



INJUNCTIVE RELIEF AND CIVIL PENALTIES FOR ENVIRONMENTAL VIOLATIONS

A.6903 (Gianaris and Boyland)

Summary

This bill would amend the environmental conservation law (ECL) to provide for injunctive relief when not specifically provided for in the individual titles under Article 71 of the ECL.

Explanation

This bill would close anomalous gaps in the enforcement provisions of the environmental conservation law. Article 71 of the ECL contains most of the chapter's provisions relating to enforcement. While the article is organized around the various environmental programs housed at the Department of Environmental Conservation (DEC), most of the enforcement provisions were enacted independently of each other and are frequently inconsistent. This bill would ensure that DEC has the ability to order the cessation of activities that are in violation of the ECL.

The bill addresses the ECL's general civil penalty provision (ECL Sec. 71-4003), which covers violations of the ECL that do not have enforcement provisions and penalties explicitly defined elsewhere in statute. Currently that provision only provides for a modest monetary penalty of \$500 per day per violation. Where not specifically described in the pertinent sections of the ECL, it is sometimes unclear whether DEC can order the violator to correct the violation or whether the violator's permits can be suspended or revoked. The proposed amendment would explicitly authorize DEC to provide injunctive relief, and allow DEC to revoke any permit or certificate held by the offender, or deny the application for any permit or certificate by the offender.

Environmental Advocates of New York supports this bill.

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