



Riverkeeper's 2021 Legislative Memorandum

Support - S1031B/A2103A (Stewart-Cousins/Pretlow) - Support ***Riverkeeper urges amendments to strengthen clean water protections***

AN ACT to amend the environmental conservation law, in relation to the location of environmental facilities

Riverkeeper strongly supports S1031B/A2103A, amending New York State's State Environmental Quality Review Act (SEQRA) to more equitably consider the impacts of projects on environmental justice and other environmentally overburdened communities. This amendment is long overdue, and its passage would help New York join New Jersey in updating our antiquated environmental review processes to more fully incorporate and consider the impacts of pollution on communities that have long borne its disproportionate brunt.

The SEQRA process under this bill would require applicants and lead agencies to detail the potentially disproportionate adverse health or environmental impacts of their actions to environmental justice communities. In making a determination of significance under SEQRA a, lead agencies will produce a burden report to catalog the potential impacts to such communities. If a project is found to have a disproportionate impact on communities covered by the new law, that project is to be denied by the lead agency. This legislation has the potential to correct an injustice as a result of our environmental review process that has gone on for far too long, whereby communities with the means can fight to keep polluting facilities out of their neighborhoods, often shifting the burden of siting those facilities to poor and/or minority communities.

Riverkeeper believes two small changes within the legislation would strengthen the bill to better incorporate a project's potential impact to an environmental justice community's drinking water supplies and local recreational waters. These proposed changes ameliorate SEQRA's current failure to consider a projects' potential to degrade the watershed and water quality of a community that already faces inequitable environmental burdens. These modest changes have been shared with the sponsors and can be provided to your office upon request.

We urge the legislature to include our changes and to pass this environmental justice SEQRA reform legislation in the 2021 session.