STATE OF NEW YORK

9083

IN SENATE

November 6, 2020

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to reducing emissions of air pollutants from petroleum bulk storage facilities

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 17-1016 to read as follows:

§ 17-1016. Reduction of air pollution from petroleum bulk storage facilities.

1. Statement of findings. a. Above-ground storage tanks containing petroleum and petroleum-containing products are a major source of air pollutants, including volatile organic compounds such as benzene, toluene, ethylbenzene, xylene and formaldehyde.

b. Volatile organic compounds cause a variety of adverse human health effects, including eye, nose and throat irritation; shortness of breath; headaches; fatigue; nausea; dizziness; skin problems; lung irritation; damage to the liver, kidney and central nervous system; and cancer.

c. Studies have shown that the color of an above-ground storage tank significantly affects the amount of air pollutants emitted from the tank. Storage tanks painted darker colors have been shown to emit two to three times as much air pollution during warm weather than tanks painted lighter colors.

d. Requiring above-ground storage tanks to be painted lighter colors will have significant air quality and public health benefits, particularly in environmental justice communities that already bear a disproportionate pollution burden.

2. Definitions. For purposes of this section, the terms below shall have the following meaning:

a. "Shell color" shall mean the color and shade combination of the paint on the sides or shell of a tank.

b. "Roof color" shall mean the color and shade combination of the paint on the roof of a tank.

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

LBD17523-02-0

c. "Tank" shall have the meaning set forth in section 17-1003 of this title except that for purposes of this section "tank" means an above-ground tank and does not include associated pipes, lines, fixtures or other ancillary equipment.

3. Tank coloring. a. No person shall own or operate a facility containing a tank that does not meet the color requirements of this subdivision. Such color requirements shall apply to every tank at a facility regardless of whether the tank is in active use for storage.

b. A tank shall have a shell color and roof color of either white or beige/cream.

§ 2. This act shall take effect January 1, 2022.