STATE OF NEW YORK

7768--A

R. R. 404

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. KELLES, THIELE, BARRON, MAGNARELLI, CLARK, BARRETT, LUPARDO -- read once and referred to the Committee on Energy -- reported and referred to the Committee on Rules -- ordered to third reading, amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the public service law, in relation to certificate and permit conditions for dormant power generating facilities that are in layup or out of service

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

Section 1. The public service law is amended by adding a new section 174 to read as follows:

§ 174. Certificate and permit conditions for dormant facilities. 1. Notwithstanding subdivision two of section one hundred sixty-two of this article, a certificate and any air and water permits issued by the department of environmental conservation shall not be transferred for a major electric generating facility that was permitted prior to two thousand twelve and has provided notification that such facility is in layup or out of service.

2. A major electric generating facility that was permitted prior to two thousand twelve and that has provided notification that such facility is in layup or out of service shall not utilize a fossil fuel resource to produce electricity, or for any other industrial purpose, without issuance of a new certificate by the commission and issuance of new air and water permits by the department of environmental conservation.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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