



Empire State Forest Products Association

The people behind New York's healthy forests and quality wood products

www.esfpa.org

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Memorandum of Support S 1704

Honorable Pete Harckham
Senator
315 LOB
Albany, NY 12247
Via Email harckham@nysenate.gov

January 17, 2025

Dear Senator Harckham:

The Empire State Forest Products Association (ESFPA) supports **S 1704** as it amends Chapter 505 of the Laws of 2021 which broadly regulated the painting of above-ground petroleum bulk storage tanks and imposed costly and conflicting requirements on petroleum storage facilities that do not meet the intended purpose of the statute.

The Empire State Forest Products Association (ESFPA) represents over 350 member businesses, industries and landowners engaged in forest resource production and stewardship of New York's 19 million acres of forest. In total, \$22.8 billion dollars in annual industry production and nearly 100,000 jobs are attributable to operations of various industries within the forest related sectors. There are over 200,000 private forest landowners who also depend on sound forest and timber management and production to help them keep their forests as forests.

Chapter 505 of the Laws of 2021 amended Environmental Conservation Law § 17-1016 adding a requirement that all Above Ground Storage Tanks (ASTs) have shells and/or roof painted white, beige or cream to reduce Air Pollution from Petroleum Bulk Storage (PBS) Facilities. The requirement came into effect on January 1, 2024. Environmental groups and the regulated community have raised several concerns and complaints indicating the impracticality and difficulty in complying with the statute.

The concerns and questions from the regulated community involve circumstances where the tanks are painted with colors/coatings (e.g., yellow or silver) that serve a different purpose but provide the same if not better reflective purpose of white or beige that contribute to the reduction of emissions and prevention of spills and leakage. In addition,

often these ASTs are fully enclosed in buildings where there is no direct sunlight on the tank. While the intention of Chapter 505 was good, the resulting consequences of such a broad mandate on all ABS tanks are impractical. We believe that **S. 1704** provides the correct statutory relief and regulatory discretion to the Department of Environmental Conservation (DEC) in promulgating regulations that meet the overall intent of this legislation.

DEC is developing a regulatory package to update provisions of the regulations under 6 NYCRR Part 613 to implement this legislation. One of the proposed updates is a clarification of the new tank painting requirement, but this will necessitate a statutory fix. While the update to 6 NYCRR Part 613 is ongoing, DEC has exercised its discretion related to enforcement of the broad provisions of Chapter 505 in light of a pending statutory fix.

ESFPA supports the amendments proposed in **S. 1704** and will work in support of the passage of this legislation in both houses and the eventual Governor's signature.

For More Information Contact:

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cc: Senate Environmental Conservation Committee Members