

STATE OF NEW YORK

3029

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. McDONALD, THIELE, DARLING, SEAWRIGHT, SIMON, GOTTFRIED, DeSTEFANO, RICHARDSON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the siting of solid waste management facilities near schools

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

1 Section 1. Paragraph c of subdivision 2 of section 27-0707 of the
2 environmental conservation law, as amended by chapter 70 of the laws of
3 1988, is amended to read as follows:

4 c. that a permit will be issued only if:

5 (1) the proposed facility will be in full compliance with the applica-
6 ble rules and regulations in effect on the date of submission of the
7 permit application; and

8 (2) there has been opportunity for public review and comment at rele-
9 vant stages of the project planning process; and

10 (3) a determination has been made that the proposed facility will not
11 result in unfair competition between municipalities and scrap dealers,
12 processors and consumers; and

13 (4) the applicant has received or will receive the written opinion of
14 counsel to each [~~municipality~~ municipality or public authority which has
15 entered into a contract, lease or rental agreement with the proposed
16 facility that such contract, lease or rental agreement is in compliance
17 with the applicable requirements of sections one hundred one, one
18 hundred three and one hundred twenty-w of the general municipal law; and

19 (5) the facility will not be sited within one mile of a public, non-
20 public, charter or board of cooperative educational services elementary
21 or secondary school or, when the permit application relates to the
22 proposed expansion of an existing facility, the facility is not located
23 within one mile of a public, non-public, charter or board of cooperative
24 educational services elementary or secondary school.

25 § 2. This act shall take effect immediately.

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

LBD01923-01-1