Explantation:
This bill provides citizens with the ability to directly challenge alleged violations of a wide range of state environmental laws. At a time when the Department of Environmental Conservation (DEC) is understaffed, polluters are being relied upon more and more to self-report because the DEC lacks the resources to ensure proper enforcement of numerous environmental laws. Therefore, affording individuals the opportunity to challenge environmental threats is critical.

Private enforcement has been an important staple of federal environmental law for decades. Some of the most significant advances in environmental quality nationwide would not have been possible without the right of individuals to bring action that is built into federal statutes such as the Clean Air Act, Clean Water Act, Resource Conservation & Recovery Act, and Emergency Planning & Community Right to Know Act. Recognizing the need to keep this critical component of comprehensive environmental law enforcement intact, other states have enacted environmental statutes that provide individuals with the legal right to become involved in protecting their communities. Since the beginning of state environmental oversight, New York has lagged behind other states. With declining enforcement capacity in state agencies due to severe budget constraints, these citizen suit provisions are more crucial than ever.

This bill also guards against frivolous lawsuits and prohibits citizen recourse if legal action has been or is initiated by either the DEC or the state’s Attorney General.

Summary:
This bill creates the Private Environmental Law Enforcement Act, providing citizens with the right to bring civil action against individuals who have violated certain provisions of the state’s Environmental Conservation Law (ECL). Injunctive and declaratory relief would be made available to citizens who have endured damage or are faced with potential harm by infractions of a variety of ECL-regulated activities, including air pollution, inactive hazardous waste, drinking water pollution, solid waste facilities, mining site issues, and pesticide storage and application. The bill preserves the state’s ability to bring action and ensures other enforcement powers are not weakened by this measure.