

STATE OF NEW YORK

1387

2017-2018 Regular Sessions

IN SENATE

January 9, 2017

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the reimbursement of costs to the New York environmental protection and spill compensation fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 27-1903 of the environmental
2 conservation law, as added by section 3 of part VI of chapter 62 of the
3 laws of 2003, is amended to read as follows:

4 2. State government must make an essential contribution to the devel-
5 opment and implementation of environmentally, economically and techni-
6 cally viable waste tire management programs. The department shall coop-
7 erate with other state agencies, including the department of audit and
8 control with regard to the environmental protection and spill compen-
9 sation fund as established pursuant to article twelve of the navigation
10 law, the department of economic development, the New York state energy
11 research and development authority, the department of transportation,
12 the New York state thruway authority and the department of health, to
13 ensure that waste tires are effectively managed and used in environ-
14 mentally acceptable ways consistent with the purposes of this chapter.

15 § 2. Section 27-1915 of the environmental conservation law, as added
16 by section 3 of part VI of chapter 62 of the laws of 2003, the opening
17 paragraph and subdivision 1 as amended by section 5 of part DD of chap-
18 ter 59 of the laws of 2010, subdivision 6 as amended by section 3 of
19 part T of chapter 58 of the laws of 2016, is amended to read as follows:
20 § 27-1915. Use of waste tire management and recycling fee funds.

21 Waste tire management and recycling fees shall be deposited in the
22 waste management and cleanup fund established in section ninety-two-bb
23 of the state finance law, and shall be made available for the following
24 purposes:

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

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1 1. costs of the department for the following:
2 (a) first-year costs:
3 (i) enumeration and assessment of noncompliant waste tire stockpiles;
4 and
5 (ii) aerial reconnaissance to locate, survey and characterize sites
6 environmentally, for remote sensing, special analysis and scanning;
7 (b) abatement of noncompliant waste tire stockpiles; and
8 (c) administration and enforcement of the requirements of this arti-
9 cle, exclusive of titles thirteen and fourteen.

10 2. reimbursement of costs of the New York environmental protection and
11 spill compensation fund in the department of audit and control, pursuant
12 to article twelve of the navigation law, for the following:

13 (a) cleanup and removal of petroleum contamination resulting from any
14 waste tire fire;

15 (b) any damage claim paid by the New York environmental protection and
16 spill compensation fund as a result of any waste tire fire; and

17 (c) all other direct or indirect costs related to the remediation of
18 petroleum contamination resulting from any waste tire fire.

19 3. costs of the department of economic development for the following:

20 (a) conducting an updated market analysis of outlets for waste tire
21 utilization including recycling and energy recovery opportunities;

22 (b) establishment of a program to provide funds to businesses to
23 develop technology that leads to increased markets for waste tires;

24 (c) funding of demonstration projects; and

25 (d) administration of requirements of this section.

26 ~~[3.]~~ 4. costs of the department of transportation for the following:

27 (a) funding of demonstration and other projects for road base, paving
28 and other civil engineering uses; and

29 (b) administration of requirements of this section.

30 ~~[4.]~~ 5. costs of the New York state thruway authority for the follow-
31 ing:

32 (a) funding of demonstration and other projects for road base, paving
33 and other civil engineering uses; and

34 (b) administration of requirements of this section.

35 ~~[5.]~~ 6. costs of the New York state energy research and development
36 authority for the following:

37 (a) funding research projects which will enhance sustainable waste
38 tire recycling activities; and

39 (b) administration of requirements of this section.

40 ~~[6.]~~ 7. costs of the department of health for the following:

41 (a) recommendations to protect public health;

42 (b) administration of requirements of this section; and

43 (c) prevention or control of on-site populations of vectors, as
44 defined in subdivision ten of section 27-2301 of this article, using
45 techniques appropriate for protection of human health and the environ-
46 ment to prevent the site from being a vector breeding area.

47 Any funds not used for a given year shall be returned to the fund and
48 be added to the total funds available for disbursement in the succeeding
49 year.

50 § 3. This act shall take effect immediately, and shall be deemed to
51 have been in full force and effect on and after May 15, 2003.