

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH, ENGLEBRIGHT, WEINSTEIN, PEOPLES --  
Multi-Sponsored by -- M. of A. RAIJA, THIELE -- read once and referred  
to the Committee on Environmental Conservation

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.

19 (1) UPON CONVICTION THE AGENCY SHALL PAY A FINE AS PROVIDED IN THIS  
20 CHAPTER FOR EACH VIOLATION.

21 (2) IN THE EVENT AN AGENCY SHALL BE CITED FOR THREE VIOLATIONS PURSU-  
22 ANT TO THIS SECTION, THE AGENCY HEAD SHALL BE SUBJECT TO A MANDATORY  
23 PUBLIC HEARING AND RE-CONFIRMATION.

24 S 2. This act shall take effect immediately.

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