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

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I N A S S E M B L Y

May 27, 2014

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

AN ACT to amend the environmental conservation law, in relation to the preparation of environmental impact statements

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

Section 1. Subdivision 5 of section 8-0109 of the environmental conservation law, as amended by chapter 252 of the laws of 1977, the opening paragraph as amended by chapter 749 of the laws of 1991, is amended to read as follows:

5. After the filing of a draft environmental impact statement the agency shall determine whether or not to conduct a public hearing on the environmental impact of the proposed action. If the agency determines to hold such a hearing, it shall commence the hearing within sixty days of the filing and unless the proposed action is withdrawn from consideration shall prepare the environmental impact statement within forty-five days after the close of the hearing, except as otherwise provided. The need for such a hearing shall be determined in accordance with procedures adopted by the agency pursuant to section 8-0113 of this article. If no hearing is held, the agency shall prepare and make available the environmental impact statement within sixty days after the filing of the draft, except as otherwise provided. *WITH RESPECT TO A PUBLIC HEARING COMMENCED IN RELATION TO A DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED IN CONNECTION WITH AN APPLICATION FOR OBTAINING AN UNDERGROUND GAS STORAGE PERMIT PURSUANT TO SECTION 23-1301 OF THIS CHAPTER, NO ADDITIONAL HEARING OR HEARINGS SHALL BE SCHEDULED OR COMMENCED AFTER TWELVE MONTHS FROM THE DATE OF THE FIRST PUBLIC HEARING OR WITHIN THIRTY DAYS OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN THAT AMENDED THIS SUBDIVISION TAKES EFFECT, WHICHEVER IS LONGER.*

Notwithstanding the specified time periods established by this article, an agency shall vary the times so established herein for preparation, review and public hearings to coordinate the environmental review process with other procedures relating to review and approval of an action. An application for a permit or authorization for an action upon

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

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which a draft environmental impact statement is determined to be required shall not be complete until such draft statement has been filed and accepted by the agency as satisfactory with respect to scope, content and adequacy for purposes of [paragraph] SUBDIVISION four of this section. Commencing upon such acceptance, the environmental impact statement process shall run concurrently with other procedures relating to the review and approval of the action so long as reasonable time is provided for preparation, review and public hearings with respect to the draft environmental impact statement. WITH RESPECT TO A DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED IN CONNECTION WITH AN APPLICATION FOR OBTAINING AN UNDERGROUND GAS STORAGE PERMIT PURSUANT TO SECTION 23-1301 OF THIS CHAPTER, THE DEPARTMENT SHALL FILE A FINAL ENVIRONMENTAL IMPACT STATEMENT NO LATER THAN NINETY DAYS AFTER THE ADJOURNMENT OF THE LAST PUBLIC HEARING OR WITHIN NINETY DAYS OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN THAT AMENDED THIS SUBDIVISION TAKES EFFECT, WHICHEVER IS LONGER.

S 2. This act shall take effect immediately and shall apply to all draft environmental impact statements currently being prepared or under review in connection with an application for obtaining an underground gas storage permit pursuant to section 23-1301 of the environmental conservation law.