

3434

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sen. KRUEGER -- 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 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:

1 Section 1. The environmental conservation law is amended by adding a
2 new section 19-0322 to read as follows:

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

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

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

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

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

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

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1 3. ONCE COMPLETED, THE DEPARTMENT SHALL MAKE ALL SUCH AIR QUALITY
2 ANALYSIS, INCLUDING RAW DATA AND REPORTS AVAILABLE ON ITS WEBSITE WITHIN
3 NINETY DAYS.
4 S 2. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law.