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

4190

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. RAMOS -- Multi-Sponsored by -- M. of A. COLTON, DIAZ, GIANARIS, GUNTHER, PHEFFER, P. RIVERA -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to including certain conditions in operating permits issued to sources subject to the federal Clean Air Act

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

Section 1. Paragraphs q and r of subdivision 3 of section 19-0311 of the environmental conservation law, as added by chapter 608 of the laws of 1993, are amended and a new paragraph s and two new subdivisions 6 and 7 are added to read as follows:

q. provisions specifying the conditions under which the permit may be reopened and revised prior to the expiration, as prescribed by regulation, and providing that reopenings shall not be initiated before a notice of such intent is provided to the source by the department at least thirty days in advance of the date that the permit is to be reopened, except that the department may provide a shorter time period in the case of an emergency; [and]

r. other conditions necessary to assure compliance with the Act and other applicable federal and state laws and implementing regulations[.]; AND

S. PROVISIONS REQUIRING THE OWNER OR OPERATOR OF A SOURCE TO NOTIFY THE DEPARTMENT AND PUBLIC WITHIN TWENTY-FOUR HOURS IN ANY INSTANCE WHEN SUCH SOURCE EXCEEDS EMISSIONS LIMITATIONS OR STANDARDS FOR A SECOND OR SUBSEQUENT TIME DURING A PERMIT TERM.

6. THE DEPARTMENT SHALL SOLICIT FROM THE DEPARTMENT OF HEALTH A STUDY IDENTIFYING THE HEALTH IMPLICATIONS OF EMISSIONS THAT ARE THE SUBJECT OF THE NOTIFICATION BY THE OWNER OR OPERATOR OF A SOURCE MADE PURSUANT TO PARAGRAPH S OF SUBDIVISION THREE OF THIS SECTION. THE DEPARTMENT OF HEALTH SHALL COMPLETE SUCH HEALTH STUDY WITHIN NINETY DAYS OF THE

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

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NOTIFICATION BY THE OWNER OR OPERATOR AND SHALL MAKE SUCH STUDY AVAILABLE TO THE PUBLIC.

7. UPON APPLICATION BY A SOURCE FOR A PERMIT MODIFICATION OR RENEWAL THAT INCLUDES EMISSIONS LIMITATIONS OR STANDARDS AT A HIGHER LEVEL THAN AUTHORIZED UNDER THE ORIGINAL PERMIT, THE DEPARTMENT SHALL SOLICIT FROM THE DEPARTMENT OF HEALTH A STUDY IDENTIFYING THE HEALTH IMPLICATIONS OF SUCH HIGHER EMISSIONS AND SUCH HEALTH STUDY SHALL BE COMPLETED PRIOR TO THE APPROVAL OF ANY SUCH PERMIT MODIFICATION OR RENEWAL AND MADE AVAILABLE TO THE PUBLIC.

S 2. The environmental conservation law is amended by adding a new section 71-2117 to read as follows:

S 71-2117. ENVIRONMENTAL BENEFIT PROJECTS.

IN THE EVENT THE COMMISSIONER ENTERS INTO AN AGREEMENT OR ADMINISTRATIVE ORDER WHICH PROVIDES FOR A PARTIAL SETTLEMENT OF CONDITIONS IN THE FORM OF ANY ENVIRONMENTAL BENEFIT PROJECT IN LIEU OF THE PAYMENT OF CIVIL PENALTIES FOR ANY VIOLATION OF ARTICLE NINETEEN OF THIS CHAPTER OR ANY CODE, RULE OR REGULATION WHICH WAS PROMULGATED PURSUANT THERETO, SUCH PROJECT SHALL, TO THE EXTENT PRACTICABLE, BE LOCATED WITHIN THE MUNICIPALITY WHERE SUCH VIOLATION OCCURRED, WITHIN FIVE LINEAR MILES OF THE SITE OF SUCH VIOLATION.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.