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

5323--A

2011-2012 Regular Sessions

I N S E N A T E

May 5, 2011

Introduced by Sens. ROBACH, ALESI -- read twice and ordered printed, and when printed to be committed 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 hazardous waste program fees and surcharges

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

Section 1. Paragraph f of subdivision 1 of section 72-0402 of the environmental conservation law, as added by chapter 99 of the laws of 2010, is amended to read as follows:

f. In any case where EITHER (I) a generator recycles more than ninety percent of the amount of hazardous waste or more than ninety percent of the amount of hazardous wastewater it produces in any calendar year, as certified to the commissioner, upon which a fee is imposed pursuant to this section, OR (II) A GENERATOR RECYCLES IN EXCESS OF FOUR THOUSAND TONS OF HAZARDOUS WASTE OR HAZARDOUS WASTEWATER IN A CALENDAR YEAR AS CERTIFIED BY THE COMMISSIONER UPON WHICH A FEE IS IMPOSED PURSUANT TO THIS SECTION AND SUCH RECYCLING CONSISTS OF REFINING A MIXED COMPONENT STREAM INTO INDIVIDUAL COMPONENTS FOR REUSE OR RESALE AS AN ACCEPTABLE SUBSTITUTE FOR NEW MATERIAL, any such fee imposed or to be imposed in such case shall be determined based upon the net amount of hazardous waste or hazardous wastewater generated, as applicable, which is not so recycled in such calendar year, rather than upon the gross amount of hazardous waste or hazardous wastewater generated in such calendar year. FOR PURPOSES OF THIS SECTION, "RECYCLE" MEANS THE SERIES OF ACTIVITIES BY WHICH MATERIALS ARE COLLECTED, SORTED, PROCESSED, INCLUDING BY ORGANIC PROCESSING, AND CONVERTED INTO RAW MATERIALS OR USED IN THE PRODUCTION OF NEW PRODUCTS AND "REUSE" MEANS THE USE OF MATERIALS REMOVED FROM THE HAZARDOUS WASTE STREAM FOR A USE FOR WHICH THE MATERIALS ARE MANUFACTURED. THESE TERMS EXCLUDE COMBUSTION, PYROLYSIS, GASIFI-

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

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CATION, HYDROLYSIS OR OTHER SIMILAR PROCESSES THAT USE THE WASTE AS A FUEL SUBSTITUTE OR FOR ENERGY PRODUCTION, OR THE BENEFICIAL USE AS ALTERNATE DAILY COVER OR WITHIN THE FOOTPRINT OF A LANDFILL.

S 2. This act shall take effect immediately.