STATE OF NEW YORK

8109

IN SENATE

March 29, 2018

Introduced by Sens. HELMING, O'MARA -- 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 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:

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

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

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

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

§ 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.

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

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