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

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I N A S S E M B L Y

January 12, 2011

Introduced by M. of A. ROSENTHAL, GLICK, JACOBS, V. LOPEZ, ORTIZ, NOLAN, JAFFEE, BOYLAND, CASTRO, LUPARDO -- Multi-Sponsored by -- M. of A. BRENNAN, BROOK-KRASNY, CRESPO, DINOWITZ, ENGLEBRIGHT, GALEF, GOTTFRIED, MAYERSOHN, MILLMAN, PERRY, SWEENEY, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

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:

Section 1. The environmental conservation law is amended by adding a new section 19-0311-a to read as follows:

S 19-0311-A. RESTRICTED OPERATION OF DIESEL POWERED ELECTRICAL GENERATORS.

THE GENERATION OF ELECTRICITY FOR PUBLIC OR PRIVATE USE BY MEANS OF DIESEL COMBUSTION GENERATION FACILITIES SHALL BE PROHIBITED IN ANY COUNTY OR PART THEREOF THAT IS DESIGNATED NONATTAINMENT FOR OZONE UNDER SECTION 7407 OF THE CLEAN AIR ACT ("ACT") AND CLASSIFIED AS SEVERE NONATTAINMENT UNDER SECTION 7511 OF THE ACT; OR DESIGNATED AS NONATTAINMENT FOR PM2.5 UNDER SECTION 7407 OF THE ACT, OR HAS BEEN SO DESIGNATED WITHIN THE PRIOR CALENDAR YEAR, UNLESS:

1. THE DIESEL COMBUSTION FACILITY HAS A GENERATING CAPACITY OF LESS THAN ONE HUNDRED KILOWATTS;

2. THE DIESEL COMBUSTION FACILITY COMPLIES WITH OR EXCEEDS EMISSION STANDARDS ADOPTED FOR SUCH FACILITIES BY THE DEPARTMENT FOR PARTICULATE MATTER AND NITROGEN OXIDES;

3. THE DIESEL COMBUSTION FACILITY IS USED SOLELY AS AN EMERGENCY BACK-UP SYSTEM DURING A POWER OUTAGE; OR

4. THE DIESEL COMBUSTION FACILITY USES COGENERATION TECHNOLOGY TO UTILIZE THE WASTE HEAT.

S 2. This act shall take effect January 1, 2014.

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

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