

2002--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 13, 2015

Introduced by M. of A. DINOWITZ, ROSENTHAL, COLTON, OTIS -- Multi-Sponsored by -- M. of A. LUPARDO, PERRY, RAMOS -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Paragraph (a) of subdivision 1 of section 70-0109 of the
2 environmental conservation law, as added by chapter 723 of the laws of
3 1977, is amended to read as follows:
4 (a) On or before fifteen calendar days after the receipt of an appli-
5 cation for a permit which has been filed in a manner and in a form
6 prescribed by the department, the department shall mail written notice
7 to the applicant of its determination whether or not the application is
8 complete AND SHALL PUBLISH A LISTING IN THE ENVIRONMENTAL NOTICE BULLE-
9 TIN THAT SUCH APPLICATION, WHETHER OR NOT COMPLETE, HAS BEEN SUBMITTED.
10 S 2. Subdivision 1 of section 70-0109 of the environmental conserva-
11 tion law is amended by adding a new paragraph (f) to read as follows:
12 (F) A MEMBER OF THE PUBLIC, UPON REQUEST IN WRITING, SHALL BE (I)
13 GIVEN ACCESS TO ALL CORRESPONDENCE BETWEEN THE APPLICANT AND THE DEPART-
14 MENT EXCEPT FOR TRADE SECRETS OR MATERIAL MAINTAINED FOR THE REGULATION
15 OF COMMERCIAL ENTERPRISE WHICH IF DISCLOSED WOULD CAUSE SUBSTANTIAL
16 INJURY TO THE COMPETITIVE POSITION OF THE APPLICANT, AND (II) INFORMED
17 ABOUT PRE-APPLICATION CONFERENCES OR MEETINGS BETWEEN THE DEPARTMENT AND
18 ANY APPLICANT AND MAY ATTEND WITHOUT PARTICIPATING IN THOSE IN WHICH HE
19 OR SHE HAS AN INTEREST.
20 S 3. Paragraph (a) of subdivision 2 of section 70-0109 of the environ-
21 mental conservation law, as amended by chapter 285 of the laws of 1990,
22 is amended to read as follows:

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

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1 (a) Immediately upon determining that an application is complete, the
2 department shall cause a notice of application to be published in the
3 next available environmental notice bulletin which shall be not later
4 than ten calendar days after the date of such determination and not less
5 than once during the fifteen calendar day period following such determi-
6 nation in a newspaper having general circulation in the area in which
7 the project is proposed to be located, and shall provide notice to the
8 chief executive officer of each municipality in which the proposed
9 project is located, and may direct the applicant to provide such reason-
10 able notice and opportunity for comment to the public as the department
11 deems appropriate. IN ADDITION TO BEING PLACED IN A PUBLICATION OF
12 GENERAL CIRCULATION IN THE COUNTY OR BOROUGH IN WHICH THE PROJECT IS
13 LOCATED, OR IN MORE THAN ONE PUBLICATION IF APPROPRIATE, WHERE ONE OR
14 MORE PUBLICATIONS OF LESS THAN COUNTY-WIDE CIRCULATION EXIST IN THE
15 PROJECT AREA NOTICE SHALL BE PLACED IN AT LEAST ONE SUCH PUBLICATION,
16 AND IN A PROJECT AREA WHERE TWENTY-FIVE PERCENT OR MORE OF THE POPU-
17 LATION IS NON-ENGLISH SPEAKING, NOTICE SHALL ALSO BE PLACED IN AT LEAST
18 ONE PUBLICATION WHICH IS WIDELY CIRCULATED IN THE AREA PRINTED IN SUCH
19 LANGUAGE. IN NO CASE SHALL THE PUBLIC COMMENT PERIOD BE LESS THAN TWENTY
20 DAYS FROM DATE OF PUBLICATION, OR FORTY-FIVE DAYS IF A LEGISLATIVE HEAR-
21 ING OR PUBLIC HEARING IS SCHEDULED. IF NO HEARING IS SCHEDULED AND A
22 MEMBER OF THE PUBLIC REQUESTS DURING THE COMMENT PERIOD THAT A LEGISLA-
23 TIVE OR PUBLIC HEARING BE HELD, THE COMMENT PERIOD SHALL BE EXTENDED AN
24 ADDITIONAL THIRTY DAYS FROM DATE OF PUBLICATION IN THE ENVIRONMENTAL
25 NOTICE BULLETIN OF NOTICE THAT SUCH A REQUEST HAS BEEN MADE. Newspaper
26 publications shall be provided by the applicant.

27 S 4. This act shall take effect on the sixtieth day after it shall
28 have become a law.