S T A T E O F N E W Y O R K

9193--A

I N A S S E M B L Y

February 2, 2012

Introduced by M. of A. QUART, GOTTFRIED, JAFFEE, WEPRIN -- Multi-Sponsored by -- M. of A. BOYLAND -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to requiring air quality monitoring for certain major mass transportation projects

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 19-0322 to read as follows:

S 19-0322. AIR QUALITY MONITORING REQUIRED FOR MAJOR MASS TRANSPORTATION PROJECTS.

1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "MAJOR MASS TRANSPORTATION PROJECT" MEANS THE CONSTRUCTION OR RECONSTRUCTION OF ANY RAPID TRANSIT, RAILROAD, OMNIBUS, MARINE TRANSPORTATION OR OTHER MASS TRANSPORTATION FACILITY WITH A COST OF SEVENTY-FIVE MILLION OR MORE DOLLARS.

(B) "EXCAVATION" MEANS THE MOVEMENT OR REMOVAL OF EARTH, ROCK OR OTHER MATERIALS IN OR ON THE GROUND BY USE OF MECHANIZED EQUIPMENT OR BY BLASTING, AND INCLUDES, BUT IS NOT LIMITED TO, AUGURING, BACKFILLING, BORING, DRILLING, GRADING, PLOWING IN, PULLING IN, TRENCHING AND TUNNELING; PROVIDED, HOWEVER, THAT THE MOVEMENT OF EARTH BY TOOLS MANIPULATED ONLY BY HUMAN OR ANIMAL POWER AND THE TILLING OF SOIL FOR AGRICULTURAL PURPOSES SHALL NOT BE DEEMED EXCAVATION.

2. THE DEPARTMENT SHALL CONDUCT AN AIR QUALITY ANALYSIS OF THE AREA SURROUNDING THE EXCAVATION OF ANY MAJOR MASS TRANSPORTATION PROJECT WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, WHICH ANALYSIS SHALL, BE CONDUCTED IN A MANNER THAT IS PROTECTIVE OF HUMAN HEALTH AND AT A MINIMUM INCLUDE, FEDERAL CRITERIA POLLUTANTS INCLUDING PARTICULATE MATTER OF 2.5 MICRONS OR SMALLER AND OTHER EMISSIONS AS THE COMMISSIONER MAY SPECIFY.

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

LBD14204-04-2

3. ONCE COMPLETED, THE DEPARTMENT SHALL MAKE ALL SUCH AIR QUALITY ANALYSIS, INCLUDING RAW DATA AND REPORTS AVAILABLE ON ITS WEBSITE WITHIN NINETY DAYS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.