

# STATE OF NEW YORK

11070

## IN ASSEMBLY

October 7, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fahy) --  
read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to  
including comprehensive climate change risk analysis as part of every  
environmental assessment statement and requiring updates to rules and  
regulations regarding the state environmental quality review

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Paragraphs (i), (i) and (j) of subdivision 2 of section  
2 8-0109 of the environmental conservation law, paragraph (i) as added by  
3 chapter 182 of the laws of 1990, paragraph (i) as amended by chapter 238  
4 of the laws of 1991 and paragraph (j) as amended by chapter 219 of the  
5 laws of 1990, are amended to read as follows:

6 (i) effects of proposed action on solid waste management where appli-  
7 cable and significant; [~~and~~

8 ~~(i)]~~ (j) effects of any proposed action on, and its consistency with,  
9 the comprehensive management plan of the special groundwater protection  
10 area program, as implemented by the commissioner pursuant to article  
11 fifty-five of this chapter; [~~and~~

12 ~~(j)]~~ (k) measurement and analysis of all impacts of climate change  
13 including, but not limited to, surface air temperature changes, atmo-  
14 spheric chemistry changes, extreme precipitation changes, drought risk  
15 changes, sea level changes, such measurement and analysis shall be done  
16 for every aspect of an action;

17 (l) the carbon footprint per person per building block prior to the  
18 proposed action and at the conclusion of a reasonable worst case devel-  
19 opment scenario for such proposed action, as applicable;

20 (m) a reasonable worst case development scenario period of one hundred  
21 years for assessing potential flooding risks and environmental impacts  
22 for the life of any new building which is part of a proposed action; and

23 (n) such other information consistent with the purposes of this arti-  
24 cle as may be prescribed in guidelines issued by the commissioner pursu-  
25 ant to section 8-0113 of this chapter.

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

LBD16385-01-0

1 § 2. Section 8-0113 of the environmental conservation law is amended  
2 by adding a new subdivision 5 to read as follows:

3 5. The commissioner shall update any rules and regulations related to  
4 the state environmental quality review no less than once every five  
5 years to account for changes or updates in any reports issued by the  
6 intergovernmental panel on climate change and the New York city panel on  
7 climate change.

8 § 3. This act shall take effect on the ninetieth day after it shall  
9 have become a law. Effective immediately, the addition, amendment  
10 and/or repeal of any rule or regulation necessary for the implementation  
11 of this act on its effective date are authorized to be made and  
12 completed on or before such effective date.