



ENVIRONMENTAL
ADVOCATES OF NEW YORK

SUPPORTS



Key to Legislative Ratings:



Major Benefit



Substantial Benefit



Beneficial

S.4952 (THOMPSON) A.1975 (LIFTON, ET AL)

Summary

This bill would create an environmental lien on property in need of hazardous waste remediation to ensure that New York State recoups cleanup costs when the property owner files for bankruptcy.

Explanation

This legislation amends Article 27, Title 13 of the state's Environmental Conservation Law. The Inactive Hazardous Waste Disposal Site Program identifies, investigates and cleans up sites that have considerable amounts of hazardous waste. The Department of Environmental Conservation is responsible for ensuring the cleanup of inactive hazardous waste disposal sites across the state. Whenever the agency finds that an inactive hazardous waste disposal site constitutes a significant threat to the environment, the owner of the site (or the person responsible for the disposal of hazardous waste at the site) can be ordered to develop an inactive hazardous waste disposal site remedial program and implement it within reasonable time limits.

In the event that a property owner declares bankruptcy, the state cannot collect payment to ensure such a site is cleaned. But by creating a lien, the state has a better chance of recouping some of the costs associated with cleanup. However, based on the order in which the liens are recorded, environmental liens are often the last to receive payment after a property owner claims bankruptcy. In this circumstance, the funds recovered may be inadequate to pay all debts. A better bill would include a clause to prioritize the environmental lien and allow the state to collect from polluters before other entities.

Environmental Advocates of New York supports this bill.

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