

4998--A

2013-2014 Regular Sessions

I N S E N A T E

May 3, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivision 1 of section 27-0923 of the environmental
2 conservation law is amended by adding a new paragraph g to read as
3 follows:
4 G. NO SPECIAL ASSESSMENT SHALL BE IMPOSED UNDER THIS SECTION ON
5 HAZARDOUS WASTE GENERATED BY A PROJECT AT A "BROWNFIELD SITE" PROVIDED
6 THAT THE "APPLICANT" IS A "VOLUNTEER" AND THE "REMEDIAL PROGRAM" IS
7 ADMINISTERED BY A CITY, TOWN, VILLAGE OR COUNTY AND COMPLIES WITH THE
8 REMEDIAL PROGRAM REQUIREMENTS OF THE BROWNFIELD CLEANUP PROGRAM AS SUCH
9 TERMS ARE DEFINED IN SECTION 27-1405 OF THIS ARTICLE PROVIDED FURTHER
10 THAT SUCH PROJECT IS SOLELY CONDUCTED FOR THE PURPOSE AND RESULTS IN THE
11 DEVELOPMENT OF LOW-INCOME HOUSING AND THE REMEDIAL PROGRAM IS SUBJECT TO
12 A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT THAT IS MEMORIALIZED
13 BY THE STATE LEGISLATURE BY SPECIAL OR GENERAL LAW. FOR THE PURPOSES OF
14 THIS SECTION LOW-INCOME HOUSING SHALL MEAN HOUSING FOR INDIVIDUALS AT
15 EIGHTY PERCENT OR LESS OF THE AREA MEDIAN INCOME FOR METROPOLITAN
16 STATISTICAL AREA.
17 S 2. Subparagraph (vii) of paragraph d of subdivision 1 of section
18 72-0402 of the environmental conservation law, as amended by chapter 99
19 of the laws of 2010, is amended and a new subparagraph (viii) is added
20 to read as follows:

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

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

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

6 S 3. The memorandum of agreement between the New York state department
7 of environmental conservation and the New York City Office of Environ-
8 mental Remediation providing the New York City Mayor's Office of Envi-
9 ronmental Remediation with the authority to create and operate the New
10 York City Local Brownfield Cleanup Program, signed on May 11, 2009, and
11 such terms as they existed as of such date and any extension of time
12 thereto is hereby memorialized, ratified and validated by the Legisla-
13 ture for the purpose of section 27-0923 of the environmental conserva-
14 tion law.

15 S 4. This act shall take effect April 1, 2014.