

S T A T E   O F   N E W   Y O R K

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561--A

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. KAVANAGH, ENGLEBRIGHT, WEINSTEIN, PEOPLES --  
Multi-Sponsored by -- M. of A. RAIA, THIELE -- read once and referred  
to the Committee on Environmental Conservation -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

AN ACT to amend the environmental conservation law, in relation to state  
agency environmental audits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

- 1     Section 1. Section 3-0311 of the environmental conservation law, as  
2     amended by chapter 741 of the laws of 1991, is amended by adding two new  
3     subdivisions 7 and 8 to read as follows:  
4     7. UPON COMPLETION OF A REMEDIAL PLAN THE AGENCY SHALL GIVE PUBLIC  
5     NOTICE OF SUCH COMPLETION.  
6     8. WHENEVER A REMEDIATION PLAN IS NOT COMPLETED WITHIN THE PROJECTED  
7     TIME SCHEDULE, THE AGENCY SHALL REQUEST THE FUNDING FOR THE REMEDIATION  
8     PLAN WITHIN ITS NEXT BUDGET PREPARATION AND THE DEPARTMENT SHALL:  
9     A. HOLD A PUBLIC HEARING WHEREIN THE AGENCY SHALL PROVIDE:  
10    (1) AN EXPLANATION FOR ITS FAILURE TO COMPLY WITH THE TIME SCHEDULE.  
11    (2) AN AMENDMENT TO SUCH REMEDIATION PLAN WHICH PROVIDES OPPORTUNITY  
12    FOR PARTICIPATION BY APPROPRIATE CITIZENS GROUPS OR WHERE APPROPRIATE,  
13    AN ALTERNATIVE REMEDIATION PLAN WHICH PROVIDES OPPORTUNITY FOR PARTIC-  
14    IPATION BY APPROPRIATE CITIZENS GROUPS.  
15    B. ISSUE AN ORDER WITHIN THIRTY DAYS AFTER A PUBLIC HEARING, DIRECTING  
16    THE AGENCY TO COMPLETE THE REMEDIATION PLAN AND IF SUCH PLAN IS NOT  
17    COMPLETED OR AN ALTERNATIVE PLAN IS REJECTED, THEN THE DEPARTMENT SHALL  
18    CITE THE AGENCY WITH A VIOLATION THEREFOR. UPON CONVICTION THE AGENCY  
19    SHALL PAY A FINE AS PROVIDED IN THIS CHAPTER FOR EACH VIOLATION.  
20    S 2. This act shall take effect immediately.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD00484-02-9