

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2013**

Bill Number: H269      Name of Bill: \_\_\_\_\_

Agency/Dept.: ANR/DEC      Author of Bill Review: Patricia Coppolino

Date of Bill Review: 2/25/15      Status of Bill (check one):

☒ Upon Introduction    ☐ As passed by 1<sup>st</sup> body    ☐ As passed by both bodies    ☐ Fiscal

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**Recommended Position:**

☐ Support    ☐ Oppose    ☐ Remain Neutral    ☒ Support with modifications identified in #8 below

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**Analysis of Bill**

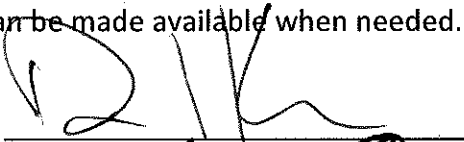
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1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*  
Direct ANR to create a rule to manage contaminated soils derived during redevelopment.
2. **Is there a need for this bill?** *Please explain why or why not.* No. ANR is currently in the process of creating a rule that will address how PAH and Arsenic impacted soils can be managed and deriving a background concentration that will reflect urban soils.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**  
The fiscal implications are not exorbitant for the DEC. It does have some large implications on the program related to timing to review and approve requests, the bill is in conflict with federal laws related to transfer of contaminated soils and does not take into account site characterization or corrective action.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** This shouldn't impact other programs.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example: public, municipalities, organizations, business, regulated entities, etc.)*  
This bill could allow for less expensive development of urban properties by reducing the costs for disposal of contaminated soils. The public may not like this as much because the bill proposes to allow for the relocation of contaminated soils to any other property within a downtown.
6. **Other Stakeholders:**
  - 6.1 **Who else is likely to support the proposal and why?** Agency of Commerce and Community Development - helps to facilitate development in downtowns. Developers, less costly development costs related to disposal of contaminated soils.
  - 6.2 **Who else is likely to oppose the proposal and why?** Current facilities that could accept this waste may oppose this bill as it is a loss of business.

**7. Rationale for recommendation:** *Justify recommendation stated above.* We would only support this bill if there were modifications made including changes which would allow for more characterization of the site being developed, the site that would receive the contaminated soils, notification to neighboring property owners and the municipality where the soils would be relocated and refining definitions. The timeframes for notification and approval have been amended to allow for a more considerate review of the information being presented.

**8. Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*  
We have prepared edits to the bill that can be made available when needed.

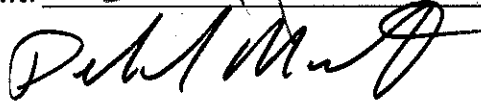
Commissioner has reviewed this document:



Date:

2/25/15

Secretary has reviewed this document:



Date:

3-2-15