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:

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

ARTICLE 12
GENERAL PROVISIONS

Section 240. Definitions.
241. Limitations on rates.

§ 240. Definitions. As used in this article, unless the context otherwise indicates, the following terms have the following meanings:

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

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

3. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS substances" means a class of fluorinated organic chemicals containing at 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

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

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

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

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

3. The public utility shall make available for public inspection all materials filed with the commission in accordance with subdivision two of this section. The commission shall make available the annual reports filed by public utilities in accordance with this section on its publicly accessible website with notice of the availability of the reports prominently displayed on the website.

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

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

§ 3. This act shall take effect on the ninetieth 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 effective date.