

AMENDMENTS TO SENATE BILL NO. 350

Sponsor: SENATOR MUTH

Printer's No. 718

1 Amend Bill, page 3, line 6, by striking out "30" and

2 inserting

3 60

4 Amend Bill, page 6, line 10, by striking out "10" and

5 inserting

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7 Amend Bill, page 6, line 14, by striking out "20" and

8 inserting

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10 Amend Bill, page 6, by inserting between lines 27 and 28

11 Section 6.1. Public hearing required.

12 Prior to the time at which the application becomes subject to
13 a permit decision delay, the State agency shall hold at least
14 one public hearing regarding the application or any revision to
15 the application.

16 Section 6.2. Cumulative impact assessments.

17 (a) Assessment required.--A State agency shall prepare a
18 cumulative impact assessment on any permit prior to its
19 approval, which may have a significant effect on the
20 environment.

21 (b) Purpose.--The purpose of a cumulative impact assessment
22 is to provide detailed information about the effect which a
23 proposed permit is likely to have on the environment and
24 impacted community, to list the ways in which any adverse
25 effects of such an action might be minimized and to suggest
26 alternatives to such an action so as to form the basis for a
27 determination whether to finally approve the permit.

28 (c) Assessment contents.--A cumulative impact assessment
29 shall be clearly written in a concise manner capable of being
30 read and understood by the public. The assessment shall include
31 all of the following:

32 (1) A detailed statement providing the following:

33 (i) A description of the proposed permit and its

1 environmental setting.

2 (ii) The environmental impact of the proposed
3 permit, including short-term and long-term effects.

4 (iii) Any adverse environmental effects which cannot
5 be avoided should the proposal be implemented.

6 (iv) Alternatives to the proposed action.

7 (v) Any irreversible and irretrievable commitments
8 of resources which would be involved in the proposed
9 permit should it be implemented.

10 (vi) The growth-inducing aspects of the proposed
11 permit, where applicable and significant.

12 (vii) Effects of the proposed permit on the use and
13 conservation of energy resources, where applicable and
14 significant.

15 (viii) Effects of the proposed permit on solid waste
16 management, where applicable and significant.

17 (ix) The number of superfund brownfield sites, if
18 applicable, within a 15-mile radius of the area directly
19 affected by the proposed permit.

20 (x) Effects of any proposed action on disadvantaged
21 communities, including whether the action may cause or
22 increase a disproportionate pollution burden on a
23 disadvantaged community, including baseline monitoring
24 data collected in the affected disadvantaged community
25 within two years of the application for a permit and the
26 identification of the following, where applicable:

27 (A) Each existing pollution source or categories
28 of sources affecting a disadvantaged community and
29 the potential routes of human exposure to pollution
30 from that source or categories of sources.

31 (B) Ambient concentration of regulated air
32 pollutants and regulated or unregulated toxic air
33 pollutants.

34 (C) Traffic volume.

35 (D) Noise and odor levels.

36 (E) Exposure or potential exposure to lead
37 paint.

38 (F) Exposure or potential exposure to
39 contaminated drinking water supplies.

40 (G) Proximity to solid or hazardous waste
41 management facilities, wastewater treatment plants,
42 hazardous waste sites, incinerators, recycling
43 facilities, waste transfer facilities and petroleum
44 or chemical manufacturing, storage, treatment or
45 disposal facilities.

46 (H) The potential or documented cumulative human
47 health effects of the foregoing pollution sources.

48 (I) The potential or projected contribution of
49 the proposed permit to existing pollution burdens in
50 the community and potential health effects of the
51 contribution, taking into account existing pollution

1 burdens.

2 (xi) Any other information determined by the State
3 agency as necessary to fulfill the purpose of the
4 assessment under subsection (b).

5 (2) Copies or a summary of the substantive comments
6 received by the State agency, if any, and the State agency
7 response to the comments.

8 (d) Process.--

9 (1) As early as practicable in the process of review and
10 determination of the permit application, the State agency
11 shall make an initial determination as to whether a permit,
12 if approved, may have a significant effect on the environment
13 and require preparation of a cumulative impact assessment
14 under this section. In making the determination, the State
15 agency shall consider whether the permit may cause or
16 increase a disproportionate pollution burden on a
17 disadvantaged community that is directly or significantly
18 indirectly affected by the permit. The State agency shall
19 notify the applicant in writing of its determination under
20 this paragraph specifying therein the basis for the
21 determination.

22 (2) The cumulative impact assessment process and
23 timeline shall run concurrently with the State agency's
24 procedures relating to review and determination of the permit
25 application.

26 (3) The State agency shall conduct at least one public
27 hearing to gather information for purposes of the cumulative
28 impact assessment. The public hearing may be held in
29 conjunction with the public hearing required under section
30 6.1.

31 (e) Determination.--

32 (1) No permit shall be approved by the State agency if
33 the State agency finds in the cumulative impact assessment
34 that it may cause or contribute to, either directly or
35 indirectly, a disproportionate or inequitable, or both
36 disproportionate and inequitable, pollution burden on a
37 disadvantaged community.

38 (2) No permit shall be approved by the State agency
39 unless in the cumulative impact assessment the State agency
40 makes an explicit finding that the requirements of this
41 section have been met and that consistent with social,
42 economic and other essential considerations, to the maximum
43 extent practicable, adverse environmental effects revealed in
44 the environmental impact statement process will be minimized
45 or avoided.

46 (f) Rules and regulations.--A State agency may promulgate
47 rules and regulations necessary to implement the provisions of
48 this section, including addressing the following:

49 (1) Provisions providing for notice, review, public
50 participation and public hearings as required under this
51 section.

1 (2) The form and content of a cumulative impact
2 assessment.

3 (3) Criteria for determining whether or not a proposed
4 permit may have a significant effect on the environment,
5 taking into account social and economic factors to be
6 considered in determining the significance of an
7 environmental effect, including consideration of the extent
8 to which a proposed permit may reasonably be expected to
9 cause or increase a disproportionate or inequitable, or both
10 disproportionate and inequitable, burden on disadvantaged
11 communities.

12 (4) Criteria for determining whether the area affected
13 by the proposed permit meets the definition of "disadvantaged
14 communities."

15 (g) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection unless the context clearly indicates otherwise:

18 "Disadvantaged communities." Communities that bear burdens
19 of negative public health effects, environmental pollution and
20 impacts of climate change and possess certain socioeconomic
21 criteria or comprise high concentrations of low-income and
22 moderate-income households, as identified by a State agency.