

2004 Yellow Book

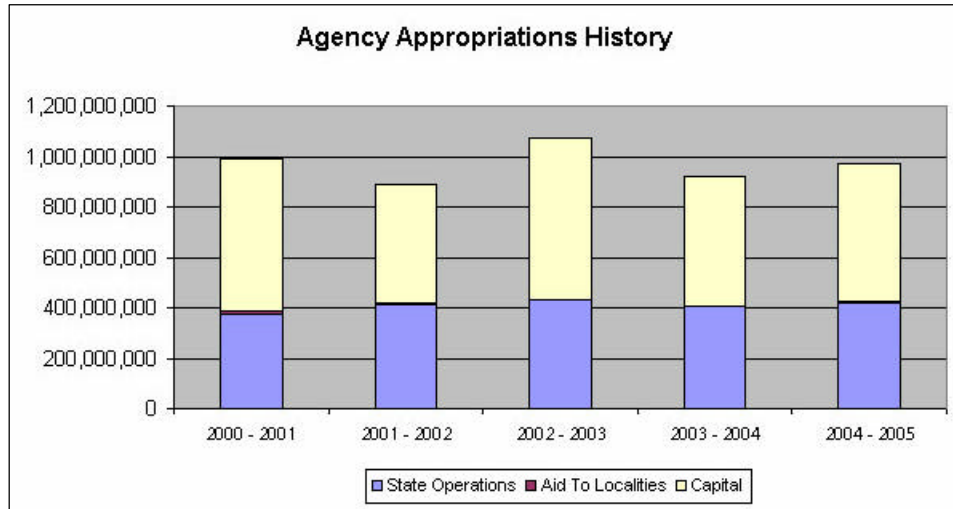
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DEPARTMENT OF ENVIRONMENTAL CONSERVATION

(Summary)

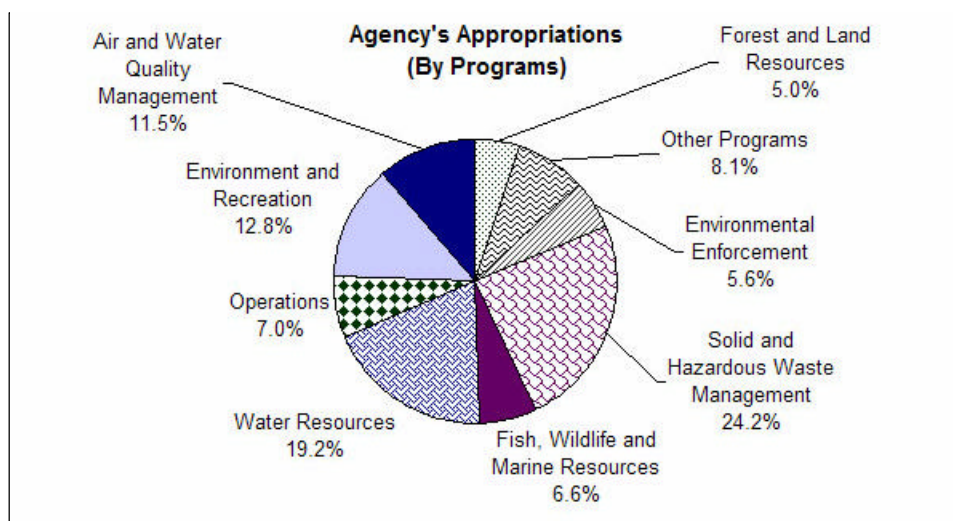
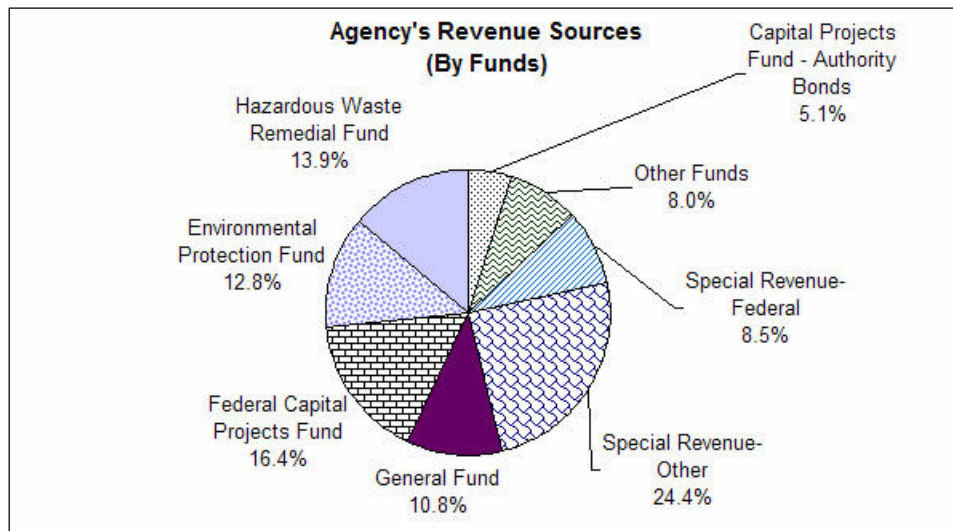
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	Adjusted Appropriation 2003-04	Executive Request 2004-05	Change	Percent Change
AGENCY SUMMARY				
General Fund	103,746,000	105,424,700	1,678,700	1.6%
Special Revenue-Other	216,956,800	237,283,000	20,326,200	9.4%
Special Revenue-Federal	86,928,000	83,018,000	(3,910,000)	-4.5%
Capital Projects Fund	38,692,000	45,062,000	6,370,000	16.5%
Capital Projects Fund - Advances	0	30,000,000	30,000,000	--
Federal Capital Projects Fund	156,770,000	160,114,000	3,344,000	2.1%
Clean Water-Clean Air Implementation Fund	2,527,000	2,527,000	0	0.0%
Environmental Protection Fund	125,000,000	125,000,000	0	0.0%
Hazardous Waste Remedial Fund	135,000,000	135,000,000	0	0.0%
Capital Projects Fund - EQBA (Bondable)	991,000	327,000	(664,000)	-67.0%
Capital Projects Fund - Authority Bonds	51,174,000	49,622,000	(1,552,000)	-3.0%
Internal Service Fund	45,000	45,000	0	0.0%
Total for AGENCY SUMMARY:	917,829,800	973,422,700	55,592,900	6.1%



* 2000-01 through 2002-03 reflect enacted appropriations.

* 2003-04 and 2004-05 reflect Executive recommended appropriations.



**ALL FUNDS PERSONNEL
BUDGETED FILL LEVELS**

Fund	Current 2003-04	Requested 2004-05	Change
General Fund:	1,124	1,120	(4)
All Other Funds:	2,202	2,225	23
TOTAL:	3,326	3,345	19

Budget Highlights

The Department of Environmental Conservation (DEC) is responsible for conserving and improving the State's natural resources and environment, as well as controlling water, land and air pollution, to enhance the health, safety and general welfare of New York State's residents. DEC responsibilities also include administering the State's Environmental Protection Fund (EPF) and the Clean Water/Clean Air Bond Act of 1996.

The Department is included in the Transportation, Economic Development and Environmental Conservation Appropriation Bill.

The Executive proposes an All Funds appropriation of \$973,422,700, a net increase of \$55,592,900 above adjusted levels for State Fiscal Year (SFY) 2003-04.

State Operations

The Executive proposes 3,345 full-time equivalent (FTE) positions in SFY 2004-05, a net increase of 19 positions above SFY 2003-04 levels. Sixteen positions would be eliminated due to projected federal aid reductions. Personal service costs for four additional positions would be transferred to the Environmental Enforcement Account. In SFY 2004-05 the Executive proposes to add 35 positions to assist in implementing the new Superfund/Brownfields legislation enacted in 2003-04.

The Executive proposes State Operations General Fund appropriations totaling \$99,653,900 for SFY 2004-05. This represents a \$2,474,100 net decrease in funding from SFY 2003-04. This decrease would be attributable to:

- a \$1,229,300 increase in personal service appropriations related to salary increments, employee advances and longevity;

- a \$1,198,800 decrease related to the shift of personal service costs from the General Fund to the Environmental Enforcement Account;
- a \$242,800 decrease in funding for temporary personal service to reflect an anticipated decrease in need;
- a \$19,000 increase in salary costs related to the implementation of the NYC Watershed agreement;
- a \$1,166,000 decrease attributable to the completion of the Department of Environmental Conservation Automated Licensing System (DECALS) – an automated delivery system for sport fishing and hunting licenses;
- a \$1,250,000 decrease related to a proposed shift in funding for various indirect program costs from the General Fund to the Department's Indirect Charges Account;
- a \$38,000 decrease in anticipated contractual leasing costs;
- a \$34,000 decrease from equipment costs savings; and
- a \$408,000 increase related to vehicle installment purchase contracts.

The Executive recommends State Operations Special Revenue Other appropriations totaling \$237,283,000, a net increase of \$20,326,200, or 9.4 percent. The increase is attributable to the following:

- an \$888,200 increase in personal service costs including salary increments, advances and longevity;
- a \$1,198,000 increase related to the shift of personal service costs from the General Fund to the Environmental Enforcement Account;
- a \$100,000 increase attributable to an adjustment to temporary personal service;
- a \$65,000 decrease in appropriation authority from the Surf Clam/Ocean Quahog Account, which the Executive maintains is attributable to the completion of a stock assessment;
- a \$100,000 increase from the Natural Resources Account for services and expenses related to the United States Forest Service National Forest Service Inventory and Analysis Program;
- a \$135,000 increase related to a new appropriation for the Energy Efficient Rebate Account;
- a \$9,875,000 increase in the Waste Tire and Recycling Program maintenance undistributed appropriation, bringing the total level of

funding to \$18 million for the Program in SFY 2004-05;

- a \$1,000,000 increase from the Oil Spill Fund related to a productivity investment initiative to close open spills;
- a \$1,250,000 increase attributable to a shift from the General Fund to the Conservation Fund, the Operating Permit Fund, and the Indirect Charges Account;
- a \$581,000 increase attributable to adjustments for inflation with respect to contractual services;
- a \$502,000 decrease attributable to travel cost savings;
- a \$407,000 increase for an adjustment to supplies and materials;
- a \$83,000 inflationary increase for Equipment;
- a \$5,238,400 increase in appropriations for fringe benefits attributable to the increase in the fringe/indirect rate, as well as increases in personal service costs;
- a \$28,000 increase resulting from an overtime adjustment; and
- an \$8,000 increase in the Low-Level Radioactive Waste Account attributable to a non-personal service inflation adjustment.

The Governor also proposes a State Operations Special Revenue Federal Fund appropriation of \$83,018,000 in SFY 2004-05, which represents a decrease of \$3,910,000, or approximately 4.5 percent from SFY 2003-04. This decrease would be attributable to the following federal environmental aid changes:

- a \$2,222,000 decrease attributable to the Executive's projections of federal funds to support FTE positions;
- a \$440,000 decrease related in kind services provided by the United States Environmental Protection Agency;
- a \$1,194,000 decrease attributable to the close out and reduction in grant awards from the Spill Management Grant Account;
- a \$1,016,000 increase in anticipated funding for Flood Plain Mapping grants;
- a \$1,200,000 increase in projected grants for the Fish/Wildlife & Marine Resource Account;
- a \$1,926,000 decrease in anticipated grant funding from the Land and Forest Account; and

- a \$344,000 decrease in the Solid and Hazardous Waste Grant Account.

Waste Tire Management Program

The Executive proposes an appropriation of \$18,000,000 from the Waste Tire Management and Recycling Account, which was created as part of the 2003-04 Enacted Budget to reduce existing scrap tire stockpiles and develop in-State markets for recycling stockpiled, and newly generated, waste tires. The Governor proposes to transfer \$40,300,000 in revenues from the Account to the General Fund for general budget relief.

The Executive also proposes to expand the per tire fee which finances the Program to include new tires sold for motorcycles, limited use vehicles, and all-terrain vehicles. It is anticipated that this action would result in \$300,000 in revenue in SFY 2004-05, and \$575,000 on a full annual basis.

Aid To Localities

The Executive proposes total Local Assistance funding of \$5,770,800 in SFY 2004-05, a net increase of \$4,152,800. The increase would be attributed to the following actions:

- a \$2,800 increase to the appropriation to the Village of Pulaski to cover the balance of a SFY 2002-03 payment to be used for constructing a sewer collection system;
- an \$850,000 increase for a new All Terrain Vehicle (ATV) Trail Development and Maintenance Program; and
- a new \$3,300,000 appropriation to reimburse counties, towns and school districts for Real Property Tax revenue lost due to the Forested Lands Tax Exemption Program.

All Terrain Vehicle Projects

The Executive proposes a new All-Terrain Vehicle (ATV) Trail Development and Maintenance Program through Article VII legislation. Part of the proposal includes an increase in registration fees on ATV's from \$10 to \$45, which the Executive estimates would result in \$5,800,000 in annual revenue based on an estimated 166,700 ATV registrations.

The Governor proposes an appropriation of \$850,000 from the General Fund to support ATV trail development, enforcement and education. Grants would be made available to municipalities and not-for-profit ATV associations, as well as for municipal and State law enforcement, and DEC program administration.

Capital Projects

The Executive recommends \$547,652,000 in Capital Projects Fund appropriations for SFY 2004-05, an increase of \$37,498,000 over SFY

2003-04. This net increase is the result of the following changes:

- a \$966,000 increase in General Fund Capital Projects
- a \$1,552,000 decrease in authority bonds, including both the Operations and Water Resources Accounts;
- a \$29,105,000 increase attributable to Capital Project Fund advances for the Superfund/Brownfields Program;
- a \$664,000 decrease in appropriations for the 1972 Environmental Water Quality Bond Act (EQBA);
- a \$6,299,000 increase in appropriations for the 1965 Pure Waters Bond Act (PWBA); and
- a \$3,344,000 increase attributable to federal capital project initiatives.

Superfund/Brownfields Programs

The Executive proposes funding of \$135,000,000 for the State Superfund and Brownfields Cleanup Programs. This amount is equivalent to the amount provided for in SFY 2003-04, and includes \$120,000,000 for the State Superfund and \$15,000,000 for costs related to the Brownfield Cleanup Program, including Brownfield Opportunity Area grants, and technical assistance grants for citizen participation.

The Executive estimates \$68,000,000 in disbursements for Superfund projects and staff support in SFY 2004-05 from the \$120,000,000 proposed appropriation and reappropriation of funds provided in SFY 2003-04. In addition, the Executive estimates \$15,000,000 in disbursements for the Brownfields program, and an additional \$60 million in disbursements on Superfund projects supported by reappropriations of funding provided under the 1986 Environmental Quality Bond Act.

Environmental Protection Fund

The Executive recommends appropriations totaling \$125,000,000 from the Environmental Protection Fund (EPF) for SFY 2004-05. The Governor proposes these appropriations as lump-sum amounts for each of the accounts within the EPF which, if enacted, would provide no statutory guidance on the allocation of funds to be spent on each EPF category.

In addition, the Executive proposes numerous new project categories and amendments to the EPF statute. The Executive's proposed allocations for the EPF include \$26,200,000 in cost shifts and the addition of new purposes. In addition, the Executive proposes to sweep \$10,000,000 in cash from the EPF for General Fund relief.

Although the appropriations are presented as lump-sums, the Governor maintains that in SFY 2004-05, the EPF would be allocated as follows

(categories in italics are new programs and/or offloads):

(\$\$ millions)	Enacted Budget 2003-04	Enacted Budget Enhancement 2003-04	Executive Budget 2004-2005
Solid Waste Account	12.000	16.925	13.975
Landfill Closure	-	-	-
Municipal Recycling	4.000	6.500	5.000
Secondary Markets	4.000	6.500	5.000
Hudson River Natural Resource Damages	1.300	1.300	1.600
Pesticide Program (\$350K for BCERF)	2.250	2.625	2.375
Adirondack Landfills	0.450	-	-
Parks, Recreation & Historic Pres. Account	47.058	45.665	44.452
Local Waterfront Revitalization	5.000	12.000	6.000
Municipal Parks	5.000	12.165	6.000
Hudson River Park	15.000	15.000	10.000
Stewardship	5.000	5.750	6.750
State Parks Infrastructure Projects	10.000	-	10.000
Historic Barns Program	0.750	0.750	0.750
Zoos, Botanical Gardens, & Aquaria	4.952	-	4.952
Parks Staff (17 positions)	1.356	-	-
Open Space Account	65.942	62.410	66.573
Land Acquisition (\$500K LTA; \$150K Urban Forestry)	30.000	30.000	30.000
Agricultural & Farmland Protection	5.500	12.000	8.500
Hudson River Estuary Management	5.000	5.000	5.000
Biodiversity	0.700	0.700	0.700
Non-point Source Pollution Control	4.000	10.100	6.763
Soil and Water Conservation Districts	1.800	1.860	2.360
Finger Lakes - Lake Ontario Watershed	1.000	1.300	1.300
Albany Pine Bush	0.350	0.400	0.400

Long Island Pine Barrens Planning	0.650	0.700	0.700
Long Island South Shore Estuary Reserve	0.300	0.350	0.350
Staff - 40 DEC, 37 Ag & Mkts, 1 Parks	4.891	-	-
Urban Environmental Initiatives	0.500	-	0.500
Hudson River Valley Greenways Commission	0.765	-	-
Water Commissions	1.157	-	-
DEC Capital Projects	9.329	-	10.000
Totals	125.000	125.000	125.000

Article VII

The Executive proposes Article VII legislation that would:

- expand the Waste Tire Management and Recycling Act of 2003 to include new tires sold for motorcycles and ATVs under the per tire fee on new tire sales;
- Increase ATV fees and create an ATV Trail Development and Maintenance Program;
- permanently authorize the use of the EPF for stewardship and parks infrastructure projects, the assessment of natural resource damages in the Hudson River, the implementation of the Hudson River Estuary management plan, county soil and water conservation district activities, the Hudson River Park Project, and historic barns projects. The legislation would authorize the use of landfill closure funding for beneficial end-use projects at closed municipal landfills, and create a new Environmental Justice Technical Assistance Grant Program, which would be eligible for funding from the EPF. This legislation would also amend language in the State Finance Law to increase the maximum amount of money available for transfer if the Fund faces a fund shortfall from \$277,960,000 to \$278,571,000;
- create a new section 480-b of the Real Property Tax Law providing for state reimbursement payments to counties, towns and school districts containing private forest tracts which are exempt from taxation pursuant to sections 480 or 480-a of the Real Property Tax Law. The Governor proposes to provide \$3.3 million in General Fund appropriations for this purpose;
- increase and restructure fees for emitters of both major and minor sources of air pollution. In addition, the legislation would establish a minimum annual fee of \$1,250 for emitters of major sources of air pollution. It is estimated that these actions would generate an additional

\$1.75 million in revenue to the DEC Environmental Enforcement Account and \$83,000 in revenue to the Clean Air Fund - Operating Permit Account;

- establish acreage-based fees for stormwater management permits. The fee would be \$50 per acre disturbed plus \$300 per future impervious acre. It is anticipated that this fee would result in \$7 million in annual revenue; and
- make permanent the Department's authorization to charge petroleum bulk storage fees which are currently deposited into the Oil Spill Fund.

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