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

840

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ, COLTON, JAFFEE -- Multi-Sponsored by -- M. of A. GOTTFRIED, KOON, McENENY, PHEFFER, SWEENEY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the requirement for an environmental impact statement

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

Section 1. Paragraphs (b) and (f) of subdivision 2 of section 8-0109 of the environmental conservation law, as amended by chapter 219 of the laws of 1990, are amended and a new paragraph (e-1) is added to read as follows:

(b) the environmental impact of the proposed action including short-term [and], long-term AND CUMULATIVE effects;

(E-1) AN ANALYSIS OF THE CUMULATIVE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT;

(f) mitigation measures proposed to minimize the environmental impact, INCLUDING CUMULATIVE EFFECTS;

S 2. Section 8-0105 of the environmental conservation law is amended by adding a new subdivision 9 to read as follows:

9. "CUMULATIVE ENVIRONMENTAL IMPACTS" MEANS ENVIRONMENTAL IMPACTS THAT MAY OCCUR WHEN A PROPOSED ACTION OR ACTIONS:

(I) MAY RESULT IN CHANGES IN TWO OR MORE ELEMENTS OF THE ENVIRONMENT;

(II) WHEN CONSIDERED TOGETHER WITH ONE OR MORE PENDING OR PROPOSED ACTIONS, MAY RESULT IN CHANGES IN ONE OR MORE COMMON ELEMENTS OF THE ENVIRONMENT;

(III) WILL RESULT IN ONE OR MORE OTHER ACTIONS LIKELY TO BE UNDERTAKEN AS A RESULT THEREOF;

(IV) IS A PART OF A PROPOSAL OR PLAN THAT INCLUDES OR CONTEMPLATES ONE OR MORE OTHER SIMULTANEOUS OR SUBSEQUENT ACTIONS;

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

LBD02714-01-9

(V) IS DEPENDENT UPON APPROVAL OR COMPLETION OF ONE OR MORE OTHER ACTIONS;

(VI) IS A PROGRAM OR PLAN HAVING WIDE APPLICATION OR IS A PART THEREOF;

(VII) IS A PLAN, PROGRAM, OR SERIES OF ACTIONS THAT WILL RESTRICT THE RANGE OF FUTURE ALTERNATIVES, POLICIES, OR ACTIONS;

(VIII) WHEN CONSIDERED TOGETHER WITH EXISTING OR BACKGROUND LEVELS OF CONTAMINATION OR POLLUTION OR ACTIONS WHICH HAVE HAD AN ADVERSE EFFECT ON THE ENVIRONMENT, MAY RESULT IN COMBINED OR SYNERGISTIC IMPACTS ON THE ENVIRONMENT; OR

(IX) A COMBINATION OF ONE OR MORE OF THE ABOVE.

CUMULATIVE ENVIRONMENTAL IMPACTS SHALL BE CONSIDERED WITHOUT REGARD TO WHETHER THE ACTION OR ACTIONS ARE PROPOSED BY THE SAME INDIVIDUAL, PERSON, OR AGENCY, OR WHETHER THE ACTION IS PENDING FOR APPROVAL BY ONE OR MORE AGENCIES.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.