STATE OF NEW YORK

4524

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the environmental conservation law, in relation to the removal and remediation of waste tires

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

Section 1. Section 16 of the agriculture and markets law is amended by adding a new subdivision 52 to read as follows:

52. The commissioner, in consultation with the commissioner of environmental conservation, shall develop a plan to remediate and remove waste tires used in agricultural production. Such plan shall address the vector threat posed by waste tires and shall provide farmers with technical expertise and financial assistance.

§ 2. Subdivision 5 of section 27-1907 of the environmental conservation law, as amended by section 2 of part DD of chapter 59 of the laws of 2010, is amended to read as follows:

5. The department shall make all reasonable efforts to recover the full amount of any funds expended from the waste management and cleanup fund for abatement or remediation through litigation or cooperative agreements **except for funds expended according to paragraph d of subdivision one of section 27-1915 of this title**. Any and all moneys recovered, repaid or reimbursed pursuant to this section shall be deposited with the comptroller and credited to such fund.

§ 3. Subdivision 1 of section 27-1915 of the environmental conservation law, as amended by section 5 of part DD of chapter 59 of the laws of 2010, paragraphs (b) and (c) as amended and paragraph (d) as added by section 3 of part E of chapter 58 of the laws of 2019, is amended to read as follows:

1. costs of the department for the following:

(a) first-year costs:

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

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(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**; and**

(e) any costs associated with the removal and remediation of waste tires in accordance with subdivision fifty of section sixteen of the agriculture and markets law.

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.