S T A T E O F N E W Y O R K

2267

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. LUPARDO, GREENE -- Multi-Sponsored by -- M. of A. BRODSKY, CAHILL, COLTON, ENGLEBRIGHT, FIELDS, GLICK, GOTTFRIED, JAFFEE, KAVANAGH, KELLNER, KOON, LATIMER, LIFTON, P. RIVERA, ROSENTHAL, SCHIMEL, SWEENEY -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the environmental conservation law, in relation to trichloroethylene (TCE) exposure prevention

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 13 of the public health law is amended by adding a new title 12-B to read as follows:

TITLE 12-B - TRICHLOROETHYLENE EXPOSURE PREVENTION

SECTION 1389-F. MAXIMUM CONTAMINANT LEVELS FOR TRICHLOROETHYLENE (TCE).

S 1389-F. MAXIMUM CONTAMINANT LEVELS FOR TRICHLOROETHYLENE (TCE). THE DEPARTMENT SHALL PRESCRIBE A MAXIMUM INDOOR AIR CONTAMINANT LEVEL FOR TRICHLOROETHYLENE, FOR SUCH STANDARD, THE TARGETED RISK OF RESIDUAL CONTAMINATION SHALL BE BASED ON THE MOST PROTECTIVE UNDERLYING ASSUMPTIONS AND CANCER POTENCY FACTOR AND SHALL NOT EXCEED AN EXCESS CANCER RISK OF ONE IN ONE-MILLION FOR CARCINOGENIC END POINTS AND A HAZARD INDEX OF ONE FOR NON-CANCER END POINTS, IN ORDER TO MINIMIZE HEALTH RISKS ASSOCIATED TO EXPOSURE TO TRICHLOROETHYLENE.

S 2. Paragraph i of subdivision 1 of section 3-0301 of the environmental conservation law, as amended by chapter 654 of the laws of 2005, is amended to read as follows:

i. Provide for prevention and abatement of all water, land and air pollution, INCLUDING INDOOR AIR, AND including, but not limited to, that related to hazardous substances, particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids[;]. IN ESTABLISHING REMEDIATION STANDARDS AND ACTION LEVELS FOR INDOOR AIR, LEVELS UTILIZED BY THE DEPARTMENT IN ANY PROGRAMS WHERE LEVELS OF HAZARDOUS CHEMICALS ARE REGULATED, MONITORED, OR REPORTED SHALL BE AT LEAST AS

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

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STRINGENT AS THOSE SET IN SECTION THIRTEEN HUNDRED EIGHTY-NINE-F OF THE PUBLIC HEALTH LAW FOR ANY CONTAMINANT LISTED THEREIN.

S 3. Subdivision 1 of section 27-2403 of the environmental conservation law, as added by chapter 707 of the laws of 2006, is amended to read as follows:

1. (A) A person identified as a responsible party pursuant to title thirteen of this article or a participant as defined in paragraph (a) of subdivision one of section 27-1405 of this article shall provide within thirty days of validation of any test undertaken pursuant to this article or article twelve of the navigation law the results of any such test to any identifiable owner of real property that has been tested. In the event that such a test is undertaken by the department, the department shall provide, within thirty days of validation of such test, the results of such test to any identifiable owner of real property that has been tested.

(B) ANY MAXIMUM CONTAMINANT LEVEL SET BY THE DEPARTMENT OF HEALTH PURSUANT TO SECTION THIRTEEN HUNDRED EIGHTY-NINE-F OF THE PUBLIC HEALTH LAW SHALL BE UTILIZED IN DETERMINING THE APPLICABILITY OF THIS SECTION FOR ANY CONTAMINANT LISTED THEREIN.

S 4. This act shall take effect immediately.