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

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2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. MORELLE, SCHIMMINGER, CLARK, GREENE -- Multi-Sponsored by -- M. of A. GALEF, KOON, V. LOPEZ, WRIGHT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing a small quantity generator education and compliance program

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 27-0927 to read as follows:

S 27-0927. SMALL QUANTITY GENERATOR EDUCATION AND COMPLIANCE PROGRAM.

1. THE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH AND IMPLEMENT A SMALL QUANTITY GENERATOR EDUCATION AND COMPLIANCE PROGRAM. THE PURPOSE OF SUCH PROGRAM SHALL BE TO PROVIDE INFORMATION TO PERSONS WHO ARE LIKELY TO BE SMALL QUANTITY GENERATORS TO PROMOTE THEIR UNDERSTANDING OF AND COMPLIANCE WITH THE STATE'S HAZARDOUS WASTE REGULATIONS. FOR THE PURPOSES OF THIS SECTION, THE TERM "SMALL QUANTITY GENERATOR" SHALL MEAN ANY PERSON WHO GENERATES HAZARDOUS WASTE IN QUANTITIES LESS THAN ONE THOUSAND KILOGRAMS IN ANY CALENDAR MONTH PROVIDED, HOWEVER, SUCH TERM SHALL NOT INCLUDE AN OWNER, OPERATOR, OR LESSEE OF RESIDENTIAL PROPERTY FROM WHICH ALL OF SUCH PERSON'S MUNICIPAL SOLID WASTE WAS GENERATED WITH RESPECT TO SUCH RESIDENTIAL PROPERTY; AND "SOLID WASTE" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION 27-0701 OF THIS ARTICLE.

2. IN DEVELOPING AND IMPLEMENTING THE SMALL QUANTITY GENERATOR EDUCATION AND COMPLIANCE PROGRAM, THE DEPARTMENT SHALL, AT A MINIMUM, UNDERTAKE THE FOLLOWING ACTIVITIES:

A. DEVELOP A MASTER LIST OF POTENTIAL SMALL QUANTITY GENERATORS. THE PURPOSE OF SUCH LIST, WHICH IS TO BE DEVELOPED FROM INFORMATION READILY AVAILABLE TO THE DEPARTMENT, INCLUDING INFORMATION COLLECTED BY THE STATE DEPARTMENTS OF LABOR AND ECONOMIC DEVELOPMENT, IS TO IDENTIFY

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

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PERSONS WHO, BY VIRTUE OF THE TYPE OF BUSINESS ACTIVITY THEY UNDERTAKE, HAVE A HIGH PROBABILITY OF BEING SMALL QUANTITY GENERATORS.

B. DEVELOP A SMALL QUANTITY GENERATOR EDUCATIONAL MANUAL. SUCH MANUAL, WHICH IS TO BE MADE AVAILABLE FOR A CHARGE NOT TO EXCEED TWENTY-FIVE DOLLARS, SHALL, AT A MINIMUM, PROVIDE THE FOLLOWING INFORMATION:

(I) A SUMMARY OF THE STATE'S HAZARDOUS WASTE REGULATIONS AS THEY PERTAIN TO SMALL QUANTITY GENERATORS.

(II) A SAMPLE COPY OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S NOTIFICATION FORM FOR OBTAINING A FEDERAL HAZARDOUS WASTE IDENTIFICATION NUMBER, ALONG WITH INSTRUCTIONS ON HOW TO OBTAIN AND COMPLETE THIS FORM.

(III) A SAMPLE COPY OF NEW YORK STATE'S HAZARDOUS WASTE MANIFEST FORM, ALONG WITH INSTRUCTIONS ON HOW TO OBTAIN AND COMPLETE THIS FORM.

C. DEVELOP, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, INDUSTRY SPECIFIC INSERTS TO COMPLEMENT THE INFORMATION PROVIDED IN THE SMALL QUANTITY GENERATOR EDUCATIONAL MANUAL. SUCH INSERTS SHALL BE DEVELOPED OR OBTAINED FOR EACH MAJOR INDUSTRY CATEGORY OF SMALL QUANTITY GENERATORS IN THE STATE, INCLUDING, BUT NOT LIMITED TO, VEHICLE MAINTENANCE SHOPS, METAL MANUFACTURERS, CONSTRUCTION OPERATIONS, PRINT SHOPS, CERAMIC SHOPS, DRY CLEANERS, PHOTOGRAPHY OPERATIONS, PESTICIDE FORMULATORS AND APPLICATORS, ANALYTICAL AND CLINICAL LABORATORIES, AND EDUCATIONAL AND VOCATIONAL FACILITIES. SUCH INDUSTRY SPECIFIC INSERTS, WHICH ARE TO BE MADE AVAILABLE FREE OF CHARGE, SHALL INCLUDE SPECIFIC INFORMATION ON:

(I) A LISTING, BY CHEMICAL AND/OR COMMON NAME, OF THE HAZARDOUS WASTES TYPICALLY GENERATED BY PERSONS IN EACH MAJOR INDUSTRY GROUP.

(II) AVAILABLE SOURCE REDUCTION AND RECYCLING TECHNOLOGIES AND PROCESSES FOR MANAGING SUCH WASTES, ALONG WITH INFORMATION ON GENERAL STRATEGIES FOR IDENTIFYING AND IMPLEMENTING THESE TECHNOLOGIES AND PROCESSES.

(III) PREFERRED STORAGE, TREATMENT AND DISPOSAL ALTERNATIVES FOR SUCH WASTES.

(IV) A COMPREHENSIVE LISTING, BY GEOGRAPHICAL REGION, OF ANALYTICAL LABORATORIES, TRANSPORTERS, RECYCLING FIRMS, AND HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES OPERATING IN NEW YORK STATE WHICH OFFER SERVICES TO SMALL QUANTITY GENERATORS.

(V) A DESCRIPTION OF THE TECHNICAL ASSISTANCE AND INFORMATION TRANSFER PROGRAMS SPONSORED BY THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION PURSUANT TO SECTION TWELVE HUNDRED EIGHTY-FIVE-G OF THE PUBLIC AUTHORITIES LAW. SUCH DESCRIPTION SHALL STRESS THE NON-REGULATORY AND CONFIDENTIAL STATUS OF THE ENVIRONMENTAL FACILITIES CORPORATION'S PROGRAMS.

(VI) A LISTING OF ANY OTHER SOURCES OF INFORMATION AVAILABLE TO SMALL QUANTITY GENERATORS, INCLUDING, BUT NOT LIMITED TO, SERVICES, PROGRAMS OR PUBLICATIONS SUPPORTED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, COUNTY AND MUNICIPAL GOVERNMENTS, OR PRIVATE ORGANIZATIONS, WHICH THE DEPARTMENT DETERMINES TO BE USEFUL IN PROMOTING THE ABILITY OF SMALL QUANTITY GENERATORS TO INTERPRET AND COMPLY WITH THE STATE'S HAZARDOUS WASTE REGULATIONS.

D. MAINTAIN A TOLL-FREE SMALL QUANTITY GENERATOR TELEPHONE HOTLINE SERVICE TO PROVIDE INFORMATION ON THE STATE'S HAZARDOUS WASTE REGULATIONS AS THEY PERTAIN TO SMALL QUANTITY GENERATORS.

E. CONDUCT, AS APPROPRIATE, SMALL QUANTITY GENERATOR COMPLIANCE SEMINARS TO PROVIDE POTENTIAL SMALL QUANTITY GENERATORS WITH SPECIFIC INFORMATION ON THE STATE'S HAZARDOUS WASTE REGULATIONS. THE DEPARTMENT MAY HOLD SUCH SEMINARS, WHICH ARE TO BE PROVIDED FOR A CHARGE NOT TO EXCEED

FIFTY DOLLARS AT APPROPRIATE LOCATIONS AROUND THE STATE, IN CONJUNCTION WITH TRADE ASSOCIATIONS AND OTHER MANUFACTURING ORGANIZATIONS.

3. A. THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT AN INFORMATION AND OUTREACH PROGRAM DIRECTED AT POTENTIAL SMALL QUANTITY GENERATORS. THE PURPOSE OF SUCH INFORMATION AND OUTREACH PROGRAM SHALL BE TO INFORM POTENTIAL SMALL QUANTITY GENERATORS OF:

(I) THE AVAILABILITY OF INFORMATION THROUGH THE DEPARTMENT'S SMALL QUANTITY GENERATOR EDUCATION AND COMPLIANCE PROGRAM, INCLUDING, BUT NOT LIMITED TO, THE SMALL QUANTITY GENERATOR COMPLIANCE AND WASTE MINIMIZATION MANUAL, INDUSTRY SPECIFIC INSERTS, THE SMALL QUANTITY GENERATOR TELEPHONE HOTLINE, AND SMALL QUANTITY GENERATOR COMPLIANCE SEMINARS.

(II) TECHNICAL ASSISTANCE AND INFORMATION TRANSFER PROGRAMS OFFERED BY THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION PURSUANT TO SECTION TWELVE HUNDRED EIGHTY-FIVE-G OF THE PUBLIC AUTHORITIES LAW.

B. AS A PART OF THE INFORMATION AND OUTREACH PROGRAM, THE DEPARTMENT SHALL, WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, CONTACT BY MAIL EACH PERSON INCLUDED IN THE MASTER LIST OF POTENTIAL SMALL QUANTITY GENERATORS. THE PURPOSE OF SUCH MAILING SHALL BE TO:

(I) INFORM EACH PERSON CONTACTED THAT THEY HAVE BEEN IDENTIFIED ON THE MASTER LIST OF POTENTIAL SMALL QUANTITY GENERATORS.

(II) PROVIDE SUCH PERSONS WITH A BRIEF SUMMARY OF THE STATE'S HAZARDOUS WASTE REGULATIONS PERTAINING TO SMALL QUANTITY GENERATORS.

(III) PROVIDE SUCH PERSONS WITH A SUMMARY OF THE INFORMATION AND TECHNICAL ASSISTANCE PROGRAMS AVAILABLE TO POTENTIAL SMALL QUANTITY GENERATORS, AS IDENTIFIED IN PARAGRAPH A OF THIS SUBDIVISION.

4. THE COMMISSIONER SHALL, WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SECTION AND ANNUALLY THEREAFTER, PREPARE AND SUBMIT TO THE GOVERNOR AND THE LEGISLATURE A REPORT ON THE STATUS OF THE SMALL QUANTITY GENERATOR EDUCATION AND COMPLIANCE PROGRAM. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

A. THE NUMBER OF SMALL QUANTITY GENERATORS IDENTIFIED THROUGH THE NEW YORK STATE HAZARDOUS WASTE MANIFEST SYSTEM. SUCH INFORMATION SHALL INDICATE THE NUMBER OF SMALL QUANTITY GENERATORS WHICH GENERATE GREATER THAN ONE HUNDRED KILOGRAMS OF HAZARDOUS WASTE PER CALENDAR MONTH AND THE NUMBER OF SMALL QUANTITY GENERATORS WHICH GENERATE LESS THAN ONE HUNDRED KILOGRAMS OF HAZARDOUS WASTE PER CALENDAR MONTH.

B. THE AGGREGATE AMOUNT OF HAZARDOUS WASTE PRODUCED ANNUALLY BY SMALL QUANTITY GENERATORS UTILIZING THE NEW YORK STATE HAZARDOUS WASTE MANIFEST SYSTEM, ALONG WITH A BREAKDOWN OF THE AGGREGATE AMOUNT OF HAZARDOUS WASTE PRODUCED ANNUALLY BY EACH MAJOR INDUSTRY CATEGORY OF SMALL QUANTITY GENERATORS.

C. THE NUMBER OF PERSONS INCLUDED IN THE MASTER LIST OF POTENTIAL SMALL QUANTITY GENERATORS, AS WELL AS THE STATUS OF THE DEPARTMENT'S EFFORTS TO CONTACT THESE PERSONS BY MAIL OR OTHERWISE. SUCH REPORT SHALL INCLUDE AN ASSESSMENT OF THE EXTENT TO WHICH MAILINGS TO PERSONS INCLUDED IN SUCH MASTER LIST HAVE ENHANCED COMPLIANCE WITH THE STATE'S HAZARDOUS WASTE REGULATIONS.

D. THE NUMBER OF BUSINESSES IN NEW YORK STATE THAT HAVE RECEIVED THE SMALL QUANTITY GENERATOR COMPLIANCE AND WASTE MINIMIZATION MANUAL.

E. THE NUMBER OF SMALL QUANTITY GENERATOR COMPLIANCE SEMINARS HELD IN THE PREVIOUS YEAR, ALONG WITH THE NUMBER OF PERSONS ATTENDING THESE SEMINARS.

F. A DESCRIPTION OF THE BUDGET AND PERSONNEL RESOURCES THAT THE DEPARTMENT HAS COMMITTED TO THE SMALL QUANTITY GENERATOR EDUCATION AND COMPLIANCE PROGRAM.

G. ANY OTHER INFORMATION THAT THE DEPARTMENT DEEMS RELEVANT TO THE PROGRAM, INCLUDING RECOMMENDATIONS FOR INCREASING THE EFFECTIVENESS OF THE PROGRAM.

S 2. This act shall take effect immediately.