STATE OF NEW YORK

1794

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. L. ROSENTHAL -- 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:

Section 1. Section 19-0107 of the environmental conservation law is amended by adding a new subdivision 25 to read as follows:

25. "Small electric generating source" means any stationary source or combination of stationary sources that has the capacity or potential capacity to generate ten or more kilowatts of electricity, emits a regulated air contaminant, and is not defined as a major air contamination source pursuant to this article or the Federal Clean Air Act (42 U.S.C. section 7401 et seq.).

§ 2. Subdivision 2 of section 19-0301 of the environmental conservation law is amended by adding a new paragraph f to read as follows:

f. By January first, two thousand twenty-three, promulgate rules and regulations establishing performance standards for the emission of regulated air contaminants from small electric generating sources. Such emission standards shall be equivalent with the performance (on the basis of unit of pollutant emitted per unit of energy output) of new natural gas major source generators meeting best available control technology pursuant to this article and the Federal Clean Air Act (42 U.S.C. section 7401 et seq.).

(1) Performance of small electric generating sources shall be measured in pounds of pollution per megawatt-hour useful energy output, where useful energy output includes heat generated by systems sold by the original equipment manufacturer as a combined heat and electricity generator.

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

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(2) Rules and regulations promulgated pursuant to this article shall include a permitting requirement for all small electric generating sources in order to enforce the performance standards.

(3) The department shall also develop an alternative permitting mechanism and make this mechanism available to cover only those small electric generating sources that have been certified by the manufacturer and verified by a third-party, which is duly authorized by the department to verify such compliance, to meet applicable performance standards when operated under likely conditions and in accordance with manufacturer instructions. Small electric generating sources eligible for coverage under this alternative permitting mechanism shall obtain coverage through a registration process, rather than through an individual application process. The manufacturer certification shall also ensure that the small electric generating source will continue to meet the performance standards for the life of the alternative permitting mechanism, the term of which shall not exceed five years.

§ 3. This act shall take effect immediately.