

A10277 Summary:

BILL NO A10277
 SAME AS SAME AS
 SPONSOR Cusick
 COSPNSR Lifton
 MLTSPNSR

Amd §162, Pub Serv L

Excludes solid waste incinerators from the types of facilities eligible to use an expedited power plant siting process.

A10277 Actions:

BILL NO A10277

04/10/2018 referred to energy

A10277 Committee Votes:**A10277 Floor Votes:**

There are no votes for this bill in this legislative session.

A10277 Memo:

NEW YORK STATE ASSEMBLY
 MEMORANDUM IN SUPPORT OF LEGISLATION
 submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A10277

SPONSOR: Cusick

TITLE OF BILL: 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

PURPOSE OR GENERAL IDEA OF BILL:

This bill would exclude major electric generating facilities which generate electricity from the combustion or pyrolysis of solid waste or fuel derived from solid waste from an expedited power plant siting process.

SUMMARY OF SPECIFIC PROVISIONS:

Paragraphs (c) and (d) of subdivision 4 of section 162 of the public service law are amended to exclude major electric generating facilities which generate electricity from the combustion or pyrolysis of solid waste or fuel derived from solid waste from an expedited power plant siting process.

JUSTIFICATION:

Construction of the largest trash incinerator in New York State is proposed for the Finger Lakes region, under an expedited permitting process for siting electricity generating facilities. This proposed plant has been blocked by local zoning regulation and failed to receive local permits, but the state siting law could preempt municipal law and allow the plant to be constructed, if approved by the Public Service Commission.

Fundamentally, trash incinerators are not effective mechanisms for electricity generation, often producing less electricity than is expended to burn waste materials, and at a higher cost. They also produce toxic ash from burning a range of solid wastes which can vary widely in chemical output, making compliance with emissions and toxic waste limits difficult. Incinerators are effectively solid waste disposal facilities which contravene New York's goals to increase recycling rates, and should not be a part of the state's streamlined power plant siting process.

Siting a trash incinerator in the Finger Lakes region, with the associated impacts of air and ash pollution, will damage the local tourism, winery and agriculture industries. This legislation eliminates trash incinerators from the expedited state siting process and ensures that

municipalities will have authority to decide, based on their own zoning laws, if a trash incinerator project moves forward, or if it would cause undue environmental and economic degradation following environmental review. Critically, a full environmental review would be required under the State Environmental Quality Review Act for any generation facility that is not expedited.

PRIOR LEGISLATIVE HISTORY:

New legislation.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

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 decision by such siting board.

A10277 Text:

STATE OF NEW YORK

10277

IN ASSEMBLY

April 10, 2018

Introduced by M. of A. CUSICK, LIFTON -- read once and referred to the Committee on Energy

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:

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

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

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

17 **(e) To a major electric generating facility which generates electric-**
18 **ity from the combustion, gasification or pyrolysis of solid waste or**
19 **from fuel derived from solid waste.**

20 § 2. This act shall take effect immediately, and shall apply to
21 proposed facilities or facilities for which a certificate has not been
22 issued by the New York state board on electric generation siting and the
23 environment pursuant to section 162 of the public service law, notwith-
24 standing any pre-application or application processes pursuant to
25 section 163 of the public service law, or any other precertification
26 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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