

# STATE OF NEW YORK

6833--A

2025-2026 Regular Sessions

## IN SENATE

March 25, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to permit modifications, suspensions, revocations, renewals, reissuances and recertifications under the air quality control program

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

1 Section 1. Section 70-0115 of the environmental conservation law is  
2 amended by adding two new subdivisions 3 and 4 to read as follows:

3 3. The following provisions shall apply to any permit required by the  
4 state air quality control program pursuant to title three or five of  
5 article nineteen of this chapter relating to air pollution and air  
6 contamination and any related enforcement activities. The provisions of  
7 this subdivision shall not apply to any registration issued to a facili-  
8 ty under article nineteen of this chapter pursuant to regulations by  
9 reason of (i) having annual emissions that are less than half of the  
10 level that would subject it to permitting under section 19-0311 of this  
11 chapter, (ii) not requiring the use of permit conditions to limit emis-  
12 sions below the thresholds that would otherwise make it subject to state  
13 or federal standards as determined by the department pursuant to regu-  
14 lation, and (iii) having emissions of high toxicity air contaminants  
15 that do not equal or exceed the applicable thresholds for permitting as  
16 set forth in regulations by the department:

17 (a) Any permit which does not expire pursuant to its terms and which  
18 has been in effect for more than five years shall expire on the date  
19 which is two years after the effective date of this subdivision, and any  
20 renewal thereof shall include an expiration date which is no later than  
21 five years after the expiration contemplated by this subdivision, unless

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

LBD11307-02-5

1 another period for expiration of ten years or less is applicable under  
2 this chapter.

3 (b) The provisions of this paragraph shall apply only to permits for  
4 air pollution sources subject to Title V of the federal Clean Air Act  
5 regulated under section 19-0311 of this chapter. With respect to a  
6 permit that has been extended pursuant to subdivision two of section  
7 four hundred one of the state administrative procedure act by reason of  
8 the applicant making a timely and sufficient application:

9 (i) If the department does not make a final determination on such  
10 application within twenty-four months of the later of the effective date  
11 of this subdivision or the date the application is received, the permit  
12 holder shall, within ninety days of such date, pay an amount equal to  
13 the annual fees owed by such permit holder pursuant to section 72-0303  
14 of this chapter to the air quality improvement fund as established in  
15 section ninety-nine-rr of the state finance law; provided, however, that  
16 notwithstanding any provision of such section to the contrary, expendi-  
17 tures from such fund for such amount shall be limited to spending that  
18 directly benefits communities which are directly affected by air  
19 pollution from the facility.

20 (ii) If the department has not made a final determination on such  
21 application within thirty-six months of the later of the effective date  
22 of this subdivision or the date the application is received, such permit  
23 shall automatically be suspended and the application shall automatically  
24 be denied.

25 (iii) A suspension pursuant to subparagraph (ii) of this paragraph  
26 shall not take effect for a period of two years if (A) there is a deter-  
27 mination by the federally designated bulk system operator, the local  
28 transmission/distribution owner, or the New York state public service  
29 commission that such suspension would compromise energy reliability and  
30 (B) a permanent solution to resolve the energy reliability constraint  
31 has been selected by the federally designated bulk system operator,  
32 the transmission/distribution owner, or the New York state public  
33 service commission, and that solution is in the process of permitting  
34 or construction but not yet online.

35 (iv) The two-year period of delay specified by subparagraph (iii) of  
36 this paragraph shall terminate and the permit shall be automatically  
37 suspended pursuant to subparagraph (ii) of this paragraph if either (A)  
38 the determination made pursuant to clause (A) of subparagraph (iii) of  
39 this paragraph is rescinded or (B) a permanent solution to such energy  
40 reliability constraint has been identified by the federally designated  
41 bulk system operator, the local transmission/distribution owner, or the  
42 New York state public service commission, and such solution has been  
43 placed online.

44 (c) Notwithstanding the provisions of subdivision two of section four  
45 hundred one of the state administrative procedure act, a permit that is  
46 denied or the terms of which are limited by the department as contem-  
47 plated by such subdivision shall automatically be suspended on the date  
48 which is two years from the date on which the department made the deter-  
49 mination regarding denial or limitation; provided, however, that a  
50 permit that was denied or limited as contemplated by such subdivision  
51 prior to the effectiveness of this subdivision shall not be suspended  
52 pursuant to this subdivision until the date which is two years after the  
53 effective date of this subdivision.

54 4. No later than January thirty-first of each year following the  
55 effective date of this subdivision the department shall publish on a  
56 dedicated webpage on its website a list of the permits subject to the

1 provisions of paragraphs (b) and (c) of subdivision three of this  
2 section. Information published shall include the name of the permit  
3 holder, the name of the facility, the facility's address, the types and  
4 amounts of air pollution emitted by the facility, the initial issuance  
5 date of the permit, the expiration date of the permit, the reasons why  
6 the facility is not operating on a current permit, and the status of the  
7 permit application.

8 § 2. This act shall take effect sixty days after it shall have become  
9 a law.