



# EANY SUPPORTS Expanded Public Participation



[A.6530 \(Barnwell\)](#)  
[S.3211-A \(Ramos, et al.\)](#)

## **Explanation:**

This bill proposes an enhanced public participation process, including the preparation and implementation of an enhanced public participation plan (EPPP) for major projects located in or adjacent to environmental justice (EJ) communities.

EJ communities have historically been excluded, underrepresented, and/or marginalized in the permitting process of projects and facilities that impact their communities the most. In 2003, the Department of Environmental Conservation (DEC) issued Commissioner Policy 29 (CP-29), Environmental Justice and Permitting, which sought to guide project proponents on how to incorporate environmental justice concerns into the environmental review process. This policy, which has no force under law, has not always led to meaningful participation from EJ community stakeholders, if at all.

EJ communities have more needs to ensure public participation occurs in a meaningful way and inadequate opportunities for community input and participation during the environmental permit process has played a role in disproportionate and inequitable siting of pollution sources and culminative impacts on already vulnerable communities. Meaningful participation happens when community concerns are considered during the decision-making process and decision makers seek out and facilitate that involvement.

This legislation seeks to achieve this enhanced participation by ensuring residents of EJ communities have meaningful opportunities for public engagement and comment, such as a mandated schedule of public meetings throughout permit process; Departmental oversight on issues raised during the public meetings and power to require revisions to permit applications or impose conditions based on community input; and additional controls to ensure community feedback is heard, considered, and incorporated before final approval.

## **Summary:**

This bill adds a new article 58 to Environmental Conservation Law (ECL) outlining a process for enhanced public participation for major projects located in or adjacent to EJ communities. This bill applies to major projects under the ECL, but not minor projects as defined in subdivision three of section 70-0105. In addition, the bill prohibits the DEC from issuing a notice of complete application prior to the approval of an EPPP; prohibits the DEC from accepting a draft environmental impact statement without compliance with the approved EPPP; and prohibits DEC from issuing a permit or approval without certification and a final report from the applicant that summarizes issues raised by the EJ community and how the issues were resolved or addressed.

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