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

7250--B

Cal. No. 347

2013-2014 Regular Sessions

I N A S S E M B L Y

May 8, 2013

Introduced by M. of A. LENTOL, MARKEY, BROOK-KRASNY, COOK, O'DONNELL, SEPULVEDA, JACOBS, MILLMAN, MOSLEY, HEVESI, ROSENTHAL, TITONE -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BRENNAN, JAFFEE, RIVERA -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the environmental conservation law, in relation to prohibiting special assessments on hazardous wastes generated by certain sites

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

Section 1. Subdivision 1 of section 27-0923 of the environmental conservation law is amended by adding a new paragraph g to read as follows:

G. NO SPECIAL ASSESSMENT SHALL BE IMPOSED UNDER THIS SECTION ON HAZARDOUS WASTE GENERATED BY A PROJECT AT A "BROWNFIELD SITE" PROVIDED THAT THE "APPLICANT" IS A "VOLUNTEER" AND THE "REMEDIAL PROGRAM" IS ADMINISTERED BY A CITY, TOWN, VILLAGE OR COUNTY AND COMPLIES WITH THE REMEDIAL PROGRAM REQUIREMENTS OF THE BROWNFIELD CLEANUP PROGRAM AS SUCH TERMS ARE DEFINED IN SECTION 27-1405 OF THIS ARTICLE PROVIDED FURTHER THAT SUCH PROJECT IS SOLELY CONDUCTED FOR THE PURPOSE AND RESULTS IN THE DEVELOPMENT OF LOW-INCOME HOUSING AND THE REMEDIAL PROGRAM IS SUBJECT TO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT THAT IS MEMORIALIZED BY THE STATE LEGISLATURE BY SPECIAL OR GENERAL LAW. FOR THE PURPOSES OF THIS SECTION LOW-INCOME HOUSING SHALL MEAN HOUSING FOR INDIVIDUALS AT EIGHTY PERCENT OR LESS OF THE AREA MEDIAN INCOME FOR METROPOLITAN STATISTICAL AREA.

S 2. Subparagraph (vii) of paragraph d of subdivision 1 of section 72-0402 of the environmental conservation law, as amended by chapter 99

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

LBD10574-05-4

of the laws of 2010, is amended and a new subparagraph (viii) is added to read as follows:

(vii) under an environmental restoration project state assistance contract with the department pursuant to section 56-0503 of this chapter[.]; OR

(VIII) PURSUANT TO PARAGRAPH G OF SUBDIVISION ONE OF SECTION 27-0923 OF THIS CHAPTER.

S 3. The memorandum of agreement between the New York state department of environmental conservation and the New York City Office of Environmental Remediation providing the New York City Mayor's Office of Environmental Remediation with the authority to create and operate the New York City Local Brownfield Cleanup Program, signed on May 11, 2009, and such terms as they existed as of such date and any extension of time thereto is hereby memorialized, ratified and validated by the Legislature for the purpose of section 27-0923 of the environmental conservation law.

S 4. This act shall take effect April 1, 2015.