





Assumptions for Inventory of Agency Programs:

Comparison of DEC Filled Positions by Program from March, 1990 to August, 2008 (all funding sources)  
 Adjustments have been made to reflect changes in the organization

Program	03/90 fills	08/08 fills	Difference
AIR	208	281	74
DER	525	397	-128
DIS	62	69	8
EXEC	62	74	12
FW&M	513	427	-86
HGS	13	16	3
L&F	231	193	-38
LE	311	336	25
MBS	146	123	-23
MIN	54	53	-1
OGC	119	120	1
OPS	441	511	70
PA&E	75	71	-4
PERMITS	118	134	16
REGL ADM	244	201	-43
S&HW	418	308	-110
WATER	340	278	-62
FP&FM	143	143	0
Grand Total	4020	3735	-285

## Attachment C

### Environmental Conservation: Lands & Forests PROGRAM INFORMATION SHEET

**Program:** State Land and Easement Management and Planning (Stewardship, Facility Maintenance for Public Health and Safety and Natural Resource Protection, Forest Product Sales, Green Certification, Conservation Easement, Forest Preserve and State Forests) The Division of Lands and Forests manages over 4 million acres of land including 3 million acres of Forest Preserve, 770,000 acres of State Forests and 750,000 acres of Conservation Easements.

**Mandate:**

Article XIV, Section 3 - Forest and wild life conservation declared to be policies of the state; legislature may appropriate moneys for the acquisition by the state of land outside of the Adirondack and Catskill parks for the practice of forest or wild life conservation. Article XIV, Section 1, created the Forest Preserve in the Adirondacks and Catskills and ensured its protection as forever wild lands. Adirondack and Catskill Park State Land Master Plans, and the APA Act, classify lands in the forest preserve and require the Department to develop unit management plans. Article XIV, Section 3 - Forest and wild life conservation declared to be policies of the state; legislature may appropriate moneys for the acquisition by the state of land outside of the Adirondack and Catskill parks for the practice of forest or wild life conservation. Article XIV, Section 1, created the Forest Preserve in the Adirondacks and Catskills and ensured its protection as forever wild lands. Adirondack and Catskill Park State Land Master Plans, and the APA Act, classify lands in the forest preserve and require the Department to develop unit management plans. ECL Article 49, Title 3 – Adopted in 1983, creating statutory conservation easements. Commissioner's priorities accomplished – Foster natural carbon sequestration and sustainable forestry; preserve open space and working landscapes; preserve and provide access to green space close to where people live, work and play; promote sound land use planning; protect biodiversity and unique ecosystems across New York.

**Mandated Funding Level:**

No funding level is mandated, however it should be noted that the sale of timber from State Forest lands is a revenue-producing program, the proceeds from which exceed the level of funding necessary to operate it. Funds from the sale of State Forest timber currently support 74.9 Full-time Equivalent (FTEs), while only 50.45 FTEs are projected to be devoted to the entire State Forest Management program in fiscal year 2008-09. In addition to non-related personal services charges placed on the special revenue account the fund also is assessed overhead costs related to central office utilities. As a result this account is running a significant deficit. A softening in market prices being paid for forest products will cause this deficit to increase in the next fiscal year.

**Brief Description/History/Background:**

The Forest Preserve was created in 1885 by constitutional amendment. State Forest land acquisition started in 1929 under the State Reforestation Law focusing on reforesting vacant lands and managing those lands for the production of timber. The State's working forest Conservation Easement program was authorized in the 1998 State Open Space Plan. Over time the focus has changed to include more long-term planning, public recreation management and sustainability. All three of these categories are recommended for expansion and enhancement in the State's Open Space Conservation Plan and thus are eligible for acquisition funding from the EPF. The Department's land management is often driven by health and safety. The Department owns and maintains more than 1,300 bridges, 50 dams and 6,000 culverts on Forest Preserve and State Forests. This infrastructure must be maintained to protect public safety, creating a significant fixed impact on the Division's resources.

**Issues:**

Most significant issue facing the Forest Preserve is resolution of user conflicts and development of management plans. As people look for places to recreate closer to home, State lands will continue to see more users. Recreational activities such as snowmobiling are a major part of the north country's winter tourism economy. State Forest Management also contributes significantly to the Upstate rural economy from forest recreation based tourism and forest product sales. Adequate staffing of the State Forest Program is essential to properly administer more than 300 active forest product sales contracts to provide protections for the resource and public safety.

**Population Served:**

General public interested in outdoor recreation, including hikers, mountain bikers, campers, backpackers, cross-country skiers, snowmobilers, hunters, anglers, trappers, the forest products industry and others. New Yorkers also derive benefits from the protection and improvement of water and air quality that well-managed forests provide. The Catskill Forest Preserve is a major component of the New York City watershed, providing clean drinking water to millions of people. Wood-using industry is also an interested party, since the quality of timber produced on State Forest lands generally exceeds that of timber produced on private lands, which often is not managed by professional foresters.

**Performance Measures:**

Management of State Forest lands has recently received dual certification under Forest Stewardship Council and Sustainable Forestry Initiative standards. Certification provides third party audits and assurances that State Forests are managed on a sustainable basis. To maintain certification and provide sound stewardship of State Forests the program must meet specific goals for development of Unit Management Plans (UMPs), conducting Forest Inventory and the promotion of forest health and biodiversity through active forest management and forest product sales. UMPs also are required for Forest Preserve parcels, which must be approved by the Adirondack Park Agency. Recreational Management Plans on conservation easement lands are required by the Office of the Attorney General.

Environmental Conservation: Lands & Forests  
**PROGRAM INFORMATION SHEET**

**Program:** Real Estate Services (including Land Acquisition & Land Surveying)

**Mandate:**

Environmental Conservation Law sections 3-0301(1)b, c, d, e, p, (2) b, l, v, 3-0305 (1-16), 3-0307, 3-0315, 9-0105 (1, 2, 6, 7, 7a, 11,13), 9-0107(1-2), 9-0109, 9-0307, 9-0501, 9-0509, 11-2103, 11-2105, 15-1517, 15-1729, 15-1731, 24-0705(7), 25-0404, 45-0101, 45-0113, 46-0107, 49-0203, 49-0207, 49-0301, 49-0305, 49-0307, 54-0301, 54-0303

**Mandated Funding Level:**

Funding for Open Space land acquisition is provided for by annual appropriations from the Environmental Protection Fund (EPF).

**Brief Description/History/Background:**

This program provides the real estate services required for all department programs. The Department manages over 4.5 million acres of land and easements for various program purposes. All land acquisition, survey, title and land related litigation support are handled by the program. The program had its beginnings over 125 years ago with our predecessor agencies in the mid 1880's and is by far the State's largest real estate manager with over 93% of all State land, and is the single largest land manager public or private, in the State. The majority of the current acquisition program is directed by the NYS Open Space Conservation Plan and is funded by the EPF. The land survey program surveys, marks and maintains over 17,000 miles of property boundary lines across the state.

**Issues:**

Open Space protection has been the hallmark of New Yorkers since the creation of the Forest Preserve in 1885. Its continued importance to the people is evidenced by the input and support in the development of each new version of the NYS Open Space Plan and the legislature's establishment of the EPF and its annual appropriation, which continues to rise.

**Population Served:**

The program provides all of the real estate needs for Department programs from Open Space, to flood control, to hazardous waste remediation. There is a large constituency of environmental groups and land trusts that continually collaborate and partner on many of our important open space projects.

**Performance Measures:**

The program utilizes the Open Space planning process to prioritize its efforts and has successfully protected over one million acres of land in the last 15 years.

## Attachment C

### Environmental Conservation: Lands & Forests PROGRAM INFORMATION SHEET

**Program:** Open Space Planning including development of the State Open Space Conservation Plan and administering Grant Programs such as Smart Growth and the New York Conservation Partnership Program (NYSCPP).

**Mandate:**

Open Space Conservation Plan – 1990 legislation – ECL §49-0207. Serves DEC's core mission and priorities by guiding the protection of the natural resources, which maintain air and water quality, and enhance the health, safety and welfare of New York's citizens. DEC priorities including Combat Climate Change, Foster Green and Healthy Communities, Connect New Yorkers to Nature and Safeguard New York's Natural Assets all are addressed by the Open Space Conservation program. Smart Growth – EPF budget language starting in 2007-08 State Budget (\$500,000 for the Adirondack program; \$250,000 for the Catskill program). Smart Growth directly addresses DEC's mission and priorities including Foster Green and Healthy Communities and Safeguard New York's Natural Assets. NYSCPP – EPF budget language starting in 2002-03 State Budget. Serves DEC's core mission of protect natural resources, which maintain air and water quality, and enhance the health, safety and welfare of New York's citizens. DEC priorities including Combat Climate Change, Foster Green and Healthy Communities, Connect New Yorkers to Nature and Safeguard New York's Natural Assets are all addressed by the NYSCPP.

**Mandated Funding Level:**

Appropriated on an annual basis as part of the EPF budget process.

**Brief Description/History/Background:**

Since 1992, the State's Open Space Conservation Plan has served as the blueprint for the State's Open Space Program, which has conserved more than 1 million acres since the start of the EPF in 1993. Since 2002, the Land Trust Alliance grant program invests in the capacity of New York's land trusts to protect and steward open space resources that provide quality of life and are enjoyed by all New Yorkers. Since 2007, the Smart Growth grant program has made planning and implementation grants available on a competitive basis to more than 100 municipalities in the Adirondack Park and six in the Catskills.

**Issues:**

There is overwhelming public support for all components of this program.

**Population Served:**

Open Space Conservation Plan – All New Yorkers

Smart Growth – residents of eligible communities, municipal governments in the Adirondack Park and municipal governments and not-for-profits in the Central Catskill, as well as visitors to those communities, and those who benefit from continued high water quality of the regions.

LTA program – All New Yorkers are able to enjoy the benefits of the land conserved by the 80+ land trusts whose capacity for conservation is increased by the grant program.

**Performance Measures:**

Open Space Conservation Plan – Number of acres conserved, dollars expended according to priorities set by plan: More than 1 million acres conserved, more than \$535 million invested.

Smart Growth - new program, metrics in development.

LTA program – Number of grants awarded, number of acres conserved, private conservation funds leveraged: 161 grants awarded, more than 8,800 acres preserved, more than \$9 million in matching funds invested.

Environmental Conservation: Lands & Forests  
**PROGRAM INFORMATION SHEET**

**Program:** Forest Health and Forest Invasive Species Management

**Mandate:**

ECL § 9-1303. Forest insects and other forest tree diseases. This Section authorizes and directs the Department to control and prevent the spread of forest insects and forest tree diseases by: entering into cooperative agreements with any other state, the federal government; conducting investigations to control or prevent spread of forest insects and forest tree diseases; entering any lands to determine if such property is infested and the extent of such infestation; establishing quarantine districts and prohibiting the movement of materials which may harbor forest insects or forest tree diseases; and making rules and regulations to prevent the spread of or control forest insects and forest tree diseases. The Commissioner's priorities also require the Division to foster natural carbon sequestration and sustainable forestry, promote community greening and urban forestry, preserve open space and working landscapes and to protect biodiversity and unique ecosystems across New York.

The Cooperative Forest Health Program was authorized by the Cooperative Forestry Assistance Act of 1978 (PL 95-313) and amended by the 1990 Farm Bill (PL 101-624). The Cooperative Forest Health Program assists States in conducting forest health management activities on non-federal forest lands to achieve healthy sustainable forests including funds to detect, monitor, and evaluate forest health conditions on State and private lands.

**Mandated Funding Level:**

State must match Federal Forest Health Management grant funding 1:1. In FY '08-09, required match is \$ 243,400. 2008 EPF grant funding for (Terrestrial and Aquatic) Invasive Species Eradication designated at \$1 million. Funds shared with Div. of Fish, Wildlife & Marine Res.

**Brief Description/History/Background:**

The goal of the Cooperative Forest Health Program in New York State is to: detect, identify, respond and make management recommendations on forest health problems statewide, thereby protecting the State's timberland, urban forest, and non-commercial forest resources from significant loss of economic, ecological, or aesthetic value due to insects, diseases, other stresses, and unidentified causes.

**Issues:**

New York's forests and trees, and the citizens who enjoy all the benefits of forests and trees, face serious threats from native and, especially, exotic, invasive forest insects and diseases. These pests have the potential to wipe out entire species of trees, and decimate our forest cover and urban tree resources, causing millions of dollars in damage, loss and removal and restoration costs. Emerald ash borer, Asian long-horned beetle, Hemlock wooly adelgid, Sirex woodwasp, Pine shoot beetle, Gypsy moth, forest tent caterpillar and Sudden oak death are just a few of the most serious forest pests and diseases already in New York State or threatening our borders. Early detection and rapid response - mainstays of our forest health program - are essential to protect our trees and forests from catastrophic losses.

**Population Served:**

This program extends its services to all citizens of the State.

**Performance Measures:**

The program conducts field and aerial surveys of forests to look for signs of insect or disease outbreaks and identify problems. We conduct and support response activities including implementing quarantines, pest eradication, providing management recommendations and increasing awareness of pest problems. Success is measured by finding forests free of invasive forest pests or diseases and by rapidly responding to discoveries of pests or diseases with appropriate, science-based measures.



## Attachment C

### Environmental Conservation: Lands & Forests PROGRAM INFORMATION SHEET

**Program:** Sustaining Urban and Rural Forests: (Technical Assistance, Forest Tax Law 480-480a, forest Utilization and Marketing Program, private forest owner and community outreach and education and Urban and Community Forestry EPF Grants)

**Mandate:**

ECL § 9-0713 authorizes and directs the Department to provide information and technical assistance to private forest owners regarding all phases of forest management. ECL§ 53-0103 and § 53-0305 authorize and direct the Department to advise, encourage and assist local governments in developing urban forestry programs to promote tree and green space protection, management and maintenance. RPTL Sections 480 and 480-a mandate the Department to administer these forestland tax exemption programs by certifying eligible acreage, reviewing and approving management plans, revisions and 5-year updates, certifying stumpage value for tax purposes and dealing with violations & revocations. The Federal Forest Stewardship Program, and Forest Resource Management Program, authorized by the Cooperative Forestry Assistance Act of 1978 (PL95-313), provide technical assistance and information to non-federal forest landowners, thereby promoting healthy sustainable forests and economic development of forest resources; and encourage retention and active management by private landowners of their forested lands and related resources, in partnership with states.

The Urban and Community Forestry (UCF) program was authorized by the Cooperative Forestry Assistance Act of 1978 (PL 95-313) and revised by the 1990 Farm Bill (PL 101-624) to promote natural resource management in populated areas and improve quality of life. The Commissioner's priorities also require the Division to foster carbon sequestration and sustainable forestry, preserve open space and working landscapes, conserve, protect and restore watersheds and coastal resources, apply state-of-the-art (forest) management techniques, including ecosystem-based management, promote sound land use and planning and to protect biodiversity and unique ecosystems across New York.

**Mandated Funding Level:**

State must match Federal Forest Stewardship and Urban & Community Forestry grant funding 1:1. In FY '08-09, required match is \$ \$1,451,200. 2008 EPF grant funding for Urban & Community Forestry grants is designated at \$500,000, with an additional \$400,000 committed from FY2007 funds.

**Brief Description/History/Background:**

The Department provides technical assistance, outreach and education, and financial support to communities and private forest owners to promote sustainable management and conservation of the State's tree and forest resources for their many "ecosystem services". We also administer the State's Forest Tax Law program (RPTL 480 and 480-a) which promotes retention and sustainable management of private forests. Education and technical assistance is available to over 750 individual communities across NY in the care and management of their community trees and forested open space of value to their residents and environment.

**Issues:**

Private owners hold 73% of New York's forest land, a total of 13.5 million acres, and have great influence on the benefits they provide to society. They face significant challenges in retaining and sustainably managing their forests and need technical and financial assistance to conserve these resources. Communities also face increasing natural and manmade pressures on their trees and forests, yet have great opportunities to use and enhance their green infrastructure for multiple benefits.

**Population Served:**

This program benefits accrue to all citizens of the State. There are over 500,000 private forest owners in NYS and over 750 communities that could be directly served.

**Performance Measures:**

Communities and landowners assisted, forested acres conserved and sustainably-managed under the Forest Tax law, population served through UCF programs.

## Attachment C

### Environmental Conservation: Lands & Forests PROGRAM INFORMATION SHEET

**Program:** Nursery, Conservation and Green Infrastructure Programs

**Mandate:**

The US Forest Service Reforestation, Nursery and Genetics Resources (RNGR) program, authorized by the Cooperative Forestry Assistance Act of 1978 (PL 95-313), and the National Forest Management Act of 1976 (PL 94-588), ensures availability of planting stock for conservation programs. The program supports nursery modernization, training and new technology for state RNGR programs. These programs contribute to healthy sustainable forests, sustainable economic development, and ecosystem restoration. ECL § 3-0301 directs the Department to promote restoration and reclamation of degraded or despoiled areas and natural resources. The state tree nursery program was started around 1908 to provide conservation planting stock (primarily trees at that time) to meet this mandate. The Nursery programs directly respond to the Commissioner's priorities requiring the Division to foster natural carbon sequestration and sustainable forestry, lead state agencies' efforts to tackle climate change, clean up contaminated land, especially in urban centers, promote community greening and urban forestry, preserve open space and working landscapes, promote environmental education and outdoor experiences for all age groups; conserve, protect and restore watersheds and coastal resources, apply state-of-the-art (forest) management techniques, including ecosystem-based management, promote sound land use and planning and to protect biodiversity and unique ecosystems across New York.

**Mandated Funding Level:**

None. Nursery operation expenditures do contribute to the required match of our Federal Forest Stewardship grant of \$416,200.

**Brief Description/History/Background:**

New York State's forest nursery program was initially developed to meet the reforestation needs of thousands of acres of cut-over Adirondack land. Over the years, more than 1.6 billion seedlings have been produced and distributed by public nurseries in New York. The first nurseries were developed around the turn of the last century (1900's) and were privately owned. State-run nurseries began around 1908, and were very small operations located near planting sites at such places as Lake Clear, Saranac Lake and Indian Lake. The Saratoga Nursery began production in 1911 at a site currently occupied by the Saratoga Performing Arts Center. Over the years, the Nursery's mission, role and program has expanded to include production of a broader range of conservation plant materials, focusing on native, New York seed-source materials, as well as producing seedlings for ecological restoration, biomass energy, educational and promotional purposes as well as for Department facilities' beautification and restoration.

**Issues:**

The Nursery Program supports important ecological restoration efforts such as the Albany Pine Bush, renewable, biomass energy research and development in partnership with SUNY-ESF and the United States Department of Energy, the School Seedling Program, Arbor Day efforts, bagged seedlings for Department events such as the State Fair, and provides tens of thousands of dollars worth of flowers and trees to DEC Operations for our facilities, saving them the cost of purchasing them from private sources. The Program cooperates with the United States Department of Agriculture's Conservation Plant Materials Center in Big Flats, NY, to research and develop native sources of conservation plant materials.

**Population Served:**

This program extends its services to all citizens of the State.

**Performance Measures:**

Seedlings produced and sold or provided free for Department use or distribution, seed production areas maintained, native seeds processed and prepared.

## Attachment C

### Environmental Conservation: Lands & Forests PROGRAM INFORMATION SHEET

**Program:** Office Administration (Fiscal, Personnel, Regulatory, SEQRA, Legislation, Policy & Grants)

**Mandate:**

The agency's mission requires the Division to conserve, improve and protect its natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being. ECL Article 1 Office Administration is the base for the Division to be able to implement and carry out the Agency's mission. SEQRA: 6 NYCRR Part 617 State Environmental Quality Review (SEQR). [Statutory authority: ECL Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113]. Policy and Regulations: General powers and duties ECL Section 9-0105 (3)(15) Grants: ECL Section 54-0101 thru 0109

**Mandated Funding Level:**

N/A

**Brief Description/History/Background:**

Administration responds to all fiscal, personnel, regulatory mandates and legislative matters. The program also maintains the direction of the Division and administers State and federal funded programs.

**Issues:**

Office administration is key to the efficiency of the Division and key to responding to the administrative needs of other units of the Agency and outside partners, including the United States Forest Service, local governments and grant recipients. Program staff are able to concentrate on their key tasks and implement the mandated programs the Division is required to run. Without office administration program staff would be bogged down with administrative duties instead of being able to run their programs effectively and efficiently in order to provide the necessary services to the citizens of the State.

**Population Served:**

The Division's Office Administration serves all NYS citizens, allows efficient workflow throughout the Division and the agency, and with other state and federal agencies to accomplish our tasks.

**Performance Measures:**

We annually review our administrative management effectiveness. We continually look to improve and streamline our office administration. The main measure is the periodic review of State and federal funding levels and how quickly and efficiently these funding sources are expended on targeted programs, and making appropriate adjustments to employee work plans to address deficiencies or inefficiencies.

## Attachment C

### Environmental Conservation: Lands & Forests PROGRAM INFORMATION SHEET

**Program:** New Recreational Construction and Facility Enhancement on State Lands

**Mandate:**

General powers and duties see ECL Section 9-0105: Exercise care, custody and control of the Forest Preserves, Reforestation Areas, and Conservation Easements.

**Mandated Funding Level:**

None, but funds to support this function come from the Department's Capital and EPF Stewardship Funds.

**Brief Description/History/Background:**

The Department has increased its land holding by over 20 percent in the last decade. The Division of Lands and Forests has primary responsible for managing the vast majority of these lands. Ideally, the Division follows up on acquisitions by developing appropriate facilities to ensure public use and enjoyment, and natural resource protections, including trails, water access sites, parking areas, culverts, water bars, kiosks and other facilities.

**Issues:**

While the Department has care and custody of these lands, there are no statutory time tables for the development of recreational facilities. Deferring non-health and safety or non critical natural resource protection construction activities in difficult financial times is a tangible way to save money, although it will be unpopular with public users. Realizing savings in this area requires the input and cooperation of the Regional Directors and the Divisions of Operations and Fish, Wildlife and Marine Resources.

**Population Served:**

The Department's lands are open to all members of the public.

**Performance Measures:**

The Department has added about a million acres of land and easements to its land holdings in the last decade, containing hundreds of miles of potential trail networks, waterway access sites, other public facilities and natural resource protection features. Deferring construction and rehabilitation of these features will result in savings, and focus limited stewardship funding on pre-existing properties that require upkeep and management.

Environmental Conservation: Lands & Forests  
**PROGRAM INFORMATION SHEET**

**Program:** Land Acquisitions that do not rank highly under the NYS Open Space program

**Mandate:**

Environmental Conservation Law sections 49-0203, 49-0207, 49-0301, 49-0305, 49-0307

**Mandated Funding Level:**

Funds for state land acquisition mainly are derived from the Environmental Protection Fund (EPF), which is appropriated on an annual basis as part of the budget process.

**Brief Description/History/Background:**

By Chapter 146 of the Laws of 1990 the Legislature amended the Environmental Conservation Law to include a new title addressing State Land Acquisition. It sets policy and planning standards for future acquisitions and establishes the triennial open space planning process. This is a grassroots process building from regional advisory committees, comprised of local representatives; public hearings on a statewide basis; and final adoption by the Governor.

**Issues:**

While the established planning process identifies a host of candidates, current fiscal conditions mandate that we focus our resources on high priority parcels which are considered at risk to lose their natural resource values or represent unique opportunities for a significant acquisition. Lower priority parcels can be evaluated for alternative protection utilizing conservation third parties or protection at a later time.

**Population Served:**

The open space planning process involves many interested groups including local governments, local land trusts and conservation organizations such as The Nature Conservancy, Open Space Institute and Trust for Public Land.

**Performance Measures:**

All projects contained in the Open Space Plan are screened through resource value rating systems tailored for each natural resource and recreation category. These ratings are used to identify the natural resource values and threats associated with each project.

**Attachment C**

New York State Department of Environmental Conservation -- Office of Hearings and Mediation Services  
**PROGRAM INFORMATION SHEET**

**Program:** Permit Hearing Proceedings

**Mandate:**

Due Process Clauses of the United States and New York Constitutions; Environmental Conservation Law ("ECL") sections 3-0301, 23-0305, 23-0503, 23-0901, and 70-0119; ECL article 43; State Administrative Procedure Act article 3; Public Service Law article X; Executive Order No. 131 (continued by Governor Paterson by Exec. Order No. 9 [2008])

**Mandated Funding Level:**

None.

**Brief Description/History/Background:**

The Office of Hearings and Mediation Services ("OHMS") conducts administrative adjudicatory and public legislative hearings in permit matters. Activities including publishing public notices of hearings; conducting legislative hearings, issues conferences and evidentiary hearings; and preparing issues rulings, hearings reports, and draft Commissioner decisions. OHMS also conducts joint hearings with the Hearings Office of the Department of Public Service in major power plant siting cases, and conducts permit hearings for other State agencies pursuant to regulation or memoranda of understanding, including the Adirondack Park Agency, the Office of General Services, and the Lake George Park Commission. OHMS is presently staffed with one Assistant Commissioner for Hearings and Mediation Services, one Chief Administrative Law Judge ("ALJ"), ten ALJs, and three support staff.

**Issues:**

None.

**Population Served:**

Permit applicants, staff of the Department of Environmental Conservation, staff of other State agencies involved in hearings, third party interveners, and the general public.

**Performance Measures:**

Numbers of hearings held, and decisions, rulings, and hearing reports issued annually. Timeliness of decisions.

**Attachment C**

New York State Department of Environmental Conservation -- Office of Hearings and Mediation Services  
**PROGRAM INFORMATION SHEET**

**Program:** Enforcement Hearings and Regulatory Fee Disputes

**Mandate:**

Due Process Clauses of the United States and New York Constitutions; Environmental Conservation Law ("ECL") sections 3-0301, 15-0903, 17-0303, 19-0301, 23-0305, 33-0303, 71-0301, 71-1709 and 72-0201; ECL article 43 and 71; State Administrative Procedure Act article 3; Executive Order No. 131 (continued by Governor Paterson by Exec. Order No. 9 [2008])

**Mandated Funding Level:**

None.

**Brief Description/History/Background:**

The Office of Hearings and Mediation Services ("OHMS") conducts administrative adjudicatory hearings on enforcement, and regulatory fee dispute matters. Activities include deciding motions; conducting evidentiary hearings; and preparing hearing reports, rulings and draft Commissioner orders. OHMS also conducts enforcement hearings pursuant to regulation or memoranda of understanding for other State agencies, including the Adirondack Park Agency, the Office of General Services, and the Lake George Park Commission. OHMS is presently staffed with one Assistant Commissioner for Hearings and Mediation Services, one Chief Administrative Law Judge ("ALJ"), ten ALJs, and three support staff.

**Issues:**

None.

**Population Served:**

Respondents in enforcement proceedings, staff of the Department of Environmental Conservation, staff of other State agencies involved in hearings, and the general public.

**Performance Measures:**

Numbers of hearings held, and decisions, orders, rulings and hearing reports issued annually. Timeliness of decisions.

**Attachment C**

New York State Department of Environmental Conservation -- Office of Hearings and Mediation Services  
**PROGRAM INFORMATION SHEET**

**Program:** Mediation/Alternative Dispute Resolution/Formal Dispute Resolution

**Mandate:**

No statutory mandate.

**Mandated Funding Level:**

None.

**Brief Description/History/Background:**

The Office of Hearings and Mediation Services ("OHMS") provides mediation, alternative dispute, and formal dispute resolution services for the resolution of permitting and enforcement matters without the expense and delay associated with formal adjudicatory proceedings.

**Issues:**

Because of efforts to resolve the backlog of tidal wetland permit hearing cases in Region 1, mediation activities are expected to increase for 2008-2009 and future years.

**Population Served:**

Permit applicants, respondents in enforcement proceedings, the general public and staff of the Department of Environmental Conservation and other State agencies involved in hearings,

**Performance Measures:**

Numbers of successful mediations concluded annually.



**Attachment C**

New York State Department of Environmental Conservation -- Office of Hearings and Mediation Services  
**PROGRAM INFORMATION SHEET**

**Program:** Legislative (Rulemaking) Hearings

**Mandate:**

Due Process Clauses of the United States and New York Constitutions; Environmental Conservation Law ("ECL") sections 3-0301; State Administrative Procedure Act article 2.

**Mandated Funding Level:**

None.

**Brief Description/History/Background:**

The Office of Hearings and Mediation Services ("OHMS") assists the agency's rulemaking function by conducting legislative public hearings on agency rulemakings.

**Issues:**

None

**Population Served:**

The regulated community, the general public and staff of the Department of Environmental Conservation.

**Performance Measures:**

Numbers of hearings held and hearing reports issued annually.

**Attachment C**

New York State Department of Environmental Conservation -- Office of Hearings and Mediation Services  
**PROGRAM INFORMATION SHEET**

**Program:** Freedom of Information Law ("FOIL") Appeals and Requests

**Mandate:**

Public Officers Law article 6

**Mandated Funding Level:**

None.

**Brief Description/History/Background:**

The Office of Hearings and Mediation Services ("OHMS") responds to and issues determinations on Freedom of Information Law ("FOIL") requests made to OHMS. The Assistant Commissioner for Hearings and Mediation Service was the FOIL appeals officer for the agency and, with the assistance of OHMS Administrative Law Judges ("ALJs") issued determinations on all FOIL appeals before the agency.

**Issues:**

Prior to Spring 2008, the Assistant Commissioner for Hearings served as the FOIL Appeals Officer for the agency. In Spring 2008, that function, with certain exceptions, was transferred to the Office of General Counsel. OHMS will continue to handle FOIL requests for records that are within the custody and control of OHMS. Any FOIL appeals from the determinations regarding the availability of OHMS records will come to the Assistant Commissioner for Hearings. Although the level of FOIL appeal activity will decrease significantly in light of the aforementioned restructuring, OHMS will still be handling certain FOIL appeals.

**Population Served:**

General public and staff of the Department of Environmental Conservation.

**Performance Measures:**

Numbers of FOIL determinations issued annually. Timeliness of decisions.

**Attachment C**

New York State Department of Environmental Conservation -- Office of Hearings and Mediation Services  
**PROGRAM INFORMATION SHEET**

**Program:** Administrative Services

**Mandate:**  
No statutory mandate.

**Mandated Funding Level:**  
None.

**Brief Description/History/Background:**  
Administrative services supporting the work of one Assistant Commissioner for Hearings and Mediation Services, one Chief Administrative Law Judge ("ALJ"), and ten ALJs are provided by three support staff.

**Issues:**  
None

**Population Served:**  
The Office of Hearings and Mediation Service.

**Performance Measures:**  
Performance standards applicable to title.

Environmental Conservation: Employee Relations  
**PROGRAM INFORMATION SHEET**

**Program:**

- 1) Labor Relations - Random Drug & Alcohol Testing Program
- 2) Labor Relations - Disciplinary & Grievance Processes
- 3) Labor Relations - Statewide Labor/Management Committees
- 4) Labor Relations - Medical/Psychiatric Referral Program

**Mandate:**

- 1) Omnibus Transportation Employees Testing Act (OTETA)
- 2) Collective Bargaining Agreements
- 3) Collective Bargaining Agreements
- 4) Collective Bargaining Agreements & Section 72 of the NYS Civil Service Law

**Mandated Funding:**

- 1) N/A
- 2) N/A
- 3) N/A
- 4) Funded by the employee's Division/Region.

**Brief Description/History/Background:**

- 1) This program addresses all aspects of random monitoring of approximately 300 DEC employees who use Commercial Driver's Licenses and hold safety sensitive positions.
- 2) Processing and issuance of Notices of Discipline initiated by Department Divisions/Regions and addressing grievances
- 3) Meetings conducted in compliance with Collective Bargaining Agreements
- 4) Pursuant to Section 72 of NYS Civil Service Law, medical and/or psychiatric referral to the Civil Service Employee Health Service Program responding to Division or Regional requests for testing of DEC employees to determine fitness for duty.

**Issues:**

- 1) Timely response to positive random drug testing.
- 2) Compliance with mandated time frames associated with both processes.
- 3) Varied as raised by the unions.
- 4) Compliance with mandated time frames and ensurance of all appropriate confidentiality.

**Population Served:**

- 1) DEC employees involved in the program, their supervisors and the public.
- 2) All DEC employees.
- 3) All DEC employees.
- 4) All DEC employees.

**Performance Measures:**

- 1) Compliance with Omnibus Transportation Employees Testing Act
- 2) Compliance with provisions of Collective Bargaining Agreements
- 3) Meetings in fulfillment of the Collective Bargaining Agreements
- 4) Return of healthy and productive employee to the workplace and/or removal of unfit employee until such time they can return as a healthy and productive employee.

Environmental Conservation: Employee Relations  
**PROGRAM INFORMATION SHEET**

**Program:**

- 1) Health and Safety - Training Program
- 2) Health and Safety - Automated External Defibrillator Program
- 3) Health and Safety - Medical Monitoring Program

**Mandate:**

- 1) State, Federal and Contractual Mandates
- 2) Part 303 of Title 9, NYS Executive Law
- 3) 29 CFR 1910.120; 29 CFR 1910.1200; 29 CFR 1910.134

**Mandated Funding Level:**

- 1) N/A
- 2) Currently in year four of a five-year implementation plan with an initial funding of \$667,170.
- 3) MOU with Department of Civil Service for \$445,000.

**Brief Description/History/Background:**

- 1) The H&S Unit is responsible for providing mandated health and safety training to all Department staff, much of it on an annual basis.
- 2) Title 9 requires all state agencies to implement and maintain an automated external defibrillator (AED) program at all staffed
- 3) Federal, State and contractual requirement. Department must ensure that staff exposed to hazardous chemicals, bloodborne pathogens and/or other biological vectors be offered medical monitoring, respirator clearance physicals and immunizations.

**Issues:**

- 1) The H&S Unit is responsible for either directly providing or coordinating mandated health and safety training and general
- 2) The H&S Unit must oversee a comprehensive AED program which includes installation, maintenance and tracking of AED
- 3) The H&S Unit oversees a statewide medical monitoring program to ensure compliance with applicable statutes.

**Population Served:**

- 1) All DEC employees.
- 2) All DEC employees and the general public.
- 3) All DEC employees.

**Performance Measures:**

- 1) Compliance with NYS and Federal labor law
- 2) Compliance of applicable NYS law
- 3) Compliance with state and federal laws and contractual mandates

**Attachment C**

NYS Department of Environmental Conservation: Employee Relations  
**PROGRAM INFORMATION SHEET**

**Program:** Employee Assistance Program

**Mandate:**  
Collective Bargaining Agreements

**Mandated Funding Level:**  
N/A

**Brief Description/History/Background:**

The New York State Employee Assistance Program (EAP) provides a full range of confidential, individualized services to public sector employees or covered contract staff and their family members. The program provides information, assessment and referral for those experiencing problems on or off the job, as well as program awareness training for managers, supervisors, union representatives and line workers. Workplace educational programs, problem prevention initiatives, and response to workplace trauma are available to all State agencies and facilities.

**Issues:**  
Timely assistance in resolving employee issue(s).

**Population Served:**  
All DEC employees and their families.

**Performance Measures:**  
Resolution of employee issues resulting in improved employee health and productive return to the workplace.

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Recreational Use:** We will increase use and enjoyment of fish, wildlife and marine resources by effective and efficient resource management. We will improve public access to lands and waters, particularly those in private ownership. We will expand sportfishing opportunities and opportunity to enjoy wildlife in and near New York State's urban and suburban areas where 90 percent of our people live. We will collect adequate data on species populations and harvest levels to develop and implement management programs that ensure that recreational uses are sustainable. We will regulate participation to optimize opportunity for participants to enjoy fish, wildlife and marine resources and ensure compatibility with other resource users.

**Mandate:**

Environmental Conservation Law: Article 11- Fish and Wildlife; Article 13, Title 3 - Marine Fisheries; State Finance Law Section 83 (Conservation Fund); U.S. Code Title 16 (Conservation); U. S. Code Title 16 Chapter 7 (Migratory Game and Insectivorous Birds); U.S. Code Title 16, Chapter 5B (Wildlife Restoration); U.S. Code Title 16, Chapter 10B (Fisheries Restoration)

**Mandated Funding Level:**

None, although states passed assent legislation ensuring that all funds received from sporting licenses are dedicated to fish and wildlife conservation purposes as a condition of eligibility to receive federal funding under federal sportfish and wildlife restoration programs, which provide more than \$12 million annually to New York

**Brief Description/History/Background:**

Hunting, fishing, trapping, and wildlife observation are important recreational activities to millions of New York residents and visitors from other states. In the course of pursuing their interests, these user groups generate more than \$3 Billion in economic activity annually in the state, supporting thousands of jobs and generating millions of dollars in tax revenues far exceeding fish and wildlife program costs, largely supported by license dollars and federal excise taxes on related equipment. These activities also perform important population management functions, and harvest of some species of wildlife helps achieve management goals, mitigating undesirable effects of over abundant populations.

**Issues:**

Demographic and lifestyle changes suggest that recruitment and retention of wildlife recreationists need to be addressed to maintain economic benefits, wildlife population control, and agency funding streams. Barriers to participation include an aging population, access to lands and waters, disabilities associated with age and health, competing demands for time.

**Population Served:**

anglers, hunters, trappers, bird watchers and anyone who interacts with fish and wildlife resources in a recreational setting

**Performance Measures:**

number of pounds of hatchery fish produced and stocked (1 million pounds annually); number of participants in the I FISH NY program; number of individual hunting license holders; number of age 12 to 18 hunting license holders; harvest of certain species of wildlife (deer, geese, beaver); National Survey of Fishing, Hunting, and Wildlife-Associated Recreation

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Protection:** We will develop and improve standards and criteria , and will issue, monitor and enforce environmental permits consistent with those standards and criteria . We will provide technical assistance to other state, local and federal agencies and private landowners to assist their efforts to protect habitats, species and communities. Consistent with the Open Space Conservation Plan and resource management plans, we will acquire fee title or conservation easements for lands that support unique habitats, species, communities or important fish and wildlife-related recreational opportunities.

**Mandate:**

Environmental Conservation Law: Article 3, Title 3 - General Functions, Powers, Duties and Jurisdictions; Article 15, Title 5- Protection of Waters; Article 24 - Freshwater Wetlands; Article 25 - Tidal Wetlands; Article 17-0301 Classification of waters and adoption of standards; Article 33 Title 7 Registration of pesticides; Article 27 Titles 13 and 14

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

Protection of fish, wildlife and habitats proceeds on several statutory and regulatory fronts, as well as through partnership and cooperative agreement with public and private stakeholders. For many species, protection of habitat is a first line of defense against adverse individual, community or population effects. The tidal and freshwater wetlands laws and regulations, and the laws and regulations protecting waters of the state are primary authorities in the effort to protect habitat for a myriad of fish and wildlife species through the review and evaluation of permit proposals for work in these areas. Development, energy production and the use/disposal of toxic substances are three key human activities that impinge upon species and their habitat. Under this core program activity, the ecological and toxicological effects of human use of natural resources is evaluated and conditions imposed to avoid, minimize or mitigate any substantive negative effects.

**Issues:**

Most statutory and regulatory authority is directed toward protection of aquatic and marine species with little direct authority over development or other human activities in terrestrial environments. Example: wind power development may have significant adverse effects on bats. The Department has no regulatory authority over land development for wind energy, yet bird and bat resources are potentially at risk. Many applications are now litigated and this puts an increased burden upon staff.

**Population Served:**

All residents of the state are served by protection of natural resources as New York residents are the ultimate owners of the resource.

**Performance Measures:**

Number of power plants required to implement technology and/ or operational measures to minimize impacts (10 power plants annually) ; number of water quality standards developed resulting in protection of fish, wildlife and shellfish (15 water quality standards); number of contaminated sites with remedial programs protective of fish and wildlife resources (10 sites annually); number of tidal wetlands applications reviewed, determinations made, permits issued, and sites inspected (over 2,000



## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Wildlife Health:** We will assess the potential for epizootic disease and zoonotics to endanger the health and welfare of native fish or feral animal populations and take steps necessary to prevent or minimize the impacts of these on the State's fish and wildlife resources. We will work with the Department of Agriculture and Markets to prevent and minimize to the extent possible the transfer of diseases between free-ranging wildlife and domestic livestock.

**Mandate:**  
Environmental Conservation Law 11-0325 and 13-0105

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

Fish & wildlife health has long been a component of the DFWMR program, e.g., the Wildlife Pathology Unit has for decades diagnosed diseases in wildlife, Cornell U has provided a fish pathology service to the Dept for about 20 years, and SUNY Stony Brook has provided a marine pathology service for nearly ten years. All of these have been useful alerts on diseases in natural animal populations and helped shaped our response to them. However, in recent years emerging fish and wildlife diseases have become a high-priority concern in New York and throughout the world because of the potential for spreading dangerous diseases to humans, because of economic losses associated with livestock morbidity and mortality and because of the harmful effects on natural fish and wildlife populations and ecosystems. In response to this need the Division is in the process of establishing a new Fish & Wildlife Health Section, headed by a wildlife vet, that will incorporate our traditional pathology functions. Creating the Section will provide expanded scientific expertise and organizational support to enhance our capacity to respond to critical fish and wildlife health challenges.

**Issues:**

Fish & wildlife diseases are a threat not only to individual animals and populations, but also to humans, domestic animals, biodiversity and the national economy. Prevention, surveillance, monitoring, control and mitigation of emerging and recurring diseases that would include the complex interconnections among wildlife, livestock and humans will necessarily involve cooperation and coordination among many levels of government, a number of agencies with varying responsibilities and academia.

**Population Served:**

All New Yorkers and non-resident visitors to NY who use or otherwise enjoy wild fish and wildlife.

**Performance Measures:**

Identification of fish & wildlife diseases; success of responses to diseases.

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Wildlife Damage:** We will document wildlife-caused damage to natural resources and human land use, and wildlife-related threats to public safety. We will strive to reduce overabundant wildlife populations that cause natural resource and land use damages, and pose a public safety threat. We will work with land owners and managers to provide information and guidance to help them legally and effectively solve localized wildlife damage and nuisance problems.

**Mandate:**

ECL 1-0101; ECL 3-0301; ECL 11-0521 (Destructive Wildlife; taking pursuant to permit) ; ECL 11-0523 (Destructive or menacing wildlife; taking without permit); ECL 11-0524 (Nuisance Wildlife Control Operators) ECL 11-0525 (Control of Rabies in Wildlife) ECL 11-0527 (State aid to counties in control of rabies in wildlife); U.S. Code Title 16 (Conservation) U.S. Code Title 7 (Agriculture)

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

While wildlife is generally viewed as a valuable and desirable natural resource, in some times and places certain species pose a threat to human health, property, and crops and it becomes necessary to manage the threat. We offer technical assistance via telephone, website, or site visits to assist citizens avoid wildlife damage through a variety of techniques, and also will provide permits to allow them to take destructive wildlife when appropriate and necessary. Increasingly, members of the public are not equipped or motivated to deal with wildlife damage personally, and elect to hire professionals to assist them. DEC developed training materials and administers testing and licensing of these Nuisance Wildlife Control Operators to ensure they are knowledgeable on laws and techniques.

**Issues:**

Human development in wildlife habitat exposes people to losses from wildlife damage. Inadequate harvest of some species may result in overly abundant population levels that exceed human tolerance for damage. Effective control techniques may be lacking, expensive, or controversial. Jurisdictional issues with feral or escaped animals complicates legal status or responsible agency.

**Population Served:**

All citizens of the state, especially homeowners and farmers. Also, cooperating public service agencies such as police, animal control, USDA, NYS Department of Agriculture and Markets. Constituent groups such as Farm Bureau, New York State Conservation Council, and NWCO's.

**Performance Measures:**

Number of complaints received; periodic surveys of homeowners and farmers regarding tolerance for wildlife damage; estimates of wildlife damage to crops; estimates of vehicle (car, aircraft) collisions

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Research and Monitoring:** We will identify research needs and implement programs to gain a greater understanding of fish, wildlife, marine resources and ecosystems and their importance and relationships to people. We will accelerate surveys and monitoring to obtain current information necessary for sound planning and to evaluate progress toward achieving objectives.

**Mandate:**

Articles 11 and 13 of the Environmental Conservation Law (ECL 11-0303, 11-0305, 11-0306, 11-0539, 13-0105)

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

Sound management is based on the underlying knowledge obtained from applied research. Monitoring allows us to recognize population/ecosystem shifts and adapt our management techniques accordingly. Research and monitoring therefore play a critical role in the management and protection of the State's fish, wildlife and marine resources. The collection and assimilation of data yield information which is essential for problem solving and decision making. This information also provides us with a broader understanding for the implementation of true conservation. Research and monitoring efforts are implemented directly by the DEC and indirectly via contracts and cooperative agreements with other state/federal agencies and research institutions. DEC has a rich history in regard to research and monitoring dating back to the original biological surveys of the 1930's.

**Issues:**

Much of the Division's research and monitoring efforts are supported through the use of federal funds that are matched with state operation or special revenue funds. While most of these funds are matched with a 25% participation rate some sources, such as State Wildlife Grants, require 50% match. The application of federal dollars to carry out work may be diminished if state funds are curtailed.

**Population Served:**

All citizens of the state benefit from these activities as they are the foundation for the management of healthy ecosystems. The natural resource community, including cooperators and academia, also benefit from our contribution toward research and learning.

**Performance Measures:**

Develop understanding of distribution and population structure of American marten in Adirondacks (McGill University); complete tri-state wild turkey survival study (NY, PA, OH), monitor Oneida Lake walleye and yellow perch populations and evaluate efficacy of cormorant management efforts (Cornell University), understand population dynamics of coyote statewide and coyote impacts to whitetail deer populations (SUNY-ESF); restoration of paddlefish in the Allegheny drainage; develop understanding of populace activism in wildlife management (Cornell University).

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Licensing:** We will provide convenient and timely access to licenses and permits required to pursue recreational and commercial use of fish, wildlife and marine resources..

**Mandate:**

Environmental Conservation Law: Title 7 - Hunting, Fishing, and Trapping Licenses; Article 11:11-0507; 11-0511; 11-0512; 11-0515; Article 13; State Finance Law - Section 83 (Conservation Fund)

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

More than 1 million sporting licenses and permits are sold each year for residents and non-residents to hunt, fish, and trap in New York, more than 7000 special licenses are issued annually, and more than 4000 stocking and farm fish pond licenses are reviewed and issued annually. Marine Resources Permit office handles the review and issuance of licenses and permits for the commercial and recreational harvest, shipment and sale of marine resources pursuant to Articles 11 and 13 of the ECL. Marine permit staff issue more than 7,700 marine licenses and permits annually with a sales revenue of approximately \$1.1 million.

**Issues:**

Many of the license and permits are issued free of charge (e.g. hatchery licenses, stocking permits, farm fish pond licenses, triploid grass carp permits.....) to the holder/ applicant and many others (e.g. inland commercial fishing license, sell and collect bait fish license.....) are grossly under priced resulting in costs to the State of NY in the issuance and compliance efforts for these licenses.

**Population Served:**

Anglers, hunters, trappers, wildlife rehabilitators, commercial fishers, scientists and researchers, school teachers, and all other residents and non-residents that wish to "take" wildlife or interact with fish and wildlife with a "hands on" experience.

**Performance Measures:**

Marine Permit Certificates issued consistent with applicable rules and regulations and ECL on an annual basis; number of special (and other) licenses of various types issued annually

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Organizational Effectiveness:** We will foster and maintain an organization that effectively achieves our mission. We will set clear, attainable objectives; measure and evaluate our progress; allocate resources based on mission-driven priorities; efficiently and effectively use financial and staff resources; provide staff with opportunity for orientation, continuing education, job experience and training; recruit qualified people from broad backgrounds; enhance the cultural, gender, and racial diversity of the agency; comply with all state administrative procedural requirements; and develop methods for strong communication between leadership and all staff members.

**Mandate:**

Many state laws; Public Officers Law; desire to ensure public trust in state government.

**Mandated Funding Level:**

none

**Brief Description/History/Background:**

DFWMR has been a leader in the agency for developing, implementing and periodically updating a Strategic Plan as well as annual Work Plans. These plans set our goals and objectives, describe what we do, how we will do it and resources needed to do the job. In developing the annual work plans we assess how well we've done, including a check on whether we worked within our budgets. In addition, the Division established about seven years ago a Staff Training & Development Strategic plan, and every year we schedule training and development for staff consistent with the plan. An offshoot of Staff T&D was the major revision of and commitment to continually update the Division's Health & Safety Standard Operating Procedures. This is a comprehensive and detailed document, with a scope that ranges from handling bears to boating safety, to handling toxic chemicals, etc. Recruitment will be enhanced with the recent change to a Bio 1, continuous recruitment exam, based on training & experience. Staff mobility and advancement was enhanced several years ago with the use of a T&E exam for Biologists 2 & 3 positions.

Finally, the Division is committed to providing a core of support staff to assist program staff with the multitude of state and federal administrative requirements

**Issues:**

Procurements of all types and personnel actions have become increasingly difficult to accomplish, and require a growing proportion of the Division's staff time to address all the administrative requirements that must be satisfied in order to accomplish Division goals and objectives.

**Population Served:**

All DFWMR staff and all New Yorkers.

**Performance Measures:**

Accomplishment of strategic and work plan goals and objectives; number and scale of administrative errors; working within budgets; staff satisfaction

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Restoration:** We will work in partnership with landowners and managers to restore degraded habitats to support native species and communities. We will pursue mechanisms to reward private landowners and managers who develop and implement habitat restoration plans on their lands. We will restore populations of threatened or endangered species to secure status and restore self-sustaining populations of native and naturalized species that support important recreational and commercial uses. Our habitat, species and community restoration efforts will be guided by our watershed management plans.

**Mandate:**

Article 11 Fish and Wildlife; CERCLA - Natural Resource Damages; Article 14 New York Oceans and Great Lakes Ecosystem Conservation Act; Article 27 Title 13 Inactive Hazardous Waste Sites and 14 Brownfields Cleanup Program;

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

In the past, restoration efforts have proceeded more on a case by case basis than through an ecosystem or watershed based management framework. Current approaches seek to integrate differing mandates into one overall management or restoration plan that includes restoration of degraded or polluted habitats along with restoration of species-specific essential habitat. As an example, integrating flood management objectives into the planning of stream restoration projects can serve to both protect the public and restore riparian habitat that might otherwise be compromised in the attempt to save property subject to flooding. Natural resource damages assessments seek to make the public whole by restoring loss use of resources due to disposal of contaminants.

**Issues:**

**Population Served:**

The public users of open space for hunting, fishing and passive recreation as well as the general public that benefits from flood and storm water management.

**Performance Measures:**

Number of watershed management plans completed. Number of NRD cases resulting in restoration of natural resource function and opportunity for public use. Number of privately owned lands restored to useful habitat.

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources **PROGRAM INFORMATION SHEET**

**Program:** **Information and Extension:** We will help identify and serve the fish, wildlife and marine resources information needs of all segments of the population, with an emphasis on urban areas and public school systems. Information and extension programs will focus on resource conservation and management, outdoor skills, ethics and behavior. We will use the internet as the primary medium to disseminate accurate, objective information. We will focus our efforts on developing a comprehensive and user-friendly website.

**Mandate:**

Environmental Conservation Law 3-0301 (1) (v); 11-1307 Fishing Promotion Program; State Finance Law - Section 83 (Conservation Fund)

**Mandated Funding Level:**

None, however, 6 Biologist 1 positions were specified as part of the 2007-08 state budget to conduct the sport fishing promotion program.

**Brief Description/History/Background:**

On the Department's website, the DFWMR's pages are consistently the most viewed pages owing to the interest in fish and wildlife and the opportunities to enjoy/ interact/ know about them. Five years ago, the Department initiated the I FISH NY program whereby people (primarily children) are taught aquatic stewardship, how to fish, and the location of the nearest fishing opportunities. To date, the I FISH NY program has focused on Long Island and New York City, but recently is being rolled out to the upstate urban/ suburban areas. Increasingly, urban/ suburban sprawling is placing people in the presence of wildlife which necessitates increased outreach to help people learn about and deal with wildlife in their backyard.

**Issues:**

Currently, only 4 (of the 6) Biologist 1 positions have been filled to conduct the sport fishing promotion program; much of the I FISH NY program is delivered via contract with NY Sea Grant

**Population Served:**

Population at large that is interested in the life history of New York's fish, wildlife and marine resources. People interested in opportunities to recreate with fish and wildlife and those interested in the Department's efforts to effectively manage the state's fish and wildlife resources.

**Performance Measures:**

Number of participants in the I FISH NY program, number of hits on the website.

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program: Commercial Use:** We will provide opportunity for sustainable commercial use of fish, wildlife and marine resources including commercial fishing, charter boat operations, and trapping. We will collect adequate data on commercial species populations and harvest levels to develop and implement management programs that ensure that commercial uses are sustainable. We will regulate commercial participation to provide reasonable economic returns for individual participants, optimize opportunity for indirect participants to enjoy fish, wildlife and marine resources and ensure compatibility with other resource users.

**Mandate:**

Environmental Conservation Law Article 1, Title 1, Section 1-0101 states in part that state policy is to maintain environmental conditions which guarantee "that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintended consequences." Commercial use is one of many beneficial uses. Relevant sections of the ECL are Article 11, Title 11 (Trapping); Article 11, Title 15 (Commercial Inland Fisheries); and Article 13, Title 1 and Title 3 (Marine Fisheries).

**Mandated Funding Level:**

None.

**Brief Description/History/Background:**

Many species of marine, anadromous and freshwater finfish, crustacea, shellfish and snails are harvested and sold as food or bait. The Bureau of Marine Resources annually issues over 40 classes of licenses and permits for the commercial harvest of these animals from the waters of the marine and coastal district, including the Hudson River. In 2007, for example, the Bureau issued over 8,000 individual licenses and permits. The marine fisheries are managed cooperatively with other Atlantic coastal states for state waters (within 3 miles of the coast) through the Atlantic States Marine Fisheries Commission, and with the Federal government for waters of the Exclusive Economic Zone (3 miles to 200 miles off the coast) through the Mid-Atlantic Fishery Management Council. Most commercially important species are covered by a Fishery Management Plan administered either through the Commission or Council or jointly through both. The Department works with both the Council and Commission on development and implementation of these plans and is bound by applicable federal law to comply. The Bureau manages NY commercial fisheries for the Department in compliance with these plans.

**Issues:**

Failure to comply with the provisions of the fishery management plans can result in federally imposed closures of NY's commercial fisheries. Also, NY's commercial landings history has significant data gaps, resulting in the imposition of quotas that do not sustain historic commercial fisheries. Also, reductions in fishing effort mandated by fishery management plans have created hardships for NY's commercial fisheries.

**Population Served:**

Commercial fishermen, wholesale and retail fish dealers and markets, commercial fishing docks and marinas, restaurants and NY seafood consumers

**Performance Measures:**

Meeting requirements and standards of the fishery management plans; achieving assigned quotas without exceeding them; sustaining the resources that support commercial fishing



## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Resource Management Plans:** We will develop, implement and evaluate resource management plans to conserve and restore species, communities and habitats; and to provide opportunities for human use and enjoyment of fish, wildlife and marine resources, and to enhance sustainable land use and development. New York's major watersheds will be the geographic unit for developing these plans. To the maximum extent practicable we will integrate all elements of the Division and Department programs in these watershed plans. We will carefully evaluate management plans to determine if objectives are met. All plans, actions and evaluations will be thoroughly reviewed and discussed through our public participation process.

**Mandate:**  
Articles 11 and 13 of the Environmental Conservation Law

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

Generally a product of research, natural resource management plans vary from single species restoration plans to landscape scale comprehensive management plans. The plans serve as a road map to guide our actions and help ensure our approach is effective in reaching our management goals. As a product of the plan, benchmarks allow us to measure progress and provide the feedback necessary to adjust our efforts and/or actions.

**Issues:**

While the plans help serve the need of guidance and program evaluation, they are also a very important for gathering public input and holding us accountable. Plans are usually the culmination of one or more research efforts, therefore a reduction in state funding has the potential to negatively impact the foundation of plan development (see Research and Monitoring). In some cases management plans may be federally mandated for compliance with interstate pacts or agreements. They may also be required to receive certain federal funds.

**Population Served:**

All citizens, but especially NGOs and partners that are involved in natural resource conservation.

**Performance Measures:**

Subject specific measures are an integral part of all natural resource management plans.

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Allocation:** We will fulfill our public trust responsibility to all New Yorkers to maintain and improve fish, wildlife and marine resources for the benefit of all. Our resource management efforts will emphasize resource sustainability, and user participation and satisfaction, over quantity of harvest. We will strive to balance competing uses through equitable consideration of science, human values, economics, public safety, culture and ethics, and by encouraging public participation and communication.

**Mandate:**  
ECL Article 11, Titles 1, 3, 5, 7, 9, 10, 11, 13, 15, 17, 19, and 21. ECL Article 13, Titles 1 and 3.

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

A primary function of many staff in the Bureaus of Fisheries, Wildlife, Marine Resources and Fish & Wildlife Resources is to assure self-sustaining populations of fish & wildlife, that may be used by residents and non-residents, through science based management programs. Population data, both use dependent and non-use dependent, are used to assess status of populations, determine their optimum and maximum harvest levels, then set harvest restrictions accordingly, including the incorporation public input to allocate among user groups. For some fish species harvest pressure exceeds levels that can be sustained and the Division rears and stocks fish to ease pressure on natural populations. Similarly, the Division also rears and stocks pheasants to satisfy bird hunting demand. The Division also issues Special Licenses for a variety of purposes, e.g., license to collect or possess for scientific purposes, possession of endangered/threatened species, possession of dangerous wildlife, disabled hunters, nuisance wildlife control, domestic game animal and game bird breeder licenses, etc.

**Issues:**

There are two key issues associated with allocation of renewable natural resources: 1) users of the resource question our restrictions, means for determining the restrictions, our motives, etc. and 2) conflict among user groups that each want a greater allocation of the resource must be resolved by the Division/Department.

**Population Served:**

Virtually the entire population of New York State, plus out of staters who fish, hunt or trap in the state.

**Performance Measures:**

number of hunting, fishing and trapping licenses sold/year; number of hunting, fishing and trapping days/year; number of hunting, fishing and trapping trips/yr; number of Special Licenses issued/year; buck take per sq miles as index to population

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Advocacy:** The Division of Fish, Wildlife and Marine Resources will continue to advocate hunting, fishing, trapping, wildlife observation, falconry, wildlife rehabilitation, exhibition of wildlife, scientific study, and commercial harvest within our legal authorization. We will evaluate and consider advocacy of new uses as they arise. Our advocacy for resource use will consider the many values people attach to fish, wildlife and marine resources, from spiritual and existence values to consumptive and commercial uses.

**Mandate:**

ECL 3-0301, ECL 11-0303, ECL Article 11 (Fish and Wildlife) Titles 3 (General Powers and Duties), 5 (Scientific, propagation), 9 (hunting), 10 (falconry), 11 (trapping), 13 (fishing), 15 (Commercial Inland Fisheries), 17 (Importation and sale), 19 (propagation, shooting preserves, farm fish ponds); ECL Article 13 (Marine Fisheries)

**Mandated Funding Level:**

none

**Brief Description/History/Background:**

The North American Wildlife Model and the Public Trust Doctrine provide the framework for management of fish and wildlife as renewable natural resources belonging to the people of the state, with their wise management and stewardship entrusted to the state wildlife agency. There is no private ownership interest in fish and wildlife resources until legally reduced to possession under the laws and regulations of the management agency, which provides a framework to ensure their conservation and perpetuation, while supporting use and enjoyment for current and future generations. Fish and Wildlife resources generate more than \$3 billion in economic activity in New York annually for recreational pursuits alone.

**Issues:**

The agency monitors populations of fish and wildlife, determines allowable levels of harvest, and allocates opportunities fairly. Conflicts arise when users desire to harvest more than we believe to be sustainable, when individuals compete for limited opportunities and resources, or when continued uses are threatened by restricted access to the resource.

**Population Served:**

All residents of the state benefit from carefully managed natural resources, while resident and non-resident user groups gain particular recreational, economic, esthetic, or intellectual values by the nature of their interaction with fish and wildlife resources.

**Performance Measures:**

License and permit sales; participation in fishing, hunting and wildlife-associated recreation per National Survey; Commercial landings of fisheries;

## Attachment C

### Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources PROGRAM INFORMATION SHEET

**Program:** **Human Health:** We will assess the potential for human exposure to toxic or microbial contaminants, and human pathogens in fish, wildlife and shellfish. We will take action to inform the public of contaminant and disease problems and, where necessary, will act to prevent harvest, and consumption of contaminated fish, wildlife and shellfish, and to prevent transmission of human disease via wildlife vectors.

**Mandate:**

To examine all shellfish lands within the marine district and the Hudson River between the Tappan Zee bridge and the Troy dam to determine the sanitary condition of such lands pursuant to ECL 13-0307, 13-0309 and Parts 41 and 47, 6NYCRR and the National Shellfish Sanitation Program. Pursuant to ECL 13-0307, the department shall certify which shellfish lands are in such sanitary condition that shellfish may be taken for use as food and to notify the public which lands are certified and which are uncertified shellfish growing waters. Microbiology laboratory examinations conducted pursuant to ECL 13-0307 and Part 47, 6NYCRR. Shellfish shipper inspections conducted pursuant to ECL 13-0315 and Part 42, 6NYCRR.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

Shellfish Staff examine the sanitary condition of more than 1 million acres of shellfish lands which covers over 1,100 miles of shoreline in the marine district. BMR's Microbiology laboratory processes about 500 shellfish and 14,000 water samples for fecal contamination necessary for classification of shellfish lands. A marine biotoxin monitoring program is conducted for Paralytic Shellfish Poisoning (PSP), *Vibrio parahaemolyticus* (Vp) monitoring program and Bacteriophage on shellfish collected from the marine district. Shellfish Inspection Program conducts about 935 sanitary inspections of all shellfish shippers in New York State involved in the wholesale shipment of shellfish within and outside of the State for compliance with the NSSP, department rules and regulations and HACCP requirements (Hazard Analysis Critical Control Point).

**Issues:**

Insure that shellfish sanitary lands are appropriately classified as certified for shellfish harvest for human consumption and protection of public health. Conduct periodic examination of shellfish lands, laboratory examination of coliform contamination, marine biotoxins, bacterium and viruses and shellfish shipper inspections as necessary to maintain New York State's compliance with the requirements of the National Shellfish Sanitation Program (NSSP). The department does not meet the mandate for the examination of shellfish lands located around New York City and the Hudson River to the Troy dam. Major emerging issue is algal biotoxins in shellfish where toxin levels are deadly to humans.

**Population Served:**

Millions of people in the State, National and International jurisdictions, which includes all consumers, commercial and recreational harvesters, shellfish shippers and dealers, Food and Drug Administration, State and County Health Departments, State Agriculture & Markets, Town Environmental Control Agencies.

**Performance Measures:**

FDA Annual Program Evaluation Report for New York's Shellfish Sanitation Program for compliance with the requirements of the National Shellfish Sanitation Program (NSSP). Publish annually in a newspaper, summary of sanitary conditions of shellfish lands in all areas adjacent to shellfish lands. Compliance with the NSSP allows New York State shellfish to be shipped in Interstate commerce as certified by the Interstate Shellfish Shipper's List.

**Attachment C**

Department of Environmental Conservation - Division of Fish, Wildlife and Marine Resources  
**PROGRAM INFORMATION SHEET**

**Program:** **Non-native Species:** We will work to prevent introductions of new non-native species in the state except where science indicates that benefits will significantly outweigh ecological and economic costs. We will monitor the occurrence of non-native wildlife and plants that disrupt ecosystems and support research and implementation of management actions to limit such impacts.

**Mandate:**  
Chapter 324 of the Laws of New York 2003 Invasive Species Task Force; federal Executive Order 13112;

**Mandated Funding Level:**

**Brief Description/History/Background:**

The problem of invasive species degrading or eliminating native habitats and species is pervasive throughout New York. Existing management efforts are limited. Although the invasive species issue is recognized by professionals as a major threat to our natural resources, limited resources have been allocated toward solutions. The National Invasive Species Council was established by Executive Order to coordinate efforts among federal agencies, but there is no overarching federal legislation that recognizes the magnitude of invasive species as an issue. Thus, there is no dedicated federal funding stream available for their management.

**Issues:**

Once invasives become established, it is extremely difficult to eradicate them. Vigilance is needed to identify invasives before they become established.

**Population Served:**

All New Yorkers.

**Performance Measures:**

Incidence of invasive species disruptions.

Environmental Conservation: Information Services  
**PROGRAM INFORMATION SHEET**

**Program:** Network Services and Support

**Mandate:**

Mandates pertaining to network and information security include Office of Cyber Security & Critical Infrastructure Coordination Information Security Policy P03-002 and well as various NYS Office of the Chief Information Officer/Office for Technology policies. In addition, this program supports NYS and federally mandated environmental programs throughout the agency.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The DEC network supports the central office, 9 major regional locations and over 175 suboffices and field locations across the state. Network Services includes provision of all technical environments, data and telecommunications, products, and services that meet the information technology needs of DEC. This includes agency-wide services such as e-mail, file storage, network printing, application distribution, virus protection, security, and the DEC Internet Portal. The information security function is responsible for network audits and risk assessments, incident management, the identification of data owners and security risks, disaster recovery planning and testing, State security coordination, computer security enforcement, and development of security and disaster recovery policies.

The DEC network was initially developed in the 1980s and has grown significantly in terms of size and complexity since that time and has become a "way of doing business" for the agency. Every program at DEC is dependent upon the health and reliability of the DEC network to accomplish core mission work. The information security program began in DEC in 2001 and DEC appointed its first Information Security Officer in 2006. This function is expected to expand in the future.

**Issues:**

Issues for the FY 0809 year include the need to upgrade the data center to provide more power and better cooling.

**Population Served:**

3,700 full-time DEC employees, 1,200 seasonal DEC employees at remote locations, partners at various state and local agencies, universities and environmental groups. In addition, as the network supports all web based applications for the public and the agency internet site, the external constituency includes all citizens, businesses, and other interested parties in the State of New York.

**Performance Measures:**

Performance measures are currently under review and refinement. The following measures are currently collected:

- Percent of Network Service Requests per month
- Percent of video conferences per month
- Percent of printers set for duplex printing
- Percent of up time for network and network connections
- Percent of incoming email stopped as spam or viruses
- Percent of incoming email allowed as clean mail
- Employee Internet usage (top categories by hits)

Environmental Conservation: Information Services  
**PROGRAM INFORMATION SHEET**

**Program:** Desktop and User Services

**Mandate:**

No direct mandates exist for this program however, this program supports NYS and federally mandated environmental programs throughout the agency.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The Bureau of User Support supports the DEC's desktop computing environment, servicing 5,500 computers and laptops. This includes the help desk and coordinated service responses, technical support and field services. The function is responsible for supporting DEC's 4,000+ computing users on a day to day basis, provides training as needed and acts as a "first responder" for nearly all technical calls that come into the Division. User Support runs the DEC automated incident report system which the Division uses as the primary mechanism to request services and support for all division functions and routes calls to the appropriate unit.

**Issues:**

None at this time

**Population Served:**

3,700 full-time DEC employees, 1,200 seasonal DEC employees at remote locations.

**Performance Measures:**

Performance measures are currently under review and refinement. The following measures are currently collected:

Number of Help Desk Calls per month

Number of Help Desk Calls resolved per month

Number of Open calls remaining from last month

Percent of Calls opened and closed within the month

Environmental Conservation: Information Services  
**PROGRAM INFORMATION SHEET**

**Program:** Application Development and System Support

**Mandate:**

No direct mandates exist for this program however, this program supports NYS and federally mandated environmental programs throughout the agency (e.g., NY Environmental Conservation Law, section, 6 NYCRR Parts 1-189, 190-199, 200-317, 320-486 and 640-941)

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

This function provides application solutions for the various DEC environmental programs and business areas through automation of business processes using technology. Functions include business analysis, application development, system support and maintenance, database and geographic information systems services. Applications generally automate line of business functions, but occasionally administrative functions. Developing systems which integrate data across environmental media is an important consideration in all of our development, creating a more comprehensive view of the work of the agency. Data related functions include database analysis, design, development, and implementation services supporting the agency's investment in information management. The unit is also responsible for the implementation of database security and facilitating advanced inquiries. Geographic Information Systems (GIS) are the crux of sound environmental decision making, public protection, homeland security, and economic development. DIS provides leadership and technical expertise for the development, use, promotion and sharing of GIS for the Department.

This program has been in existence since 1985 when the DEC computing infrastructure was first put in place. The applications development environment is expected to grow, however to further consolidate on a more tightly defined tool set enabling greater flexibility to share data and code across the agency. The data architecture, management and custodial responsibilities are expected to grow significantly and is the use of GIS across the agency.

**Issues:**

Demand for services required by the various environmental programs within DEC has increased in recent years and is expected to continue this upward trend.

**Population Served:**

3,700 full-time DEC employees, 1,200 seasonal DEC employees at remote locations, numerous partners at various state and local agencies, universities and environmental groups. In addition, as the network supports all web based applications for the public and the agency internet site, the external constituency includes all citizens, businesses, and other interested parties in the State of New York.

**Performance Measures:**

Performance measures are currently under review and refinement. The following measures are currently collected:

Percent of systems supported

Percent of systems developed supported by DIS staff

Number of mapping applications available to the public

Percent of GIS data sets developed with Federal Geographic Data Committee (FGDC) fully compliant metadata

Percent of GIS data inventory available to the public through the DEC website

Number of GIS data sets available as web mapping services

Dollar value of application asset inventory



Environmental Conservation: Information Services  
**PROGRAM INFORMATION SHEET**

**Program:** Research Library Services

**Mandate:**

No direct mandates exist for this program however, this program supports NYS and federally mandated environmental programs throughout the agency.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The DEC Research Library provides essential information services for DEC staff in support of the advisory, regulatory and enforcement activities and programs of the agency. Library services includes resource acquisition and management as well as core collection development. The Library contains over 8,700 cataloged titles. It is organized into the seven major groups: main collection (includes books and reports in the fields of chemistry, biology, botany, zoology, environmental technology, public health, engineering, toxicology, geology, environmental policy, communication and management).: US EPA report collection; NYS government documents; periodicals (with additional access to 1,300 journals online); legal materials; historic maps; and videos.

The DEC research library has been in existence since 2001 and is heavily utilized by agency staff for research for legal and environmental work.

**Issues:**

None

**Population Served:**

3,700 full-time DEC employees, 1,200 seasonal DEC employees at remote locations. External constituents include other libraries across the state and their customers.

**Performance Measures:**

Performance measures are currently under review and refinement. The following measures are currently collected:

Number of visitors per month

Number of documents delivered per month

Number of research requests fulfilled per month

Environmental Conservation: Information Services  
**PROGRAM INFORMATION SHEET**

**Program:** Administration and Project Management

**Mandate:**

No direct mandates exist for this program however, this program supports NYS and federally mandated environmental programs throughout the agency.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The Program Management Office (PMO) provides project management, project portfolio and program management, in addition to project management education, training, tools and methodology. The Project Management Office administers a project portfolio of over 55 active agency projects ranging from technical infrastructure initiatives, business enhancement projects, legislative mandates and strategic projects of agency wide value and impact. These projects represent total investments of approximately 20 million dollars. This program also provides administrative and facilitative support to the agency Information Management Governance Council which oversees all agency technology investments.

This activity also includes administrative staff responsible for budget, finance and accounting, human resources management, and professional development coordination of DIS staff.

**Issues:**

The project management activity is currently underresourced in comparison with the demand for services in the agency. This results in projects that could lead to better mission accomplishment or reduction on cost to provide services being delayed or not implemented.

Current staff include one secretary and an administrative assistant for the entire division. Responsibilities include maintaining the telecommunication (both land and mobile) and internet services and billing for the entire agency in addition to the division responsibilities.

**Population Served:**

This function provides services to all 22 program areas within DEC. This includes 3,700 full-time DEC employees, 1,200 seasonal DEC employees at remote locations, numerous partners at various state and local agencies, universities and environmental groups. In addition, as the network supports all web based applications for the public and the agency internet site, the external constituency includes all citizens, businesses, and other interested parties in the State of New York.

**Performance Measures:**

Performance measures are currently under review and refinement. The following measures are currently collected:

- Number of technology project requests received
- Number of business cases presented to Governance Board annually
- Average time to process project requests
- Number of projects delivered on time, on budget

**Attachment C**

Environmental Conservation: Law Enforcement  
**PROGRAM INFORMATION SHEET**

**Program:** REACTIVE LAW ENFORCEMENT

**Mandate:**

Environmental Conservation Law and 6NYCRR

**Mandated Funding Level:**

No mandated funds are provided.

**Brief Description/History/Background:**

The Division of Law Enforcement, receives calls-for-service, or complaints, from the general public, regulatory agencies (federal, state, county and local) as well as law enforcement agencies (again, federal, state, county and local). These calls for service are assigned to Environmental Conservation Police Officers (ECOs) and this class of activity represents approximately sixty-five percent of an ECO's activity.

**Issues:**

The key issue is an ever-increasing volume of calls for service within the environmental quality and fish-and-wildlife matrix.

**Population Served:**

Within the Department, DLE serves all programs. Throughout New York State, all of the state's residents and visitors are provided law enforcement services by DLE.

**Performance Measures:**

DLE records all complaints received from its client populations using computerized "Total Reportable Activities," or TRA reports as well as computerized "Call-for-Service," complaint database, both of which allow standardized and systemic recording of all Encon Officer activities for archiving and sophisticated analysis.

## Attachment C

### Environmental Conservation: Law Enforcement PROGRAM INFORMATION SHEET

**PROGRAM:** PROACTIVE LAW ENFORCEMENT

**MANDATE:**

Environmental Conservation Law and 6NYCRR

**Mandated Funding Level:**

No mandated funds are provided.

**Brief Description/History/Background:**

The Division of Law Enforcement's Environmental Conservation Officers (ECOs) handle calls for service during approximately sixty-five percent of the time, as noted on the "Reactive Law Enforcement Attachment C." ECOs, during their patrols, encounter a wide-range of environmental quality and fish and wildlife activities which DEC regulates or prohibits by either statute or regulation. Such actions by ECOs, represents approximately thirty percent of the ECOs' work time.

**ISSUES**

The key issue is an ever-increasing volume of calls for service within the environmental quality and fish-and-wildlife matrix.

**Population Served:**

Within the Department, DLE serves all programs. Throughout New York State, all of the state's residents and visitors are provided law enforcement services by DLE.

**Performance Measures:**

DLE records all complaints received from its client populations using computerized "Total Reportable Activities," or TRA reports as well as computerized "Call-for-Service," complaint database, both of which allow standardized and systemic recording of all Encon Officer activities for archiving and sophisticated analysis.

Environmental Conservation: Law Enforcement  
**PROGRAM INFORMATION SHEET**

**PROGRAM:** Law Enforcement Public Outreach

**MANDATE:**

Environmental Conservation Law and 6NYCRR

**Mandated Funding Level:**

No mandated funds are provided.

**Brief Description/History/Background:**

The Division of Law Enforcement's Environmental Conservation Officers (ECOs) spend approximately 3.5 per cent of their time working on public outreach. This class of activity includes appearing at hunter education classes, school career days and local fairs. The purpose is to provide education to the public on the full range of DEC's and DLE's missions and accomplishments.

**ISSUES:**

The key issue is to communicate effectively the totality of DEC's and DLE's contribution to a cleaner and safer environment

**POPULATION SERVED**

Within the Department, DLE serves all programs. Throughout New York State, all of the state's residents and visitors are provided law enforcement services by DLE.

**PERFORMANCE MEASURES:**

DLE records all ECOs' activities, such as outreach, using computerized "Total Reportable Activities," or TRA reports as well as computerized "Call-for-Service," complaint database, both of which allow standardized and systemic recording of all Encon Officer activities for archiving and sophisticated analysis.

Environmental Conservation: Law Enforcement  
**PROGRAM INFORMATION SHEET**

**PROGRAM:** Law Enforcement Training

**MANDATE:**

Environmental Conservation Law and 6NYCRR

**Mandated Funding Level**

No mandated funds are provided.

**Brief Description/History/Background:**

The Division of Law Enforcement's Environmental Conservation Officers (ECOs) spend approximately 1.5 per cent of their time being trained on a wide-range of updates to the ECL, 6NYCRR and related skill sets, including firearms training. It should be noted that both federal and state laws require annual recertification in these disciplines.

**ISSUES:**

The key issue is to keep all ECOs knowledge base and skills current, to ensure DLE can best serve its client groups and provide public protection.

**POPULATION SERVED:**

Within the Department, DLE serves all programs. Throughout New York State, all of the state's residents and visitors are provided law enforcement services by DLE.

**PERFORMANCE MEASURES:**

DLE records all ECOs' activities, such as training, using computerized "Total Reportable Activities," or TRA reports as well as computerized "Call-for-Service," complaint database, both of which allow standardized and systemic recording of all Encon Officer activities for archiving and sophisticated analysis.

## Attachment C

### Environmental Conservation: Solid & Hazardous Materials PROGRAM INFORMATION SHEET

**Program:** Hazardous Waste - Permit Hazardous Waste and Used Oil Facilities

**Mandate:**

Federal Statute: Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA-C). NYS Statute: Environmental Conservation Law (ECL) Article 27 Titles 1, 7, 9 and 11. There are extensive Federal and NYS regulations. NYS received interim base authorization from Federal EPA to implement and enforce the RCRA-C program on July 26, 1982, and received final base authorization on May 29, 1986. The permitting requirements of these Federal statutes are developed for each calendar year in the EPA/DEC RCRA-C Grant Work Plan. The objective of the permit program for hazardous waste and used oil facilities is to reduce the environmental risks posed by these facilities by assuring that they meet current design and operation standards based on the unique hazard posed by each facility. There are specific deadlines established in Federal statute for the testing of hazardous waste incinerators.

**Mandated Funding Level:**

The RCRA-C hazardous waste program receives a fixed grant that pays for 75 percent of the RCRA-C mandates based on our original grant and mandates that the State provide 25 percent match to make up for the remaining funding for the program. Over the years the fixed grant funding levels has resulted in a diminishing staffing level being funded by the grant due increased salaries and fringe benefits costs.

**Brief Description/History/Background:**

The NYS comprehensive Hazardous Waste Regulatory program is based on the Federal RCRA-C program. Federal regulations that implemented RCRA-C became effective on November 19, 1980, to address adverse impacts to human health and the environment that were being discovered with increasing regularity as a result of unsafe waste handling and disposal practices. In general, New York State's RCRA-C regulations, initially adopted in 1982, focus on: 1) the criteria to determine which wastes are hazardous; 2) the requirements for hazardous waste handlers: generators, transporters, and TSDFs (treatment, storage and disposal facilities); and 3) the technical standards for the design, safe operation and closure of TSDFs. Regulations also address past environmental releases of contaminants through investigation and corrective action activities.

**Issues:**

The review and issuance of permit renewals can often not be done by the expiration date of the existing permits, and in some cases these permit renewals have been delayed by several years.

**Population Served:**

The public is served by being protected from exposure to hazardous wastes. Industries and businesses that generate or handle hazardous wastes are served by having a consistent National framework in which to manage that waste. Environmental and citizen action groups constantly lobby for stringent environmental controls like those in the Hazardous Waste Program.

**Performance Measures:**

Compliance with the commitments listed in the annual RCRA C Grant Work Plan which encompasses the Congressional requirements set forth in the Government Performance Results Act (GPRA). These include permits issued, facility closure approvals, and comprehensive incinerator emission testing.

Environmental Conservation: Solid & Hazardous Materials  
**PROGRAM INFORMATION SHEET**

**Program:** Hazardous Waste Compliance and Enforcement Program

**Mandate:**

Federal Statute: Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA-C). NYS Statute: Environmental Conservation Law (ECL) Article 27 Titles 1, 7, 9 and 11. There are extensive Federal and NYS regulations. NYS received interim base authorization from Federal EPA to implement and enforce the RCRA-C program on July 26, 1982, and received final base authorization on May 29, 1986. Compliance and enforcement requirements of these Federal statutes are developed for each calendar year in the EPA/DEC RCRA-C Grant Work Plan. The objective of the hazardous waste compliance and enforcement program is to prevent accidental or intentional releases of hazardous waste to the environment, including the creation of new "superfund" sites. This objective is to be accomplished by educating and providing compliance assistance to hazardous waste handlers on hazardous waste regulatory requirements and by implementing an inspection/enforcement program sufficiently comprehensive and rigorous to create a deterrence to non-compliance.

**Mandated Funding Level:**

The RCRA-C hazardous waste program receives a fixed grant that pays for 75 percent of the RCRA-C mandates based on our original grant and mandates that the State provide 25 percent match to make up for the remaining funding for the program. Over the years the fixed grant funding levels has resulted in a diminishing staffing level being funded by the grant due increased salaries and fringe benefits costs.

**Brief Description/History/Background:**

The NYS comprehensive Hazardous Waste Regulatory program is based on the Federal RCRA-C program. Federal regulations that implemented RCRA-C became effective on November 19, 1980, to address adverse impacts to human health and the environment that were being discovered with increasing regularity as a result of unsafe waste handling and disposal practices. In general, New York State's RCRA-C regulations, initially adopted in 1982, focus on: 1) the criteria to determine which wastes are hazardous; 2) the requirements for hazardous waste handlers: generators, transporters, and TSDFs (treatment, storage and disposal facilities); and 3) the technical standards for the design, safe operation and closure of TSDFs. Regulations also address past environmental releases of contaminants through investigation and corrective action activities. As part of the compliance and enforcement program, staff conduct inspections, review documents (e.g., annual reports, hazardous waste manifests, waste reduction plans, financial assurance instruments, and facility investigations) and engage in enforcement actions to ensure proper management of hazardous waste.

The compliance and enforcement program includes the following functions: Inspections, Enforcement, Manifest, TSDF and generator Annual Reports, Waste Reduction, ERP Program, Compliance/Technical Assistance, Financial Assurance, Special Assessment Tax, Regulatory Fee, Annual Hazardous Waste Report to Governor & Legislature (not being done due to federally mandated changes in data collection format and staffing limitations), Annual Used Oil Report to Governor & Legislature (not being done due to staffing limitations)."

**Issues:**

The ability to continue to provide a comprehensive program requires staff to inspect all generators of hazardous waste to ensure they are in compliance.

**Population Served:**

The public is served by being protected from exposure to hazardous wastes. Industries and businesses that generate or handle hazardous wastes are served by having a consistent National framework in which to manage that waste. Environmental and citizen action groups constantly lobby for stringent environmental controls like those in the Hazardous Waste Program.

**Performance Measures:**

Compliance with the commitments listed in the annual RCRA C Grant Work Plan which encompasses the Congressional requirements set forth in the Government Performance Results Act (GPRA). These include Inspections (TSDFs and other generator/transporters), Financial Assurance reviews, Waste Reduction Plan reviews, Groundwater Inspections (Comprehensive G/W Monitoring and Operation & Maintenance inspections), and Enforcement Actions (Warning Letters [NOVs] and Consent Orders/Complaints, Penalties and Environmental Benefit Projects (EBPs) assessed), Reporting and Data Management.



## Attachment C

### Environmental Conservation: Solid & Hazardous Materials PROGRAM INFORMATION SHEET

**Program:** Division Rulemaking

**Mandate:**

Federal: Federal Insecticide, Fungicide and Rodenticide Act; US Nuclear Regulatory Commission; and Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA-C).

NYS Statutes: Environmental Conservation Law (ECL) Articles 1, 3, 8, 17, 19, 23, 27, 29, 33, 37, 52, and 70.

**Mandated Funding Level:**

Federal funding is provided for a portion of the costs of the pesticides, radiation, hazardous waste, and solid waste programs. For example, the RCRA-C hazardous waste program receives a fixed Federal grant that pays for 75 percent of the RCRA-C mandates based on the original grant and mandates that the State provide 25 percent match to make up for the remaining funding for the program. State funding is provided for the balance.

**Brief Description/History/Background:**

The Division is responsible for the pesticides, radiation, hazardous waste, and solid waste programs. All of these programs are mandated by the NYS Environmental Conservation Law (ECL) and some are also governed by Federal Statute. These Statutes provide general overall authority to the Department for these programs, but in general, the Statutes do not include the specific detailed requirements necessary for program implementation. It is necessary for the Division to develop and maintain detailed, comprehensive regulations in order for these programs to be implemented. It is also necessary for the Division to adopt revised regulations to keep up with rapidly evolving environmental concerns (e.g., pesticides, mercury, tires) and to be consistent with Federal regulations. Also, in order to continue to be authorized for the RCRA-C hazardous waste program, the State must on an on-going basis adopt new and revised EPA regulations that are issued by EPA.

**Issues:**

There are specific regulations that need to be strengthened as well as updated, notably electronic wastes management. Also, regulations are needed to keep up with rapidly evolving environmental concerns and to be consistent with Federal regulations. The current state hazardous waste regulations have not been updated to incorporate any Federal regulatory change adopted by EPA since January 22, 2002.

**Population Served:**

The public is served by being protected from exposure to pesticides, radiation, hazardous wastes, and solid wastes. Industries and businesses that generate or handle these materials and wastes are served by having comprehensive regulations that set requirements for the management of the materials and wastes. Environmental and citizen action groups constantly lobby for stringent environmental controls like those in the regulations.

**Performance Measures:**

Certain of the Divisions regulations must be revised on an ongoing basis to comply with Federal requirements and to maintain Federal authorization for the program. All of the regulations must be continually updated to address new environmental concerns, including new State statutes.

Environmental Conservation: Solid & Hazardous Materials  
**PROGRAM INFORMATION SHEET**

**Program:** Hazardous Waste Compliance and Enforcement Program

**Mandate:**

Federal Statute: Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA-C). NYS Statute: Environmental Conservation Law (ECL) Article 27 Titles 1, 7, 9 and 11. There are extensive Federal and NYS regulations. NYS received interim base authorization from Federal EPA to implement and enforce the RCRA-C program on July 26, 1982, and received final base authorization on May 29, 1986. Compliance and enforcement requirements of these Federal statutes are developed for each calendar year in the EPA/DEC RCRA-C Grant Work Plan. The objective of the hazardous waste compliance and enforcement program is to prevent accidental or intentional releases of hazardous waste to the environment, including the creation of new "superfund" sites. This objective is to be accomplished by educating and providing compliance assistance to hazardous waste handlers on hazardous waste regulatory requirements and by implementing an inspection/enforcement program sufficiently comprehensive and rigorous to create a deterrence to non-compliance.

**Mandated Funding Level:**

The RCRA-C hazardous waste program receives a fixed grant that pays for 75 percent of the RCRA-C mandates based on our original grant and mandates that the State provide 25 percent match to make up for the remaining funding for the program. Over the years the fixed grant funding levels has resulted in a diminishing staffing level being funded by the grant due increased salaries and fringe benefits costs.

**Brief Description/History/Background:**

The NYS comprehensive Hazardous Waste Regulatory program is based on the Federal RCRA-C program. Federal regulations that implemented RCRA-C became effective on November 19, 1980, to address adverse impacts to human health and the environment that were being discovered with increasing regularity as a result of unsafe waste handling and disposal practices. In general, New York State's RCRA-C regulations, initially adopted in 1982, focus on: 1) the criteria to determine which wastes are hazardous; 2) the requirements for hazardous waste handlers: generators, transporters, and TSDFs (treatment, storage and disposal facilities); and 3) the technical standards for the design, safe operation and closure of TSDFs. Regulations also address past environmental releases of contaminants through investigation and corrective action activities. As part of the compliance and enforcement program, staff conduct inspections, review documents (e.g., annual reports, hazardous waste manifests, waste reduction plans, financial assurance instruments, and facility investigations) and engage in enforcement actions to ensure proper management of hazardous waste.

The compliance and enforcement program includes the following functions: Inspections, Enforcement, Manifest, TSDF and generator Annual Reports, Waste Reduction, ERP Program, Compliance/Technical Assistance, Financial Assurance, Special Assessment Tax, Regulatory Fee, Annual Hazardous Waste Report to Governor & Legislature (not being done), Annual Used Oil Report to Governor & Legislature (not being done).

**Issues:**

Staffing levels have been significantly reduced because funding has not kept up with inflationary increases in costs. The ability to continue provide a comprehensive program is in jeopardy without these staff. As just one example, there is inadequate staff to inspect all generators of hazardous waste to ensure they are in compliance.

**Population Served:**

The public is served by being protected from exposure to hazardous wastes. Industries and businesses that generate or handle hazardous wastes are served by having a consistent National framework in which to manage that waste. Environmental and citizen action groups constantly lobby for stringent environmental controls like those in the Hazardous Waste Program.

**Performance Measures:**

Compliance with the commitments listed in the annual RCRA C Grant Work Plan which encompasses the Congressional requirements set forth in the Government Performance Results Act (GPRA). These include Inspections (TSDFs and other generator/transporters), Financial Assurance reviews, Waste Reduction Plan reviews, Groundwater Inspections (Comprehensive G/W Monitoring and Operation & Maintenance inspections), and Enforcement Actions (Warning Letters [NOVs] and Consent Orders/Complaints, Penalties and Environmental Benefit Projects (EBPs) assessed, Reporting and Data Management.

**Attachment C**

Environmental Conservation: Solid & Hazardous Materials  
**PROGRAM INFORMATION SHEET**

**Program:** Pesticide Reporting Law (PRL)

**Mandate:**  
State Statute - Title 12 of Article 33 of the Environmental Conservation Law

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**  
Law passed in 1996 and became effective January 1, 1997. The Department shall develop and maintain a pesticide sales and use data base containing information on all commercial pesticide applications and sales of pesticides. The Department must also prepare an annual report summarizing such information.

**Issues:**  
None

**Population Served:**  
Pesticide applicators and businesses, commercial permit holders, Department of Health, health researchers and the public.

**Performance Measures:**  
Number of commercial applicators reporting under the PRL; number of commercial permit holders reporting under the PRL.

**Attachment C**

Environmental Conservation: Solid & Hazardous Materials  
**PROGRAM INFORMATION SHEET**

**Program:** Certification, Business Registration, and Commercial Permits

**Mandate:**  
State Statute - Title 9 of Article 33 of the Environmental Conservation Law

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**  
Certification is required for any person who engages in the commercial or private application of pesticides or the sale of restricted use pesticides, and pesticide businesses or agencies must register with the Department. A commercial permit is required for distribution, sale, offer for sale, purchase for resale, or possession for the purpose of resale of a restricted use pesticide.

**Issues:**  
None

**Population Served:**  
Farmers, pesticide applicators and businesses, commercial permit holders, and the public.

**Performance Measures:**  
Number of applicators and technicians certified (commercial and private); number of businesses registered; number of commercial permits issued; number of training course applications approved; shortest and longest time frames for processing certification applications.

**Attachment C**

Environmental Conservation: Solid & Hazardous Materials  
**PROGRAM INFORMATION SHEET**

**Program:** Pesticide Product Registration

**Mandate:**

In accordance with ECL 33-0701, every pesticide which is used, distributed, sold, or offered for sale must be registered with the Department. The Pesticide Product Registration program is mandated by ECL 33-0704 to evaluate and technically review applications for registration within strict timeframes.

**Mandated Funding Level:**

No amount mandated per se. In accordance with ECL 33-0705, the application fee is \$310 per product, or \$300 per product if the applicant has submitted proof, in the form of a federal income tax for the previous year showing gross annual sales of \$3,500,000 or less. Application fees collected are approximately two million dollars per calendar year.

**Brief Description/History/Background:**

The responsibility of pesticide product registration was transferred from the Department of Agriculture and Markets to the Department of Environmental Conservation (Department) on July 1, 1970, when the Department was created. A major step in the evolution of the pesticide product registration program was the enactment of the Fee Bill (Chapter 67 of the Laws of 1992). The law provided the following: directed that certain fees, fines and penalties be deposited into the miscellaneous special revenue fund, to the credit of the environmental enforcement account, to support the pesticide program; established time frames for review of applications to register pesticides; and increased pesticide product registration fees to bring New York's fee structure in line with other states and to support the review process.

**Issues:**

None.

**Population Served:**

Registration applications are received from pesticide registrants. However, pesticide products, which include disinfectants (i.e. bleach and household products), algaecides, repellents, rodenticides, fungicides, insecticides and herbicides, are used by virtually everyone.

**Performance Measures:**

Numbers of products registered and reregistered; amount of application fees collected on per product basis.

Environmental Conservation: Solid & Hazardous Materials  
**PROGRAM INFORMATION SHEET**

**Program:** Permit, regulate and inspect solid waste facilities

**Mandate:**

- a. Program below are conducted per ECL Art 27, Title 7 and 6 NYCRR Part 360
  - Inspections of Part 360 facilities (Landfills, Waste-to-Energy Facilities, Transfer Stations, Recycling Facilities)
  - Permit/registration/variance reviews for SWM facil.
  - Review Annual/quarterly reports & facility tracking
  - Financial Assurance
  - Beneficial Use Determinations & Dredge Materials Reuse
  - Evaluate RD&D Permit applications
  - Special Waste Projects
  - Recycling Metrics - Statistical Monitoring/Reporting
  - Composting, Biosolids and Land Application Facility Reviews
  - Waste Tire Facility Permit/registration/reviews
  - C&D Debris Program/Facility Permit/registration/reviews
  - Sampling at SWMF's & Organic Waste
- b. Part 364 - Waste Transporter Program per ECL Art. 27 Title 3
- c. SWM Planning Program per ECL Art 27 Title 1 Sec 7
- d. Regulated Medical Waste (RMW) Program per ECL Art. 27 Title 15
- e. Waste Tire Stockpile Abatement per ECL Art 27 Title 19
- f. Vehicle Dismantler Facilities Program per ECL Art 27 Title 23 and section 27-2101
- g. Dental Amalgam Requirements per ECL Art 27 Title 9 section 26

**Mandated Funding Level:**

For most programs, none.

For Waste Tire Stockpile Abatement, subject to annual appropriation by the Legislature. About \$15 - \$20 million. Funding is scheduled to sunset Dec. 31, 2010.

**Brief Description/History/Background:**

The objective of the solid waste regulatory program is to reduce the environmental risk posed by these facilities and activities. Solid waste regulatory requirements are advanced by implementing an inspection/enforcement program sufficiently comprehensive and rigorous to create a deterrence to non-compliance. The solid waste regulatory program was formally established with enactment of ECL 27, Title 7 - Solid Waste Management and Resource Recovery Facilities in 1973. The Part 360 regulations for this program have been revised substantially over the years to ensure environmentally sound solid waste management practices.

**Issues:**

Recycling rates have stagnated in NYS, and in some cases, have declined.

Operations at SW facilities has the potential for significant environmental harm such as groundwater contamination and carbon dioxide emissions. If out of state solid waste exports are restricted by federal legislation, the State could face a disposal capacity shortfall

**Population Served:**

All citizens; Local governments; Private enterprises involved in recycling and solid waste; environmental groups

**Performance Measures:**

Recycling and solid waste metrics include:

- recycling rates
- recycling program accessibility
- bottle bill redemption rates
- per capita waste generation, disposal and recycling rates
- number of facilities inspected
- annual disposal rates
- number of waste tire stockpiles cleaned up and tires removed

Environmental Conservation: Solid & Hazardous Materials  
**PROGRAM INFORMATION SHEET**

**Program:** Outreach to citizens, officials and regulated community.

**Mandate:**

- a. Part 367 - RCA Administration per ECL Art. 27 Title 10
- b. Mercury Reduction Program per ECL Art. 27 Title 21
- c. Executive Order 4 participation per Executive Order 4
- d. Technical Assistance & Education/Outreach clearinghouse per ECL 27-0715&17  
Municipal Reduction & Recycling Forums  
Electronics & Product Stewardship  
NEWMOA, NERC, Toxics in Packaging  
New York Recycles Day Events/Activities  
Earth Day Activities  
Food Waste Composting Initiative  
Website Development
- e. Respond to complaints from citizens/communities
- f. Provide technical assistance and respond to FOIL requests

**Mandated Funding Level:**

For most programs, none.

**Brief Description/History/Background:**

The objective of the solid waste and recycling outreach program is to bring about waste prevention, recycling and management consistent with the State SWM hierarchy. The program also ensures best practices are implemented by solid waste generators and handlers. This objective is to be accomplished by educating the public and providing compliance assistance to the regulated community. The technical assistance and outreach program was formally established with enactment of ECL 27-0715, Solid Waste Management Technical Assistance and 27-0717, Bureau of Waste Reduction and Recycling.

**Issues:**

Recycling rates have stagnated in NYS, and in some cases, have declined.

**Population Served:**

All citizens  
Local governments  
Private enterprises involved in recycling and solid waste.  
Environmental groups

**Performance Measures:**

Recycling and solid waste metrics include:  
recycling rates  
recycling program accessibility  
bottle bill redemption rates  
per capita waste generation, disposal and recycling rates  
number and amount of grants provided

## Attachment C

### Environmental Conservation: Solid & Hazardous Materials PROGRAM INFORMATION SHEET

**Program:** Administer State Assistance Grants

**Mandate:**

- a. EPF - Municipal Waste Reduc & Recyc State Assist. per ECL Art 54 Title 7
- b. State Assistance - other per ECL Art 51 Title 9 & ECL Art 56 Title 4 Sec 5
- c. EPF - HHW State Assistance per ECL Art 54 Title 7
- d. Landfill Closure & Landfill Gas Programs per ECL Art 54 Title 5
- e. Fresh Kills Landfill CW/CA Bond act activities per ECL Art 56 Title 4 Sec 7
- f. Adirondack Park Landfill Closure Grant Projects per ECL Art 56 Title 4 Sec 3

**Mandated Funding Level:**

Subject to annual approp by the Legislature. About \$5 - \$10 million.

**Brief Description/History/Background:**

The Environmental Protection Fund provides about \$10 million per year in state assistance for municipal waste reduction, recycling and HHW programs, as well as for Landfill Closure and Landfill Gas programs. The delivery of these programs is critical to local governments who manage solid waste. The municipal recycling grants program was established in 1972 EQBA and the funding programs were extended and enhanced with enactment of ECL 27-0717, Bureau of Waste Reduction and Recycling in 1988 the Environmental Protection Fund (EPF) Act in 1993, and the Landfill Closure State Assistance Program in 1997

**Issues:**

Recycling rates have stagnated in NYS, and in some cases, have declined. Improperly closed landfills have the potential for significant environmental harm such as groundwater contamination and methane emissions.

**Population Served:**

Counties, Cities, Towns, Villages and Local Public Authorities or Local Public Benefit Corporations.

**Performance Measures:**

Recycling and solid waste metrics include:

- recycling rates
- recycling program accessibility
- per capita waste generation, disposal and recycling rates
- number and amount of grants provided; number of landfills closed; amount of landfill gas captured



## Attachment C

### Environmental Conservation: Solid & Hazardous Materials PROGRAM INFORMATION SHEET

**Program:** Hazardous Waste Corrective Action Program

**Mandate:**

Federal Statute: Subtitle C of the Federal Resource Conservation and Recovery Act (RCRA-C). NYS Statute: Environmental Conservation Law (ECL) Article 27 Titles 1, 7, 9 and 11. There are extensive Federal and NYS regulations. NYS received interim base authorization from Federal EPA to implement and enforce the RCRA-C program on July 26, 1982, and received final base authorization on May 29, 1986.

**Mandated Funding Level:**

The RCRA C hazardous waste program receives a fixed grant that pays for 75 percent of the RCRA C mandates based on our original grant and mandates that the State provide 25 percent match to make up for the remaining funding for the program. Over the years the fixed grant funding levels has resulted in a diminishing staffing level being funded by the grant due increased salaries and fringe benefits costs.

**Brief Description/History/Background:**

The Hazardous Waste Corrective Action Program is a critical component of the NYS comprehensive Hazardous Waste Regulatory program. Federal regulations that implemented RCRA-C became effective on November 19, 1980, to address adverse impacts to human health and the environment that were being discovered with increasing regularity as a result of unsafe waste handling and disposal practices. In general, New York State's RCRA-C hazardous waste corrective action program focuses on the technical standards for the investigation, design, construction and implementation of remedial corrective actions at TSDFs to address past or present environmental releases of contaminants to media.

**Issues:**

Staffing levels have been significantly reduced because federal funding has not kept up with inflationary increases in costs. The ability to continue provide a comprehensive program requires addressing the 300 plus regulated facilities universe subject to the program and in addition the program's obligations to meet Congress' 2020 GPRA Goals for 170 plus facilities in the aforementioned universe.

**Population Served:**

The public is served by being protected from exposure to hazardous wastes. Industries and businesses that generate or handle hazardous wastes are served by having a consistent National framework in which to manage that waste. Environmental and citizen action groups constantly lobby for stringent environmental controls like those in the Hazardous Waste Program.

**Performance Measures:**

Compliance with the commitments listed in the annual RCRA C Grant Work Plan which encompasses the Congressional requirements set forth in the Government Performance Results Act (GPRA).

## Attachment C

### Environmental Conservation: Solid & Hazardous Materials PROGRAM INFORMATION SHEET

**Program:** Radiation Remediation (Contamination) Program

**Mandate:**

Environmental Conservation Law Articles 1, 3,17,19, 27 and 29 provide the statutory authority to regulate the discharge and disposal of radioactive material to the environment. In 1963, the federal government relinquished to NYS authority to regulate the use of radioactive material. DEC's portion of that agreement governs the discharge and disposal of radioactive material to the environment and the transportation of low-level radioactive waste.

Although the State does not directly regulate federally-controlled, radiologically contaminated sites, under a contract with the Army Corps of Engineers (Corps) and Brookhaven National Lab (BNL) the program provides state oversight for development of remedial plans, ongoing investigations, characterizations, and remediation of several federal sites.

The Radiation - Contamination Control program participates in NYS radiological emergency response planning, nuclear power plant emergency drills, responds to radiological contamination in solid waste, and Homeland Security's radiological protection operations.

**Mandated Funding Level:**

Low-level waste special revenue/other funds come to DEC under the State Low-Level Radioactive Waste Management Act.

FUSRAP funds come to DEC through an MOU with the Corps to provide State oversight to federal cleanups of former Manhattan Energy District (WW II and later atomic bomb development) sites.

West Valley Env Monitor funds come to DEC through an agreement with the US DOE and NYSERDA to pay (90/10 cost split) for three Monitors for West Valley, one is a radiation specialist.

**Brief Description/History/Background:**

The Radiation- Contamination Control program responsibilities are diverse, including: providing State oversight for remediation efforts at federally regulated or controlled sites w/i NYS (FUSRAP, West Valley, Indian Point, BNL); review applications for relicensing of nuclear reactors, and siting of new reactors, in NYS; characterization of radiologically contaminated sites; providing oversight for and guidance to solid waste management facilities on monitoring waste streams for radioactive contaminants; issuance of DOT exemptions for loads of solid waste found to contain radioactive materials; supporting the Department's role in response to radiological emergencies and Homeland security activities.

**Issues:**

There are at least seven sites in the state impacted by radiological contamination for which there is currently no legal mechanism by which they can be remediated. In order to fully characterize these sites, identify any additional sites, and initiate remediation, a regulatory and funding mechanism as well as staff positions need to be developed.

Radiation program continues to become more involved in a variety of radiological response issues, ranging from planned participation in nuclear power plant emergency drills, responding to detections of radioactive materials in solid waste shipments, as well as radiological emergency response planning for, providing technical guidance to, and field participation in, the State's Homeland Security operations. Without additional staff or funding, our ability to carry out these core responsibilities is significantly strained.

**Population Served:**

The public is being protected from radiation exposures through site remediations, waste management, and support of NYS radiological emergency response. Solid waste facilities with detections of radioactive materials in their shipments receive guidance and technical support. Properties, federal and private, are being remediated with program guidance and oversight. Environmental and citizen action groups expect regulators to maintain strict environmental controls to minimize potential public exposure from radioactive material.

**Performance Measures:**

Program performance is evaluated by the Nuclear Regulatory Commission for adequacy and compatibility. NRC's has found NYS's program adequate to protect public and the environment, but found the State to be incompatible with NRC due to a backlog of overdue rulemakings required to maintain consistency with federal standards. Thus, NYS is currently under "heightened oversight " by NRC. Under the FUSRAP grant, program performance is evaluated by adequacy of on-site confirmatory surveys and reaching concurrence on remedial steps at the various sites in the state.

The West Valley monitor performance is evaluated by satisfactory oversight of NYSERDA operations & participation in DEIS activities.

## Attachment C

### Environmental Conservation: Solid & Hazardous Materials PROGRAM INFORMATION SHEET

**Program:** Radiation Regulatory Program

**Mandate:**

Environmental Conservation Law (ECL) Articles 1, 3,17,19, 27 and 29 provide the statutory authority to regulate the discharge and disposal of radioactive material to the environment. In 1963, the federal government relinquished to New York State authority to regulate the use of radioactive material, under an agreement signed by the Atomic Energy Commission and Governor Rockefeller. DEC's portion of that agreement governs the discharge and disposal of radioactive material to the environment and the transportation of low-level radioactive waste.

**Mandated Funding Level:**

Low-level waste special revenue/other funds come to DEC under the State Low-Level Radioactive Waste Management Act. This funding supports all staff positions and NPS funding in the Radiation - Regulatory program.

**Brief Description/History/Background:**

The Radiation-Regulatory program implements and enforces DEC's portion of New York State's agreement with the US Nuclear Regulatory Commission to regulate radioactive material in the environment. The program serves to prevent, control and monitor environmental hazards from radioactive material to protect the public and the environment. The program regulates the disposal and discharge of radioactive material from State-regulated facilities and the transportation of low-level radioactive waste through permitting, inspections, enforcement, and rulemakings.

**Issues:**

None.

**Population Served:**

The public is served by being protected from exposure to radioactive material in the environment. Facilities that generate radioactive waste or discharge radioactive material are served by having a consistent regulatory framework in which to operate. Environmental and citizen action groups expect regulators to maintain strict environmental controls to minimize potential public exposure from radioactive material.

**Performance Measures:**

Program performance is evaluated by the US Nuclear Regulatory Commission for adequacy and compatibility. NRC's most recent evaluation, in 2006, found New York State's program adequate to protect the public and the environment, but also found the State to be incompatible with NRC due to a backlog of overdue rulemakings, which are required to maintain consistency with federal standards. As a result, New York State is currently under "heightened oversight " by NRC.

## Attachment C

### Environmental Conservation: Air PROGRAM INFORMATION SHEET

**Program:** Measure air quality to determine compliance with federal and state standards, monitor progress in reducing acid rain, track reduction of toxic air pollutants, investigate "hot spots" in EJ communities and provide data for Office of Climate Change.

**Mandate:**

Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**

Expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**

Ambient air quality measurements serve as the basis for the air quality program. The data generated by the ambient air monitoring systems serves to determine an area's compliance with the National Ambient Air Quality Standards (NAAQS) or as a basis to set air quality goals for other Division programs.

The air quality monitoring program began in the 1950s and currently there are 80 comprehensive monitoring stations in New York State. The criteria and number of stations is established by USEPA and New York currently meets the minimum requirements for an air quality monitoring network. In addition, the Division operates 4 mobile monitoring units to conduct special studies.

**Issues:**

1. EPA has recently changed the NAAQS for both ozone and Particulate Matter (PM2.5). In addition, changes are pending for lead, sulfur dioxide and nitrogen dioxide. With each change in standard comes new monitoring requirements which are resource intensive and add to workloads.
2. Maintaining the network has become more resource intensive with time.
3. Requests for additional monitoring sites.
4. Maintaining the special sampling capability currently available. This capability allows us to conduct short-term, intensive air quality analysis in selected areas. For example, a recent study in Tonawanda identified locations with unacceptably high Benzene concentrations.

**Population Served:**

Statewide

**Performance Measures:**

Monitoring data is collected and Quality Assured according to EPA approved monitoring plan. EPA data quality and data capture requirements are met. All data is made available on DEC website and submitted to EPA.

## Attachment C

### Environmental Conservation: Air PROGRAM INFORMATION SHEET

**Program:** Design State Implementation Plans and draft necessary regulations to implement the SIPs to attain and maintain compliance with National Ambient Air Quality Standards

**Mandate:**  
Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**

Expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**

The Clean Air Act amendments of 1970 codified the requirement for areas not in attainment with NAAQS to submit implementation plans (SIPs) to demonstrate how attainment would be reached and maintained. The heart of each SIP is a series of regulations that require necessary emission reductions. The process of designing a SIP is a complex interdisciplinary effort that requires examining air quality and emission inventory data, modeling various emission reduction alternatives, formulating emission reduction strategies that will result in large enough reductions and then codifying these into regulations. Because the New York City Metropolitan area encompasses parts of three states and because ozone is formed from emissions that may have traveled several hundred miles, SIP planning requires coordination amongst several states.

**Issues:**

The Air Quality Planning Bureau also collects emission inventory data.

1. EPA is required by statute to revise the NAAQS for each criteria pollutant every 5 years. Revisions has just been completed for ozone and PM 2.5 (24-hr. average) changes are pending for lead, sulfur dioxide and nitrogen dioxide. Each of these changes will result in the need for a new plan. Maintaining this level of effort will be difficult.
2. As efforts begin to regulate emissions of CO<sub>2</sub> and the other green house gasses (GHG), the inventory of emissions will become critical. The addition of this workload will be significant.
3. Air quality is regional and not specific to State boundaries. The New York Metropolitan area is comprised of 3 states. Air quality control region can include 20 or more states. Maintaining New York's involvement in regional organization such as NESCAUM, OTC (mandated by Federal Law) and NACAA is critical. It is through these organizations that much of the National control program is shaped and New York must maintain its role.

**Population Served:**

Statewide

**Performance Measures:**

SIPs are submitted to EPA by established deadlines and must be approved by EPA. Penalties apply to this mandate, and can be financial, imposition of additional and more severe control requirements or loss of program to EPA.

## Attachment C

### Environmental Conservation: Air PROGRAM INFORMATION SHEET

**Program:** Conduct an enforcement program to ensure compliance with regulations governing mobile and stationary sources of air pollution.

**Mandate:**  
Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**

Expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**

The enforcement program is required to ensure successful implementation of the Division's Regulatory Programs. As more regulations were adopted by New York and EPA a broader range of activities came under the jurisdiction of air pollution regulations. At the present time almost every facet of the economy is regulated directly or indirectly by air pollution regulations. The Department requires engineering and technical staff with wide ranging areas of expertise to properly interpret regulations and determine whether facilities are complying with these regulations. EPA requires that state agencies enforce air pollution control laws aggressively and formally reviews and evaluates DEC enforcement activities.

**Issues:**

Enforcement proceedings can be time consuming for both technical staff in DAR and legal staff in OGC. Some cases require years of negotiation and/or litigation to settle. New York provides alleged violations with more procedural safeguards than does EPA. Some companies take every advantage to draw out enforcement cases final resolution. The enforcement efforts conducted by DEC are absolutely vital to the ultimate success of our air pollution control efforts.

**Population Served:**

Statewide

**Performance Measures:**

Enforcement cases are resolved according to established DEC and EPA procedures.

## Attachment C

### Environmental Conservation: Air PROGRAM INFORMATION SHEET

**Program:** Conduct ongoing Quality Assurance activities to insure that air quality monitoring, permit writing, enforcement activities, inspection and maintenance of light and heavy duty vehicles and emission inventory development are performed properly according to established procedures.

**Mandate:**  
Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**  
Expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**  
Division of Air Resources began a formal Quality Assurance (QA) program within the Air Quality Surveillance Bureau in the late 1970s. EPA later recognized the importance of formal QA programs and required them nationwide. In 1999 a QA program was put in place to support the automobile Inspection/Maintenance program. In 2003, DAR recognizing the success of QA in air monitoring I/M began to formally institute QA programs for other program elements. A formal QA program for permitting began in 2004. A QA program for the enforcement program began in 2008. We expect to begin QA for the emission inventory effort in 2009. Quality Assurance is an often ignored element of a successful program. The program elements in DAR are technically complex and often interrelated. QA programs require relatively modest resources while helping to insure that our other efforts are done properly.

**Issues:**  
Ensure a strong QA program is maintained.

**Population Served:**  
Statewide

**Performance Measures:**  
The QA programs for air monitoring and I/M are required to comply with very strict performance parameters. EPA audits these programs annually. The permitting and enforcement QA programs are designed and monitored by DAR to ensure that all the work elements are technically and administratively complete.

## Attachment C

### Environmental Conservation: Air PROGRAM INFORMATION SHEET

**Program:** Develop regulations as required by law and to continue to protect human health and the environment.

**Mandate:**

Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**

Expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**

The current air quality program had its beginnings in the 1950s and current structure is based on over 50 years of increasing knowledge of the complexities of air pollution. As scientific understanding of air pollution evolved, the regulatory structure developed to address the expanded understanding.

**Issues:**

As air quality standards change, the Division must adjust its regulations to meet the lower standards. Each year we learn more about the effects of air toxics and we currently are in the process of amending our air toxic regulations. The effort to address climate change has really just begun and the regulatory structure is just emerging. Regulation of air pollution is based on the current state of knowledge of the cause and effects of it. The state of the science of the detrimental effects of air pollution grows every year. As air monitoring technology becomes more sophisticated, researchers are better able to understand exactly how and why air pollution affects human health and the environment. We are learning more about the health effects of very small particles. Addressing climate change is at the beginning of the process. Maintaining pace with the growth of knowledge and developing control options will take a huge effort. Along the way we will need to draft new regulations.

**Population Served:**

Statewide

**Performance Measures:**

Regulations are adopted to solve identified air pollution problems. The ultimate performance of any regulation is determined by reviewing air monitoring data after the regulation has had time to take effect.



Environmental Conservation: Air  
**PROGRAM INFORMATION SHEET**

**Program:** Issue permits to facilities as required in State and Federal law and regulations.

**Mandate:**

Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**

1. The Title V program is required by federal law to be self-funded with fees charged to permit holders. Not only may these funds not be spent for any purpose other than Title V, no other funds are allowed to be used to support the program. The New York State Clean Air Compliance Act (NYSCACA) of 1994 gave the New York State legislature the power to set the Title V fee. The current fee of \$45/ton was set in 2000. Program has been requesting an increase in the fee to support the programs. In lieu of raising of the fee, general fund monies were appropriated in FY 07-08 and 08-09. EPA is now questioning the use of these funds.
2. State Facility Permit and Registrations expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**

Currently, the Division of Air issues 3 types of permits: Title V, State Facility and Registrations. New York began issuing permits for new and existing sources of air pollution in the 1960s. The Clean Air Act amendments of 1970 established a federal program of issuing construction permits for new and modified sources of air pollution. EPA delegated this permitting authority to New York. The Clean Air Act Amendment (CAAA) of 1990 established a federal operating permit program for major sources of air pollution (Title V). New York was awarded delegation of this program after adopting necessary regulations. There are currently about 500 facilities in New York holding Title V permits. These permits expire every 5 years. New applications must be submitted before the existing permit expires or the source is required to shut down.

**Issues:**

1. The Title V program is required by federal law to be self-funded with fees charged to permit holders. Not only may these funds not be spent for any purpose other than Title V, no other funds are allowed to be used to support the program. The NYSCACA of 1994 gave the New York State legislature the power to set the Title V fee. The current fee of \$45/ton was set in 2000. Program has been requesting an increase in the fee to support the programs. In lieu of raising of the fee, general fund monies were appropriated in FY 07-08 and 08-09.
2. Resources for issuing State Facility Permits has declined over time.

**Population Served:**

Statewide

**Performance Measures:**

Applications are reviewed and permits are issued within state and federal statutory timelines. Permits are issued accordingly to established DEC procedures and successfully pass a QA audit.

Environmental Conservation: Air  
**PROGRAM INFORMATION SHEET**

**Program:** Provide assistance during periods of natural disaster and other emergencies.

**Mandate:**

Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**

Expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**

The Division has provided support services to other agencies and a SEMO for many years. Direct meteorological support is provided before, during and after storms of all types. Meteorological forecasts also provide air quality advisories in advance of days with elevated air pollution. Direct support is also provided to carry out air quality monitoring on a limited basis. Indirect technical support is provided to other agencies and governmental entities as requested.

**Issues:**

The Division's resources are very limited to provide substantial emergency response. If a situation exists for a prolonged period, Division staff need to be re-assigned to provide support. The appropriate training and equipment are also not available, limiting the role of air staff in an emergency.

**Population Served:**

Statewide

**Performance Measures:**

DAR supports other programs within DEC, other state agencies, the Governor and on occasion, EPA when responding to emergencies and disasters. The measure of success is whether we provide needed information and services on time.

**Attachment C**

Environmental Conservation: Air  
**PROGRAM INFORMATION SHEET**

**Program:** Participate in and support interstate groups such as NESCAUM, OTC, NACAA to effectively plan regional air pollution control strategies and to positively affect USEPA policies.

**Mandate:**  
Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**  
Expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**  
The Federal Clean Air Act places the responsibility for developing air pollution programs on the states. While EPA has responsibilities under the Act, they have failed to implement significant controls. Much of the air pollution today is regional, national or international. Ozone, particulates, mercury and climate change are not problems created on a local level. States have formed strong interstate groups to address air quality needs. Without support from the states, there would be many fewer regional and national control programs.

**Issues:**  
Continued participation is critical to maintain the level of reductions achieved to date and to ensure issues such as climate change are addressed.

**Population Served:**  
Statewide

**Performance Measures:**  
There is no easy method to summarize the success of collaborative efforts. The failure or success of air pollution control efforts cannot be measured by budget cycles.

**Attachment C**

Environmental Conservation: Air  
**PROGRAM INFORMATION SHEET**

**Program:** Work cooperatively with other state agencies on issues related to transportation policy, energy policy, public health impacts, economic impacts, etc.

**Mandate:**  
Federal Clean Air Act and Environmental Conservation Law

**Mandated Funding Level:**  
Expenditures for this program are reported against the State's annual Clean Air Act, Section 105 grant. The grant has both a state-match and maintenance of effort requirement. The state match requires a minimum of 40% annually in State air program funding. The maintenance of effort requires that the State's annual air program expenditures be no less than the preceding year's.

**Brief Description/History/Background:**  
Until 1970 the Division of Air Resources was part of the Department of Health. Since the formation of DEC, DAR has confirmed a close relationship with DOH. As the reach of regulatory programs have increased over the years, we opened communication channels with DPS, DOT, DED, DMV, Ag & Markets and many other state agencies. The effects of our regulatory programs can be profound. Some regulations have large economic impacts, others may require lifestyle changes on the part of some or all of the citizens of New York. At the same time, actions proposed by other state agencies may lead to air pollution problems that would go unrecognized without a full intra-governmental collaborative process.

**Issues:**  
Maintain and enhance the level of cooperation with other state agencies.

**Population Served:**  
Statewide

**Performance Measures:**  
There is no easy method to summarize the success of collaborative efforts. The failure or success of air pollution control efforts cannot be measured by budget cycles. However, evaluating the success that other agencies have in implementing control programs is one indicator of successful collaboration.

NYSDEC Forest Protection  
**PROGRAM INFORMATION SHEET**

**Program:** Wildland Search and Rescue Program

**Mandate:**

ECL 9-0105 sub 18 states "the Forest Ranger force of the Department shall have the authority to organize, direct and execute search operations for lost persons or civilian aircraft and conduct rescue operations for persons injured or in serious danger of injury in the wild, remote and forested areas of fire towns and fire districts of the state".

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

Forest Rangers are trained and equipped to search for people lost in remote and forested areas of the state. They are also trained and equipped to conduct rescue missions for people who have been injured in the backcountry. As a result of an unorganized and unsuccessful search for a 12 year old boy in the Adirondack mountains legislation was enacted in 1984 giving Forest Rangers search and rescue authority as part of their mission.

**Issues:**

Failure to continue this program could result in loss of life

**Population Served:**

The recreating public across the state

**Performance Measures:**

Number of individuals found and/or rescued

NYSDEC Forest Protection  
**PROGRAM INFORMATION SHEET**

**Program:** Wildland Fire Suppression/Management Program

**Mandate:**  
ECL 9-1109 sub 1 and 2

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

Forest Rangers maintain a program including equipment training and qualifications to suppress wildfires across the state. They respond to an average of 230 wildfires each year. In addition they train local volunteer fire companies and other volunteers in wildland fire suppression tactics. Rangers were originally established in 1912 to protect the newly created Adirondack and Catskill Forest Preserves. Their main focus was forest fire suppression and prevention. Today Forest Rangers protect the state natural resources through fire suppression, search and rescue and law enforcement.

**Issues:**

Failure to continue with this program will put the state's forests at risk as well as the people who use them and those who live in and near them.

**Population Served:**

The recreating public and people who live in communities in and near forest land.

**Performance Measures:**

Fires suppressed and acres saved/protected from wildfire.

NYSDEC Forest Protection  
**PROGRAM INFORMATION SHEET**

**Program:** State Land Enforcement/Stewardship Program

**Mandate:**  
Environmental Conservation Law

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

Forest Rangers protect the State's resources through active enforcement of the Environmental Conservation and Penal laws. Rangers are Police Officers and patrol the state land to prevent illegal activity including vandalism, dumping, timber theft, underage drinking and unauthorized motor vehicle use. In addition they educate the public in the proper use of the land. They have been patrolling and protecting State land since 1912.

**Issues:**

Failure to protect the State's natural resources would be a dereliction of the State's responsibility to protect and preserve these resources for future generations.

**Population Served:**

All the people of the state

**Performance Measures:**

Enforcement actions taken, acres patrolled and resource users spoken to.

NYSDEC Forest Protection  
**PROGRAM INFORMATION SHEET**

**Program:** Licensed Guide Program

**Mandate:**

Environmental Conservation Law Article 11 Fish and Wildlife Law

**Mandated Funding Level:**

This program operates on a SRO account where license fees are used to totally support the program. This program has a small cash reserve.

**Brief Description/History/Background:**

The Environmental Conservation Law has always had a licensed guide program designed to provide qualified outdoor recreation guides that can provide their services for hire to those who need assistance with hiking, hunting, fishing, camping and white water boating. A person is required to have a current and valid license in order to advertise that he/she is an outdoor guide for the circumstances listed in law.

**Issues:**

Failure to operate this program will prevent people from obtaining a license or getting a license renewed. Since licensed guiding is a business, the lack of a license will prevent a person from being employed or from operating his/her own small business.

**Population Served:**

At the end of 2007, there were 2,090 licensed guides on record. 164 guides were added in 2007 and 277 guides had their licenses renewed. 11 guides were revoked. The licensed guide community serves thousands of customers each year, many who are from out of state.

**Performance Measures:**

The number of new guides and renewed guides licenses reflect the activity of the program. The program has not had a fee increase since it was redesigned in the 1980's.



NYSDEC Forest Protection  
**PROGRAM INFORMATION SHEET**

**Program:** Volunteer Fire Assistance Grant Program (Federal)

**Mandate:**

No state mandate. Part of the US Forest Service grant program

**Mandated Funding Level:**

Funding level set by the US Forest Service

**Brief Description/History/Background:**

The US Forest Service provides funding as part of its grant process to the NYS Department of Environmental Conservation's Division of Forest Protection. This funding must be distributed to fire departments that serve a rural community with NYS using no more than 10% to administer the program.

**Issues:**

Failure to continue the program will take \$400,000 of Federal money from NYS fire departments

**Population Served:**

Over \$400,000 is awarded to NYS each year which is distributed to approximately 360 fire departments each year. Over 600 fire departments apply each year.

**Performance Measures:**

Number of communities served

**Attachment C**

Environmental Conservation: Management & Budget Services  
**PROGRAM INFORMATION SHEET**

**Program:** Management & Budget Services: Human Resources

**Mandate:**

New York State Civil Service Law; New York State Human Rights Law (Article 15); Title VII of the Civil Rights Act of 1964; Americans with Disabilities Act of 1990 (as amended); Workers Compensation Law and the Family & Medical Leave Act.

**Mandated Funding Level:**

None. Note: Management & Budget Services is an indirect program in its entirety; therefore its funding sources do not, nor should they, link to specific activities. For purposes of this report, percentages of each funding source were applied to each activity in the same manner.

**Brief Description/History/Background:**

To appoint employees in accordance with Civil Service Laws; to pay employees in accordance with State Comptroller's rules and regulations for base salary, overtime, holiday pay and a multitude of special payments; to ensure equal employment opportunity to all people without regard to age, race, creed, color, national origin, gender, sexual orientation, disability, marital status, veteran status, genetic predisposition or carrier status.

To enhance employee's individual and organizational performances by providing skills, processes, techniques and tools through consulting, coaching, training and facilitating. To ensure that employee benefits are administered to all staff. To review and investigate complaints of discrimination and/or harassment. To be responsible for the classification of positions, examinations and recruitment.

**Issues:**

**Population Served:**

3,700 permanent department employees; 1200 seasonal employees. Those interested in working for DEC; exam candidates.

**Performance Measures:**

Workforce utilization report from Civil Service.

## Attachment C

### Environmental Conservation: Management & Budget Services PROGRAM INFORMATION SHEET

**Program:** Management & Budget Services: Revenue Collection including from Federal grants

**Mandate:**

The Federal Unit is mandated by CFR 31.1-31.50 and OMB Circulars A-87, A-102, A-133. The Bureau of Revenue Accounting is mandated by Article 12, Sections 1&2 of the Navigation Law and the following sections of the Environmental Conservation Law: Article 7, Section 11, Article 72, Titles 1-10, Article 9, Title 9, and Article 27, Title 14.

**Mandated Funding Level:**

None. Note: Management & Budget Services is an indirect program in its entirety; therefore its funding sources do not, nor should they, link to specific activities. For purposes of this report, percentages of each funding source were applied to each activity in the same manner.

**Brief Description/History/Background:**

DEC collects \$400 million in revenues annually from numerous funding sources. All funds must be deposited to the correct accounts pursuant to law. Two hundred and seven Financial Status Reports (FSR) were created during the 2007 Fiscal Year. Quarterly FSR reporting is now fully implemented projecting 780 reports for the 2008 fiscal year. Federal Grant monies totaling \$207 million were drawn during the 2007 fiscal year. Fire reimbursements totaling \$600,000 were also received under the US Forest Service Agreement # 00-FI-11244225-012 during the fiscal year. During 2007, the Bureau of Revenue Accounting was responsible for processing 383 monthly Major Operating System Facility (MOSF) Reports that brought in annual revenues of \$36.9 million, collected \$38.9 million from 1,500 agents for the sale of sporting licenses, invoiced and performing collections on 27,000 facility operators that are subject to Regulatory Fees. 2007 year collections of Regulatory Fees were \$52.5 million.

The Bureau also reconciles revenues which totaled \$8.3 million from the 59 camping facilities and \$5.7 million from the Belleayre Ski Center. We also invoiced 100 facilities for environmental monitoring. Collections totaled \$5.3 million for the 2007 fiscal year. The DEC has 49 local sole custody bank accounts that are reviewed, reconciled, and ultimately receive the approximately remaining \$44.8 million that is made up of various fees including pesticides, petroleum bulk storage, marine resources, special licenses, environmental remediation fees, timber sales, etc. The Bureau is responsible for safe guarding, reconciling and depositing those monies as well as insuring that they are correctly posted on the books of the Office of the State Comptroller in accordance with their Accounting Procedures Manual. The Bureau is responsible for development of the agency's Indirect Rate Cost Proposal submitted to our cognizant agency EPA, which allows DEC to recoup federal indirect monies which fund many programs.

**Issues:**

**Population Served:**

Facility operators subject to regulatory fees; sporting license officers.

**Performance Measures:**

1) Amount of outstanding loan to federal government due to uncollected grant dollars. During fiscal year 2007, 207 full-year Financial Status Reports (FSR) were generated enabling the draw down of \$180 million in Federal Grant monies. To accelerate draw down, quarterly FSR reporting has been implemented and the generation of 780 reports is projected for the 2008 fiscal year. Annual reporting led to subfund deficits ranging anywhere from \$30-\$60 million. Now with quarterly FSR reporting, draws more accurately coincide with expenditures and subfunds are constantly replenished.

2) Revenue collectibility rates. To accelerate revenues and increase the likelihood of collection, annual Regulatory Fee Accounts are now closed within a one year period. To improve invoice integrity, MBS has been working with Water (DART system) and Environmental Permits (Fee Billing system) to improve the data exchange between their systems. This will decrease inquiries from billed entities and reduce postal fees as fewer invoices will need to be modified and re-mailed.

## Attachment C

### Environmental Conservation: Management & Budget Services PROGRAM INFORMATION SHEET

**Program:** Management & Budget Services (MBS): Procurement of Goods & Services

**Mandate:**

State Finance Law (including, but not limited to, Sections 163 and 136-a), Printing and Public Documents Law, Labor Law, Economic Development Law, Public Buildings Law, Executive Law Article 15-A (Minority/Women's Business Enterprise Program), Procurement Lobbying Law, Tax Law 5-a, Executive Order No. 6, Consultant Disclosure, Vendor Responsibility, and Environmental Conservation Law (including sections related to Diesel Retrofit, Timber Sales, Concessions, Oil and Gas Production, etc.)

**Mandated Funding Level:**

None. Note: Management & Budget Services is an indirect program in its entirety; therefore its funding sources do not, nor should they, link to specific activities. For purposes of this report, percentages of each funding source were applied to each activity in the same manner.

**Brief Description/History/Background:**

Staff ensure that procurements of commodities, services and revenue-generating contracts are conducted appropriately in accordance with applicable laws and policies. They review all documents to ensure that contractual agreements meet all necessary requirements, including memoranda of understanding and cooperative agreements. Staff also ensure that grant funding, whether competitive or non-competitive (ie. member item grants) is awarded and administered appropriately. The Department has approximately 2200 active contracts (1400 service contracts and nearly 800 State and Local Assistance contracts) that have been approved by the State Comptroller. Staff also review and monitor the Department's contractual agreements to ensure that agency goals for participation by Minority and Women-Owned Businesses (M/WBE) are met. The Department has exceeded agency goals for participation in the M/WBE Program.

**Issues:**

None.

**Population Served:**

Department staff as well as the public (grant recipients and contractors, including the minority and women-owned and disadvantaged business community); State Comptroller, AG and other agencies

**Performance Measures:**

M/WBE goals

## Attachment C

### Environmental Conservation: Management & Budget Services PROGRAM INFORMATION SHEET

**Program:** Management & Budget Services: Budgeting

**Mandate:**

Article VII, of the State Constitution, Preparation of the Budget, and Article III of the State Finance Law require state agencies to submit a budget request to the Governor. Article IV, Section 44, paragraph 4 requires a schedule listing positions and salaries for each item.

**Mandated Funding Level:**

None. Note: Management & Budget Services is an indirect program in its entirety; therefore its funding sources do not, nor should they, link to specific activities. For purposes of this report, percentages of each funding source were applied to each activity in the same manner.

**Brief Description/History/Background:**

The Budget Services Unit manages the Department's State operations and Capital appropriations and all aspects of budgeting for them. The unit reviews all of the division's budget requests and then prepares the agency's request consistent with instructions given in the call letter, the Budget Request Manual and any guidelines given by the Division of the Budget. When the budget is passed the unit implements the enacted budget and assists programs with spending plans. Budget certificates are prepared so appropriations can be spent and funds encumbered. An agency financial plan is developed and spending and revenue are monitored in each fund with monthly and/or quarterly reports. The general fund cash ceiling is monitored on an on-going basis. The unit also submits staffing plans to manage the agency's workforce.

**Issues:**

**Population Served:**

Division of the Budget Staff, Department's Executive and program staff as well as all of the other units in Management & Budget Services; Comptroller's Office and other state agencies.

**Performance Measures:**

- 1)Accuracy of Budget Certificates (requests to segregate appropriated funds) submitted to DOB and OSC for approval.
- 2)Timeliness of Monthly and Quarterly Reports provided to Executive staff, Divisions Directors and programs (within 30 days of month end).
- 3)Accuracy of Fiscal Analysis, i.e. providing cost estimates of programs, legislation, initiatives, to DOB, Executive and Legislature. Also includes providing and verifying cost of retro-pay for negotiated salary increases.
- 4)Accuracy of spending projections during the fiscal year, particularly General Fund, and State Operations spending, in light of the current fiscal situation.
- 5)Providing accurate information to DOB, Executive, Legislature, including submitting the agency Budget Request on time and according to guidelines.

## Attachment C

### Environmental Conservation: Management & Budget Services PROGRAM INFORMATION SHEET

**Program:** Management & Budget Services: Business Systems Administration and Direction

**Mandate:**

Provide Fiscal Reporting for Federal Agencies pursuant to OMB-A102 and OMB A110 (FMIS and LATS). Development of the time and activity cost algorithm to aid in recouping federal grant monies, and to formulate the Department's indirect cost proposal. Provide fiscal reporting for various entities pursuant to State Finance Law; Article 2, Article 3, Article 4, Article 4-A, Article 7, Article 9, Article 11, 11A, 11B. Provide division responses to all Foil requests. DEC's financial management information system (FMIS) is the mechanism for paying all of the Departments bills in accordance with Prompt Payment Legislation. The human resource information system (HRIS) provides the mechanism for paying all employees and coordinating benefits pursuant to Article 14 of the State Finance Law.

**Mandated Funding Level:**

None. Note: Management & Budget Services is an indirect program in its entirety; therefore its funding sources do not, nor should they, link to specific activities. For purposes of this report, percentages of each funding source were applied to each activity in the same manner.

**Brief Description/History/Background:**

The division director and administrative staff provide direction for this division. The business systems staff administer, develop, test and provide on-going assistance to the 3500 dept users of DEC's Oracle Financial, 4000 users of the Leave Accrual Tracking (Lats) and Human Resources systems. They ensure separation of duties, review user rites. Currently building a "revenue solution" to bill third parties rather than depend on a vendor with 1983 Cobol system.(\$80M in revenues). Provides fiscal reporting for various Department programs, state, and federal agencies.

**Issues:**

**Population Served:**

4000 Department employees, contract and commodity vendors, control agency staff of Civil Service, Division of Budget, State Comptroller, GOER.

**Performance Measures:**

1)Accurate and timely financial reporting: FMIS has 339 users of the Oracle Discoverer tool, which allow program staff to monitor spending in real-time on the Department's Financial Management Information System (FMIS). Prior to this, staff had to wait for daily or weekly updates from the Comptroller's system. This real-time reporting enables fast and accurate reporting of expenditures to Executive, DOB and others. In addition, FMIS allows timely responses for Federal reporting, prompt payment of Department expenditures and timely turnaround of FOIL requests. FMIS has enabled the Department to (1) reduce the number of payments rejected by OSC due to insufficient funds (segregations) and (2) maintain the Divisions' allocations internally, instead of relying upon a cumbersome paper certification and approval process with OSC.

2)Accurate and timely payroll cost accounting through Lats: Recent automation of the Department's Leave and Accrual Tracking System (Lats) has significantly accelerated the Department's ability to accurately report Time and Activity information and thereby recoup federal grant monies faster. What used to take a couple of years, we can now report to the Federal government within 4 weeks of the payroll ending with a submittal rate of 98% of all time records. The development of new reports will allow us to pursue delinquent timecards in an effort to reduce the 4 week lag. The accelerated Time and Activity reporting helped the Department to eliminate all of the \$30-\$60 million in unaccounted federal grant qualifying obligations.

3)Financial responsibility of program and regional managers related to spending. FMIS provides spending controls between programs, accounts and regions.

**Attachment C**

Environmental Conservation: Management & Budget Services  
**PROGRAM INFORMATION SHEET**

**Program:** Management & Budget Services: Expenditures

**Mandate:**

State Finance Law Section 163, Purchasing Services and Commodities.

**Mandated Funding Level:**

None. Note: Management & Budget Services is an indirect program in its entirety; therefore its funding sources do not, nor should they, link to specific activities. For purposes of this report, percentages of each funding source were applied to each activity in the same manner.

**Brief Description/History/Background:**

All Department expenditures, encumbrances, travel reimbursement are audited, approved and certified by those comprising the Expenditure Activity; both pre and post audit functions identify improper expenditure activities, including but not limited to split purchases, duplicate payments, opportunities for competitive bidding, etc. Responsible for implementation of OSC's Bulletin G-212 compliance recommendations that ensure strong internal control over the Department's finances. The Department's Oracle Financial system allows review and follow up throughout the procurement and payment processes. System design and business rules minimize unauthorized and improper purchases, interest payments, duplicate payments, split payments, etc.

**Issues:**

**Population Served:**

Contract and commodity vendors; municipalities and not-for-profits in receipt of Department funding

**Performance Measures:**

Interest paid

**Attachment C**

Environmental Conservation: Operations  
**PROGRAM INFORMATION SHEET**

**Program:** Administration

**Mandate:**

The Division of Operations Mission Statement is "to provide technical services, facilities management, and maintenance of physical assets to insure effective and efficient operation of the Department and safe public use of DEC lands and facilities." While the primary area of responsibility is in support of the Department's Natural Resources function, the Division of Operations also provides support services to Environmental Quality/Remediation, Environmental Enforcement and Regulation functions.

**Mandated Funding Level:**

Funding is provided by the General Fund, including a Special Revenue Other (SRO) for the Recreation Program, Conservation Fund, Capital, and a variety of Federal sources.

**Brief Description/History/Background:**

In July 1970, the NYS Legislature created the Department of Environmental Conservation (DEC). In October 1970, the Division of the Budget urged a consolidated regional structure. In February 1971, a Task Force was created, and in July 1971 the Task Force recommended the consolidation of "...construction, maintenance, equipment management, and repair activities in individual sub-units...leading to a combined Operations Unit to serve all programs..." Initially named the Office of Field Services, in April 1973 it was renamed the Office of Operations and Field Services and most recently in May 1979, the Division of Operations. The Division is currently comprised of the following units; Administration, Design & Construction, Transportation Services, Maintenance & Technical Services, Office Services, and Recreation. At the end of Pay Period #7 (July 23, 2008), the Division's Filled Position Report depicts 512 (13.65% of DEC Total) out of a Budget Fill Level of 531.

**Issues:**

See individual Program Information Sheets.

**Population Served:**

The entire population of New York State, as well as and any out of state visitor, is served and benefits from the services provided by the Division of Operations.

**Performance Measures:**

See individual Program Information Sheets.



Environmental Conservation: Operations  
**PROGRAM INFORMATION SHEET**

**Program:** Bureau of Design & Construction

**Mandate:**

The Bureau provides technical support for a variety of mandated Department Program Units which are detailed by the Programs. Technical work of the Bureau is mandated by Public Buildings Law Article 3, Title 43 and must conform with NYS Health and Safety Codes; NYS Building Code; NYSDEC Environmental regulations, including Storm Water, Dam Safety, Water Quality and Sewage Disposal; US Army Corps of Engineers regulations; National Electrical Code; and National Accessibility Regulations.

**Mandated Funding Level:**

Projects are primarily funded by Bond Act, Environmental Protection Fund, Capital, major Rehabilitation and Improvement appropriations, Recreation Special Revenue Other and Federal funds.

**Brief Description/History/Background:**

A Technical Engineering staff existed in the early Conservation Department and in the Department of Environmental Conservation since it was formed in 1970. The Bureau provides planning, engineering and architectural design and construction management services for Department Program Units. Being an internal technical support unit within the Department, staff are able to work directly with the program and provide services which are more responsive to their needs than outside consultants would be able to provide. Expertise has been developed throughout the staff in key program areas. There is also an invaluable amount of institutional knowledge within the unit. A major portion of the work load involves the reconstruction and rehabilitation of the Department's existing infrastructure. Projects are driven by health and safety, environmental compliance, public access and habitat concerns. Projects can be categorized into fish culture, boating access, habitat, dams, bridges, education centers, offices, maintenance centers, recreation and Belleayre Ski Center program areas.

**Issues:**

The Bureau's output typically is 20-25 major projects per year with a value in the \$5-7 million range. Currently, the Bureau has 82 project assignments. Most recently, pending Dam Safety Regulation updates will significantly increase the workload to manage the condition of the Department's 577 dams.

**Population Served:**

The Bureau provides technical services to internal Department Program Units in carrying out their missions. The public also benefits from improved infrastructure by having better access to Department facilities.

**Performance Measures:**

The Bureau tracks its internal project staff costs for each project as compared to the value of construction of each project. Staff costs required for projects is lower than the cost of Consultants performing the same service.

Environmental Conservation: Operations  
**PROGRAM INFORMATION SHEET**

**Program:** Bureau of Maintenance and Technical Services

**Mandate:**

The Bureau provides technical support for Regional Operations and a variety of mandated Department Programs Units which are detailed by those Programs. Technical work of the Bureau is mandated by Public Buildings Law Article 3, Title 43 and must conform with NYS Building Code, 19 NYCRR Part 1203; Executive Orders 111, 134, 142 and 4; NYSDEC Environmental regulations, including Storm Water, Dam Safety, Water Quality and Sewage Disposal; and National Accessibility Regulations.

**Mandated Funding Level:**

Projects are primarily funded by General Fund, Bond Act, Environmental Protection Fund, Capital, major Rehabilitation and Improvement appropriations, Recreation Special Revenue Other and Federal funds.

**Brief Description/History/Background:**

The Bureau is responsible for the operation and maintenance of a very diverse and expanding range of Department assets, construction permitting, energy management, electronics development, sign production, and implementation and operation of Department radio systems. The Bureau oversees Consultant Architectural/Engineering projects and provides day to day technical support to Regional Operations units. The Bureau has developed and implemented a statewide Maintenance Management System (MMS), which assists the Department in planning, organizing, directing, controlling and budgeting for facility operation and maintenance.

**Issues:**

The Bureau provides management, technical, budgeting and administrative services in concert with the Regional Operations Supervisors and their field staff located throughout the State. The work, time, and resources needed to provide these services continually vary, but are increasing as the age of facilities and the number of facilities increases.

**Population Served:**

The Bureau conducts a professional program for preservation and rehabilitative maintenance for all assets to provide a safe, sanitary, energy efficient and aesthetically pleasing environment for the people of New York State, visitors, and employees.

**Performance Measures:**

The Bureau strives to reduce annual operating costs and assure the Department's over 1900 facilities meet all regulatory requirements (environmental, labor, health and safety). In fiscal year 2007-2008, the Bureau issued a total of 96 Job Order Contracting work orders statewide for a total value in excess of \$3.75 million, issued 18 building permits with a total construction value of \$3.6 million, and over 5,500 MMS work orders.

Environmental Conservation: Operations  
**PROGRAM INFORMATION SHEET**

**Program:** Facility and Infrastructure Construction, Operation and Maintenance.

**Mandate:**

Facility and Infrastructure Construction, Operation and Maintenance constructs, rehabilitates, operates and maintains Department facilities and assets throughout the nine (9) Regions. All work must comply with the NYS Building Code, 19 NYCRR Part 1203; Executive Orders 111, 134, 142 and 4; NYSDEC Environmental regulations, including Storm Water, Dam Safety, Water Quality and Sewage Disposal; and National Accessibility Regulations.

**Mandated Funding Level:**

Work is primarily funded by General Fund, Bond Act, Environmental Protection Fund, Capital, major Rehabilitation and Improvement appropriations, Recreation Special Revenue Other and Federal funds.

**Brief Description/History/Background:**

Dating back to the old Conservation Department and Department of Public Works, each Program had its own labor force and equipment to operate, maintain and repair facilities and assets. With the organization of the Department of Environmental Conservation in 1970 came the consolidation of all these units into one (1) division within each region. Originally called the Office of Field Services, in April 1973 it was renamed the Office of Operations and Field Services and most recently in May 1979 the Division of Operations.

**Issues:**

Facility and Infrastructure Construction, Operation and Maintenance work, time, and resources needed to provide these services continually vary, but are increasing as the facilities age and the number of facilities increases.

**Population Served:**

Facility and Infrastructure Construction, Operation and Maintenance efforts concentrate on the operation, preservation and rehabilitative maintenance for all facilities and assets to provide a safe, sanitary, energy efficient and aesthetically pleasing environment for the people of New York State, visitors, and employees.

**Performance Measures:**

Facility and Infrastructure Construction, Operation and Maintenance continues to reduce annual operating costs and assure the Department's over 1900 facilities meet all regulatory requirements (environmental, labor, health and safety). In fiscal year 2007-2008, over 5,500 Maintenance Management System.

Environmental Conservation: Operations  
**PROGRAM INFORMATION SHEET**

**Program:** Bureau of Transportation Services

**Mandate:**

The Bureau provides motorized vehicle support to several mandated programs within the Department. It is also necessary to comply with EPA Act Regulations (Department of Energy's Regulation, 10 CFR Part 490, implements the Energy Policy Act of 1992) and Executive Order 111 in the management of the Department's vehicle fleet.

**Mandated Funding Level:**

No mandated funds are provided to the Bureau. However, the Bureau is responsible for the expenditure of over \$5,000,000 annually for the purchase of general purpose vehicles and another \$9,000,000 for the operation and maintenance of the Department's vehicle fleet and all motorized equipment.

**Brief Description/History/Background:**

The Transportation Services Bureau provides motorized equipment support to all Department Programs, nine (9) Regional Offices, and several non-regionalized facilities throughout the State. Primary responsibilities include the centralized procurement of over 200 general purpose vehicles annually, providing technical guidance and training to the Department's 23 vehicle maintenance centers, and the administrative management of over 2,200 vehicles and nearly 7,000 other pieces of motorized equipment. This involves inventory control, registration, fuel monitoring, E-Z Pass management, and vehicle accident coordination. The Bureau utilizes a large database for tracking inventory, mileage data, and the repair transactions/cost of the various maintenance centers. The Bureau is also directly responsible for the operation of the vehicle pool that supports the Central Office staff.

**Issues:**

The Bureau is maximizing the purchase of hybrid/alternative fueled vehicles, increasing the use of bio-diesel fuel statewide, and the need to retrofit all heavy duty diesel powered vehicles to reduce emissions. Related to that is the effort to minimize vehicle miles traveled in support of accomplishing the Department's mission. The Department vehicle fleet travels approximately 25 million miles per year. This Bureau is monitoring vehicle miles traveled and recommends the implementation of strategies to reduce vehicle travel when appropriate.

**Population Served:**

The Bureau provides vehicle support to all Programs within the Department which is essential to the accomplishment of the Department's mission.

**Performance Measures:**

The Bureau tracks fleet mileage by vehicle, Program area and Region; all vehicle and motorized equipment repairs and associated costs for each of the 23 Vehicle Maintenance Centers; the number of vehicle accidents processed annually; and the number of vehicle requests supported by the Central Office pool monthly.

## Attachment C

### Environmental Conservation: Operations PROGRAM INFORMATION SHEET

**Program:** Bureau of Office Services

**Mandate:**

This Bureau provides the full range basic Office Service functions to the Department Central Office at 625 Broadway, as well as selected planning and oversight functions to Department Regional Offices and Non Regionalized Facilities of which there are nine ( 9) large Regional Headquarters and dozens of smaller offices and facilities.

**Mandated Funding Level:**

No mandated funds are provided, however the Agency's Lease schedule of approximately \$6.5 million in fixed cost for real property leasing is administered by this Bureau.

**Brief Description/History/Background:**

The Bureau directly provides and oversees the provision of services at 625 Broadway, including mail, supply, warehousing, records management, printing, property management, and maintenance for a Department population of approximately 1,600 full time staff on 12 floors of a certified 470,000 square foot "Green Building." Mail, supply and printing goods and services billed to internal customers total approximately \$1 million per year. As the Lead Tenant Representative, the Bureau is the day to day liaison with building management on matters concerning building operation, security systems, as well as direct administration of a 500 space parking garage.

**Issues:**

Successful implementation of Executive Orders on Green Cleaning and Energy efficiency require constant effort with landlords and building managers to maintain a high level of service and realize meaningful cost and energy savings.

**Population Served:**

Support is provided to all Department staff and offices Statewide.

**Performance Measures:**

The compliance of various leased buildings is evaluated with OGS performance standards for energy efficiency and adherence to best management practices.

## Attachment C

### Environmental Conservation: Operations PROGRAM INFORMATION SHEET

**Program:** Bureau of Recreation

**Mandate:**

The Management Goals of the program are to: Manage recreation programs in a manner which ensures protection of the natural resources base in accordance with the Environmental Conservation Law and Article 14 of the New York State Constitution; offer recreational opportunities for leisure time enjoyment for the people of the State; ensure that revenues equal operating costs for that portion of the program covered by user fees; manage the program to enhance economic benefits to local communities and the State.

**Mandated Funding Level:**

Projects are primarily funded by General Fund, Bond Act, Environmental Protection Fund, Capital, major Rehabilitation and Improvement appropriations, Recreation SRO and Federal funds.

**Brief Description/History/Background:**

The Bureau of Recreation is rooted in the 1920's when the Conservation Department began construction of developed campgrounds in the Adirondacks and Catskills. The Conservation Department managed the improved facilities within the Forest Preserve through the Division of Lands and Forests, Bureau of Camps and Trails. The Bureau of Camps and Trails was renamed the Bureau of Forest Recreation in 1960, and was again renamed to the Bureau of Recreation when its administration was assigned to the Division of Operations upon its formation in 1970, when the present-day Department was created. Today, the Division of Operations Bureau of Recreation is responsible for the management of 52 campgrounds, 7 day use areas and the Belleayre Mountain Ski Center within the Forest Preserve. These facilities are visited by more than 1,700,000 people each year, and provide employment to over 1,000 seasonal and permanent staff.

**Issues:**

Natural resource protection; ensuring infrastructure is maintained/improved for public safety; management of a large and diverse workforce; conduct management planning in accordance with State Land Master Plans; ensure programs and facilities are universally accessible, and operated in compliance with Department of Health rules and regulations.

**Population Served:**

Outdoor recreation visitors from New York State and beyond. In 2007, 1,700,000 visitors were served.

**Performance Measures:**

Visitor satisfaction and ensuring revenues equal operating costs for that portion of the program covered by user fees.

## Attachment C

### Environmental Conservation: Operations PROGRAM INFORMATION SHEET

**Program:** Bureau of Recreation

**Mandate:**

The Management Goals of the program are to: Manage recreation programs in a manner which ensures protection of the natural resources base in accordance with the Environmental Conservation Law and Article 14 of the New York State Constitution; offer recreational opportunities for leisure time enjoyment for the people of the State; ensure that revenues equal operating costs for that portion of the program covered by user fees; manage the program to enhance economic benefits to local communities and the State.

**Mandated Funding Level:**

Projects are primarily funded by General Fund, Bond Act, Environmental Protection Fund, Capital, major Rehabilitation and Improvement appropriations, Recreation SRO and Federal funds.

**Brief Description/History/Background:**

The Bureau of Recreation is rooted in the 1920's when the Conservation Department began construction of developed campgrounds in the Adirondacks and Catskills. The Conservation Department managed the improved facilities within the Forest Preserve through the Division of Lands and Forests, Bureau of Camps and Trails. The Bureau of Camps and Trails was renamed the Bureau of Forest Recreation in 1960, and was again renamed to the Bureau of Recreation when its administration was assigned to the Division of Operations upon its formation in 1970, when the present-day Department was created. Today, the Division of Operations Bureau of Recreation is responsible for the management of 52 campgrounds, 7 day use areas and the Belleayre Mountain Ski Center within the Forest Preserve. These facilities are visited by more than 1,700,000 people each year, and provide employment to over 1,000 seasonal and permanent staff.

**Issues:**

Natural resource protection; ensuring infrastructure is maintained/improved for public safety; management of a large and diverse workforce; conduct management planning in accordance with State Land Master Plans; ensure programs and facilities are universally accessible, and operated in compliance with Department of Health rules and regulations.

**Population Served:**

Outdoor recreation visitors from New York State and beyond. In 2007, 1,700,000 visitors were served.

**Performance Measures:**

Visitor satisfaction and ensuring revenues equal operating costs for that portion of the program covered by user fees.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Ensure facilities which discharge pollutants to New York's waters do not impact the water's best use.

**Mandate:**

Federal Clean Water Act, Section 402 requires permits for all point source discharges of wastewater and stormwater pollution to surface waters, Environmental Conservation Law, Title 17 prohibits discharge of pollutants to waters of the state (surface water and ground water) without a permit and prohibits contravention of water quality standards. 6NYCRR 750 are the state implementing regulations for wastewater facility permitting and design review. The following requirements are set forth in the Environmental Conservation Law and 6NYCRR Part 650: the qualifications necessary for certification of wastewater treatment plant operators in New York State, and the requirement that wastewater treatment plants be under the responsible supervision of an appropriately certified operator. New York City Watershed Memorandum of Agreement; NYSDEC/NYCDEP Memorandum of Understanding; Safe Drinking Water Act: Section 1443(d).

**Mandated Funding Level:**

There is no mandated minimum funding level. However, the Division receives an annual \$13.0M Performance Partnership Grant (PPG), which requires a \$8.0M state match.

**Brief Description/History/Background:**

Industries, municipal wastewater facilities and others that discharge water to a waterbody must have a permit that requires them to remove pollutants from the discharge to a level which will not adversely impact water quality. The permit program was authorized in the 1972 federal Clean Water Act as the National Pollutant Discharge Elimination System (NPDES). The complementary 1973 Environmental Conservation Law created the New York State version of the federal permit program and it is called State Pollution Discharge Elimination System or SPDES. In 1975, the USEPA approved New York to issue SPDES permits (this delegated to New York the authority of USEPA to issue federal permits). The program ensures the protection of the state's water resources including drinking water supplies, bathing beaches and fishing. The permits can either be issued for an individual entity or for a group operating in a similar fashion and discharging similar contaminants (this is called a General Permit). There are approximately 8,400 Individual Permits and over 11,000 entities covered under 5 state issued General Permits.

**Issues:**

Failure of owners and operators to obtain discharge permits subjects them to significant fines and liability for third party law suits under Section 505 of the Clean Water Act. In the early 1990s, the staffing of the program was at a point where individual permits could not be reviewed and issued in the time frames required by State Law and also the Clean Water Act. As a result a system was put in place that prioritizes which individual permits staff work on which significantly reduced the oversight the state performed on these permits. Throughout the 1990s and into the 2000s staff resources for permitting were reduced to a point where this system was never fully implemented and some permits in the state had not been reviewed for 20 years (the Clean Water Act requires reviews every 5 years). The number of permits being renewed and modified is continuously tracked. Additionally, periodic assessments of permit quality are performed to determine if permits meet all regulatory requirements. This past fiscal year (07-08) the permit modification goal of 10% was met for the first time ever.

However, as noted above, this goal is 50% of what would be needed to meet the 5 year review period contained in the Clean Water Act. Many wastewater treatment facilities were constructed in the early 1970's under the federal Clean Water Act's Construction Grants Program. These facilities are now at the end of their 30-year design life and require repairs and/or replacement. This work must be reviewed by DEC Professional Engineers.

**Population Served:**

26,000+ business and government facilities which are required to have permits. Statewide, states downstream of NY and Canadian provinces.

**Performance Measures:**

1. SPDES permits are reviewed and updated to assure that the discharges from these facilities maintain the quality of the waters of the State in order to protect the use of these waters by the people of the state. This includes drinking water, safe water to swim in, and maintaining an environment for fish to live and reproduce. This involves the review of the levels of pollutants a facility can discharge, a review of the engineered design (plans and specifications) to assure that the facility can remove pollutants, and maintaining design standards for treatment facilities to assure facilities are built to meet appropriate discharge levels. Currently, staff provide this type of review for approximately 150 facilities per year
2. Update five-year wastewater treatment operator training plan, which provides a comprehensive opportunity for wastewater treatment operators to receive training in technical areas of wastewater treatment facility operation.
3. Hold wastewater treatment operator training events in the New York City Watershed to ensure protection of the drinking water supply.



## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Enforce the Clean Water Act and the New York State Environmental Conservation Law to protect the state's water resources

**Mandate:**

Wastewater Treatment Facility Discharge Permits: Federal Clean Water Act, Section 402 requires permits for all point source discharges of pollution to surface waters, Environmental Conservation Law (ECL), Title 17 prohibits the discharge of pollutants to waters of the state (surface water and ground water) without a permit and contravention of water quality standards. This includes wet weather type discharges such as stormwater and Concentrated Animal Feeding Operations (CAFO).

Dam Safety: ECL, Title 15, Article 5 requires any owner of a dam to operate the structure in a safe manner to protect public health, safety, and welfare. DEC regulations set forth in Part 673 establishes specific criteria.

Water Supply Wells: ECL Article 15 requires registration of water supply well drillers.

**Mandated Funding Level:**

There is no mandated minimum funding level. However, the Division receives an annual \$13.0M Performance Partnership Grant (PPG), which requires a \$8.0M state match. Although the federal grant award has declined by almost \$2.0M since FFY 01, it currently funds 93 staff and is matched by 23 NYS funded staff. Of the 115 staff needed to earn the PPG grant, more than half are assigned to compliance and enforcement activities associated with the N/SPDES program.

**Brief Description/History/Background:**

Wastewater Treatment Facility Discharge Permits: Wastewater treatment facilities discharge treated water. Since the early 1970's DEC has ensured that the facilities obtain discharge permits and comply with permit requirements. DEC's enforcement program requires inspections, sampling and enforcement for all discharges. Essential elements of the enforcement program are: Collect and analyze discharge monitoring data; fulfilling federal requirements and makes the data available to the public; inspection of wastewater treatment facilities, industries, construction sites, stormwater, sewer overflow points, and animal agriculture farms; emphasis on enforcement for wastewater treatment facilities in the New York City Watershed; DEC response to citizen complaints such as sewage spills, treatment plant outages, manure spills, fish kills, contaminated wells and beach wash-ups.

Dam Safety: Since the early 1900's, NYS has required dams to operate in a safe manner. Past inspection of 332 high hazard dams shows that 241 dams need further in-depth investigation to ensure safety of downstream residents. Of the 241 dams, 48 dams have not been brought into compliance. DEC enforcement burden and responsibility will increase with promulgation of enhanced oversight provide by new regulations in fiscal year 2009.

Well Drillers: Since 2000, DEC has required the registration of well drillers and water supply wells to ensure wells are properly installed, to manage groundwater supplies and provide essential data on the quantity and quality of the state's groundwater resource. The state's groundwater is a valuable resource as it is suitable as a source of drinking water.

**Issues:**

Wastewater Treatment Facility Discharge Permits: The number of regulated facilities has grown 65% in the last 5 years. The information required to be managed has grown 30% over the last 5 years. However, the workforce has not been able to keep pace with the increases. Inspections of sewage treatment plants and industries decreased by 25% of the last 5 years. This has led to the rate of significant non-compliance for major wastewater treatment plants and industries in NYS to be greater than the national average for the last five years. Water enforcement penalties provided an annual average of \$ 1.92 million over the last four years. Water enforcement orders provided \$7.78 million in environmental benefit projects to local communities over the last four years. If the ability to conduct enforcement has decreased, penalty collection will also decreased.

Dam Safety: Identifying unsafe dams for enforcement; Engineering & legal resources to ensure proper design; Enforcement backlog; OSC audit findings need corrective action; Implement new regulations to increase dam safety

Well Drillers: Enforcement of the well driller program needs to become a larger priority within the Division. Groundwater is an important source of drinking water for many New Yorkers and further cuts to the program could have an impact on the public safety.

**Population Served:**

Statewide

**Performance Measures:**

Wastewater Treatment Facility Discharge Permits: Collect and analyze discharge monitoring data to determine rates of compliance; Number of inspections ensure compliance with performance standards; Number of Enforcement Orders to require pollution controls; Number of Penalties returned to state general fund; Number of facilities returned to compliance.

Dam Safety: Number of enforcement orders to fix dams; Number of Inspections to determine if dams are safe; Dams brought into compliance with safety standard.

Well Drillers: Ensure that well drillers are properly certified through the well drill registration program and wells are constructed properly.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Ensure that dams are safely operated

**Mandate:**

ECL Article 1 and ECL Article 15 requires that any owner of a dam or other structures which impounds waters shall at all times operate and maintain said structures and all appurtenant structures in a safe condition. This requirement is largely in place to safeguard life, property, and natural resources. DEC regulation 6NYCRR Part 673 establishes the specific criteria by which the department determines if a dam is being operated and maintained in a safe manner. 6NYCRR Parts 608 and 621 define the construction permit program.

**Mandated Funding Level:**

There is no mandated minimum funding level. However, the Department currently receives a FEMA National Dam Safety Act grant which funds a staff person. The state's matching requirement is the commitment to maintain the same dam program spending level as the preceding two years. In FFY 05, staffing shortfalls resulted in NYS not being eligible to apply for this grant because of the inability to meet the matching requirement.

**Brief Description/History/Background:**

The NYS's Dam Safety Program originated in the early 1900's and consisted of permit reviews and inspections. The program now includes performing permit application reviews and approvals, conducting dam inspections and issuing reports, providing technical assistance, reviewing and approving emergency plans, and conducting enforcement efforts to bring sub-standard dams into compliance with dam safety requirements. There are 6,845 dams listed in the DEC's Inventory of Dams. Of these, 391 are dams whose failure would result in the highest public safety concern and are inspected every two years. 754 are dams whose failure would result in a lower public safety concern and are inspected every four years. The remaining dams are inspected as concerns are identified. Program staffing decreased from 1995 to 2006 and the department was not able to complete its mandated work. Dam safety inspections were late or not completed, enforcement actions were delayed, and permit applications were not addressed in a timely manner.

In recognition of the importance of dam safety to the state and its citizens, especially given the recent failure of the Hadlock Pond Dam, the Legislature authorized an increase in staffing in the 2007-2008 budget. A NYS Comptroller's audit of the Dam Safety Program, Report 2006-S-61, had a key recommendation of increasing staffing levels to meet inspection and enforcement goals.

**Issues:**

§ Routine dam inspections & dam permit reviews – These vital activities are necessary to protect life and property. Maintaining funding levels is critical to ensure inspections are performed and dams are properly maintained, operated, and/or repaired. In addition, maintaining existing funding levels will enable timely review of plans for repairs necessary to bring the dam up to current safety standards.

§ Construction inspections – Providing sufficient staff and resources to perform inspection while dams are being built or repaired will increase public safety. Statistics show that approximately 40% of dams that fail, do so within their first year of operation. Inspections performed during a dam's construction will reduce potential initial filling failures that put lives and property at risk and increase state expenditures.

§ Complete update of Part 673 regulations – Providing resources to complete the regulatory process leading to the adopt Part 673 regulations is critical to the Department's goal of ensuring owners are responsible for the safe operation of their dams. The regulations include requirements for: inspections, monitoring, maintenance and operations, emergency action planning, financial security, and record keeping and reporting. The regulations will provide greater consistency in the way dams across the state are operated and maintained resulting in a benefit to public safety and the environment.

§ Dams with safety concerns - Providing sufficient staff and resources to enforce timely correction of dams with safety concerns that endanger public safety. Enforcement delays place the lives and property of the people of the state in jeopardy. This is a key point of the Comptroller's audit of the Dam Safety Program.

§ Dam removal – Provide sufficient capital funds to implement a Department initiative to remove non-functional dams and restore streams to a natural state.

§ Emergency plans – Emergency plans provide state, county and local emergency responders a plan that will protect lives of downstream residents in the event of a dam failure. Maintaining funding for staff that assist dam owners in the development of these plans is vital to ensure that the plans are periodically updated, addresses critical response elements, includes all potential failure scenarios, and are distributed to the appropriate officials. Staff also participates in emergency drills to ensure there is an appropriate response resulting in improved public safety.

**Population Served:**

People of the State of New York; Dam owners and Hydroelectric Generators; NY State agencies (SEMO, DOH); Local municipalities (including consumer of water, i.e., New York City); Federal Government: US Army Corps of Engineers, National Resource Conservation Service, FEMA

**Performance Measures:**

Conduct a visual inspection of 350 dams.

Perform dam safety permit reviews in accordance with the time frames outlined in the Uniform Procedures Act.

Conduct enforcement actions against dam owners who fail to comply with safety requirements.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Flood Protection and Mitigation

**Mandate:**

ECL Article 16 mandates DEC to participate in federal flood control projects programs. This includes planning, design, construction, operation, and maintenance of flood control facilities. ECL Article 34 mandates the management of coastal erosion hazard areas and establishes rules for their formation. ECL Article 36 establishes the DEC as the State coordinating agency for the National Flood Insurance Program, including flood plain management, flood plain mapping, and providing technical assistance to local government.

**Mandated Funding Level:**

There is no mandated minimum funding level. However, the Department receives three annual FEMA grants which provide funding for staffing and non-personal services for flood plain management and flood plain mapping programs. The Community Assistance Program-State Support Services Element (CAP-SSSE) grant funds four staff and requires a 25% state match. The Flood Plain Mapping (FPM) grant also funds four NYS staff. Although the FPM grant has no mandated match requirement, FEMA's past and current practice is to limit its awards to those states that continually reflect a shared, vested interest to enhance the federally funded effort through a contribution of 25% in state funding. NYS Capital funds are used to provide FEMA with that assurance of its shared commitment to the program.

**Brief Description/History/Background:**

Flood control, coastal erosion, and flood plain management programs are DEC programs that reduce the risk to life and property through management of flood hazards dating back to the early 1900's. The Floodplain Management Program provides assistance to local communities such that activities in a flood plain are completed in accordance with FEMA standards to reduce the risk to life and property. This is accomplished through proper management of activities in flood prone areas and providing up-to-date flood plain maps. The DEC is participating in FEMA's national map modernization program to update and digitize county flood maps. The Department assists FEMA in the coordination of the National Flood Insurance Program which provides low cost flood insurance to homeowners in over 1,500 local communities. This program is currently recertifying the 58 state owned levees in accordance with the National Levee Safety Program standards (44CFR 65.10). Funding includes multiple grants from FEMA with a required state match.

The Coastal Erosion Protection Management Program includes responsibility for approximately 50 shore protection, navigation dredging, harbor drift removal, and beach nourishment projects. This program also provides emergency response to coastal storm events. The program develops contracts, working with the Army Corps of Engineers and local government, for the planning, development, and maintenance of coastal erosion projects. The Department also administers and enforces the state's coastal erosion hazard area program for 88 local municipalities.

The Flood Control Projects Program includes responsibility for operation, maintenance, and annual inspections of 103 existing flood control facilities. The program develops contracts, working with the Army Corps of Engineers and local government, for performing studies, planning, developing, and maintaining flood structures. The Flood Control Program also provides emergency response to flood events. The State's participation in the flood control program fulfills a federal requirement for a non-federal sponsor.

**Issues:**

Increased frequency and intensity of storm events – Changes in the climate have increased the frequency and severity of flood events within the state. There were major flood events in 2006, 2007, and 2008 that resulted in the loss of life and significant property damage. There is increasing attention by elected officials to these programs to ensure that flood protection projects are aggressively pursued.

Increasing level of protection in flood plains – Need to address relocation of homes and businesses out of flood plains and coastal erosion hazard areas to reduce flood damages to the citizens of the State.  
Update of mapping for flood plain and coastal erosion hazard areas – Adequate level of funds and staff are needed to complete the flood plain mapping initiative in cooperation with FEMA and conduct the statutory required remapping of coastal erosion hazard areas. These maps are critical to assure protection of the public and the environment from storm events.

Flood control and coastal erosion project management & citizen outreach – Maintaining funding for staff and resources to manage flood control and coastal erosion projects is vital to the protection of life and property.  
Personnel safety at flood control projects – Many existing flood control projects lack adequate personnel safeguards. Capital funding must be provided so these facilities can be brought up to federal and state safety standards.

**Population Served:**

People of the State of New York; NYS Environment; Local municipalities and Federal Government (FEMA, US Army Corps of Engineers); Emergency Response Agencies (State, County and Federal); State Agencies (Dept. of Transportation, Dept. of Health, State Emergency Management Organization)

**Performance Measures:**

Conduct community assistance visits in communities participating in the National Flood Insurance Program to assist local government in development of local laws enabling citizens the opportunity to obtain low cost flood insurance.  
Conduct workshops in flood prone areas for local officials and their consultants to encourage them to protect their communities by participating in the National Flood Insurance Program  
Administer coastal protection measures of the National Coastal Zone Management Program to ensure protection of natural coastline features.  
Administer, with state and local partners, the Coastal Erosion Hazard Areas program to protect New York State's coastline from erosion.

New flood control and coastal erosion protection capital projects are pursued where determined appropriate to address the need to provide storm damage reduction.

Conduct inspection of the State's 103 flood control facilities with the Corps of Engineers to insure projects can perform adequately during emergencies.

Conduct maintenance of Long Island navigation channels to insure safe conditions for public and commercial boating activities.  
Levee certification – The state owns 58 levees that need to be certified as meeting federal design standards. Funding needs to be provided that will allow the Department to determine if the levees meet federal standards and, if not, to bring the levees into compliance. Homeowners and businesses depend on these levees for protection of their lives and property and the availability of low-cost national flood insurance.

Review of locally administrated coastal erosion hazard areas programs for adequacy – staffing is needed to review locally administered programs and assure the programs meet statutory and regulatory requirements that protect lives, property and the environment.

Environmental Conservation: Water  
**PROGRAM INFORMATION SHEET**

**Program:** Protect and conserve New York's water resources

**Mandate:**

ECL Article 15 - Water Resources; ECL Article 21 - Interstate Compacts

**Mandated Funding Level:**

There is no mandated minimum funding level. However, the Department receives an annual Performance Partnership Grant of \$13.0M which requires a \$8.0M state match. Although staffing in the groundwater program has decreased, in order for DEC to continue receiving this grant, EPA has required that a separate component be reserved specifically to address the state's groundwater program needs. The grant requires specific reporting on a semi-annual basis regarding the groundwater studies and groundwater mapping program as well as the implementation of the water well drillers registration/reporting.

**Brief Description/History/Background:**

In the early 1970's, the Department recognized the need to regulate water releases from large reservoirs to protect downstream fish populations. The resulting reservoir releases program has led to the development of world class, cold water fisheries below many of the City of New York's upstate reservoirs adding an estimated 17 million dollars annually to the local economies. In the northern half of the state, the threat of large scale water exports from the Great Lakes and their surrounding watershed led the Department in 1989 to begin to register all significant water withdrawals. It is extremely important to quantify the over 3 billion gallons per day water needs of the state's businesses and industries to protect their future access to the resource. To further protect this water resource, New York partnered with the other Great Lakes States and Provinces leading to the recent enactment of the Great Lakes - St. Lawrence River Basin Compact into NYS statute.

This Compact bans, with limited exceptions for local water supply needs, all water diversions from the Great Lakes Basin. It also requires the upgrade of the current registration program with emphasis on requiring environmentally sound and economically feasible water conservation and efficiency measures. Statewide, the Department has also partnered with United States Geological Survey to map 38 Principle and Primary groundwater aquifers. These aquifers are often the sole source of drinking water for local communities and need to be fully understood to ensure their continued protection. Unfortunately, these currently mapped areas still only cover approximately 10% of the state.

Finally, New York is also a voting member of two Federal Interstate Commissions. The Delaware and Susquehanna River Basin Commissions regulate water withdrawal and usage decisions for approximately 20% of southern NYS including the City of New York's main reservoir supply of up to 800 million gallons per day. As New York is the upstream state in both basins, there is constant pressure from the remaining states to maximize the amount of water that they receive. The Department's direct role in these Commissions is critical to continued equitable allocation of these water resources.

**Issues:**

Improvements to the Flexible Flow Management Plan (FFMP) for NYC Delaware River Reservoirs are needed to insure the safety of the New York City drinking water supply for 9 million people, assist with flood mitigation and protect the \$17M annual local fishing economy. Further cuts to the program could, therefore, threaten public health and safety as well as the economy. The erosion of staffing over the years in the water resources program has reduced the Department's ability to ensure that appropriate water conservation measures are applied statewide. Further cuts to the program may further limit water conservation efforts and exacerbate future water supply shortages. Limited financial resources have hindered the mapping of groundwater aquifers. Only 10% of the state is currently mapped. Further cuts to the program could have an impact on our ability to understand and manage New York's groundwater resources and, as a result, threaten public health and the economy.

**Population Served:**

Statewide

**Performance Measures:**

Issue Great Lakes water registrations and collect annual water use data to ensure future access to and conservation of the resource.

Implement water conservation measures in the Great Lakes Basin to protect the resource and ensure its availability for future generations.

All significant aquifers mapped to ensure continued protection of groundwater drinking water supplies.

Continue voting member role on river basin Commission decisions to ensure adequate protection and equitable distribution of water resources by and among member states.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Protect surface and groundwater sources for Drinking Water supplies and ensure the equitable distribution of those waters.

**Mandate:**

CWA Section 305b; ECL Article 15 - Water Resources; ECL Article 21 - Interstate Compacts; Executive Order No. 116: State Drought Management Task Force

**Mandated Funding Level:**

There is no mandated minimum funding level. However, the annual Performance Partnership Grant includes specific reporting requirements on the overall water well drilling program with particular focus on water supply wells in Nassau and Suffolk County as well as specific reporting requirements regarding technical assistance related to pump tests and municipal groundwater withdrawal issues.

**Brief Description/History/Background:**

The Department's protection of New York State's drinking water has a long history. The Public Water Supply Permit Program is one of its oldest programs in the state, issuing over 10,000 permits since 1905. These permits currently regulate the withdrawals of over 3,200 public water supply systems to ensure the equitable use and conservation of over 4 billion gallons of water served to their customers each day. One of the foremost concerns of any public water supply is drought. In an effort to assist the state's water systems in dealing with the occurrence of significant droughts, the Department has monitored and evaluated statewide drought conditions since 1980 as a principle member of the State Drought Management Task Force. Water suppliers depend upon regional drought declarations and recommendations of the Task Force to guide them in the implementation of actions necessary to achieve water use reductions during these times.

To ensure that the state's groundwater resources were being properly developed and protected for private water users, in 2000, the Department also began requiring that all water well drillers be certified, registered and required to submit well drilling data. Since almost 6 million New Yorkers depend upon wells to provide their drinking water, it is important these wells are constructed and maintained by qualified well drillers. To date, 504 well drilling companies have been registered by the Department with over 70,000 wells having been drilled. Finally, to ensure continued protection of our groundwater quality, the Department has also partnered with United States Environmental Protection Agency and United States Geologic Survey in systematically sampling drinking water wells throughout the state to monitor groundwater quality. The Department also enforces violations against entities who violate these provisions.

**Issues:**

There is a need to expand the regulation of non public water supply withdrawals. Throughout much of the state, there is little oversight of these withdrawals and their impacts on private and public drinking water supplies. Increasing demands from the bottled water and natural gas drilling industries will only add to these concerns.

There is a need to expand the state's drought monitoring well and stream gauge network. Public water suppliers have become increasing reliant on the Department to accurately evaluate drought conditions. Data gaps such as those recently identified by the Hinckley Reservoir Report need to be addressed.

There is a need to improve enforcement of the well drillers registration program to ensure that drinking water wells are properly installed to protect groundwater resources and public health.

There is a need to increase the number of wells sampled for water quality. There are still large areas of New York State that have insufficient data available to accurately assess groundwater quality.

**Population Served:**

Statewide

**Performance Measures:**

Permits reviewed and issued to public water suppliers to ensure adequacy of supply, consideration of reasonable alternatives, equitable distribution and conservation of the state's water resources.

Drought conditions evaluated throughout the state to provide information and assistance to water users.

Well drillers registered to ensure the protection of private water consumers and the responsible development of the state's groundwater.

Wells sampled to continue to evaluate the overall groundwater quality of the state and help identify specific areas of concern.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Control of polluted runoff to protect New York's waters

**Mandate:**

Clean Water Act Section (CWA) 319, 402(p) and 419. Environmental Conservation Law Article 17, Sections 8 and 70. 6NYCRR Part 750-1.4 and incorporated by reference 40 CFR Part 122, 124, 125 and 412. EPA/DEC Memorandum of Understanding dated 1976, last revised in 2000. Annual performance partnership agreement with EPA.

**Mandated Funding Level:**

There is no mandated minimum funding level. However, the permitting of discharges previously considered non-point source such as stormwater and animal feeding operations has created a significant increase in workload with no correlated increase in funding. In addition, the Division receives an annual \$13.0M Performance Partnership Grant (PPG), which has a required \$8.0M match. Of the \$13.0M in federal funds, \$6.5M is CWA Section 319 non-point source funds which carries a 40% match requirement. The PPG grant provides the flexibility to combine former categorical grants and direct the pooled funds towards joint USEPA/NYSDEC priorities across program areas. Due to cuts in both state and federal funding, the Division actively pursued the PPG grant to allow DEC to use the 319 funds to support existing staff. However, in order to do so, NYS needs to continue to provide a comparable amount of EPF funds to meet our nonpoint source reporting requirements.

**Brief Description/History/Background:**

New York State administers many programs to reduce polluted runoff. To ensure protection of water quality, DEC issues general permits to cover stormwater from construction sites, industrial sites, municipal separate storm sewer systems and concentrated animal feeding operations. Approximately 6,500 construction sites, 1400 industrial sites, 500 municipal storm systems, 600 concentrated animal feeding operations are currently addressed by this program. Approximately 150 new construction sites are authorized each month. The DEC issues the permits in lieu of EPA as part of an approved Clean Water Act program, consistent with federal rules and guidance addressing these discharges. The core requirement of these permits is for compliance with technical standards, developed consistent with federal rules.

In accordance with Clean Water Act requirements, New York first started permitting large numbers of stormwater discharges in 1993. The Department developed state-of-the-art standards for stormwater in 2003 and 2005. However, the state of stormwater treatment science is changing rapidly and there is a strong demand for updated standards, especially as it relates to green infrastructure (low impact development, better site design, environmentally sensitive design). The concentrated animal feeding operations program was created in 1999 in response to litigation in the Western District of NY against Southview Farms to address contaminated runoff. This program ensures that manure nutrients from large farms are recycled to grow crops rather than allowing those nutrients to reach the waters of New York State.

Numerous contaminated runoff issues are addressed through nonpoint source grants. Nonpoint source grants address contamination through onsite wastewater management, development of design standards; and development of planning strategies including decentralized systems for clusters or small communities. Nonpoint source grants foster river and stream protection and restoration.

**Issues:**

Polluted runoff is listed as the cause of almost one third of water quality problems in New York State. Failure to obtain permits for construction sites, industrial, municipal and concentrated animal feeding operations subjects operators and owners to significant fines and liability for third party law suits under Section 505 of the Clean Water Act. The concentrated animal feeding operations permit is scheduled to be renewed in 2009. This permit renewal may be litigated by industry and/or environmental groups creating a situation that requires resources for future years.

**Population Served:**

Statewide

**Performance Measures:**

1. Permits issued to, in the most cost effective way, protect water quality in pristine areas and restore water quality that is already degraded.
2. Issue permits to covered site thereby ensuring adequate controls and enabling enforcement by DEC.
3. Update standards to provide the most up-to-date and cost effective control practices to permittees.
4. Demonstrate nonpoint source control successes to show practices that work and assure continued federal funding.
5. Update grant reporting to assure continued federal funding.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Protect and restore New York's watersheds

**Mandate:**

State: ECL 21, 15-0313; 17-0303; 17-0701; 17-0101 Federal: CWA 303(e); 117; 118; 119; 120; 320; 303(d); 303(c)

**Mandated Funding Level:**

There is no mandated minimum funding level. However, the Department receives an annual Performance Partnership Grant of \$13.0M which requires a \$8.0M match. In order to receive the \$13.0M grant, EPA has required that one component which previously included overall watershed planning and implementation now focus entirely on Total Maximum Daily Loads (TMDLs). In addition, the Division receives an annual CWA Section 604(b) grant which requires Water Quality Standards to be one of its two major programmatic components.

**Brief Description/History/Background:**

The protection and restoration of New York's waters is achieved using a watershed based approach. Watershed management activities include the development of strategies to protect and restore the waters of the state. This activity is undertaken with the active cooperation of other state, federal and local stakeholders, including a number of interstate commissions associated with Article 21 of the ECL. New York's participation in watershed based programs began in the mid twentieth century, with the establishment of the interstate commissions. This watershed approach has since expanded into drainage basin management areas that cover most of New York State. A watershed based approach allows water resource issues to be addressed in a holistic and comprehensive way that crosses jurisdictional and programmatic boundaries, therefore local, state, interstate, and federal partnerships are an essential element of the approach.

In addition, management programs for a few specific watersheds have expanded beyond water resource concerns to include fish, wildlife, lands and forests, habitat and other natural resources. These programs, which are the result of state and federal initiatives, are discussed in further detail in, the Division of Water Core Mission Fact Sheet # 11, Protecting the Great Lakes, Hudson River Estuary and New York City Watershed. Another essential element of watershed management is assigning waterbody classifications and establishing water quality standards for the surface and ground waters of the state. These assigned uses and standards, mandated by state and federal law, represent specific management goals for the protection of appropriate uses, such as swimming, use as a drinking water supply, recreation and support of healthy aquatic ecosystems. They are the basis of case-by-case evaluations of water quality impacts from existing and proposed discharges and other sources of water pollution. These evaluations assure that watershed management strategies are effective and protective of water resources.

The development of strategies relies on good science, current information and expertise in the various issues associated with the effects, fate and transport of toxics and other pollutants in aquatic ecosystems.

**Issues:**

The establishment of water body classifications and standards to protect them has not kept pace with the emergence of new chemicals and new information on the effects of nutrients on water quality. Without up to date classifications and standards, and the implementation of actions to achieve them, the waters of the state will not be protected, and waters currently safe for swimming, drinking, boating and healthy aquatic life are at risk from activities that impact water quality and quantity.

The establishment of water body classifications and standards to protect them has not kept pace with the emergence of new chemicals and new information on the effects of nutrients on water quality. Without up to date classifications and standards, and the implementation of actions to achieve them, the waters of the state will not be protected, and waters currently safe for swimming, drinking, boating and healthy aquatic life are at risk from activities that impact water quality and quantity.

The development of watershed management strategies requires a strong leadership role and or active participation by DEC in order that the state's interests and environmental objectives are achieved without undue economic impact. Programs that do not achieve federal mandates risk the loss of federal funding.

**Population Served:**

Statewide

**Performance Measures:**

The number of waterbodies that have shown an improvement (or decline) in their condition based on the WI/PWL tracks the

The number of Total Maximum Daily Loads (TMDLs) established shows progress in developing specific plans to restore waterbodies impacted by pollution causing potential risk to human health and the environment.

Individual watershed management plans developed or updated and incorporated into the state's water quality management plan (as required by the federal Clean Water Act) assure that the water quality problems that threaten public health and a healthy environment use being addressed.

Reclassification of waterbodies and promulgation of new water quality standards/guidance values assure that actions taken to protect and restore water quality are based on the most current information and local objectives. The number of water quality reviews of projects or activities conducted assures that new and existing actions that impact water quality do not cause degradation of water quality.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Assess the quality and quantity of New York's waters

**Mandate:**

State: ECL 3-0301;17-0101; 17-0303; 17-0305; 15-0301; 15-0303; Federal: Clean Water Act Sections303c; 303(d);305; 314; 319

**Mandated Funding Level:**

No mandated funding. Over the last twenty years, the Division of Water's state non-personal services budget was drastically reduced from \$3,400,000 to less than \$800,000. For the past 10 years, \$500,000 of that amount has allocated to the statewide monitoring network. In addition, since FFY 01 the Division's federal grants have been reduced by \$10M. To avoid the loss of critical staff, the monitoring program absorbed the majority of these reductions. While the monitoring program remains the single, largest expenditure in the Division, these continuing long-term reductions have dramatically impacted the program and its reporting capabilities. The Division receives an annual EPA Performance Partnership Grant (PPG) of \$13.0M which requires a \$8.0M match. One of EPA's priorities and a major components of this grant is Water Quality Assessment and Reporting to ensure compliance with CWA Sections 305(b) and 303(d). The CWA §305(b) process is the principal means by which EPA, Congress, and the public evaluate whether the U.S. waters meet water quality standards, the progress made in maintaining and restoring water quality and the extent of the remaining problems.

Sections 305(b) and 303(d) carry specific reporting requirements which are also part of the requirements for continuation of PPG funding.

**Brief Description/History/Background:**

The Division of Water has been monitoring the waters of the state since the early 1970's. This program accomplished the state and federal mandates to monitor, assess, and report on the quantity and quality of the waters of the state. Understanding current conditions (quality and quantity) and how water resources respond to pollution, and the actions taken to control pollution and manage quantity is fundamental to the protection and restoration our water resources and informing the public of their condition. The Division is implementing our federally mandated monitoring strategy to the extent that resources allow and continues to report to the public and federal government on a regular basis. In order to make the best use of the limited resources available, monitoring and assessment is done on a five year cycle focusing on a few major watersheds each year.

This program includes not only the monitoring activities and reporting the results, but a consistent, defensible, assessment of the information available and the development of reports that compile information of the condition of all the water bodies in the state, and the degree to which they are safe to swim in, safe to drink, meet recreational uses such as boating, and provide a healthy environment for aquatic life.

**Issues:**

Loss of this activity disrupts continuity in records which, because of environmental variability, makes it difficult to draw conclusions needed to make important management decisions. Recent reductions in federal support of programs such as USGS gauging stations means that the state must use its own scarce resources to perform these actions, or face losing important information. Loss of this activity will create an inability to tell the public if rivers, lakes and estuaries are suitable for swimming, drinking, boating or supporting a healthy aquatic ecosystem. Failing to meet federal mandates regarding a statewide monitoring program puts federal funding at risk.

**Population Served:**

Statewide

**Performance Measures:**

Monitor and assess water bodies statewide to determine safety for swimming, drinking and other uses.

Collect and analyze water samples from water bodies statewide to document current water quality and ensure public health and safety.

Analyze database of water samples collected over time to determine changes in water quality and target resources at water bodies showing decline.



## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Assist communities to achieve our common environmental goals through competitive water quality management and water quality improvement contract procurement.

**Mandate:**

Clean Water/Clean Air Bond Act: Article 56, Title 1 and 3 of the Environmental Conservation Law

EPF: Article 54, Title 1 and 3 of the Environmental Conservation Law

Federal Clean Water Act, Sections 205(j) and 604(b) Water Quality Management

**Mandated Funding Level:**

The funding level for water quality improvement projects was established in the 1996 Clean Water/Clean Air Bond Act. There is no mandated minimum funding level for water quality improvement projects in the Environmental Protection Fund. However, reporting on the executed non-point source contracts is a requirement to receive and maintain our annual federal Performance Partnership Grant (PPG). These contracts have also been used to meet the \$8.0M match which is required to maintain the use of our \$13.0M PPG funds. Appropriations in recent years have been increased to begin to offset the reduction in available funding following the obligation of the full Bond Act as follows: 2006-07: \$5,502,000; 2007-08: \$6,417,000 and 2008-09: \$6,500,000

There is no mandated minimum funding level for CWA Section 604(b) funding. The federal allotment is one percent of the federal State Revolving Loan Fund Capitalization grant. These funds must be reserved to carry out planning activities which must be included in a semi-annual report to EPA. The Division of Water receives these funds through an annual EPA grant which funds staff. In accordance with CWA §604(b)(3), the state must "pass through" 40% of its grant to eligible comprehensive planning organizations in New York State and to appropriate Interagency Planning Organizations. The amount "passed through" in the last three years was: 2006-07: \$390,531; 2007-08: \$477,316 and 2008-09: \$303,472. Please refer to the Issues below regarding the impact of continuing federal cuts.

**Brief Description/History/Background:**

The Division of Water provides funding to local municipalities for projects that improve water quality. In addition a separate federal revenue source is used to provide funding to statewide planning boards for comprehensive regional planning efforts. Since 1965, New York State has provided grants to localities to improve water quality in their communities. NYS voters approved Bond Acts in 1965, 1972 and 1996, with the bulk of the funds used for wastewater needs, and the remainder for controlling polluted runoff, ensuring dam safety and implementing flood control measures.

The currently funded program, called the Water Quality Improvement Projects (WQIP) program, primarily consist of 1996 Clean Water/Clean Air Bond Act and Environmental Protection Fund monies. Occasionally other funding sources, such as Long Island Sound Restoration Act fund are included. The types of projects conducted by municipalities under this program include: addressing wastewater treatment infrastructure needs; helping municipalities comply with the federal Clean Water Act's Phase II stormwater controls; stopping polluted runoff; helping to reduce the amount of pollution in waterways; restoring critical aquatic habitats; and ensuring dam safety and implementing flood control measures.

Beginning in 1982 as required by the federal Clean Water Act 604(b), a separate sources of funding has been "passed through" to regional planning entities to further Departmental priorities. In general, regional planning boards work primarily with municipalities, assisting them with the preparation of coordinated comprehensive plans and work with them on community development initiatives to enhance economic opportunities, provide human services, share resources, develop infrastructure, protect the environment and improve the overall quality of life in NYS. The regional planning boards and the Department have many shared goals and a long working relationship. Working with the boards allows the agency to have a trusted local voice deliver important messages in a cohesive fashion virtually statewide. Activities currently funded under this grant focus on helping municipalities comply with the federal Clean Water Act's Phase II stormwater requirements, supporting County Water Quality Coordinating Committees and meeting other regional water quality needs.

**Issues:**

The purpose of the NYS Bond Act and EPF funding is used for projects to improve water quality. The program is structured to fund projects that have strong local buy-in, from a technical and fiscal perspective, and are a priority for the state. Statewide, the need is much greater than the amount budgeted. The lack of funding has been keenly felt in recent years as the 1996 Bond act funds are fully awarded. The federal government has dramatically cut funding to the Clean Water State Revolving Fund in recent years, which in turn reduced the 604(b) allocations from \$1,411,580 in State Fiscal Year 2004 – 05 to \$758,679 in State Fiscal Year 2008 – 09. These cuts not only reduced the number of staff funded under this grant from eight (8) to four (4) but also forced corresponding cuts in pass-through funding to the regional planning boards from \$603,692 to \$303,472. These cuts have in-turn caused a reduction in the contribution the regional planning boards are able to offer to assist us with our priority programs.

**Population Served:**

Citizens across the state of New York.

**Performance Measures:**

The Office of the State Comptroller approves the procurement process prior to contract execution. The Division oversees the implementation of the project on a technical level by negotiating workplans and budgets, providing technical support and inspecting the final project. The Division also oversees the fiscal administration of the grant to ensure that all federal and state accounting requirements are properly met. Quarterly reports and/or meetings are used to monitor progress. Semi-annually reporting on water quality planning and nonpoint source implementation projects are federal grant requirements.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Protecting the Great Lakes, Hudson River Estuary and New York City Watershed

**Mandate:**

Great Lakes Program: State: ECL 14.0101; 15.1601; 21-0901; 21-0903; 21-0917; SFL 97-ee; Federal: 33USC1268  
Hudson River Estuary Program: ECL §11-0306 (development and implementation of the Hudson River Estuary Action Agenda).  
ECL §11-0306 (Hudson River Estuary Coordinator to manage the program and assist the commissioner and the advisory committee in its development and implementation).

*New York City Watershed Program:* The New York City Watershed program was created, in part, through New York State's signing of the historic and landmark 1997 New York City Watershed Memorandum of Agreement (MOA), between the City of New York, New York State, federal government, environmental organizations, and the upstate New York City watershed communities. (NYCDEP/NYSDEC Memorandum of Understanding implements Safe Drinking Water Act (SDWA) Section 1443 (d).) The MOA is a legal and binding contract under State law and includes a comprehensive long-ranged watershed protection and water quality enhancement program. The New York City Watershed program is also a critical element of the USEPA's issued 1997, 2002 and 2007 Filtration Avoidance Determinations (FAD) which allows NYC not to filter drinking water from the Catskill/Delaware system, provided it continues to ensure the excellent quality of the water from this system. This is accomplished through the implementation of water quality protection programs including wastewater, septic, agricultural, stormwater, forestry, stream protection, and land acquisition. The MOA and FAD contain clear mandates, obligations and

**Mandated Funding Level:**

Great Lakes Program: No mandated funding. There has been an annual appropriation of \$1,134,000 for the past four years from the New York Great Lakes Protection Fund ("Fund"), a special revenue account, although funds unobligated each year remain in the account to accrue interest in order to sustain the long-term viability of the Fund as mandated. The annual appropriation provides for personal services of one FTE to administer non-personal services distributions in the form of grants and contracts consistent with the mission of the Fund, and to direct and coordinate all activities pertinent to the overall Great Lakes Program.

*Hudson River Estuary Program:* There is no mandated minimum funding level. A budget line for the Hudson River Estuary Program has been included in the Environmental Protection Fund since 1996, with an annual appropriation ranging from \$5-\$6.5 million to fund the Hudson River Estuary Action Plan. The Estuary Program also receives \$100,000 in an annual state operations appropriation to support basic office needs and a federal grant funds two staff for overall program management.

*New York City Watershed Program:* There is no mandated minimum funding level. The budgeted New York State funding level for the New York City Watershed program for State Fiscal Year 2007-2008 was \$5,324,850. Between 1998 and 2005, EPA awarded \$41,000,000 in federal Safe Drinking Water Act (SDWA) grant funds to DEC. These funds were used to assist DEC, the Department of State, Office of the Attorney General and the Department of Health to fulfill their obligations under the above-referenced MOA. NYS continues to meet its mandated obligations with a limited balance of unexpended federal funds and the NYS appropriations.

**Brief Description/History/Background:**

Great Lakes Program: The Great Lakes Program encompasses the overall direction and coordination of intra-Department programs requiring the interaction of the Department's core missions with broader and external State agency programs, strategies and agreements of the international Great Lakes-St. Lawrence River region. This includes serving as the Department's representative on federally-mandated binational management committees, interstate councils and commissions, and regional task forces. This year, the Great Lakes Program is becoming a formalized entity within the state through the Oceans-Great Lakes Ecosystem Conservation Act (ECL 14.0101). Among the continuing responsibilities is the ongoing management of the New York Great Lakes Protection Fund (NYSGLPF) that provides local governments, science and research institutions, and not-for-profit organizations with state assistance funding for eligible projects. The NYSGLPF was established in Chapter 148 of the Laws of 1990 and in Section 97ee of the State Finance Law.

The legislative objective of the Fund is to promote actions that will protect, restore and improve the health of New York's Great Lakes basin and those that support controlling and eliminating discharges of critical pollutants into the Great Lakes ecosystem of New York State.

Hudson River Estuary Program: The Hudson River Estuary Program was established in 1987 under the Hudson River Estuary Management Act, Section 11-0306 of the Environmental Conservation Law. The law directs the Department of Environmental Conservation to develop a management program for the Hudson River Estuarine District and its associated shorelands. The purpose of the program is to protect and conserve natural resources and ecosystem health; clean up pollution and other impairments; and promote public use and enjoyment of the river. Unique to this planning effort is the legislative directive to manage the Hudson estuary as a distinct ecosystem. To carry out this directive, the Hudson River Estuary Action Program combines scientific research, resource protection and management, public involvement and education in an integrated program, serving as a model for the Ocean and Great Lakes Council's Ecosystem-Based Management initiative formed in 2007 under the New York Ocean and Great Lakes Conservation Act (ECL 14-0107).

New York City Watershed Program: The New York City Watershed is the largest unfiltered drinking water supply in the United States. The watershed is only 2,000 square miles, yet it supplies 1.3 billion gallons of high-quality drinking water daily to nine million New Yorkers (half the population of New York State). Although the New York City Watershed's geographic area is relatively small, its importance is unprecedented from a public health/safety and economic perspective by serving as the vital life-line that keeps New York City's metropolitan area thriving and economic machine running each day.

**Issues:**

Great Lakes Program: Loss of this activity would prevent the Department and New York State from effectively engaging in the broader policy development and implementation agendas of the international Great Lakes-St. Lawrence River region. It also would eliminate the Department's nominal capacity to develop and implement the new Great Lakes Program and administer the State mandated projects through the Fund.

Hudson River Estuary Program: Since its inception, the Hudson River Estuary Program has supported the mandated annual reporting by States to the Atlantic States Marine Fisheries Commission (ASMFC). This reporting is required to update the interstate fishery management plan (ISFMP) which contains targets necessary to maintain or improve stock status of anadromous fish species. Without annual funding from the Hudson River Estuary Program, the required annual monitoring programs would simply not be possible and the state's compliance with ASMFC would be in jeopardy, potentially impacting the commercial and recreational fisheries in the state.

The Hudson River Estuary Program funding supports critical conservation programs by serving as match for other funding sources. Since 1996, the Estuary Program has leveraged over \$35 million in funding from federal agencies and private foundations. Recently, Estuary Program funding leveraged three State Wildlife Grants for a total of \$285,000 in federal dollars. A USFS Green Infrastructure grant award of \$364,000 in 2008 to Division of Lands & Forests would not have been possible without the support of the Estuary Program staff and \$87,000 in Estuary Program matching funds.

New York City Watershed: By complying with the requirements of the MOA and its FAD, New York City has received a waiver from the federal requirement to filter its drinking water - saving taxpayers and New York State \$8 billion dollars for initial capital construction costs to build such a facility and an estimated \$300 million annual operation and maintenance expense. Continued Departmental support of the program is critical to its ongoing function and success.

**Population Served:**

Great Lakes Program: The international Great Lakes-St. Lawrence River region, statewide, and the communities within the Great Lakes Basin of New York.

Hudson River Estuary Program: The Hudson River Estuary watershed from the Troy dam south to the Verrazano Narrows, includes significant portions of 10 counties as well as the estuary- related portions of the New York City counties of New York, Bronx, Queens, Kings and Richmond (approximately 8 million people). As stated in the legislation, the Estuary Program also gives consideration to pertinent issues in the non-tidal Hudson River and its tributaries above Troy, lower New York Harbor, the New York/New Jersey Bight, and the waters of Long Island Sound as they influence the estuary and its resources.

New York City Watershed: Nine million New Yorkers (eight million New York City residents and one million upstate consumers located in Ulster, Orange, Westchester and Putnam Counties).

**Performance Measures:**

*Great Lakes Program:*

- Direct the development of ecosystem-based management strategies and approaches applicable to Great Lakes program priorities.
- Promote research and scientific understanding of the economic, environmental and human health effects of contamination of the Great Lakes. Promote development of new or improved environmental cleanup technologies applicable to the Great Lakes. Monitor, coordinate and assess the effectiveness of pollution-control policies affecting the Great Lakes.
- Coordinate the collection, analysis and reporting of environmental data on Great Lakes priority issues, including the health of Great Lakes fish, wildlife, waterfowl and other organisms, within the Department, State and broader Great Lakes-St. Lawrence River region.

*Hudson River Estuary Program:*

- Annual percent change in American shad and juvenile Atlantic Sturgeon stock status.
- Number of municipalities within watersheds where watershed planning, implementation, restoration and intermunicipal cooperation is occurring. (Note: 95 municipalities to date)
- Percent of municipalities determined to need seasonal disinfection of sewage treatment plants that are implementing seasonal disinfection and complying with permit limits.

*New York City Watershed:*

- Implement the MOA and FAD programs to ensure that Water Quality will remain high.
- Safe Drinking Water Act reporting to EPA to retain filtration avoidance.

## Attachment C

### Environmental Conservation: Water PROGRAM INFORMATION SHEET

**Program:** Emerging water-related issues

**Mandate:**

Smart Growth Clean Water Act Section 402(p). Environmental Conservation Law Article 17, Sections 8, protection of water quality; Green Infrastructure - Clean Water Act Section 402(p). Environmental Conservation Law Article 17, Sections 8 and 70. 6NYCRR Part 750-1.4 and incorporated by reference 40 CFR Part 122, 124, 125; Mercury - Federal Clean Water Act, Section 402; Sea Level Rise - task Force was created in 2007 by Chapter 613 of the Laws of NY; Eco-System Based Management - ECL Article 14; Ballast Water - ECL Article 17

**Mandated Funding Level:**

Mandated Funding Level: There is no mandated minimum funding level. However, there is \$300,000 for study and development of initial report of environmental infrastructure in the New York State SFY 08-09 budget.

**Brief Description/History/Background:**

Above and beyond DOW core activities, the Department is faced with a number of emerging issues and priorities to ensure a healthier, safer environment in the future such as combating climate change, undertaking activities to foster green and healthy communities and safeguard New York's natural areas. Each of these issues will consist of a long term initiative which will require resources(funding and staff). These issues include:

Climate Change - Since the science is clear that the earth's climate is changing because of human emissions of greenhouse gases, New York State is building a portfolio of programs and policies aimed at reducing these emissions. As these programs develop, the state continues to monitor developments in climate science, in energy technology, and in our understanding of the economic impacts of climate change. New York has committed to working with the ten Northeastern and Mid-Atlantic States have committed to cap the amount of CO2 that power plants are allowed to emit to address the impacts to affect air quality, water quality, fisheries, drinking water supplies, wetlands, forests, wildlife, and agriculture. Additionally, flooding from severe weather events and rising sea levels can damage communities and infrastructure in floodplains and along coastlines.

Eco-system Based Management - State Agencies are directed to implement an "eco-system based management"(EBM) approach to the Oceans, Great Lakes and estuaries of New York. While the Department does apply EBM principles to some degree, to meet the challenges required now of the ECL, essentially developing and implementing watershed action plans, our programs will need to become more integrated and adaptive and focus on whole watersheds. Initiatives include; establish watershed programs for the Great Lakes; establish an Ocean Program; Create a program for the whole Hudson; and enhance other existing watershed EBM programs.

Environmental Infrastructure - Governor's mandate to address this issue. The protection of our waterbodies, the health of our communities and the prospects for future economic growth are linked to modern, reliable and efficient wastewater treatment systems. However, systems are failing, and municipalities do not have the funds to adequately repair and replace necessary infrastructure. The conservative cost estimate of repairing, replacing, and updating New York's municipal wastewater infrastructure is \$36.2 billion over the next 20 years. In the past, the federal and state governments have provided significant funding for infrastructure repair and replacement. This is not true today. In the 1990s, the federal grants program shifted to a low-interest loan program, making it harder for many communities to address their infrastructure needs.

Pharmaceuticals in Wastewater and the Environment - Governor's initiative to address this issue. As analytical capabilities have improved, the environmental occurrence of an ever-broadening range of pharmaceuticals and other emerging contaminants has been identified. Although much is yet to be understood pertaining to long-term, low-level exposure to complex mixtures of these contaminants, there is a growing body of evidence suggesting that a variety of potential environmental and public health effects are possible. Of the 31 million chemicals that have been identified; nearly half of those are commercially available; more and more are being added each year. However, only a tiny fraction are regulated, as New York, a leader among states in water quality programs, has water quality standards for only several hundred pharmaceuticals. DEC is looking to partner with NYSDOH and USEPA to continue to study the issue and develop water quality standards and wastewater treatment technologies. There will be a significant amount of Public education needed to enact these types of activities.

Smart Growth - The Department has identified current development practices that result in Stormwater permit controls being rendered ineffective by the pace and practices of contemporary development. Discharges from developed areas listed as the cause of over one quarter of water quality impairments in New York State. Smart growth practices can lessen the environmental impacts of development with techniques that include compact development, reduced impervious surfaces and improved water detention, safeguarding of environmentally sensitive areas, mixing of land uses (e.g., homes, offices, and shops), transit accessibility, and better pedestrian and bicycle amenities. DEC to develop modifications to our technical standards for stormwater to incorporate these principles.

Green Infrastructure (aka better site design) approaches essentially infiltrate, evapotranspire or reuse stormwater, with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. Green infrastructure reduces the environmental impact "footprint" of the site while retaining and enhancing the owner/developer's purpose and vision for the site. DEC to develop modifications to our technical standards for stormwater to incorporate these principles.

Mercury - There is a national problem of surface waters being contaminated with mercury. The state water quality standard, specified in 6NYCRR Part 703, which protects human consumers of fish is exceeded in all state waters and there is a state-wide fish consumption health advisory published by NYSDOH, in part, due to this mercury contamination. SPDES discharge permits specify performance standards to ensure the protection of the state's water resources including drinking water supplies, bathing beaches and fishing. Unfortunately, due to the nature of the mercury contamination, a readily achievable near-term solution cannot be implemented via SPDES permits. Therefore, a longer-term solution is required and must necessarily be described in a complex policy which is currently being developed and ultimately must be approved by USEPA. DEC will look to develop program guidance and modify wastewater discharge permits to address.

Sea Level Rise - A task Force was created in 2007 by Chapter 613 of the Laws of New York to conduct an assessment of the anticipated impacts of sea level rise and make recommendations on protective measures and regulatory or legislative areas needing support. A final report is required for submission by December 31, 2009 to the governor, the temporary president of the senate and the speaker of the assembly.

Atmospheric deposition: As controls over point sources are approaching limits of technology, and previously unregulated sources such as stormwater become covered by permits, the significance of atmospheric deposition and the need to control air emissions in order to achieve water quality objectives is becoming an increasingly important issue. TMDL's developed for impaired waters indicate that atmospheric deposition as a source of critical pollutants (as a % of all sources) accounts for more than 20% in Long Island Sound, 50% in the peconic estuary and over 30% in Chesapeake Bay. The percentage is even higher for persistent toxics such as PCBs in Lake Ontario. In addition, there are over 80 lakes with fish consumption advisories associated with mercury, where atmospheric deposition is the only known source. This emerging issue must be addressed at both the state and national level.

Natural Gas Wells - Recent and significant public concern has been expressed about water resource impacts related to a large increase in proposed natural gas drilling activity in the southern tier and western catskill regions. This drilling uses large volumes of water under pressure to "free" gas and generates large volumes of contaminated water requiring treatment and disposal. About 2 years supply is believed recoverable which could mean hundreds of wells and transmission facilities may be constructed in the near future.

Natural Gas Wells - Recent and significant public concern has been expressed about water resource impacts related to a large increase in proposed natural gas drilling activity in the southern tier and western catskill regions. This drilling uses large volumes of water under pressure to "free" gas and generates large volumes of contaminated water requiring treatment and disposal. About 2 years supply is believed recoverable which could mean hundreds of wells and transmission facilities may be constructed in the near future.

Ballast Water - The effects of the spread of invasive species throughout New York waters has been thoroughly documented. While the specific costs to New York have yet to be determined, according to the USEPA, including non-aquatic species, the more than 50,000 non-indigenous species that have invaded the U.S. has cost more than \$137 billion annually in ecological damages and control costs. In addition to clogging intakes structures and out competing native species used for recreational and commercial fisheries, among the impacts on human-related beneficial uses, aquatic invasive species have also contributed significantly to the extinction of native species. As a result, the Department has issued a draft water quality certification to EPA's general permits for ballast water.

#### **Issues:**

Related to Climate Change, sea-level rise and atmospheric deposition, the effects on Waste Water Treatment Facility (WWTF) performance, WWTF design, flooding impacts, aquatic life impacts, overall effects on public health and the environment need to be studied which will then lead to the Department developing and/or revising regulations, design standards, and expanding and/or developing programs. Mercury - Develop new TOGS which will lead to modifications of SPDES permits which will include new standards for mercury to ensure protection of NY water bodies. Natural Gas Wells - Develop revised GEIS to ensure the issues associated with water withdrawals and wastewater are adequately addressed.

Environmental Infrastructure - Investigate long term funding mechanism and technologies to ensure reliable and efficient wastewater infrastructure. Pharmaceuticals in Wastewater - Need to continue to study the effects of these compounds in the environment on human health and aquatic life and develop water quality standards and wastewater treatment technologies to ensure protection of water bodies. Smart Growth/Green Infrastructure/EBM - Develop standards, regulations and policies to incorporate these principles into specific programs such as modification of our technical standards for stormwater as well as our general operating principles.

#### **Population Served:**

People of State of New York - 19 million

#### **Performance Measures:**

Mercury - EPA Performance Partnership Reporting Requirement  
Environmental Infrastructure - Report to Governor/Legislature by 9/1/08  
Sea Level Rise - Report to Governor due 12/31/09

## Attachment C

### Environmental Conservation: Regional Administration PROGRAM INFORMATION SHEET

**Program:** Executive Coordination and Supervision of Regional Activities

**Mandate:**

Environmental Conservation Law, Article 3-0107, Organization of department; officers and employees authorizes the commissioner to appoint staff as may be needed for the performance of his duties to carry out the mandates of the Environmental Conservation Law for all of the Department's environmental programs, as noted in Chapter 43-B of the Consolidated laws. Executive coordination and supervision of regional activities are necessary for the appropriate management, direction, implementation and execution of such programs as required by the Environmental Conservation Law and by regulations promulgated to implement such Laws. Executive coordination and supervision of regional activities insures that each program's efforts are directed to effect delivery of workplan outputs in support of the Department's overall mission.

**Mandated Funding Level:**

None.

**Brief Description/History/Background:**

Executive coordination and supervision of regional activities dates back to June of 1970, when the Department of Environmental Conservation was created by merging the existing Conservation Department with elements of the Department of Health responsible for environmental quality issues. Activities in this program area consist of the following: Aligning Regional program activities with that of the commissioner's and Governor's priorities; Coordinating various Department Program initiatives and activities; coordinating initiatives and activities with other State, Local and Federal Agencies and Authorities; Coordinating initiatives with various Commissions, Task Forces, Committees and serving as the Commissioner's representatives for same; Coordinating Great lakes Activities; as well as other supervisory and coordinating activities not mentioned above. The number of activities in this program expands over time, as new Commissions, Task Forces and Committees have been and will continue to be created.

As commissions, task forces and committees are created, more time and regional resources may be necessary to carry out these activities.

**Population Served:**

While the entire population of the State of New York is served by activities in this program area, which are carried out in each of the Department's nine Regional Offices, coordination activities with the Governor's Office, Central Office, Local Governments, other State, Federal, and local agencies, commissions, task forces and committees, are essential to ensure that the Department's programs are implemented effectively and responsively.

**Performance Measures:**

## Attachment C

### Environmental Conservation: Regional Administration PROGRAM INFORMATION SHEET

**Program:** Regional Personnel and Administration

**Mandate:**

Management/administrative support to ensure that federal and state legislative mandates are properly carried out. These legislative mandates include the State Environmental Conservation Law, federal environmental statutes such as the Clean Air Act, Clean Water Act, RCRA, CERCLA, CEHA, and delegation agreements between this agency and federal government agencies.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

Regional Office Management. Supervision and regional management/coordination as well as administrative support for regional implementation of State environmental programs regarding permitting, enforcement, natural resource protection, public information and outreach, as well as with regard to labor relations, health and safety, regional personnel management including employee relations benefits, and purchasing and procurement for the regional staff and programs.

**Issues:**

Maintaining adequate staffing and managing employee relations are among the most demanding issues facing the Regional Directors and Regional Administrators. Public outreach and addressing the concerns of the public and elected officials are critical challenges as well.

**Population Served:**

By serving the regional staff of DEC, regional administration facilitates the ability of DEC's program to serve the broad needs of the general public for clean air, clean water and a safe environment, with a special focus on: environmental permit applicants (including businesses, institutions, agencies, and landowners), communities affected by large pollution sources, and hunters, anglers and others who enjoy outdoor passive or active recreation.

**Performance Measures:**

Employee evaluations are conducted every year; Health and Safety Committees in each region meet at least twice per year and report to Central Office H&S Committee; All equipment purchases, phone bills, vehicle maintenance, utilities are handled in the regions. If these functions are not performed, offices would not function, and therefore, the performance measures are the successful and continuous operation of all regional offices.

## Attachment C

### Environmental Conservation - Regional Administration PROGRAM INFORMATION SHEET

**Program:** Communication Public Outreach

**Mandate:**

Various department programs require outreach and administrative oversight and involvement. No fewer than 65 statutes or regulations exist that place an obligation on DEC to involve the public in a meaningful way in some aspect of DEC's regulatory process, including, but not limited to the acceptance and consideration of comments and testimony, the creation of responsiveness summaries to those comments, and the creation of public fact sheets to inform the public of DEC's anticipated actions regarding a particular site or activity. Some of these programs include the Uniform Procedures Act, SEQRA, Superfund, Brownfields and the Open Space Program. Each requires a variety of outreach to advance program objectives. An example, the Open Space Program, requires regional advisory committees in which regional administration plays a major leadership role. The committee receives input on what local concerns may be and regional desires for land acquisitions. This includes public outreach, public notice, public meetings, facts sheets, and a hearing record before an Open Space Plan is adopted. Outreach activities that are mandated by law are often "mandated" by the public interest in the matter.

**Mandated Funding Level:**

None, but this activity requires a portion of regional administration budget to oversee including meeting room rentals, materials,

**Brief Description/History/Background:**

Regional Administration responds to numerous requests for information and meetings from a variety of constituencies (public, elected officials, community and environmental groups, sportsmen, etc.). Outreach requirements are required and needed across the board to ensure public involvement (awareness, engagement and compliance) in order for the Department to fulfill its agency mission. In order to meet its mandate, it is essential for DEC to publicly disseminate information.

**Issues:**

Requests cross all program areas and are likely to increase if there is inadequate staff to respond to these inquiries. Without overall public engagement and involvement, it is difficult to achieve the mission of the Department.

**Population Served:**

Residents/constituents of New York State - anyone who has an interest in environmental issues. There is a strong economic connection to our mission in terms of enhancing economic development, healthy communities, green landscapes, infrastructure and services.

**Performance Measures:**

The ability to move forward with necessary programs to protect the State's natural resources and environment (water, land, air) in order to enhance a healthy environment and overall economic base. Also, the reduction in the number of complaints received by executive staff and the Governor's office regarding inability to move on certain activities and the ability to engage the public in a meaningful manner.



## Attachment C

### Environmental Conservation: Regional Administration PROGRAM INFORMATION SHEET

**Program:** Direct, Supervise, and Provide for Regional level implementation of Programs, EQ, natural Resources, Legal, etc.

**Mandate:**

A Statutory framework dictates the roles and responsibilities of DEC with respect to program implementation. These include the ECL, federal environmental statutes such as the Clean Air Act, Clean Water Act, RCRA, CERCLA, etc. as well as delegation agreements between DEC and the federal government.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

All DEC programs are administered at the local (regional) level. Regional Administration (RAD) provides direct support to all programs by supplying personnel (clerical support for each program as well as supervision and regional management). RAD also supplies indirect support via the administrative functions (hiring and other personnel transactions, training opportunities, payroll and benefit support, equipment and supply purchases, etc.)

**Issues:**

Since all programs are supported locally, any budget based cuts to the RAD staff or services will impact the delivery of the programs to the public. Likewise, the agency's ability to provide stewardship over lands controlled by DEC, such as boat launches, trails, forests, etc. which are heavily used by the public for recreation and which generate large amounts of revenue would suffer. DEC is obligated by law to provide permit decisions in accordance with the timelines established in the Uniform Procedures Act, and needs the support of the RAD to fulfill that responsibility.

**Population Served:**

All segments of the population are served by the DEC's delivery of its mission via the regional implementation of its programs. The regulated community, including business and industry, needs DEC to process and issue necessary permits in a timely fashion. The public at large expects DEC to fairly and firmly enforce the environmental laws to safeguard public health and the environment. The public wants recreational opportunities at safe and well maintained facilities. DEC staff needs to have clerical and administrative support to allow it to function. All those services are provided at the regional level, and are supported by RAD.

**Performance Measures:**

Timely and adequate permit issuance and inspections, timely and adequate enforcement responses, timely and adequate maintenance of facilities used by the public.

## Attachment C

### Environmental Conservation - Regional Administration PROGRAM INFORMATION SHEET

**Program:** Management of DEC Facilities

**Mandate:**

Manage state owned open space, DEC facilities such as regional offices, education centers, fish hatcheries, education camps, recreational camps, public access facilities and flood control facilities. Management includes stewardship, improvement and protection of such land and facilities. Includes development and implementation of Unit Management Plans for the benefit of the public. Mandates included in ECL Articles 9, 11, 12, 15, 16, 49, 51, 52, 54, 56 and 71. The New York State Constitution mandates that campgrounds be maintained and operated by DEC.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

ECL 49 Title 2 (adopted in 1990) required creation of a state land acquisition plan and 9 Regional Advisory Committees to develop and implement Plan. New York's Environmental Protection Act of 1993 created the State Environmental Protection Fund that provides funds for acquisition and stewardship of open space. DEC Regional offices are also responsible for continued maintenance of its own offices and other facilities. DEC has entered into agreements with the Army Corps of Engineers (ACE) to manage and operate numerous flood control facilities throughout the State.

**Issues:**

Open Space Conservation: The Regional Advisory Committees met in 2008 to update the State Open Space Plan as required for adoption in 2009. DEC Regional offices are responsible to public demands for State land and facility stewardship and improvements. Flood control facilities must meet rigorous maintenance requirements of ACE and DEC must oversee operation of such facilities during floods (most notably Southern Tier flooding of 2006).

**Population Served:**

Open Space Conservation - the program serves all residents and travelers to New York State by providing and maintaining open space for viewsheds, forest products, forest preserve protections and outdoor recreation. Flood control/dams - Provides protection to flood prone areas including major metropolitan areas such as the City of Binghamton. Campgrounds and other facilities - available for use by the general public

**Performance Measures:**

Open Space Conservation: Adherence to the open space conservation plan and acreage of land preserved. Flood control/dam program managed by high performance measures set by ACE. Campgrounds and other facilities- can be measured by customer satisfaction, physical condition of areas, number of visitors and revenues.

Environmental Conservation: General Counsel  
**PROGRAM INFORMATION SHEET**

**Program:** Enforcement of Environmental Laws and Regulations

**Mandate:**

ECL Arts. 3 and 71 and Nav. L. Art 12; Commissioner's priority.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The Office of General Counsel is responsible for enforcing environmental laws and regulations to protect the public health and the environment. This responsibility includes recovering State costs expended to clean up contaminated sites. Fair and effective enforcement is a Commissioner priority.

**Issues:**

Continuation of this activity is essential to fulfill the Department's mission of protecting public health and the environment; cost recovery activities against responsible parties helps to recoup public money expended to protect public health and the environment.

**Population Served:**

The general public.

**Performance Measures:**

Environmental insults are abated and compliance with legal requirements is achieved.

Environmental Conservation: General Counsel  
**PROGRAM INFORMATION SHEET**

**Program:** Legal Advice and Support

**Mandate:**  
ECL Art. 3

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

The Office of General Counsel provides advice and assistance to Department staff to ensure consistent application of laws, regulations, and policies and thereby minimize the risk of legal challenges. Among other key responsibilities, legal staff support the Department's many programs in writing regulations required to implement federal and State legislative mandates to avoid lawsuits and to ensure consistent application of laws, regulations, and policies. Legal staff also provide critical advice and support for the Department's permitting activities, including advising staff and representing the Department's interests in permitting proceedings. In addition, legal staff assist the Attorney General's Office in defending the Department's implementation of those programs and regulations.

**Issues:**

Continuation of this activity is essential to fulfill the Department's mission of protecting public health and the environment, and to minimize the risk of legal challenges.

**Population Served:**

The general public and the regulated community.

**Performance Measures:**

Regulated entities are treated consistently and fairly under the law. Compliance with legal requirements increases, thereby enhancing protection of the environment and public health.

Environmental Conservation: General Counsel  
**PROGRAM INFORMATION SHEET**

**Program:** Provide enforcement support and legal counsel within the regions.

**Mandate:**

ECL Arts. 3 and 71, and Nav. L. Art. 12

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The Office of General Counsel has staff in each of the Department's nine geographic regions. Regional legal staff are responsible for enforcing environmental laws and regulations to protect the public health and the environment. Regional legal staff also provide advice and counsel to avoid lawsuits and to ensure consistent application of laws, regulations, and policies. Regional legal staff also provide critical support for the Department's permitting activities, including advising staff and representing the Department's interests in permitting proceedings. Regional legal staff assist the Attorney General's Office in defending the Department's implementation of those programs and regulations.

**Issues:**

Continuation of this activity is essential to fulfill the Department's mission of protecting public health and the environment, and to minimize the risk of legal challenges.

**Population Served:**

The general public and regulated community.

**Performance Measures:**

Regulated entities are treated consistently and fairly under the law. Compliance with legal requirements increases, thereby enhancing protection of the environment and public health.

Environmental Conservation: General Counsel  
**PROGRAM INFORMATION SHEET**

**Program:** Administer the Freedom of Information Law (FOIL)

**Mandate:**  
Public Officers Law Art. 6

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

The Office of General Counsel provides Department-wide support in responding to FOIL requests and processing FOIL appeals within legislatively mandated time frames to avoid statutory penalties and payment of attorneys fees and court costs.

**Issues:**

Continuation of this activity is necessary to enable the Department to comply with its significant FOIL obligation.

**Population Served:**

The general public.

**Performance Measures:**

The number of requests answered in a timely manner; and number of appeals processed in a timely manner.

Environmental Conservation: General Counsel  
**PROGRAM INFORMATION SHEET**

**Program:** Provide support for corporate and human resource activities.

**Mandate:**  
ECL Art. 3

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

The Office of General Counsel provides support in areas critical to the Department's operations and staff, including contractual matters, ethics, and human resource matters.

**Issues:**

Continuation of this activity is critical to fulfilling the Department's mission generally. This activity provides essential support to the Department's workforce; ensures that the Department complies with applicable federal and State laws and collective bargaining agreements; and maintains effective operation of the Department. This activity also is key to ensuring that the millions of acres of State-owned lands and the many State facilities continue to be protected and available for use by the general public.

**Population Served:**

Department staff and the general public.

**Performance Measures:**

The Department continues to fulfill its statutory mission and program specific mandates. Maintenance and oversight of State lands, State-owned and operated campgrounds, ski areas, education centers.

**Attachment C**

Environmental Conservation: OGC  
**PROGRAM INFORMATION SHEET**

**Program:** Prioritize Environmental Justice

**Mandate:**

Executive Order #2, Environmental Justice Interagency Task Force Agenda, Commissioner's Policy (CP-29), Commissioner Priority, DEC mission implementation goal.

**Mandated Funding Level:**

General Fund / Aid to Localities, Community Impact Research Grants \$500,000/FY

**Brief Description/History/Background:**

The Office of General Counsel leads the Department's efforts to achieve environmental justice. These efforts ensure that all communities, regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies, enjoy the same degree of protection from environmental and public health threats and equal access to the decision-making process. In addition, these efforts seek to promote access to the natural environment, such as waterfront areas. The Office of General Counsel is responsible for organizing, coordinating, and planning the activities of the Environmental Justice Interagency Task Force established by Governor Paterson. In addition to working to integrate environmental justice principles into all Department activities, the Office of General Counsel administers a grant program to support activities that help foster environmental justice.

**Issues:**

General Fund / Aid to Localities, Community Impact Research Grants \$500,000/FY

**Population Served:**

The general public and environmental justice communities. In particular, minority and low-income communities disproportionately burdened by environmental and related health impacts, and hardest affected by fiscal crisis.

**Performance Measures:**

All communities enjoy the same degree of protection from environmental and public health threats and equal access to the decision-making process. Environmental burdens on low income and minority communities are reduced, and the health and safety of those communities improves. Access to the natural environment increases.



## Attachment C

### Environmental Conservation: Minerals PROGRAM INFORMATION SHEET

**Program:** Regulate mining and ensure reclamation of affected lands

**Mandate:**

Article 23, Title 27 Legislative Mandates. Assure reclamation of lands affected by mining; Prevent pollution and protect the taxable value of property; Protect the health, safety and general welfare of the public; Foster and encourage the development of an economically sound and stable mining industry; Provide for the management and planning for the use of these non-renewable natural resources.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

ECL 23-2703.1- Mined Land Reclamation Law (MLRL) Legislature declared that it is the policy of the state to foster and encourage the development of an economically sound and stable mining industry, and the orderly development of domestic mineral resources and reserves necessary to assure satisfaction of economic needs compatible with sound environmental management practices. Enacted in 1975 with major amendments in 1991. Requires a permit for excavations of more than 1000 tons in 12 months. The MLRL supercedes all other state and local laws pertaining to mining. Mining occurs in every county in New York State except the 5 boroughs of New York City. The mining industry in New York is valued at \$1.5 billion by the United States Geological Survey. Leading commodities are: crushed stone, cement, salt, talc, sand & gravel, wollastonite and garnet. Currently there are over 2,200 active mines with over 49,000 acres affected by mining activities. Over 25,000 acres of land affected by mining have been reclaimed since the program's inception in 1975. Annual regulatory permit fees billed total \$2.78 million and the department hold \$122 million in financial security for reclamation.

**Issues:**

Processing of mining permit applications in the face of local prohibition/zoning; Revision of SEQRA policy to evaluate criteria for determining substantial or material change for proposed permit modifications; Off-site impacts- blasting, hydrology, dust, noise, visual, traffic; Financial security issues, i.e., inadequate reclamation bond amounts.

**Population Served:**

Statewide

**Performance Measures:**

Permits issued-new, renewal, modifications; Reclamation approvals-concurrent and final; Annual regulatory permit fees billed and collected; Reclamation financial security held in dollars.

## Attachment C

### Environmental Conservation: Minerals PROGRAM INFORMATION SHEET

**Program:** Regulate oil, gas, solution mining, underground natural gas storage, geothermal and stratigraphic operations

**Mandate:**

Article 23 Oil & Gas Law Legislative Mandates:

Regulate the siting, drilling and operation of all jurisdictional well types to protect health, safety and the environment.  
Regulate the development and production of oil and gas resources to prevent waste and achieve greater ultimate recovery.  
Protect correlative rights.  
Provide annual production data to county real property tax assessors.  
Provide information to the public.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

Mineral Resources issues drilling permits, performs SEQR compliance reviews for all proposed actions, issues plugging permits, permits underground storage permits, permit reviews for stratigraphic drilling operations, performs well inspections, undertakes enforcement actions, holds spacing hearings, participates in adjudicatory hearings, reviews annual well production reports, maintains databases, responds to FOIL requests, conducts public outreach, responds to public inquiries and posts webpages. NYS began regulating oil and gas activities with the passage of the first comprehensive legislation in 1963, eventually codified as Article 23 of the ECL in 1981. Recent amendments to the law were made in 2005 and 2008. Administers \$23.7 million in financial security to ensure well plugging.

**Issues:**

Generation of SGEIS to address Marcellus shale drilling is ongoing, processing increasing number of permit applications, routine well inspections are declining as staff devote time to drilling permit reviews, compulsory integration hearing workload is increasing, identification of abandoned wells and their subsequent plugging is needed, geothermal well workload is increasing as landowners respond to high energy prices/costs.

**Population Served:**

The public, mineral rights owners statewide, local governments, other state agencies and the energy industry

**Performance Measures:**

Process permit applications in a timely manner - current application submittal is at a 20 year high (585 as of 8/13/08), review annual production reports and input data prior to July 1 of each year (done on time each year), plug abandoned wells using Oil and Gas Account funds (plugging efforts in 2008 will deplete fund to a level that will prohibit large state initiated plugging programs in subsequent years), respond to FOIL within mandated timeframes (done on time)

Environmental Conservation: Minerals  
**PROGRAM INFORMATION SHEET**

**Program:** Lease state lands for oil and gas production

**Mandate:**

Article 23 Oil & Gas Law Legislative Mandates:  
Lease state lands for oil and gas production (23-1101).

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The State leases its lands for oil and gas exploration. The leasing process includes nominations of specific parcels of interest to industry, tract assessments to exclude sensitive areas from surface disturbance, sealed bids are submitted for parcels of interest, highest per acre bonus bid submitted by responsible bidder wins the lease (5 year primary term) and the state receives royalties from the sale of production of state land oil and gas reserves (generally 12.5%). Revenues generated from state land leasing are deposited in the general fund or the conservation fund (wildlife management areas only). The leasing of state lands for oil and gas exploration has been occurring since the 1930s. The last two state lease sales took place in 2003 and 2006. The 2006 sale generated approximately \$9 million in bonus bids. The DEC is the leasing agent for all state lands including DOT state highways.

**Issues:**

The state has thousands of acres in prime exploration trends thereby attracting a great amount of industry interest. Multi-million dollar bids per parcel may be submitted. There is some opposition to state land leasing but statistics have shown that leasing can be compatible with other uses such as recreation and hunting. The total amount of state land disturbed by drilling/production operations is less than 1% of the total acreage leased. The potential exists for the state to realize very significant revenue. Since 1999, approximately \$27.7 million in revenue has been generated from state land leasing.

**Population Served:**

Statewide

**Performance Measures:**

Collect and process revenue checks from state land leasing, track and monitor acreage under state lease.

**Attachment C**

Environmental Conservation: Minerals  
**PROGRAM INFORMATION SHEET**

**Program:** Develop a statutory and regulatory framework for safe and effective carbon capture and sequestration.

**Mandate:**

Article 23 Oil & Gas Law Legislative Mandates:

Regulate underground natural gas storage (law does not include references to CO2 storage)..

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The underground storage of carbon dioxide is a mitigative measure to address global climate change. The ECL does not currently address CO2 storage therefore new legislation and/or amendments to current law is necessary to regulate this activity.

**Issues:**

Several significant issues are associated with the storage of CO2 including: legislative basis to regulate the activity, will the new law include an eminent domain process, public acceptance of stored CO2 gases beneath their property, CO2 plume migration over time, is CO2 injection at high rates possible in NY's rock formations and liability for the stored CO2.

**Population Served:**

Statewide

**Performance Measures:**

None in place

## Attachment C

### NYS Department of Environmental Conservation - Public Affairs & Education PROGRAM INFORMATION SHEET

**Program:** Produce *Conservationist* Magazine and *Conservationist for Kids*

**Mandate:**

The New York State *Conservationist* is defined as the department's official publication in Section 3-0113 of the NYS Environmental Conservation Law, to promote "...a wider understanding of the problems affecting conservation of natural resources in this state..." The law also authorizes sales of *Conservationist* subscriptions at license issuing outlets, which include town clerks and independent retailers. The Department has a mandate to meet its contractual obligation of providing six issues a year to paying subscribers who often have extended their subscriptions several years into the future.

**Mandated Funding Level:**

None mandated in statute.

**Brief Description/History/Background:**

The New York State *Conservationist* has been published continuously since August, 1946; the magazine is currently in its 63rd year. Throughout its history, the *Conservationist* has served as a primary vehicle to convey important departmental messages and promote departmental policies and programs to a wide audience. Historically, the magazine at its peak in the early 1990's, had five FTEs assigned to work only on it. Revenues generated by the sale of subscriptions to the magazine pay for its production and mailing.

To encourage participation in the outdoors and increase knowledge of New York State's environment, *Conservationist for Kids* was developed. It is an 8-page printed publication designed for a younger (fourth grade) audience in New York State. It is written and produced similarly to the *Conservationist* magazine using in-house resources. The publication is produced three times a year and is distributed with the *Conservationist* magazine and by separate mailing to all fourth grade NYS public school classrooms. Classroom sets are mailed with teacher resource guides to assist teachers in meeting NYS fourth grade curriculum

**Issues:**

The *Conservationist* magazine operates on a very small staff and relies upon the assistance of other staff within the Division. The success of the *Conservationist for Kids* has been impressive. Each issue receives dozens of positive feedback. Although an instant success with readers, the publication was launched without additional staff assigned to the project or financial resources. Existing staff and financial resources were reassigned from other areas to meet the program activity goals.

**Population Served:**

The *Conservationist* magazine boasts readers in all 50 states and several foreign countries but its primary audience consists of New Yorkers and retirees who formerly called New York home. Readers are weighted towards upstate, older, male, high school education, rural or small-town background. We currently have 93,500 paid subscribers and a pass-through rate of 2.7, considering households, schools and libraries; so each issue is seen by approximately a quarter million readers.

*Conservationist for Kids* is targeted primarily at fourth grade level students but it is enjoying a broader audience with its distribution in the *Conservationist* and at various public events like the NYS Fair. It is distributed free of charge to all 200,000 fourth graders in 8,500 classrooms statewide.

**Performance Measures:**

The number of paying subscribers for the *Conservationist* is 93,500 as of August 2008. It is in the best interest of the Department to increase the number. It is also more cost efficient to increase subscription numbers. The magazine has held steady and actually increased subscriptions slightly in the past eight years. In that same period, there has been a significant market retraction. Also, the renewal rate for the *Conservationist* is about 80% annually which is considered excellent in the magazine industry. It is the largest and longest running state magazine of its type.

Reach all NYS fourth grade students with *Conservationist for Kids* starting with public schools and adding private schools, as future resources allow.

**Attachment C**

NYS Department of Environmental Conservation - Division of Public Affairs & Education  
**PROGRAM INFORMATION SHEET**

**Program:** Coordinate Agency Participation at Events, Conferences and Fairs

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

The Bureau of Public Outreach coordinates and participates in outreach events, conferences and fairs to help ensure a well-informed constituency. These events include the NYS Fair (more than one million attendees), New York's GO GREEN Expo, Earth Day events statewide, Erie County Fair (also more than one million attendees), Environmental Management Council, Association of Towns, NYS Conference of Mayors, brownfield conferences, community and statewide grant outreach activities, Northeast Outdoor Conference, and many others. All of the events provide an opportunity for New York citizens to interact with department staff and promote the department's message and its priorities. These events provide an opportunity for the Department to promote its messages about recycling, reduction of green house gases, sustainability, conservation, and compliance, to the public at large.

**Issues:**

The current issues facing this program are reduction in staff and funding that limits opportunity to participate in these events, leaving fewer New Yorkers being informed about the Department's functions and purpose. A well-informed constituency is important to the success of DEC programs and initiatives. Further, this work helps the public see that DEC does more than regulate; DEC offers programs and services for the enjoyment of a variety of natural resource-based activities.

**Population Served:**

This work serves citizens that are interested in NYS's environment and those affected by the work that the Department performs. It provides opportunities for citizens and businesses, interested in learning about the New York State environment and the opportunities and regulations that govern activities, to become informed.

**Performance Measures:**

Number of outreach events conducted and public contacts made.

## Attachment C

### NYS Department of Environmental Conservation - Division of Public Affairs & Education PROGRAM INFORMATION SHEET

**Program:** Provide Citizen Participation Services to the Public and Facilitate Public Outreach at Public Meetings.

**Mandate:**

Federal Resource Conservation and Recovery Act, Subtitle A and Title 40; Code of Federal Regulations, Parts 240-282 and New York State Consolidated Laws, Title 14, Section 27-1417. Much of DEC's funding comes with a requirement that a public outreach component be part of the program.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The Division of Public Affairs' Bureau of Public Outreach (BPO) coordinates, plans and implements required public participation efforts for the Divisions of Remediation, Permits, Lands and Forests, Water, Air, Fish Wildlife and Marine Resources, and the Commissioner's Policy Office. Citizen Participation Specialists in the BPO coordinate, write and review fact sheets and other technical documents before they are sent to the public. They also coordinate and facilitate public meetings to provide information to the public about hazardous waste site clean-ups, petroleum and chemical discharges, permitting activities which involve emissions, water discharges, and construction related activities that affect natural resources.

Love Canal. Following these incidents, the public demanded the right to be informed about potentially dangerous or hazardous substances in their communities and how these substances were being handled, as well as being informed in the event a spill or leak at a facility using or storing these substances. Citizen Participation Specialists worked with communities to involve citizens in the regulatory and policy decisions about these facilities and how spill or discharges at these facilities would be addressed. Citizen Participation Specialists still perform these duties today, in addition to assisting divisions with producing communication materials for the public.

**Issues:**

The Bureau of Public Outreach currently faces several key citizen participation and public outreach issues for 2008-9, including controversial and contentious issues with the Marcellus Shale gas drilling project and associated hydrofracing, newly discovered vapor intrusion sites, proposed hydrofracing for carbon capture and sequestration in central New York, a 17 million gallon oil spill in Greenpoint New York, public meetings for a proposed outdoor wood boiler ban, salt water fishing license requirements, and many others.

**Population Served:**

Citizens and communities that are affected by Department decisions, e.g., communities affected by hazardous waste sites, permitted/regulated facilities, anglers, hunters, recreationists, campers, hikers, etc.

**Performance Measures:**

Performance is based on number of public meetings held by DEC, number of contacts and the results of outreach efforts, as seen in final project outcomes.

## Attachment C

### New York State Department of Environmental Conservation - Public Affairs & Education PROGRAM INFORMATION SHEET

**Program:** Create, Manage and Maintain Agency's Public Website of 28,000+ Pages

**Mandate:**

The agency's website is used to satisfy legal requirements that certain notifications be made public. OFT 96-8; NYS-P08-005; 06-12-2000 e-Commerce-Government Initiative

**Mandated Funding Level:** None

**Brief Description/History/Background:**

DEC established a public website in 1997 with 300 files and four existing staff people. It now contains more than 28,000 html and 8,400 pdf files, and provides interactive applications. The website alerts the public to critical health and safety information; provides legally-mandated content, such as proposed regulations and the Environmental Notice Bulletin; and educates the public on important environmental topics, such as climate change and hazardous waste clean up plans. This allows DEC to communicate its mission critical messages to a variety of audiences effectively and efficiently.

**Issues:**

Constant challenge to keep content accurate, updated and focused on the agency's priority initiatives, with a special focus on being in full compliance with the NYS standard for accessibility for all users to the information, regardless of physical, economic or technical challenges.

**Population Served:**

The website serves a very diverse constituency, nationally and internationally, which includes anyone interested in New York's environment and natural resources. Audiences are diverse--general public, consultants/business, municipal officials, regulated community, environmental/special interest groups, underserved communities, youth, etc.

**Performance Measures:**

DEC's website received more than 8.8 million visitors in 2007. Almost 50% of these visitors accessed the site during non-business hours (after 5:00 PM or weekends). More recently, the website averaged more than 26,600 visitors daily for the month of May 2008.



**Attachment C**

New York State Department of Environmental Conservation - Public Affairs & Education  
**PROGRAM INFORMATION SHEET**

**Program:** Design and Produce All Agency Graphic Outreach Products and Exhibits

**Mandate:**

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

DEC must communicate mission critical information to a variety of targeted audiences. Communication projects are scoped out by staff to identify important messages and define the clear purpose of the communication effort. Most of these projects consist of several complex components, such as multiple display panels, accompanying brochures, fact sheets, banners, etc. These projects require extensive design and layout work and appropriate photo research. Historically, the Division of Public Affairs & Education had an entire section of five staff dedicated to exhibit production and fabrication. The section was totally eliminated during reductions in the mid-1990s and has never been replaced.

**Issues:**

These services support all outreach efforts for the agency. Contracting out these services would be very costly and not be feasible for emergency projects from program and executive staff which have extremely tight deadlines.

**Population Served:**

Targets anyone interested in New York's environment and natural resources. Audiences are diverse--general public, consultants/business, municipal officials, regulated community, environmental/special interest groups, underserved communities, youth, etc. both in New York State and outside New York State.

**Performance Measures:**

In 2007, more than 275 communication projects with multiple components were developed for the agency.

## Attachment C

New York State Department of Environmental Conservation- Division of Public Affairs & Education  
**PROGRAM INFORMATION SHEET**

**Program:** Write, Edit and Research Agency Brochures and Other Written Materials

**Mandate:**

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

DEC must communicate mission critical information to multiple agency constituencies. Communication projects are scoped out by staff to identify important messages and define the clear purpose of the communication effort. Most of these projects consist of several complex components and involve several agency divisions. These projects require extensive coordination and content editing to be sure the message and language are appropriate for the intended audience. Many other materials are written and/or reviewed by the agency's editors to ensure clarity, professionalism and consistency with agency initiatives. These include reports, correspondence, inter-agency projects, and electronic newsletters for web and email distribution.

**Issues:**

Demands for writing and editing have never been greater. In 2004, an executive memo went to all agency staff directing all publications be reviewed by the DEC communication unit before going to print. Several large publications, including the Hunting and Fishing Guides and others, require substantial review time. Also, new monthly web publications including the Green Living pages, DEC Outdoor Discovery, and Environment DEC (all web products) have been added and constituents rely on them for up to date information. This has all taken place without adding any new staff.

**Population Served:**

Publications are intended for anyone interested in New York's environment and natural resources. Audiences are diverse and include NYS and out-of-State general public, consultants/business, municipal officials, regulated community, environmental/special interest groups, underserved communities, youth, etc.

**Performance Measures:**

In 2007, more than 275 communication projects with multiple components were developed for the agency.

## Attachment C

### New York State Department of Environmental Conservation - Public Affairs & Education PROGRAM INFORMATION SHEET

**Program:** Operate Summer Residential Youth Camps and Manage Diversity Program

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Since 1948, DEC has provided a residential summer camp program in conservation education for young New Yorkers. Four camps, Colby (Franklin Co.), DeBruce (Sullivan Co.), Rushford (Allegany Co.) and Pack Forest (Warren Co.), serve children 12 to 14 years old. Pack Forest also offers week-long Ecology Workshops for teens 15 to 17 years old.

At the camps, youth become immersed in conservation education, participating in fun activities and games that teach the wise use of natural resources. There are eight weeks of camp that a student can choose from in the months of July and August. Campers are encouraged to return the next year for a Returnee Week, offered only to campers who have already enjoyed the camp program. Sportsmen Education courses are offered at camp. Camperships are offered to low income and underserved youth.

Revenues from camper registration fees pay the operational costs of the camps.

**Issues:**

**Staff Time Reductions:** Beginning April 1, 2007, year-round seasonal Environmental Education Assistants were reduced to 80% time. Since camp operation is highly dependent on Environmental Education seasonals, this severely curtailed our ability to support the Camp program and Camp Diversity Program. We are now limited in our ability to offer pre- and post-camp outdoor experiences.

**Transportation:** Provision of transportation for low-income and campership students by DEC is an ongoing issue, resulting in increased workload for Environmental Education assistants and less time for other camp activities by staff.

**Population Served:**

In 2007, 1,578 boys and girls aged 12 to 17 registered in the one-week residential programs at DEC's four summer youth camps. Of these roughly 380 registered through the Campership Program for low-income and underserved campers.

**Performance Measures:**

Goal of 1920 campers (paid and campership) in 2008.

**Attachment C**

New York State Department of Environmental Conservation - Public Affairs and Education  
**PROGRAM INFORMATION SHEET**

**Program:** Environmental Education Centers

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

DEC operates four fully staffed Environmental Education Centers statewide offering classes, programs and activities on the environment. Each center has interpretive trails, exhibit areas, and classrooms. Family oriented events are offered year round. Classes for students include guided field trips through diverse habitats. Workshops for teachers provide opportunities for professional growth, and internships are available for people interested in pursuing careers in natural history or related fields. Public programs include evening and weekend walks and talks on natural history topics, as well as large festivals. The four centers include: Reinstein Woods Preserve in Erie county (opened 1986); Rogers Environmental Education Center in Chenango county (opened 1968); Five Rivers Environmental Education Center in Albany county (opened 1972); and Stony Kill Farm Environmental Education Center in Dutchess county (opened 1973). The centers are operated by DEC staff with significant assistance from volunteer "friends groups."

**Issues:**

As visitation increased steadily over the past 30 years, the number of paid staff has decreased throughout the same period. Newer staff members have come from reassigning positions and titles from elsewhere in the Division of Public Affairs & Education. Each staff person is leveraged with additional help from working with volunteers. Currently, the centers average \$80,000 each in volunteer support services. DEC centers cannot operate as they now do without volunteers.

**Population Served:**

The Environmental Education Centers offer natural history programs for students, teachers, families, scouts, seniors, and the general public. They serve as destination points and as places for New Yorkers and non-New Yorkers to connect to nature. Special efforts are made to provide visitation for low income and urban residents that may not have other opportunities to connect to nature.

**Performance Measures:**

Measured in visitation numbers to the centers and the number of program participants in off-site programs delivered by staff.

**Attachment C**

New York Department of Environmental Conservation - Public Affairs & Education  
**PROGRAM INFORMATION SHEET**

**Program:** Educator Training for Project WET, Project WILD and Project Learning Tree

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

The Department offers three professional development programs for educators and youth leaders. Offered at various locations throughout the state, these multi-disciplinary workshops offer participants a curriculum guide to use with students in future learning. Teacher training has proven to be a highly effective means for leveraging limited education outreach funding by having a high return on investments. Each teacher has a multiplicative effect on reaching students and is far more than DEC could hope to achieve on its own. The national programs DEC provides are: Project WET (Water Education for Teachers) started in 1996, a multi-disciplinary water-based curriculum; Project WILD (Wildlife in Learning Design) started in 1985, Aquatic Project WILD, Science and Civics, and Flying WILD featuring wildlife; Project Learning Tree (PLT) started in 1987, an interdisciplinary, hands-on curriculum that uses nature as a window on the world. DEC also provides other education programs and training for other units and agencies.

**Issues:**

DEC collaborates with the national sponsors of each program to deliver the training through a no-fee contract. Each program's success is subject to available resources and is therefore unsecure.

**Population Served:**

Project WET, Project WILD and Project Learning Tree are open to a variety of educators throughout New York, including K-12 classroom teachers, preschool and daycare workers, 4-H and scout Leaders, home school educators, resource agency and community youth educators.

**Performance Measures:**

Each program is responsible for reporting to associated national organizations and is measured by the number of educators trained annually.

**Attachment C**

NYS Department of Environmental Conservation - Public Affairs & Education

**PROGRAM INFORMATION SHEET**

**Program:** Photographic Services & Image Archive Database

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

The DEC Photo unit (formerly Audio Visual Services) has been providing photographic (and film and video) services for 50+ years. Archival materials kept by the unit date back to Teddy Roosevelt and kept records name DEC photography staff from the 1950's. The images collected and maintained serve the needs of the *Conservationist* magazine, the agency website, publications, and interpretive kiosk panels posted throughout NYS. Historically, the Bureau of Audio Visual Services had seven FTE's with its own Bureau Chief. Staffing cuts in the 1990's has reduced the number to two.

**Issues:**

The arrival of DEC's website and *Conservationist for Kids* magazine, and increased photo demands and standards for the *Conservationist* magazine, has made the work of this unit critical. Most recently, the photo unit has been working with the DEC Press office to supplement news releases with high resolution images made available on the agency FTP site.

**Population Served:**

The public is served in many ways including the *Conservationist* and *Conservationist for Kids* readers; as visitors to DEC's nature education centers, campgrounds, fairs, and public access sites where interpretive panels are posted and brochures are distributed; through the DEC website which posts tens-of-thousands of photographs to assist the public in understanding and visualizing DEC programs and services; and through the image archival system which serves multiple agency users.

**Performance Measures:**

Number of website visitors (850,000 per month); number of *Conservationist for Kids* sent to school children (200,000 NYS public school 4th graders); number of *Conservationist* subscribers (100,000) and readers (300,000).

## Attachment C

### NYS Department of Environmental Conservation - Public Affairs & Education PROGRAM INFORMATION SHEET

**Program:** Capital Project and Facilities Improvements Management

**Mandate:**

All DEC facilities operate in compliance with building codes, environmental codes, NYS Department of Health codes, and local fire, health and safety codes.

**Mandated Funding Level:**

**Brief Description/History/Background:**

The Division of Public Affairs and Education delivers programs from four education centers and four summer residential camps. All facilities, with one exception, are 25+ years old and require significant annual investments to meet program requirements and to keep visitors healthy and safe. Limited staffing in the Division of Operations and limited capital resources require Division of Public Affairs and Education oversight to identify repair and improvement priorities, thus minimizing inherent risks associated with program activities.

**Issues:**

Facility structures vary, and can include dams, bridges, hatchery ponds, trails, an 1800s Manor House (historic), a 2005 Education center, historic barns, showers, comfort stations, bunkhouse, pavilions, intern residences, and more. They are in varying states of disrepair and need to be kept safe and as attractive as possible for visitors. DEC Operations is tasked with maintenance, but find themselves with many competing priorities. Division of Public Affairs and Education conducts work plan meetings with Operations to identify the highest priorities and develops strategies to ensure work is completed with either internal laborers or by contract.

**Population Served:**

300,000 + visitors and school groups to DEC's education centers and 1500+ campers at the summer residential camps.

**Performance Measures:**

Internal Health and Safety compliance inspections, code compliance for OSHA, local fire inspections, local Department of Health jurisdiction; inspections we strive for no observed violations. More importantly, we consider incidents of injury at the camps and centers. When an injury does occur, we assess what we can do to prevent this from reoccurring. This is a top priority for the division's Internal Controls requirements each year.

## Attachment C

### Environmental Conservation: Environmental Remediation PROGRAM INFORMATION SHEET

**Program:** Inactive Hazardous Waste Disposal Site Remedial Program (a.k.a. State Superfund Program).

**Mandate:**

Statutory Authority: Environmental Conservation Law Article 27, Title 13; Regulations: 6 NYCRR 375-2

**Mandated Funding Level:**

2003 State Superfund/Brownfield law authorized up to \$120 million annually, for 10 years. 1986 Environmental Quality Bond Act (EQBA) authorized \$1.1 million.

**Brief Description/History/Background:**

Brief Description/History/Background: This is an enforcement program administered by the Division of Environmental Remediation (DER). The State Superfund Program is a critical program to ensure the protection of public health and the environment. Its mission is to identify and characterize suspected inactive hazardous waste disposal sites and to investigate and remediate those sites found to pose a significant threat to public health and the environment. Required by law to identify and enforce cleanup of sites by potentially responsible parties (PRP) If unsuccessful, cleanups are performed by the state and legal actions are initiated against PRPs for reimbursement of state costs.

The Inactive Hazardous Waste Abandoned Sites Act of 1979 created New York's State Superfund Program under Article 27, Title 13. Amendments to Article 27 were passed in 1982, 1985, 2003 and 2004.

**Issues:**

As a result of the evolving science, DEC considers vapor intrusion from contaminated soils and groundwater into homes and buildings to be a new significant environmental concern. This concern has resulted in DEC commencing a process to revisit 421 sites that had their remedy selected prior to the start of the vapor intrusion initiative and to expand the scope of the investigation and remedial actions at all on-going sites. Additionally, as the number of sites with completed remedial programs increases, the Department is expending significantly more time on the long term work associated with the monitoring of residual contamination, groundwater plumes, institutional controls and engineering controls at those sites.

**Population Served:**

Private responsible parties, business community, community residents, local, state and federal governments.

**Performance Measures:**

Based on the number of projects started and completed and sites completed. As of March 31, 2008, Remedial Investigation (RI): starts 1,288; completions 987; Remedial Design (RD): starts 769; completions 667; Remedial Action (RA): starts 737; completions 650; Interim Remedial Measure (IRM): starts 931; completions 886. Identified 2,266 sites as needing evaluations, addressed 1,390, as of March 31, 2008.



Environmental Conservation: Environmental Remediation  
**PROGRAM INFORMATION SHEET**

**Program:** Oil Spill Prevention, Control and Compensation (a.k.a. Spill Response Program); Bulk Storage

**Mandate:**

Statutory Authority: Navigation Law, Article 12; Regulations: 6NYCRR Part 611; Regulations: PBS Program – 6 NYCRR Parts 612, 613, 614; MOSF Program – 6NYCRR Parts 610, 611, 613, 614 (note: Part 612 only pertains to the PBS facilities that have a total capacity of less than 400,000 gallons of petroleum stored); CBS Program – 6 NYCRR Parts 595, 596, 597, 598, 599

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

This is an enforcement program administered by Department of Transportation 1978-1985 and Department of Environmental Conservation's (DEC) Division of Environmental Remediation (DER) 1985 to present. The Spill Response Program is vital to the protection of public health and the environment by ensuring a timely response to discharges of petroleum or other contaminants into the environment and by investigating and remediating such incidents as appropriate.

The New York State Legislature passed the Navigation Law in 1977, with an effective date of April 1, 1978. Article 12 under the law created the Oil Spill Prevention, Control and Compensation Program also known as the Spill Response Program. Recent amendments to the Navigation Law, Article 12 were passed in 2003 and 2004. Funding source of annual appropriations (same as bulk storage programs) is the Environmental Protection and Spill Compensation Fund (a.k.a. Spill Fund) which is overseen by Fund Administrator in the Office of State Comptroller. Required by law to identify and enforce the response and cleanup of spill incidents by potentially responsible parties (PRP). If unsuccessful, responses and cleanups are performed by the state and legal actions are initiated against the PRPs for reimbursement of state costs.

Regulatory program administered by the Division of Environmental Remediation. The bulk storage programs, identified above, protect public health and the environment by preventing unauthorized discharges from petroleum or chemical bulk storage tanks and facilities. It is accomplished through registration and licensing of tanks and facilities and their periodic inspections to ensure compliance. Five counties have been delegated authority to administer the PBS program. The first bulk storage program was created by legislation in 1978 to regulate MOSF's. Legislation for the PBS (1983) and CBS (1986) programs followed. Amendments to ECL Article 17, Title 10 (PBS) were passed in 1992 and 2008. Amendments to ECL Articles 37 and 40 were passed in 1994 and 2008. The 2008 amendments to the PBS and CBS statutes provided equivalency with the EPA UST regulations to enable the State implementation of the federal Energy Policy Act of 2005. Funding source of annual appropriation (same as Spill Response Program) is the Environmental Protection and Spill Compensation Fund (a.k.a. Spill Fund).

**Issues:**

Annual disbursements exceed revenues deposited in the Spill Fund. Additional revenue sources or increases in fees associated with existing revenue sources are necessary. The federal Energy Policy Act of 2005 requires that the states that receive grant funds under the Resource Conservation and Recovery Acts (RCRAs) Subtitle I must inspect all of their federally regulated tanks at least once every three years. The annual number of inspections in NYS must be increased to be in compliance. Federal grant funds could be jeopardized if the increase in inspections is not managed at current staff levels. Further, issues with five counties delegated the PBS Program further strain the Division's ability to deliver the required inspections. The regulations must be revised to incorporate recent legislative changes.

**Population Served:**

PRPs, not responsible third parties, business community, community residents and local, state and federal governments. Owners and operators of petroleum and chemical bulk storage facilities and tanks. Other interested parties include business community, community residents and local, state and federal governments.

**Performance Measures:**

Performance measures for the Spill Response Program are based on the number of spill incidents received, addressed and closed. During SFY 2007/08, 15,831 spill incidents were reported to DEC. 16,069 spill incidents were closed during SFY 2007/08, many of which were reported in previous SFYs. A spill is considered closed when it is cleaned up or requires no further action. Performance measures for the bulk storage programs are based on the number of registrations and licenses processed and inspections conducted. During SFY 2007/08, 14,606 registrations and licenses (13,575 PBS, 803 CBS, 228 MOSF) were processed and 5,033 inspections (4,818 PBS, 121 CBS, 94 MOSF) were conducted.



## Attachment C

### Environmental Conservation: Environmental Remediation PROGRAM INFORMATION SHEET

**Program:** Brownfield Cleanup and Voluntary Cleanup (VCP)

**Mandate:**

Brownfield Statutory Authority: Environmental Conservation Law Article 27, Title 14; Regulations: 6 NYCRR 375-3  
Voluntary Cleanup: None

**Mandated Funding Level:**

Mandated Funding Level: Eligible for a portion of the annual \$15 million authorized under the 2003 State Superfund/Brownfield law.

**Brief Description/History/Background:**

A voluntary program administered by the Division of Environmental Remediation. The goal of the Brownfield Cleanup Program (BCP) is to protect public health and the environment through private sector cleanups of brownfields and to reduce development pressure on greenfields (non-contaminated properties). Contaminants included hazardous wastes and petroleum. Investigations and remediations are carried out under state oversight. Applicants receive certificates of completions (COC) that trigger liability limitations and the availability of various tax credits. Parties to the brownfield site cleanup agreement are required to reimburse the State for its oversight costs and, if the parties are potentially responsible parties (PRPs), past costs. Amendments to ECL Article 27, Title 14 were passed 2004 and 2008.

A voluntary program administered by the Division of Environmental Remediation. In 1994, New York established a non-statutory Voluntary Cleanup Program (VCP) to address the environmental, legal and financial barriers that often hinder the redevelopment and reuse of contaminated brownfield sites. The VCP was developed to enhance private sector cleanup of brownfields by enabling private parties to investigate and remediate sites using private rather than public funds. Investigations and remediations are carried out under state oversight. The DEC stopped accepting VCP applications shortly after the BCP was authorized in 2003. However, remedial activities on sites in the VCP will continue until completed. Volunteers receive a DEC release from liability for further investigation and/or remediation of the contaminants identified and addressed on the site, under a voluntary cleanup agreement. Contaminants include hazardous waste and petroleum. Parties to the VCP agreement are required to reimburse the State for its oversight costs and past costs if the parties are also potentially responsible parties (PRPs).

**Issues:**

Annual appropriation for BCP and VCP is a dry appropriation that includes loan language for the authorized annual \$15 million. The appropriations to date have not included non-personal services. Annual revenue received from cost recovery actions is not sufficient to cover annual appropriation and pay back loan.

**Population Served:**

Participants (PRPs), volunteers, property owners, business community, community residents, lenders, and local, state, federal governments.

**Performance Measures:**

Brownfields: Based on the number of projects started and completed and sites completed. As of March 31, 2008, Remedial Investigation (RI): starts 163; completions 61; Remedial Design (RD): starts 66; completions 57; Remedial Action (RA): starts 63; completions 39; Interim Remedial Measure (IRM): starts 41; completions 23; and 44 sites have received their COCs. Voluntary Cleanups: Based on the number of projects started and completed and sites completed. As of March 31, 2008, Remedial Investigation (RI): starts 365; completions 174; Remedial Design (RD): starts 143; completions 122; Remedial Action (RA): starts 248; completions 157; Interim Remedial Measure (IRM): starts 75; completions 49 and 153 sites have been completed.

## Attachment C

### Environmental Conservation: Environmental Remediation PROGRAM INFORMATION SHEET

**Program:** Environmental Restoration (ERP)

**Mandate:**

Statutory Authority: NYS Environmental Conservation Law, Article 56; Regulations: 6 NYCRR 375 -4: 6 NYCRR 597

**Mandated Funding Level:**

\$200 million authorized under the 1996 Clean Water/Clean Air Bond Act.

**Brief Description/History/Background:**

A voluntary program administered by the Division of Environmental Remediation. The Environmental Restoration Program (ERP) is a municipal grants program that reimburses eligible parties up to 90 percent of eligible on-site costs and 100 per cent of eligible off-site costs for the investigation and remediation of contaminated sites. Contaminants include hazardous waste and petroleum. The investigation and remediations are carried out under state oversight. Parties to the ERP state assistance contract receive a release of liability and indemnification from the state for all contamination that existed on the site prior to being accepted into the ERP. Amendments to Article 56 were passed in 2003 and 2004.

**Issues:**

Approximately 90 percent of the \$200 million authorized under the 1996 Clean Water/Clean Air Bond Act for the ERP was committed as of March 31, 2008. The last \$20 million authorized is tied to a 1997 appropriation which requires a Memorandum of Understanding signed by the Governor and legislative leadership designating the future use of the appropriation. The remaining \$20 million will not be sufficient to complete the cleanup of on-going projects. Application approvals are on hold and increases in costs for existing projects are being processed based on the critical nature of the work and funds available. Additional dedicated funding is required if the ERP is to continue to assist municipalities with their revitalization efforts.

**Population Served:**

New York State municipalities and Community Based Organizations (CBO) acting in partnership with a municipality are eligible parties. Other interested parties would include potentially responsible parties, property owners, lenders, and local, state and federal governments.

**Performance Measures:**

Based on the number of projects started and completed and sites completed. As of March 31, 2008, Remedial Investigation (RI): starts 178; completions 98; Remedial Design (RD): starts 40; completions 32; Remedial Action (RA): starts 38; completions 22; Interim Remedial Measure (IRM): starts 34; completions 25; and 29 sites have been completed.

Environmental Conservation: Environmental Remediation  
**PROGRAM INFORMATION SHEET**

**Program:** Brownfield Opportunity Area Program (BOA)

**Mandate:**

Statutory Authority: NYS General Municipal Law (GML) 970-r

**Mandated Funding Level:**

Eligible for a portion of the annual \$15 million authorized under the 2003 State Superfund/Brownfield law.

**Brief Description/History/Background:**

A voluntary program administered by the Division of Environmental Remediation. The Brownfield Opportunity Areas Program is a grant reimbursement program that provides financial assistance of up to 90 percent of eligible costs to eligible parties (municipalities and community-based-organizations) to complete area-wide planning approaches to brownfield redevelopment. The BOA program enables local governments and Community Based Organizations (CBOs) to build consensus on the future land uses in the BOA and establish multi-agency and private-sector partnerships necessary to leverage assistance and investments to revitalize neighborhoods and communities. The 2003 legislation authorized DEC to implement the BOA program in collaboration with the Department of State (DOS). Amendments were passed in 2004, 2007 and 2008. The 2008 amendment transferred the program to DOS as of April 1 2009. DEC retained oversight responsibility for site assessments performed under a BOA grant.

**Issues:**

Annual appropriation amount has varied and has included restrictions. SFY 2003/04 through SFY2006/07 require Memorandums of Understanding executed by Governor and legislative leadership. MOUs for SFY 2005/06 and 2006/07 have not been executed. DOS is seeking sufficient funding/suballocation to implement program as of April 1, 2009.

**Population Served:**

New York State municipalities, Community Based Organizations (CBOs) and New York City Community Boards are eligible parties. Other interested parties would include business community, community residents, lenders, and local, state and federal governments.

**Performance Measures:**

Performance Measures: Short term: based on the number of applications approved. Long term: the number of projects started and completed and BOAs designated. As of March 31, 2008, 103 BOA applications have been approved. Long term performance measures are not available at this time.

Environmental Conservation: Environmental Conservation  
**PROGRAM INFORMATION SHEET**

**Program:** Technical Assistance Grants (TAGs)

**Mandate:**

Statutory Authority: NYS Environmental Conservation Law, Article 27, Title 13/ 14; Regulations: 6 NYCRR 375 -2 and 3

**Mandated Funding Level:**

Eligible for a portion of the annual \$15 million authorized under the 2003 State Superfund/Brownfield law.

**Brief Description/History/Background:**

Voluntary program administered by the Division of Environmental Remediation. Technical Assistance Grants (TAGs) are available to eligible community groups to obtain independent technical assistance for interpreting existing environmental data about an eligible site, commenting on the eligible site's remedial activities and proposals and disseminating this information to the community. Eligible sites are Class 1 or 2 Registry sites in the State Superfund Program and significant threat sites in the Brownfield Cleanup Program. Funding is limited to \$50,000 per site. Once an application is approved, the applicant is required to sign a state assistance contract (SAC) under which the grantee is reimbursed for eligible costs incurred under the grant. The 2003 Superfund/Brownfield law amended the ECL to authorize the TAG Program.

**Issues:**

Low participation to date.

**Population Served:**

Eligible community groups, community residents and local, state and federal governments

**Performance Measures:**

Short term: based on the number of applications approved. Long term: the completion of the grant. As of March 31, 2008, 2 TAG applications have been approved. No grants have been completed.

**Attachment C**

Department of Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Executive Direction

**Mandate:**

DEC's executive duties are mandated by all articles of New York State's ECL. Specifics of executive organization, powers, and function are laid out in Article 3 of the ECL.

**Mandated Funding Level:**

None.

**Brief Description/History/Background:**

Since the agency's establishment in 1972, DEC's Executive has provided oversight and leadership to all divisions, offices, and regions of the agency. Activities include: setting priorities for policymaking and expenditures; coordinating policy implementation within the agency and in collaboration with local, state, and federal agencies, the Governor's Office, and other stakeholders; and managing daily operations. Executive Direction personnel includes commissioners and their administrative support staff.

**Issues:**

All issues with which the agency is engaged, and all environmental issues that arise at other levels of government, are addressed, either directly or indirectly, by DEC's Executive.

**Population Served:**

All New York State residents.

**Performance Measures:**

Performance is measured indirectly, through the performance measures of the agency's constituent divisions, offices, and regions.

Department of Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Executive Policy Development

**Mandate:**

General mandate: Articles 1 and 3 of the ECL.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The special assistants in the Commissioner's Policy Office develop and implement strategic projects within the agency and in collaboration with other agencies and the Governor's Office; provide direct support to the Commissioner in his diverse roles; consult with and provide support to other agency offices on rulemaking, legislative needs and responses, and background research; and engage in numerous communications and coordination activities with other state and federal entities, public interest, business and other stakeholder groups, and the general public. The Commissioner's Policy Office was established in April 2007 to allow for an agile and informed response to priority issues.

**Issues:**

The office's projected priority work for 2008-2009 includes active engagement in the Governor's Smart Growth Cabinet, the Oceans and Great Lakes Ecosystem Conservation Council, assistance in implementing Executive Order #4, redrafting the state's solid waste plan, and reassessing pesticide policy and product registrations. The office will also respond to the many, as yet unforeseen, challenges that arise continuously.

**Population Served:**

All New York State residents.

**Performance Measures:**

The Commissioner's Policy Office maintains a current record of all projects, reports, products (draft rules, policies, etc.), and coordination efforts with which it is engaged. This record is compared twice yearly to a six-month projected workplan.



Department of Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Executive Communication

**Mandate:**  
Section 3-113 of the ECL. (For **Conservationist** Magazine)

**Mandated Funding Level:**  
5.5% of subscription revenues support conservation programs

**Brief Description/History/Background:**

The Communications Office provides strategic direction for the Department's external outreach including: coordinating public information and media outreach with the press office; overseeing activities of the Division of Public Affairs and Education; planning educational and/or public relations campaigns; production of all public materials including the website, New York State Conservationist magazine and all program-specific publications; and, managing speechwriting for the Commissioner.

**Issues:**

With a tightening budget in 2008-2009, new modes of outreach will become increasingly important to communicate broadly at low cost and to effectively raise awareness of environmental challenges.

**Population Served:**  
All New York State residents

**Performance Measures:**  
None.

Department of Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Legislative Affairs

**Mandate:**  
None.

**Mandated Funding Level:**  
None.

**Brief Description/History/Background:**

The Office of Legislative Affairs is DEC's liaison to the State Legislature and elected officials at all levels, including the state's federal delegation. The Office tracks and responds to constituent issues, develops DEC's departmental proposals in conjunction with program offices, monitors and responds to environmental legislation and budget issues moving through the State and Federal Legislatures, meets with stakeholders, and communicates regularly with New York State's Washington D.C. office.

**Issues:**

**Population Served:**  
All New York State residents, elected officials

**Performance Measures:**  
None.

**Attachment C**

Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Office of Climate Change

**Mandate:**

The Office of Climate Change was created on enactment of the state budget for 07-08 fiscal year. The Legislature concurred with the Executive's request for a state office on climate change to address the "most pressing environmental issue of our time."

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

The office currently has 2 SG-29's, 3 SG-27's, 2 SG-24s, 1 SG-22 and 2 SG-18's.

**Issues:**

The OCC has been charged with developing State policy to mitigate the negative impacts of climate change on the State's natural environment and communities, and will help to implement the Regional Greenhouse Gas Initiative, which is a cooperative effort by Northeastern and Mid-Atlantic states to reduce emissions of carbon dioxide. OCC will work with local governments, community groups and businesses to implement adaptation measures to address climate change impacts, and implement measures to reduce greenhouse gas emissions, and is currently working with an array of State agencies and authorities to establish a Statewide climate action plan.

**Population Served:**

Executive Chamber, Commissioner, Executive, all agency program and natural resource divisions all regional office, and all other state agencies and authorities.

**Performance Measures:**

We have been asked to develop a climate action plan that will reduce greenhouse gas emissions by 80% from current level by 2050. Achieving this goal will require promulgation of numerous new regulations in the next 5 to 10 years. The result will be a dramatic shift away from the use of fossil fuels to power and heat the places we live and work in and a transportation sector that does not rely on the internal combustion engine.

**Attachment C**

Department of Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Emergency Response Coordination and Homeland Security Coordination

**Mandate:**

Executive Law Article 2-B, Environmental Conservation Law 3-0301.1, ECL 9-0105, ECL Article 15, 16, 27, 29, 33, 34, 37, Navigation Law Article 12, NYC Comprehensive Emergency Management Plan  
Executive Law Section 709 and 714

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

Since 9/11/01, NYS has been working to improve interagency communications, streamline interagency emergency response and better serve/protect the public. In 2004, the Department consolidated internal emergency response coordination by creating the Emergency Response Coordination Unit. The Unit was minimally staffed with existing personnel from Department programs. Staff from the unit now serve as liaisons to the State Emergency Management Office and emergency response counterparts in all other State and federal agencies. The Unit is responsible for coordinating Department emergency response efforts and ensuring Department preparedness to meet the mandates of the State Comprehensive Emergency Management Plan.

Staff within the Emergency Response Coordination Unit (ERCU) serve as liaisons to the NYS Office of Homeland Security with the commensurate security clearances. Because the Department has regulatory oversight over certain sectors of State critical infrastructure, specifically, dams/flood control projects, chemical facilities, and wastewater treatment plants, a structure was put in place to maintain a separation of security related information from the regulatory/enforcement programs of the Department. This "China Wall" allows the Department, through the ERCU, to assist the Office of Homeland Security, and participate with the US Department of Homeland Security, on security matters related to critical infrastructure overseen by the Department. It also provides a legal basis for ensuring the regulated community no information shared during security assessments will be used to conduct any enforcement actions. ERCU staff also represent the Department on various homeland security task forces including the NYS Homeland Security Executive Council, NYS Homeland Security Strategy Work Group, and the State Radiation Interdiction/Defense Work Group.

**Issues:**

**Population Served:**

State Emergency Management Office, Local & County Government; NYS Office of Homeland Security, local government, and private industry

**Performance Measures:**

Appropriate response is being implemented for any emergency issues that arise for both preparedness and response.

**Attachment C**

Department of Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Office of Internal Audit & Investigation (OIA&I)

**Mandate:**

New York State Governmental Accountability, Audit and Internal Control Act (Internal Control Act, Article 45, Section 952 of the Executive Law). The Office of Internal Audit & Investigation must comply with Internal Control Act, DOB Budget Bulletin B-350 and conduct its audits in accordance with the applicable professional standards and the code of ethics promulgated by The Institute of Internal Auditors.

**Mandated Funding Level:**

None

**Brief Description/History/Background:**

OIA&I provides independent, objective assurance and consulting services to the Commissioner and DEC. OIA&I conducts audits, reviews, and investigations on behalf of, and as directed and approved by, the Commissioner. OIA&I acts as DEC's liaison with outside auditors to ensure that "outside audits" are conducted efficiently and effectively with minimal disruption to DEC program(s) being audited. OIA&I's staffing is as follows: a Director, an Investigator, two Associate Internal Auditors and one Associate Administrative Analyst (who also serves as the DEC's Internal Control Coordinator, working for the DEC's Internal Control Officer). OIA&I is also responsible for coordination and maintenance of the DEC Policy System. The DEC's Internal Audit function was first established in accordance with the Internal Control Act of 1987.

**Issues:**

In order to comply with DOB Budget Bulletin B-350, the Internal Control Act and professional standards, OIA&I must have a peer review of our operations. In addition, OIA&I needs to develop an annual audit plan.

**Population Served:**

OIA&I serves the Commissioner and all other Divisions within the Department. In addition, OIA&I serves the Office of the State Comptroller and other Federal entities conducting audits/reviews of Department operations. OIA&I also provides assistance specifically to the DEC's Office of Employee Relations and the NYS Office of the State Inspector General in regards to investigations of allegations of inappropriate activities by Department employees.

**Performance Measures:**

None.

Department of Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Commissioner's Correspondence Unit (CCU)

**Mandate:**  
None

**Mandated Funding Level:**  
None

**Brief Description/History/Background:**

The CCU exists to efficiently respond to, track, and catalog all of the Commissioner's correspondence. The unit provides policy and guidance to Division and Region staff regarding CCU business rules established by the Commissioner and Administrative Assistant of CCU. Staffing consists of the Administrative Assistant at a SG-18 level and two Secretary 1 positions at a SG-11 level.

**Issues:**

**Population Served:**

Commissioner, Executive, Division, and Regional staff, as well as all Commissioner Correspondents.

**Performance Measures:**

Responses to Commissioner's correspondence within seven days of receipt.

Department of Environmental Conservation: Executive  
**PROGRAM INFORMATION SHEET**

**Program:** Office of Invasive Species Coordination

**Mandate:**

ECL Article 9, Title 17 - New York Invasive Species Council

**Mandated Funding Level:**

No mandate per se, but three staff were allocated in the SFY 08-09 enacted budget. EPF funds have been included in the enacted budget for the last two years and is expected to increase in SFY 09-10.

**Brief Description/History/Background:**

The Invasive Species Task Force, created by statute in 2003, made 12 major recommendations in a 2005 Final Report. As a result, EPF monies have been allocated to implement these recommendations since SFY 06-07. A single staff position was created (Conservation Fund) in late 2006. A subsequent statute (2008) codified the 12 recommendations. A new unit was created in late-2007 to implement the provisions of Title 17; the Office of Invasive Species Coordination comprises 4 staff. DEC is co-leader (with Department of Agriculture and Markets) of the newly-formed NY Invasive Species Council. The overall purpose is to prepare NYS for managing threats from invasive species.

**Issues:**

**Population Served:**

All New Yorkers and neighboring states and Canadian provinces.

**Performance Measures:**

The OISC has just begun its Work Planning process which will include performance measures; they are not yet developed.

## Attachment C

### Environmental Conservation: Environmental Permits PROGRAM INFORMATION SHEET

**Program:** Permitting

**Mandate:**

Article 70, ECL Uniform Procedures Act - 6 NYCRR Part 621; Article 8, ECL State Environmental Quality Review - 6 NYCRR Part 617; Article 3, ECL, Section 3-0306(4) - Mandates the Department's weekly publication of the Environmental Notice Bulletin; DEC O&D 82-25: Issued in 1982 and reaffirmed in 2001 established the DEC Permit Management System making Permits a one-stop-shop for more than a dozen major environmental regulatory programs.

**Mandated Funding Level:**

There is no mandated funding level.

**Brief Description/History/Background:**

The majority of staff, 80% of which are located in regional offices, receive, review and make decisions for applications for permits. Staff screen projects to identify env. & cultural resources and DEC jurisdictions; coordinate review with involved program staff, local, state and federal agencies; perform env. impact analysis, provide for public notification and outreach, including compliance with the Env. Justice Policy; oversee and insure compliance with the Uniform Procedures Act and SEQQR; participate in permit hearings; and make final decisions on permit issuance. Staff provide important support to protect public health and welfare in emergencies. Following severe flooding in 2006, over 1500 permit approvals were provided in a 3-month period for stabilization & recovery activities. Staff provide pre-project screening for economic development initiatives at the request of ESD and conduct env. reviews in satisfaction of the EFC State Revolving Fund program. These reviews are critical for growing the state's economy, maintaining water quality and providing safe potable water supplies. Staff administer the renewal of SPDES permits statewide (9,000 + permits) and the majority of Department initiated SPDES modifications.

**Issues:**

It is critical that staffing remains at present levels to insure that application reviews, permit decisions, and environmental and jurisdictional reviews are comprehensive, high quality and timely. Business and building activities requiring permits rely upon these services. Compromising delivery of permit application and environmental reviews would adversely affect the State's environment, the public's health and welfare, and existing and future economic and infrastructure development. Maintaining public notification and involvement in the Department's permit application and environmental reviews, and decision making, is not only mandated, but also sound regulatory program administration.

**Population Served:**

Project sponsors, facility owners/operators, land owners seeking permits, general public and environmental organizations.

**Performance Measures:**

In calendar year 2007, 16,611 applications were received for 10,736 individual projects. A total of 15,366 permit decisions were issued. Examples of major economic development activities include: permitting for a new Beech Nut food processing plant in Montgomery County (\$125 million project preserving 350 jobs, adding 150 new jobs); Infrastructure permitting for the proposed Luther Forest Technology Campus in Saratoga County selected by Advanced Micro Devices for building three chip fabrication facilities (each facility > \$3.2 billion); expansion of the SCA Tissue plant in Warren County, (\$ 20 Million modernization retaining 294 jobs); proposed Alcoa aluminum processing plant in St. Lawrence County ← \$600 million investment retaining 900 high-paying jobs); proposed upgrade and modernization of the Lafarge Cement Plant in Albany County reducing energy use, greenhouse gases and mercury emissions ( \$300 - \$500 million improving the plant's worldwide cost competitiveness insuring continued cement production and jobs); proposed re-powering of the Jamestown Power Station in Chautauqua County (>245 million dollars producing over 300 jobs during construction).



## Attachment C

### Environmental Conservation: Environmental Permits PROGRAM INFORMATION SHEET

**Program:** SEQR Coordination and Training

**Mandate:**

ECL Article 8, NY State Environmental Quality Review Act (SEQR); Chapter 662, NYS Laws of 2006: requires annual training for local planning/zoning officers; DEC O&D 82-25: issued 1982, reaffirmed 2001; sets up DEC Permit Management System; Commissioner's Priorities - Natural Assets; Green Communities; Climate Change.

**Mandated Funding Level:**

There is no mandated funding level.

**Brief Description/History/Background:**

SEQR applies to local planning and zoning decisions; capital and planning activities of local legislative bodies, school boards, and other local districts; and to state agency capital, policy and land use actions. SEQR requires these agencies to "consider" environmental factors in making decisions. SEQR unit responsibilities include providing guidance to over 1600 units of local and state agencies, conducting training sessions and developing publications on an array of SEQR topics. Over 2000 local officials received SEQR training in 2007. All these aid the Commissioner's "Natural Assets" and "Green Communities" goals by promoting balanced, sustainable land use choices. DEC must develop the statewide regulations and provide guidance on emerging issues (like greenhouse gases, climate change, or environmental justice). Staff members also serve as project managers for large or complex projects such as Crossroads/Belleayre resort and Belleayre Ski Center expansion, valued at \$400 million for resort and \$43 million for the ski center, the proposed United Waters \$79 million desalination plant in Rockland County and the proposed \$40 million replacement of Letchworth State Park High Falls railroad bridge.

**Issues:**

- 1) Timely SEQR reviews are critical to economic development initiatives.
- 2) Local officials who implement SEQR are not environmental professionals, so training is a critical need.
- 3) Guidance on specific SEQR issues attracts intense attention from multiple interests, so often takes extended periods to develop and issue.
- 4) Lead agency and "ungrandfathering" decisions require multiple signoffs from DEC Legal and Executive, and it is a challenge to meet regulatory deadlines.

**Population Served:**

Local government officials and NYS agency heads and staff; environmental groups like Riverkeeper, New Yorkers for Parks, Adirondack entities; and DEC staff.

**Performance Measures:**

Quantifiable elements of the unit's work are largely reactive, including:

- External training sessions for local government officials and other state agencies - 20+ sessions per year, reaching 2000+ government officials; and
- Internal training sessions - 2 multi-day plus 6 part-day per year, 20 - 40 attendees per session.
- Telephone and email inquiries and responses - about 20 per week;
- Lead agency - about 12 per year, half requiring decisions and others withdrawn or dismissed;

Non-quantitative measures of unit work include match of subject matter and format of training sessions or guidance materials to client needs, and consistency of draft decisions with SEQR rules and prior practice.

**Environmental Conservation  
PROGRAM INFORMATION SHEET**

**Program:** Division of Environmental Permits - Pollution Prevention (P2)

**Mandate:**

Article 28, ECL; 6 NYCRR Part 638 Green Building Tax Credit Program; Executive Orders 4 and 134 ; EPA Grant Greencollar Workforce Development; Commissioner's Policy, CP-34 Environmental Management Systems; Commissioner's Policy, CP-40 New York Environmental Leaders; Governor's Pollution Prevention Priorities; Commissioners Priorities: Foster Green and Healthy Communities, Build a Zero Waste and Toxic Free Future, Sustainability.

**Mandated Funding Level:**

Pollution Prevention Intern: Need to match \$150,000 EPA grant

Green Building Tax Credit Program: Period One of program authorized \$25 million in tax credits. Period Two authorized an additional \$25 million.

Pollution Prevention Institute (P2I): Initial \$2 million operational appropriation awarded to the Rochester Institute of Technology along with its partners Rensselaer Polytechnic Institute, Clarkson University, SUNY-Buffalo and ten Regional Technology Centers. Additional \$1 million appropriation in 2008.

**Brief Description/History/Background:**

Article 28 mandates P2 in order to prevent risks associated with haz. substances, reduce energy, resource use and waste generation. No longer can DEC rely on end of pipe solutions and permit compliance to reduce discharges and toxic exposure. Specific programs include: P2I work plan requires client assistance, technical support, community grants, R&D, outreach & training; EO-4, Sustainability & Green Procurement - DEC co-chairs interagency committee that will annually develop 36 product/services procurement specifications & state agency sustainability plans; Green Collar Workforce Development - matches interns with organizations to promote green manufacturing & P2; Env. Excellence Awards - Annual awards for innovative & environmentally sustainable practices; Env. Leaders - program for beyond compliance performance; Green Buildings Tax Credit for green buildings; Governors' program to green NY tourism; Commissioner's "Don't Flush Your Drugs" campaign; provide Chair and Exec. Sec. for P2 Council; Green Chemistry - 11 school cleanup workshops in coord. with BOCES & fund intern for development of HS Green Chemistry lab manual; EO134 – State Agencies reduce toxic cleaning compounds.

**Issues:**

- Improve agency enforcement discretion to enable business to seek agency assistance.
- Integrating pollution prevention into agency objectives and activities.
- Encouraging business to incorporate pollution prevention into normal operations.
- Prepare 3 year Article 28 evaluation report in concert with P2 Council Members, due September 08
- Develop revision to the Green Buildings Tax Credit regulations by January 09.
- Develop certification program for Green Tourism.
- Biennially update EO 134 Report tracking DEC efforts to purchase and use environmentally preferred cleaning compounds.

**Population Served:**

Programs impact all citizens of state. Pollution Prevention results in reductions in toxics in the home, at work, schools and in the environment. Reductions in toxics means improved health and safety. Implementation of Pollution Prevention can make businesses and organizations more efficient and competitive in the global market.

**Performance Measures:**

601 lbs of mercury removed in school cleanouts. Chemical cleanout at 2 schools led to the removal of 28 containers of toxic chemicals with a total volume of 670 gallons. 14 NYEL applicants propose to reduce pollution by: 55,417 MMBtu's in total non-transportation energy use, 31,130 gallons of transportation diesel fuel, discharge of 9,418 lbs of toxins to water, 473,662 lbs of waste sent to landfills, 34,734,477 gallons of water used, discharge of 12,450 lbs of solids to water, 0.058 lbs of mercury used, 3,795 lbs of NOx, 34,743 lbs. hazardous waste generated, 12,000 lbs of SOx. The P2I workplan specifies 50 annual client assistance projects. Award 4 community assistance grants. Offer 2 professional training courses & 1 technology demo per quarter. A P2I assisted facility will reduce waste volume by 80%. The 1st year of the Green Collar program led to energy and wastewater reductions at 6 facilities. \$25 million in tax credits issued under GBTC. Golden Arrow Resort reports increase in repeat business since going green. The proposed "Don't Flush" campaign projects 250 lbs of pharmaceuticals will be collected. At 1/4lb per household we can prevent 1.7 million lbs of pharmaceuticals from entering the environment.

## Attachment C

### Environmental Conservation: Environmental Permits PROGRAM INFORMATION SHEET

**Program:** Energy Project Management - Provide staff to manage the environmental review and permitting for the construction and operation of energy generation and transmission projects in New York State. Staff also participate in the energy planning functions of the agency such as the development of a state energy plan, renewable portfolio and energy efficiency portfolio.

**Mandate:**

Article 70, ECL, Uniform Procedures - 6 NYCRR Part 621; Article 8, ECL, State Environmental Quality Review - 6 NYCRR Part 617; Article VII, Public Service Law; Section 401, Clean Water Act; Renewable Portfolio Standard (RPS); Energy Efficiency Portfolio Standard; Governor's Executive Order No. 2: Establishing a State Energy Planning Board and Authorizing the Creation and Implementation of a State Energy Plan; and Commissioner Grannis's Priority to Combat Climate Change.

**Mandated Funding Level:**

There is no mandated funding level. Staff positions dedicated to the review of energy projects have historically been supported by State Revenue Other - Utility Account funds. Effective May 1, 2008, these positions were transferred off the Utility Account on to the State General Fund.

**Brief Description/History/Background:**

Staff in both Central and Regional offices, manage a variety of energy related project activities on behalf of the DEC. Project managers establish coordinate the activities of multi-disciplinary review teams comprised of biologists, air, water and hazardous waste engineers, foresters, attorneys, and other experts, and write enforceable permit conditions for actions that fall under the permitting jurisdiction of the DEC. Permits staff energy project reviews include: new sources of renewable energy including proposed land or water based wind farms and hydrokinetic energy systems; new or re-powered fossil fuel fired facilities under SEQR; nuclear power facilities seeking license extensions, power upgrades and new federal licenses and Sec. 401 Water Quality Certifications from DEC; hydroelectric projects; proposed electric and gas transmission facilities under Article VII of Public Service Law; gas and electric lines not covered under Article VII, including utility right-of-way maintenance/replacement projects; projects regulated under federally delegated permits, such as under 316-b of the Clean Water Act, including SPDES permit renewals for existing power plants.

**Issues:**

The development of renewable energy in the state consistent with the RPS is critical to attain the governor's goal for reducing the generation of GHGs. In addition to the 24 wind projects that are currently under active review, applications for 2 new hydro facilities, 3 proposed 1000 MW pump storage facilities and 7 in-stream hydrokinetic projects are currently seeking licenses from FERC. New or upgraded transmission facilities will be required to bring this energy to the load centers where the energy is needed. These transmission facilities also require DEC environmental review. Staff are currently involved in the review of the license extension for the Indian Point Nuclear facility, the update of the Nine Mile Point 2 Nuclear facility and the application by UniStar for a new 1600 MW nuclear facility. Staff are also working with the Climate Change Office in the preparation of a new State Energy Plan and participating on the Governor's Renewable Energy Task Force. Staff are providing background material, reviewing briefs and participating at roundtable discussions on energy planning and renewable energy issues.

**Population Served:**

Energy projects impact all citizens of the state. Access to energy supplies that are clean, reliable and competitively priced is a need for all citizens in New York State and critical to growing the State's economy.

**Performance Measures:**

The Renewable Portfolio Standard adopted in September 2004 called for an increase in renewable energy used in the State from the then current level of about 19% to 25% by the year 2013. To meet this goal would require the addition of 3,300 MW's of wind energy to the New York State electrical system by 2013. To date, the state has added 660 MW's of installed wind energy to the grid since the passage of the RPS. In addition, 6 permitted projects comprising approximately 740 MW's are under construction with another 18 projects comprising approximately 1,925 MW's under active environmental review. A typical 120 MW wind energy facility will require the investment of approximately 240 million dollars, create 200 - 300 construction jobs and result in 15 to 30 full time jobs during operation. The State Energy Plan will establish goals for the state with regards to additional energy capacity needs, preferred types of generation, goals for reducing the generation of greenhouse gases, energy efficiency targets and will identify any necessary improvements or additions to the gas and electric transmission systems. A draft of the State Energy Plan is scheduled to be released on March 31, 2009.

## Attachment C

### Environmental Conservation: Environmental Permits PROGRAM INFORMATION SHEET

**Program:** Administration and Direction

**Mandate:**  
None.

**Mandated Funding Level:**

There is no mandated funding level. Currently, the division has 4.8 FTE's dedicated to providing administrative service for the Division of Environmental Permits and Pollution Prevention.

**Brief Description/History/Background:**

The Administration Section provides the core infrastructure to support the Division of Environmental Permits' mission. This includes: all personnel transactions; budgeting; payroll; time & activity; purchasing; contracts; monitoring expenditures; travel, conference and training arrangements; office space utilization; telephone services coordination; property disposition; records management; internal controls; clerical support services; mail and printing services, as well as keeping staff advised of any Dept. policy changes. In addition, this section provides guidance to our nine regional offices and 5 sub-regional offices in the above areas.

In 1993 the Administration and Direction unit was comprised of the director, an administrative assistant and 8 support staff providing administrative support to approximately 120 professional staff. This was reduced by 2 support staff positions in 1996. Currently the Administration and Direction unit consists of the director, an administrative assistant and 2.8 support staff providing service to 139 staff.

**Issues:**

Day-to-day administration and oversight is critical to the efficient operation of the division. Constantly evolving requirements in budget and personnel transactions require constant attention. The timely submission of waiver requests and budget reports is crucial to the efficient delivery of the division's programs. Staff also provide basic support services such as answering the phone, ordering supplies and filing that are needed to keep the office functioning.

**Population Served:**

Central Office is comprised of 40 permanent staff. In addition, guidance and support is provided to 9 Regional Offices and 5 Sub-regional offices comprising approximately 99 permanent staff.

**Performance Measures:**

Preparation and submission of waiver requests, budget reports and internal controls reports in a timely fashion. Processing of vouchers for payment, submission of travel vouchers and tracking commissioner correspondence. Providing a human voice to the public is a critical need for a public office that serves as the focal point of the department's environmental permit program.

Environmental Conservation: Miscellaneous  
**PROGRAM INFORMATION SHEET**

**Program:** Local aid member items; EPF spent in other agencies; suballocations to other agencies

**Mandate:**  
Appropriation Law and State Finance Law, including Prompt Contracting

**Mandated Funding Level:**  
Various

**Brief Description/History/Background:**  
The Department administers funds appropriated in the Local Assistance budget for services and expenses associated with various environmental initiatives or projects (environmental commissions, institutes, feasibility studies, grants, etc.)

**Issues:**  
None.

**Population Served:**  
Division staff serve the public as well as staff within DEC and other agencies.

**Performance Measures:**  
N/A

Environmental Conservation:  
**PROGRAM INFORMATION SHEET**

**Program:**

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

**Issues:**

**Population Served:**

**Performance Measures:**