

STATE OF NEW YORK

5714

2025-2026 Regular Sessions

IN ASSEMBLY

February 20, 2025

Introduced by M. of A. LEE, COLTON, OTIS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the availability of technical assistance grants in brownfield site remedial programs

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

1 Section 1. Subdivision 6 of section 27-1405 of the environmental
2 conservation law, as amended by section 2 of part A of chapter 577 of
3 the laws of 2004, is amended to read as follows:

4 6. "[~~Citizen~~] Community participation plan" shall mean the description
5 of [~~citizen~~] community participation activities prepared and carried out
6 pursuant to section 27-1417 of this title.

7 § 2. Subdivisions 2 and 9 of section 27-1409 of the environmental
8 conservation law, subdivision 2 as amended by section 7 of part BB of
9 chapter 56 of the laws of 2015, and subdivision 9 as amended by section
10 4 of part A of chapter 577 of the laws of 2004, are amended to read as
11 follows:

12 2. One requiring: (a) the participant to pay for state costs, includ-
13 ing the recovery of state costs incurred before the effective date of
14 such agreement; provided, however, that such costs may be based on a
15 reasonable flat-fee for oversight, which shall reflect the projected
16 future state costs incurred in negotiating and overseeing implementation
17 of such agreement; [~~and~~]

18 (b) with respect to a brownfield site which: (i) the department has
19 determined constitutes a significant threat to the public health or
20 environment, or (ii) is located on and/or adjacent to a school or day
21 care facility, the department [~~may~~] shall include a provision requiring
22 the applicant to provide a technical assistance grant, as described in
23 subdivision four of section 27-1417 of this title and under the condi-
24 tions described therein, to an eligible party in accordance with proce-

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

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dures established under such program, with the cost of such a grant incurred by a volunteer serving as an offset against such state costs;

(c) with respect to all other brownfield sites the department may include a provision requiring the applicant to provide a technical assistance grant, as described in subdivision four of section 27-1417 of this title and under the conditions described therein, to an eligible party in accordance with procedures established under such program, with the cost of such a grant incurred by a volunteer serving as an offset against such state costs;

9. One requiring the preparation and implementation of a [citizen] community participation plan consistent with the requirements of this title as soon as possible following execution of the agreement but no later than prior to the preparation of a draft remedial investigation plan by the applicant which shall include a description of [citizen] community participation activities already performed by the applicant and/or the department;

§ 3. Subparagraph (vi) of paragraph (i) of subdivision 3 of section 27-1415 of the environmental conservation law, as amended by section 7 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

(vi) Any written and oral comments submitted by members of the public on the applicant's proposed use as part of [citizen] community participation activities performed by the applicant pursuant to this title.

§ 4. Section 27-1417 of the environmental conservation law, as added by section 1 of part A of chapter 1 of the laws of 2003, paragraphs (b), (d), (e), (f), (g), (h), (i) of subdivision 3 and paragraph (a) of subdivision 4 as amended by section 8 of part A of chapter 577 of the laws of 2004, is amended to read as follows:

§ 27-1417. [Citizen] Community participation.

1. [Citizen] Community participation handbook. The commissioner shall prepare a [citizen] community participation handbook for the purpose of providing guidance to applicants in the design and implementation of meaningful [citizen] community participation plans consistent with the requirements of this section for the remediation of brownfield sites as provided in this title. Such handbook shall encourage [citizen] community involvement by outlining opportunities and recommended methods for effective [citizen] community participation, including the availability of technical assistance grants. The commissioner shall make such handbook available to all applicants and other interested members of the public upon request and shall make it available on the department's website.

2. [Citizen] Community participation plans. (a) The design of any [citizen] community participation plan, including the level of [citizen] community involvement and the tools utilized, shall take into account the scope and scale of the proposed remedial program, local interest and history, and other relevant factors. While retaining flexibility, [citizen] community participation plans shall embody the following principles of meaningful [citizen] community participation:

(1) opportunities for [citizen] community involvement should be provided as early as possible in the decision making process prior to the selection of a preferred course of action by the department and/or the applicant.

(2) activities proposed in such plan should be as reflective of the diversity of interests and perspective found within the community as possible, allowing the public the opportunity to have their views heard and considered, which may include opportunities for two-way dialogue.

1 (3) full, timely, and accessible disclosure and sharing of information
2 by the department shall be provided, including the provision of techni-
3 cal data and the assumptions upon which the analyses are based.

4 (b) All [~~citizen~~] community participation plans shall include the
5 following minimum elements:

6 (1) identification of the interested public and preparation of a
7 brownfield site contact list;

8 (2) identification of major issues of public concern related to the
9 brownfield site;

10 (3) a description and schedule of public participation activities
11 required pursuant to this section; and

12 (4) a description and schedule of any additional public participation
13 activities needed to address public concerns.

14 3. [~~Citizen~~] Community participation requirements. (a) In addition to
15 the formal milestones listed below, the public may provide comments at
16 any time during the remedial program.

17 (b) The person submitting a request for participation, in cooperation
18 with the department, shall provide a newspaper notice of the person's
19 request to participate in the program. The person, in cooperation with
20 the department, shall also provide notice thereof to the brownfield site
21 contact list. Such notice shall provide for a thirty day public comment
22 period following publication.

23 (c) Before the department finalizes the remedial investigation work-
24 plan, the applicant, in cooperation with the department, must notify
25 individuals on the brownfield site contact list. Such notice shall
26 include a fact sheet describing such plan and provide for a thirty day
27 public comment period.

28 (d) Before the department approves a proposed remedial investigation
29 report, the department, in consultation with the applicant, shall notify
30 individuals on the brownfield site contact list. Such notice shall
31 include a fact sheet describing such report.

32 (e) Upon the department's determination of significant threat pursuant
33 to section 27-1411 of this title, the department must provide notice to
34 individuals on the brownfield site contact list. Such notice shall
35 include a fact sheet describing the basis of the department's determi-
36 nation.

37 (f) Before the department finalizes a proposed remedial work plan or
38 makes a determination that site conditions meet the requirements of this
39 title without the necessity for remediation pursuant to section 27-1411
40 of this title, the department, in consultation with the applicant, must
41 notify individuals on the brownfield site contact list. Such notice
42 shall include a fact sheet describing such plan and provide for a
43 forty-five day public comment period. The commissioner shall hold a
44 public meeting if requested by the affected community and the commis-
45 sioner has found that the site constitutes a significant threat to the
46 public health or the environment. Further, the affected community may
47 request a public meeting at sites that do not constitute a significant
48 threat. (1) To the extent that the department has determined that site
49 conditions do not pose a significant threat and the site is being
50 addressed by a volunteer, the notice shall state that the department has
51 determined that no remediation is required for the off-site areas and
52 that the department's determination of a significant threat is subject
53 to this forty-five day comment period. (2) If the remedial work plan
54 includes a Track 2, Track 3 or Track 4 remedy at a non-significant
55 threat site, such comment period shall apply both to the approval of the

1 alternatives analysis by the department and the proposed remedy selected
2 by the applicant.

3 (g) Before the applicant commences construction at the brownfield
4 site, the applicant, in cooperation with the department, shall provide
5 notice to the individuals on the brownfield site contact list.

6 (h) Before the department approves a proposed final engineering
7 report, the department, in consultation with the applicant, must notify
8 individuals on such contact list. Such notice shall include a fact sheet
9 describing the brownfield site report, including any proposed institu-
10 tional or engineering controls.

11 (i) Within ten days of the issuance of a certificate of completion at
12 a site which will utilize institutional or engineering controls, the
13 applicant, in cooperation with the department, shall provide notice to
14 the brownfield site contact list. Such notice shall include a fact sheet
15 describing such controls.

16 4. Technical assistance grants. (a) Within the limits of appropri-
17 ations made available pursuant to paragraph [j] (j) of subdivision three
18 of section ninety-seven-b of the state finance law, the commissioner is
19 authorized to provide grants to the New York city community board, which
20 shall have the same meaning as set forth in section twenty-eight hundred
21 of the New York city charter, in which the site is located or to any
22 not-for-profit corporation exempt from taxation under section 501(c)(3)
23 of the internal revenue code at any site determined to pose a signif-
24 icant threat by the department and which may be affected by a brownfield
25 site remedial program. To qualify to receive such assistance, a communi-
26 ty group must demonstrate that its membership represents the interests
27 of the community affected by such site. Furthermore, the commissioner is
28 authorized to direct any applicant who is a responsible party, as
29 defined in section 27-1313 of this article, to provide such grants. Such
30 grants shall be known as technical assistance grants and may be used to
31 obtain technical assistance in interpreting information with regard to
32 the nature of the hazard posed by contamination located at or emanating
33 from a brownfield site or sites and the development and implementation
34 of a brownfield site remedial program or programs. Such grants may also
35 be used to hire health and safety experts to advise affected residents
36 on any health assessments and for the education of interested affected
37 community members to enable them to more effectively participate in the
38 remedy selection process. Grants awarded under this section may not be
39 used for the purposes of collecting field sampling data, political
40 activity or lobbying legislative bodies.

41 (b) The amount of any grant awarded under this section may not exceed
42 fifty thousand dollars at any one site.

43 (c) No matching contribution from the grant recipient shall be
44 required for a technical assistance grant. Following a grant award, a
45 portion of the grant shall be made available to the grant recipient, in
46 advance of the expenditures to be covered by the grant, in five thousand
47 dollar installments.

48 § 5. This act shall take effect on the first of February next succeed-
49 ing the date upon which it shall have become a law and shall apply to
50 any applications received on or after such date.