§ 56-0515. Access to sites.

The department, by and through the commissioner, shall be authorized to:

1. Require that any person permit a duly designated officer or employee of the department or of a municipal corporation, or any agent, consultant, or contractor of the department or of a municipal corporation, so authorized in writing by the commissioner, to enter upon any property which has or may have a contamination on such property, and/or areas near such property, for the following purposes:

(a) To inspect and take samples of such contaminate and/or environmental media, utilizing such sampling methods as may be necessary or appropriate, including without limitation soil borings and monitoring wells; provided that no sampling methods involving the substantial disturbance of the ground surface of such property may be utilized until after a minimum of ten days' written notice thereof shall have been provided to the owner and operator and occupant of such property, if identifiable by reasonable efforts, unless the commissioner makes a written determination that such notice will not allow the protection of the public health or the environment, in which case two days' written notice shall be sufficient;

(b) To implement the cleanup, removal, remediation, or restoration of contamination and/or environmental media; provided that no such work may be undertaken until after a minimum of ten days' written notice thereof shall have been provided to the owner and operator and occupant of such property, if identifiable by reasonable efforts, unless the commissioner makes a written determination that such notice will not allow the protection of the public health or the environment, in which case two days' written notice shall be sufficient.

2. (a) Require that any person furnish to the department, in a form and manner as prescribed by the department, information relating to the current and past contamination generation, treatment, storage, disposal, and/or transportation activities of such person or any other person now or formerly under the control of such person; in the event such person cannot comply therewith, in whole or in part, such person shall furnish

to the department information describing all efforts made by such person to comply therewith; any information so furnished to the department shall be considered a "written instrument" as defined in subdivision three of section 175.00 of the penal law;

(b) Require that any person permit a duly designated officer or employee of the department at all reasonable times to have access to and to copy all books, papers, documents, and records relating to the current and past contamination generation, treatment, storage, disposal, and/or transportation activities of such person or any person now or formerly under the control of such person;

(c) Require, by subpoena issued in the name of the department, the production of books, papers, documents, and other records, and the rendition of testimony by deposition under oath of any person relating to the current and past contamination generation, treatment, storage, disposal, and/or transportation activities of such person or any person now or formerly under the control of such person; such subpoenas and depositions shall be regulated by the civil practice law and rules; the commissioner may invoke the powers of the supreme court of the state of New York to compel compliance therewith.