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

5232--A

2015-2016 Regular Sessions

I N S E N A T E

May 8, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to a proposed electric generating facility in the county of Suffolk; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Notwithstanding any other section of law or regulation, an electric generating facility proposed to be constructed on a site at all or a portion of tax map plots 206/007-01-001.1, 206/007-01-001.3, and 206/007-01-001.2 in the village of Port Jefferson in the county of Suffolk to which a certificate of completion has been issued pursuant to section 27-1419 of the environmental conservation law shall be deemed to be a site used primarily for manufacturing as that term is delimited in subparagraph (A) of paragraph (3-a) of subdivision (a) of section 21 of the tax law, and such site shall be considered in an environmental zone as described in subparagraph (A) of paragraph (6) of subdivision (b) of section 21 of the tax law and subparagraph (A) of paragraph (5) of subdivision (a) of section 22 of the tax law if such electric generating facility:

1. is designed and intended to operate at an electricity production efficiency level of at least forty-eight percent;

2. will be capable of producing at least 600 MW of electric generating capacity running at least 7000 hours per year;

3. will be able to achieve a 2 parts per million limit for nitrous oxide emissions using Lowest Achievable Emission Rate technologies;

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

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4. will utilize Lowest Achievable Emission Rate technologies if feasible, or, at a minimum, Best Available Control Technologies for carbon monoxide and sulfur dioxide emission levels;

5. will safely demolish and remove from the site the existing two operating 175 MW generators currently operating on the site and the two 40 megawatt generators that are decommissioned at the site, and the two 79 megawatt peaking units on the site must either be safely demolished and removed from the site or will only be operated under conditions determined to meet the criteria of an energy emergency as declared by the New York independent system operator;

6. will have been issued such certificate of completion no later than March 31, 2021; and,

7. will place in service the new electric generating facilities no later than March 31, 2024.

S 2. This act shall take effect immediately and shall expire and be deemed repealed on April 1, 2024.