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

5991

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to creating an exemption from certain special assessments, fees and surcharges on hazardous waste generated by or at an elementary or secondary school

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

Section 1. Subdivision 3 of section 27-0923 of the environmental conservation law is amended by adding a new paragraph f to read as follows:

F. NO SPECIAL ASSESSMENT SHALL BE IMPOSED UNDER THIS SECTION ON HAZARDOUS WASTE GENERATED BY OR AT AN ELEMENTARY OR SECONDARY SCHOOL PROVIDED THE WASTE RESULTS FROM SERVICES WHICH ARE PROVIDED:

(I) UNDER A CONTRACT WITH THE DEPARTMENT, OR WITH THE DEPARTMENT'S APPROVAL AND IN COMPLIANCE WITH DEPARTMENT REGULATIONS, OR PURSUANT TO AN ORDER OF THE DEPARTMENT, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR A COURT, RELATED TO THE CLEANUP OR REMEDIATION OF A HAZARDOUS MATERIALS OR HAZARDOUS WASTE SPILL, DISCHARGE, OR SURFICIAL CLEANUP, PURSUANT TO THIS CHAPTER, OTHER THAN A REMOVAL ACTION PURSUANT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (42 U.S.C. 9601 ET SEQ.);

(II) UNDER A CONTRACT WITH THE DEPARTMENT FOR, OR WITH THE DEPARTMENT'S APPROVAL AND IN COMPLIANCE WITH DEPARTMENT REGULATIONS, RELATED TO THE CLEANUP AND REMOVAL OF A PETROLEUM SPILL OR DISCHARGE, PURSUANT TO SUBDIVISION SEVEN OF SECTION ONE HUNDRED SEVENTY-SIX OF THE NAVIGATION LAW;

(III) UNDER THE ORDER OF A COURT, THE DEPARTMENT OR THE DEPARTMENT OF HEALTH, OR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RELATED TO AN INACTIVE HAZARDOUS WASTE DISPOSAL SITE PURSUANT TO SECTION 27-1313 OF THIS ARTICLE, SECTION THIRTEEN HUNDRED EIGHTY-NINE-B OF THE PUBLIC

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

LBD03020-01-9

HEALTH LAW, OR THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (42 U.S.C. 9601 ET SEQ.);

(IV) VOLUNTARILY AND WITHOUT EXPECTATION OF MONETARY COMPENSATION IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION 27-1321 OF THIS ARTICLE; OR

(V) UNDER PERMIT OR ORDER REQUIRING CORRECTIVE ACTION PURSUANT TO THIS TITLE OR THE RESOURCE CONSERVATION AND RECOVERY ACT (42 U.S.C. 6901 ET SEQ.).

S 2. This act shall take effect immediately.