

6 NYCRR § 375-1.1

This document reflects those changes received from the NY Bill Drafting Commission through October 6, 2023

NY - New York Codes, Rules and Regulations > TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION > CHAPTER IV. QUALITY SERVICES > SUBCHAPTER B. SOLID WASTES > PART 375. ENVIRONMENTAL REMEDIATION PROGRAM > SUBPART 375-1. GENERAL REMEDIAL PROGRAM REQUIREMENTS

§ 375-1.1 Purpose; applicability; construction; abbreviations; and severability

(a) The purpose of this Part is to provide for the orderly and efficient administration of ECL article 27, titles 13 and 14; ECL article 52, title 3; ECL article 56, title 5; ECL article 71, title 36; ECL article 3 section 0301 and SFL article 6, section 97-b. The requirements set forth in this Part apply to any order, agreement, stipulation or State assistance contract entered into by the Department after the effective date of this Part and all work plans, reports, certificates, and other remedial program documents approved, accepted, or issued by the Department on or after the effective date of this Part.

(b) This Part applies to the following:

(1) The development and implementation of remedial programs for inactive hazardous waste disposal sites, specifically under subpart 375-2, including, but not limited to, sites listed in the Registry which are either on the national priorities list (NPL) or are being addressed by the department of defense or the department of energy.

(2) The development and implementation of remedial programs for brownfield sites, specifically under subpart 375-3.

(3) The development and implementation of remedial programs for environmental restoration sites, specifically under subpart 375-4.

(4) The soil cleanup objectives for remedial programs, specifically under subpart 375-6.

(c) This Part is intended to promote the public good consistent with the policy of this State set out at ECL 1-0101 and accordingly this Part shall be construed so as to achieve that objective. As used herein, the singular includes the plural. Any reference herein to a particular provision of any State statute or regulation shall be deemed a reference to such provision as it may hereafter be amended or redesignated.

(d) This subpart sets forth the general requirements that are common to the implementation of remedial programs under subparts 375-2, 375-3 and 375-4. Specific requirements which apply in addition to these general requirements are set forth in subparts 375-2, 375-3 and 375-4. If there is a conflict, this subpart is superceded by any inconsistent provision of subparts 375-2, 375-3 and 375-4.

(e) Abbreviations:

(1) Statutes:

- (i) "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 USC section 9601, et seq.;
- (ii) "CPLR" means the Civil Practice Law and Rules;
- (iii) "ECL" means the Environmental Conservation Law;
- (iv) "EL" means the Executive Law;
- (v) "GML" means the General Municipal Law;
- (vi) "GOL" means the General Obligations Law;
- (vii) "NL" means the Navigation Law;
- (viii) "NPCL" means the Not-for-Profit Corporation Law;
- (ix) "PHL" means the Public Health Law;
- (x) "RPL" means the Real Property Law;
- (xi) "SFL" means the State Finance Law;
- (xii) "SARA" means the Superfund Amendments and Reauthorization Act of 1986, PL 99-499 Stat 1613, et seq.;
- (xiii) "USC" or "USCA" means United States Code.

(2) Regulations:

- (i) "6 NYCRR" means title 6 of the Official Compilation of New York Codes, Rules and Regulations;
- (ii) "10 NYCRR" means title 10 of the Official Compilation of New York Codes, Rules and Regulations;
- (iii) "19 NYCRR" means title 19 of the Official Compilation of New York Codes, Rules and Regulations.

(f) If any provision of this Part or its application to any particular person or circumstance is held invalid, the remainder of this Part and its application to other persons and circumstances shall not be affected thereby.

(g) The following documents have been incorporated by reference and filed with the Department of State. The documents are also available for inspection and copying at the Department of Environmental Conservation office at 625 Broadway, Albany, New York, 12233-7010:

- (1)** Standards E1527-05 (2005) and E1527-97 (1997), published by ASTM International, Post Office Box C700, West Conshohocken, Pennsylvania, 19428-2959; and
- (2)** The National Contingency Plan (NCP), Title 40 of the Code of Federal Regulations (CFR) Part 300, which is available from the United States Environmental Protection Agency (EPA) on its website at <http://www.epa.gov>.

Statutory Authority

Section statutory authority:

Environmental Conservation Law, § A27T13, § A52T3; Navigation Law, § 186; State Finance Law, § 97-B; Environmental Conservation Law, § 27-0914, § 27-1305

Statutory Authority:

Environmental Conservation Law §§ 1- 0101, 3-0301, 27-0903, 27-1315, 27-1317, 52-0107.5 and art. 56, titles 1 and 5; State Administrative Procedure Act, §§ 301, 305

History

Added 375-1.1 on 5/20/92; amended 375-1.1 (f) on 7/03/01; repealed and added 375-1.1 on 11/29/06.

NEW YORK CODES, RULES AND REGULATIONS