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

6622

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

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

AN ACT to amend the environmental conservation law, in relation to operating permit program fees for sources of regulated air contaminants

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

Section 1. 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, is amended to read as follows:

1. Commencing January first, nineteen hundred ninety-four [and every year thereafter] UNTIL DECEMBER THIRTY-FIRST, TWO THOUSAND EIGHT, all sources of regulated air contaminants identified pursuant to subdivision one of section 19-0311 of this chapter shall submit to the department a fee not to exceed forty-five dollars per ton up to six thousand tons annually of each regulated air contaminant. COMMENCING JANUARY FIRST, TWO THOUSAND NINE AND EVERY YEAR THEREAFTER, ALL SOURCES OF REGULATED AIR CONTAMINANTS IDENTIFIED PURSUANT TO SUBDIVISION ONE OF SECTION 19-0311 OF THIS CHAPTER SHALL SUBMIT TO THE DEPARTMENT A FEE NOT TO EXCEED EIGHTY DOLLARS PER TON UP TO SIX THOUSAND TONS ANNUALLY OF EACH REGULATED AIR CONTAMINANT. 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 six 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

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

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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.

S 2. This act shall take effect immediately.