

2093

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sen. THOMPSON -- 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 uniform procedures

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

1 Section 1. Subdivision 1 of section 70-0107 of the environmental
2 conservation law, as added by chapter 723 of the laws of 1977, is
3 amended to read as follows:

4 1. The department, after public hearing, shall adopt rules and regu-
5 lations to assure the efficient and expeditious administration of this
6 article. Such rules and regulations shall include but not be limited to
7 provisions regarding notice, review, public participation and public
8 hearings. IN ADDITION TO BEING PLACED IN A PUBLICATION OF GENERAL CIRCU-
9 LATION IN THE COUNTY OR BOROUGH IN WHICH THE PROJECT IS LOCATED, OR IN
10 MORE THAN ONE PUBLICATION IF APPROPRIATE, WHERE ONE OR MORE PUBLICATIONS
11 OF LESS THAN COUNTY-WIDE CIRCULATION EXIST IN THE PROJECT AREA NOTICE
12 SHALL BE PLACED IN AT LEAST ONE SUCH PUBLICATION, AND IN A PROJECT AREA
13 WHERE TWENTY-FIVE PERCENT OR MORE OF THE POPULATION IS NON-ENGLISH
14 SPEAKING, NOTICE SHALL ALSO BE PLACED IN AT LEAST ONE PUBLICATION WHICH
15 IS WIDELY CIRCULATED IN THE AREA PRINTED IN SUCH LANGUAGE.

16 S 2. Paragraph (a) of subdivision 1 of section 70-0109 of the environ-
17 mental conservation law, as added by chapter 723 of the laws of 1977, is
18 amended to read as follows:

19 (a) On or before fifteen calendar days after the receipt of an appli-
20 cation for a permit which has been filed in a manner and in a form
21 prescribed by the department, the department shall mail written notice
22 to the applicant of its determination whether or not the application is
23 complete AND SHALL PUBLISH A LISTING IN THE ENVIRONMENTAL NOTICE BULLE-
24 TIN THAT SUCH APPLICATION, WHETHER OR NOT COMPLETE, HAS BEEN SUBMITTED.

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

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1 S 3. Subdivision 1 of section 70-0109 of the environmental conserva-
2 tion law is amended by adding a new paragraph (f) to read as follows:

3 (F) A MEMBER OF THE PUBLIC, UPON REQUEST IN WRITING, SHALL BE (I)
4 GIVEN ACCESS TO ALL CORRESPONDENCE BETWEEN THE APPLICANT AND THE DEPART-
5 MENT EXCEPT FOR TRADE SECRETS OR MATERIAL MAINTAINED FOR THE REGULATION
6 OF COMMERCIAL ENTERPRISE WHICH IF DISCLOSED WOULD CAUSE SUBSTANTIAL
7 INJURY TO THE COMPETITIVE POSITION OF THE APPLICANT, AND (II) INFORMED
8 ABOUT PRE-APPLICATION CONFERENCES OR MEETINGS BETWEEN THE DEPARTMENT AND
9 ANY APPLICANT AND MAY ATTEND WITHOUT PARTICIPATING IN THOSE IN WHICH HE
10 OR SHE HAS AN INTEREST.

11 S 4. Paragraph (a) of subdivision 2 of section 70-0109 of the environ-
12 mental conservation law, as amended by chapter 285 of the laws of 1990,
13 is amended to read as follows:

14 (a) Immediately upon determining that an application is complete, the
15 department shall cause a notice of application to be published in the
16 next available environmental notice bulletin which shall be not later
17 than ten calendar days after the date of such determination and not less
18 than once during the fifteen calendar day period following such determi-
19 nation in a newspaper having general circulation in the area in which
20 the project is proposed to be located, and shall provide notice to the
21 chief executive officer of each municipality in which the proposed
22 project is located, and may direct the applicant to provide such reason-
23 able notice and opportunity for comment to the public as the department
24 deems appropriate. IN NO CASE SHALL THE PUBLIC COMMENT PERIOD BE LESS
25 THAN TWENTY DAYS FROM DATE OF PUBLICATION, OR FORTY-FIVE DAYS IF A
26 LEGISLATIVE HEARING OR PUBLIC HEARING IS SCHEDULED. IF NO HEARING IS
27 SCHEDULED AND A MEMBER OF THE PUBLIC REQUESTS DURING THE COMMENT PERIOD
28 THAT A LEGISLATIVE OR PUBLIC HEARING BE HELD, THE COMMENT PERIOD SHALL
29 BE EXTENDED AN ADDITIONAL THIRTY DAYS FROM DATE OF PUBLICATION IN THE
30 ENVIRONMENTAL NOTICE BULLETIN OF NOTICE THAT SUCH A REQUEST HAS BEEN
31 MADE. Newspaper publications shall be provided by the applicant.

32 S 5. This act shall take effect on the sixtieth day after it shall
33 have become a law.