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

287

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the environmental conservation law, in relation to prohibiting the disposal or storage of toxic waste near residential property

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 27-0111 to read as follows:

S 27-0111. DISPOSAL OR STORAGE OF TOXIC WASTE NEAR RESIDENTIAL PROPERTY.

1. NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, NO PERSON SHALL DISPOSE OF OR STORE TOXIC WASTE, INCLUDING BUT NOT LIMITED TO, ASBESTOS-CONTAINING MATERIAL, AT A SITE THAT ABUTS OR ADJOINS RESIDENTIAL PROPERTY.

2. FOR PURPOSES OF THIS SECTION "ASBESTOS-CONTAINING MATERIALS" SHALL MEAN ANY MATERIAL COMPOSED OF ANY TYPE OF ASBESTOS IN QUANTITIES GREATER THAN ONE PERCENT BY WEIGHT, EITHER ALONE OR MIXED WITH OTHER FIBROUS OR NON-FIBROUS MATERIAL.

S 2. This act shall take effect on the ninetieth day after it shall have become a law. Provided, however, that the commissioner of environmental conservation is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.

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

LBD01190-01-9