STATE OF NEW YORK

10672

IN SENATE

August 3, 2026

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

AN ACT to amend the environmental conservation law, in relation to radioactive waste disposal

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

Section 1. Subdivision 1 of section 27-1301 of the environmental conservation law, as amended by section 1 of part E of chapter 1 of the laws of 2003, is amended to read as follows:

1. "Hazardous waste" means a waste which appears on the list or satisfies the characteristics promulgated by the commissioner pursuant to section 27-0903 of this article and any substance which appears on the list promulgated pursuant to section 37-0103 of this chapter; provided, however, that the term "hazardous waste" does not include:

a. Natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of natural gas and such synthetic gas; nor

b. The residue of emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; nor

c. [~~Source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the atomic energy act of 1954, if such release is subject to requirements with respect to financial protection established under section 170 of such act (42 U.S.C. 2210) or, for the purpose of section 104 of the comprehensive environmental response, compensation and liability act of 1980 (42 U.S.C. 9604), or any other response action, any source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)(1) or 7942(a)); nor~~

~~d.~~] Petroleum as defined in section one hundred seventy-two of the navigation law, even if appearing on the list promulgated pursuant to section 37-0103 of this chapter.

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

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§ 2. Section 27-0903 of the environmental conservation law is amended by adding a new subdivision 5 to read as follows:

5. Radioactive waste. All waste containing source, byproduct, or special nuclear material as defined in the atomic energy act of 1954 shall be considered hazardous waste, except to the extent that regulation and cleanup of such material is preempted by federal law.

§ 3. This act shall take effect immediately.