

5596

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 23, 2011

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Introduced by M. of A. KAVANAGH, COOK, JEFFRIES, MARKEY, MILLMAN,  
P. RIVERA, ROBINSON, STEVENSON -- Multi-Sponsored by -- M. of A.  
BOYLAND, GLICK, GOTTFRIED, TOWNS -- read once and referred to the  
Committee on Education

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 ASSEM-  
BLY, 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    S 2. Subdivision 1 of section 72-0303 of the environmental conserva-  
17    tion law, as amended by section 1 of part D of chapter 413 of the laws  
18    of 1999, the opening paragraph as amended by section 1 of part BBB of  
19    chapter 59 of the laws of 2009, is amended to read as follows:  
20    1. Commencing January first, nineteen hundred ninety-four and every  
21    year thereafter all sources of regulated air contaminants identified

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

LBD00818-01-1

1 pursuant to subdivision one of section 19-0311 of this chapter shall  
2 submit to the department an annual fee of forty-five dollars per ton [up  
3 to seven thousand tons] annually of each regulated air contaminant as  
4 follows: forty-five dollars per ton for facilities with total emissions  
5 less than one thousand tons annually; fifty dollars per ton for facili-  
6 ties with total emissions of one thousand or more but less than two  
7 thousand tons annually; fifty-five dollars per ton for facilities with  
8 total emissions of two thousand or more but less than five thousand tons  
9 annually; and sixty-five dollars per ton for facilities with total emis-  
10 sions of five thousand or more tons annually. Such fee shall be suffi-  
11 cient to support an appropriation approved by the legislature for the  
12 direct and indirect costs associated with the operating permit program  
13 established in section 19-0311 of this chapter. Such fee shall be estab-  
14 lished by the department and shall be calculated by dividing the amount  
15 of the current year appropriation from the operating permit program  
16 account of the clean air fund by the total tons of emissions of regu-  
17 lated air contaminants that are subject to the operating permit program  
18 fees from sources subject to the operating permit program pursuant to  
19 section 19-0311 of this chapter [up to seven thousand tons] annually of  
20 each regulated air contaminant from each source; provided that, in  
21 making such calculation, the department shall adjust their calculation  
22 to account for any deficit or surplus in the operating permit program  
23 account of the clean air fund established pursuant to section ninety-  
24 seven-00 of the state finance law; any loan repayment from the mobile  
25 source account of the clean air fund established pursuant to section  
26 ninety-seven-00 of the state finance law; and the rate of collection by  
27 the department of the bills issued for the fee for the prior year.

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

35 S 3. This act shall take effect immediately.