

# STATE OF NEW YORK

2537

2023-2024 Regular Sessions

## IN ASSEMBLY

January 26, 2023

Introduced by M. of A. COLTON, DICKENS, SEAWRIGHT, SIMON, RIVERA --  
Multi-Sponsored by -- M. of A. COOK -- 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 Assem-  
bly, do enact as follows:

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

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

§ 2. Section 27-1915 of the environmental conservation law, as added  
by section 3 of part VI of chapter 62 of the laws of 2003, the opening  
paragraph and subdivision 1 as amended by section 5 of part DD of chap-  
ter 59 of the laws of 2010, paragraphs b and c of subdivision 1 as  
amended and paragraph d of subdivision 1 as added by section 3 of part E  
of chapter 58 of the laws of 2019, and subdivision 6 as amended by  
section 3 of part T of chapter 58 of the laws of 2016, is amended to  
read as follows:

§ 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

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

LBD00455-01-3

1 of the state finance law, and shall be made available for the following  
2 purposes:

3 1. costs of the department for the following:

4 (a) first-year costs:

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

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

9 (b) abatement of noncompliant waste tire stockpiles;

10 (c) administration and enforcement of the requirements of this arti-  
11 cle, exclusive of titles thirteen and fourteen; and

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

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

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

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

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

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

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

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

29 (c) funding of demonstration projects; and

30 (d) administration of requirements of this section.

31 ~~[3-]~~ 4. costs of the department of transportation for the following:

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

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

39 (b) administration of requirements of this section.

40 ~~[5-]~~ 6. costs of the New York state energy research and development  
41 authority for the following:

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

44 (b) administration of requirements of this section.

45 ~~[6-]~~ 7. costs of the department of health for the following:

46 (a) recommendations to protect public health;

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

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

52 Any funds not used for a given year shall be returned to the fund and  
53 be added to the total funds available for disbursement in the succeeding  
54 year.

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