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

6261

I N S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to siting of major electric generating facilities

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

Section 1. Section 172 of the public service law, as added by chapter 388 of the laws of 2011, is amended to read as follows:

S 172. Powers of municipalities and state agencies. 1. Notwithstanding any other provision of law, EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, no state agency, municipality or any agency thereof may, except as expressly authorized under this article by the board, require any approval, consent, permit, certificate or other condition for the construction or operation of a major electric generating facility with respect to which an application for a certificate hereunder has been filed, including pursuant to paragraph (e) of subdivision three of section one hundred sixty-eight of this article, any such approval, consent, permit, certificate or condition relating to the interconnection to or use of water, electric, sewer, telecommunication, fuel and steam lines in public rights of way, provided that this article shall not impair or abrogate any federal, state or local labor laws or any otherwise applicable state law for the protection of employees engaged in the construction and operation of such facility; provided, however, that in the case of a municipality or an agency thereof, such municipality has received notice of the filing of the application therefor; and provided further, however, that the department of environmental conservation shall be the permitting agency for permits issued pursuant to federally delegated or approved authority under the federal Clean Water Act, the federal Clean Air Act and the federal Resource Conservation and Recovery Act. In issuing such permits, the commissioner of environmental conservation shall follow procedures established in this article to the extent that they are consistent with federally delegated

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

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or approved environmental permitting authority. The commissioner of environmental conservation shall provide such permits to the board prior to its determination whether or not to issue a certificate. The issuance by the department of environmental conservation of such permits shall in no way interfere with the required review by the board of the anticipated environmental and health impacts relating to the construction and operation of the facility as proposed, or its authority to deny an application for certification pursuant to section one hundred sixty-eight of this article, and, in the event of such a denial, any such permits shall be deemed null and void.

2. The Adirondack park agency shall not hold public hearings for a major electric generating facility with respect to which an application hereunder is filed, provided that such agency has received notice of the filing of such application.

3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION AND ANY OTHER PROVISION OF THIS ARTICLE, AN APPLICANT FOR A CERTIFICATE UNDER THIS ARTICLE SHALL BE REQUIRED TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT IN ACCORDANCE WITH ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW. SUCH ENVIRONMENTAL IMPACT STATEMENT SHALL BE REVIEWED BY THE BOARD PRIOR TO THE ISSUANCE OF A CERTIFICATE UNDER THIS ARTICLE.

S 2. This act shall take effect immediately.