S T A T E O F N E W Y O R K

7987

2009-2010 Regular Sessions

I N A S S E M B L Y

May 1, 2009

Introduced by M. of A. GORDON -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to farm waste net energy metering

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

Section 1. The opening paragraph of paragraph (e) of subdivision 1 of section 66-j of the public service law, as amended by chapter 480 of the laws of 2008, is amended to read as follows:

"Farm waste electric generating equipment" means equipment that generates electric energy from biogas produced by the anaerobic digestion of agricultural waste, such as livestock manure, farming wastes and food processing wastes with a rated capacity of not more than [five hundred] ONE THOUSAND kilowatts, that is:

S 2. Section 66-j of the public service law is amended by adding a new subdivision 2-a to read as follows:

2-A. ENVIRONMENTAL ATTRIBUTES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CUSTOMER-GENERATOR OPERATING FARM WASTE ELECTRIC GENERATION EQUIPMENT SHALL HAVE ALL OWNERSHIP OF ANY ENVIRONMENTAL ATTRIBUTES ASSOCIATED WITH SUCH FARM WASTE ELECTRICAL GENERATION EQUIPMENT UNLESS SUCH ATTRIBUTES ARE SPECIFICALLY GRANTED BY THE CUSTOMER-GENERATOR TO ANY OTHER PARTY.

S 3. Subparagraph (ii) of paragraph (c) of subdivision 3 of section 66-j of the public service law, as amended by chapter 452 of the laws of 2008, is amended to read as follows:

(ii) In the case of a customer-generator who owns or operates farm waste electric generating equipment located and used at his or her "farm operation," up to a total amount of [five] THREE thousand dollars per "farm operation".

S 4. Subdivision 4 of section 66-j of the public service law is amended by adding a new paragraph (e) to read as follows:

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

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(E) FOR PURPOSES OF PARAGRAPH (B) OF THIS SUBDIVISION, ELECTRICITY USE ELIGIBLE FOR CREDIT OFFSETS SHALL INCLUDE ALL ELECTRICITY USE FROM ALL GRID CONNECTIONS ASSOCIATED WITH A FARM OPERATION.

S 5. This act shall take effect on the thirtieth day after it shall have become a law.