

BILL NUMBER: S8109

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 siting process.

SUMMARY OF SPECIFIC PROVISIONS :

Section 1. 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 siting process.

Section 2. Sets forth the effective date.

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. These facilities are effectively solid waste landfills 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.

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