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

6525

I N S E N A T E

February 23, 2012

Introduced by Sen. MARCELLINO -- 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 the designation of lead agency for environmental quality review purposes in certain cases

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

Section 1. Subdivision 6 of section 8-0111 of the environmental conservation law, as added by chapter 612 of the laws of 1975, is amended to read as follows:

6. Lead Agency. (A) IN DETERMINING THE LEAD AGENCY PURSUANT TO SECTION 617.6 OF PART SIX HUNDRED SEVENTEEN OF TITLE SIX OF THE OFFICIAL COMPILATION OF THE NEW YORK STATE CODES, RULES AND REGULATIONS, THE LEAD AGENCY SHALL BE A LOCAL AGENCY WHEN THE ANTICIPATED IMPACTS OF AN ACTION ARE PRIMARILY OF REGIONAL OR LOCAL SIGNIFICANCE.

(B) When an action is to be carried out or approved by two or more agencies, the determination of whether the action may have a significant effect on the environment shall be made by the lead agency having principal responsibility for carrying out or approving such action and such agency shall prepare, or cause to be prepared by contract or otherwise, the environmental impact statement for the action if such a statement is required by this article. In the event that there is a question as to which is the lead agency, any agency may submit the question to the commissioner and the commissioner shall designate the lead agency, giving due consideration to the capacity of such agency to fulfill adequately the requirements of this article.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.

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

LBD14718-02-2