

9529--A

I N A S S E M B L Y

March 12, 2012

Introduced by M. of A. KAVANAGH -- 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 rechargeable battery recycling

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

1 Section 1. Paragraph b of subdivision 2 of section 27-1807 of the
2 environmental conservation law, as added by chapter 562 of the laws of
3 2010, is amended to read as follows:
4 b. Submittance to the department of annual reports, on a form
5 prescribed by the department, concerning the amount of rechargeable
6 batteries received within the state and recycled either by number or by
7 weight; the costs of such efforts; and any other relevant information as
8 required by the department. SUCH REPORTS SHALL INCLUDE THE WEIGHT OF
9 RECHARGEABLE BATTERIES RECEIVED WITHIN A CITY WITH A POPULATION OF ONE
10 MILLION OR MORE.
11 S 2. Section 27-1809 of the environmental conservation law is amended
12 by adding a new subdivision 5 to read as follows:
13 5. IN ADDITION TO ANY ENFORCEMENT OF THIS TITLE BY THE COMMISSIONER
14 PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, IN A CITY WITH A POPU-
15 LATION OF ONE MILLION OR MORE, THE PROVISIONS OF SECTION 27-1805 AND
16 SUBDIVISION ONE OF SECTION 27-1807 OF THIS TITLE MAY BE ENFORCED BY AN
17 AGENCY OR AGENCIES DESIGNATED BY THE MAYOR OF SUCH CITY. ANY NOTICE OF
18 VIOLATION ISSUED BY AN AGENCY DESIGNATED BY THE MAYOR OF SUCH CITY
19 CHARGING A VIOLATION OF SECTION 27-1805 AND SUBDIVISION ONE OF SECTION
20 27-1807 OF THIS TITLE SHALL BE RETURNABLE TO THE ENVIRONMENTAL CONTROL
21 BOARD OF SUCH CITY. SUCH ENVIRONMENTAL CONTROL BOARD SHALL HAVE THE
22 POWER TO IMPOSE THE CIVIL PENALTIES SET FORTH IN SUBDIVISIONS ONE, TWO
23 AND THREE OF THIS SECTION. ALL CIVIL PENALTIES COLLECTED FOR ANY
24 VIOLATION OF THIS TITLE THAT HAVE BEEN IMPOSED BY THE ENVIRONMENTAL
25 CONTROL BOARD OF SUCH CITY SHALL BE PAID INTO THE GENERAL FUND OF SUCH
26 CITY.

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

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1 S 3. Section 27-1811 of the environmental conservation law, as added
2 by chapter 562 of the laws of 2010, is amended to read as follows:
3 S 27-1811. State preemption.
4 Jurisdiction in all matters pertaining to rechargeable battery recycl-
5 ing is, by this title, vested exclusively in the state. Any provision of
6 any local law or ordinance, or any rule or regulation promulgated there-
7 to, governing rechargeable battery recycling shall, upon the effective
8 date of section 27-1805 of this title, be preempted; provided, however,
9 that nothing in this section shall preclude a person from coordinating,
10 for recycling or reuse, the collection of rechargeable batteries AND
11 PROVIDED, FURTHER, HOWEVER, THAT NOTHING IN THIS SECTION SHALL PRECLUDE
12 THE ENFORCEMENT OF THIS TITLE PURSUANT TO SUBDIVISION FIVE OF SECTION
13 27-1809 OF THIS TITLE.
14 S 4. This act shall take effect immediately.