

FILED

JUL 26 1996

Albano F. Vecchio
Secretary of State



State of New York

Executive Chamber

No. 40

EXECUTIVE ORDER

ORDERING STATE AGENCIES TO REGISTER EMISSION REDUCTION CREDITS

WHEREAS, areas of New York State have been designated as not meeting the national ambient air quality standards for ozone, particulate matter and carbon monoxide;

WHEREAS, New York State is included, in its entirety, in an Ozone Transport Region, pursuant to §184 of the Clean Air Act (42 U.S.C. §7511c.);

WHEREAS, in areas that are not in attainment with the national ambient air quality standards, or in those located in an Ozone Transport Region, the Clean Air Act requires that new sources of nonattainment contaminants obtain emission reductions of such nonattainment contaminants from the same source or other sources;

WHEREAS, New York State has complied with the Clean Air Act by adopting 6 NYCRR Subpart 231-2 - "New Source Review in Nonattainment Areas and Ozone Transport Regions," to require that new sources obtain emission reductions of such nonattainment contaminants from the same source or other sources;

WHEREAS, air emission reduction credits that can be used as offsets are produced by source reduction, overcontrol, shutdown, or curtailment of existing sources of nonattainment contaminants;

WHEREAS, air emission reduction credits are vital to attract new businesses and industries and achieve clean air in the State;

WHEREAS, this administration intends to support a robust market for emission reduction credits by certifying all eligible State Agency emission reductions;

WHEREAS, the ability of the State to identify and secure emission reduction credits can be a major point of consideration for firms seeking to locate in New York State; and

WHEREAS, many offices and agencies of state government have made air emission reductions that could be certified as emission reduction credits and be used to encourage economic growth;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order:

- I. All offices and agencies of state government to assign staff to investigate whether emission reductions that could receive credit exist;
- II. Ensure that such staff work with the Division of Air Resources at New York State Department of Environmental Conservation (NYSDEC) to certify and register such credits;

JUL 26 1996

Alexander F. Vasquez
Secretary of State

- III. Such staff shall ensure that emission reduction credits are certified and registered in accordance with 6 NYCRR Subpart 231-2;
- IV. NYSDEC shall facilitate transfer of the certified emission reduction credits to the Department of Economic Development (DED) for distribution to new and expanding businesses;
- V. DED and NYSDEC shall jointly develop criteria governing eligibility of businesses to use emission reduction credits in order to obtain air pollution permits; and
- VI. The distribution of emission reduction credits shall be subject to the approval of the Commissioners of DED and NYSDEC.

G I V E N under my hand and the Privy

Seal of the State in the City of
Albany this twenty-sixth day of
July in the year one thousand
nine hundred ninety-six.



BY THE GOVERNOR

Bradford L. Lee
Secretary to the Governor

My E. Pataki