

STATE OF NEW YORK

1818

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. SKOUFIS, BIAGGI -- read twice and ordered printed,
and when printed to be committed to the Committee on Environmental
Conservation

AN ACT to amend the environmental conservation law, in relation to the
operating permit program from sources subject to the federal Clean Air
Act and power plant emissions and performance standards

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Paragraphs f and g of subdivision 3 of section 19-0311 of
2 the environmental conservation law, as added by chapter 608 of the laws
3 of 1993, are amended to read as follows:

4 f. provisions for alternative operating scenarios where a source iden-
5 tifies such scenarios in its permit application for department approval,
6 and where such scenarios are approved by the department; provided,
7 however, such scenarios shall not authorize the start up of the facility
8 with any fuel other than the primary fuel;

9 g. provisions for emergencies beyond the control of the source;
10 notwithstanding section 71-2109 of this chapter, an "emergency" shall
11 mean any situation arising from sudden and reasonably unforeseeable
12 events beyond the control of the source, which situation requires imme-
13 diate corrective action to restore normal operation and which causes the
14 source to exceed a technology-based emission limitation under the
15 permit, due to unavoidable increases in emissions attributable to the
16 emergency. An emergency shall not include noncompliance to the extent
17 caused by improperly designed equipment, lack of preventative mainte-
18 nance, careless or improper operation, or operator error, or delays
19 caused by permitting or construction;

20 § 2. Section 19-0312 of the environmental conservation law is amended
21 by adding a new subdivision 4 to read as follows:

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

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1 4. No electric generating facility shall utilize their secondary fuel
2 source or emergency stationary internal combustion engine except during
3 emergencies or as set forth in 40 CFR 60.4211.
4 § 3. This act shall take effect immediately.