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

164

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. HEVESI, MARKEY, BENEDETTO, MAISEL, CASTRO, SCHIMEL, TITONE, CRESPO, COOK, SIMOTAS, BOYLAND, WEPRIN, SCARBOROUGH, MOYA, COLTON, PERRY, JACOBS -- Multi-Sponsored by -- M. of A. ABBATE, GIBSON, LENTOL, ROBINSON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the administrative code of the city of New York, in relation to liability limitations for local brownfield sites issued city certificates of completion

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

Section 1. Section 24-906 of the administrative code of the city of New York is amended by adding a new subdivision (f) to read as follows:

(F)(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT AS PROVIDED ELSEWHERE IN THIS SECTION, AFTER THE OFFICE HAS ISSUED A CERTIFICATE OF COMPLETION FOR A LOCAL BROWNFIELD SITE, THE ENROLLEE SHALL NOT BE LIABLE TO THE STATE UPON ANY STATUTORY OR COMMON LAW CAUSE OF ACTION, ARISING OUT OF THE PRESENCE OF ANY CONTAMINATION IN, ON, OR EMANATING FROM THE LOCAL BROWNFIELD SITE THAT WAS THE SUBJECT OF SUCH CERTIFICATE AT ANY TIME BEFORE THE EFFECTIVE DATE OF A LOCAL BROWNFIELD CLEANUP AGREEMENT ENTERED INTO PURSUANT TO THIS CHAPTER, EXCEPT THAT A PARTICIPANT SHALL NOT RECEIVE A RELEASE FOR NATURAL RESOURCE DAMAGES THAT MAY BE AVAILABLE UNDER LAW.

(2) ANY PROVISION OF SECTION 27-1421 OF THE ENVIRONMENTAL CONSERVATION LAW THAT APPLIES TO A LIABILITY LIMITATION PROVIDED PURSUANT TO SUBDIVISION ONE OF SUCH SECTION SHALL APPLY TO A LIABILITY LIMITATION PROVIDED PURSUANT TO PARAGRAPH ONE OF THIS SUBDIVISION.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2013.

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

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