

# STATE OF NEW YORK

10277

## IN ASSEMBLY

April 10, 2018

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

AN ACT to amend the public service law, in relation to excluding garbage incinerators from the types of facilities eligible to use an expedited power plant siting process

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (c) and (d) of subdivision 4 of section 162 of  
2 the public service law, as added by chapter 388 of the laws of 2011, are  
3 amended and a new paragraph (e) is added to read as follows:

4 (c) To a major electric generating facility (i) constructed on lands  
5 dedicated to industrial uses, (ii) the output of which shall be used  
6 solely for industrial purposes, on the premises, and (iii) the generat-  
7 ing capacity of which does not exceed two hundred thousand kilowatts;  
8 [~~ex~~]

9 (d) To a major electric generating facility if, on or before the  
10 effective date of the rules and regulations promulgated pursuant to this  
11 article and section 19-0312 of the environmental conservation law, an  
12 application has been made for a license, permit, certificate, consent or  
13 approval from any federal, state or local commission, agency, board or  
14 regulatory body, in which application the location of the major electric  
15 generating facility has been designated by the applicant; or if the  
16 facility is under construction at such time[~~-~~]; or

17 (e) To a major electric generating facility which generates electric-  
18 ity from the combustion, gasification or pyrolysis of solid waste or  
19 from fuel derived from solid waste.

20 § 2. This act shall take effect immediately, and shall apply to  
21 proposed facilities or facilities for which a certificate has not been  
22 issued by the New York state board on electric generation siting and the  
23 environment pursuant to section 162 of the public service law, notwith-  
24 standing any pre-application or application processes pursuant to  
25 section 163 of the public service law, or any other precertification  
26 actions, reviews, or decisions by such siting board.

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

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