

STATE OF NEW YORK

10953

IN ASSEMBLY

May 29, 2018

Introduced by M. of A. PELLEGRINO -- read once and referred to the
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
public access to recordkeeping related to environmental permits

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a
2 new section 3-0121 to read as follows:

3 § 3-0121. Public access to recordkeeping.

4 1. As used in this section, "record holder" shall mean (a) any holder
5 of a permit, certificate, license or other form of department approval
6 in connection with the following provisions of this chapter:

7 (i) any regulatory program identified in subdivision three of section
8 70-0107;

9 (ii) titles three and thirteen of article twenty-three;

10 (iii) article thirty-three;

11 (iv) article thirty-five;

12 (v) article thirty-seven; and

13 (vi) article forty; and

14 (b) any other person or entity to the extent that such provisions
15 require such person or entity to maintain records and make them avail-
16 able to the department for audit or inspection upon request.

17 2. Where record holders keep records pursuant to compliance with the
18 requirements of this chapter, the department shall make such records
19 available to the public upon request in accordance with the provisions
20 of the state freedom of information law and the regulations promulgated
21 thereunder. Record holders shall submit the records required to comply
22 with the request within sixty working days of written notification by
23 the department of receipt of the request.

24 3. For facilities subject to section 19-0311 of this chapter, the
25 department shall make available to the public any permit application,
26 compliance plan, permit, and monitoring and compliance certification
27 report, except for information entitled to confidential treatment pursu-

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

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1 ant to federal law or to the state freedom of information law and the
2 regulations promulgated thereunder.

3 4. This section shall not require the release of any information to
4 the extent that such release is prohibited by the statutes of this
5 state.

6 § 2. This act shall take effect on the sixtieth day after it shall
7 have become a law.