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

4132

2011-2012 Regular Sessions

I N  A S S E M B L Y

February 1, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to including a follow-up program to the environmental review process

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

Section 1. Subdivision 2 of section 8-0109 of the environmental conservation law is amended by adding a new paragraph (g-1) to read as follows:

(G-1) THE NEED FOR AND THE REQUIREMENTS OF ANY FOLLOW-UP PROGRAM INCLUDING BUT NOT LIMITED TO A MONITORING PLAN WITH RESPECT TO THE PROPOSED ACTION;

S 2. Section 8-0109 of the environmental conservation law is amended by adding a new subdivision 10 to read as follows:

10. AN AGENCY WHICH HAS PREPARED AN ENVIRONMENTAL IMPACT STATEMENT SHALL MAINTAIN AND HAVE AVAILABLE TO THE PUBLIC THE INFORMATION RELATED TO THE PREPARATION OF SUCH STATEMENT UNTIL THE FOLLOW-UP PROGRAM WITH RESPECT TO THE PROPOSED ACTION IS COMPLETE. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE DEEMED TO AFFECT ANY OTHER PROVISION OF LAW REQUIRING THE MAINTENANCE OF RECORDS FOR A LONGER PERIOD OF TIME.

S 3. Subdivision 2 of section 8-0113 of the environmental conservation law is amended by adding a new paragraph (m) to read as follows:

(M) FORM AND CONTENT OF A FOLLOW-UP PROGRAM INCLUDING BUT NOT LIMITED TO ONE OR A COMBINATION OF THE FOLLOWING:

(1) MITIGATION/COMPENSATION PLAN ADDRESSING THE MEANS BY WHICH THE IDENTIFIED IMPACTS ARE TO BE ADEQUATELY MITIGATED AND/OR COMPENSATED;

(2) MONITORING PLAN COVERING THE MONITORING THAT WOULD BE NEEDED TO DETERMINE COMPLIANCE WITH ESTABLISHED REGULATORY REQUIREMENTS AND STANDARDS; ESTABLISH THE EFFECTIVENESS OF THE PREDICTIONS, MITIGATION AND/OR COMPENSATION STRATEGIES, PROCEDURES OR TECHNIQUES; AND DETERMINE THE ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION;

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

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(3) RESEARCH PLAN PROVIDING AN INDICATION OF THE RESEARCH REQUIRED TO ADDRESS AREAS WHERE KNOWLEDGE AND INFORMATION ARE LACKING ON THE ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION;

(4) COMMUNITY INVOLVEMENT PLAN PROVIDING ARRANGEMENTS TO CONSULT AND INVOLVE THE PUBLIC IN THE FOLLOW-UP PROGRAM; AND

(5) AUDIT/EVALUATION PLAN IDENTIFYING THE MEANS BY WHICH THE KNOWLEDGE AND INFORMATION ACQUIRED DURING MONITORING AND RESEARCH WOULD BE USED TO MODIFY THE PROJECT TO ENSURE PROTECTION OF THE ENVIRONMENT AND HOW IT WOULD BE USED TO MAKE APPROPRIATE CHANGES TO IMPROVE THE APPLICATION OF ENVIRONMENTAL REVIEWS.

S 4. The environmental conservation law is amended by adding a new section 8-0114 to read as follows:

S 8-0114. AUDITING AND ASSESSMENT.

THE COMMISSIONER SHALL ANNUALLY AUDIT NOT LESS THAN FOUR COMPLETED ENVIRONMENTAL IMPACT STATEMENTS FOR ACTIONS WHICH ARE COMPLETE IN ORDER TO ASSESS HOW THE ISSUES, COMMITMENTS, RECOMMENDATIONS AND REQUIREMENTS, INCLUDING PUBLIC DISCLOSURE, IMPACT AND QUESTIONS RAISED DURING THE ENVIRONMENTAL REVIEW PROCESS WERE PERFORMED. A REPORT ON THE ASSESSMENT SHALL BE MADE TO THE GOVERNOR AND ENVIRONMENTAL COMMITTEES OF THE SENATE AND ASSEMBLY.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that 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.