

Brownfields

New York Legislature Approves Stopgap Extension of Brownfields Cleanup Law

Both houses of the New York State Legislature have

passed a bill to extend the expiration date of the state's brownfields cleanup program from Dec. 31, 2015, to March 31, 2017.

The legislation (A. 10135), which was approved June 19, doesn't make any substantive changes to the program, despite recommendations from businesses, environmentalists and the New York State Bar Association (NYSBA).

"The Senate, the Assembly and the governor's office struggled mightily to reach consensus on a multipronged approach to reforming the program," David J. Freeman, director of real property and environmental law at Gibbons PC, told Bloomberg BNA in an e-mail. "In the final analysis, it proved impossible to reach consensus on a comprehensive reform package this session," Freeman said. "However, both the Senate and the Assembly realized that, without a stopgap extension of the sunset date, the program could well grind to a halt over the next year."

A spokesman for the governor wasn't available to comment on whether he will sign the measure. Freeman, who is co-chairman of NYSBA's Brownfield Task Force, said the bill would give the governor and the Legislature "another budget cycle in a nonelection year to attempt to craft the kind of comprehensive reform of the program that many observers feel is needed."

Certificate of Completion Required. Under the program, developers must receive a certificate of completion before a project can be eligible for tax credits.

Sponsors of the bill said an immediate extension was necessary to sustain the program, because cleanups can take an average of almost three years.

"The BCP [brownfield cleanup program] may grind to a halt until and unless an extension becomes law," Lawrence P. Schnapf of Schnapf LLC told Bloomberg BNA in an e-mail. "Hopefully we won't have to wait much of the summer before learning if the program is extended since this creates a lot of uncertainty."

Schnapf also co-chaired the NYSBA task force, which released a report in May recommending several key changes in the program (100 DEN A-12, 5/23/14).

By **GERALD B. SILVERMAN**

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