

2616

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sens. YOUNG, MAZIARZ, O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to require the power authority of the state of New York to conduct an analysis of the economic viability of certain electric generating facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. (a) Within 90 days of the effective date of this act, the
2 power authority of the state of New York shall conduct an analysis of
3 the current economic viability of load producing electric generating
4 facilities, and as deemed feasible and advisable by the trustees of such
5 authority, taking full consideration of the requirements and viability
6 of the entire power generating system needs of the state of New York,
7 with special consideration of the ratepayers and taxpayers of the state,
8 shall recommend entering into a purchase power agreement with the owners
9 and operators of such facilities, if such owners and operators meet and
10 agree upon the conditions in subdivision (b) of this section. Such
11 power purchase agreements shall be effective upon the conclusion of such
12 90 day period and be designed to maintain said facilities' power
13 production capacities at a rate sufficient to ensure at least three
14 years worth of no less than a level of operating income necessary to
15 allow said facilities to remain open and functioning reliably and safely
16 and fully staffed at at least ninety percent of current employment
17 levels, payrolls and local community benefits. For the purposes of this
18 subdivision, operating income shall include all expenses of eligible
19 facilities excluding debt service costs, except for verifiable debt
20 service payments related to capital improvements designed to substan-
21 tially reduce the emission of toxic air pollutants emanating from gener-
22 ators operating at said facility.

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

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1 (b) The power purchase agreement permitted under subdivision (a) of
2 this section shall only apply to power generating units that currently
3 meet or exceed the minimum standards established in the final rule of
4 the proposed National Emission Standards for Hazardous Air Pollutants.
5 In addition, such owner and/or operator of a generating unit otherwise
6 eligible for benefits under this section must agree to repower such
7 facility and construct new or retrofit existing generators that:
8 1. are designed and intended to operate at an electricity production
9 efficiency level of at least forty-eight percent;
10 2. will be capable of producing at least 600 megawatts of electric
11 generating capacity running at least 7,000 hours per year;
12 3. will be able to achieve a 2 parts per million limit for nitrous
13 oxide emissions using Lowest Achievable Emission Rate technologies;
14 4. will utilize Lowest Achievable Emission Rate technologies if feasi-
15 ble, or, at a minimum, Best Available Control Technologies for carbon
16 monoxide and sulfur dioxide emission levels;
17 5. will safely demolish or decommission the existing generators at an
18 eligible facility; and,
19 6. will place in service the new electric generating facilities no
20 later than March 31, 2017.
21 S 2. Notwithstanding any limitations or conditions contained in para-
22 graph 8 of subdivision (a) and paragraph 7 of subdivision (c) of section
23 188-a of the economic development law, any power purchased by the power
24 authority of the state of New York pursuant to section one of this act
25 shall be considered Recharge New York power, and shall be utilized to
26 augment Recharge New York power allocations for eligible businesses as
27 defined in paragraph 5 or 7 of subdivision (a) of section 188-a of the
28 economic development law that are recommended for a Recharge New York
29 power allocation pursuant to part CC of chapter 60 of the laws of 2011.
30 S 3. This act shall take effect immediately.