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

5604

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. BOYLAND -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the New York Clean State and Clean City Act of 2009

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

Section 1. Legislative intent. The legislature hereby finds and declares that global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of New York. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality of water and damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

Therefore, the legislature finds that state, national and international actions are necessary to fully address the issue of global warming. Legislative action taken by New York to reduce emissions of greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act. This will place New York in a strategic position to enhance its economy, technology centers, financial institutions, and businesses so that they may benefit from national and international efforts to reduce emissions of greenhouse gases. More importantly, investing in the development of innovative and pioneering technologies will assist New York to achieve a statewide limit on emissions of greenhouse gases and provide an opportunity for the state to take a global economic and technological leadership role in reducing emissions of greenhouse gases.

S 2. Article 19 of the environmental conservation law is amended by adding a new title 13 to read as follows:

TITLE 13

NEW YORK CLEAN STATE AND CLEAN CITY ACT OF 2009

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

LBD08776-01-9

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S 19-1301. SHORT TITLE.

THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "NEW YORK CLEAN STATE AND CLEAN CITY ACT OF 2009".

S 19-1303. DEFINITIONS.

AS USED IN THIS TITLE:

1. "ALLOWANCE" MEANS AN AUTHORIZATION TO EMIT, DURING A SPECIFIED YEAR, UP TO ONE TON OF CARBON DIOXIDE EQUIVALENT.

2. "ALTERNATIVE COMPLIANCE MECHANISM" MEANS AN ACTION UNDERTAKEN BY A GREENHOUSE GAS EMISSION SOURCE THAT ACHIEVES THE EQUIVALENT REDUCTION OF GREENHOUSE GAS EMISSIONS OVER THE SAME TIME PERIOD AS A DIRECT EMISSION REDUCTION, AND THAT IS APPROVED BY THE DEPARTMENT. "ALTERNATIVE COMPLIANCE MECHANISM" INCLUDES, BUT IS NOT LIMITED TO A FLEXIBLE COMPLIANCE SCHEDULE, ALTERNATIVE CONTROL TECHNOLOGY, A PROCESS CHANGE, OR A PRODUCT SUBSTITUTION.

3. "CARBON DIOXIDE EQUIVALENT" MEANS THE AMOUNT OF CARBON DIOXIDE BY WEIGHT THAT WOULD PRODUCE THE SAME GLOBAL WARMING IMPACT AS A GIVEN WEIGHT OF ANOTHER GREENHOUSE GAS, BASED ON THE BEST AVAILABLE SCIENCE AS DETERMINED BY THE DEPARTMENT.

4. "COST-EFFECTIVE" OR "COST-EFFECTIVENESS" MEANS THE COST PER UNIT OF REDUCED EMISSIONS OF GREENHOUSE GASES ADJUSTED FOR ITS GLOBAL WARMING POTENTIAL.

5. "DIRECT EMISSIONS REDUCTION" MEANS A GREENHOUSE GAS EMISSION REDUCTION ACTION MADE BY A GREENHOUSE GAS EMISSION SOURCE AT THAT SOURCE.

6. "EMISSIONS REDUCTION MEASURE" MEANS PROGRAMS, MEASURES, STANDARDS, AND ALTERNATIVE COMPLIANCE MECHANISMS AUTHORIZED PURSUANT TO THIS TITLE, APPLICABLE TO SOURCES OR CATEGORIES OF SOURCES, THAT ARE DESIGNED TO REDUCE EMISSIONS OF GREENHOUSE GASES.

7. "GREENHOUSE GAS" OR "GREENHOUSE GASES" INCLUDES ALL OF THE FOLLOWING GASES: CARBON DIOXIDE, METHANE, NITROUS OXIDE, HYDRO FLUOROCARBONS, PER FLUOROCARBONS, AND SULFUR HEXAFLUORIDE.

8. "GREENHOUSE GAS EMISSIONS LIMIT" MEANS AN AUTHORIZATION, DURING A SPECIFIED YEAR TO EMIT UP TO A LEVEL OF GREENHOUSE GASES SPECIFIED BY THE DEPARTMENT, EXPRESSED IN TONS OF CARBON DIOXIDE EQUIVALENTS.

9. "GREENHOUSE GAS EMISSION SOURCE" OR "SOURCE" MEANS ANY SOURCE, OR CATEGORY OF SOURCES, OF GREENHOUSE GAS EMISSIONS WHOSE EMISSIONS ARE AT A LEVEL OF SIGNIFICANCE, AS DETERMINED BY THE DEPARTMENT, THAT ITS PARTICIPATION IN THE PROGRAM ESTABLISHED BY THIS TITLE WILL ENABLE THE DEPARTMENT TO EFFECTIVELY REDUCE GREENHOUSE GAS EMISSIONS AND MONITOR COMPLIANCE WITH THE STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT.

10. "LEAKAGE" MEANS A REDUCTION IN EMISSIONS OF GREENHOUSE GASES WITHIN THE STATE THAT IS OFFSET BY AN INCREASE IN EMISSIONS OF GREENHOUSE GASES OUTSIDE THE STATE.

11. "MARKET-BASED COMPLIANCE MECHANISM" MEANS EITHER OF THE FOLLOWING:

A. A SYSTEM OF MARKET-BASED DECLINING ANNUAL AGGREGATE EMISSIONS LIMITATIONS FOR SOURCES OR CATEGORIES OF SOURCES THAT EMIT GREENHOUSE GASES.

B. GREENHOUSE GAS EMISSIONS EXCHANGES, BANKING, CREDITS, AND OTHER TRANSACTIONS, GOVERNED BY RULES AND PROTOCOLS ESTABLISHED BY THE DEPARTMENT, THAT RESULT IN THE SAME GREENHOUSE GAS EMISSION REDUCTION, OVER THE SAME TIME PERIOD, AS DIRECT COMPLIANCE WITH A GREENHOUSE GAS EMISSION LIMIT OR EMISSION REDUCTION MEASURE ADOPTED BY THE DEPARTMENT PURSUANT TO THIS TITLE.

12. "STATEWIDE GREENHOUSE GAS EMISSIONS" MEANS THE TOTAL ANNUAL EMISSIONS OF GREENHOUSE GASES IN THE STATE, INCLUDING ALL EMISSIONS OF GREENHOUSE GASES FROM THE GENERATION OF ELECTRICITY DELIVERED TO AND CONSUMED IN NEW YORK, ACCOUNTING FOR TRANSMISSION AND DISTRIBUTION LINE LOSSES, WHETHER THE ELECTRICITY IS GENERATED IN STATE OR IMPORTED. STATEWIDE EMISSIONS SHALL BE EXPRESSED IN TONS OF CARBON DIOXIDE EQUIVALENTS.

13. "STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT" OR "STATEWIDE EMISSIONS LIMIT" MEANS THE MAXIMUM ALLOWABLE LEVEL OF STATEWIDE GREENHOUSE GAS EMISSIONS IN THE YEAR 2022 AS DETERMINED BY THE DEPARTMENT.

S 19-1305. GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM.

1. NO LATER THAN JANUARY 1, 2010 THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS IN AN OPEN PUBLIC PROCESS TO ACHIEVE THE MAXIMUM TECHNOLOGICALLY FEASIBLE AND COST-EFFECTIVE GREENHOUSE GAS EMISSION REDUCTIONS FROM SOURCES OR CATEGORIES OF SOURCES, SUBJECT TO CRITERIA AND SCHEDULES AS FOLLOWS:

A. ON OR BEFORE SEPTEMBER 30, 2009, THE DEPARTMENT SHALL PUBLISH AND MAKE AVAILABLE TO THE PUBLIC A LIST OF DISCRETE EARLY ACTION GREENHOUSE GAS EMISSION REDUCTION MEASURES THAT CAN BE IMPLEMENTED PRIOR TO THE MEASURES AND LIMITS ADOPTED;

B. ON OR BEFORE JANUARY 1, 2012, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE MEASURES IDENTIFIED ON THE LIST PUBLISHED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION.

2. THE REGULATIONS ADOPTED BY THE DEPARTMENT PURSUANT TO THIS SECTION SHALL ACHIEVE THE MAXIMUM TECHNOLOGICALLY FEASIBLE AND COST-EFFECTIVE REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM THOSE SOURCES OR CATEGORIES OF SOURCES, IN FURTHERANCE OF ACHIEVING THE STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT.

3. ON OR BEFORE JANUARY 1, 2010, THE DEPARTMENT SHALL PREPARE AND APPROVE A SCOPING PLAN FOR ACHIEVING THE MAXIMUM TECHNOLOGICALLY FEASIBLE AND COST-EFFECTIVE REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM SOURCES OR CATEGORIES OF SOURCES OF GREENHOUSE GASES BY THE YEAR 2022.

A. THE DEPARTMENT SHALL CONSULT WITH ALL STATE AGENCIES WITH JURISDICTION OVER SOURCES OF GREENHOUSE GASES ON ALL ELEMENTS OF ITS PLAN THAT PERTAIN TO ENERGY RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, ELECTRICAL GENERATION, LOAD-BASED STANDARDS OR REQUIREMENTS, THE PROVISION OF RELIABLE AND AFFORDABLE ELECTRICAL SERVICE, PETROLEUM REFINING, AND STATEWIDE FUEL SUPPLIES TO ENSURE THE GREENHOUSE GAS EMISSIONS REDUCTION ACTIVITIES TO BE ADOPTED AND IMPLEMENTED BY THE DEPARTMENT ARE COMPLEMENTARY, NOT DUPLICATIVE, AND CAN BE IMPLEMENTED IN AN EFFICIENT AND COST-EFFECTIVE MANNER.

B. SUCH SCOPING PLAN SHALL IDENTIFY AND RECOMMEND DIRECT EMISSION REDUCTION MEASURES, ALTERNATIVE COMPLIANCE MECHANISMS, MARKET-BASED COMPLIANCE MECHANISMS, AND POTENTIAL MONETARY AND NON-MONETARY INCENTIVES FOR SOURCES AND CATEGORIES OF SOURCES THAT THE DEPARTMENT FINDS ARE NECESSARY OR DESIRABLE TO FACILITATE THE ACHIEVEMENT OF THE MAXIMUM FEASIBLE AND COST-EFFECTIVE REDUCTIONS OF GREENHOUSE GAS EMISSIONS BY THE YEAR 2022.

C. IN MAKING THE DETERMINATIONS REQUIRED BY PARAGRAPH B OF THIS SUBDIVISION, THE DEPARTMENT SHALL CONSIDER ALL RELEVANT INFORMATION PERTAIN-

ING TO GREENHOUSE GAS EMISSIONS REDUCTION PROGRAMS IN OTHER STATES, LOCALITIES, AND NATIONS, INCLUDING THE NORTHEASTERN STATES OF THE UNITED STATES, CANADA, AND THE EUROPEAN UNION.

D. THE DEPARTMENT SHALL EVALUATE THE TOTAL POTENTIAL COSTS AND TOTAL POTENTIAL ECONOMIC AND NON-ECONOMIC BENEFITS OF THE SCOPING PLAN FOR REDUCING GREENHOUSE GASES TO NEW YORK'S ECONOMY, ENVIRONMENT, AND PUBLIC HEALTH, USING THE BEST AVAILABLE ECONOMIC MODELS, EMISSION ESTIMATION TECHNIQUES, AND OTHER SCIENTIFIC METHODS.

E. IN DEVELOPING THE SCOPING PLAN, THE DEPARTMENT SHALL TAKE INTO ACCOUNT THE RELATIVE CONTRIBUTION OF EACH SOURCE OR SOURCE CATEGORY TO STATEWIDE GREENHOUSE GAS EMISSIONS, AND THE POTENTIAL FOR ADVERSE EFFECTS ON SMALL BUSINESSES, AND SHALL RECOMMEND A DE MINIMIS THRESHOLD OF GREENHOUSE GAS EMISSIONS BELOW WHICH EMISSION REDUCTION REQUIREMENTS WILL NOT APPLY.

F. IN DEVELOPING ITS SCOPING PLAN, THE DEPARTMENT SHALL IDENTIFY OPPORTUNITIES FOR EMISSION REDUCTIONS MEASURES FROM ALL VERIFIABLE AND ENFORCEABLE VOLUNTARY ACTIONS, INCLUDING, BUT NOT LIMITED TO, CARBON SEQUESTRATION PROJECTS AND BEST MANAGEMENT PRACTICES.

G. THE DEPARTMENT SHALL CONDUCT A SERIES OF PUBLIC WORKSHOPS TO GIVE INTERESTED PARTIES AN OPPORTUNITY TO COMMENT ON THE SCOPING PLAN. THE DEPARTMENT SHALL CONDUCT A PORTION OF THESE WORKSHOPS IN REGIONS OF THE STATE THAT HAVE THE MOST SIGNIFICANT EXPOSURE TO AIR POLLUTANTS, INCLUDING, BUT NOT LIMITED TO, COMMUNITIES WITH MINORITY POPULATIONS, COMMUNITIES WITH LOW-INCOME POPULATIONS, OR BOTH.

H. THE DEPARTMENT SHALL UPDATE ITS SCOPING PLAN FOR ACHIEVING THE MAXIMUM TECHNOLOGICALLY FEASIBLE AND COST-EFFECTIVE REDUCTIONS OF GREENHOUSE GAS EMISSIONS AT LEAST ONCE EVERY FIVE YEARS.

4. ON OR BEFORE JANUARY 1, 2013, THE DEPARTMENT SHALL ADOPT GREENHOUSE GAS EMISSION LIMITS AND EMISSION REDUCTION MEASURES TO ACHIEVE THE MAXIMUM TECHNOLOGICALLY FEASIBLE AND COST-EFFECTIVE REDUCTIONS IN GREENHOUSE GAS EMISSIONS IN FURTHERANCE OF ACHIEVING THE STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT, SUCH LIMITS AND REDUCTION MEASURES TO BECOME OPERATIVE BEGINNING ON JANUARY 1, 2014. IN ADOPTING SUCH LIMITS AND REDUCTION MEASURES, TO THE EXTENT FEASIBLE AND IN FURTHERANCE OF ACHIEVING THE STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT, THE DEPARTMENT SHALL:

A. INCLUDE DISTRIBUTION OF EMISSIONS ALLOWANCES WHERE APPROPRIATE, IN A MANNER THAT IS EQUITABLE, SEEK TO MINIMIZE COSTS AND MAXIMIZE THE TOTAL BENEFITS TO NEW YORK, AND ENCOURAGE EARLY ACTION TO REDUCE GREENHOUSE GAS EMISSIONS;

B. ENSURE THAT ACTIVITIES UNDERTAKEN TO COMPLY WITH THE REGULATIONS DO NOT DISPROPORTIONATELY IMPACT LOW-INCOME COMMUNITIES;

C. ENSURE THAT ENTITIES THAT HAVE VOLUNTARILY REDUCED THEIR GREENHOUSE GAS EMISSIONS PRIOR TO THE IMPLEMENTATION OF THIS TITLE RECEIVE APPROPRIATE CREDIT FOR EARLY VOLUNTARY REDUCTIONS;

D. ENSURE THAT ACTIVITIES UNDERTAKEN DO NOT INTERFERE WITH EFFORTS TO ACHIEVE AND MAINTAIN FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS AND TO REDUCE TOXIC AIR CONTAMINANT EMISSIONS;

E. CONSIDER COST-EFFECTIVENESS;

F. CONSIDER OVERALL SOCIETAL BENEFITS, INCLUDING REDUCTIONS IN OTHER AIR POLLUTANTS, DIVERSIFICATION OF ENERGY SOURCES, AND OTHER BENEFITS TO THE ECONOMY, ENVIRONMENT, AND PUBLIC HEALTH;

G. MINIMIZE THE ADMINISTRATIVE BURDEN OF IMPLEMENTING AND COMPLYING WITH THESE REGULATIONS;

H. MINIMIZE LEAKAGE;

I. CONSIDER THE SIGNIFICANCE OF THE CONTRIBUTION OF EACH SOURCE OR CATEGORY OF SOURCES TO STATEWIDE EMISSIONS OF GREENHOUSE GASES.

5. IN FURTHERANCE OF ACHIEVING THE STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT, BY JANUARY 1, 2013, THE DEPARTMENT MAY ESTABLISH A SYSTEM OF MARKET-BASED DECLINING ANNUAL AGGREGATE EMISSION LIMITS FOR SOURCES OR CATEGORIES OF SOURCES THAT EMIT GREENHOUSE GAS EMISSIONS, APPLICABLE FROM JANUARY 1, 2014, TO DECEMBER 31, 2022, INCLUSIVE, THAT THE DEPARTMENT DETERMINES WILL ACHIEVE THE MAXIMUM TECHNOLOGICALLY FEASIBLE AND COST-EFFECTIVE REDUCTIONS IN GREENHOUSE GAS EMISSIONS, IN THE AGGREGATE, FROM THOSE SOURCES OR CATEGORIES OF SOURCES.

ANY SUCH SYSTEM ADOPTED BY THE DEPARTMENT, SHALL ENSURE:

A. THE GREENHOUSE GAS EMISSION REDUCTIONS ACHIEVED ARE REAL, PERMANENT, QUANTIFIABLE, VERIFIABLE, AND ENFORCEABLE BY THE DEPARTMENT;

B. THE REDUCTION IS IN ADDITION TO ANY GREENHOUSE GAS EMISSION REDUCTION OTHERWISE REQUIRED BY LAW OR REGULATION, AND ANY OTHER GREENHOUSE GAS EMISSION REDUCTION THAT OTHERWISE WOULD OCCUR;

C. IF APPLICABLE, THE GREENHOUSE GAS EMISSION REDUCTION OCCURS OVER THE SAME TIME PERIOD AND IS EQUIVALENT IN AMOUNT TO ANY DIRECT EMISSION REDUCTION REQUIRED PURSUANT TO THIS TITLE.

6. AFTER JANUARY 1, 2013, THE DEPARTMENT MAY REVISE REGULATIONS ADOPTED PURSUANT TO THIS SECTION AND ADOPT ADDITIONAL REGULATIONS TO FURTHER THE PROVISIONS OF THIS TITLE.

NOTHING IN THIS TITLE RESTRICTS THE DEPARTMENT FROM ADOPTING GREENHOUSE GAS EMISSION LIMITS OR EMISSION REDUCTION MEASURES PRIOR TO JANUARY 1, 2013, IMPOSING THOSE LIMITS OR MEASURES PRIOR TO JANUARY 1, 2014, OR PROVIDING EARLY REDUCTION CREDIT WHERE APPROPRIATE.

S 19-1307. MARKET-BASED COMPLIANCE MECHANISMS.

1. THE DEPARTMENT MAY INCLUDE IN THE PROGRAM ADOPTED PURSUANT TO SECTION 19-1305 OF THIS TITLE THE USE OF MARKET-BASED COMPLIANCE MECHANISMS. PRIOR TO THE INCLUSION OF ANY MARKET-BASED COMPLIANCE MECHANISM, TO THE EXTENT FEASIBLE AND IN FURTHERANCE OF ACHIEVING THE STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT, THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

A. CONSIDER THE POTENTIAL FOR DIRECT, INDIRECT, AND CUMULATIVE EMISSION IMPACTS FROM THESE MECHANISMS, INCLUDING LOCALIZED IMPACTS IN COMMUNITIES THAT ARE ALREADY ADVERSELY IMPACTED BY AIR POLLUTION;

B. PREVENT ANY INCREASE IN THE EMISSIONS OF TOXIC AIR CONTAMINANTS OR CRITERIA AIR POLLUTANTS;

C. MAXIMIZE ADDITIONAL ENVIRONMENTAL AND ECONOMIC BENEFITS FOR THE STATE, AS APPROPRIATE;

D. ADOPT REGULATIONS GOVERNING HOW MARKET-BASED COMPLIANCE MECHANISMS MAY BE USED BY REGULATED ENTITIES SUBJECT TO GREENHOUSE GAS EMISSION LIMITS AND MANDATORY EMISSION REPORTING REQUIREMENTS TO ACHIEVE COMPLIANCE WITH THEIR GREENHOUSE GAS EMISSIONS LIMITS.

2. THE DEPARTMENT SHALL ADOPT METHODOLOGIES FOR THE QUANTIFICATION OF VOLUNTARY GREENHOUSE GAS EMISSION REDUCTIONS AND REGULATIONS TO VERIFY AND ENFORCE ANY VOLUNTARY GREENHOUSE GAS EMISSION REDUCTIONS AUTHORIZED BY THE DEPARTMENT FOR USE TO COMPLY WITH GREENHOUSE GAS EMISSION LIMITS ESTABLISHED BY THE DEPARTMENT.

S 19-1309. ENFORCEMENT.

1. THE DEPARTMENT SHALL MONITOR COMPLIANCE WITH AND ENFORCE ANY RULE, REGULATION, ORDER, EMISSION LIMITATION, EMISSIONS REDUCTION MEASURE, OR MARKET-BASED COMPLIANCE MECHANISM ADOPTED BY THE DEPARTMENT PURSUANT TO THIS TITLE.

2. ANY VIOLATION OF ANY RULE, REGULATION, ORDER, EMISSION LIMITATION, EMISSIONS REDUCTION MEASURE, OR OTHER MEASURE ADOPTED BY THE DEPARTMENT PURSUANT TO THIS TITLE SHALL BE DEEMED TO RESULT IN AN EMISSION OF AN AIR CONTAMINANT.

3. THE DEPARTMENT MAY DEVELOP A METHOD TO CONVERT A VIOLATION OF ANY RULE, REGULATION, ORDER, EMISSION LIMITATION, OR OTHER EMISSIONS REDUCTION MEASURE ADOPTED BY THE DEPARTMENT PURSUANT TO THIS TITLE INTO THE NUMBER OF DAYS IN VIOLATION.

S 19-1311. REPORTING; STATE ENVIRONMENTAL BOARD.

1. ON OR BEFORE EACH COMPLIANCE DATE PURSUANT TO SECTION 19-1305 OF THIS TITLE, THE DEPARTMENT SHALL SUBMIT TO THE BOARD A REPORT ON THE PROGRAM AND VERIFICATION OF STATEWIDE GREENHOUSE GAS EMISSIONS MONITORING AND COMPLIANCE WITH THIS PROGRAM. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

A. DATA RELATED TO THE MONITORING AND ANNUAL REPORTING OF GREENHOUSE GAS EMISSIONS FROM GREENHOUSE GAS EMISSIONS SOURCES BEGINNING WITH THE SOURCES OR CATEGORIES OF SOURCES THAT CONTRIBUTE THE MOST TO STATEWIDE EMISSIONS;

B. ACCOUNTING OF EMISSIONS, AND REPORTING TOOLS AND FORMATS WHICH ENSURE COLLECTION OF NECESSARY DATA;

C. COMPREHENSIVE SOURCE RECORDS OF ALL REPORTED GREENHOUSE GAS EMISSIONS.

2. THE BOARD SHALL:

A. PERIODICALLY REVIEW AND UPDATE EMISSION REPORTING REQUIREMENTS ESTABLISHED BY THE DEPARTMENT, AS NECESSARY;

B. REVIEW EXISTING AND PROPOSED INTERNATIONAL, FEDERAL, AND STATE GREENHOUSE GAS EMISSION PROGRAMS AND MAKE REASONABLE EFFORTS TO PROMOTE CONSISTENCY AMONG THE PROGRAMS ESTABLISHED PURSUANT TO THIS TITLE AND OTHER PROGRAMS, AND TO STREAMLINE REPORTING REQUIREMENTS IN NEW YORK ON GREENHOUSE GAS EMISSIONS SOURCES.

S 19-1313. ADVISORY COMMITTEES.

1. ON OR BEFORE JANUARY 1, 2010, THE BOARD SHALL CONVENE AN ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE, OF AT LEAST THREE MEMBERS, TO ADVISE THE DEPARTMENT IN DEVELOPING THE SCOPING PLAN PURSUANT TO SECTION 19-1305 OF THIS TITLE AND ANY OTHER PERTINENT MATTER IN IMPLEMENTING THIS TITLE. SUCH ADVISORY COMMITTEE SHALL BE COMPRISED OF: REPRESENTATIVES FROM COMMUNITIES IN THE STATE WITH THE MOST SIGNIFICANT EXPOSURE TO AIR POLLUTION, INCLUDING, BUT NOT LIMITED TO, COMMUNITIES WITH MINORITY POPULATIONS OR LOW-INCOME POPULATIONS, OR BOTH; AND NOMINATIONS RECEIVED FROM ENVIRONMENTAL JUSTICE ORGANIZATIONS AND COMMUNITY GROUPS. THE BOARD SHALL PROVIDE REASONABLE PER DIEM FOR ATTENDANCE AT ADVISORY COMMITTEE MEETINGS BY ADVISORY COMMITTEE MEMBERS FROM NONPROFIT ORGANIZATIONS.

2. ON OR BEFORE JANUARY 1, 2010, THE BOARD SHALL APPOINT AN ECONOMIC AND TECHNOLOGY ADVANCEMENT ADVISORY COMMITTEE TO ADVISE THE DEPARTMENT ON ACTIVITIES THAT WILL FACILITATE INVESTMENT IN AND IMPLEMENTATION OF TECHNOLOGICAL RESEARCH AND DEVELOPMENT OPPORTUNITIES, INCLUDING, BUT NOT LIMITED TO, IDENTIFYING NEW TECHNOLOGIES, RESEARCH, DEMONSTRATION PROJECTS, FUNDING OPPORTUNITIES, DEVELOPING STATE, NATIONAL, AND INTERNATIONAL PARTNERSHIPS AND TECHNOLOGY TRANSFER OPPORTUNITIES, AND IDENTIFYING AND ASSESSING RESEARCH AND ADVANCED TECHNOLOGY INVESTMENT AND INCENTIVE OPPORTUNITIES THAT WILL ASSIST IN THE REDUCTION OF GREENHOUSE GAS EMISSIONS. SUCH COMMITTEE MAY ALSO ADVISE THE DEPARTMENT ON STATE, REGIONAL, NATIONAL, AND INTERNATIONAL ECONOMIC AND TECHNOLOGICAL DEVELOPMENTS RELATED TO GREENHOUSE GAS EMISSION REDUCTIONS AND STRATEGIES FOR ALL STATE AGENCIES TO CONSIDER AND IMPLEMENT STRATEGIES TO REDUCE THEIR GREENHOUSE GAS EMISSIONS.

S 19-1315. CONFLICTING LAWS.

THIS TITLE SHALL NOT BE CONSTRUED AS REPEALING ANY OF THE LAWS RELATING TO AIR POLLUTION OR AIR CONTAMINATION WHICH ARE NOT BY THIS TITLE

EXPRESSLY REPEALED, BUT IT SHALL BE HELD AND CONSTRUED TO BE AS ANCILLARY TO AND SUPPLEMENTING THE LAWS NOW IN FORCE, EXCEPTING AS THEY MAY BE IN DIRECT CONFLICT WITH THIS TITLE.

S 19-1317. LOCAL LAWS, ORDINANCES AND REGULATIONS.

ANY LOCAL LAWS, ORDINANCES OR REGULATIONS OF ANY GOVERNING BODY OF A COUNTY, CITY, TOWN OR VILLAGE WHICH ARE NOT INCONSISTENT WITH THIS TITLE OR WITH ANY CODE, RULE OR REGULATION WHICH SHALL BE PROMULGATED PURSUANT TO THIS TITLE SHALL NOT BE SUPERSEDED BY IT, AND NOTHING IN THIS TITLE OR IN ANY CODE, RULE OR REGULATION WHICH SHALL BE PROMULGATED PURSUANT TO THIS TITLE SHALL PRECLUDE THE RIGHT OF ANY GOVERNING BODY OF THE COUNTY, CITY, TOWN OR VILLAGE TO ADOPT LOCAL LAWS, ORDINANCES OR REGULATIONS WHICH ARE NOT INCONSISTENT WITH THIS TITLE OR WITH ANY CODE, RULE OR REGULATION WHICH SHALL BE PROMULGATED PURSUANT TO THIS TITLE PROVIDED, HOWEVER, THAT THE EXERCISE OF SUCH RIGHT BY A COUNTY SHALL RELATE ONLY TO THE AREA THEREOF OUTSIDE ANY CITY, VILLAGE OR AREA OF ANY TOWN OUTSIDE THE VILLAGE OR VILLAGES THEREIN DURING SUCH TIME AS SUCH CITY, VILLAGE OR TOWN HAS LOCAL LAWS, ORDINANCES OR REGULATIONS CONSISTENT WITH THIS TITLE OR WITH ANY CODE, RULE OR REGULATION WHICH SHALL BE PROMULGATED PURSUANT TO THIS TITLE. ANY LOCAL LAWS, ORDINANCES OR REGULATIONS OF A COUNTY, CITY, TOWN OR VILLAGE WHICH COMPLY WITH AT LEAST THE MINIMUM APPLICABLE REQUIREMENTS SET FORTH IN ANY CODE, RULE OR REGULATION PROMULGATED PURSUANT TO THIS TITLE SHALL BE DEEMED CONSISTENT WITH THIS TITLE OR WITH ANY SUCH CODE, RULE OR REGULATION.

S 19-1319. SEPARABILITY.

IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS TITLE SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, THE JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF THIS TITLE BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS TITLE THAT SHALL BE DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

S 3. This act shall take effect immediately.