

784

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. SCHIMEL, ENGLEBRIGHT, RA -- Multi-Sponsored by --  
M. of A. HOOPER, WEISENBERG -- read once and referred 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 6 of section 8-0111 of the environmental  
2     conservation law, as added by chapter 612 of the laws of 1975, is  
3     amended to read as follows:  
4     6. Lead Agency. (A) IN DETERMINING THE LEAD AGENCY PURSUANT TO SECTION  
5     617.6 OF PART SIX HUNDRED SEVENTEEN OF TITLE SIX OF THE OFFICIAL COMPI-  
6     LATION OF THE NEW YORK STATE CODES, RULES AND REGULATIONS, THE LEAD  
7     AGENCY SHALL BE A LOCAL AGENCY WHEN THE ANTICIPATED IMPACTS OF AN ACTION  
8     ARE PRIMARILY OF REGIONAL OR LOCAL SIGNIFICANCE.  
9     (B) When an action is to be carried out or approved by two or more  
10    agencies, the determination of whether the action may have a significant  
11    effect on the environment shall be made by the lead agency having prin-  
12    cipal responsibility for carrying out or approving such action and such  
13    agency shall prepare, or cause to be prepared by contract or otherwise,  
14    the environmental impact statement for the action if such a statement is  
15    required by this article. In the event that there is a question as to  
16    which is the lead agency, any agency may submit the question to the  
17    commissioner and the commissioner shall designate the lead agency,  
18    giving due consideration to the capacity of such agency to fulfill  
19    adequately the requirements of this article.  
20    S 2. This act shall take effect on the one hundred twentieth day after  
21    it shall have become a law. Effective immediately, the addition, amend-  
22    ment and/or repeal of any rule or regulation necessary for the implemen-  
23    tation of this act on its effective date is authorized to be made on or  
24    before such date.

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

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