

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION

EMERGENCY DECLARATION AND  
FINDING PURSUANT TO ECL §§70-  
0111(d) AND 70-0116  
IN THE MATTER OF COVID-19,

WHEREAS, on March 7, 2020, Governor Cuomo issued Executive Order No. 202 declaring a disaster emergency in the State of New York with respect to the outbreak of the COVID-19 pandemic; and

WHEREAS, ECL §70-0111(d) (as implemented by 6 NYCRR §621.14[c]) provides for the issuance of general permits, valid for a specified duration of time, following natural disasters or acts of God not unique to a particular locality when numbers of individuals undertake similar types of projects that are of a remedial nature; and

WHEREAS, ECL §70-0116 (as implemented by 6 NYCRR §621.12) allows the Department to waive the procedural requirements of the Uniform Procedures Act (UPA; ECL Article 70 as implemented by 6 NYCRR Part 621) to issue emergency authorizations for actions which are immediately necessary to respond to emergencies; and

WHEREAS, these provisions require a written statement of necessity and a finding of emergency to be implemented; and

WHEREAS, the State, municipalities, public utilities, and individuals must, as a result of their efforts to control and combat the COVID-19 pandemic, construct and operate emergency infrastructure and structures such as medical facilities for the treatment of COVID-19 and carry out related activities; and

WHEREAS, emergency construction of buildings and infrastructure or related activities to control and combat the COVID-19 pandemic may require one or more permits from the Department; and

WHEREAS, other regulated and permitted industries and facilities may require emergency changes to their operations to control and combat the COVID-19 pandemic; and

NOW, THEREFORE, I, Basil Seggos, Commissioner of the New York State Department of Environmental Conservation, consistent with the findings set forth above, and pursuant to the authority vested in me by Articles 1, 3 and 70 of the Environmental Conservation Law of the State of New York, do hereby make a finding of necessity and declare that an emergency situation exists throughout the State of New York.

FURTHER, I authorize the Department's Regional Permit Administrators to issue general permits or emergency authorizations where, in the Department's judgment, activities necessary to immediately facilitate the construction (and operation) of medical facilities, infrastructure and related facilities is immediately required, subject to appropriate conditions; or issue emergency authorizations to allow for changes in operations of existing facilities to control and combat the

COVID pandemic, and I authorize Regional Directors to delegate authority for the issuance of such permits or emergency authorizations to other appropriate Regional staff.

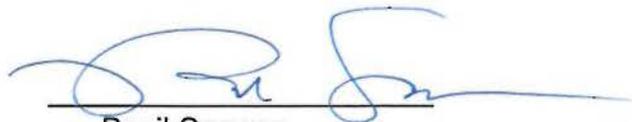
FURTHER, nothing in this emergency declaration and finding shall be construed to preempt, diminish, or in any way affect local laws or ordinances or ECL requirements (or its implementing regulations) except as specifically set forth herein.

FURTHER, under the regulations implementing the State Environmental Quality Review Act (SEQR or ECL Article 8), emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources are exempt from compliance with the requirements of SEQR provided such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment (6 NYCRR §617.5 [c][42]).

FURTHER, pursuant to 6 NYCRR §617.5(c)(42), I declare that such actions taken as a result of the emergency are Type II and therefore further compliance with SEQR is not required

FURTHER, authorization for the issuance of general permits pursuant to ECL §70-0111 (d) in response to the emergency created by the COVID-19 pandemic shall expire on September 23, 2020 unless extended by me.

FURTHER, general permits issued pursuant to ECL §70-0111 (d) shall expire no later than September 23, 2020 unless extended by me.



Basil Seggos  
Commissioner

Dated: Albany, New York  
March 23, 2020