§ 27-1901. Definitions.

When used in this title:

1. "Abatement" means the removal of a sufficient number of waste tires from a noncompliant waste tire stockpile and restoration of the site to a condition that is in substantial compliance with the rules and regulations administered by the department for waste tire storage facilities.

2. "Beneficial use" means the use of solid waste material, which would otherwise need to be placed in a landfill or disposed of through alternative means, in such a manner that the nature of the use of the material constitutes a reuse rather than disposal. Beneficial uses include incorporation of a solid waste material, which is a legitimate substitute for a raw material, into a product marketable to an end user. Waste tires which are burned as a fuel for the purposes of recovering useable energy are considered to be beneficially used only at the point at which they are burned.

3. "End use" means that a product requires no further processing or manufacturing and is used by a consumer for the product's intended application.

4. "End user" means the ultimate customer of a finished product.

5. "New tires" means tires that have never been placed on a motor vehicle wheel rim or tires placed on a motor vehicle prior to its original retail sale. It does not include recapped or resold tires.

6. "Noncompliant waste tire stockpile" means a facility, including a waste tire storage facility, parcel of property, or site so designated by the department in accordance with this title, where one thousand or more waste tires or mechanically processed waste tires have been accumulated, stored or buried in a manner that the department or a court of competent jurisdiction has determined violates any judicial administrative order, decree, law, regulation, or permit or stipulation

relating to waste tires, waste tire storage facilities or solid waste.

7. "Recycle" means to use recyclables in manufacturing a product for an end use other than burning for recovery of useable energy.

8. "Recyclables" means solid waste materials that exhibit the potential to be used to make marketable products for end users.

9. "Removed from service" means removed within New York state from the service for which the tires were intended to be used when the tires and tire casings were separated for retreading.

10. "Retail sale" means the sale to any person in the state for any purpose other than resale.

11. "Tire service" means any person or business who sells or installs new tires for use on any vehicle and any person or business who engages in the retail sale of new motor vehicles. The United States of America and any of its agencies and instrumentalities, and New York state and any of its agencies, instrumentalities, public corporations, or political subdivisions are excluded from this term.

12. "Vehicle" or "Motor Vehicle" means any device which by virtue of its design could qualify for registration pursuant to section four hundred one, four hundred ten, two thousand two hundred sixty-one, or two thousand two hundred eighty-two of the vehicle and traffic law.

13. "Waste tire" means any solid waste which consists of whole tires or portions of tires. Tire casings separated for retreading and tires with sufficient tread for resale shall be included under this term, however, crumb rubber shall not be considered a solid waste.

14. "Waste tire storage facility" means a facility at which waste tires are stored and for which a permit or registration has been issued, pursuant to department regulations.