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

11639

I N A S S E M B L Y

July 6, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Koon) -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring a reduction in sulfur for all heating oil used in the state

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

Section 1. The environmental conservation law is amended by adding a new section 19-0325 to read as follows:

S 19-0325. SULFUR REDUCTION REQUIREMENTS.

1. ON OR AFTER JULY FIRST, TWO THOUSAND FOURTEEN, ALL NUMBER TWO HEATING OIL SOLD FOR USE IN RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL HEATING WITHIN THE STATE SHALL NOT HAVE A SULFUR CONTENT GREATER THAN FIVE HUNDRED PARTS PER MILLION.

2. A. THE COMMISSIONER, IN CONSULTATION WITH THE DIRECTOR OF THE NEW YORK ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, SHALL UNDERTAKE A STUDY REGARDING THE NEED AND COST-EFFECTIVENESS OF IMPLEMENTING ADDITIONAL REDUCTIONS IN THE SULFUR CONTENT OF NUMBER TWO HEATING OIL SOLD IN THE STATE.

B. SUCH STUDY SHALL CONSIDER, BUT NOT BE LIMITED TO, THE FOLLOWING FACTORS:

(I) THE ENVIRONMENTAL IMPACT OF REDUCING THE SULFUR CONTENT OF NUMBER TWO HEATING OIL TO FIVE HUNDRED PARTS PER MILLION;

(II) THE ENVIRONMENTAL BENEFITS OF ADDITIONAL REDUCTIONS IN THE SULFUR CONTENT OF NUMBER TWO HEATING OIL;

(III) DETERMINATION OF SULFUR LEVELS THAT MAY FURTHER ENABLE CONVERSION TO ADVANCED HEATING TECHNOLOGIES;

(IV) PROJECTED CONVERSION RATES TO ADVANCED HEATING EQUIPMENT AND THE ASSOCIATED EMISSIONS REDUCTIONS AND ENERGY EFFICIENCY GAINS DERIVED THEREFROM;

(V) POLICIES TO ACCELERATE CONVERSION TO ADVANCED HEATING SYSTEMS;

(VI) SUPPLY AND INFRASTRUCTURE CAPABILITY FROM DOMESTIC AND FOREIGN SOURCES; AND

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

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(VII) A PROPOSED IMPLEMENTATION DATE FOR FURTHER SULFUR CONTENT REDUCTION, IF RECOMMENDED, THAT DOES NOT DISRUPT OTHERWISE ADEQUATE, RELIABLE AND AFFORDABLE HEATING OIL SUPPLIES.

C. THE STUDY AND ITS FINDINGS SHALL BE COMPLETED NO LATER THAN THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN AND NO SOONER THAN THE FIRST DAY OF JUNE, TWO THOUSAND THIRTEEN.

D. THE COMMISSIONER SHALL REPORT THE FINDINGS TO THE GOVERNOR, THE TEMPORARY PRESIDENT AND MINORITY LEADER OF THE SENATE, THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY, AND THE CHAIRS OF THE STANDING COMMITTEES ON ENVIRONMENTAL CONSERVATION IN EACH SUCH CHAMBER.

3. THE GOVERNOR MAY, BY ISSUING AN EXECUTIVE ORDER, TEMPORARILY SUSPEND THE APPLICABILITY OF THIS SECTION AT ANY TIME BASED ON THE GOVERNOR'S DETERMINATION, AFTER CONSULTING WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, THAT MEETING THE REQUIREMENT OF SUBDIVISION ONE OF THIS SECTION IS NOT FEASIBLE DUE TO LACK OF ADEQUATE SUPPLY OF THE REQUIRED FUEL.

S 2. This act shall take effect immediately.