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2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Environmental Conser-
vation

AN ACT to amend the environmental conservation law, in relation to regu-
lating the emissions of carbon dioxide by major electric generating
facilities

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

1 Section 1. Legislative findings. The legislature hereby finds that
2 global warming is a matter of increasing concern for public health, the
3 environment and the economy of New York state. Global warming threatens
4 New York's environment and economic security through projected changes
5 in temperature, precipitation and sea level. These changes harm natural
6 ecosystems and threaten industries such as agriculture, forestry, fish-
7 ing and tourism. Furthermore, the health of New Yorkers is threatened by
8 global warming and scientists have concluded that reducing greenhouse
9 gas emissions will decrease air pollutants that are known to cut short
10 lives and trigger respiratory ailments such as asthma.

11 A significant cause of global warming is the emission of air pollu-
12 tants known as greenhouse gases, including carbon dioxide, methane,
13 nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexaf-
14 luoride. Among the greenhouse gases, carbon dioxide is emitted in the
15 greatest amount and is of primary concern. New York state, as a world
16 economic power in its own right, is a major contributor of world green-
17 house gas emissions.

18 Control and reduction of emissions of greenhouse gases are critical in
19 order to slow and reduce the effects of global warming. Fossil-fuel
20 burning electric generating units are the largest individual sources of
21 carbon dioxide, and the fossil-fuel burning electric generating units
22 together account for approximately one-quarter of annual emissions of
23 carbon dioxide from New York state. Control of emissions from electric

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

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1 generating units is necessary for New York to reduce the threat posed by
2 global warming.

3 S 2. The environmental conservation law is amended by adding a new
4 section 19-0312 to read as follows:

5 S 19-0312. POWER PLANT EMISSIONS AND PERFORMANCE STANDARDS.

6 1. AS USED IN THIS SECTION, "MAJOR ELECTRIC GENERATING FACILITY" MEANS
7 ANY STATIONARY SOURCE WITH A NAME-PLATE GENERATING CAPACITY OF FIFTEEN
8 MEGAWATTS OR GREATER THAT USES A COMBUSTION INSTALLATION TO GENERATE
9 ELECTRICITY FOR SALE OR USE.

10 2. NO LATER THAN JANUARY FIRST, TWO THOUSAND TEN, THE COMMISSIONER
11 SHALL PROMULGATE RULES AND REGULATIONS IMPLEMENTING REDUCTIONS IN EMIS-
12 SIONS OF CARBON DIOXIDE BY MAJOR ELECTRIC GENERATING FACILITIES IN
13 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH REGULATIONS SHALL
14 SET A PERMANENT CAP ON TOTAL EMISSIONS OF CARBON DIOXIDE BY MAJOR ELEC-
15 TRIC GENERATING FACILITIES, EFFECTIVE NO LATER THAN JANUARY FIRST, TWO
16 THOUSAND TWELVE, THAT IS TWENTY-FIVE PERCENT LESS THAN THE TOTAL NINE-
17 TEEN HUNDRED NINETY CARBON DIOXIDE EMISSIONS FOR ALL SOURCES SUBJECT TO
18 THIS SECTION. THE COMMISSIONER SHALL DEVELOP A MECHANISM FOR MAJOR ELEC-
19 TRIC GENERATING FACILITIES TO COMPLY WITH THE REGULATIONS REQUIRED BY
20 THIS SECTION BASED ON AUCTION OR AN EMISSIONS PERFORMANCE STANDARD
21 EXPRESSED IN POUNDS OF POLLUTANT EMITTED PER MEGAWATT-HOUR GENERATED.
22 THE COMMISSIONER MAY ESTABLISH OR EMPLOY AN EMISSIONS CREDIT TRADING
23 MECHANISM TO FACILITATE COMPLIANCE WITH THE CARBON DIOXIDE REQUIREMENTS
24 OF THIS SECTION.

25 3. THE EMISSION RATES, LIMITATIONS, AND PRACTICES REQUIRED BY THIS
26 SECTION SHALL NOT BE CONSTRUED TO SUPERSEDE MORE STRINGENT EMISSION
27 RATES, LIMITATIONS, AND PRACTICES THAT ARE APPLICABLE ON THE EFFECTIVE
28 DATE OF THIS SECTION OR MAY BECOME APPLICABLE AFTER SUCH EFFECTIVE DATE.

29 S 3. This act shall take effect immediately.