STATUS:
A8952  Rules (Gianaris)

Public Service Law

TITLE....Provides for expedited consideration of applications for siting or modifications of major electric generating facilities which result in reduced emissions

05/30/01  referred to energy
06/06/01  reference changed to ways and means
06/11/01  reported referred to rules
06/11/01  rules report cal.440
06/11/01  ordered to third reading rules cal.440
06/11/01  passed assembly
06/11/01  delivered to senate
06/11/01  REFERRED TO RULES
06/20/01  SUBSTITUTED FOR S5443
06/20/01  3RD READING CAL.1284
06/20/01  PASSED SENATE
06/20/01  RETURNED TO ASSEMBLY
08/23/01  delivered to governor
08/31/01  signed chap.222

SUMMARY:

RULES COM (Request of Gianaris, Silver, Tonko, Brodsky, Markey, Lopez, Millman, M. Cohen, Cahill, Clark, A. Cohen, Cook, Cymbrowitz, DelMonte, Espaillat, Gordon, Higgins, Hoyt, Jacobs, John, Kaufman, Amd S165, Pub Serv L

Requires proceeding on an application for the modification of an existing major electric generating facility, or siting a new major electric generating facility near an existing facility to be completed in all respects within 6 months, when such modification or siting shall result in at least a 75% reduction in the rate of emissions, on a pounds per megawatt-hour basis, of oxides of nitrogen, oxides of sulfur and particulate matter; authorizes and extension of such deadline by 3 months under certain circumstances.

EFF. DATE 08/31/2001 (SEE TABLE)

BILL TEXT:

STATE OF NEW YORK

IN ASSEMBLY

May 30, 2001

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gianaris, Silver, Tonko, Brodsky, Markey, Lopez, Millman, Cahill, Clark, A. Cohen, Cook, Cymbrowitz, Espaillat, Gordon, Higgins, Hoyt, Jacobs, Kaufman, Koon, Lavelle, Magnarelli, Matusow, Nolan, Paulin, Pheffer)
-- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to expedited proceedings upon an application for certain modifications of major electric generating facilities or for siting of certain major electric generating facilities

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

Section 1. Legislative intent. The legislature intends, through the provisions of this act, to facilitate the expansion of New York state's capacity to provide electricity in a manner which has a beneficial impact on the environment. Additional energy capacity is needed in order to ensure that the supply of electricity is sufficient, as well as to lower the cost of electricity to consumers. Many power generating facilities which are currently in existence emit pollution at undesirable levels and should be encouraged to reduce such emissions. The most appropriate solution for both of these issues is to encourage power producing entities to modify existing facilities by installing new equipment using current technologies in order to increase efficiency so as to reduce emissions while simultaneously increasing energy capacity. This can be accomplished by reducing the time for approval of applications for such modifications to existing facilities as compared to the construction of new facilities.

§ 2. Subdivision 4 of section 165 of the public service law, as added by chapter 519 of the laws of 1992, is amended to read as follows:

(a) Except as provided in paragraph (b) of this subdivision, proceedings on an application shall be completed in all respects, including a final decision by the board, within twelve months from the date of a determination by the chairman that an application

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted. LBD11508-07-1
A. 8952                             2

1 complies with section one hundred sixty-four of this article; provided,
2 however, for facilities over two hundred thousand kilowatts which have
3 not been selected pursuant to an approved procurement process the board
4 may extend the deadline in extraordinary circumstances by no more than
5 six months in order to give consideration to specific issues necessary
6 to develop an adequate record. The board must render a final decision on
7 the application by the aforementioned deadlines unless such deadlines
8 are waived by the applicant. If, at any time subsequent to the
9 commencement of the hearing, there is a material and substantial amend-
10 ment to the application, the deadlines may be extended by no more than
11 six months, unless such deadline is waived by the applicant, to consider
12 such amendment.

(b) Notwithstanding the provisions of paragraph (a) of this subdivi-
13 sion, proceedings on an application by an owner of an existing major
14 electric generating facility to modify such existing facility or site a
15 new major electric generating facility adjacent or contiguous to such
16 existing facility, shall be completed in all respects, including a final
17 decision by the board, within six months from the date of a determi-
18 nation by the chairman that such application complies with section one
19 hundred sixty-four of this article, whenever such application demon-
20 strates that the operation of the modified facility, or of the existing
21 facility and new facility in combination, would result in a decrease of
22 not less than seventy-five percent in the rate of emissions of each of
23 the following on a pounds per megawatt-hour basis: (i) oxides of nitro-
24 gen, (ii) oxides of sulfur and (iii) particulate matter. The percentage
25 reductions in the rate of such emissions shall be calculated by compar-
26 ing the annualized potential to emit of the existing facility (expressed
27 in pounds per megawatt-hour) at the time the application under this
28 article is filed with the chairman and the future annualized potential
29 to emit of the modified facility or of the combination of the existing
30 and new facility (expressed in pounds per megawatt-hour) proposed in the
31 application. For facilities over two hundred thousand kilowatts which
32 have not been selected pursuant to an approved procurement process the
33 board may extend the deadline in extraordinary circumstances by no more
34 than three months in order to give consideration to specific issues
35 necessary to develop an adequate record. The board shall render a final
36 decision on the application by the aforementioned deadlines unless such
37 deadlines are waived by the applicant. If, at any time subsequent to the
38 commencement of the hearing, there is a material and substantial amend-
39 ment to the application, the deadlines may be extended by no more than
40 three months, unless such deadline is waived by the applicant, to
41 consider such amendment.

§ 3. This act shall take effect immediately, provided that the amend-
44 ments to subdivision 4 of section 165 of the public service law made by
45 section two of this act shall not affect the repeal of such section and
46 shall be deemed repealed therewith.