

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ADOPTS REVISIONS TO STATE ENVIRONMENTAL QUALITY REVIEW REGULATIONS – JUNE 2018

The New York State Department of Environmental Conservation (DEC) adopted a rulemaking change to the State Environmental Quality Review (SEQR) regulations. The SEQR revisions expand the number of actions not subject to further review, known as Type II actions, including:

- Upgrade of structures to meet energy codes
- Green infrastructure retrofits of existing structures and appurtenant areas
- Installation of telecommunications cables in existing highway or utility rights-of-way
- Installation of solar arrays involving 25 acres or less of physical alterations on closed landfills, cleaned-up brownfield sites, wastewater treatment facilities, sites zoned for industrial uses, or solar canopies on residential and commercial parking facilities
- Installation of solar arrays on an existing structure not listed on the National or State Register of Historic Places
- Reuse of a residential or commercial structure, or structure containing mixed residential and commercial uses
- Acquisition and dedication of 25 acres or less for parkland
- Land transfers of five acres or less by a municipality or public corporation in connection with one, two, or three family housing
- Construction and operation of certain anaerobic digesters at operating publicly owned landfills

For Type I actions, the revised regulations now require mandatory scoping for an Environmental Impact Statement (EIS). Type I actions meet or exceed thresholds listed in the statewide or agency SEQR regulations and likely require preparation of an EIS. To date, scoping has been optional but strongly encouraged. The DEC believes this change will lead to earlier identification of issues and EISs that are more targeted to significant concerns. The revisions also specify that the analysis of projects should include consideration of measures to avoid or reduce an action's impacts on climate change-induced conditions such as sea level rise and flooding.

The final rules will be available on DEC's website on July 18, 2018. DEC expects to release an updated SEQR Handbook and SEQR workbooks later this year to reflect these rule revisions that take effect on January 1, 2019.

A copy of the rule adoption can be found at: <http://www.dec.ny.gov/permits/83389.html>

To discuss this rulemaking change and how it might be applicable to your project, please contact your Langan Project Manager or:

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