

SUPERFUND

Funding for Superfund continued to be an ongoing issue in the legislature. Whether the reliance for cleanup was based on engineering controls (creating hazardous waste landfills) or institutional controls (using deed restrictions), this issue fell off the negotiating table following the September 11, 2001 attacks. Late in October, during a special budget session, \$30 million was restored to keep the program running through the 2001 fiscal year.

In the fall of 2003, New York Governor Pataki signed into law new measures to refinance and reform the State's Superfund and Brownfield programs in an effort to clean-up thousands of contaminated properties, and to encourage new investment and redevelopment for local economies. The legislation provides \$120 million a year to refinance New York's bankrupt State Superfund, and expands the program to include additional sites such as dry-cleaning facilities.

The new Brownfields Program offers liability reform, tax incentives, and a predictable process for cleaning up hazardous waste sites throughout the state. By the summer 2007, the environmental community was concerned that tax incentives to developers in the Pataki law far exceeded the actual benefits of the brownfields clean up. It is anticipated that the new Spitzer administration will revisit this issue with new legislation in the 2008 legislative session.