



EANY SUPPORTS



Expanded Public Participation

Memo #14

[A.6584-A \(Gallagher\)](#)

[S.2510-A \(Ramos et al.\)](#)

Explanation:

This bill proposes a public participation process, including the preparation and implementation of an “enhanced public participation plan” (EPPP) for major projects located within or adjacent to disadvantaged communities. 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 cumulative 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 disadvantaged communities have meaningful opportunities for public engagement and comment, such as a mandated schedule of public meetings throughout the 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 59 to the Environmental Conservation Law (ECL) outlining a process for enhanced public participation for major projects located in or adjacent to environmental justice (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 disadvantaged community and how the issues were resolved or addressed.