

5061--B

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. PERKINS, DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to restricting the operation of diesel powered electrical generation systems in areas identified as not meeting certain federal air quality standards for ozone

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 19-0311-a to read as follows:
3 S 19-0311-A. RESTRICTED OPERATION OF DIESEL POWERED ELECTRICAL GENERA-
4 TORS.
5 THE GENERATION OF ELECTRICITY FOR PUBLIC OR PRIVATE USE BY MEANS OF
6 DIESEL COMBUSTION GENERATION FACILITIES SHALL BE PROHIBITED IN ANY COUN-
7 TY OR PART THEREOF THAT IS DESIGNATED NONATTAINMENT FOR OZONE UNDER
8 SECTION 7407 OF THE CLEAN AIR ACT ("ACT") AND CLASSIFIED AS SEVERE
9 NONATTAINMENT UNDER SECTION 7511 OF THE ACT; OR DESIGNATED AS NONATTAIN-
10 MENT FOR PM2.5 UNDER SECTION 7407 OF THE ACT, OR HAS BEEN SO DESIGNATED
11 WITHIN THE PRIOR CALENDAR YEAR, UNLESS:
12 1. THE DIESEL COMBUSTION FACILITY HAS A GENERATING CAPACITY OF LESS
13 THAN ONE HUNDRED KILOWATTS;
14 2. THE DIESEL COMBUSTION FACILITY COMPLIES WITH OR EXCEEDS EMISSION
15 STANDARDS ADOPTED FOR SUCH FACILITIES BY THE DEPARTMENT FOR PARTICULATE
16 MATTER AND NITROGEN OXIDES;

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

LBD05829-07-0

1 3. THE DIESEL COMBUSTION FACILITY IS USED SOLELY AS AN EMERGENCY
2 BACK-UP SYSTEM DURING A POWER OUTAGE; OR
3 4. THE DIESEL COMBUSTION FACILITY USES COGENERATION TECHNOLOGY TO
4 UTILIZE THE WASTE HEAT.
5 S 2. This act shall take effect January 1, 2012.