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OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER VI. GENERAL REGULATIONS
PART 622. UNIFORM ENFORCEMENT HEARING PROCEDURES

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622.1 Applicability.

(a) This Part is applicable to hearings conducted by the department arising out of the following circumstances and supersedes any inconsistent regulations except to the extent explicitly noted:

(1) all administrative enforcement proceedings brought pursuant to the Environmental Conservation Law (ECL) or other law administered by the commissioner;

(2) any proceeding brought pursuant to ECL 71-0301 (summary abatement) or ECL 71-1709 and 71-1719 (summary action) except to the extent inconsistent with the provisions of Part 620 of this Title;

(3) any proceeding brought pursuant to State Administrative Procedure Act (SAPA) section 401(3);

(4) any proceeding brought pursuant to ECL 15-0507 or ECL 15-0511 (dam safety);

(5) any proceeding brought pursuant to ECL 27-1313 (inactive hazardous waste disposal site remedial programs) unless superseded by Part 375 of this Title;

(6) a request for a hearing made by a permittee pursuant to provisions of section 621.13 of this Title (permit modifications, suspensions or revocations by the department) or any other department initiated modification, suspension or revocation providing notice and the opportunity to be heard consistent with section 621.13 of this Title, where the basis for modification, suspension or revocation is founded on matters which, in whole or in substantial part, constitute a violation of the ECL, its implementing regulations or an order or permit, as defined herein, issued by the department;

(7) any expedited proceeding brought pursuant to paragraph 613-5.4(a)(3) (petroleum delivery prohibition) of this Title except to the extent inconsistent with the provisions of that paragraph;

(8) proceedings on termination of appointment pursuant to Parts 183 and 184 of this Title and denial of State operation and maintenance aid for municipal sewage treatment plants; and

(9) any other proceeding that is either enforcement or disciplinary in character.

(b) The provisions of this Part do not apply to the determination of disputed environmental regulatory program fees and penalties that are assessed pursuant to ECL article 72. Enforcement proceedings arising out of a failure to comply with a final determination as to the fees and penalties issued pursuant to procedures set forth in ECL article 72 or its implementing regulations are governed by this Part.

(c) Provisions of this Part apply to those proceedings commenced on or after the effective date of these regulations.

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