

# STATE OF NEW YORK

8198

2023-2024 Regular Sessions

## IN ASSEMBLY

October 27, 2023

Introduced by M. of A. GUNTHER -- read once and referred 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 Assembly, 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:

22 4. No electric generating facility shall utilize their secondary fuel  
23 source or emergency stationary internal combustion engine except during  
24 emergencies or as set forth in 40 CFR 60.4211.

25 § 3. This act shall take effect immediately.

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

LBD05791-01-3