

# STATE OF NEW YORK

9964

## IN SENATE

April 20, 2026

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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 otherwise  
8 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.

LBD13816-02-6

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.