STATE OF NEW YORK

7565--A

2023-2024 Regular Sessions

IN SENATE

June 6, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to reduction of air pollution from petroleum bulk storage facilities

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

Section 1. Section 17-1016 of the environmental conservation law, as added by chapter 505 of the laws of 2021, is amended to read as follows:

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

1. 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~~] any coating on the sides or shell of a tank, which reduces volatile emissions.

b. "Roof color" shall mean [~~the color and shade combination of the paint~~] any coating on the roof of a tank, which reduces volatile emissions.

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, unless the department determines the tank to be otherwise sufficiently protected against volatilization in a manner no less protective than subdivision two of this section, and does not include associated pipes, lines, fixtures or other ancillary equipment.

2. 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.

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

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b. A tank shall have a shell color and roof color of either white or beige/cream**, or which limits volatile emissions to the same or to a greater extent as a shell color and roof color of white or beige/cream, as determined by the department**.

§ 2. This act shall take effect January 1, 2024, provided however, that if chapter 505 of the laws of 2021 shall not have taken effect on or before such date then section one of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021, takes effect.