§ 27-1201. Definitions.

When used in this title:

1. "Contaminant" means emerging contaminants pursuant to section eleven hundred twelve of the public health law, and, for solid waste sites, shall include parameters identified in regulations required to be tested by landfills to ensure the protection of groundwater quality.

2. "Contamination" or "contaminated" means the presence of a contaminant in any environmental media, including soil, surface water, or groundwater, sufficient to cause or substantially contribute to an exceedance of standards, criteria, and guidance values established by the department or drinking water standards, including maximum contaminant levels, notification levels, maximum residual disinfectant levels or action levels established by the department of health.

3. "Drinking water contamination site" means any area or site that is causing or substantially contributing to the contamination of one or more public drinking water supplies.

4. "Mitigation" means the investigation, sampling, management, or treatment of a solid waste site or drinking water contamination site required to ensure the availability of safe drinking water, including public water systems and individual onsite water supply systems necessary to meet standards, criteria, and guidance values established by the department or drinking water standards, including maximum contaminant levels, notification levels, maximum residual disinfectant levels, or action levels established by the department of health that can be successfully carried out with available, implementable and cost-effective technology. "Mitigation" activities include but are not limited to the installation of drinking water treatment systems, the provision of alternative water supplies, or repair of a landfill cap. "Mitigation" does not mean remediation.

5. "Solid waste site" means a site where (a) the department has a reasonable basis to suspect that the illegal disposal of solid waste

occurred or, (b) a court of competent jurisdiction has determined that an illegal disposal of solid waste occurred, or (c) the department knows or has a reasonable basis to suspect that an inactive solid waste management facility which does not have a current monitoring program is impacting or contaminating one or more drinking water supplies. Solid waste site shall not include a site which is currently subject to investigation or remediation pursuant to title thirteen or fourteen of this article or any site which completed such programs and was either delisted by or received a certificate of completion from the department.

6. "Solid waste management facility" means any facility employed for solid waste collection, processing and disposal including processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, regulated facilities for the disposal of construction and demolition debris, regulated plants and facilities for compacting, composting or pyrolization of solid wastes, regulated mulch facilities, landspreading and soil amending operations, and incinerators.