

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

4445--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. PERRY, JAFFEE, COLTON -- Multi-Sponsored by -- M. of A. ROBINSON, SCARBOROUGH, SCHIMEL -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the establishment or conversion of medical waste treatment, storage, transfer or disposal facilities within one-half mile of any residential area, prohibiting the issuance of permits to such facilities, and providing for the annual review of permits issued to previously-existing medical waste treatment, storage, transfer or disposal facilities located within one mile of any residential area

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

1 Section 1. Section 27-1517 of the environmental conservation law is
2 amended by adding a new subdivision 4 to read as follows:
3 4. A. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY: (I) NO
4 FACILITY PROVIDING FOR THE STORAGE, TRANSPORTATION, TREATMENT OR
5 DISPOSAL OF REGULATED MEDICAL WASTE SHALL BE CONSTRUCTED WITHIN ANY AREA
6 WITHIN THE STATE WHERE LOCAL ZONING LAWS PROHIBIT THE OPERATION OF SUCH
7 FACILITY OR IN ANY AREA WHICH IS WITHIN ONE-HALF MILE OF A RESIDENTIAL
8 AREA LOCATED WITHIN THE STATE; AND
9 (II) NO EXISTING FACILITY LOCATED WITHIN THE STATE SHALL BE CONVERTED
10 TO A FACILITY PROVIDING FOR THE STORAGE, TRANSPORTATION, TREATMENT OR
11 DISPOSAL OF REGULATED MEDICAL WASTE UNLESS THE FACILITY IS LOCATED IN AN
12 AREA WHERE LOCAL ZONING LAWS PERMIT THE OPERATION OF SUCH FACILITY AND
13 SUCH AREA IS NOT WITHIN ONE-HALF MILE OF A RESIDENTIAL AREA LOCATED
14 WITHIN THE STATE.
15 B. NO PERMIT AUTHORIZING THE STORAGE, TRANSPORTATION, TREATMENT OR
16 DISPOSAL OF REGULATED MEDICAL WASTE SHALL BE ISSUED TO ANY FACILITY
17 DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION BY THE DEPARTMENT OR BY ANY

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

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1 REGIONAL, DISTRICT OR COUNTY OFFICES OF THE STATE DEPARTMENT OF HEALTH,
2 OR LOCAL HEALTH DEPARTMENT TO WHICH THE DEPARTMENT HAS DELEGATED RESPON-
3 SIBILITY TO ISSUE OR REVIEW PERMITS.

4 C. (I) ALL PERMITS FOR WHICH CONDITIONAL OR FINAL APPROVAL HAS BEEN
5 GRANTED OR WHICH HAVE BEEN ISSUED TO FACILITIES PROVIDING FOR THE STOR-
6 AGE, TRANSPORTATION, TREATMENT OR DISPOSAL OF REGULATED MEDICAL WASTE
7 AND LOCATED WITHIN AREAS OF THE STATE NOT ZONED FOR USE BY SUCH FACILITY
8 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SHALL BE SUBJECT TO ANNUAL
9 REVIEW BY THE DEPARTMENT OR BY ANY REGIONAL, DISTRICT OR COUNTY OFFICES
10 OF THE STATE DEPARTMENT OF HEALTH, OR LOCAL HEALTH DEPARTMENT TO WHICH
11 THE DEPARTMENT HAS DELEGATED RESPONSIBILITY TO ISSUE OR REVIEW PERMITS.
12 ANY PERMIT, RENEWAL PERMIT OR MODIFIED PERMIT ISSUED FOLLOWING SUCH
13 REVIEW SHALL BE VALID FOR A PERIOD NOT TO EXCEED ONE YEAR.

14 (II) THE COMMISSIONER MAY, CONSISTENT WITH ARTICLES TWENTY-THREE AND
15 TWENTY-THREE-A OF THE CORRECTION LAW, AND THE PROVISIONS OF SECTION
16 70-0115 OF THIS CHAPTER, DENY, SUSPEND, REVOKE OR MODIFY ANY PERMIT,
17 RENEWAL OR MODIFICATION THERETO FOR THE STORAGE, TRANSPORTATION, TREAT-
18 MENT OR DISPOSAL OF REGULATED MEDICAL WASTE, UPON A WRITTEN DETERMI-
19 NATION THAT SUCH ACTION IS REQUIRED TO PROTECT THE PUBLIC HEALTH AND
20 SAFETY AND THAT ANY OF THE PROVISIONS OF PARAGRAPH A, B, C OR D OF
21 SUBDIVISION ONE OF THIS SECTION APPLY.

22 D. ANY ACTION INVOLVING THE CONSTRUCTION OR EXPANSION OF A SOLID WASTE
23 TRANSFER STATION WITHIN A HALF MILE OF A RESIDENTIAL ZONED AREA SHALL BE
24 DEEMED TO HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT REQUIRING THE
25 PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO SECTION
26 8-0109 OF THIS CHAPTER. SUCH STATEMENT SHALL MEET THE REQUIREMENTS OF
27 THE MOST DETAILED ENVIRONMENTAL IMPACT STATEMENT REQUIRED BY SUCH
28 SECTION 8-0109 OR BY ANY SUCH RULE OR REGULATION PROMULGATED PURSUANT TO
29 SUCH SECTION AND SHALL INCLUDE THE HOLDING OF A PUBLIC HEARING OR HEAR-
30 INGS.

31 E. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO HOSPITALS AND
32 OTHER FACILITIES WHICH PROVIDE MEDICAL SERVICES AND GENERATE MEDICAL
33 WASTE FROM THEIR OPERATIONS AND WHICH PROVIDE ON-SITE STORAGE OF OR
34 PERFORM ON-SITE TREATMENT AND DISPOSAL OF REGULATED MEDICAL WASTE.

35 F. AS USED IN THIS SUBDIVISION, "RESIDENTIAL AREA" MEANS ANY AREA
36 ZONED FOR RESIDENTIAL USE, REGARDLESS OF WHETHER SUCH AREA IS ALSO ZONED
37 FOR OTHER USE.

38 G. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS
39 AS HE OR SHE DEEMS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS
40 SECTION.

41 S 2. This act shall take effect immediately.