

6169

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. MAZIARZ -- 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 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9 the filing and unless the proposed action is withdrawn from consider-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 PUBLIC HEARINGS
17 COMMENCED IN RELATION TO A DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED
18 IN RELATION TO AN APPLICATION FOR OBTAINING AN UNDERGROUND GAS STORAGE
19 PERMIT PURSUANT TO SECTION 23-1301 OF THIS CHAPTER, NO ADDITIONAL HEAR-
20 ING OR HEARINGS SHALL BE SCHEDULED OR COMMENCED AFTER TWELVE MONTHS FROM
21 THE DATE OF THE FIRST PUBLIC HEARING OR WITHIN THIRTY DAYS OF THE CHAP-
22 TER OF THE LAWS OF TWO THOUSAND THIRTEEN THAT AMENDED THIS SUBDIVISION
23 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-
26 tion, review and public hearings to coordinate the environmental review
27 process with other procedures relating to review and approval of an

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

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1 action. An application for a permit or authorization for an action upon
2 which a draft environmental impact statement is determined to be
3 required shall not be complete until such draft statement has been filed
4 and accepted by the agency as satisfactory with respect to scope,
5 content and adequacy for purposes of paragraph four of this section.
6 Commencing upon such acceptance, the environmental impact statement
7 process shall run concurrently with other procedures relating to the
8 review and approval of the action so long as reasonable time is provided
9 for preparation, review and public hearings with respect to the draft
10 environmental impact statement. WITH RESPECT TO A DRAFT ENVIRONMENTAL
11 IMPACT STATEMENT PREPARED IN RELATION TO AN APPLICATION FOR OBTAINING AN
12 UNDERGROUND GAS STORAGE PERMIT PURSUANT TO SECTION 23-1301 OF THIS CHAP-
13 TER, THE DEPARTMENT SHALL FILE A FINAL ENVIRONMENTAL IMPACT STATEMENT NO
14 LATER THAN NINETY DAYS AFTER THE ADJOURNMENT OF THE LAST PUBLIC HEARING
15 OR WITHIN NINETY DAYS OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIR-
16 TEEN THAT AMENDED THIS SUBDIVISION TAKES EFFECT, WHICHEVER IS LONGER.
17 S 2. This act shall take effect immediately and shall apply to all
18 draft environmental impact statements currently being prepared or under
19 review in relation to an application for obtaining an underground gas
20 storage permit pursuant to section 23-1301 of the environmental conser-
21 vation law.