STATE OF NEW YORK

6889

2025-2026 Regular Sessions

IN SENATE

March 26, 2025

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to expanding the brownfields cleanup program to include state-owned properties affected by certain kinds of structural contamination

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

Section 1. The environmental conservation law is amended by adding a new section 27-1435 to read as follows:

§ 27-1435. State-owned property remediation program.

1. The department shall promulgate regulations to implement a state-owned property remediation program for applicants that meet the requirements of subdivision two of this section, provided that:

(a) the activity is conducted in a manner which satisfies all requirements applicable to like activity conducted pursuant to sections 27-1415 and 27-1417 of this title; and

(b) the remedial program pursuant to section 27-1415 of this title shall achieve a cleanup level that will allow the site to be used for any purpose without restriction by the department and without reliance on the long-term employment of institutional or engineering controls.

2. Applicants under this section shall meet the following criteria in order to be eligible for the state-owned property remediation program:

(a) the property that is the subject of the application must be real property owned by the state or any department or agency thereof, provided, however, that real property disposed of by the state or any department or agency thereof shall be eligible for the program pursuant to this section; and

(b) the property that is the subject of the application is affected by contamination of structures located at the site due to stored materials, electrical appurtenances, asbestos, lead, polychlorinated biphenyls, or

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

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contaminant as defined pursuant to subdivision seven-a of section 27-1405 of this title.

3. Upon the department's acceptance of the certification by the applicant that the remediation requirements of this title, pursuant to section 27-1419 of this title, have been achieved for the property and an environmental easement, if necessary, has been created and filed pursuant to title thirty-six of article seventy-one of this chapter, the property shall be eligible to receive a certificate of completion in accordance with section 27-1419 of this title and shall be eligible for the tax credits provided by section twenty-one of the tax law.

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