

6169--A

I N   S E N A T E

(PREFILED)

January 8, 2014

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the preparation of environmental impact statements

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

1     Section 1. Subdivision 5 of section 8-0109 of the environmental  
2     conservation law, as amended by chapter 252 of the laws of 1977, the  
3     opening paragraph as amended by chapter 749 of the laws of 1991, is  
4     amended to read as follows:  
5     5. After the filing of a draft environmental impact statement the  
6     agency shall determine whether or not to conduct a public hearing on the  
7     environmental impact of the proposed action. If the agency determines to  
8     hold such a hearing, it shall commence the hearing within sixty days of  
9     the filing and unless the proposed action is withdrawn from consider-  
10    ation shall prepare the environmental impact statement within forty-five  
11    days after the close of the hearing, except as otherwise provided. The  
12    need for such a hearing shall be determined in accordance with proce-  
13    dures adopted by the agency pursuant to section 8-0113 of this article.  
14    If no hearing is held, the agency shall prepare and make available the  
15    environmental impact statement within sixty days after the filing of the  
16    draft, except as otherwise provided. WITH RESPECT TO A PUBLIC HEARING  
17    COMMENCED IN RELATION TO A DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED  
18    IN CONNECTION WITH AN APPLICATION FOR OBTAINING AN UNDERGROUND GAS STOR-  
19    AGE PERMIT PURSUANT TO SECTION 23-1301 OF THIS CHAPTER, NO ADDITIONAL  
20    HEARING OR HEARINGS SHALL BE SCHEDULED OR COMMENCED AFTER TWELVE MONTHS  
21    FROM THE DATE OF THE FIRST PUBLIC HEARING OR WITHIN THIRTY DAYS OF THE  
22    CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN THAT AMENDED THIS SUBDIVI-  
23    SION TAKES EFFECT, WHICHEVER IS LONGER.  
24    Notwithstanding the specified time periods established by this arti-  
25    cle, an agency shall vary the times so established herein for prepara-

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

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1 tion, review and public hearings to coordinate the environmental review  
2 process with other procedures relating to review and approval of an  
3 action. An application for a permit or authorization for an action upon  
4 which a draft environmental impact statement is determined to be  
5 required shall not be complete until such draft statement has been filed  
6 and accepted by the agency as satisfactory with respect to scope,  
7 content and adequacy for purposes of [paragraph] SUBDIVISION four of  
8 this section. Commencing upon such acceptance, the environmental impact  
9 statement process shall run concurrently with other procedures relating  
10 to the review and approval of the action so long as reasonable time is  
11 provided for preparation, review and public hearings with respect to the  
12 draft environmental impact statement. WITH RESPECT TO A DRAFT ENVIRON-  
13 MENTAL IMPACT STATEMENT PREPARED IN CONNECTION WITH AN APPLICATION FOR  
14 OBTAINING AN UNDERGROUND GAS STORAGE PERMIT PURSUANT TO SECTION 23-1301  
15 OF THIS CHAPTER, THE DEPARTMENT SHALL FILE A FINAL ENVIRONMENTAL IMPACT  
16 STATEMENT NO LATER THAN NINETY DAYS AFTER THE ADJOURNMENT OF THE LAST  
17 PUBLIC HEARING OR WITHIN NINETY DAYS OF THE CHAPTER OF THE LAWS OF TWO  
18 THOUSAND FOURTEEN THAT AMENDED THIS SUBDIVISION TAKES EFFECT, WHICHEVER  
19 IS LONGER.

20 S 2. This act shall take effect immediately and shall apply to all  
21 draft environmental impact statements currently being prepared or under  
22 review in connection with an application for obtaining an underground  
23 gas storage permit pursuant to section 23-1301 of the environmental  
24 conservation law.