§ 27-1317. New use of sites.

Subsequent to the adoption of regulations by the department provided for in this section, no person may substantially change the manner in which an inactive hazardous waste disposal site on the registry prepared and maintained by the department pursuant to section 27-1305 of this title is used, without notifying the department and, pursuant to section one thousand three hundred eighty-nine-d of the public health law, the department of health. A substantial change of use shall be defined in rules and regulations adopted by the department and shall include, but not be limited to, the erection of a building or other structure on such site, the paving of such site for use as a roadway or parking lot, and the creation of a park or other public or private recreational facility on such site. Such notice shall be in writing, addressed to the commissioner and the commissioner of health and shall include a brief description of the proposed change of use. Such notice shall be submitted at least sixty days before any physical alteration of the land or construction shall occur or, in the event any alteration or construction is not required to initiate such change of use, at least sixty days before any change of use.

Subsequent to the adoption of regulations by the department provided for in this section, no person may substantially change the manner in which an inactive hazardous waste disposal site, for which a declaration has been issued by the commissioner of health pursuant to subdivision two of section one thousand three hundred eighty-nine-b of the public health law, is used without the written approval of the commissioner and the commissioner of health. The commissioner shall not approve such change of use if such new use will interfere significantly with a proposed, ongoing or completed inactive hazardous waste disposal site remedial program at such site or expose the environment or health to a significantly increased threat of harm.