

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)
ENVIRONMENTAL JUSTICE INTERAGENCY TASK FORCE
ACTION AGENDA

I. General Recommendations and Agency Actions

Recommendation 1: Provide for Increased Community Representation and Access to Decision Making Processes

Action Agenda

- DEC has compiled a list of all Boards, Task forces, Committees and Commissions in which DEC is a participant. DEC has identified over 250 such groups, either DEC internal, quasi-public, interstate, or interagency. DEC will review the list to ensure that there is representation from community members or environmental justice advocates where appropriate. Once the review is complete, the agency will identify opportunities for involvement and invite environmental justice community representatives to participate. DEC will also continue the Environmental Justice Advisory Group to ensure there is a forum specific to environmental justice and will address issues that are before the Department of Environmental Conservation.
- DEC's Office of Environmental Justice will work with the Division of Public Affairs to update its website to ensure more availability and access to information. The Office of Environmental Justice will also serve as the community liaison for the public for comments and questions regarding access to information, such as public notices or hearings and Freedom of Information procedures.
- DEC will improve its method of translating documents. While DEC does translate many documents, the agency will review opportunities to have more web information and public brochures translated and establish a protocol for future translations of public documents across all sectors at DEC.

Recommendation 2: Continue Collaboration with the Environmental Justice Community

Action Agenda

- DEC will continue working with environmental justice stakeholders to address recommendations to the Task force and to follow through with proposed action items.
- DEC will broaden its outreach to environmental justice stakeholders by holding meetings with local community groups in environmental justice areas throughout the State to ensure all voices are being heard.
- DEC will offer interested environmental justice groups and organizations across the State a one year free subscription of the *Conservationist Magazine*; or the *Conservationist Kids Magazine* to interested organizations that provide youth programs.

- DEC will invite environmental justice stakeholders to join a list serve that automatically sends Environmental Notice Bulletin updates. The Environmental Notice Bulletin provides notices for public hearings, public comment periods, notice of complete applications and State Environmental Quality Review Act reviews.
- DEC will hold monthly meetings with the DEC Advisory Group and, through its internal environmental justice work, collaborate with all divisions to provide more opportunities for public input and information availability/sharing.

Recommendation 3: Create a New York State Environmental Justice Database and Map

Action Agenda

- DEC will chair a Work Group consisting of representatives from several agencies and two representatives from environmental justice organizations and one New York based technology company or college who has expertise in geospatial information systems (GIS). A GIS Workgroup composed of diverse agencies will be co-chaired by one member from the Department of Environmental Conservation and one of the other member agencies. The Work Group will create a statewide Environmental Justice GIS Database for use by agency staff and policymakers to identify environmentally overburdened communities of concern. This database will assist the state in prioritizing future policies, permitting, planning or funding to improve the environment in overburdened communities.

The GIS Workgroup will:

- Produce a white paper describing the GIS data layers available from each agency that can be included in the GIS Database. Determine issues that will present challenges to development of the GIS Database such as accuracy, completeness and timeliness of data, differing geographic bases for data such as zip codes and census tracts, scales at which data layers were created, and privacy considerations.
- Examine other applications of GIS for comprehensive environmental justice analysis and urban planning, such as the Coalition for a Livable Future's Portland Equity Atlas and U.S. EPA's Environmental Justice Smart Environmental Assessment Tool, and determine the analyses and methods in these applications can be adopted for use in developing the Environmental Justice GIS Database.
- Determine a standard geographic base area for maps and analyses in the GIS Database (e.g. census tracts) or determine a standard method for data analysis that does not rely on base geography, such as converting all data layers to rosters (GIS data layers that are based on pixels rather than lines, points and polygons).
- Based on the available GIS data and analytical methods, determine the criteria for designating environmental justice communities. The input of representatives from environmental justice organizations in the Workgroup will be particularly valuable at this stage. Based on the available GIS data and analytical methods, determine the

criteria for designating environmental communities of concern or communities of disproportionate impact.

- Carry out the appropriate analyses to identify disproportionate environmental justice areas and produce a series of maps and tables describing them. These maps and tables will comprise the Environmental Justice GIS Database.
- DEC will add the Environmental Justice GIS Database to the DEC Geodata Inventory to facilitate access to this database by the other State agencies and the public. The Geodata Inventory is an online catalog that provides descriptive information about how, when and by whom a specific set of data was collected and how the data is formatted and can be accessed. The inventory is organized by subject area and can be browsed to find a specific topic. The inventory can also be searched using a variety of tools based on specific criteria, including location, keywords, categories, or time periods. Once in the Geodata Inventory, the Environmental Justice GIS Database will be available to download from the New York State GIS Clearinghouse or other sources.
- Prior to completion of the environmental justice GIS Database, the Potential Environmental Justice Area data set that is currently used by DEC will be added to the DEC Geodata Inventory, where it may be viewed alone or in conjunction with other environmental data by other state agencies and the general public. The Geodata Inventory may be accessed on the DEC website at <http://www.dec.ny.gov/pubs/212.html>.

Recommendation 4: Offer Technical Assistance Grant Programs

Action Agenda

- DEC will draft criteria and suggestions for an environmental justice Technical Assistance Grant program similar to the technical assistance programs available through DEC for the Superfund and Brownfield sites.
- DEC Superfund and Brownfield site technology assistance grants are authorized for up to \$50,000. Under current law, funds are used to evaluate the information developed about site (property) contamination by Department of Environmental Conservation, Department of Health, remedial parties and their consultants. Activities eligible for technical assistance grant funding include disseminating information to the community about the nature of the hazard of contaminants at the site and remedial activities associated with the site that have been and/or will be performed under the State Superfund Program or Brownfield Cleanup Program.

Recommendation 5: Develop Environmental Justice and Sustainability Provisions in Permitting

Action Agenda

- DEC will revise Commissioner Policy 29, which, among other things, addresses permitting in environmental justice areas by requiring enhanced public participation plans before an application is complete. Possible revisions may address new permits, renewals, and

registrations, as well as enhanced environmental assessments in the initial phases of a proposed project or action.

- DEC is also revising the Environmental Assessment Form, which is filled out by applicants during the State Environmental Quality Review Act (SEQRA) review and prior to the issuance of any permits. The revisions will contain language that will help identify projects in environmental justice areas and potential adverse impacts in environmental justice communities. DEC also plans to revise the SEQRA- 6 NYCRR § 617. DEC will provide information and seek public input throughout the process.
- DEC will create additional measures and criteria to capture impacts associated with siting of facilities or permitting in overburdened communities, including i) working on the environmental justice GIS workgroup and developing maps to assist in identifying areas properly, ii) working collaboratively with Department of Health to require applicants to conduct a Health Outcome Data Analysis of an environmental justice community during the SEQRA environmental impact assessment phase and, iii) denying projects for not complying with the enhanced public participation requirements in environmental justice areas, under Commissioner's Policy 29, or other policies and guidance.

Recommendation 6: Give Priority to Environmental Justice Communities in Relevant RFP Requirements, Scoring Systems for Funding, Assistance and Training Programs

Action Agenda

- DEC will identify all sources of funding for grants allocated by or to DEC and will review them to ensure that the programs identify ways to prioritize funding for beneficial projects or programs, and sustainable development in environmental justice areas.
- DEC will serve as a resource for other agencies to help them prioritize funding for beneficial projects or programs and sustainable development in environmental justice areas. Several examples for prioritizing environmental justice communities follow:
 - Provide additional points in the award scoring criteria of new and existing grant programs for projects which benefit environmental justice communities. The Request for Applications should request information on the project location and a brief description of how the project will benefit minority or low-income populations that experience disproportionate adverse environmental impacts, such as, pollution from multiple industrial facilities; sub-standard water quality; concentrated diesel emissions from bus depots or other heavy vehicle traffic; adverse health effects related to environmental impacts such as high asthma rates; lack of access to green benefits such as open space, environmental education or parks; or other such impacts. Reviewers should assess applications to determine whether the project locations are in or near environmental justice communities and, based on the project descriptions, whether the projects will address environmental justice issues in those communities.
 - Create funding programs to specifically address environmental justice issues, such as the DEC's Environmental Justice Community Impact Grant Program. This grant

program provides funding to community groups for projects that address exposure of communities to multiple environmental harms and risks, and prioritizes awards to projects that serve a minority and/or low-income community or Environmental Zones (see description below).

- Provide additional scoring points in the award scoring criteria of existing grant programs for projects located in, or benefiting, Environmental Zones (En-Zones). For instance, quality improvement program grant awards could be prioritized in designated “Environmental Zones.” The Empire State Development Corporation designated Environmental Zones for the purpose of providing tax incentives for brownfield redevelopment and uses the following criteria:
 - ✓ census tracts with a poverty rate of at least 20% according to the 2000 Census, and an unemployment rate of at least 125% of the New York State average; or
 - ✓ A poverty rate of at least double the rate for the county in which the tract is located. Maps of Environmental Zones in each county can be found on the ESDC Brownfield Redevelopment website at: www.empire.state.ny.us/Brownfield_Redevelopment/Default.asp.
- Provide additional scoring points in the award scoring criteria of existing grant programs for projects located in, or benefiting, Brownfield Opportunity Areas (BOA). Priority may be given to projects located in areas that have received a BOA designation from the Department of State (DOS), or are within a municipality that contains one or more BOAs. This criterion would prioritize municipalities that have a legacy of environmental contamination and are actively working in partnership with organizations to plan for cleanup and redevelopment. It also would serve as yet another incentive for municipalities to take advantage of the BOA program. A listing of current BOA projects can be found at http://www.nyswaterfronts.com/BOA_projects.asp#top.

Recommendation 7: Prioritize Enforcement Action and Pollution Reduction Programs and Resources in Environmental Justice Communities

Action Agenda

- DEC will prioritize enforcement actions in environmental justice communities. The Office of Environmental Justice will provide environmental justice maps or other assistance to identify environmental justice areas and facilitate potential enforcement.
- DEC’s Office of General Counsel will work collaboratively with communities to create community-specific environmental justice Inspection and Enforcement Action Plans. Collaboration with communities will help identify hot spots or areas of concern, which can form the basis for investigations and possible enforcement. Earlier this year, DEC Region 4 staff in collaboration with community representatives implemented a pilot environmental justice Inspection and Enforcement Action Plan. The plan targeted alleged violations in the Arbor Hill community of Albany, NY. The community specific approach proved to be a comprehensive approach to enforcement in an environmental justice area.

- DEC will further encourage and facilitate the use of Environmental Benefit Projects (EBP) in environmental justice areas when reviewing potential settlement of enforcement actions.
- When enforcing environmental laws and regulations, DEC has authority to use an EBP as part of an overall settlement agreement with a respondent. EBPs are intended to improve, restore, protect, and/or reduce risks to public health and/or the environment beyond that achieved by respondent's compliance with applicable laws and regulations. Commissioner Policy - 37, Environmental Benefit Projects (EBPs) outlines the use of EBPs in settlement agreements and includes a preference for projects that benefit Environmental Justice areas. See policy at <http://www.dec.ny.gov/regulations/25231.html>. The benefits of EBPs are numerous, however, identifying good projects can be difficult at times. To help identify community-specific EBPs, DEC will establish procedures to collect EBP ideas from the public, prioritize EBPs that benefit environmental justice areas, and make them available to staff, respondents and the public.
- DEC Office of Environmental Justice along with the Department of Law Enforcement will investigate the possibility of implementing a regional or systematic enforcement program for small stationary sources of air pollution, pesticide enforcement sweeps of public housing and buildings, and a targeted permit enforcement program for solid waste and construction and debris facilities in environmental justice communities.

Recommendation 8: Diversity and Green the Workforce

Action Agenda

- DEC will do more outreach at community colleges and other educational institutions and their respective student job placement units in urban or environmental justice areas, and do more outreach with Black, Latino and minority student organizations. As part of this outreach, DEC will work with Civil Service and DOL to provide information on employment with governmental agencies through Civil Service. DEC will also review and target more opportunities to participate in green worker training, “career days” or other events for showcasing certain careers at DEC. Additional multi-media forums will be explored such as public air waves or public service announcements.
- DEC will work with the Governor’s Green Worker Task Force to develop outreach and training programs for green jobs in environmental justice areas throughout the state.
- DEC will prepare a Managing Diversity and Retention training for the agency itself to be ready for the arrival of a new diverse workforce. This will help the agency go from recruitment, to reception, and ultimately increase retention of a diverse workforce.

Recommendation 9: Provide Environmental Justice Training for Agency Staff

Action Agenda

- DEC will review environmental justice training programs from EPA and/or other states to help develop this statewide program. A workgroup with state agency representatives is suggested to finalize criteria and the program.
- DEC will work with representatives from the State's Indian Nations in developing and implementing sensitivity training for staff under the newly adopted Indian Nations Policy: Contact, Cooperation and Cooperation with Indian Nations.
See : http://www.dec.ny.gov/docs/permits_ej_operations_pdf/cp42.pdf

II. Draft Specific Recommendations and Agency Actions

Green Infrastructure (GI)

Stakeholder Recommendation

- NYS should create a policy that identifies and encourages the best green infrastructure technology to abate run-off and discourage practices that increase grey infrastructure.
- NYS should create a new funding source for green infrastructure and a separate Office of Green Infrastructure. The Office should include citizen input in green infrastructure decision-making. Possible funding sources include monies collected from fines and monies deposited into Environmental Benefit Projects.
- NYS should require that local governments include significant green infrastructure in Long Term Control Plans. This and other mechanisms to promote green infrastructure provide numerous benefits, including green jobs to construct, manage and monitor green infrastructure.

Action Agenda

- DEC is planning a Managing Wet Weather and Green Infrastructure Conference which will explore: the current status of GI technologies; potential uses of GI; case studies of GI implementation in cities and environmental justice communities; mechanisms to encourage or require GI implementation in environmental justice and other communities; the effectiveness of GI and cost of implementation, including maintenance costs; and potential funding sources for GI implementation.
- DEC has established a Green Infrastructure Work Group that is sponsoring the conference. The GI Work Group is also exploring ways to: develop support for GI within DEC; incorporate GI in various regulatory programs; administer GI programs; and fund GI, including using money from fines, penalties and environmental benefit Projects. The conference will involve environmental justice community participation.
- DEC will encourage municipalities that develop Combined Sewer Overflow System (CSO) Long Term Control Plans (LTCs) to integrate methods of reducing stormwater flow into

the CSOs. DEC will seek to have municipalities that are developing LTCP integrate stormwater Best Management Practices (BMPs) into those plans.

Air Quality and Emissions

Stakeholder Recommendation

- Address the problems of air pollution emissions from smaller sources.
- Address air toxic emissions from all sources.
- Facilities should also be required to document what steps they are taking to upgrade their facilities as new emission control technologies or methods are introduced in the market. NYSDEC should take a more proactive role in pollution control strategies and investigate strategies implemented in other areas of the country and other countries.

Action Agenda

- On October 31, 2008, DEC launched a long-term enforcement action to cut down on the health risks associated with smoking and idling diesel trucks and buses throughout New York City, especially in communities that have been disproportionately impacted by pollution. The effort is being led by the Office of Environmental Justice, working with DEC's Law Enforcement Office. The City of New York is joining DEC in this enforcement action. A joint state-city pilot enforcement crackdown in November and December 2007 in East Harlem — a neighborhood with high asthma rates and heavy truck traffic — found that thousands of diesel trucks are violating the laws designed to protect our citizens. The experiences gained through this crackdown served as the basis for the long-term plan to continue the enforcement action.
- Every month DEC will implement a DEC police pullover operation in one of the five NYC boroughs and issue tickets to diesel trucks that are spewing out dirty smoke in violation of air regulations, particularly in environmental justice communities. Each time a smoking truck enforcement action is set up, DEC and NYC will also concentrate on hot spots of idling trucks and buses in the same area and issue tickets for idling. The long-term enforcement plan will focus on hot spots where heavy truck traffic enters or exits a neighborhood, such as on bridges and feeder streets, or in areas where diesel trucks are found to congregate, such as wholesale markets, waste disposal facilities, and transportation hubs.
- In addition to the implementation of this plan in New York City, on Earth Day 2009, DEC took similar enforcement actions in urban areas throughout the state. The statewide action was also very successful and will be continued in all DEC regions. All statewide pullover operations will target Potential Environmental Justice Areas.
- DEC will implement an outreach program, "I-Watch Teams," to assist the community in identifying idling hot spots, and in informing the trucking and bus operators of their legal responsibilities.

- DEC Commissioner Policy-29 established a requirement for supplemental compliance and enforcement inspections of regulated facilities where there is reason to believe that such facilities are not operating in compliance with the NYS Environmental Conservation Law. The intent of the supplemental inspections is to ensure that inspections are being conducted equitably in environmental justice communities and that any resulting enforcement actions for violations in environmental justice communities are prioritized.
- The DEC Division of Air Resources Environmental Justice "Supplemental Inspection" initiatives have primarily focused on inspections of NYC dry cleaners and Long Island dry cleaners, a street-by-street review of small sources in the East Harlem area of Manhattan, and a review of major streets in the City of Syracuse. Expanding upon the Stop Smoking and Idling Trucks and Buses initiative and Supplemental Inspection initiative, the DEC Office of Environmental Justice will investigate the possibility of implementing a systematic enforcement program for small stationary sources of air pollution in environmental justice communities.
- In August 2008, DEC Commissioner Grannis unveiled the new Pollution Prevention Institute (NYSP2I). The Institute, housed at the Rochester Institute of Technology, is a research and development center that will design and test green manufacturing methods and provide technical support to businesses for pollution reduction measures that will help make them more competitive. The mission of NYSP2I is to make New York State more sustainable for workers, the public, the environment, and the economy through reductions in toxic chemical use, emission releases and waste generation. Additionally, the Institute promotes the efficient use of raw materials, energy and water. NYSDEC staff has been involved since the inception of this institute and will continue to be involved in the development of pollution reduction measures and advocate for the implementation of those technologies in EJ communities.
- DEC will look at requiring small facilities (with State Facility permits and registration applications) to provide detailed facility information to DEC. This will be accomplished by reviewing and proposing revisions to 6 NYCRR Part 201. The revisions will require facilities to provide a list of all regulated air pollutants emitted from the facility and information on the type, rate and quantity of emissions in sufficient detail for DEC to determine applicable State and Federal requirements for the facility. Facilities would also be required to report a description of all process and their associated emission sources; and all emission points with detailed information to facilitate modeling of emissions.
- DEC will review and recommend a New Source Review (NSR) type program for minor sources, which are not subject to NSR. This minor source NSR program could consider requiring Best Available Control Technology (BACT) in non-attainment areas. DEC has developed a reasonably available control technology (RACT) program that requires control for existing sources. RACT is a retrofit program that is applicable to major sources only. DEC may be able develop a RACT program for minor sources that will assist in improving air quality statewide and in non-attainment areas and EJ communities. Additionally, the State could consider creating programs that provide incentives to reduce toxic chemical use

and promote the efficient use of raw materials, energy and water. In addition to incentives, this program could suggest ways that businesses and individuals could replace, repair or maintain equipment to increase efficiency and reduce energy usage.

- DEC will recommend a partnership be developed with other agencies such as NYSERDA, NYSDOT, and Metropolitan Transit Authority (MTA) to create a job training program for retrofitting of vehicles with emission control devices. California Air Resources Board (CARB) has recently proposed a regulation that would require truck owners to install diesel exhaust filters starting in 2010, with nearly all vehicles upgraded by 2014. CARB has proposed providing \$1 billion in funding assistance for business owners to comply with the proposed regulation. New York State may wish to implement a similar funding program. DEC may be able to work collaboratively with State Education Department on reducing school bus emissions, through a ‘fuel neutral’ approach, that is one that selects the fuel type and emissions reduction equipment producing the lowest emissions.
- DEC will develop an Air Quality Management Plan (AQMP) that takes a critical look at air toxics. DEC is engaged in a ‘first-of-a-kind’ multi-pollutant air quality planning pilot project with EPA called the AQMP. DEC’s goal for the AQMP project is to develop an all-encompassing air quality plan that will look holistically at air quality planning by including criteria air pollutants, air toxics, climate change, transportation, energy and environmental justice. EPA is intending to use this project to create a national model for integrated air quality planning and New York State has been chosen as one of the three areas nationally with North Carolina and St. Louis metropolitan area. DEC is including air toxics (or HAPs) planning in the project. The project is in the conceptual model design phase and will be involving stakeholders, including the environmental justice community, in the AQMP development process.
- Revise Part 201. Current revisions to 6 NYCRR Part 201, address air toxic emissions from smaller facilities, those with a State Facility permit or registration certificate. Specifically, changes to Subpart 201-3, Exemptions and Trivial Activities, introduce a subset of State Hazardous Air Pollutants (SHAPs), entitled Priority SHAPs (P-SHAPs), each with their own negligible emission limits (pounds per year). The P-SHAP list is comprised of chemicals that represent a public health concern at low emission rates. The list was identified by selecting urban air toxics (identified in CAAA Section 112(k)) and/or those that have been assigned a High Toxicity classification under Guidelines for the Control of Toxic Ambient Air Contaminants (DAR-1).
- Existing facilities having the potential to emit P-SHAPs above the negligible emission limits in Part 201-3 would need to submit an application for a State Facility Permit. Facilities taking a cap of actual emissions that are fifty percent of the negligible emission limit in Part 201-3 can be eligible for a Registration. No facility will be eligible for an exemption to obtain a permit if the facility emits a P-SHAP compound. The development of a defined P-SHAP list will enable DEC to develop effective air toxics management strategies for urban areas and environmental justice communities by providing a good baseline of HAPs emissions information.

- Revise Part 212. Current revisions to 6 NYCRR Part 212, address air toxic emissions from large facilities, those with Title V permits. The proposal will result in an improved emissions inventory collection and an enhanced risk screening ability to ensure all permits and registrations issued by DEC are protective of public health and the environment. The proposal also will aide DEC in developing comprehensive air pollution management and risk reduction strategies in urban areas and communities across New York, including environmental justice communities. The proposal will also provide a State regulatory backstop to the federal program to address deficiencies in the federal program and will enable DEC to address specific air toxics issues that are unique to New York. In summary, the most important aspect of the proposed revisions is development of a database for the continuation of forty years of work on researching, documenting and developing an understanding of the environmental causation of morbidity and mortality and environmental change.

Polluted Waterways

Stakeholder Recommendation

- New York State should identify highly-polluted bodies of water and target those water bodies for holistic enforcement action.
- Increase and expand penalties for polluting waterways.

Action Agenda

- In an attempt to develop a strategy for reclaiming our polluted urban waterways, many of which run through environmental justice communities, DEC is engaged in an initiative at the Buffalo River to identify ongoing sources of pollutants being discharged into the river and refer those sites to the appropriate program (oil spill, solid waste, hazardous waste) for disposition. DEC is also investigating historic sources of contamination to the river and exploring resources (from within DEC, outside agencies, and responsible parties) for studying the nature and scope of contaminants in the river. Working with the Buffalo Niagara Riverkeeper organization and federal agencies, DEC will develop plans for remedying the adverse impacts. At the same time, DEC is undertaking a natural resource damage assessment (in conjunction with federal trustees), which will result in the creation of plans for restoring the river.
- Additionally, DEC and EPA are involved in a joint enforcement action against the Buffalo Sewer Authority (BSA) for discharges from Combined Sewer Overflows (CSOs), some of which discharge into the Buffalo River. This enforcement action will result in a consent order which will require BSA to develop and implement a CSO Long Term Control Plan (LTCP). The LTCP will require measures to reduce the CSO discharges into the Buffalo River.
- DEC will use the experiences of the Buffalo initiative to design plans for similar initiatives at other urban waterways throughout the State, such as Utica, Albany and New York City.

The goal, and commitment, of these combined efforts is to clean up the waterway to the maximum extent possible, and restore it as a natural resource for the people of the adjacent and wider community.

- The intent of DEC's Civil Penalty Policy is to deter violations and penalize violators. The current penalty assessment guidelines for polluting the waters of the State were developed in 1988. DEC is working to update these penalty guidelines to account for the current regulatory span of the State Pollutant Discharge Elimination System program.

Wetlands

Stakeholder Recommendation

- Consider amendments to Environmental Conservation Law (ECL) Article 25 (tidal wetlands) and Article 24 (freshwater wetlands) to expand adjacent (buffer) areas.
- Cultural usage of wetlands (e.g. fishing) should be taken into account during the classification process.
- Increase penalties for ECL Articles 24 and 15 violations and direct moneys into dedicated accounts that can be used only to offset damage from violations.

Action Agenda

- Tidal wetlands, (covered under Article 25) can have buffers of up to 300 feet. Freshwater wetlands (covered under Article 24) have 100 foot buffers. However, DEC can extend adjacent area boundaries for wetlands covered under Article 24, if warranted, to protect the wetland. Specific recommendations for extending the adjacent area boundary for particular wetlands will be evaluated by DEC's wetlands staff. Proposals to expand the area adjacent to a wetland should be sent to the appropriate regional freshwater wetland program staff such as the regional habitat manager or regional wildlife manager. The proposal should include the wetland number (if known) and location. The proposal should also include justification for extending the adjacent area, including the reasons the extended adjacent area is needed to protect the benefits and functions of the wetlands.
- DEC is currently drafting revisions to 6 NYCRR, Part 664, Freshwater Wetlands Maps and Classifications. While the topic of incorporating the usage of wetlands for fishing, hunting, and recreation into the classification procedures has not been discussed, DEC will continue to investigate mechanisms for providing higher classification to wetlands occurring in urban areas. When a draft is finalized, it will be made available for public comment.
- DEC will investigate and pursue mechanisms to keep track of fines and fees stemming from Articles 15 and 24 violations and investigate whether fees can go into an account that can be used to improve program delivery or mitigate violations.

Pesticides

Stakeholder Recommendation

- Promote alternatives to pesticide use in residential housing and government buildings for pest management. Create an occupant educational campaign to reduce pests in buildings. Encourage the use of integrated pest management (IPM) baits and gels in public and private buildings.

Action Agenda

- DEC's primary statutory pesticides program pertains to registration, sale, and use. Additionally, DEC has an alternative pest management program focused on residential and school settings (not government). DEC will add a page to its website, with information on alternative pest management methods for residential settings and provide links to "green living" pages on the DEC website as well as links to other, more detailed resources on those subjects.
- DEC recognizes the need for, and benefits of, a broad outreach campaign. However, fiscal and staff resource limitations prohibit DEC's ability to independently conduct such a campaign. DEC staff will investigate outreach campaigns of other entities, such as U.S. EPA and Cornell University, to determine whether DEC can collaborate with them on outreach. To date, several viable programs have been identified, and DEC staff will further explore these programs. For example, EPA conducts training on integrated pest management in affordable housing and very recently expressed interest in working with DEC to hold such training in New York State. However, funds needed for these activities are not currently available. The DEC Division of Solid & Hazardous Materials will request Fiscal year 2009 funding to hold this training in 3 or 4 major cities in upstate NY. Availability of such funds would be subject to fiscal constraints.
- DEC will review its policy on Total Release Foggers. In the wake of Center for Disease's report highlighting the risk of explosions, fires, and acute illnesses from the use of total release foggers, also known as "bug bombs," New York State is moving to make these products restricted use, meaning that only certified applicators would be able to obtain and use them. At the same time, DEC and DOH will be exploring other possible actions that may be required to lessen the hazards of these products.
- DEC is planning to implement a pilot project, in Region 3 (Hudson Valley), involving targeted sweeps of pesticide use, application, and related pesticide enforcement matters in public housing units and other public buildings or facilities.

Defining "Environmental Justice"

Stakeholder Recommendation

- Define "environmental justice group" to ensure that the Task force engages representatives who truly speak for the environmental justice communities.

Action Agenda

- DEC established the New York State Environmental Justice Advisory Group, which is directed and chaired by DEC staff and includes representatives from environmental justice advocacy groups, state, local and federal government, environmental organizations, and business.
- The Advisory Group meets several times a year and provides independent advice and recommendations to DEC on matters relating to environmental justice, including the integration of environmental justice principles into the DEC's programs, policies, regulations, legislative proposals and activities. More information on the DEC Environmental Justice Advisory Group can be found on DEC's website at <http://www.dec.ny.gov/public/907.html>.
- DEC will refer this recommendation to the DEC Environmental Justice Advisory Group for consideration.

DRAFT