

STATE OF NEW YORK

6150--B

2021-2022 Regular Sessions

IN ASSEMBLY

March 10, 2021

Introduced by M. of A. SEPTIMO, MAMDANI, ANDERSON, FERNANDEZ, SIMON, SILLITTI, EPSTEIN, GOTTFRIED, SOLAGES, FORREST, JACKSON, GONZALEZ-ROJAS, DARLING, L. ROSENTHAL, KELLES, SEAWRIGHT -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to emissions of toxic air contaminants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The environmental conservation law is amended by adding a new section 19-0330 to read as follows:

§ 19-0330. Air quality standards for toxic air contaminants.

1. Definitions. For purposes of this section, the following terms shall have the following meanings:

a. "Adjacent to" shall mean within a radius of one mile.

b. "Disadvantaged community" shall have the same meaning as in subdivision five of section 75-0101 of this chapter.

c. "Fenceline" shall mean the property boundary of a major source.

d. "Major source" shall mean stationary air contamination source that emits or has the potential to emit ten tons per year or more of a toxic air contaminant or twenty-five tons per year or more of a combination of toxic contaminants.

e. "Toxic air contaminant" shall mean benzene, formaldehyde, vinyl chloride, polychlorinated dibenzodioxins, polychlorinated dibenzofurans, trichloroethylene, mercury and any other substances added by the department.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 2. Promulgation of standards. a. The department shall, on or before
2 December thirty-first, two thousand twenty-three, promulgate ambient air
3 quality standards for the following toxic air contaminants: benzene,
4 formaldehyde, vinyl chloride, polychlorinated dibenzodioxins, polychlo-
5 rated dibenzofurans, trichloroethylene and mercury. Such standards may
6 be hourly, rolling eight-hour or annual, or any combination thereof, as
7 determined by the department in consultation with the department of
8 health.

9 b. The ambient air quality standards for toxic air contaminants shall
10 be based on the best available scientific data concerning the potential
11 adverse human health effects of each contaminant.

12 3. Beginning January first, two thousand twenty-four, the department
13 shall incorporate toxic air contaminants into each major source permit.

14 4. No later than December thirty-first, two thousand twenty-three, the
15 department shall establish regulations specifying when and how fence-line
16 monitoring will be required for toxic air contaminants by major sources.
17 Such regulations shall at a minimum take into consideration the existing
18 air quality and the major source's proximity to a location within or
19 adjacent to a disadvantaged community.

20 § 2. This act shall take effect on the ninetieth day after it shall
21 have become a law.