§ 1389-d. New use of sites. Subsequent to the adoption of regulations by the department of environmental conservation pursuant to section 27-1317 of the environmental conservation law, no person may substantially change the manner in which an inactive hazardous waste disposal site on the registry prepared and maintained by the department of environmental conservation pursuant to section 27-1305 of the environmental conservation law is used, without notifying the department and, pursuant to section 27-1317 of the environmental conservation law, the department of environmental conservation. A substantial change of use shall be defined in rules and regulations adopted by the department of environmental conservation 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 environmental conservation 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 of environmental conservation pursuant to section 27-1317 of the environmental conservation law, 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 pursuant to subdivision two of section one thousand three hundred eighty-nine-b of this title, is used without the written approval of the commissioner. The commissioner shall not approve such change of use if such new use will expose persons to a significantly increased danger to life or health.