STATE OF NEW YORK

2857

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

Introduced by Sen. SKOUFIS -- 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 Assembly, do enact as follows:

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

f. provisions for alternative operating scenarios where a source identifies such scenarios in its permit application for department approval, and where such scenarios are approved by the department; **provided, however, such scenarios shall not authorize the start up of the facility with any fuel other than the primary fuel;**

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

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

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

§ 3. This act shall take effect immediately.

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

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