§ 19-0305. Commissioner; enforcement power.

1. The commissioner is hereby authorized to enforce the codes, rules and regulations of the department established in accordance with this article.

2. In addition to the powers otherwise granted under this article, and in accordance with the policies of department, the commissioner shall have power to:

a. Enter and inspect any property, premise or place and stop, detain and inspect any motor vehicle for the purpose of investigating either an actual or suspected source of air pollution or air contamination or for the purpose of ascertaining compliance or noncompliance with any code, rule or regulation which may be promulgated under this article. Any information relating to secret processes, or methods of manufacture, or production obtained in the course of the inspection or investigation shall be kept confidential, provided that the quantity and physical and chemical characteristics of actual and allowable air contaminant emissions shall be considered public information. If samples of air or air contaminants are taken for analysis during any inspection made on the premises of a person who is suspected of causing air pollution or air contamination or during the inspection of a motor vehicle, a duplicate of the analytical report shall be furnished promptly to such person or the owner of such motor vehicle.

b. Conduct or cause to be conducted studies and research with respect to air pollution control, abatement or prevention.

c. Conduct and supervise programs of air pollution control education including the preparation and distribution of information relating to air pollution control.

d. Determine by means of field studies and sampling the degree of air pollution in New York state.

e. Provide advisory technical consultation services to local

communities.

f. Develop and conduct demonstration programs in cooperation with local communities.

g. Promote the establishment of local laboratory facilities including essential instrumentation.

h. Provide facilities and staff for training personnel of local communities in the principles of air sanitation.

i. Serve as the agent of the state for the receipt of monies from the federal government or other public or private agencies and to expend such monies after appropriation thereof for the purpose of air pollution control studies or research.

j. Consider for approval or disapproval applications for permits and certificates including plans or specifications for air contamination sources and air cleaning installations or any part thereof submitted consistent with the rules of the department, and inspect the installation for compliance with the plans or specifications; provided that in the case of a major steam electric generating facility, as defined in former section one hundred forty of the public service law, for which a certificate is required pursuant to the former article eight of the public service law, or a major electric generating facility as defined in section one hundred sixty of the public service law, for which a certificate is required pursuant to article ten of the public service law, such approval functions may be performed by the state board on electric generation siting and the environment, as defined in the public service law, pursuant to federally delegated or approved environmental permitting authority, and such inspection functions shall be performed by the department. Nothing herein shall limit the authority of the department of health and the department to monitor the environmental and health impacts resulting from the operation of such major steam electric generating facility and to enforce applicable provisions of the public health law and this chapter and the terms and conditions of the certificate governing the environmental and health

impacts resulting from such operation.

k. Approve types of crankcase ventilating systems and air contaminant emission control systems pursuant to standards promulgated by the department, in accordance with the Vehicle and Traffic Law.

l. Do such other things as he may deem necessary, proper or desirable in order that he may enforce codes, rules or regulations which have been promulgated under this article.