

Chapter 180, Laws of 2006

An act to amend the environmental conservation law, the vehicle and traffic law and the economic development law, in relation to regulation of vehicle dismantlers

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

TITLE 23 VEHICLE DISMANTLING FACILITIES

Section 27-2301. Definitions.
27-2303. Regulation of vehicle dismantling facilities.

§ 27-2301. Definitions.

As used in this title:

1. "Container" shall mean any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.
2. "Contingency plan" means a document describing organized, planned and technically coordinated and financially feasible courses of action to be followed in case of emergency or other special conditions.
3. "Discharge" shall mean the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of any solid waste, or solid waste constituent, including leachate, into or on any air, land or water.
4. "End of life vehicle" shall mean any motor vehicle sold, given, or otherwise disposed of as junk or salvage.
5. "Good condition" shall mean no severe rusting, apparent structural defects or deteriorations and not leaking.
6. "Groundwater" shall mean water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater by an unsaturated zone.
7. "Leak-resistant" or "leak-proof" shall mean designed and maintained to prevent the escape of contained liquids or other materials when appropriately closed regardless of container orientation (i.e., upright, tipped over).
8. "Mercury containing devices" shall mean any device or material into which elemental mercury or mercury compounds are intentionally added during the manufacture of such devices and which the continued presence of mercury is required to provide a specific characteristic, appearance or quality or to perform a specific function. Such items include but are not limited to convenience lighting switches, antilock brake assemblies, and high intensity discharge head lamps.
9. "Surface water" shall mean lakes, bays, sounds, ponds, impounding reservoirs, perennial streams and springs, rivers, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial limits of New York state, and all other perennial bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private, pursuant to article 15 of this chapter.
10. "Vector" shall mean a carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds and vermin.

11. "Vehicle dismantler" shall mean any person or entity engaged in the business of acquiring motor vehicles or trailers for the purpose of dismantling the same for parts or reselling such vehicles as scrap, but shall not include a person that receives no more than twenty-five end of life vehicles per year and stores less than fifty end of life vehicles on site at any one time.

§ 27-2303. Regulation of vehicle dismantling facilities.

All vehicle dismantlers owning or controlling a facility for the dismantling of end of life vehicles on site shall be subject to the requirements of this title.

1. An annual report shall be submitted to the department, to be included on the department's website, including, but not be limited to, the following:
 - (a) the number of end of life vehicles received at the facility;
 - (b) the number of end of life vehicles crushed and removed from the facility;
 - (c) the number of end of life vehicles stored at the facility at the end of the reporting year;
 - (d) the approximate area at the facility used for storage of end of life vehicles;
 - (e) the quantities of waste vehicle fluids extracted from end of life vehicles received and their disposition, including the quantity sold, used on-site, stored on-site, and disposed; and
 - (f) the number and if applicable nature of any violation of all applicable rules and regulations of the state.
2. All fluid draining, removal, and collection activities shall be conducted on asphalt or concrete surface or other surface that allows equivalent protections to surface and groundwater. Such surfaces shall be cleaned daily, or more frequently when spillage has occurred, using absorbent materials that are collected and properly disposed of.
3. All fluids shall be completely drained, removed, collected, and stored for appropriate use, treatment or disposal.
4. End of life vehicles arriving at the facility shall be inspected upon arrival for leaking fluids and unauthorized waste. Leaks should be remedied or contained to avoid releases of fluids to the environment.
5. Prior to vehicle crushing or shredding, the following potential environmental contaminants shall be drained, removed, deployed, collected and/or stored, as appropriate and in accordance with best management practices:
 - (a) fluids including engine oil, transmission fluid, transaxle fluid, front and rear axle fluid, brake fluid, power steering fluid, coolant, and fuel;
 - (b) lead acid batteries;
 - (c) small PCB capacitors, mercury switches or other mercury containing devices;
 - (d) refrigerants used in automobile air conditioning systems; and
 - (e) air bags are deployed or removed.
6. Fluids shall be contained in an appropriate container for the specific waste vehicle fluid. Fluids that are stored shall be placed in closed containers. The containers shall be in good condition. The containers shall be clearly and legibly marked as to contents. Containers shall be stored on a bermed asphalt or concrete surface or surface that allows equivalent protection to groundwater.

7. Lead acid batteries shall not be stored on the ground. All lead acid batteries shall be covered by a tarp or other means in a manner that severely restricts water from coming into contact with the lead acid battery. Leaking batteries shall be stored in a leakproof container separately from intact lead acid batteries and provisions shall be in place to absorb any leakage.
8. Small PCB capacitors, mercury switches and other mercury containing devices shall be stored in an appropriate labeled container for recycling or disposal.
9. No more than one thousand waste tires off vehicles shall be stored at the facility at any one time unless a permit is obtained pursuant to this title.
10. Fluids shall not be intentionally released on the ground or to surface water.
11. Ensure the safe storage of automobiles at such facilities, including the regulation of stacking automobiles.
12. Access to and use of facility shall be continuously controlled by fencing, gates, signs, or natural barriers.
13. Vegetation shall be controlled to prevent encroachment into fire access lanes or driveways at the facility and to decrease the potential of fire.
14. Ensure the safe handling, processing and storage of any residues, including, but not limited to, product left over after an automobile is crushed and parts have been extracted, in such a manner as to prevent off-site migration or run-off.
15. Dust shall be effectively controlled so to not constitute a nuisance or hazard to health, safety, or property.
16. The facility shall be maintained so as to prevent or control on-site populations of vectors using techniques appropriate for protection of human health and the environment and prevent the facility from being a vector breeding area.
17. The facility shall have a contingency plan which includes a description of the actions to be taken by facility employees in the event of a fire, a spill or release of vehicle waste fluids, or unauthorized material is received at the facility.
18. Upon the receipt of an end of life vehicle, the date that it is received shall be recorded and maintained on-site.

§ 2. Paragraph (a) of subdivision 5 of section 415-2 of the vehicle and traffic law, as amended by chapter 161 of the laws of 1996, is amended to read as follows:

(a) Any records required by this section shall apply only to vehicles or parts of vehicles for which a certificate of title has been issued by the commissioner or which would be eligible to have such a certificate of title issued. Every person required to be registered pursuant to this section shall maintain a record of all motor vehicles, trailers, and major component parts thereof, coming into his possession together with a record of the disposition of any such motor vehicle, trailer or part thereof and the date such motor vehicle, trailer or part thereof is received and shall maintain proof of ownership for any motor vehicle, trailer or major component part thereof while in his possession. For the purposes of this article an inflatable restraint system shall be a major component part. Such records shall be maintained in a manner and form prescribed by the commissioner. The commissioner may, by regulation, exempt vehicles or major component parts of vehicles from all or a portion of the record keeping requirements based upon the age of the vehicle if the commissioner deems that such record keeping requirements would not further the purposes of the motor vehicle theft prevention program established by section two hundred

twenty-three of this chapter. Upon request of an agent of the commissioner or of any police officer and during his regular and usual business hours, a vehicle dismantler shall produce such records and permit said agent or police officer to examine them and any vehicles or parts of vehicles which are subject to the record keeping requirements of this section and which are on the premises. Upon request of any agent of the commissioner and during his regular and usual business hours, a salvage pool, mobile car crusher or itinerant vehicle collector shall produce such records and permit said agent or police officer to examine them and any vehicles or parts of vehicles which are subject to the record keeping requirements of this section and which are on the premises. The failure to produce such records or to permit such inspection on the part of any person required to be registered pursuant to this section as required by this paragraph shall be a class A misdemeanor.

§ 3. Paragraph (a) of subdivision 6 of section 415-a of the vehicle and traffic law, as amended by chapter 691 of the laws of 1979, is amended to read as follows:

(a) A registration may be suspended or revoked, or renewal of a registration refused upon a conviction of any provision of the penal law relating to motor vehicle theft, illegal possession of a stolen vehicle or illegal possession of stolen motor vehicle parts, or after the registrant has had an opportunity to be heard upon any change of status of the registrant which would have resulted in refusal to issue a registration, any false statement in an application for a registration, an egregious and willful violation of title twenty-three of article twenty-seven of the environmental conservation law, any violation of subdivision five of this section or regulations promulgated by the commissioner with respect to this section, or any violation of title ten of this chapter.

§ 4. Paragraphs o and p of subdivision 4 of section 261 of the economic development law, as amended by chapter 471 of the laws of 1998, are amended to read as follows:

- o. provide other technical assistance to assist businesses in reducing the amount of waste generated by their processes and productively use or provide for the productive use of others of wastes which are generated;
- p. assist vehicle dismantlers interested in maximizing the utilization of secondary materials as raw materials in the manufacturing process; and
- q. conduct such other activities as may be appropriate to the intent and purpose of this section.

§ 5. This act shall take effect immediately.