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

5587--A

2013-2014 Regular Sessions

I N S E N A T E

May 23, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to end of life vehicle processing facilities

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

Section 1. The title heading of title 23 of article 27 of the environmental conservation law, as added by chapter 180 of the laws of 2006, is amended to read as follows:

[VEHICLE DISMANTLING] END OF LIFE VEHICLE PROCESSING FACILITIES

S 2. Section 27-2301 of the environmental conservation law, as added by chapter 180 of the laws of 2006, is amended to read as follows:

S 27-2301. Definitions.

As used in this title:

1. "Container" shall mean any portable OR STATIONARY device, INCLUDING TANKS in which a material is stored, transported, treated, disposed of or otherwise handled.

2. "Contingency plan" means a document describing organized, planned and technically coordinated and financially feasible courses of action to be followed in case of emergency or other special conditions.

3. "DECOMMISSION" SHALL MEAN THE REMOVAL OF POTENTIAL ENVIRONMENTAL CONTAMINANTS FROM AN END-OF-LIFE VEHICLE INCLUDING BUT NOT LIMITED TO FLUIDS, BATTERIES, REFRIGERANTS AND MERCURY SWITCHES.

4. "Discharge" shall mean the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of any solid waste, or solid waste constituent, including leachate, into or on any air, land or water.

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

LBD11240-02-3

[4.] 5. "End of life vehicle" shall mean any motor vehicle sold, given, or otherwise disposed of as junk or salvage.

[5.] 6. "Good condition" shall mean no severe rusting, apparent structural defects or deteriorations and not leaking.

[6.] 7. "Groundwater" shall mean water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater by an unsaturated zone.

[7.] 8. "Leak-resistant" or "leak-proof" shall mean designed and maintained to prevent the escape of contained liquids or other materials when appropriately closed regardless of container orientation (i.e., upright, tipped over).

[8.] 9. "Mercury containing devices" shall mean any device or material into which elemental mercury or mercury compounds are intentionally added during the manufacture of such devices and which the continued presence of mercury is required to provide a specific characteristic, appearance or quality or to perform a specific function. Such items include but are not limited to convenience lighting switches, antilock brake assemblies, and high intensity discharge head lamps.

[9.] 10. "Surface water" shall mean lakes, bays, sounds, ponds, impounding reservoirs, perennial streams and springs, rivers, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial limits of New York state, and all other perennial bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private, pursuant to article 15 of this chapter.

[10.] 11. "Vector" shall mean a carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds and vermin.

[11.] 12. "[Vehicle dismantler] END OF LIFE VEHICLE PROCESSING FACILITY" shall mean any person or entity, INCLUDING VEHICLE DISMANTLERS OR SCRAP PROCESSORS engaged in the business of acquiring PER YEAR MORE THAN TWENTY-FIVE motor vehicles or trailers for the purpose of DECOMMISSIONING AND dismantling the same for parts or reselling such vehicles as scrap, but shall not include a person that receives no more than twenty-five end of life vehicles per year and stores less than fifty end of life vehicles on site at any one time AND SHALL NOT INCLUDE A PERSON OR ENTITY PROPERLY REGISTERED AS A SALVAGE POOL PURSUANT TO SECTION FOUR HUNDRED FIFTEEN-A OF THE VEHICLE AND TRAFFIC LAW.

S 3. Section 27-2303 of the environmental conservation law, as added by chapter 180 of the laws of 2006, is amended to read as follows:

S 27-2303. Regulation of [vehicle dismantling] END OF LIFE VEHICLE PROCESSING facilities.

All [vehicle dismantlers] END OF LIFE VEHICLE PROCESSING FACILITIES owning or controlling a facility for the dismantling of end of life vehicles on site shall be subject to the requirements of this title.

1. An annual report shall be submitted to the department, to be included on the department's website, including, but not be limited to, the following:

(a) the number of end of life vehicles received AND PROCESSED at the facility;

(b) [the number of end of life vehicles crushed and removed from the facility;

(c)] the number of end of life vehicles stored at the facility at the end of the reporting year;

[(d)] (C) the approximate area at the facility used for storage of end of life vehicles;

[(e)] (D) the quantities of waste vehicle fluids extracted from end of life vehicles received and their disposition, including the quantity sold, used on-site, stored on-site, and disposed; and

[(f)] (E) the number and if applicable nature of any violation of all applicable rules and regulations of the state.

2. All fluid draining, removal, and collection activities shall be conducted on SEALED asphalt or concrete surface or other surface that allows equivalent protections to surface and groundwater. Such surfaces shall be cleaned daily, or more frequently when spillage has occurred, using absorbent materials that are collected and properly disposed of.

3. All fluids shall be completely drained, removed, collected, and stored for appropriate use, treatment or disposal, UTILIZING BEST MANAGEMENT PRACTICES.

4. End of life vehicles arriving at the facility shall be inspected upon arrival for leaking fluids and unauthorized waste. Leaks should be remedied or contained to avoid releases of fluids to the environment.

5. Prior to vehicle crushing or shredding, the following potential environmental contaminants shall be drained, removed, deployed, collected and/or stored, as appropriate and in accordance with best management practices:

(a) fluids including engine oil, transmission fluid, transaxle fluid, front and rear axle fluid, brake fluid, power steering fluid, coolant, WASHER FLUID and fuel;

(b) lead acid batteries;

(c) small PCB capacitors, mercury switches or other mercury containing devices;

(d) refrigerants used in automobile air conditioning systems; and

(e) air bags [are deployed or removed] CONTAINING SODIUM AZIDE.

6. Fluids shall be contained in an appropriate container for the specific waste vehicle fluid. Fluids that are stored shall be placed in closed containers. The containers shall be in good condition. The containers shall be clearly and legibly marked as to contents. Containers shall be stored on a bermed asphalt or concrete surface or surface that allows equivalent protection to groundwater.

7. Lead acid batteries shall not be stored on the ground. All lead acid batteries shall be covered by a tarp or other means in a manner that severely restricts water from coming into contact with the lead acid battery. Leaking batteries shall be stored in a leakproof container separately from intact lead acid batteries and provisions shall be in place to absorb any leakage.

8. Small PCB capacitors, mercury switches and other mercury containing devices shall be stored in an appropriate labeled container for recycling or disposal.

9. No more than one thousand waste tires off vehicles shall be stored at the facility at any one time unless a permit is obtained pursuant to this title.

10. Fluids shall not be intentionally released on the ground or to surface water.

11. [Ensure the safe storage of automobiles at such facilities, including the regulation of stacking automobiles.] END-OF-LIFE VEHICLES SHALL BE STORED AND STACKED SAFELY UTILIZING BEST MANAGEMENT PRACTICES.

12. Access to and use of facility shall be continuously controlled by fencing, gates, signs, or natural barriers.

13. Vegetation shall be controlled to prevent encroachment into fire access lanes or driveways at the facility and to decrease the potential of fire.

14. [Ensure the safe handling, processing and storage of any residues, including, but not limited to, product left over after an automobile is crushed and parts have been extracted, in such a manner as to prevent off-site migration or run-off.] RESIDUES SHALL BE SAFELY HANDLED, PROCESSED AND STORED UTILIZING BEST MANAGEMENT PRACTICES.

15. Dust shall be effectively controlled so to not constitute a nuisance or hazard to health, safety, or property.

16. The facility shall be maintained so as to prevent or control on-site populations of vectors using techniques appropriate for protection of human health and the environment and prevent the facility from being a vector breeding area.

17. The facility shall have a contingency plan which includes a description of the actions to be taken by facility employees in the event of a fire, a spill or release of vehicle waste fluids, or unauthorized material is received at the facility.

18. Upon the receipt of an end of life vehicle, the date that it is received shall be recorded and maintained on-site.

S 4. Paragraph (g) of subdivision 1 of section 3-0317 of the environmental conservation law, as added by chapter 77 of the laws of 2010, is amended to read as follows:

(g) regulated as a [vehicle dismantler] END-OF-LIFE VEHICLE PROCESSING FACILITY pursuant to title 23 of article 27 of this chapter;

S 5. This act shall take effect immediately; provided, however, that the amendments to section 3-0317 of the environmental conservation law made by section four of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith.