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

2054

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sen. VALESKY -- 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 mining permits

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

Section 1. Paragraph (a) of subdivision 3 of section 23-2711 of the environmental conservation law, as added by chapter 166 of the laws of 1991, is amended to read as follows:

(a) The chief administrative officer may make a determination, and notify the department and applicant, in regard to:

(i) appropriate setbacks from property boundaries or public thoroughfare rights-of-way,

(ii) manmade or natural barriers designed to restrict access if needed, and, if affirmative, the type, length, height and location thereof,

(iii) the control of dust,

(iv) hours of operation, and

(v) whether mining is prohibited at that location.

Any determination made by a local government hereunder shall be accompanied by supporting documentation justifying the particular determinations on an individual basis. The chief administrative officer must provide any determinations, notices and supporting documents according to the following schedule:

(i) within [thirty] NINETY days after receipt for a major project,

(ii) within [thirty] NINETY days after receipt for a minor project.

S 2. This act shall take effect immediately and shall apply to applications 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.

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