous substances.

S 3. This act shall take effect immediately.