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

3635--A

2015-2016 Regular Sessions

I N  A S S E M B L Y

January 27, 2015

Introduced by M. of A. HEVESI -- 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 coordinating the transfer of municipal solid waste in Suffolk and Nassau counties

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

Section 1. Legislative findings and intent. The Legislature finds that, based on the information provided by the department of environmental conservation's division of materials management staff, there is a threat to human health due to the accumulation of municipal solid waste in Suffolk county.

The Legislature hereby authorizes the transfer of wrapped and/or bagged bales of municipal solid waste that are initially loaded onto flatbed tractor trailers at the facilities noted in this section, at the rail track located in Suffolk and Nassau counties, and the city of New York. The bales shall be lifted from the flatbed trailers and placed into railroad cars that shall be fully enclosed after loading. The loaded and/or enclosed railroad cars shall then be transported to lawfully operating rail serviced landfills. This section allows the temporary transfer of bagged bales of municipal solid waste from flatbed trailers to gondola railcars equipped with hard lid covers, at waste transfer facilities in Suffolk and Nassau counties and the city of New York.

S 2. The environmental conservation law is amended by adding a new section 27-0309 to read as follows:

S 27-0309. COORDINATING THE TRANSFER OF WRAPPED AND/OR BAGGED BALES OF SOLID MUNICIPAL WASTE.

1. DEFINITIONS. AS USED IN THIS SECTION:

A. "PERMITTEE" AND/OR "APPLICANT" MEANS WASTE VENDORS OPERATING WITHIN THE CITY OF NEW YORK, SUFFOLK AND NASSAU COUNTIES; AND

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

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B. "PROJECT LOCATION" OR "SITE" MEANS WASTE TRANSFER STATIONS OPERATING WITHIN THE CITY OF NEW YORK, SUFFOLK AND NASSAU COUNTIES.

2. SOLID MUNICIPAL WASTE TRANSFER. (A) IN NASSAU AND SUFFOLK COUNTIES, BAGGED BALES OF SOLID MUNICIPAL WASTE MAY BE RECEIVED FROM THE DEPARTMENT'S PERMITTED FACILITIES. ALL SOLID WASTE PASSING THROUGH SUCH PROJECT LOCATION SHALL ULTIMATELY BE RECYCLED OR BE DISPOSED OF AT A SOLID WASTE MANAGEMENT FACILITY AUTHORIZED BY THE DEPARTMENT IN NEW YORK, OR AUTHORIZED BY APPROPRIATE GOVERNMENTAL AGENCY OR AGENCIES IF IN OTHER STATES, TERRITORIES, OR NATIONS. THE ULTIMATE DISPOSAL FACILITY SHALL BE ABLE TO RECEIVE WASTE BY RAIL. TRUCKS DELIVERING WASTE TO THE FACILITY SHALL FOLLOW DESIGNATED TRUCK ROUTES. TRUCKS DELIVERING THE WASTE SHALL TURN AROUND ON THE SITE. NO WASTE SHALL BE STORED ON SITE, UNLESS CONTAINED INSIDE RAILCARS. ALL WASTE SHALL BE TRANSFERRED DIRECTLY FROM FLATBED TRAILERS TO RAILCARS. ALL BAGS THAT CONTAIN THE BALES SHALL BE HANDLED IN A MANNER THAT MAINTAINS THEIR INTEGRITY. NO UNBAGGED BALES, DAMAGED BALES, OR LOOSE MUNICIPAL SOLID WASTE SHALL BE ACCEPTED AT THIS LOCATION.

(B) ALL WASTE SHALL BE PLACED IN RAILCARS THAT ARE EQUIPPED WITH HARD LIDS. THE LIDS SHALL BE CONSTRUCTED OF SOLID STEEL WITH A LOCKING MECHANISM TO GUARANTEE A WATERTIGHT SEAL AND TO PREVENT REMOVAL OF SUCH LID DURING TRANSIT. UPON COMPLETION OF LOADING THE RAILCAR, THE LID SHALL BE IMMEDIATELY PLACED ON THE RAILCAR. ANY PARTIALLY FULL RAILCARS THAT SHALL BE STORED OVERNIGHT SHALL HAVE THE LID PLACED ON IT. A ROLL-OFF CONTAINER SHALL BE MAINTAINED ONSITE TO COLLECT ANY BROKEN BALES THAT CANNOT BE TRANSPORTED AND FOR DAILY SITE CLEANUP. THE ROLL-OFF SHALL BE EMPTIED NO LESS THAN ONCE EVERY SEVEN DAYS. THE ROLL-OFF SHALL BE EMPTIED SOONER IF IT CAUSES ODORS AND/OR VECTORS, OR BECOMES FULL. THIS ROLL-OFF CONTAINER SHALL BE COVERED AT ALL TIMES.

(C) IN NO CIRCUMSTANCES MAY WASTE TRANSFER STATIONS OPERATING WITHIN THE CITY OF NEW YORK, SUFFOLK AND NASSAU COUNTIES EXCEED FIVE HUNDRED FIFTY TONS PER DAY.

(D) BAGGED BALES SHALL BE SPRAYED WITH ODOR NEUTRALIZING AGENTS AT THE GENERATING SITE PRIOR TO SHIPMENT TO WASTE TRANSFER STATIONS OPERATING WITHIN THE CITY OF NEW YORK, SUFFOLK AND NASSAU COUNTIES. IF NEEDED, PORTABLE MISTERS SHALL BE AVAILABLE AT THE SITE TO SPRAY ODOR NEUTRALIZER.

(E) THE SITE SHALL HAVE AN ATTENDANT ON DUTY WHENEVER THE FACILITY IS IN OPERATION. HOURS OF OPERATION ARE LIMITED TO SIX A.M. TO SIX P.M., MONDAY THROUGH FRIDAY. THE SITE SHALL BE SECURED DURING NON-OPERATIONAL HOURS. THE SITE SHALL BE MONITORED BY THE PERMITTEE AND/OR APPLICANT FOR WIND-BLOWN DEBRIS AND CLEANED UP DAILY. THE PERMITTEE AND/OR APPLICANT SHALL ENSURE THAT ODOR, DUST, NOISE, VECTORS, AND OTHER POTENTIAL NUISANCES ARE CONTROLLED. FIRE PROTECTION AND DETECTION EQUIPMENT SHALL BE MAINTAINED IN ACCORDANCE WITH LOCAL LAWS AND ORDINANCES.

(F) RECORDS SHALL BE MAINTAINED FOR ALL MATERIALS RECEIVED. SUCH RECORDS SHALL INCLUDE THE RELEVANT DATE, QUANTITY, AND GENERATING FACILITY. RECORDS SHALL ALSO BE KEPT FOR ALL OUTBOUND SHIPMENTS. SUCH RECORDS SHALL INCLUDE THE RELEVANT DATE, QUANTITY, AND FINAL DESTINATION. WITHIN THIRTY DAYS AFTER THE CESSATION OF RECEIPT OF WASTE, THESE RECORDS SHALL BE SUBMITTED TO THE DEPARTMENT IN AN ELECTRONIC FORMAT. THE RECORDS SHALL BE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

(G) IN THE EVENT THAT THE SITE IS CLOSED, CLOSURE OF THE SITE SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, LOT SWEEPING, LITTER CLEANUP, DISMANTLING OF ANY RAMPS, AND REMOVAL OF ANY RECYCLED CONCRETE AGGREGATE USED FOR RAMP CONSTRUCTION. THE DEPARTMENT'S REGION ONE OFFICE SHALL BE

NOTIFIED OF THE SCHEDULE FOR CLOSURE. IF NECESSARY, THE SITE SHALL BE SEEDED TO RE-ESTABLISH VEGETATION.

(H) THE PERMITTEE SHALL FUND ENVIRONMENTAL MONITORING SERVICES TO BE PERFORMED BY OR ON BEHALF OF THE DEPARTMENT. THE FUNDING OF THE ENVIRONMENTAL MONITOR OR MONITORS SHALL BE FROM THE RESPECTIVE FACILITY OR FACILITIES OPERATING AND/OR DELIVERING WASTE TO WASTE TRANSFER STATIONS OPERATING WITHIN THE CITY OF NEW YORK, SUFFOLK AND NASSAU COUNTIES. WORK RELATED TO THIS SITE SHALL COUNT TOWARD THE RESPECTIVE WORK PLAN OR WORK PLANS OF THE INVOLVED FACILITY OR FACILITIES. THE PERMITTEE SHALL ALSO BE OBLIGATED TO PROVIDE ADDITIONAL FUNDING FOR THE ENVIRONMENTAL MONITOR OR MONITORS AT PARTICIPATING RAIL YARDS. THE PERMITTEE AND/OR APPLICANT IS RESPONSIBLE FOR OBTAINING ALL OTHER PERMITS AND APPROVALS THAT MAY BE REQUIRED. THE PERMITTEE AND/OR APPLICANT IS RESPONSIBLE FOR COMPLYING WITH ALL OTHER APPLICABLE STATE AND FEDERAL LAWS, RULES, REGULATIONS, AND ALL OTHER APPLICABLE LOCAL ORDINANCES, INCLUDING, BUT NOT LIMITED TO, ZONING ORDINANCES, BUILDING CODES, AND FIRE MARSHAL CODES.

(I) IN THE EVENT OF A STRIKE BY LONG ISLAND RAILROAD EMPLOYEES, WHICH PREVENTS RAILCARS FROM BEING DELIVERED OR REMOVED, THE DELIVERY OF BAGGED BALES OF MUNICIPAL SOLID WASTE SHALL CEASE, ALL UNLOADED BALES SHALL BE REMOVED FROM THE SITE, AND ALL LOADED RAILCARS SHALL BE PROPERLY LIDDED. THE PROVISIONS OF THIS SECTION MAY APPLY PAST THE EXPIRATION DATE, AT THE DEPARTMENT'S DISCRETION, TO ACCOMMODATE THE NUMBER OF DAYS THAT SUCH STRIKE MAY PREVAIL.

(J) THE DEPARTMENT SHALL ESTABLISH AN EXPIRATION DATE FOR THE WORK PERFORMED BY THE PERMITTEE PURSUANT TO THE PROVISIONS OF THIS SECTION. THE NATURE OF THIS WORK IS DEEMED TEMPORARY BY THE DEPARTMENT AND SHALL NOT CONTINUE PAST THE EXPIRATION DATE, AS DETERMINED BY THE DEPARTMENT.

(K) THE DEPARTMENT MAY RESCIND APPROVAL OF OPERATIONS AS PROVIDED IN THIS SECTION AT ANY TIME FOR FAILURE TO COMPLY WITH ANY OF THE REQUIREMENTS SET FORTH IN THIS SECTION, OR IF THE AUTHORIZED ACTIVITY CAUSES AN UNACCEPTABLE IMPACT TO PUBLIC HEALTH OR THE ENVIRONMENT.

3. PENALTIES AND VIOLATIONS. (A) ALL ACTIVITIES AUTHORIZED BY THIS SECTION SHALL BE IN STRICT CONFORMANCE WITH THE PROVISIONS OF THIS SECTION AND THE INFORMATION SUBMITTED BY THE APPLICANT AND/OR ITS AGENT AS PART OF THE APPLICATION SUBMITTED TO THE DEPARTMENT. IN THE EVENT THAT THIS INFORMATION CONFLICTS WITH THIS SECTION AND/OR THE AFOREMENTIONED AUTHORIZATION, THE REQUIREMENTS OF THE AUTHORIZATION SHALL PREVAIL.

(B) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION SHALL BE ORDERED TO PERFORM ANY NECESSARY RESTORATION OR MITIGATIONS OF ENVIRONMENTAL DAMAGE RESULTING FROM THAT ACTION. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE CONSIDERED A VIOLATION OF THE PROVISIONS OF THIS ARTICLE, AND OF TITLE SIX OF THE NEW YORK CITY RULES AND REGULATIONS PART THREE HUNDRED SIXTY, AND SOLID WASTE MANAGEMENT FACILITIES.

S 3. This act shall take effect immediately.