S T A T E O F N E W Y O R K

1382

2011-2012 Regular Sessions

I N S E N A T E

January 7, 2011

Introduced by Sens. PERKINS, BRESLIN, DIAZ, DILAN, DUANE, HASSELL-THOMPSON, KRUEGER, KRUGER, MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to contracts with school bus companies; and to amend the environmental conservation law, in relation to eliminating the cap on air pollution fees

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

Section 1. Subdivision g of section 19-606 of the administrative code of the city of New York is relettered subdivision h and a new subdivision g is added to read as follows:

G. 1. ANY BUS USED TO PROVIDE SERVICES TO STUDENTS IN CONNECTION WITH A SERVICE CONTRACT WITH THE NEW YORK CITY DEPARTMENT OF EDUCATION SHALL:

(I) IF BUILT PRIOR TO NINETEEN HUNDRED NINETY-FIVE, BE RETROFITTED WITH DIESEL OXIDATION CATALYSTS;

(II) IF BUILT ON OR AFTER JANUARY FIRST, NINETEEN HUNDRED NINETY-FIVE, BE RETROFITTED WITH DIESEL PARTICULATE FILTERS; AND

(III) USE ULTRA-LOW SULFUR FUEL OR "CLEAN DIESEL" CONTAINING NOT MORE THAN 15 PPM OF SULFUR.

2. ANY ALTERATION REQUIRED PURSUANT TO THIS SUBDIVISION SHALL BE COMPLETED (I) WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION OR (II) UPON ENTERING INTO OR RENEWING A CONTRACT WITH THE NEW YORK CITY DEPARTMENT OF EDUCATION, WHICHEVER IS LATER.

S 2. Subdivision 1 of section 72-0303 of the environmental conservation law, as amended by section 1 of part D of chapter 413 of the laws of 1999, the opening paragraph as amended by section 1 of part BBB of chapter 59 of the laws of 2009, is amended to read as follows:

1. Commencing January first, nineteen hundred ninety-four and every year thereafter all sources of regulated air contaminants identified pursuant to subdivision one of section 19-0311 of this chapter shall

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

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submit to the department an annual fee of forty-five dollars per ton [up to seven thousand tons] annually of each regulated air contaminant as follows: forty-five dollars per ton for facilities with total emissions less than one thousand tons annually; fifty dollars per ton for facilities with total emissions of one thousand or more but less than two thousand tons annually; fifty-five dollars per ton for facilities with total emissions of two thousand or more but less than five thousand tons annually; and sixty-five dollars per ton for facilities with total emissions of five thousand or more tons annually. Such fee shall be sufficient to support an appropriation approved by the legislature for the direct and indirect costs associated with the operating permit program established in section 19-0311 of this chapter. Such fee shall be established by the department and shall be calculated by dividing the amount of the current year appropriation from the operating permit program account of the clean air fund by the total tons of emissions of regulated air contaminants that are subject to the operating permit program fees from sources subject to the operating permit program pursuant to section 19-0311 of this chapter [up to seven thousand tons] annually of each regulated air contaminant from each source; provided that, in making such calculation, the department shall adjust their calculation to account for any deficit or surplus in the operating permit program account of the clean air fund established pursuant to section ninety-seven-oo of the state finance law; any loan repayment from the mobile source account of the clean air fund established pursuant to section ninety-seven-oo of the state finance law; and the rate of collection by the department of the bills issued for the fee for the prior year.

Notwithstanding the provisions of the state administrative procedure act, such calculation and fee shall be established as a rule by publication in the Environmental Notice Bulletin no later than thirty days after the budget bills making appropriations for the support of government are enacted or July first, whichever is later, of the year such fee will be effective. In no event shall the fee established herein be any greater than the maximum fee identified pursuant to this section.

S 3. This act shall take effect immediately.