

STATE OF NEW YORK

6299

2023-2024 Regular Sessions

IN SENATE

April 12, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the community air monitoring program

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

1 Section 1. Subdivision 3 of section 75-0115 of the environmental
2 conservation law, as added by chapter 106 of the laws of 2019, is
3 amended to read as follows:

4 3. On or before June first, two thousand twenty-four, the department
5 shall prepare, in consultation with the climate justice working group, a
6 strategy to reduce emissions of toxic air contaminants and criteria air
7 pollutants in disadvantaged communities affected by a high cumulative
8 exposure burden. The strategy shall include criteria for the development
9 of community emission reduction programs. The criteria presented in the
10 strategy shall include, but are not limited to, the following:

11 a. an assessment and identification of communities with high cumula-
12 tive exposure burdens for toxic air contaminants and criteria air pollu-
13 tants.

14 b. a methodology for assessing and identifying the contributing sourc-
15 es or categories of sources, including, but not limited to, stationary
16 and mobile sources, and an estimate of their relative contribution to
17 elevated exposure to air pollution in impacted communities identified
18 pursuant to paragraph a of this subdivision.

19 c. (i) an assessment of the role that the department's approval or
20 disapproval for permits and certificates for air contamination sources,
21 as authorized in paragraph j of subdivision two of section 19-0305 of
22 this chapter, plays in contributing to such stationary and mobile sourc-
23 es of pollution and their relative contribution to elevated exposure to
24 air pollution in impacted communities; and

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

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1 (ii) a detailed description of the role that the department's operat-
2 ing permit program for sources subject to Title V of the federal Clean
3 Air Act, as described in section 19-0311 of this chapter, in particular
4 plays in contributing to such stationary and mobile sources of
5 pollution.

6 d. an assessment of the existing and available measures for reducing
7 emissions from the contributing sources or categories of sources identi-
8 fied pursuant to paragraph b of this subdivision.

9 § 2. Subdivision 4 of section 75-0115 of the environmental conserva-
10 tion law is renumbered subdivision 5 and a new subdivision 4 is added to
11 read as follows:

12 4. a. The department shall release, in conjunction with the strategy
13 to reduce emissions of toxic air contaminants and criteria air pollu-
14 tants in disadvantaged communities described in subdivision three of
15 this section, a listing of all last mile warehouses receiving permits
16 and certificates for air contamination sources as authorized in para-
17 graph j of subdivision two of section 19-0305 of this chapter. As used
18 in this subdivision "last mile warehouse" shall refer to a facility
19 that: (i) contains at least fifty thousand square feet of total floor
20 space that is used for warehouse activities; and (ii) has as its primary
21 purpose the temporary storage, sorting, and redistribution of goods to
22 fulfill e-commerce orders by receiving shipments of goods from one mode
23 of transport and redistributing those goods via a delivery vehicle. A
24 "last-mile warehouse" shall not include any facility where goods are
25 manufactured or assembled on site and temporarily stored prior to
26 distribution, or any facility that has as its primary purpose the tempo-
27 rary storage of food products for wholesale distribution.

28 b. The department shall represent the last mile warehouses receiving
29 permits and certificates for air contamination sources described in
30 paragraph a of this subdivision on a statewide map to be maintained on a
31 publicly accessible website. In designing and maintaining such map, the
32 department shall allow a user of such website to view the distribution
33 of such warehouses across the state separately from and in conjunction
34 with any other category of facility, site, parcel, area, trail, or other
35 category of information on such map.

36 § 3. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after October 1, 2022.