STATE OF NEW YORK

4101

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. BRESLIN -- 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 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:

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

c. that a permit will be issued only if:

(1) the proposed facility will be in full compliance with the applicable rules and regulations in effect on the date of submission of the permit application; and

(2) there has been opportunity for public review and comment at relevant stages of the project planning process; and

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

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

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

§ 2. This act shall take effect immediately.

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

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