

2784

2015-2016 Regular Sessions

I N   S E N A T E

January 29, 2015

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Introduced by Sens. KRUEGER, ADDABBO -- 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 ASSEM-  
BLY, 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

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

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1 MATTER OF 2.5 MICRONS OR SMALLER AND OTHER EMISSIONS AS THE COMMISSIONER  
2 MAY SPECIFY.

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

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