

# STATE OF NEW YORK

9881

## IN ASSEMBLY

April 19, 2022

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

AN ACT relating to the development of a blueprint to guide the replacement and redevelopment of New York's oldest and most-polluting fossil fuel facilities and their sites by 2030

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

1 Section 1. This act shall be known as the "fossil fuel facilities  
2 replacement and redevelopment blueprint act".

3 § 2. Legislative findings and statement of purpose. The legislature  
4 hereby finds, determines and declares:

5 (a) New York state, especially New York city, is reliant on fossil  
6 fuels for energy production, making the transition to renewable sources  
7 of the downstate electricity system key to achieving the requirements of  
8 section 4 of the New York state climate leadership and community  
9 protection act, including that seventy percent of the state's electric-  
10 ity be from renewable energy sources by the year 2030 and that one  
11 hundred percent of the state's electricity be from zero-emission sources  
12 by the year 2040. A particular challenge is the reliance on fossil fuel  
13 generation facilities that only operate when electricity demand peaks  
14 above the average usage.

15 (b) New York state is committed to the responsible replacement and  
16 redevelopment of its fossil fuel power plants that currently ensure  
17 resource adequacy in the state, especially in locations where the health  
18 benefits to historically disadvantaged communities can be maximized, and  
19 where the cost effective phasing-out of such facilities can be done  
20 while helping to ensure a just transition for the existing workforce.

21 (c) A public policy purpose would be served and the interests of the  
22 people of the state would be advanced by directing the New York state  
23 energy research and development authority, in consultation with the  
24 department of public service and department of environmental conserva-  
25 tion, to develop a study of strategies to facilitate the replacement and  
26 redevelopment of New York's oldest and most-polluting fossil fuel facil-  
27 ities and their sites by 2030, while ensuring resource adequacy.

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

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(d) It is the intent of the legislature in enacting this act to empower the New York state energy research and development authority, department of public service, and department of environmental conservation, to develop a study to facilitate the replacement and redevelopment of New York's oldest and most-polluting fossil fuel facilities and their sites by 2030, while ensuring resource adequacy, and for those entities and the public service commission, and any other agencies or authorities of the state as may be required, to commence any proceedings or other initiatives necessary to carry out the strategies described therein.

§ 3. The New York state energy research and development authority is authorized and directed to:

(a) develop a study of competitive options to facilitate the replacement and redevelopment of New York state's fossil fuel facilities and their sites by the year 2030, and to do so in consultation with the department of public service, the department of environmental conservation, and other relevant state agencies and authorities with subject matter expertise. The study should prioritize the replacement and redevelopment of fossil fuel facilities with facilities that will directly assist in achieving the energy, environmental justice and emissions reductions requirements of section 4 of the New York state climate leadership and community protection act. The study shall include recommendations of standards and requirements that:

(i) would significantly reduce the state's electricity system reliance on fossil fuels;

(ii) would provide significant environmental, health and other benefits to disadvantaged communities as such communities will be defined under section 75-0111 of the environmental conservation law; and

(iii) would have significant potential for job creation, economic development, and just transition opportunities benefiting New Yorkers.

(b) deliver the study to the governor, temporary president of the senate and speaker of the assembly within 180 days of the effective date of this section.

§ 4. The department of public service and department of environmental conservation are authorized and directed to commence proceedings and establish programs and other initiatives necessary to carry out the strategies described in the study referred to in section three of this act within 60 days of delivery of the study to the governor, temporary president of the senate and speaker of the assembly.

§ 5. The public service commission is authorized and directed to:

(a) commence a proceeding to implement the strategies described in the study referred to in section three of this act within 60 days of delivery of the study to the governor, temporary president of the senate and speaker of the assembly; and,

(b) issue an order regarding implementation of the strategies described in the study referred to in section three of this act, including but not limited to any competitive procurement processes, no later than July 30, 2023.

§ 6. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2022.