

5061--A

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to restricting the operation of diesel powered electrical generation systems in areas identified as not meeting certain federal air quality standards for ozone

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The environmental conservation law is amended by adding a  
2     new section 19-0311-a to read as follows:  
3     S 19-0311-A. RESTRICTED OPERATION OF DIESEL POWERED ELECTRICAL GENERA-  
4     TORS.  
5     THE GENERATION OF ELECTRICITY FOR PUBLIC OR PRIVATE USE BY MEANS OF  
6     DIESEL COMBUSTION GENERATION FACILITIES SHALL BE PROHIBITED IN ANY COUN-  
7     TY OR PART THEREOF THAT IS DESIGNATED, PURSUANT TO SECTION 7511 OF THE  
8     ACT, AS BEING IN NONATTAINMENT OF THE NATIONAL AMBIENT AIR QUALITY STAN-  
9     DARD FOR OZONE OR PM2.5, OR HAS BEEN SO DESIGNATED WITHIN THE PRIOR  
10    CALENDAR YEAR, UNLESS:  
11    1. THE DIESEL COMBUSTION FACILITY HAS A GENERATING CAPACITY OF LESS  
12    THAN ONE HUNDRED KILOWATTS;  
13    2. THE DIESEL COMBUSTION FACILITY EMITS NO MORE THAN 0.03 POUNDS OF  
14    PARTICULATE MATTER PER MEGAWATT HOUR AND NO MORE THAN 0.03 POUNDS OF  
15    NITROGEN OXIDES PER MEGAWATT HOUR;  
16    3. THE DIESEL COMBUSTION FACILITY IS USED SOLELY AS AN EMERGENCY  
17    BACK-UP SYSTEM DURING A POWER OUTAGE; OR  
18    4. THE DIESEL COMBUSTIBLE FACILITY USES COGENERATION TECHNOLOGY TO  
19    UTILIZE THE WASTE HEAT.  
20    S 2. This act shall take effect January 1, 2012.

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

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