



A. 838 (DINOWITZ, ET AL.) S. 2093 (THOMPSON)

Summary

This bill amends New York's Environmental Conservation Law to provide enhanced public access to information from the Department of Environmental Conservation (DEC) through publications, open meetings and requests for public hearings.

Explanation

This legislation requires the DEC to publish notice of hearings in newspapers of general circulation in the county that a project is located and in at least one newspaper of less than county-wide circulation. In areas where at least one-quarter of the population speaks a language other than English, notice must also be published in that language. This bill would require the Environmental Notice Bulletin to list all submitted applications, as well. Although a member of the public can access correspondence between permit applicants and the DEC through the Freedom of Information Act, the bill would provide information regarding pre-application meetings, as well as access to those meetings, except for information regarding trade secrets, to any member of the public who makes a written request. This legislation also stipulates that the public comment period for permits should not be less than 20 days, or 45 days for a hearing. If no hearing is scheduled, a member of the public can request a hearing and the DEC must extend the comment period for an additional 30 days.

This bill improves the opportunities for public participation in the activities of the DEC. A great deal of policy that is essential to the health and safety of the general public is created and carried out within the agency, yet the public has little access to its decision-making process. This bill promotes public involvement in and public awareness of agency activities. For example, the Environmental Notice Bulletin lists only completed permit applications, not submitted permit applications. At the point an application is complete, extensive pre-application procedures, as well as any public scoping sessions, have already occurred. Listing submitted applications would give the public adequate notice of pending projects and provide ample opportunity to participate in public scoping sessions. By facilitating access to pre-application hearings and correspondence with the applicant, this bill gives the public the requisite information to participate effectively in the permitting process.

Environmental Advocates of New York supports this bill.

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