

STATE OF NEW YORK

10672

IN ASSEMBLY

March 20, 2026

Introduced by M. of A. SIMON -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to prohibiting public utilities from passing along the cost of site investigation and remediation efforts on to rate payers

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

1 Section 1. The public service law is amended by adding a new article
2 12 to read as follows:

3 ARTICLE 12
4 GENERAL PROVISIONS

5 Section 240. Definitions.

6 241. Limitations on rates.

7 § 240. Definitions. As used in this article, unless the context other-
8 wise indicates, the following terms have the following meanings:

9 1. "Public utility" means a public utility company or a public utility
10 corporation subject to the provisions of this chapter.

11 2. "Site investigation and remediation expenses" means expenses
12 related to all investigation and remediation activity to address all
13 soil contaminants listed in 6 NYCRR 375-678 and all contaminants for
14 which soil clean-up objectives are set under the commissioner of envi-
15 ronmental conservation's policy fifty-one from various sources, includ-
16 ing, but not limited to petroleum or chemical spills, PFAS substances
17 utilization, dumping, former gas manufacturing operations, and former
18 factory operations; and to achieve water quality standards under 6 NYCRR
19 703. "Site investigation and remediation expenses" includes expenses
20 for remediation measures necessitated at brownfield sites and state or
21 federal superfund sites.

22 3. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS
23 substances" means a class of fluorinated organic chemicals containing at
24 least one fully fluorinated carbon atom.

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

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1 § 241. Limitations on rates. 1. The following expenses, whether paid
2 directly or indirectly, through reimbursement or otherwise, incurred by
3 a public utility may not be included or incorporated in operating
4 expenses to be recovered from consumers in rates, tariffs or other
5 charges:

6 (a) expenses or other charges for site investigation and remediation
7 expenses; or

8 (b) fines, penalties, or expenses or other charges for legal services
9 or other advisory or consulting services related to site investigation
10 and remediation obligations.

11 2. On or before December thirty-first, two thousand twenty-seven, and
12 annually thereafter, each public utility with more than seventy-five
13 thousand customers shall submit to the commission a report, in a form
14 prescribed by the commission, containing a written, itemized description
15 of any expenses that may not be included or incorporated in the public
16 utility's operating expenses under subdivision one of this section. For
17 each expense, the report must include the date, the payee, the amount
18 and a description of the purpose of the expense and any other informa-
19 tion deemed relevant by the commission.

20 3. The public utility shall make available for public inspection all
21 materials filed with the commission in accordance with subdivision two
22 of this section. The commission shall make available the annual reports
23 filed by public utilities in accordance with this section on its public-
24 ly accessible website with notice of the availability of the reports
25 prominently displayed on the website.

26 § 2. Section 5 of the public service law is amended by adding a new
27 subdivision 7 to read as follows:

28 7. The commission shall adopt and implement rules and regulations
29 necessary to implement the provisions of section two hundred forty-one
30 of this chapter.

31 § 3. This act shall take effect on the ninetieth day after it shall
32 have become a law. Effective immediately, the addition, amendment and/or
33 repeal of any rule or regulation necessary for the implementation of
34 this act on its effective date are authorized to be made and completed
35 on or before such effective date.