STATE OF NEW YORK

6299--A

2023-2024 Regular Sessions

IN SENATE

April 12, 2023

Introduced by Sens. GOUNARDES, COMRIE -- read twice and ordered printed, and when printed to be committed 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 the community air monitoring program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 75-0115 of the environmental conservation law is amended by adding two new subdivisions 5 and 6 to read as follows:

5. Within one year of the effective date of this subdivision, the department shall prepare an addendum to the report on strategies to reduce emissions of toxic air contaminants and criteria air pollutants in disadvantaged communities, as described in subdivision three of this section, which shall include the following:

a. an assessment of the role that the department's approval or disapproval for permits and certificates for air contamination sources, as authorized in paragraph j of subdivision two of section 19-0305 of this chapter, plays in contributing to such stationary and mobile sources of pollution and their relative contribution to elevated exposure to air pollution in impacted communities; and

b. a detailed description of the role that the department's operating permit program for sources subject to Title V of the federal Clean Air Act, as described in section 19-0311 of this chapter, in particular plays in contributing to such stationary and mobile sources of pollution.

6. a. The department shall release, in conjunction with the addendum report described in subdivision five of this section, a listing of all last mile warehouses receiving permits and certificates for air contamination sources as authorized in paragraph j of subdivision two of section 19-0305 of this chapter. As used in this subdivision "last mile

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

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warehouse" shall refer to a facility that: (i) contains at least fifty thousand square feet of total floor space that is used for warehouse activities; and (ii) has as its primary purpose the temporary storage, sorting, and redistribution of goods to fulfill e-commerce orders by receiving shipments of goods from one mode of transport and redistributing those goods via a delivery vehicle. A "last mile warehouse" shall not include any facility where goods are manufactured or assembled on site and temporarily stored prior to distribution, or any facility that has as its primary purpose the temporary storage of food products for wholesale distribution.

b. The department shall represent the last mile warehouses receiving permits and certificates for air contamination sources described in paragraph a of this subdivision on a statewide map to be maintained on a publicly accessible website. In designing and maintaining such map, the department shall allow a user of such website to view the distribution of such warehouses across the state separately from and in conjunction with any other category of facility, site, parcel, area, trail, or other category of information on such map.

§ 2. This act shall take effect immediately.