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

5323--B

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 -- committee discharged and said bill committed to the Committee on Rules -- 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 a generator recycles EITHER (I) 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) MORE THAN 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, 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.

S 2. This act shall take effect immediately.

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

LBD10880-07-1