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2009-2010 Regular Sessions

I N S E N A T E

January 14, 2009

Introduced by Sens. C. JOHNSON, DIAZ, DUANE, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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 HAS BEEN SO DESIGNATED WITHIN THE PRIOR CALENDAR
10 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; OR
16 3. THE DIESEL COMBUSTION FACILITY IS USED AS AN EMERGENCY BACK-UP
17 SYSTEM DURING A POWER OUTAGE.
18 S 2. This act shall take effect immediately.

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

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