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

3777--A

Cal. No. 82

2009-2010 Regular Sessions

I N S E N A T E

March 31, 2009

Introduced by Sens. THOMPSON, ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, substituted by Assembly Bill No. 5765, substitution reconsidered and vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to solid waste management facilities

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

Section 1. Subdivision 2 of section 27-0701 of the environmental conservation law, as amended by chapter 253 of the laws of 1988, is amended to read as follows:

2. "Solid waste management facility" means any facility employed beyond the initial solid waste collection process including, but not limited to, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or [pyrolization] *PYROLYZATION* of solid wastes, incinerators, *RECYCLABLES HANDLING AND RECOVERY FACILITIES* and other solid waste disposal, reduction or conversion facilities.

S 2. Subdivision 2 of section 27-0707 of the environmental conservation law is amended by adding a new paragraph d to read as follows:

D. THAT AN APPLICATION FOR A PERMIT TO ESTABLISH A NEW SOLID WASTE MANAGEMENT FACILITY SHALL NOT BE COMPLETE UNLESS THE APPLICANT DEMONSTRATES THE CONSISTENCY OF SUCH FACILITY OR FACILITIES WITH THE OBJEC-

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

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TIVES OF THE LOCAL SOLID WASTE MANAGEMENT PLAN, IN PLACE AT THE TIME OF THE APPLICATION AS IDENTIFIED IN SECTION 27-0107 OF THIS ARTICLE, OF THE PLANNING UNIT WITHIN WHICH SUCH FACILITY IS LOCATED AND THE PLANNING UNITS FROM WHICH SOLID WASTE IS EXPECTED TO BE RECEIVED; OR THE COMMISSIONER DETERMINES THAT THE FACILITY IS NECESSARY TO MEET STATE OBJECTIVES PURSUANT TO THIS TITLE. THIS PARAGRAPH SHALL NOT APPLY TO ANY PERMITTED SOLID WASTE MANAGEMENT FACILITY IN EXISTENCE BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.