

STATE OF NEW YORK

3958

2021-2022 Regular Sessions

IN ASSEMBLY

January 29, 2021

Introduced by M. of A. COLTON, M. MILLER, BUTTENSCHON, GOTTFRIED, DeSTE-FANO, SAYEGH, HYNDMAN, EPSTEIN, STECK, WALCZYK -- Multi-Sponsored by -- M. of A. J. RIVERA -- read once and referred 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, paragraphs b and c of subdivision 1 as
19 amended and paragraph d of subdivision 1 as added by section 3 of part E
20 of chapter 58 of the laws of 2019, and subdivision 6 as amended by
21 section 3 of part T of chapter 58 of the laws of 2016, is amended to
22 read as follows:

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

LBD05739-01-1

§ 27-1915. Use of waste tire management and recycling fee funds.

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

1. costs of the department for the following:

(a) first-year costs:

(i) enumeration and assessment of noncompliant waste tire stockpiles; and

(ii) aerial reconnaissance to locate, survey and characterize sites environmentally, for remote sensing, special analysis and scanning;

(b) abatement of noncompliant waste tire stockpiles;

(c) administration and enforcement of the requirements of this article, exclusive of titles thirteen and fourteen; and

(d) conducting an updated market analysis of outlets for waste tire utilization including recycling and energy recovery opportunities, which shall not include the incineration of waste tires.

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

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

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

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

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

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

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

(c) funding of demonstration projects; and

(d) administration of requirements of this section.

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

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

(b) administration of requirements of this section.

~~[4-]~~ 5. costs of the New York state thruway authority for the following:

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

(b) administration of requirements of this section.

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

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

(b) administration of requirements of this section.

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

(a) recommendations to protect public health;

(b) administration of requirements of this section; and

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

1 Any funds not used for a given year shall be returned to the fund and
2 be added to the total funds available for disbursement in the succeeding
3 year.

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