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

8203

2009-2010 Regular Sessions

I N A S S E M B L Y

May 7, 2009

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

AN ACT to amend the environmental conservation law, in relation to regulation of landfill gas control flares

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

Section 1. Short title. This act shall be known and may be cited as the "raptor protection act".

S 2. Legislative intent. The legislature hereby finds that landfills are frequently a source of food for hawks, falcons, owls and other raptors. Landfills often utilize landfill gas control flares that consist of tall pipes with automatic igniters that burn the methane gas. Raptors will use these devices as perches or fly over the flares; when they ignite, raptors will suffer severe burns, melted beaks, talons or feathers, or even death. Injured birds have been found throughout the United States.

S 3. The environmental conservation law is amended by adding a new section 27-0709 to read as follows:

S 27-0709. REGULATION OF LANDFILL GAS CONTROL FLARES.

1. FOR THE PURPOSES OF THIS SECTION, "LANDFILL" MEANS A SOLID WASTE DISPOSAL FACILITY AT WHICH SOLID WASTE, OR ITS RESIDUE AFTER TREATMENT, IS INTENTIONALLY PLACED AND AT WHICH WASTE SHALL REMAIN.

2. EVERY LANDFILL THAT UTILIZES LANDFILL GAS CONTROL FLARES TO BURN METHANE GAS SHALL BE REQUIRED TO INSTALL SAFER AND TALLER PERCHES FOR RAPTORS AND ATTACH SPIKES TO ALL LANDFILL GAS CONTROL FLARES.

3. THE DEPARTMENT SHALL COOPERATE AND CONSULT WITH MANUFACTURERS OF LANDFILL GAS CONTROL FLARES TO INCORPORATE BIRD DETERRENCE INTO THE DESIGN OF SUCH FLARES.

S 4. This act shall take effect immediately, except that subdivision 2 of section 27-0709 of the environmental conservation law, as added by section three of this act, shall take effect on the one hundred eightieth day after such effective date.

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

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