

# STATE OF NEW YORK

---

1079

2017-2018 Regular Sessions

## IN SENATE

January 6, 2017

---

Introduced by Sens. VALESKY, AVELLA -- read twice and ordered printed,  
and when printed to be committed to the Committee on Energy and Tele-  
communications

AN ACT to amend the public service law, in relation to net metering  
standards for municipal landfills and waste water treatment facilities

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

1 Section 1. The section heading of section 66-j of the public service  
2 law, as amended by chapter 546 of the laws of 2011, is amended to read  
3 as follows:

4 Net energy metering for residential solar, farm waste, non-residential  
5 solar electric generating systems, micro-combined heat and power gener-  
6 ating equipment, fuel cell electric generating equipment, [~~and~~] micro-  
7 hydroelectric generating equipment and waste fueled electric generating  
8 equipment at municipal landfills and publicly owned treatment works.

9 § 2. Subdivision 1 of section 66-j of the public service law is  
10 amended by adding three new paragraphs (i), (j) and (k) to read as  
11 follows:

12 (i) "Landfill" means a disposal facility or part of a facility where  
13 solid waste, as defined in 6 NYCRR 360-1.2(a)(1), is placed in or on  
14 land, and which is not a land treatment facility, a surface impoundment,  
15 or an injection well, which is owned or operated by a municipal govern-  
16 ment or by a public private partnership established under section one  
17 hundred twenty-w of the general municipal law.

18 (j) "Publicly owned treatment works" means a facility for the purpose  
19 of treating, neutralizing or stabilizing sewage, including treatment or  
20 disposal plants, the necessary intercepting, outfall and outlet sewers,  
21 pumping stations integral to such plants or sewers, equipment and  
22 furnishings thereof and their appurtenances which is owned or operated  
23 by a municipal government or by a public private partnership established  
24 under section one hundred twenty of the general municipal law.

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

LBD06985-01-7

1     (k) "Waste fueled electric generating equipment" means equipment that  
2     generates electric energy from biogas produced by the anaerobic  
3     digestion of: waste, refuse, household or mixed municipal solid waste  
4     in a landfill gas recovery facility, as defined in 6 NYCRR  
5     360-1.2(b)(96), wastewater, sludge, as defined in 6 NYCRR  
6     360-1.2(b)(155), and domestic sewage, as defined in 6 NYCRR  
7     360-1.2(b)(53), that is:

8     (i) manufactured, installed, and operated in accordance with applica-  
9     ble government and industry standards;

10    (ii) connected to the electric system and operated in conjunction with  
11    an electric corporation's transmission and distribution facilities;

12    (iii) operated in compliance with any standards and requirements  
13    established under this section;

14    (iv) fueled at a minimum of ninety percent on an annual basis by  
15    biogas produced from the anaerobic digestion of household or mixed  
16    municipal solid waste, sludge, wastewater, domestic sewage, agricultural  
17    waste such as livestock manure materials, crop residues, and food proc-  
18    essing waste;

19    (v) owned and operated by a municipal government or by a public  
20    private partnership established under section one hundred twenty-w of  
21    the general municipal law.

22     § 3. This act shall take effect immediately.