S T A T E O F N E W Y O R K

1258

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. SALAND -- 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 granting of permits to mine

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

Section 1. Subdivision 3 of section 23-2703 of the environmental conservation law, as added by chapter 166 of the laws of 1991, is amended to read as follows:

3. No agency of this state shall consider an application for a permit to mine as complete or process such application for a permit to mine pursuant to this title[, within counties with a population of one million or more which draws its primary source of drinking water for a majority of county residents from a designated sole source aquifer,] if local [zoning] laws or ordinances prohibit THE PROPOSED mining USE OR uses within the area proposed to be mined AT THE TIME OF APPLICATION, AS DETERMINED BY THE CHIEF ADMINISTRATIVE OFFICER OF SUCH LOCAL GOVERNMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION 23-2711 OF THIS TITLE.

S 2. This act shall take effect immediately.

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

LBD06390-01-9