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I N S E N A T E

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 Tele-
communications

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 ASSEM-
BLY, 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 [or]

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 S 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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