

4254

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. CLARK, COOK, CYMBROWITZ, GALEF, GIANARIS, GLICK, GOTTFRIED, JACOBS, MILLMAN, NOLAN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to standards for emissions from small electric generating sources

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

1 Section 1. Section 19-0107 of the environmental conservation law is
2 amended by adding a new subdivision 25 to read as follows:
3 25. "SMALL ELECTRIC GENERATING SOURCE" MEANS ANY STATIONARY SOURCE OR
4 COMBINATION OF STATIONARY SOURCES THAT HAS THE CAPACITY OR POTENTIAL
5 CAPACITY TO GENERATE TEN OR MORE KILOWATTS OF ELECTRICITY, EMITS A REGU-
6 LATED AIR CONTAMINANT, AND IS NOT DEFINED AS A MAJOR AIR CONTAMINATION
7 SOURCE PURSUANT TO THIS ARTICLE OR THE FEDERAL CLEAN AIR ACT (42 U.S.C.
8 SECTION 7401 ET SEQ.).
9 S 2. Subdivision 2 of section 19-0301 of the environmental conserva-
10 tion law is amended by adding a new paragraph f to read as follows:
11 F. BY JANUARY FIRST, TWO THOUSAND ELEVEN, PROMULGATE RULES AND REGU-
12 LATIONS ESTABLISHING PERFORMANCE STANDARDS FOR THE EMISSION OF REGULATED
13 AIR CONTAMINANTS FROM SMALL ELECTRIC GENERATING SOURCES. SUCH EMISSION
14 STANDARDS SHALL BE EQUIVALENT WITH THE PERFORMANCE (ON THE BASIS OF UNIT
15 OF POLLUTANT EMITTED PER UNIT OF ENERGY OUTPUT) OF NEW NATURAL GAS MAJOR
16 SOURCE GENERATORS MEETING BEST AVAILABLE CONTROL TECHNOLOGY PURSUANT TO
17 THIS ARTICLE AND THE FEDERAL CLEAN AIR ACT (42 U.S.C. SECTION 7401 ET
18 SEQ.).
19 (1) PERFORMANCE OF SMALL ELECTRIC GENERATING SOURCES SHALL BE MEASURED
20 IN POUNDS OF POLLUTION PER MEGAWATT-HOUR USEFUL ENERGY OUTPUT, WHERE
21 USEFUL ENERGY OUTPUT INCLUDES HEAT GENERATED BY SYSTEMS SOLD BY THE
22 ORIGINAL EQUIPMENT MANUFACTURER AS A COMBINED HEAT AND ELECTRICITY
23 GENERATOR.

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

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1 (2) RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE SHALL
2 INCLUDE A PERMITTING REQUIREMENT FOR ALL SMALL ELECTRIC GENERATING
3 SOURCES IN ORDER TO ENFORCE THE PERFORMANCE STANDARDS.
4 (3) THE DEPARTMENT SHALL ALSO DEVELOP AN ALTERNATIVE PERMITTING MECH-
5 ANISM AND MAKE THIS MECHANISM AVAILABLE TO COVER ONLY THOSE SMALL ELEC-
6 TRIC GENERATING SOURCES THAT HAVE BEEN CERTIFIED BY THE MANUFACTURER AND
7 VERIFIED BY A THIRD-PARTY, WHICH IS DULY AUTHORIZED BY THE DEPARTMENT TO
8 VERIFY SUCH COMPLIANCE, TO MEET APPLICABLE PERFORMANCE STANDARDS WHEN
9 OPERATED UNDER LIKELY CONDITIONS AND IN ACCORDANCE WITH MANUFACTURER
10 INSTRUCTIONS. SMALL ELECTRIC GENERATING SOURCES ELIGIBLE FOR COVERAGE
11 UNDER THIS ALTERNATIVE PERMITTING MECHANISM SHALL OBTAIN COVERAGE
12 THROUGH A REGISTRATION PROCESS, RATHER THAN THROUGH AN INDIVIDUAL APPLI-
13 CATION PROCESS. THE MANUFACTURER CERTIFICATION SHALL ALSO ENSURE THAT
14 THE SMALL ELECTRIC GENERATING SOURCE WILL CONTINUE TO MEET THE PERFORM-
15 ANCE STANDARDS FOR THE LIFE OF THE ALTERNATIVE PERMITTING MECHANISM, THE
16 TERM OF WHICH SHALL NOT EXCEED FIVE YEARS.
17 S 3. This act shall take effect immediately.