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2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. AVELLA, MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the requirement for an environmental impact statement

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraphs (b) and (f) of subdivision 2 of section 8-0109  
2     of the environmental conservation law, as amended by chapter 219 of the  
3     laws of 1990, are amended and a new paragraph (e-1) is added to read as  
4     follows:  
5     (b) the environmental impact of the proposed action including short-  
6     term [and], long-term AND CUMULATIVE effects;  
7     (E-1) AN ANALYSIS OF THE CUMULATIVE ENVIRONMENTAL IMPACTS OF THE  
8     PROPOSED PROJECT;  
9     (f) mitigation measures proposed to minimize the environmental impact,  
10    INCLUDING CUMULATIVE EFFECTS;  
11    S 2. Section 8-0105 of the environmental conservation law is amended  
12    by adding a new subdivision 9 to read as follows:  
13    9. "CUMULATIVE ENVIRONMENTAL IMPACTS" MEANS ENVIRONMENTAL IMPACTS THAT  
14    MAY OCCUR WHEN A PROPOSED ACTION OR ACTIONS:  
15    (I) MAY RESULT IN CHANGES IN TWO OR MORE ELEMENTS OF THE ENVIRONMENT;  
16    (II) WHEN CONSIDERED TOGETHER WITH ONE OR MORE PENDING OR PROPOSED  
17    ACTIONS, MAY RESULT IN CHANGES IN ONE OR MORE COMMON ELEMENTS OF THE  
18    ENVIRONMENT;  
19    (III) WILL RESULT IN ONE OR MORE OTHER ACTIONS LIKELY TO BE UNDERTAKEN  
20    AS A RESULT THEREOF;  
21    (IV) IS A PART OF A PROPOSAL OR PLAN THAT INCLUDES OR CONTEMPLATES ONE  
22    OR MORE OTHER SIMULTANEOUS OR SUBSEQUENT ACTIONS;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 (V) IS DEPENDENT UPON APPROVAL OR COMPLETION OF ONE OR MORE OTHER  
2 ACTIONS;  
3 (VI) IS A PROGRAM OR PLAN HAVING WIDE APPLICATION OR IS A PART THERE-  
4 OF;  
5 (VII) IS A PLAN, PROGRAM, OR SERIES OF ACTIONS THAT WILL RESTRICT THE  
6 RANGE OF FUTURE ALTERNATIVES, POLICIES, OR ACTIONS;  
7 (VIII) WHEN CONSIDERED TOGETHER WITH EXISTING OR BACKGROUND LEVELS OF  
8 CONTAMINATION OR POLLUTION OR ACTIONS WHICH HAVE HAD AN ADVERSE EFFECT  
9 ON THE ENVIRONMENT, MAY RESULT IN COMBINED OR SYNERGISTIC IMPACTS ON THE  
10 ENVIRONMENT; OR  
11 (IX) A COMBINATION OF ONE OR MORE OF THE ABOVE.  
12 CUMULATIVE ENVIRONMENTAL IMPACTS SHALL BE CONSIDERED WITHOUT REGARD TO  
13 WHETHER THE ACTION OR ACTIONS ARE PROPOSED BY THE SAME INDIVIDUAL,  
14 PERSON, OR AGENCY, OR WHETHER THE ACTION IS PENDING FOR APPROVAL BY ONE  
15 OR MORE AGENCIES.  
16 S 3. This act shall take effect on the one hundred eightieth day  
17 after it shall have become a law; provided, however that effective imme-  
18 diately, the addition, amendment and/or repeal of any rule or regulation  
19 necessary for the implementation of this act on its effective date are  
20 authorized and directed to be made and completed on or before such  
21 effective date.