

# STATE OF NEW YORK

1541

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

Introduced by M. of A. L. ROSENTHAL, GLICK, LUPARDO, STECK, QUART --  
Multi-Sponsored by -- M. of A. DINOWITZ, ENGLEBRIGHT, GALEF, GOTT-  
FRIED, PERRY -- read once and referred to the Committee on Environ-  
mental 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 Assem-  
bly, do enact as follows:

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

§ 19-0311-a. Restricted operation of diesel powered electrical genera-  
tors.

The generation of electricity for public or private use by means of  
diesel combustion generation facilities shall be prohibited in any coun-  
ty 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 nonattain-  
ment 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.

§ 2. This act shall take effect twenty-four months after it shall have  
become a law.

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

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