



Senator Bill Perkins
New York State Senate, 30th District
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**REPORT OF PUBLIC FORUM ON STATE SUPERFUND SITE
AT 2350 FIFTH AVENUE, NEW YORK, NY
AUGUST 17th, 2012**



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I. *Introduction*

This is a report by Senator Bill Perkins on the public forum that he sponsored on the toxic State Superfund Site at 2350 Fifth Avenue. The forum was held on August 17, 2012. In early July, Senator Perkins was informed by one of his constituents that 2350 Fifth Avenue had been rented to about 100 members of the community without notification of its status as a class 2 State Superfund Site that is currently undergoing remediation to clean up and remove toxic chemicals at the site. A State Superfund Site is also known as an inactive hazardous waste site, which means that toxic chemicals are present in the air and/or water at that site. According to the Department of Environmental Conservation, a class 2 superfund site “poses a significant public health risk” and “requires action”. ECL §27-2405 mandates that owners of a superfund site provide notice to tenants in the lease agreement in “at least twelve point type in bold face on the first page: “NOTIFICATION OF TEST RESULTS.” The property has been tested for contamination of indoor air: test results and additional information are available upon request”. However, individuals who rented space at 2350 were not told about the site’s toxic status. Additionally, the owner of the building 2350 Fifth Avenue Corporation changed the address of the building to 2340 in attempt to further hide the fact that the site is in fact a class 2 superfund site.

On July 10th and 11th NBC NY I-Team ran a news story on this huge issue where they interviewed impacted individuals and Senator Perkins. As a result, the DEC agreed to hold an informational meeting for the tenants of the building on July 31st. Numerous tenants remained concerned and outraged that they were not notified that the building was designated as a superfund site prior to signing rental agreements. In response Senator Perkins drafted legislation to enhance notification to tenants and the public and increased penalties for violations of Environmental law. Additionally, Senator Perkins held the public forum to bring the impacted community and the responsible government agencies (the Department of Environmental Conservation and the Department of Health) together to discuss this issue and to develop solutions whether through additional legislation to be sponsored by the Senator or through better procedures to be used by the agencies in their oversight of owners of superfund sites.

II. *Toxic History of 2350 Fifth Avenue*

2350 Fifth Avenue, was originally built as a Borden Company ice cream factory which required the installation of insulating materials for refrigeration. It was later used as an industrial laundry and dry cleaning company which utilized tetrachloroethylene (PCE or perc) which is classified as a hazardous material and was absorbed into the slab insulation materials and ground soil. In 1998, it was subsequently classified by the DEC as a class 2 Superfund Site. The site was then renovated for use as public school 141, but was only utilized as such for a short time as it was determined not to be safe for children to attend

school there. A local church also occupied the building for a brief time before vacating it due to concerns over air quality. To date, the site is only in the beginning stages of the remediation process. Yet, 2350 Fifth Avenue, is currently sublet for use as an art studio, office space and gym where the subtenants have unlimited access to their space with some subtenants utilizing their space as an apartment.

III. *List of Witnesses*

The following parties were in attendance and provided testimony during the hearing:

Department of Environmental Conservation (DEC):

The DEC was represented by

- ❖ Venetia Lanon, DEC Region 2 Director
- ❖ Jane O’Connell, DEC Region 2 Manager
- ❖ Steven Russo, Counsel

Department of Health (DOH):

- ❖ Dawn Hettrick
- ❖ Ed Marcano

Environmental Advocates:

- ❖ Peggy Shepard, Executive Director of West Harelm Environmental Action (WE ACT)
- ❖ Lenny Siegel, President of the Committee of Public Environmental Oversight (CPEO)
- ❖ Lawrence Schnapf, Environmental Attorney

Current and Former Tenants

- ❖ Albert Elkerson
- ❖ Wayne Hodge
- ❖ Alexis Neider
- ❖ Risa Schneider
- ❖ Sharon Thomson

IV. *Summary of the Public Forum*

The Forum began with opening remarks from Senator Bill Perkins. During the Forum testimony was provided by the President of the CPEO, Lenny Siegel, followed by WE ACT Executive Director Peggy Shepard, next a panel of the DEC and DOH staff including Jane O’Connell, Steven Russo, and Venetia Lanon, and last but certainly not

least, a panel made up of former and current tenants Albert Elkerson, Risa Schneider, Alexis Neider, Sharon Thomson, Wayne Hodge and environmental lawyer Lawrence Schnapf.

Lenny Siegel

President of CPEO, Lenny Siegel, explained the impact of air and water contamination at superfund sites and toxic chemical plumes in general and in New York State. He also discussed the different standards for the toxic chemical PCE which is present at 2350. He explained that the EPA standard for PCE in the air is stricter than the standard in New York and is based on lifetime cancer risk. He also explained that California has the best standard also based on lifetime cancer risk and that the NYS DOH has the least strict guideline which should be evaluated considering that the federal government and California have better standards. Mr. Siegel suggested that the owners of superfund sites be required by law to post signs on the entryway of the building. He suggested that the sign indicate that the site is managed by a DEC ordered remediation plan and who should be contacted if an individual wants further information. Additionally, he suggested that Senator Perkins draft legislation to mandate that there be a Community Advisory board established for all State Superfund Sites. The DEC would be required to keep the Board informed about the status and progress of superfund sites and the Board would in turn pass the information along to the impacted community.

Peggy Shepard

Peggy Shepard spoke to the inadequacy of DEC's efforts to keep the community informed about the superfund site at 2350 Fifth Avenue. Peggy Shepard advised that DEC hosted a public hearing on the superfund site in 2011 and that she was the only person who attended it as other members of the community did not know anything about it. She also explained that DEC is required to create a Citizen Participation Plan. The purpose of the Citizen Participation Plan is to keep the surrounding community where a superfund is located informed of the status of the site and any ongoing remediation and should incorporate principals of environmental justice.

Peggy Shepard suggested that the Senator draft legislation to mandate that the DEC notify elected officials, and community leaders in communities where State Superfund Sites are located. She also suggested the posting of signs as soon as the DEC begins investigating whether a site should be a State Superfund Site and that the sign should remain posted until the site is no longer toxic. She also suggested that communities where State Superfund Sites are located be notified that they are entitled to obtain a Temporary Assistance Grant to hire a experts to explain the State Superfund Sites and the entire State Superfund Site process. She also suggested that a special registry be created to track the

addresses of State Superfund Sites to prevent another landlord from changing a site's address to hide its toxic status.

DEC and DOH Joint Panel

The DEC and DOH appeared as a joint panel. DEC gave extensive background on the construction of the building at 2350 Fifth Avenue, explaining that it is technically three connected buildings. They gave details on the history of how the building became toxic. They explained that the toxic dry cleaning chemicals entered into the ground soil which then contaminated both the air and the water. DEC further explained the process by which the site was designated a superfund site. They explained that they were less concerned with the water contamination because New York City's water supply comes from upstate and not from local water. DEC explained that there were immediate temporary fixes put in place to address the air quality contamination caused by the release of toxic vapor from the soil and that DEC continues to monitor the air quality. DEC also explained that they would do additional air quality testing in the surrounding residential neighborhoods.

DEC explained the Citizen Participation Plan involves factsheets generally explaining what a superfund site is and the status of the superfund site are sent out to all elected officials and to members of the impacted community. However DEC explained that they rely on the company responsible for cleaning up the State Superfund Site to notify tenants and occupants of the building and simply accept a statement from the responsible company that the fact sheets were sent out. DEC admitted that this may not be the best way to notify and keep the community informed as the responsible company had failed to do so with regard to subtenants and occupants. DEC also stated that the responsible company failed to inform them that these individuals were even leasing space in the building until recently. Essentially DEC admitted shortcomings in their ability to effectively monitor the 2350 site and attributed the problem to lack of funding. DEC promised to work with Senator Perkins and the community in the future to try to improve their effectiveness. DEC also stated that they are currently investigating the landlord, and the responsible party, the 2350 Fifth Avenue Corporation and that they had been penalized in the past.

The DOH explained that their role in the State Superfund Site overview and management process is to assess the public health risk. The DOH explained that they have not reassessed their guideline for PCE in indoor air because there are currently reviewing other more hazardous contaminants and have limited resources. The DOH stated that because of the forum their PCE guideline is definitely on their radar for review but could not give a specific deadline for the review. When asked directly if the building at 2350

was safe for use, DOH stated that their toxicologists believe that it is safe for people to be in the building.

Former and Current Tenants and Lawrence Schnapf

All of the tenants past and present stated that they were outraged that the landlord changed the address on the building. They explained that they did not receive fact sheets until May of this year when a fellow tenant Albert Elkerson effectively blew the whistle on 2350 Fifth Avenue as a superfund site. This is a direct violation of the Citizen Participation Plan and tenants wanted to know if the landlord had been penalized. Tenants stated that they witnessed the immediate air quality system put in place to try to decontaminate the air and that it was in very poor condition, held together with duct tape. Some tenants explained that they had been in the building while remediation had been ongoing and suffered adverse health effects because of it. Tenants raised concern and expressed outrage that children, in some cases their own children had been inside the building and raised the issue of people with health pre-existing health issues being in the building. Tenants explained that one of their fellow tenants had been pregnant while in the building. There were also concerns raised as to whether the toxin could contaminate personal property stored in the building that would later be brought home. Tenants inquired about potentially establishing a tenant protection fund and a tenant bill rights.

Environmental lawyer, Lawrence Schnapf, discussed how proper disclosure of a site's superfund site is a problem throughout the country. He advised that New York State was the first state to look into air quality issues at State Superfund Sites, however he advised that California has a better screening process. He stated that all in all New York had a generally good program for air quality in superfund sites, but the problem lies in the unclear language of the laws regulating superfund sites, because it does not explicitly state that subtenants be notified. Mr. Schnapf suggested the creation of stronger mechanisms of enforcement for failure to notify and also suggested creating legislation to require sellers to disclose if their property is within a certain mile radius of superfund site.

V. *Proposed Legislation Ideas*

Senator Perkins is currently reviewing the following suggestions made at the Public Forum for possible legislation:

- Require DEC to notify tenants and occupants about the potential risks at a Superfund Site at the earliest investigation stage of the process.
- Set a timeframe for the DOH to match New York's PCE regulations with the Federal EPA regulations and standards or an even higher standard like in California.

- Require a sign at the entryway of the building, notifying people that the site is undergoing remediation or that it is undergoing an environmental investigation.
- Require DEC to form a community advisory board so that tenants and occupants are aware of the process, and are able to participate more fully with the Citizen Participation Plan.
- Require that the Citizen Participation Plan be made public.
- Create a stronger mechanism for enforcement against violations for notification.
- Require a Bill of Rights for tenants and occupants situated at a State Superfund Site outlining what a Superfund site is, how that may affect people in the building, and if necessary, an additional warning to at-risk communities (pregnant women, elderly, children).
- Require sellers to disclose if their property is within a certain mile radius of a State Superfund Site (also required in New Jersey).

VI. *Follow-up and Conclusion*

Senator Perkins was encouraged by the participation of the DEC and DOH but believes that this is just a first step on a very long journey. It is Senator Perkins' goal to ensure that New York State has the best procedures and practices regarding State Superfund Sites so that the public health and environment of New York is fully protected. To that end, Senator Perkins has sent follow-up letters to the DEC and DOH requesting additional information that was not provided at the hearing. He has also reached out to the New York State Attorney General Eric T. Schneiderman by letter, respectfully asking him to investigate both the 2350 Fifth Avenue Corporation and the DEC handling of the oversight and management of the superfund at 2350 Fifth Avenue as well as Superfund Sites throughout the state. He is also in contact with WE ACT, CPEO and Lawrence Schnapf to continue to improve and develop further legislative fixes. Included with the report are copies of the letters sent to the DEC, DOH and Attorney General Schneiderman and original legislation drafted by Senator Perkins in response to this issue. For additional information and updates please visit Senator Perkins' website at: perkins.nysenate.gov.

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August 30, 2012

Joe Martens, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233

**Re: Public Forum on Superfund Site at 2350 Fifth Avenue
August 17, 2012**

Dear Commissioner Martens:

I want to thank your staff for attending the public forum I sponsored on the Superfund site located at 2350 Fifth Avenue in my district. The purpose of the forum was to discuss current owner disclosure requirements for leasing and subleasing space located on a State Superfund Site, and to consider legislative proposals to enhance those requirements and further protect the safety and well being of New York residents. The participation of your staffers was both valuable and informative for the public as well as for myself.

Other attendees at the hearing included:

- Peggy Shepard, Executive Director of West Harlem Environmental Action (WE ACT)
- Lenny Siegel, President of Committee for Public Environmental Oversight
- Lawrence Schnapf, Environmental Lawyer
- Current and former tenants of 2350, including Albert Elkerson who brought this issue to my attention

All of the forum attendees provided a host of information and ideas that I plan to incorporate into legislation which will enhance notice requirements and community outreach for the duration of the designation and remediation of a superfund site. Particularly the legislative proposals consist of: earlier notification to tenants and the surrounding community about the designation of a site as a superfund site and the public health risks associated with a superfund site, the establishment of a community advisory board, and augmented enforcement mechanisms for the DEC to address notification violations.

While the participation of all the attendees including your staff was essential and greatly appreciated there were several questions and concerns that were left outstanding. Particularly, I requested documentation of all penalties imposed on the 2350 Fifth Avenue Corporation, additional information on the requirements of the Community Participation Plan and DEC involvement in overseeing the plan, and a report of the status all superfund sites located in my district.

I, again, thank you for your cooperation and look forward to your response to this very important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Perkins", with a long horizontal flourish extending to the right.

Bill Perkins, State Senator
30th Senatorial District

BILL PERKINS
SENATOR, 30TH DISTRICT
RANKING MINORITY MEMBER
CIVIL SERVICE & PENSIONS
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COMMISSIONS
COMMITTEES:
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August 30, 2012

Nirav R. Shah, Commissioner
New York State Department of Health
Coming Tower
Empire State Plaza
Albany, NY 12247

**Re: Public Forum on Superfund Site at 2350 Fifth Avenue
August 17, 2012**

Dear Commissioner Shah:

I want to thank your staff for attending the Public Forum I sponsored on the Superfund site located at 2350 Fifth Avenue in my district. The purpose of this forum was to discuss current owner disclosure requirements for leasing and subleasing space located on a State Superfund Site, and to consider legislative proposals to enhance those requirements and further protect the safety and well being of New York residents. The participation of your staffers was both valuable and informative for the public as well as for myself.

Other attendees at the hearing included:

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- Lenny Siegel, President of Committee for Public Environmental Oversight
- Lawrence Schnapf, Environmental Lawyer
- Current and former tenants of 2350, including Albert Elkerson who brought this issue to my attention

All of the Forum attendees provided a host of information and ideas that I plan to incorporate into legislation which will enhance notice requirements and community outreach for the duration of the designation and remediation of a superfund site. Particularly, the legislative proposals consist of: earlier notification to tenants and the surrounding community about the designation of a site as a superfund site and the public health risks associated with a superfund site, the

establishment of a community advisory board, and augmented enforcement mechanisms for the DEC to address notification violations.

While the participation of all the attendees including your staff was essential and greatly appreciated there were several questions and concerns that were left outstanding. Particularly, I am concerned that the DOH's guideline for tetrachloroethylene (PCE) levels in indoor air are higher than the levels set by the Environmental Protection Agency (EPA). Furthermore, PCE levels set by the state of California are even more stringent than those set by the EPA. I would like to respectfully request that DOH promptly implement a new standard for acceptable indoor air PCE levels that match EPA standard or the stricter standard set by California.

I, again, thank you for your cooperation and look forward to continuing to work with you and your office on to this very important matter.

Sincerely



Bill Perkins, State Senator
30th Senatorial District

BILL PERKINS
SENATOR, 30TH DISTRICT
RANKING MINORITY MEMBER
CIVIL SERVICE & PENSIONS
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August 30, 2012

Attorney General Eric T. Schneiderman
Office of the Attorney General
The Capitol
Albany, NY 12224

**Re: Public Forum on Superfund Site at 2350 Fifth Avenue
August 17, 2012**

Dear Attorney General Schneiderman:

I write to you regarding a pressing environmental justice issue and grave shortcomings in governmental oversight that needs your attention and investigation. I held a public forum on a class 2 superfund site, located in my district at 2350 Fifth Avenue on Friday, August 17, 2012. This issue was first brought to my attention by my constituent, Mr. Albert Elkerson, who was a former subtenant of 2350 Fifth Avenue. Mr. Elkerson informed me that he and well over 100 other subtenants were not informed that the building where they leased space is class 2 superfund site currently undergoing remediation.

The purpose of the forum was to discuss current owner disclosure requirements for leasing and subleasing space located on a State Superfund Site, and to consider legislative proposals to enhance those requirements and further protect the safety and well being of New York residents. According to the Department of Environmental Conservation a class 2 superfund site "poses a significant public health risk" and "requires action". ECL §27-2405 mandates that owners of a superfund site provide notice to tenants in the lease agreement in "at least twelve point type in bold face on the first page: "NOTIFICATION OF TEST RESULTS The property has been tested for contamination of indoor air: test results and additional information are available upon request". However, this law has dangerous ambiguities with regard to subleases and other documents that convey a possessory interest in property.

The forum was attended by staff from the Department of Environmental Conservation (DEC), Department of Health (DOH); Peggy Shepard, Executive Director of West Harlem Environmental Action (WE ACT); Lenny Siegel, President of Committee for Public Environmental Oversight; Lawrence Schnapf, Environmental Lawyer; Current and former tenants of 2350. During the forum it became apparent the DEC and DOH have been severely lacking in the performance of their duties of overseeing and managing the superfund site at 2350 Fifth Avenue. This gives rise to the question as to whether the issue of poor management and oversight goes beyond Harlem and is pervasive throughout the entire state. Particularly, what came to light is the blind trust placed in landlords to notify tenants of the designation of a site as a superfund and to keep tenants informed of the progression of the remediation. The landlord and responsible party under the law, 2350 Fifth Avenue Corp failed on both counts. In fact the landlord went to great lengths to subvert the fact that 2350 Fifth Avenue was a superfund site by changing the address to 2340 Fifth Avenue.

All of the forum attendees provided a host of information and ideas that I plan to incorporate into legislation which will enhance notice requirements and community outreach for the duration of the designation and remediation of a superfund site. Particularly the legislative proposals consist of: earlier notification to tenants and the surrounding community about the designation of a site as a superfund site and the public health risks associated with a superfund site, the establishment of a community advisory board, and augmented enforcement mechanisms for the DEC to address notification violations.

While the participation of all the attendees including DEC and DOH staffer was essential and greatly appreciated there were several questions and concerns that were left outstanding. To that end, I have sent letters to both DEC and DOH requesting that those outstanding issues and concerns be addressed. Particularly, I requested documentation of all penalties imposed upon the 2350 Fifth Avenue Corporation from the DEC. However, I think in addition to legislative fixes and my follow-up that this issue should be investigated by your office in terms of both the shortcomings in DEC oversight and the potentially fraudulent behavior of 2350 Fifth Avenue Corporation.

I have enclosed carbon copies of the letters sent to DEC and DOH and a site map of 2350 Fifth Avenue for your review. This issue is of paramount importance to me and the constituents in my district, please feel free to contact me at 212-222-7315 for any additional information you may need on this matter.

Sincerely,



BjJ Perkins, State Senator
30th Senatorial District

Enclosures: Letter to NYS DEC from Senator Perkins
Letter to NYS DOH from Senator Perkins
Site Map of 2350 Fifth Avenue

Legislative Bill Drafting Commission
16388-01-2

8. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

ENVCONLA
(Relates to indoor air guidelines
notification to subtenants by
tenants)

En Con L. indr ar gdl

AN ACT

to amend the environmental conserva-
tion law, in relation to notifica-
tion of indoor air guidelines to
subtenants

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

20 Adams	41 Farley	85 Kennedy	84 Nozzolio	28 Scrima
15 Addabbo	42 Flanagan	34 Klein	53 O'Mara	51 Neward
55 Alesi	48 Frischillo	26 Kroeger	37 Oppenheimer	49 Nicos
11 Avella	59 Gaffney	24 Lanza	21 Parker	44 Smith
10 Ball	12 Gianaris	39 LaVan	13 Perata	25 Squadron
42 Bonacic	22 Golden	41 LaValle	10 Perino	16 Stanek
46 Breslin	17 Griffin	24 Lorus	61 Ranzenhofer	35 Stuenkel
38 Caracci	40 Gusmano	15 Lurie	40 Roche	Considine
50 DeFrancisco	46 Hansen	45 Marceffino	33 Rivera	27 Stumbo
32 Diaz	36 Hassell	47 Martin	56 Robich	19 Takesky
17 Difano	Thompson	42 Marler	41 Roland	57 Vining
29 Dime	10 Huntley	43 McDonald	19 Sampson	43 Zebba
31 Esquivel	41 Johnson	18 Montgomery	25 Savino	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

409 Abate	408 Crespo	442 Jacobs	121 Miller, D	467 Rosenthal
492 Abinanti	107 Crough	495 Jaffe	102 Miller, J.	118 Russell
185 Amodeo	414 Curran	457 Jeffries	38 Miller, M.	144 Ryan
404 Arroyo	463 Cusick	135 Johns	452 Millman	412 Salafino
435 Aubrey	445 Cymbrowitz	112 Jordan	415 Montecinos	13 Sayward
124 Bachelo	434 DeAngelis	499 Katz	132 Morelle	429 Scarborough
101 Barresi	481 DiMuzio	474 Kavanaugh	409 Moya	416 Schmitt
440 Barrow	114 Doney	145 Keane	483 Murray	440 Seligman
482 Benedetto	404 Hochstetler	465 Kellner	437 Nolan	464 Silver
122 Blumenthal	454 Espinal	129 Kolb	128 Oaks	427 Simonovic
455 Boydland	471 Farrell	425 Laganan	460 O'Donnell	436 Simotas
408 Boyle	123 Finch	491 Fattner	451 Orris	400 Skourdos
426 Brunstein	407 Fitzpatrick	434 Rivie	136 Palmesano	446 Smardz
444 Brennan	137 Friend	420 Lento	488 Paulin	479 Stevenson
116 Brindisi	143 Galbraith	125 Hahn	441 Peoples- Stokes	411 Sweeney
431 Brown	490 Gale	472 Linares		410 Tedesco
416 Brook-Krovy	133 Gaur	127 Lopez, P.	458 Perry	445 Tenney
447 Burfling	477 Gibson	453 Lopez, V.	487 Pretlow	402 Thiele
417 Butler	149 Giglio	401 LoSquadro	473 Quatt	464 Thorne
404 Cahill	466 Glick	126 Lapadula	421 Ro	434 Titus
496 Calhoun	423 Goldfeder	111 Ringo	497 Rabbitt	462 Tolareo
443 Cannon	158 Goodell	120 Klajnfeld	409 Rain	448 Walter
416 Camesano	475 Gottfried	459 Kaisei	406 Ramos	441 Weinstein
489 Castell	405 Gurf	460 Malhotra	134 Bellich	420 Weisenberg
466 Castro	498 Gumbert	430 Mahoney	109 Reilly	424 Wequin
128 Cecotto	120 Hanna	493 Mayer	478 Rivera, J.	470 Wright
437 Clark	129 Hawley	419 McDonough	400 Rivera, N.	494 Zebunski
447 Collins	483 Heaste	404 McKeown	476 Rivera, P.	
410 Conne	428 Hayes	417 McKeown	419 Roberts	
432 Cook	448 Hickind	408 McLaughlin	456 Robinson	
442 Corwin	418 Hooper	422 McKee	468 Rodriguez	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Subdivisions 2 and 3 of section 27-2405 of the environ-
2 mental conservation law, as added by chapter 521 of the laws of 2008,
3 are amended to read as follows:

4 2. (a) Any owner of real property or any owner's agent to whom indoor
5 air contamination test results have been provided by an issuer shall, in
6 cases where test results exceed department of health indoor air guide-
7 lines or the occupational safety and health administration guidelines
8 for indoor air quality, provide a fact sheet and timely notice of any
9 public meetings required to be held to discuss such results to all
10 tenants and occupants and upon request such test results and any closure
11 letter, within fifteen days of receipt of such results. Generic fact
12 sheets shall be prepared by the department of health and shall identify
13 at a minimum the compound or contaminant of concern, reportable
14 detection levels established by the department of health indoor air
15 guidelines or the occupational safety and health administration guide-
16 lines for indoor air quality and health risks associated with exposure
17 to such compound or contaminant and a means to obtain more information
18 on the compound or contaminant.

19 (b) Any tenant who is notified that test results exceed department of
20 health indoor air guidelines or the occupational safety and health
21 administration guidelines for indoor air quality pursuant to paragraph
22 (a) of this subdivision shall provide such information to subtenants who
23 sublet such property. Tenants shall provide such information to any
24 prospective subtenant prior to the signing of a binding lease agreement.

25 3. For real property for which an engineering control is in place to
26 mitigate indoor air contamination, or if the real property is subject to
27 ongoing monitoring pursuant to an ongoing remedial program, the owner or
28 owner's agent of real property to whom indoor air contamination test

1 results have been provided by an issuer shall provide, or cause to be
2 provided, fact sheets, and upon request any test results, or closure
3 letter received by such owner or owner's agent to any prospective tenant
4 prior to the signing of a binding lease or rental agreement. Generic
5 fact sheets shall be prepared by the department of health and shall
6 identify at a minimum the compound or contaminant of concern, reportable
7 detection levels established by the department of health indoor air
8 guidelines or the occupational safety and health administration guide-
9 lines for indoor air quality and health risks associated with exposure
10 to such compound or contaminant and a means to obtain more information
11 on the compound or contaminant. Such notice shall be included in the
12 rental [or] lease or sublease agreement and shall contain the following
13 in at least twelve point type in bold face on the first page:
14 *NOTIFICATION OF TEST RESULTS The property has been tested for contam-
15 ination of indoor air: test results and additional information are
16 available upon request.*

17 § 2. This act shall take effect immediately.

Legislative Bill Drafting Commission
16446-02-2

S. _____
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

ENVCONLA

(Requires the department of environ-
mental conservation to post public
notices upon each site of a hazard-
ous waste site remedial program)

En Con L. hazrd. waste rmdl: notc

AN ACT

to amend the environmental conserva-
tion law, in relation to notices
required to be posted at inactive
hazardous waste disposal sites

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal

s20 Adams	s44 Farley	s54 Kennedy	s54 Morello	s70 Barrano
s15 Addabbo	s02 Flanagan	s34 Kleic	s53 O'Mara	s21 Seward
s55 Aloni	s08 Fuschillo	s26 Krueger	s37 Oppenheimer	s09 Skalos
s11 Avella	s39 Gellivan	s24 Lanza	s21 Parker	s16 Smit
s46 Ball	s12 Gianaria	s19 Lankin	s13 Peralta	s25 Squadron
s42 Bonacic	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s44 Breslin	s47 Griffo	s52 Libous	s71 Rumpenlober	s13 Stewart-
s78 Carlucci	s40 Grisanti	s45 Little	s49 Ritchie	Cousins
s30 DeFrancisco	s04 Hammoc	s09 Marcellino	s13 Rivera	s27 Storbini
s22 Dias	s34 Massall-	s07 Martine	s16 Robach	s45 Valesky
s17 D'Alia	Thompson	s22 Martore	s11 Saland	s27 Young
s39 Duane	s10 Huntley	s43 McDonald	s19 Sampson	s03 Zaldin
s21 Depaillat	s44 Johnson	s18 Montgomery	s21 Savino	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

s049 Abbate	s005 Crespo	s042 Jacobs	s121 Miller, D.	s110 Russell
s32 Abinanti	s107 Crouch	s098 Jaffe	s102 Miller, J.	s114 Ryan
s085 Amodeo	s034 Curran	s057 Jaffries	s088 Miller, M.	s018 Saladino
s084 Arroyo	s043 Casich	s138 Johns	s082 Millman	s113 Seyward
s035 Aubrey	s045 Cymbrowicz	s112 Jordan	s015 Montesano	s029 Scarborough
s124 Barclay	s034 Dandekar	s095 Katz	s132 Morello	s016 Schmal
s123 Barrett	s001 Dinowitz	s074 Ravenagh	s039 Hoye	s140 Schindler
s040 Barron	s114 Duprey	s148 Rharns	s003 Murray	s044 Silver
s022 Benedetto	s004 Englebright	s056 Zellner	s037 Nolan	s027 Simmovits
s123 Blankenbush	s054 Espinal	s129 Kolb	s128 Oaks	s036 Simcas
s055 Boyland	s071 Farrell	s029 Lannan	s069 O'Donnell	s100 Startsev
s060 Boyle	s123 Finch	s091 Latimer	s051 Palma	s166 Starks
s026 Brownstein	s007 Fitzpatrick	s013 Levine	s131 Palmesano	s079 Stevenson
s044 Brennan	s137 Friend	s050 Lantol	s088 Paulin	s011 Sweeney
s116 Brindisi	s143 Gahrystak	s125 Kirtan	s141 Peoples-	s110 Tedesco
s131 Bronson	s090 Galaf	s072 Linaras	Scalas	s115 Tenney
s046 Brook-Krassy	s133 Santt	s127 Lopez, P.	s058 Perry	s051 Titone
s147 Burling	s077 Gibson	s023 Lopez, V.	s047 Prantlow	s031 Titus
s117 Butler	s149 Giglio	s001 Loquandro	s073 Quatt	s062 Tobacco
s181 Cahill	s064 Glisk	s126 Lupardo	s021 Ra	s160 Malcer
s094 Calhoun	s023 Goldfeder	s111 Magen	s037 Rabbitt	s041 Weisrain
s043 Casare	s150 Goodall	s120 Magarelli	s049 Raja	s028 Weisenberg
s104 Canestrari	s075 Gottfried	s055 Maisel	s006 Ramo	s024 Weprin
s069 Castelll	s003 Graf	s060 Malliotakis	s134 Railick	s070 Wright
s085 Castro	s098 Guntber	s030 Markey	s108 Reilly	s094 Zahromski
s139 Caretto	s130 Nasta	s093 Moyer	s078 Rivera, J.	s076
s031 Clark	s139 Newley	s029 McDonough	s080 Rivera, M.	
s047 Colton	s003 Neascie	s104 McEnery	s119 Roberts	
s010 Conde	s028 Noveri	s017 McEwitt	s055 Robinson	
s082 Cook	s048 Sikind	s160 McLaughlin	s048 Rodriguez	
s142 Corvita	s018 Soapar	s022 Mang	s047 Rosenthal	

1) Single House Bill (introduced and printed separately in either or both
houses). Uni-Bill (introduced simultaneously in both houses and printed as one
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introducer's clerk with 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. The opening paragraph of subdivision 1 of section 27-1305
2 of the environmental conservation law, as amended by section 3 of part E
3 of chapter 1 of the laws of 2003, is amended to read as follows:

4 The department shall maintain and make available for public
5 inspection, either at each of its regional offices and regional sub-off-
6 ices, at the legislative library, at the office of the county clerk or
7 register for each county and at the office of the town clerk for each
8 town in Suffolk and Nassau counties, or on its homepage on the internet,
9 a registry of inactive hazardous waste disposal sites in such region or,
10 with respect to the office of the county clerk or register, in such
11 county. The department shall provide a written copy upon requests by any
12 person. The department shall take all necessary action to ensure that
13 the registry provides a complete and up-to-date listing of all such
14 sites within the region. The department shall, on or before January
15 first, two thousand four, and annually thereafter, transmit the updated
16 registry to the legislative library, the legislature and the governor. A
17 notice of the availability of the updated registry shall be sent to the
18 department of health and the chief executive officer of every county.
19 Upon identification of an inactive hazardous waste disposal site not
20 included in the registry for the immediately preceding year, the depart-
21 ment shall notify in writing the chief executive officer of each county,
22 city, town and village and the public water supplier which services the
23 area in which such site is located that such site has been so identi-
24 fied. For the purposes of this section, "water supplier" shall mean any
25 public water system as such term is defined for the purposes of the
26 sanitary code of the state of New York as authorized by section two
27 hundred twenty-five of the public health law. Such registry shall

1 include but need not be limited to those items among the following which
2 the commissioner determines to be necessary:

3 § 2. Section 27-1313 of the environmental conservation law is amended
4 by adding a new subdivision 5-a to read as follows:

5 5-a. Upon designation of any level one or level two inactive hazardous
6 waste disposal site as being subject to an inactive hazardous waste site
7 remedial program pursuant to this section, the department shall imme-
8 diately post and maintain public notices at and around such site. Such
9 notices shall be conspicuously posted and shall be in not less than 16
10 point font bold print, and include:

11 a. the class of the inactive hazardous waste site;

12 b. the public health risks, and other concerns and risks associated
13 with such class of inactive hazardous waste sites;

14 c. the stage of remediation that the site is currently in, which shall
15 be timely updated to reflect progress in remediation;

16 d. identification and location of all records relating to such site;
17 and

18 e. contact information for the department and the department of health
19 for the purpose of acquiring further information or expressing concerns
20 relating to such site.

21 § 3. This act shall take effect on the first of January next succeed-
22 ing the date on which it shall have become a law.

Legislative Bill Drafting Commission
16448-01-2

S. _____
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

_____ A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

ENVCONLA
(Increases from \$1,000 to \$2,000 the
maximum civil penalty that may be
imposed for a violation of the envi-
ronmental conservation law)

En Con L. incrs. civil penalty

AN ACT

to amend the environmental conserva-
tion law, in relation to increasing
the maximum civil penalty for
violations of such law, and rules,
regulations and orders issued pursu-
ant thereto

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal

a20 Adams	a44 Farley	a58 Kennedy	a54 Mosholle	a28 Serrano
a15 Adabbo	a02 Flanagan	a34 Klein	a53 O'Ware	a51 Sewart
a55 Alessi	a08 Fuschillo	a26 Krueger	a37 Oppenheimer	a09 Stalov
a11 Avello	a59 Gullivan	a24 Lanza	a21 Palmer	a14 Smith
a40 Ball	a13 Gianaris	a38 Larkin	a13 Paralta	a25 Squedron
a42 Bonacic	a11 Goldman	a01 LaValle	a30 Perkins	a16 Staviaky
a46 Breslin	a47 Griffo	a52 Liboux	a41 Rosenhofer	a35 Stewart
a38 Carlucci	a60 Grisman	a45 Little	a48 Ritchie	Conline
a30 DeFrancisco	a04 Hanson	a01 Marcellino	a33 Rivers	a27 Storchin
a32 Diaz	a16 Bassoli	a07 Martini	a36 Rubach	a49 Valenky
a17 Dillon	Thompson	a62 Mastart	a41 Saland	a57 Young
a29 Duma	a10 Mastley	a13 McDonald	a29 Sampson	a01 Taldin
a31 Depallat	a04 Johnson	a10 Montgomery	a23 Savino	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a048 Abbate	a081 Crespo	a042 Jacobs	a121 Miller, D.	a047 Rosenthal
a092 Abinzani	a197 Crouch	a091 Jaffee	a107 Miller, J.	a120 Russell
a105 Acedora	a114 Curran	a087 Jeffries	a098 Miller, M.	a144 Ryan
a094 Arroyo	a083 Cusick	a135 Johns	a083 Millman	a017 Saledino
a075 Aubrey	a045 Cymbrowitz	a112 Jordan	a015 Montagna	a111 Seward
a134 Barclay	a034 DeBokkar	a099 Katz	a137 Morille	a028 Scarborough
a103 Barrett	a061 Dinowitz	a074 Kavanagh	a039 Moys	a016 Orsinal
a040 Barrow	a114 Degrey	a145 Kearns	a063 Maxtry	a140 Schlimmeyer
a083 Benedetto	a004 English	a045 Kallner	a087 Mohr	a064 Silver
a122 Blumenthust	a054 Kaplan	a129 Kolb	a120 Oboe	a027 Simonowitz
a055 Boyland	a071 Farrell	a025 Langman	a061 O'Donnell	a056 Sincas
a008 Boyle	a123 Finch	a091 Latimer	a051 Ortiz	a100 Skarvada
a026 Braunstein	a097 Fitzpatrick	a021 Levine	a136 Palmisano	a146 Sward
a044 Bruman	a137 Friend	a080 Lencol	a000 Paulie	a079 Stevenson
a136 Brindisi	a141 Gabyrak	a125 Lifton	a141 Peoples-	a011 Sweeney
a131 Brennan	a090 Galef	a073 Linares	Stones	a110 Tadisico
a046 Brook-Krasny	a113 Garst	a127 Lopez, P.	a050 Pazy	a115 Tenney
a147 Buxling	a077 Gibson	a093 Lopez, V.	a007 Pretlow	a002 Thiele
a127 Butler	a149 Giglio	a001 Longquero	a073 Quatt	a001 Ticonn
a101 Cahill	a066 Gluck	a134 Luperdo	a021 Ra	a051 Titus
a096 Calhoun	a021 Goldfeder	a111 Nagoe	a097 Rabbitt	a083 Tolusso
a043 Canara	a150 Goodell	a120 Magrarelli	a008 Rain	a108 Walter
a106 Canestrari	a071 Cocchriod	a059 Naisal	a006 Ramos	a041 Weinsteib
a009 Castellii	a008 Graf	a080 Malliotakis	a134 Rellich	a020 Weisenberg
a086 Castro	a098 Gunther	a030 Markey	a109 Ralily	a024 Wepzin
a130 Carotto	a130 Hanna	a093 Mayer	a170 Rivera, J.	a070 Wright
a033 Clark	a129 Hawley	a019 McDonough	a000 Rivera, M.	a094 Zabrowski
a047 Colton	a083 Neastie	a104 McEmery	a070 Rivera, P.	
a010 Conte	a026 Nevasi	a017 McKewitt	a119 Roberts	
a032 Cook	a008 Miking	a100 McLaughlin	a034 Robinson	
a142 Corwin	a038 Mosper	a122 Namp	a068 Rodriguez	

1) Single House Bill (introduced and printed separately in either of both
houses). Uni-Bill (introduced simultaneously in both houses and printed as one
bill). Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. Section 71-4003 of environmental conservation law, as
2 amended by chapter 99 of the laws of 2010, is amended to read as
3 follows:

4 § 71-4003. General civil penalty.

5 Except as otherwise specifically provided elsewhere in this chapter, a
6 person who violates any provision of this chapter, or any rule, regu-
7 lation or order promulgated pursuant thereto, or the terms or conditions
8 of any permit issued thereunder, shall be liable to a civil penalty of
9 not more than [one] two thousand dollars, and an additional civil penal-
10 ty of not more than [one] two thousand dollars for each day during which
11 each such violation continues. Any civil penalty provided for by this
12 chapter may be assessed following a hearing or opportunity to be heard.

13 § 2. This act shall take effect on the first of January next succeed-
14 ing the date on which it shall have become a law.

Legislative Bill Drafting Commission
16448-02-2

S. _____
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

ENVCONLA
(Provides that the civil penalty
imposed for a violation of the envi-
ronmental conservation law shall be
not less than \$1,500)

En Con L. min. civil penalty

AN ACT

to amend the environmental conserva-
tion law, in relation to increasing
the minimum civil penalty for
violations of such law, and rules,
regulations and orders issued pursu-
ant thereto

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal

029 Adams	044 Parley	060 Kennedy	084 Monahan	028 Ferran
035 Addabbo	003 Flanagan	034 Klein	083 O'Mara	021 Seward
025 Alami	004 Puschillo	026 Krueger	027 Oppenheimer	029 Stales
011 Avella	029 Sullivan	024 Lanza	021 Parker	014 Smith
040 Bell	012 Ciamberis	039 Larkin	013 Perella	025 Squadr
042 Buccicic	023 Golden	001 LaValle	030 Perikine	016 Stavia
046 Breslin	007 Griffo	022 Liboue	001 Ransombofar	035 Steuar
030 Carlucci	040 Grisanti	005 Little	048 Ritchie	Cossin
030 DeFrancisco	006 Hanson	008 Marcellino	013 Rivara	027 Storob
032 Dias	006 Nassell-	007 Martins	006 Rebeck	049 Valask
017 Dizan	Thompson	002 Matlars	041 Salamé	007 Young
023 Duane	010 Buntley	043 McDonald	019 Sampson	003 Seldin
031 Espallat	004 Johnson	018 Montgomery	012 Savino	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

0069 Abbato	0095 Crespo	0043 Jacobs	0121 Miller, D.	0118 Nassei
0092 Abisanti	0107 Crouch	0093 Jaffee	0102 Miller, J.	0114 Ryan
0205 Amadore	0014 Curran	0097 Jodrine	0038 Miller, M.	0012 Saladi
0004 Arroyo	0003 Cusick	0138 Johns	0052 Williams	0113 Saywar
0035 Aubry	0045 Cymbrowitz	0113 Jordan	0015 Montecano	0029 Scarbc
0124 Barclay	0034 DanDicker	0099 Katz	0132 Morelle	0016 Schime
0103 Barrett	0001 Diawitz	0074 Savanagh	0039 Moryn	0140 Sedden
0040 Barroa	0114 Duprey	0145 Kearns	0003 Macroy	0004 Silver
0002 Bonadetto	0004 Eaglebright	0003 Kallmar	0037 Nolan	0027 Simmo
0123 Blumberg	0054 Espinal	0129 Kolb	0128 Oaks	0036 Simota
0055 Boyland	0071 Farrell	0025 Lamman	0009 O'Donnell	0100 Starke
0000 Boyle	0123 Finch	0021 Leisler	0051 Ortiz	0146 Emards
0026 Bramstein	0007 Fitzpatrick	0023 Levine	0136 Palmesano	0071 Staven
0044 Brennan	0137 Friend	0000 Lentol	0000 Paulin	0011 Swene
0116 Briadiqi	0140 Gabryszak	0125 Lifton	0141 Peoples-	0110 Todiac
0131 Brogan	0020 Galat	0072 Edmaras	Stokes	0113 Tenney
0046 Brook-Krassy	0133 Gantt	0137 Lopes, P.	0008 Perry	0003 Titone
0147 Burling	0077 Gibson	0051 Lopes, V.	0007 Fretlow	0001 Tivus
0117 Butler	0149 Giglio	0001 Losquadro	0073 Quart	0002 Tobacc
0101 Cahill	0066 Glisk	0126 Lupardo	0021 RA	0140 Walter
0006 Calhoun	0023 Golafeder	0111 Hagee	0007 Rabbitt	0041 Weitra
0043 Camara	0150 Goodell	0128 Maguarelli	0009 Raia	0020 Weisen
0106 Camestrari	0075 Gottfried	0053 Naveil	0006 Ramme	0024 Waprin
0009 Castalli	0005 Graf	0060 Malliotakis	0134 Radlich	0078 Wright
0006 Castro	0096 Gunther	0030 Markey	0109 Reilly	0004 Schrow
0130 Caretto	0130 Nanna	0003 Mayer	0078 Rivara, J.	0076
0013 Clark	0139 Hawley	0019 McDonough	0000 Rivara, M.	
0047 Colton	0003 Hearste	0104 McDemmy	0119 Roberts	
0010 Conte	0070 Hevral	0017 McEwitt	0006 Robinson	
0032 Cook	0040 Hihind	0100 McLaughlin	0008 Rodriguez	
0142 Carvin	0018 Hooper	0022 Hoop	0007 Rosenthal	

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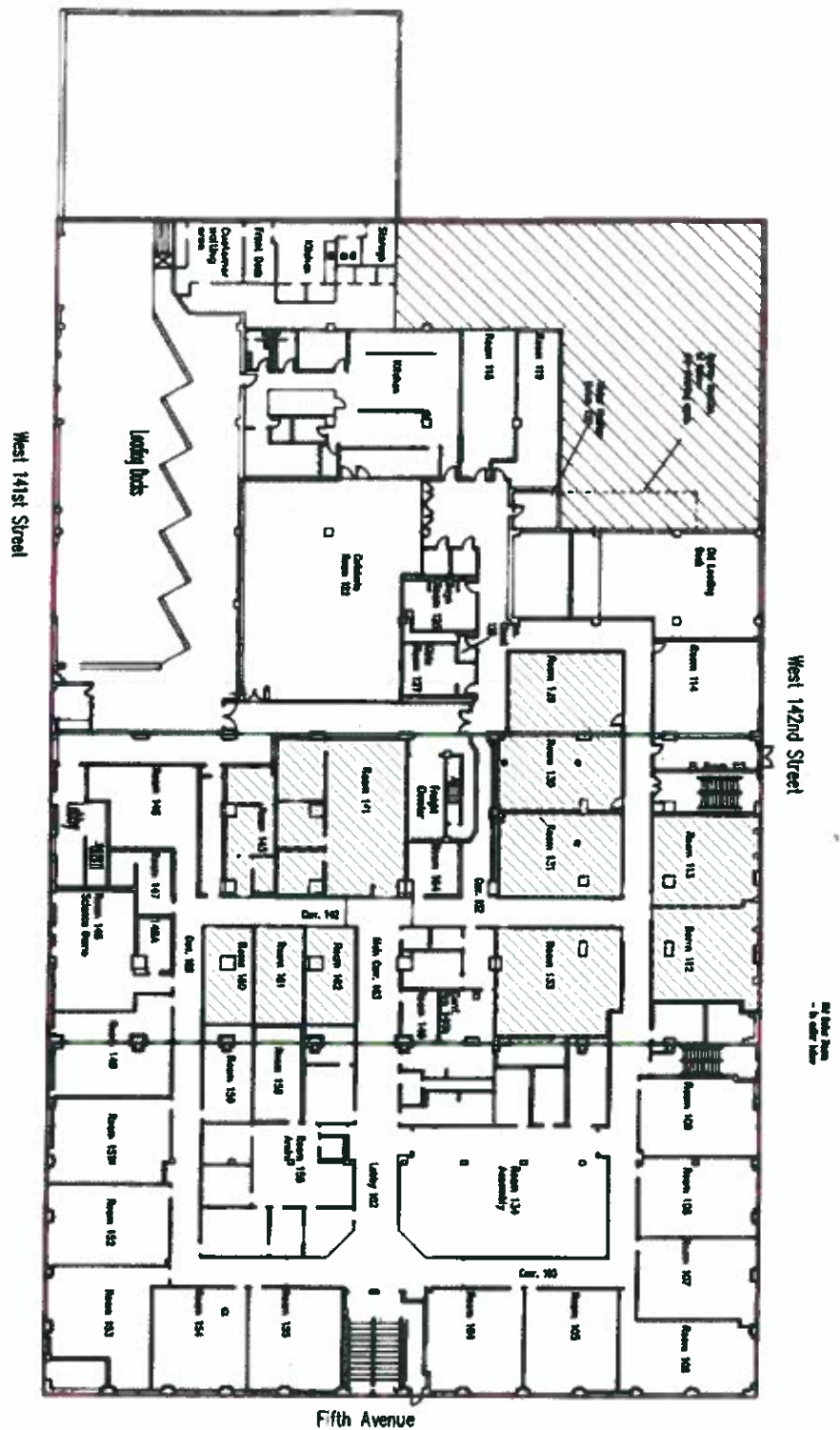
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6 person who violates any provision of this chapter, or any rule, regu-
7 lation or order promulgated pursuant thereto, or the terms or conditions
8 of any permit issued thereunder, shall be liable to a civil penalty of
9 not [more] less than one thousand five hundred dollars, and an addi-
10 tional civil penalty of not [more] less than one thousand five hundred
11 dollars for each day during which each such violation continues. Any
12 civil penalty provided for by this chapter may be assessed following a
13 hearing or opportunity to be heard.

14 § 2. This act shall take effect on the first of January next succeed-
15 ing the date on which it shall have become a law.



LEGEND:
 SITE BOUNDARY
 STORAGE LOCKERS IN USE
 COMMUNITY ART STUDIOS AND WORKSPACE
 PRESUMED LOCATIONS OF BUILDING FOUNDATION WALLS

<p>DATE 6.18.10</p> <p>PROJECT NO. 06010</p> <p>SCALE 1"=30'</p> <p>FOUR 2</p>	<p>2350 FIFTH AVENUE NEW YORK, NEW YORK</p>	<p>AKRF Environmental Consultants 440 Park Avenue South, New York, NY 10016</p>
	<p>CURRENT SITE PLAN</p>	