STATE OF NEW YORK

6299

2023-2024 Regular Sessions

IN SENATE

April 12, 2023

Introduced by Sen. GOUNARDES -- 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 the community air monitoring program

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

Section 1. Subdivision 3 of section 75-0115 of the environmental conservation law, as added by chapter 106 of the laws of 2019, is amended to read as follows:

3. On or before June first, two thousand twenty-four, the department shall prepare, in consultation with the climate justice working group, a strategy to reduce emissions of toxic air contaminants and criteria air pollutants in disadvantaged communities affected by a high cumulative exposure burden. The strategy shall include criteria for the development of community emission reduction programs. The criteria presented in the strategy shall include, but are not limited to, the following:

a. an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants.

b. a methodology for assessing and identifying the contributing sources or categories of sources, including, but not limited to, stationary and mobile sources, and an estimate of their relative contribution to elevated exposure to air pollution in impacted communities identified pursuant to paragraph a of this subdivision.

c. **(i) 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**

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

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(ii) 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.

d. an assessment of the existing and available measures for reducing emissions from the contributing sources or categories of sources identified pursuant to paragraph b of this subdivision.

§ 2. Subdivision 4 of section 75-0115 of the environmental conservation law is renumbered subdivision 5 and a new subdivision 4 is added to read as follows:

4. a. The department shall release, in conjunction with the strategy to reduce emissions of toxic air contaminants and criteria air pollutants in disadvantaged communities described in subdivision three 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 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.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after October 1, 2022.