

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL, ORTIZ, COLTON, KOON -- Multi-Sponsored by
-- M. of A. CLARK, COOK, ROBINSON -- read once and referred to the
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
mining permits

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

1 Section 1. Paragraph (a) of subdivision 3 of section 23-2711 of the
2 environmental conservation law, as added by chapter 166 of the laws of
3 1991, is amended to read as follows:
4 (a) The chief administrative officer may make a determination, and
5 notify the department and applicant, in regard to:
6 (i) appropriate setbacks from property boundaries or public thorough-
7 fare rights-of-way,
8 (ii) manmade or natural barriers designed to restrict access if need-
9 ed, and, if affirmative, the type, length, height and location thereof,
10 (iii) the control of dust,
11 (iv) hours of operation, and
12 (v) whether mining is prohibited at that location.
13 Any determination made by a local government hereunder shall be accom-
14 panied by supporting documentation justifying the particular determi-
15 nations on an individual basis. The chief administrative officer must
16 provide any determinations, notices and supporting documents according
17 to the following schedule:
18 (i) within [thirty] NINETY days after receipt for a major project,
19 (ii) within [thirty] NINETY days after receipt for a minor project.
20 S 2. This act shall take effect immediately and shall apply to appli-
21 cations for permits received on or after such effective date.

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

LBD00631-01-9