



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF THE BUDGET
STATE CAPITOL
ALBANY, NEW YORK 12224
WWW.STATE.NY.US/DOB

PATRICK J. BULGARO
DIRECTOR OF THE BUDGET

BUDGET BULLETIN	E-1005	May 13, 1993
------------------------	---------------	---------------------

To: ALL DEPARTMENT AND AGENCY HEADS

From: Patrick J. Bulgaro

Subject: Remediating State Agency Environmental Violations

This Bulletin provides further guidance to State agencies on compliance with the State's environmental audit program established pursuant to Chapters 595 of the Laws of 1988 and 741 of the Laws of 1991.

Article 3, Section 3 of the State's Environmental Conservation Law (ECL), as enacted by Chapter 595 of the Laws of 1988, established the State agency environmental audit program to improve agency compliance with the State's environmental laws and regulations. Chapter 741 of the Laws of 1991 amended this original audit program to place several new program and budgetary requirements on an agency's environmental compliance efforts. Included is a prohibition against disbursing moneys appropriated to remedy environmental violations until a remedial plan, to the extent one is needed, for that violation has been approved by the Department of Environmental Conservation (DEC) (please refer to ECL - §3.0311(4) and State Finance Law §22(14)(a).

Agencies will be principally responsible for ensuring compliance with this regulation by confirming, before any moneys are disbursed for an environmental remediation project, that the project has received the necessary DEC approvals. Agencies should neither request the allocation of funds nor award contracts unless they have a remedial plan approved for the specific project. To the extent possible, your budget examiner will also monitor compliance through the Certificate of Approval process. Accordingly, an indication of remedial plan approval should be included with all allocation requests.

DEC's approval or disapproval of remedial plans will be indicated either in its annual report or by a letter to the agency. It should be noted that remedial plans that are the subject of a completed enforcement or permit proceeding are deemed approved. In those cases, the agency should include the case or permit number that covers the remedial plan on the Certificate of Approval. Remedial plans that are the subject of a pending enforcement or permit proceeding will be reviewed within the context of such proceeding.

Questions regarding a specific environmental violation or the status of DEC's

review of an agency's remedial plan(s) should be addressed to John Iannotti (518) 457-7267 at DEC. Questions regarding appropriations for environmental violations should be addressed to your budget examiner.