STATE OF NEW YORK

9392

IN ASSEMBLY

February 23, 2022

Introduced by M. of A. WOERNER, LUPARDO, BARRETT -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, the energy law, the environmental conservation law and the general municipal law, in relation to adding waste to energy systems to the definition of renewables

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

Section 1. Paragraph (b) of subdivision 1 of section 66-p of the public service law, as added by chapter 106 of the laws of 2019, is amended and a new paragraph (c) is added to read as follows:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, **waste to energy,** and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity[~~.~~]**;**

(c) "waste to energy" means thermal and non-thermal technologies that are able to produce energy from waste without direct combustion.

§ 2. Subdivision 7 of section 1-103 of the energy law, as renumbered by chapter 820 of the laws of 1976, is amended and a new subdivision 14 is added to read as follows:

7. "Fossil fuel" shall mean coal, petroleum products and fuel gases**, except biogas**.

14. "Biogas" shall include a mixture of gases produced from raw materials such as agricultural waste, manure, plant material, green waste and food waste.

§ 3. Subdivision 4 of section 72-0301 of the environmental conservation law, as amended by chapter 608 of the laws of 1993, is amended and a new subdivision 17 is added to read as follows:

4. "Combustion installation" means one or more furnace, device, engine or turbine in which fossil fuel**, biogas** or wood is burned with air or oxygen and the air contaminant emissions include only those products resulting from:

a. combustion of the fuel;

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

LBD14305-03-2

b. additives or impurities in the fuel; and

c. material introduced for the purpose of altering air contaminant emissions.

A combustion installation may consist of:

(1) a single furnace exclusively connected to an air cleaning device or stack; or

(2) two or more furnaces connected to a common air cleaning device or stack.

17. "Biogas" shall include a mixture of gases produced from raw materials such as agricultural waste, manure, plant material, green waste and food waste.

§ 4. Paragraph e of subdivision 10 of section 75-0101 of the environmental conservation law, as added by chapter 106 of the laws of 2019, is amended and a new subdivision 16 is added to read as follows:

e. [~~Anaerobic digesters, where energy produced is directed toward localized use~~] **Waste to energy systems**;

16. "Waste to energy" means thermal and non-thermal technologies that are able to produce energy from waste without direct combustion.

§ 5. Subdivision 7 of section 119-ff of the general municipal law, as amended by chapter 184 of the laws of 2020, is amended and a new subdivision 9 is added to read as follows:

7. "Renewable energy system" means an energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the owner of real property is a commercial entity, by means of solar thermal, solar photovoltaic, wind, geothermal, [~~anaerobic digester gas-to-electricity systems~~] **waste to energy systems**, fuel cell technologies, or other renewable energy technology approved by the authority not including the combustion [~~or pyrolysis~~] of solid waste.

9. "Waste to energy" means thermal and non-thermal technologies that are able to produce energy from waste without direct combustion.

§ 6. This act shall take effect immediately.