

SEQRA Meets Environmental Justice

Preparing for DEC's Proposed Amendments

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NEW YORK PLANNING FEDERATION EST. 1937

Key Planning & Environmental Policy Updates

Critical changes, new tools, and reforms shaping responsible growth and equitable outcomes.



SEQR Amendments

Updates to strengthen environmental review and improve clarity.



Environmental Justice Siting Law

Ensuring fair and equitable siting decisions for all communities.



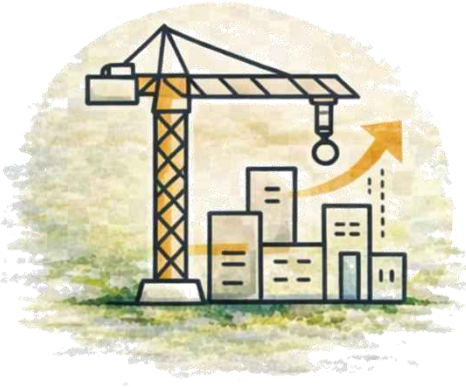
Changes to SEQR Regulations & EAFs

Streamlined procedures and updated forms to improve efficiency.



New Tools for Disadvantaged Community Analysis

Data-driven resources to identify and evaluate disadvantaged communities.



Overview of "Let Them Build" Reforms

Reforms to reduce barriers, speed up housing and infrastructure delivery.

What Changed in SEQR?

Two major policy drivers are reshaping environmental review in New York.



Environmental Justice Protections

Strengthening protections for overburdened communities to encourage equitable outcomes



Need to Accelerate Housing Development

Removing barriers and streamlining reviews to build more housing faster

Purpose of SEQR







Environmental Review

To incorporate the **consideration of environmental factors** into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time.

Determination of Significance

SEQRA requires that all agencies determine whether the **actions** they **directly undertake, fund or approve** may have a **significant impact on the environment**

Environmental Impact Stmt.

If it is determined that the action may have a significant adverse impact, prepare or request an **environmental impact statement**

Actions & Agencies

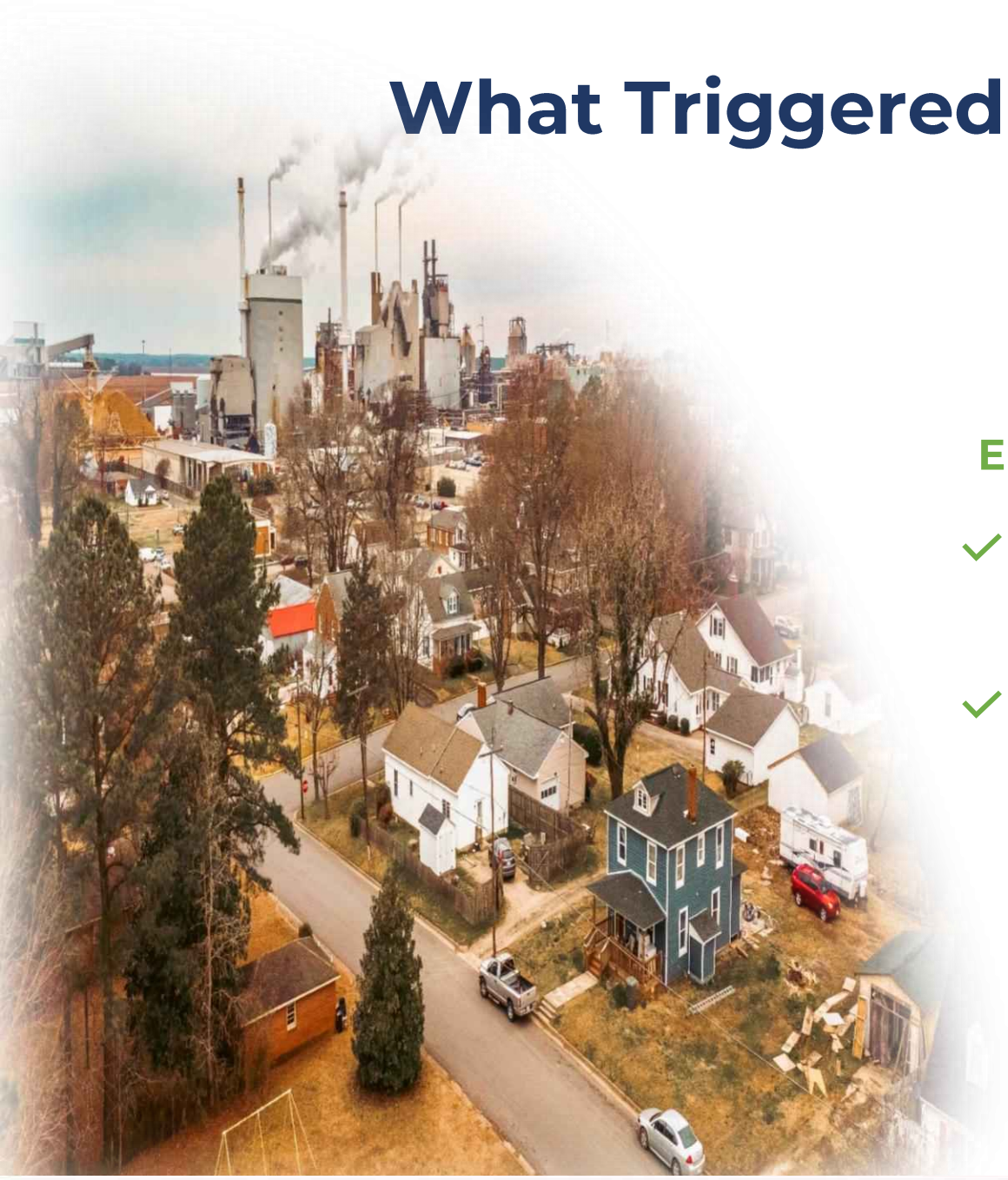


- **Projects or physical activities**, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or **structure**, that:
  - ✓ are **directly undertaken** by an agency; or
  - ✓ involve **funding** by an agency; or
  - ✓ require one or more new or modified **approvals** from an agency or agencies;
- **Agency planning and policy making activities** that may affect the environment and commit the agency to a definite course of future decisions;
- **Adoption** of agency rules, regulations and procedures (e.g., local laws, codes, ordinances, executive orders, resolutions that may affect the environment); and
- ***Any combinations of the above***

Agencies subject to SEQRA include **states, cities, villages, school districts, counties, regional agencies, public benefit corporations (IDAs, authorities)** and other local government entities



What Triggered SEQR Amendments?



Environmental Justice Siting Law (EJSL)

- Took effect December 30, 2024 (Chapter 840 of the Laws of 2022, as amended by Chapter 49 of the Laws of 2023)

- Requires agencies reviewing actions under SEQR to evaluate whether an action **may cause or increase a disproportionate pollution burden on a disadvantaged community** as part of the SEQR process.

Environmental Justice Siting Law

Environmental Justice Siting Law (EJSL) requires agencies to evaluate EJ impacts during:



Determination of Significance



Environmental Impact Stmt.

This is now being incorporated directly into SEQR regulations

Additional Amendments

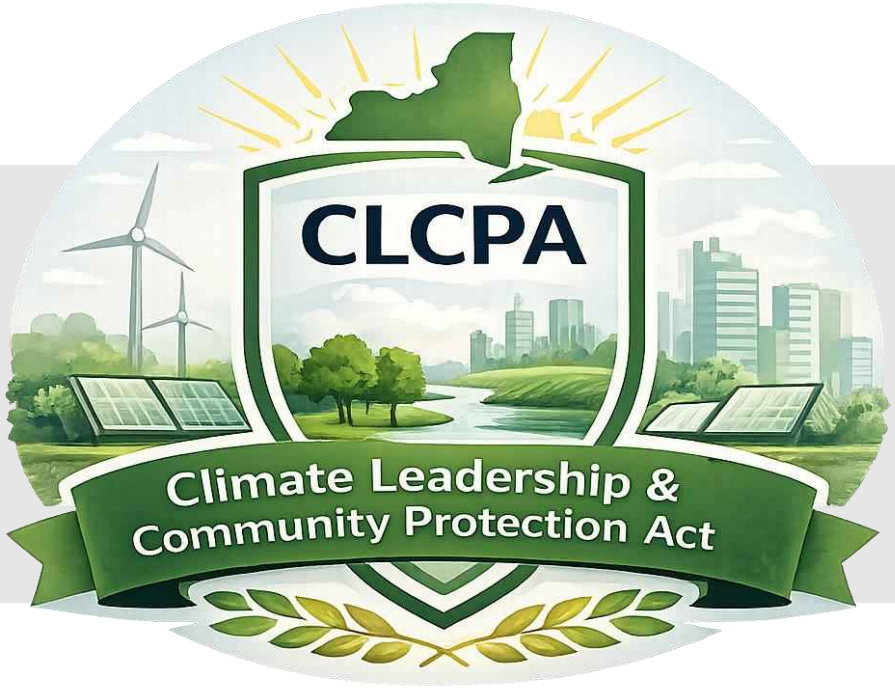
- Also adds **certain multi-family housing developments** to the **Type II** list of actions (actions not requiring further review under SEQR).

- Also includes technical and clarifying changes related to **climate change and air pollution**, such as to ensure consistency with requirements under the Community Risk and Resiliency Act, and other housekeeping changes.





Amendments Align SEQR with:



Which prioritizes:

- Climate Justice
- Disadvantaged Communities

Current Rulemaking Status:

Notice of Proposed Rulemaking Issued

- DEC issued the Notice of Proposed Rulemaking
- Date Issued January 29, 2025
- Amendments to 6 NYCRR Part 617 (SEQRA)



Review to Address EJSL Requirements

- Final rulemaking aims to implement the Environmental Justice Siting Law (EJSL)
- Mandate: Evaluate disproportionate pollution burdens on disadvantaged communities during SEQR review



Public Comment Period

- Opened: **January 29, 2025**
- Closed: **May 7, 2025**
- Included public hearings (virtual and in-person)



What Has Happened Since

- DEC has not issued a Notice of Adoption or final rule
- The rulemaking therefore remains in the “proposed” stage, with DEC presumably:
  - Reviewing and responding to public comments
  - Potentially revising the regulatory text and EAF changes
- Commentary and legal alerts as late as late 2025–early 2026 still refer to these as “proposed amendments”, indicating they have not yet been finalized or codified



Practical Implications

The EJ Siting Law is already in effect since **December 30, 2024**.

Even without Finalized SEQR Regulations:

Agencies are expected to incorporate EJ considerations into SEQR determinations now

DEC has indicated that draft frameworks/tools (e.g., DAC analysis) may be used in the interim



Bottom Line

Rulemaking Status



Still pending
(no final adoption yet)

Stage



Post–public comment,
Pre–final rule

Timing



Unknown. DEC has not publicly committed to an adoption date

DEC's Amendments Modify

- Regulatory text in 6 NYCRR Part 617
- Environmental Assessment Forms
- Supporting SEQR guidance

PURPOSE

To implement EJSL requirements.



Overview of Key Text Changes

Disadvantaged Communities

Disadvantaged Communities shall have the same meaning as it does in subdivision five of section 75-0101 of the ECL, that is, communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households, as identified by the Climate Justice Working Group pursuant to section 75-0111 of ECL article 75.

Pollution

Pollution shall have the same meaning as it has in ECL subdivision 19 of section 1-0303, that is, the presence in the environment of conditions and or contaminants in quantities of characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas of the state as shall be affected thereby.



DEFINITIONS

Overview of Key Text Changes

CRITERIA FOR DETERMINING SIGNIFICANCE | Disadvantaged Communities

617.7 Determining Significance

617.7(c) Criteria for Determining Significance

xiii. an action that may cause or increase a disproportionate pollution burden on a disadvantaged community that is directly or significantly indirectly affected by such action.

Overview of Key Text Changes

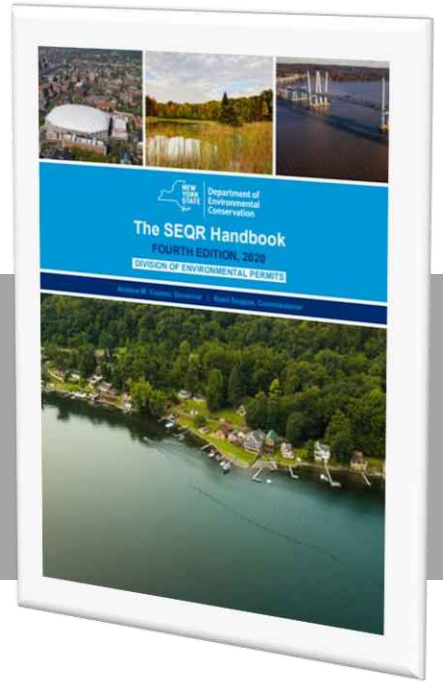
TYPE II CHANGES | Residential Projects Involving

1. Construction or expansion of a single-family, or a two-family or **multifamily dwelling consisting of a three-family residence** on an approved lot including provision of necessary utility connections

2. Construction of a building with four or more dwelling units including provision of necessary utility connections conveyances of land in connection therewith, under the following conditions:
   - ✓ The gross floor area of the building **does not exceed 10,000 square feet**;
   - ✓ The building is **constructed on an approved lot**;
   - ✓ The building will be **connected (at the commencement of habitation) to existing public water and sewerage systems**; and
   - ✓ The use is a **permitted use under the applicable zoning law or ordinance**, including permitted by special use permit, and subject to site plan review

3. Construction or rehabilitation of appurtenant structures including sidewalks, parking areas, playgrounds, and landscaping

Changes to EAF Forms





DEC proposes updates to:

- ✓ Short EAF
- ✓ Full EAF

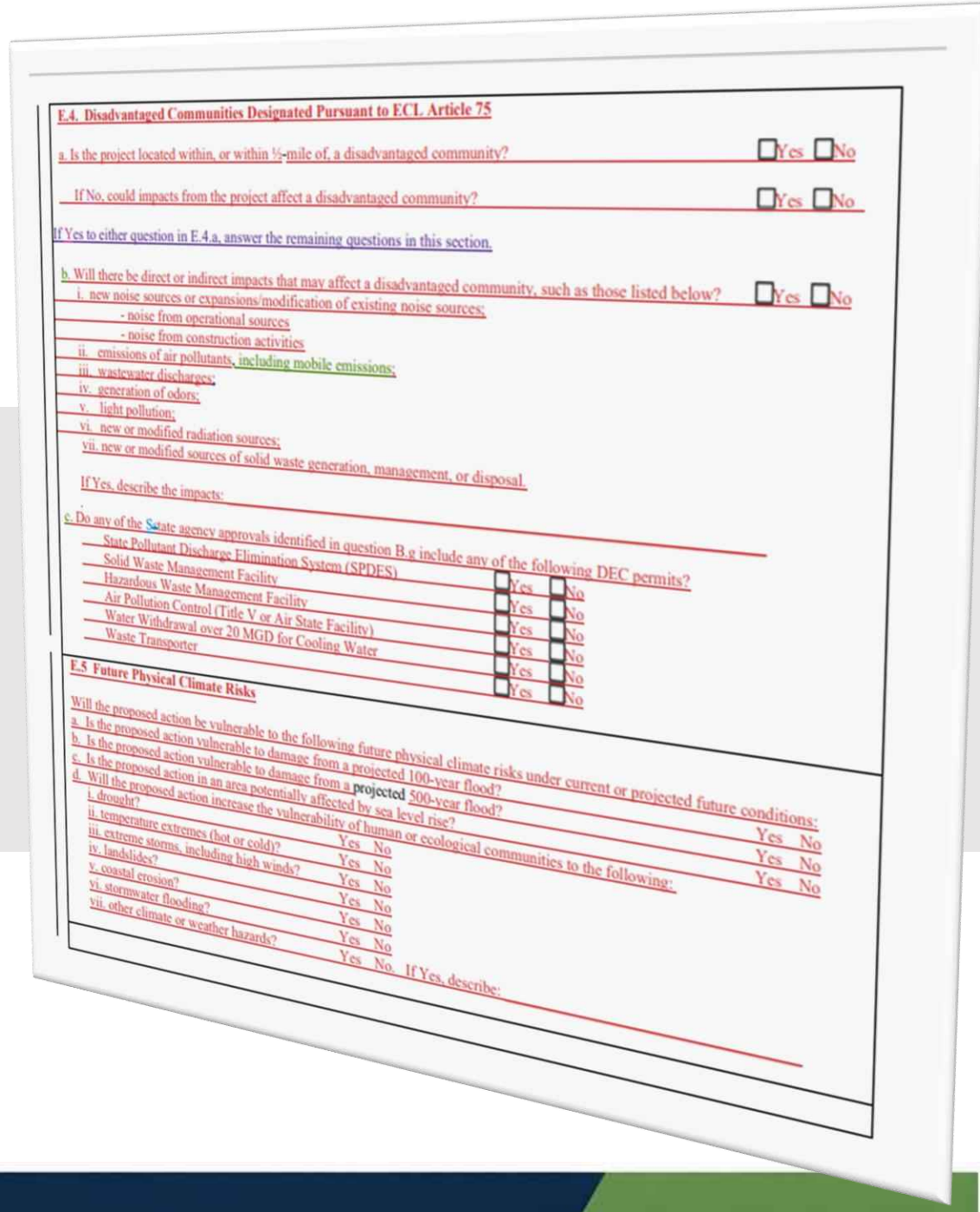
New questions specifically address:

- ✓ Proximity to disadvantaged communities
- ✓ Pollution burden impacts

Examples of New EAF Questions

1. EAF Part 1 – Site and Setting of Proposed Action
2. Adds new section D.4. on **Disadvantaged Communities** and **Future Physical Climate Risks**

These questions expand the initial SEQR screening process



E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75

a. Is the project located within, or within ½-mile of, a disadvantaged community? ☐Yes ☐No

If No, could impacts from the project affect a disadvantaged community? ☐Yes ☐No

If Yes to either question in E.4.a, answer the remaining questions in this section.

b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? ☐Yes ☐No

i. new noise sources or expansions/modification of existing noise sources;
- noise from operational sources
- noise from construction activities

ii. emissions of air pollutants, including mobile emissions;
iii. wastewater discharges;
iv. generation of odors;
v. light pollution;
vi. new or modified radiation sources;
vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:

c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES)	☐Yes	☐No
Solid Waste Management Facility	☐Yes	☐No
Hazardous Waste Management Facility	☐Yes	☐No
Air Pollution Control (Title V or Air State Facility)	☐Yes	☐No
Water Withdrawal over 20 MGD for Cooling Water	☐Yes	☐No
Waste Transporter	☐Yes	☐No

E.5 Future Physical Climate Risks

Will the proposed action be vulnerable to the following future physical climate risks under current or projected future conditions:

a. Is the proposed action vulnerable to damage from a projected 100-year flood? Yes No
b. Is the proposed action vulnerable to damage from a projected 500-year flood? Yes No
c. Is the proposed action in an area potentially affected by sea level rise? Yes No
d. Will the proposed action increase the vulnerability of human or ecological communities to the following:

i. drought?	Yes	No
ii. temperature extremes (hot or cold)?	Yes	No
iii. extreme storms, including high winds?	Yes	No
iv. landslides?	Yes	No
v. coastal erosion?	Yes	No
vi. stormwater flooding?	Yes	No
vii. other climate or weather hazards?	Yes	No

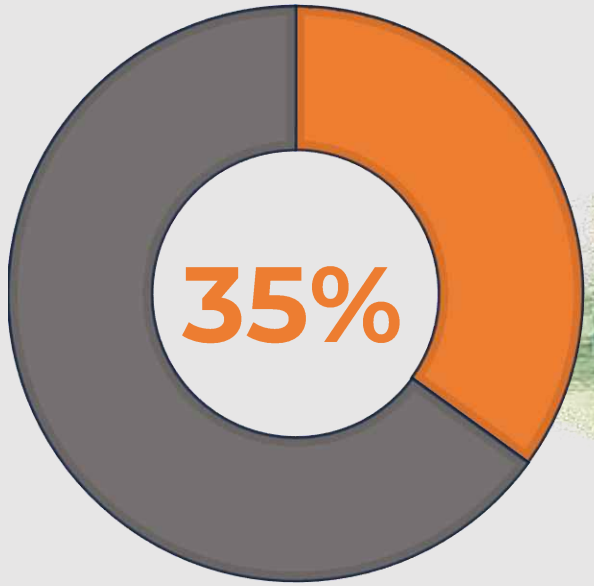
If Yes, describe:

What are Disadvantaged Communities?

Designated by the Climate Justice Working Group based on:

- ✓ Environmental burdens
- ✓ Public health indicators
- ✓ Socioeconomic vulnerability

Approximately
35% of NYS census tracts
qualify.





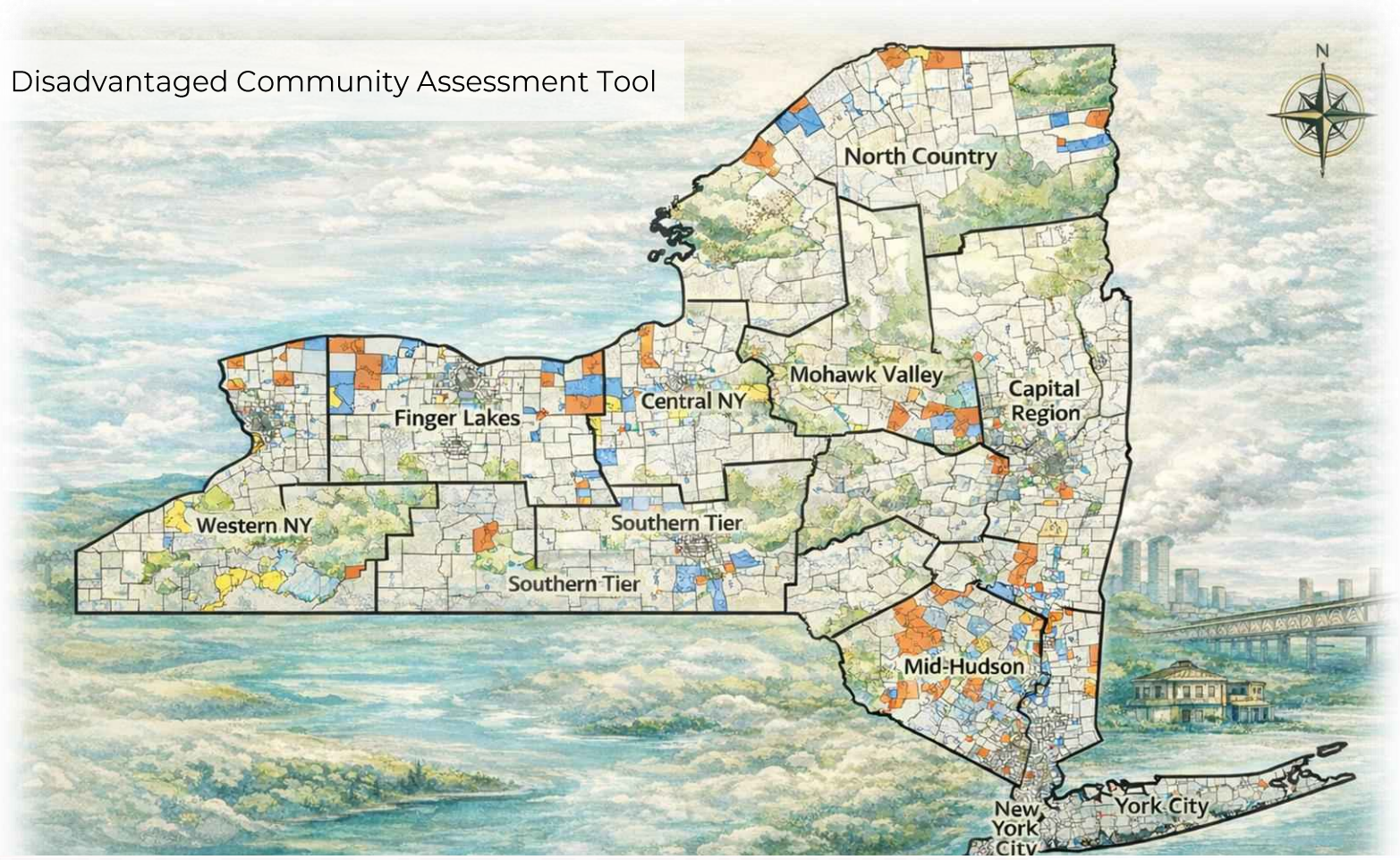
Mapping Disadvantaged Communities

Lead agencies will need to determine:

- ✓ Whether a project is within or near a disadvantaged community

Mapping resources include:

- ✓ NYS Climate Justice maps
- ✓ DEC tools



Disadvantaged Communities Assessment Tool

DEC has developed the DACAT tool to assist agencies

Helps Identify:



Disadvantaged Communities



Pollution Indicators

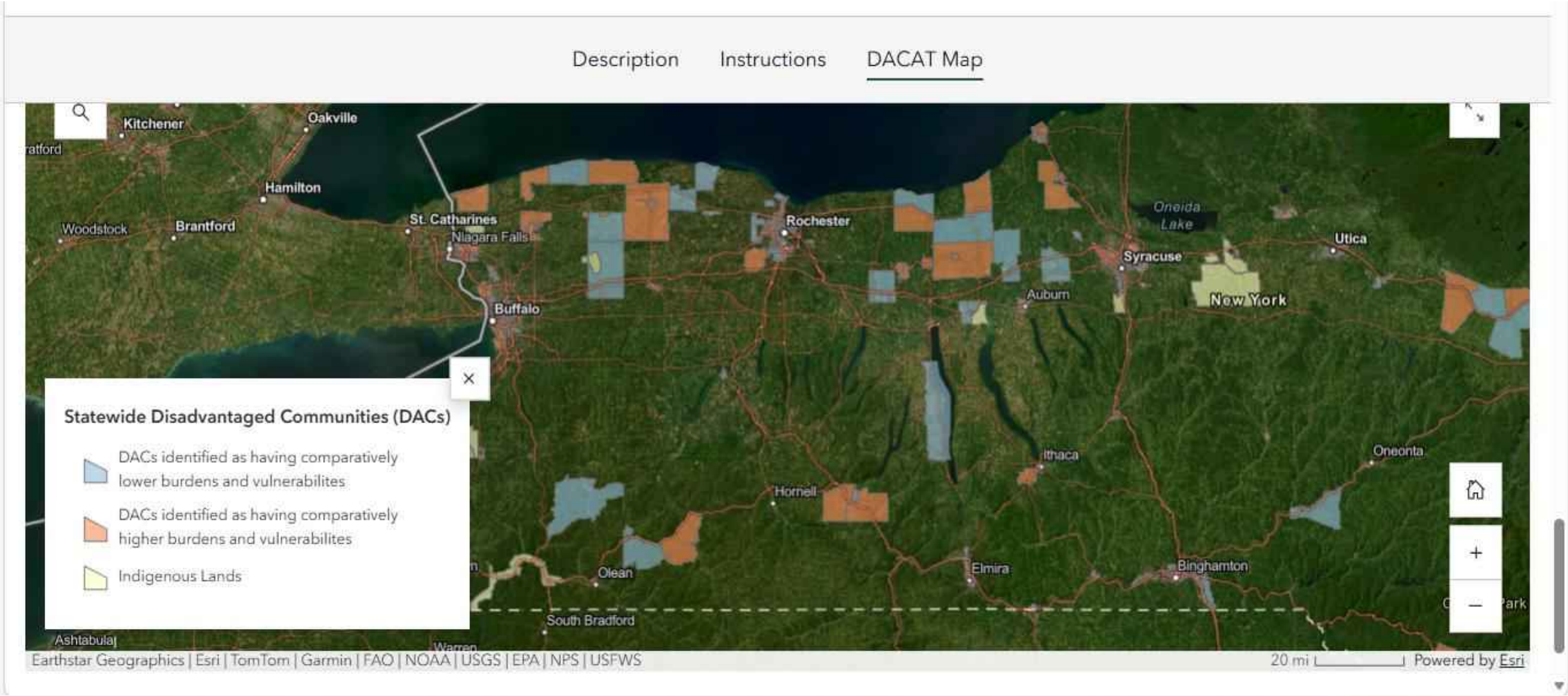


Relevant Environmental Data

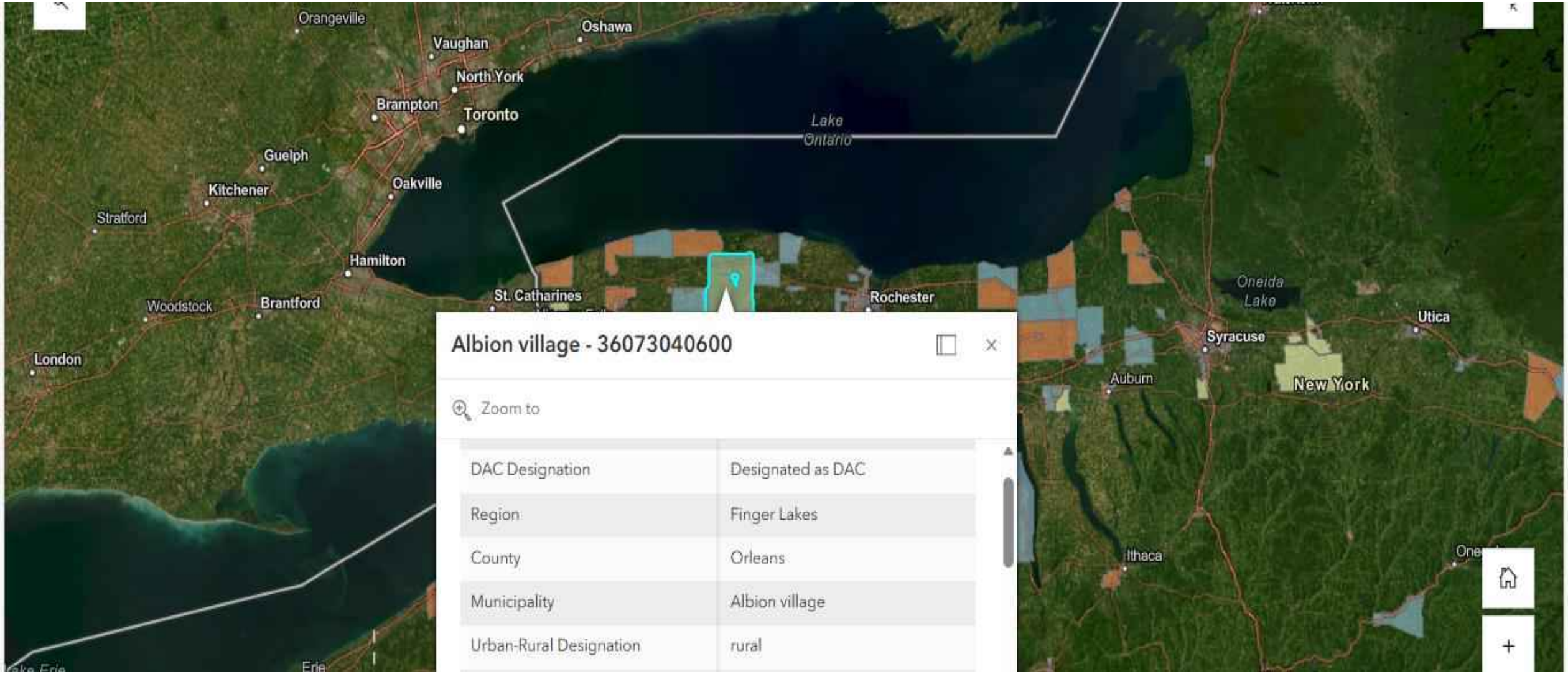
DACAT Assessment Tool

https://storymaps.arcgis.com/stories/7f0ffdde675e4e3788632c1b4cce6c0a

Disadvantaged Communities Assessment Tool



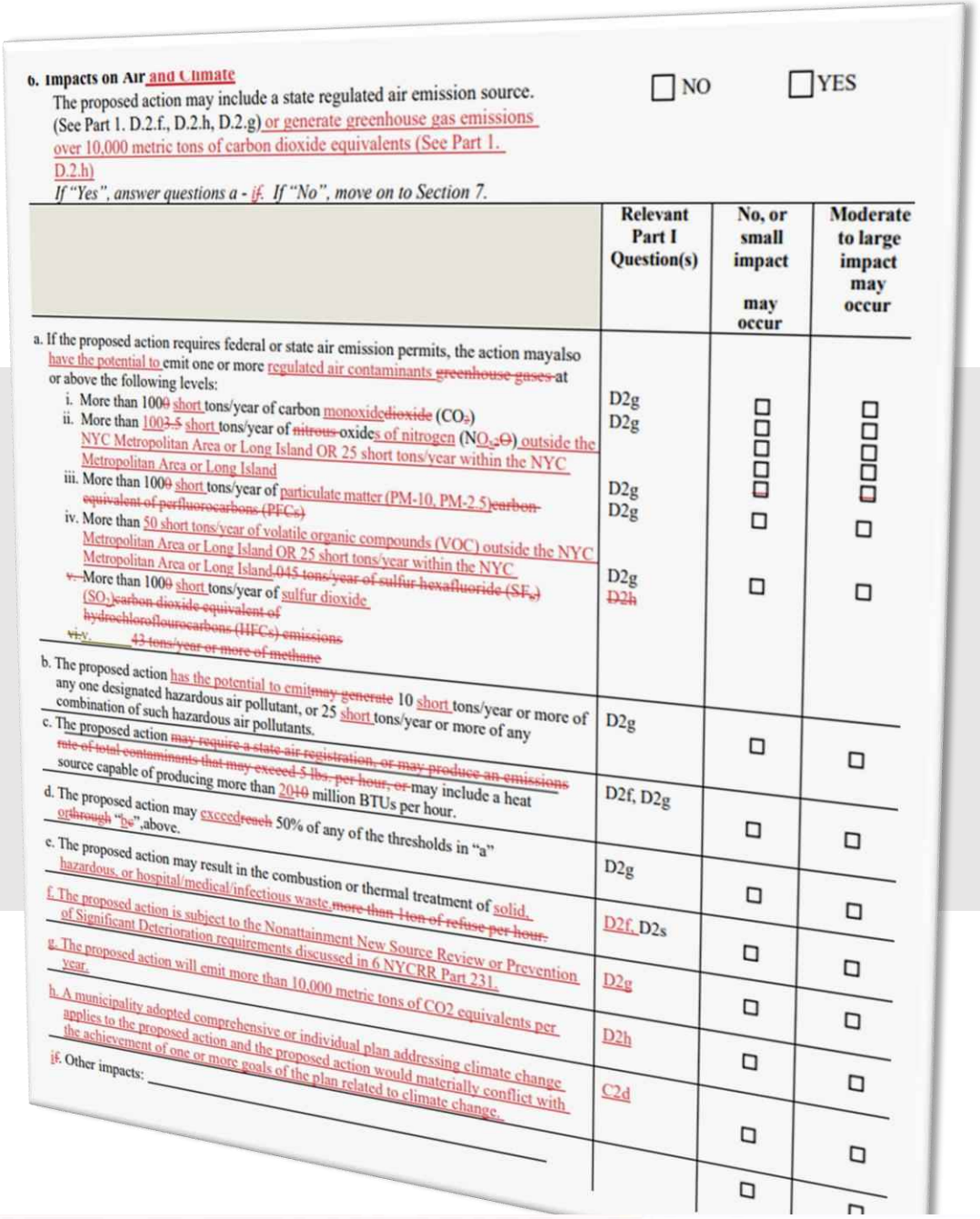
Disadvantaged Communities Assessment Tool



Examples of New EAF Questions

1. EAF Part 2 – Identification of Potential Impacts
2. Adds evaluation question on Climate to Air question (greenhouse gases)
3. Adds Impact on Disadvantaged Communities and Future Physical Climate Risk questions

These questions expand the SEQR screening review process for determining significance



6. Impacts on Air and Climate ☐ NO ☐ YES

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) or generate greenhouse gas emissions over 10,000 metric tons of carbon dioxide equivalents (See Part 1. D.2.h)

If "Yes", answer questions a - if. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action mayalso have the potential to emit one or more regulated air contaminants greenhouse gases at or above the following levels:			
i. More than 1000 short tons/year of carbon monoxidedioxide (CO_2)	D2g	☐	☐
ii. More than 1003.5 short tons/year of nitrous oxides of nitrogen (NO_2-0) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island	D2g	☐	☐
iii. More than 1000 short tons/year of particulate matter (PM-10, PM-2.5)carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than 50 short tons/year of volatile organic compounds (VOC) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island 045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 short tons/year of sulfur dioxide (SO_2)carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2h	☐	☐
vi.v. 43 tons/year or more of methane			
b. The proposed action has the potential to emitmay generate 10 short tons/year or more of any one designated hazardous air pollutant, or 25 short tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 2010 million BTUs per hour.	D2f, D2g	☐	☐
d. The proposed action may exceedreach 50% of any of the thresholds in "a" orthrough "be",above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of solid, hazardous, or hospital/medical/infectious waste more than 1ton of refuse per hour.	D2f, D2s	☐	☐
f. The proposed action is subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231.	D2g	☐	☐
g. The proposed action will emit more than 10,000 metric tons of CO2 equivalents per year.	D2h	☐	☐
h. A municipality adopted comprehensive or individual plan addressing climate change applies to the proposed action and the proposed action would materially conflict with the achievement of one or more goals of the plan related to climate change.	C2d	☐	☐
if. Other impacts: _____		☐	☐

SEQR Workbook Updates

DEC has also prepared a draft SEQR Guidance Workbook:

These include instructions for:

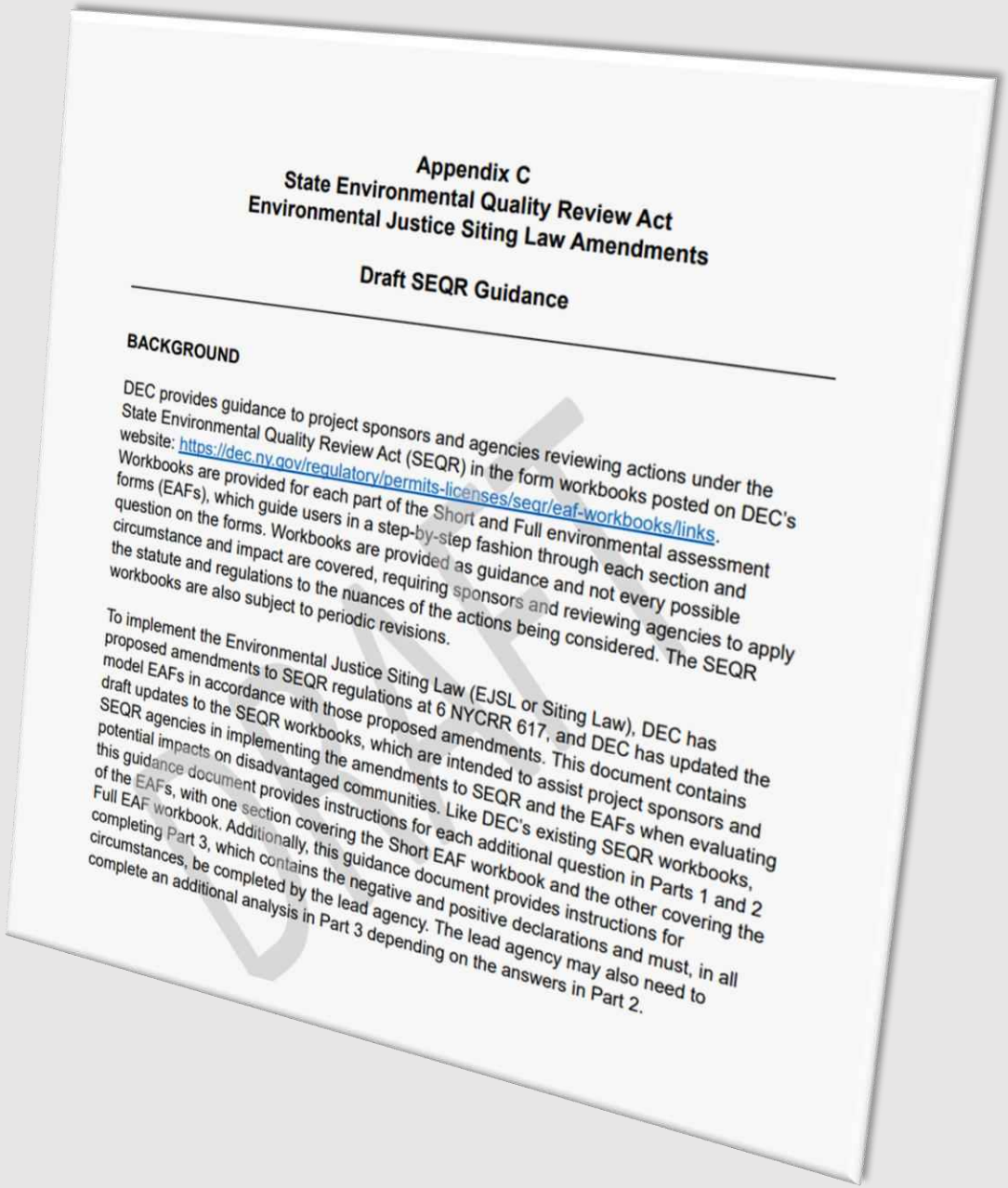
- Evaluating **EJ impacts**
- Using **DACAT Tool**



Updated guidance documents (Short & Full EAF)

Step-by-step evaluation of environmental impacts

EJ-focused questions and analysis requirements



Appendix C
State Environmental Quality Review Act
Environmental Justice Siting Law Amendments

Draft SEQR Guidance

BACKGROUND

DEC provides guidance to project sponsors and agencies reviewing actions under the State Environmental Quality Review Act (SEQR) in the form workbooks posted on DEC's website: https://dec.ny.gov/regulatory/permits-licenses/seqr/eaf-workbooks/links. Workbooks are provided for each part of the Short and Full environmental assessment forms (EAFs), which guide users in a step-by-step fashion through each section and question on the forms. Workbooks are provided as guidance and not every possible circumstance and impact are covered, requiring sponsors and reviewing agencies to apply the statute and regulations to the nuances of the actions being considered. The SEQR workbooks are also subject to periodic revisions.

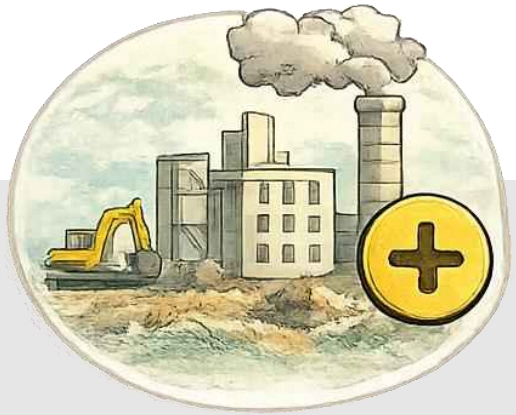
To implement the Environmental Justice Siting Law (EJSL or Siting Law), DEC has proposed amendments to SEQR regulations at 6 NYCRR 617, and DEC has updated the model EAFs in accordance with those proposed amendments. This document contains draft updates to the SEQR workbooks, which are intended to assist project sponsors and SEQR agencies in implementing the amendments to SEQR and the EAFs when evaluating potential impacts on disadvantaged communities. Like DEC's existing SEQR workbooks, this guidance document provides instructions for each additional question in Parts 1 and 2 of the EAFs, with one section covering the Short EAF workbook and the other covering the Full EAF workbook. Additionally, this guidance document provides instructions for completing Part 3, which contains the negative and positive declarations and must, in all circumstances, be completed by the lead agency. The lead agency may also need to complete an additional analysis in Part 3 depending on the answers in Part 2.

Determination of Significance

Lead agencies must now consider:



Existing environmental burdens



Whether the project adds pollution sources



Potential cumulative impacts

This may influence whether a Positive Declaration is issued.

Cumulative Pollution Burden

Agencies may now need to consider:



Nearby industrial sources



Traffic emissions



Existing environmental conditions

Environmental Impact Statements

Where an EIS is required, the analysis may need to address:



EJ communities affected

Identify disadvantaged communities impacted by the project



Pollution burden increases

Evaluate whether impacts add to existing burdens



Mitigation measures

Define strategies to reduce or offset impacts

Implications for Lead Agencies



Screen projects for EJ impacts

Document EJ considerations

Use mapping tools and DACAT



Implications for Applicants

Applicants may need to provide additional environmental analysis.



Additional Environmental Data

- ✓ Expanded environmental baseline information
- ✓ Site-specific conditions and context



Analysis of Pollution Sources

- ✓ Identify potential emissions
- ✓ Evaluate existing environmental conditions



Mitigation Measures

- ✓ Strategies to reduce impacts
- ✓ Measures to offset environmental burdens

APPLICATIONS MUST SUPPORT ENHANCED ENVIRONMENTAL JUSTICE REVIEW UNDER SEQR.

Example Scenario

Proposed industrial facility near a disadvantaged community.



Questions a Lead Agency Must Ask:

- Does it increase pollution burdens?
- Are cumulative impacts present?
- Are mitigation measures available?



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SEQR Analysis is Expanding

AND

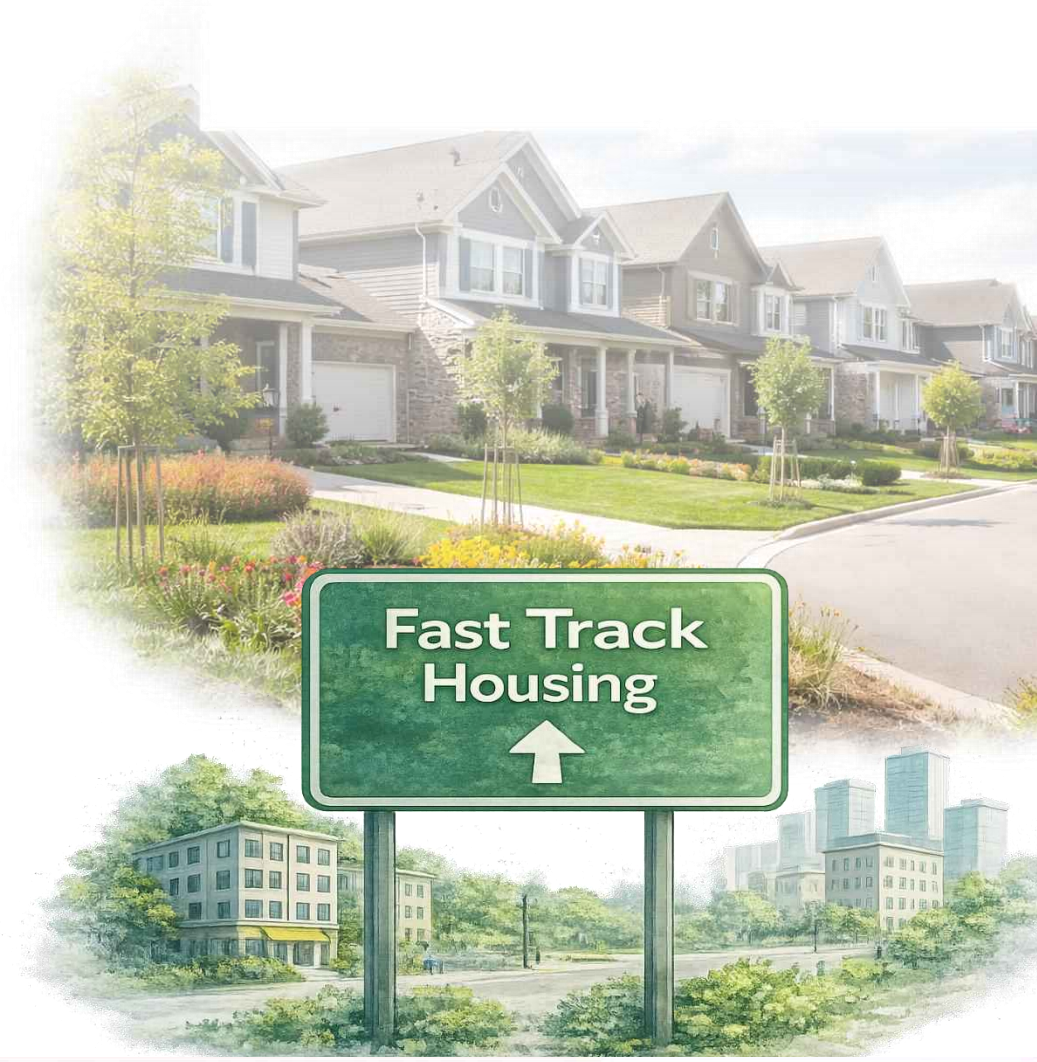
New York is considering streamlining reforms.

“Let Them Build” Initiative

Proposed by Governor Kathy Hochul

OBJECTIVES:

- Accelerate housing development
- Encourage redevelopment of disturbed sites
- Reduce regulatory barriers and expedite critical housing and infrastructure projects that have been consistently found to not have significant environmental impacts but can be caught up in red tape and subject to lengthy delays.



Housing & Development Challenges



The State has faced:



- Housing shortages
- Rising costs
- Delays in project approvals

SEQR has sometimes been cited as a contributing factor.

Proposed SEQR Exemptions



Reclassification of Housing as Type II

Certain residential developments on previously disturbed land with existing water/sewer connections and meeting local zoning and environmental justice requirements would be pre-determined not to have significant adverse environmental impacts.

Fast-Track Eligible Infrastructure

Clean water infrastructure, green utility systems, parks, recreational paths, and childcare facilities in previously disturbed areas would also be categorized as Type II

Eligibility Criteria

- Must comply with local zoning, water/air quality, and environmental justice standards.
- Must avoid environmentally sensitive areas and flood zones.
- In NYC, building size caps apply; elsewhere, unit caps and land-use controls apply

SEQRA Timeline Cap

A two-year maximum for completing an Environmental Impact Statement (from positive declaration to final agency decision) and creates Generic Environmental for common project types to shorten review times Impact Statements (select renewable energy & housing projects)

Statute of Limitations

- Establishes when the statute of limitations begins for challenges to agency determinations—starting when a decision becomes final and binding.
- Clarifies timing in cases where a SEQRA determination precedes the final project approval.

Proposed Non-Greenfield Exemptions



Public parks that do not include performance centers, athletic stadiums, or other mass gathering venues



Multi-use bicycle and pedestrian trails



Child care facilities connected to existing community or public water and sewage systems



Proposed SEQR Water/Wastewater Infrastructure Exemptions



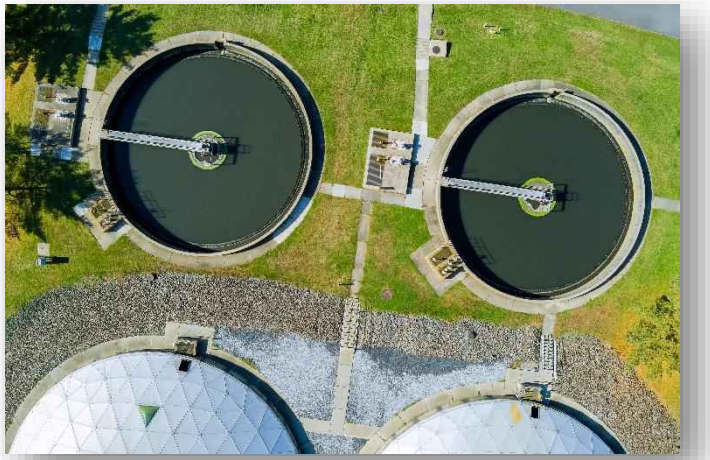
Infrastructure Upgrades

Replace, rehabilitate or reconstruct municipal water or wastewater infrastructure, in-kind and on the same site, including replacing lead service lines



Small System Enhancements

Replace, rehabilitate, upgrade or reconstruct existing small community water systems



Sewer Access Expansion

Provide sewer service to disadvantaged communities served by inadequate sewage treatment systems that the DEC determines does not need a specific permit or approval

Proposed Housing Unit Thresholds

Exempts construction of developments with no more than 100 units **IF** those projects:



Infrastructure Availability

Will be connected to existing community or public water and sewage systems



Previously Developed Land

Are in areas that have previously been developed (i.e., not greenfield development). To qualify for faster processing, projects must be located on previously disturbed land, meaning the site has already been developed or altered, reducing the need for extensive environmental analysis



Limited Non-Residential Use

Do not consist of more than 50,000 square feet of non-residential uses (if the project is mixed-use)

Policy Tensions

SEQRA Is Moving in Two Directions

Expanded Environmental Justice Analysis

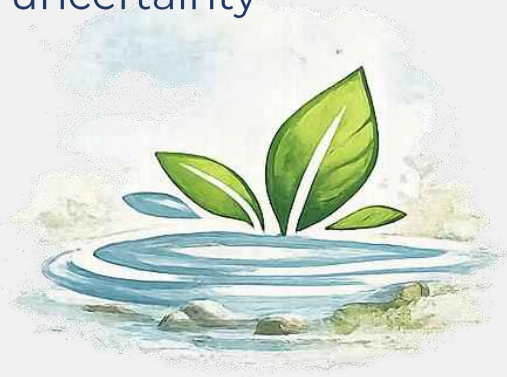


Streamlined Housing Development



State Freshwater Wetland Regulations

Since January 2025, state freshwater wetland regulations have become more stringent, although recent legal challenges have created some uncertainty



KEY TAKEAWAYS



- SEQRA is evolving rapidly
- Status is fluid with more clarity likely in 2026
- Environmental justice will play a larger role in SEQR reviews
- Housing policy will introduce targeted SEQR exemptions with some exceptions

Municipalities should begin preparing now.

RESOURCES

Environmental Justice Siting Law & SEQR Amendments

Environmental Justice Siting Law

https://dec.ny.gov/environmental-protection/environmental-justice/the-environmental-justice-siting-law

SEQR Amendments

https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/state-environmental-quality-review-act-regulatory-revisions

DACAT

https://storymaps.arcgis.com/stories/7f0ffdde675e4e3788632c1b4cce6c0a

Questions for Discussion



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QUESTIONS &
ANSWERS