

STATE OF NEW YORK

4263

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sens. KAVANAGH, MAY -- 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 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-

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

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tions 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;

(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.

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

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

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

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

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

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

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

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

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

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

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

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

1 threat site, such comment period shall apply both to the approval of the
2 alternatives analysis by the department and the proposed remedy selected
3 by the applicant.

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

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

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

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

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

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

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