

Justification for Consensus Rulemaking

The Department of Environmental Conservation (“Department”) is proposing to amend 6 NYCRR Sections 10.1, 10.10, 11.2, 35.1, 35.3, 42.2, 43-1.1, 43-2.1, 45.1, 47.1, 576.2, and 591.3. These sections reference the Governor Malcom Wilson Tappan Zee Bridge (“Tappan Zee Bridge”), which is currently being dismantled. Effective June 29, 2017, the Legislature amended the Environmental Conservation Law (“ECL”) to replace all references to the Tappan Zee Bridge with the name of the new bridge -- the Governor Mario M. Cuomo Bridge (“Cuomo Bridge”). The Department proposes to amend the regulations to conform with the ECL by replacing all references to the Tappan Zee Bridge with references to the Cuomo Bridge.

The provisions of this proposed rulemaking do not involve any discretion by the Department. The proposed changes are necessary to maintain the accuracy of the Department’s regulations, to maintain consistency with the ECL, and to avoid confusing the public with outdated references. For these reasons, the Department has determined that no person is likely to object to this rulemaking.