§ 21-0525. Interstate air pollution.

When the state of New Jersey shall have enacted legislation of substantially similar import and for so long as such legislation of the state of New Jersey remains in force, the interstate environmental commission shall, in addition to its other powers, duties and functions have authority, in accordance with article three of the tri-state compact set forth in section 21-0501 of this chapter, to engage in activities with respect to interstate air pollution problems between the states of New York and New Jersey as follows:

a. to conduct studies;

b. to undertake research, testing and development;

c. to gather, exchange and disseminate information with and among public or private bodies, persons or organizations and to cooperate with any of them in solving air pollution problems;

d. to take samplings and to trace sources of air pollutants;

e. to refer complaints to an appropriate enforcement agency or agencies of the states in which the sources are located and to which air pollutants are carried, along with such data and information as it may have obtained with respect to the nature, characteristics, source, path and effect of air pollutants;

f. whenever found appropriate on the basis of such studies and research, (1) to make recommendations and reports to the governors and legislatures of the participating states;

(2) to recommend to the legislatures, air pollution control agencies and municipalities of the states the establishment of such specific control and enforcement measures as may be necessary to abate air pollution in one state which endangers the health and welfare of people in another state;

(3) to join in a requirement upon the federal Administrator of the Environmental Protection Agency that he convene a conference pursuant to

the federal clean air act, and to participate in such a conference; and

(4) to recommend and assist in the establishment of air pollution monitoring systems and air pollution warning systems.

The primary effort of the interstate environmental commission under this act shall be directed to air contaminant solids, liquids or gases which are toxic, disagreeable or irritant, or which are destructive.

In carrying out its functions under this act, the interstate environmental commission shall make use of the services, facilities and information of existing state, local and federal agencies wherever feasible and available.

In furtherance of the purposes of this act, the interstate environmental commission is empowered to accept moneys, property and other donations or gifts from any person whatever, whether public, private or governmental, real or artificial.

No trade secret or secret process shall be inquired into by the interstate environmental commission under this act, whether with respect to one or more of the substances or one or more of the processes, operations, techniques or devices used in connection therewith, and whenever a trade secret or secret process is involved, the activity under this act shall be limited to the identification of the device or facility from which the effluent discharged into the outer air derives, and the nature, rate and period of emission of such effluent.

All information obtained from any sampling, tracing or other specific inquiry performed under this act shall be kept and maintained as a confidential disclosure and, except as may be essential for the purpose of referring a complaint to an appropriate enforcement agency and of any enforcement proceeding by or before any such agency, shall not be disclosed or published in any way other than such as will not identify a given substance, process, operation, technique or device with the physical location or identity of the source plant or facility, or with the product made or service performed, or with the person or persons using the same.

A printed copy of the provisions of this section shall be furnished on request to any person furnishing information to the interstate environmental commission and, in case of an inquiry at a plant or facility, to the person then in charge of the same.

So long as the activities conducted pursuant to this act are limited to the states of New York and New Jersey, all of the costs and expenses of the same, direct and indirect, shall be met, within the limits of available appropriations therefor, by said two states in equal shares and all actions of the interstate environmental commission with respect to such activities shall be governed solely by the commissioners from the states of New York and New Jersey, with like effect as though the state of Connecticut were not a participant of said commission, and for this purpose the commission shall establish administratively a separate division on interstate air pollution, and maintain separate financial accounts to reflect its direct and allocated costs and expenses; provided, however, that the full commission, including the members representing the state of Connecticut, shall rule on all matters touching the accounting systems to be used and the charging and allocation of costs and expenses.