STATE OF NEW YORK

10277--A

IN ASSEMBLY

April 10, 2018

Introduced by M. of A. CUSICK, LIFTON, PALMESANO, KOLB, STECK, LUPARDO, ENGLEBRIGHT, THIELE -- Multi-Sponsored by -- M. of A. LENTOL -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to certifying the construction or operation of certain facilities depending on environmental and public health concerns

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

Section 1. Paragraph (e) of subdivision 3 of section 168 of the public service law, as added by chapter 388 of the laws of 2011, is amended and a new paragraph (f) is added to read as follows:

(e) the facility is designed to operate in compliance with applicable state and local laws and regulations issued thereunder concerning, among other matters, the environment, public health and safety, all of which shall be binding upon the applicant, except that the board may elect not to apply, in whole or in part, any local ordinance, law, resolution or other action or any regulation issued thereunder or any local standard or requirement, including, but not limited to, those relating to the interconnection to and use of water, electric, sewer, telecommunication, fuel and steam lines in public rights of way, which would be otherwise applicable if it finds that, as applied to the proposed facility, such is unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality. The board shall provide the municipality an opportunity to present evidence in support of such ordinance, law, resolution, regulation or other local action issued thereunder[~~.~~]**; and**

(f) notwithstanding the provisions of paragraph (e) of this subdivision, a facility which generates electricity from the combustion, gasification or pyrolysis of solid waste or from fuel derived from solid waste is in compliance with applicable state and local laws and regulations issued thereunder concerning, among other matters, the environ-

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

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ment, public health and safety, all of which shall be binding upon the applicant.

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