§ 27-1437. BCP-EZ program.

1. The department may promulgate regulations to implement a program providing for the expedited investigation and/or remediation of contamination at brownfield sites (BCP-EZ program), provided that:

(a) at the time of the application, the department has determined that the brownfield site does not pose a significant threat pursuant to section 27-1411 of this title;

(b) the applicant has waived in writing any claim for tax credits pursuant to section twenty-one of the tax law on a form prescribed by the department; and

(c) the activity is conducted in a manner which satisfies all requirements applicable to like activity conducted pursuant to sections 27-1415 and 27-1417 of this title, except as provided in subdivision two of this section and the time periods specified in paragraphs (b) and (c) of subdivision three of section 27-1417 of this title.

2. For any site accepted into the BCP-EZ program pursuant to this section with a remedial work plan identifying a Track 4 remediation, if a contaminant is identified in soil in excess of the remedial action objectives contained in an applicable generic table developed pursuant to subdivision six of section 27-1415 of this title, the applicant may use site-specific data to demonstrate to the department that the concentration of the contaminant in the soils reflects background conditions and, in that case, a contaminant-specific action objective for such contaminant equal to such background concentration may be established provided that such objective is protective of the public health and the environment and is determined in a manner acceptable to the department.

3. Upon the department's acceptance of the certification by the applicant that the remediation requirements of this title, pursuant to section 27-1419 of this title, have been achieved for the brownfield site and an environmental easement, if necessary, has been created and filed pursuant to title thirty-six of article seventy-one of this chapter, a site in the BCP-EZ program shall be eligible to receive a certificate of completion in accordance with section 27-1419 of this

title; provided, however, that such certificate of completion shall not entitle the holder to any tax credits provided by section twenty-one of the tax law.