

1125

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sens. PERKINS, BRESLIN, DIAZ, DILAN, DUANE, HASSELL-THOMPSON, KRUEGER, KRUGER, MONTGOMERY, ONORATO, SAVINO, SCHNEIDERMAN, THOMPSON -- 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:

1 Section 1. Subdivision g of section 19-606 of the administrative code
2 of the city of New York is relettered subdivision h and a new subdivi-
3 sion g is added to read as follows:
4 G. 1. ANY BUS USED TO PROVIDE SERVICES TO STUDENTS IN CONNECTION WITH
5 A SERVICE CONTRACT WITH THE NEW YORK CITY DEPARTMENT OF EDUCATION SHALL:
6 (I) IF BUILT PRIOR TO NINETEEN HUNDRED NINETY-FIVE, BE RETROFITTED
7 WITH DIESEL OXIDATION CATALYSTS;
8 (II) IF BUILT ON OR AFTER JANUARY FIRST, NINETEEN HUNDRED NINETY-FIVE,
9 BE RETROFITTED WITH DIESEL PARTICULATE FILTERS; AND
10 (III) USE ULTRA-LOW SULFUR FUEL OR "CLEAN DIESEL" CONTAINING NOT MORE
11 THAN 15 PPM OF SULFUR.
12 2. ANY ALTERATION REQUIRED PURSUANT TO THIS SUBDIVISION SHALL BE
13 COMPLETED (I) WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBDIVISION
14 OR (II) UPON ENTERING INTO OR RENEWING A CONTRACT WITH THE NEW YORK CITY
15 DEPARTMENT OF EDUCATION, WHICHEVER IS LATER.
16 2. Subdivision 1 of section 72-0303 of the environmental conservation
17 law, as amended by section 1 of part D of chapter 413 of the laws of
18 1999, is amended to read as follows:
19 1. Commencing January first, nineteen hundred ninety-four and every
20 year thereafter all sources of regulated air contaminants identified
21 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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1 submit to the department a fee not to exceed forty-five dollars per ton
2 [up to six thousand tons] annually of each regulated air contaminant.
3 Such fee shall be sufficient to support an appropriation approved by the
4 legislature for the direct and indirect costs associated with the oper-
5 ating permit program established in section 19-0311 of this chapter.
6 Such fee shall be established by the department and shall be calculated
7 by dividing the amount of the current year appropriation from the oper-
8 ating permit program account of the clean air fund by the total tons of
9 emissions of regulated air contaminants that are subject to the operat-
10 ing permit program fees from sources subject to the operating permit
11 program pursuant to section 19-0311 of this chapter [up to six thousand
12 tons] annually of each regulated air contaminant from each source;
13 provided that, in making such calculation, the department shall adjust
14 their calculation to account for any deficit or surplus in the operating
15 permit program account of the clean air fund established pursuant to
16 section ninety-seven-00 of the state finance law; any loan repayment
17 from the mobile source account of the clean air fund established pursu-
18 ant to section ninety-seven-00 of the state finance law; and the rate of
19 collection by the department of the bills issued for the fee for the
20 prior year.

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

28 S 3. This act shall take effect immediately.