



Empire State Forest Products Association

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

www.esfpa.org

47 Van Alstyne Drive / Rensselaer, New York 12144 / p: 518-463-1297 / f: 518-426-9502

Chair
Jennifer DeFrancesco
B & B Forest Products, LTD

Vice Chair
Jeff Denkenberger
Molpus Woodlands Group, LLC.

Treasurer
Michael W. Hanlon
Cotton-Hanlon, Inc.

Secretary
Kevin Brown
W.J. Cox Associates, Inc.

Immediate Past Chair –
Michael J. McLarty
Finch Paper, LLC

Executive Director
John K. Bartow, Jr.

Adam Bowman
AD Bowman & Son Lumber Co.

Sarah R. Bogdanovitch
Natural Resources Consultant

Pat Buff
B&B Lumber Co.

René H. Germain, Ph.D.
SUNY ESF

Tom Gilman, CF®
F&W Forestry Services, Inc.

Doug Handy
A&H Forest Management, Inc.

Damon Hartman
Prentiss & Carlisle

Michael Haycock
Farm Credit East

Craig Jochum
Craig Jochum Logging

Susan Keister
Keister Consulting, Inc.

Elizabeth Lesnikoski
Burlington Electric

Larry Richards
Richards Logging, LLC

Sean Ross
Lyme Timber Company

Pat Sadler
WoodWise Forestry, LLC

Jack Santamour
LandVest, Inc.

Tim Stocker
Sylvamo

Tony Woods
Lignetics of New England

Ty Bowgren
Wagner Lumber Company

John Zemanick
Gutchess Lumber Company

Counsel
Dennis J. Phillips, Esq.
McPhillips, Fitzgerald & Cullum

Memorandum of Support **S 7565-B**

Honorable Pete Harckham
Senator
315 LOB
Albany, NY 12247

April 23, 2024

Dear Senator Harckham:

The Empire State Forest Products Association (ESFPA) supports **S 7565-B** 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. 7565-B** 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. 7565-B** and will work in support of the introduction of a companion bill in the Assembly and eventual signing by the Governor.

For More Information Contact:

John K. Bartow, Jr.

Executive Director

Empire State Forest Products Association

47 VanAlstyne Drive

Rensselaer, NY 12144

Tel (518)463-1297

Cell (518) 573-1441

jbartow@esfpa.org

cc: Senate Environmental Conservation Committee Members
Assemblymember Amanda Septimo