

# STATE OF NEW YORK

841

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. BIAGGI -- 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 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:

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 17-1016 to read as follows:

3 § 17-1016. Reduction of air pollution from petroleum bulk storage facil-  
4 ities.

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

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

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

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

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

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

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

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

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

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

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

15 § 2. This act shall take effect January 1, 2023.