

# STATE OF NEW YORK

9294

## IN SENATE

February 25, 2026

Introduced by Sen. KAVANAGH -- 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 availability of technical assistance grants in brownfield site remedial programs

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

1 Section 1. Subdivision 6 of section 27-1405 of the environmental  
2 conservation law, as amended by section 2 of part A of chapter 577 of  
3 the laws of 2004, is amended to read as follows:

4 6. "[~~Citizen~~] Community participation plan" shall mean the description  
5 of [~~citizen~~] community participation activities prepared and carried out  
6 pursuant to section 27-1417 of this title.

7 § 2. Subdivisions 2 and 9 of section 27-1409 of the environmental  
8 conservation law, subdivision 2 as amended by section 7 of part BB of  
9 chapter 56 of the laws of 2015, and subdivision 9 as amended by section  
10 4 of part A of chapter 577 of the laws of 2004, are amended to read as  
11 follows:

12 2. One requiring: (a) the participant to pay for state costs, includ-  
13 ing the recovery of state costs incurred before the effective date of  
14 such agreement; provided, however, that such costs may be based on a  
15 reasonable flat-fee for oversight, which shall reflect the projected  
16 future state costs incurred in negotiating and overseeing implementation  
17 of such agreement; [~~and~~]

18 (b) with respect to a brownfield site which: (i) the department has  
19 determined constitutes a significant threat to the public health or  
20 environment, or (ii) is located on and/or adjacent to a school or day  
21 care facility, the department [~~may~~] shall include a provision requiring  
22 the applicant to provide a technical assistance grant, as described in  
23 subdivision four of section 27-1417 of this title and under the condi-  
24 tions described therein, to an eligible party in accordance with proce-  
25 dures established under such program, with the cost of such a grant  
26 incurred by a volunteer serving as an offset against such state costs;

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

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1 (c) with respect to all other brownfield sites the department may  
2 include a provision requiring the applicant to provide a technical  
3 assistance grant, as described in subdivision four of section 27-1417 of  
4 this title and under the conditions described therein, to an eligible  
5 party in accordance with procedures established under such program, with  
6 the cost of such a grant incurred by a volunteer serving as an offset  
7 against such state costs;

8 9. One requiring the preparation and implementation of a [~~citizen~~]  
9 community participation plan consistent with the requirements of this  
10 title as soon as possible following execution of the agreement but no  
11 later than prior to the preparation of a draft remedial investigation  
12 plan by the applicant which shall include a description of [~~citizen~~]  
13 community participation activities already performed by the applicant  
14 and/or the department;

15 § 3. Subparagraph (vi) of paragraph (i) of subdivision 3 of section  
16 27-1415 of the environmental conservation law, as amended by section 7  
17 of part A of chapter 577 of the laws of 2004, is amended to read as  
18 follows:

19 (vi) Any written and oral comments submitted by members of the public  
20 on the applicant's proposed use as part of [~~citizen~~ community partic-  
21 ipation activities performed by the applicant pursuant to this title.

22 § 4. Section 27-1417 of the environmental conservation law, as added  
23 by section 1 of part A of chapter 1 of the laws of 2003, paragraphs (b),  
24 (d), (e), (f), (g), (h), (i) of subdivision 3 and paragraph (a) of  
25 subdivision 4 as amended by section 8 of part A of chapter 577 of the  
26 laws of 2004, is amended to read as follows:

27 § 27-1417. [~~Citizen~~ Community participation.

28 1. [~~Citizen~~ Community participation handbook. The commissioner shall  
29 prepare a [~~citizen~~ community participation handbook for the purpose of  
30 providing guidance to applicants in the design and implementation of  
31 meaningful [~~citizen~~ community participation plans consistent with the  
32 requirements of this section for the remediation of brownfield sites as  
33 provided in this title. Such handbook shall encourage [~~citizen~~ communi-  
34 ty involvement by outlining opportunities and recommended methods for  
35 effective [~~citizen~~ community participation, including the availability  
36 of technical assistance grants. The commissioner shall make such hand-  
37 book available to all applicants and other interested members of the  
38 public upon request and shall make it available on the department's  
39 website.

40 2. [~~Citizen~~ Community participation plans. (a) The design of any  
41 [~~citizen~~ community participation plan, including the level of [~~citizen~~]  
42 community involvement and the tools utilized, shall take into account  
43 the scope and scale of the proposed remedial program, local interest and  
44 history, and other relevant factors. While retaining flexibility, [~~citi-~~  
45 zen community participation plans shall embody the following principles  
46 of meaningful [~~citizen~~ community participation:

47 (1) opportunities for [~~citizen~~ community involvement should be  
48 provided as early as possible in the decision making process prior to  
49 the selection of a preferred course of action by the department and/or  
50 the applicant.

51 (2) activities proposed in such plan should be as reflective of the  
52 diversity of interests and perspective found within the community as  
53 possible, allowing the public the opportunity to have their views heard  
54 and considered, which may include opportunities for two-way dialogue.

1 (3) full, timely, and accessible disclosure and sharing of information  
2 by the department shall be provided, including the provision of techni-  
3 cal data and the assumptions upon which the analyses are based.

4 (b) All [~~citizen~~] community participation plans shall include the  
5 following minimum elements:

6 (1) identification of the interested public and preparation of a  
7 brownfield site contact list;

8 (2) identification of major issues of public concern related to the  
9 brownfield site;

10 (3) a description and schedule of public participation activities  
11 required pursuant to this section; and

12 (4) a description and schedule of any additional public participation  
13 activities needed to address public concerns.

14 3. [~~Citizen~~] Community participation requirements. (a) In addition to  
15 the formal milestones listed below, the public may provide comments at  
16 any time during the remedial program.

17 (b) The person submitting a request for participation, in cooperation  
18 with the department, shall provide a newspaper notice of the person's  
19 request to participate in the program. The person, in cooperation with  
20 the department, shall also provide notice thereof to the brownfield site  
21 contact list. Such notice shall provide for a thirty day public comment  
22 period following publication.

23 (c) Before the department finalizes the remedial investigation work-  
24 plan, the applicant, in cooperation with the department, must notify  
25 individuals on the brownfield site contact list. Such notice shall  
26 include a fact sheet describing such plan and provide for a thirty day  
27 public comment period.

28 (d) Before the department approves a proposed remedial investigation  
29 report, the department, in consultation with the applicant, shall notify  
30 individuals on the brownfield site contact list. Such notice shall  
31 include a fact sheet describing such report.

32 (e) Upon the department's determination of significant threat pursuant  
33 to section 27-1411 of this title, the department must provide notice to  
34 individuals on the brownfield site contact list. Such notice shall  
35 include a fact sheet describing the basis of the department's determi-  
36 nation.

37 (f) Before the department finalizes a proposed remedial work plan or  
38 makes a determination that site conditions meet the requirements of this  
39 title without the necessity for remediation pursuant to section 27-1411  
40 of this title, the department, in consultation with the applicant, must  
41 notify individuals on the brownfield site contact list. Such notice  
42 shall include a fact sheet describing such plan and provide for a  
43 forty-five day public comment period. The commissioner shall hold a  
44 public meeting if requested by the affected community and the commis-  
45 sioner has found that the site constitutes a significant threat to the  
46 public health or the environment. Further, the affected community may  
47 request a public meeting at sites that do not constitute a significant  
48 threat. (1) To the extent that the department has determined that site  
49 conditions do not pose a significant threat and the site is being  
50 addressed by a volunteer, the notice shall state that the department has  
51 determined that no remediation is required for the off-site areas and  
52 that the department's determination of a significant threat is subject  
53 to this forty-five day comment period. (2) If the remedial work plan  
54 includes a Track 2, Track 3 or Track 4 remedy at a non-significant  
55 threat site, such comment period shall apply both to the approval of the

1 alternatives analysis by the department and the proposed remedy selected  
2 by the applicant.

3 (g) Before the applicant commences construction at the brownfield  
4 site, the applicant, in cooperation with the department, shall provide  
5 notice to the individuals on the brownfield site contact list.

6 (h) Before the department approves a proposed final engineering  
7 report, the department, in consultation with the applicant, must notify  
8 individuals on such contact list. Such notice shall include a fact sheet  
9 describing the brownfield site report, including any proposed institu-  
10 tional or engineering controls.

11 (i) Within ten days of the issuance of a certificate of completion at  
12 a site which will utilize institutional or engineering controls, the  
13 applicant, in cooperation with the department, shall provide notice to  
14 the brownfield site contact list. Such notice shall include a fact sheet  
15 describing such controls.

16 4. Technical assistance grants. (a) Within the limits of appropri-  
17 ations made available pursuant to paragraph [j] (j) of subdivision three  
18 of section ninety-seven-b of the state finance law, the commissioner is  
19 authorized to provide grants to the New York city community board, which  
20 shall have the same meaning as set forth in section twenty-eight hundred  
21 of the New York city charter, in which the site is located or to any  
22 not-for-profit corporation exempt from taxation under section 501(c)(3)  
23 of the internal revenue code at any site determined to pose a signif-  
24 icant threat by the department and which may be affected by a brownfield  
25 site remedial program. To qualify to receive such assistance, a communi-  
26 ty group must demonstrate that its membership represents the interests  
27 of the community affected by such site. Furthermore, the commissioner is  
28 authorized to direct any applicant who is a responsible party, as  
29 defined in section 27-1313 of this article, to provide such grants. Such  
30 grants shall be known as technical assistance grants and may be used to  
31 obtain technical assistance in interpreting information with regard to  
32 the nature of the hazard posed by contamination located at or emanating  
33 from a brownfield site or sites and the development and implementation  
34 of a brownfield site remedial program or programs. Such grants may also  
35 be used to hire health and safety experts to advise affected residents  
36 on any health assessments and for the education of interested affected  
37 community members to enable them to more effectively participate in the  
38 remedy selection process. Grants awarded under this section may not be  
39 used for the purposes of collecting field sampling data, political  
40 activity or lobbying legislative bodies.

41 (b) The amount of any grant awarded under this section may not exceed  
42 fifty thousand dollars at any one site.

43 (c) No matching contribution from the grant recipient shall be  
44 required for a technical assistance grant. Following a grant award, a  
45 portion of the grant shall be made available to the grant recipient, in  
46 advance of the expenditures to be covered by the grant, in five thousand  
47 dollar installments.

48 § 5. This act shall take effect on the first of February next succeed-  
49 ing the date upon which it shall have become a law and shall apply to  
50 any applications received on or after such date.