

STATE OF NEW YORK

9881--A

IN ASSEMBLY

April 19, 2022

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 for the downstate electricity system key to achieving the requirements
8 of 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

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

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1 redevelopment of New York's oldest and most-polluting fossil fuel facil-
2 ities and their sites by 2030, while ensuring resource adequacy.

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

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

14 (a) develop a study of competitive options to facilitate the phase
15 out, replacement and redevelopment of New York state's oldest and most-
16 polluting fossil fuel facilities and their sites by the year 2030, while
17 ensuring resource adequacy and other reliability services are main-
18 tained, and to do so in consultation with the department of public
19 service, the department of environmental conservation, other relevant
20 state agencies and authorities with subject matter expertise, the feder-
21 ally designated electric bulk system operator, the New York State Reli-
22 ability Council, and the owners of such facilities. The study should
23 prioritize the replacement and redevelopment of such fossil fuel facili-
24 ties with facilities that will directly assist in achieving the energy,
25 environmental justice and emissions reductions requirements of section
26 66-p of the public service law. The study shall include recommendations
27 of standards and requirements that:

28 (i) would significantly reduce the state's electricity system reliance
29 on fossil fuels, taking into account the requirements and timing of the
30 state's emission reduction programs;

31 (ii) would establish a competitive program to promote private sector
32 investment in eligible technologies that the public service commission
33 has determined, after notice and provision for the opportunity to
34 comment, ensure resource adequacy, while achieving the requirements of
35 section 66-p of the public service law;

36 (iii) would provide significant environmental, health and other bene-
37 fits to disadvantaged communities as such communities will be defined
38 under section 75-0111 of the environmental conservation law; and

39 (iv) would have significant potential for job creation and retention,
40 economic development, and just transition opportunities benefiting New
41 Yorkers and the state's workforce;

42 (b) provide public notice of the study and an opportunity for
43 public comment on the study of not less than sixty days and conduct at
44 least two public hearings on the study, with such public hearings
45 offering video participation and accessibility;

46 (c) address public comments and update the study, as appropriate,
47 especially to ensure resource adequacy and reliability services are
48 maintained; and

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

52 § 4. The department of public service and department of environmental
53 conservation are authorized and directed to commence proceedings and
54 stakeholder processes to establish programs and other initiatives neces-
55 sary to carry out the strategies, programs, standards, and requirements
56 described in the study referred to in section three of this act within

1 60 days of delivery of the study to the governor, temporary president of
2 the senate and speaker of the assembly.

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

4 (a) commence a proceeding to implement the strategies, programs, stan-
5 dards, and requirements described in the study referred to in section
6 three of this act within 60 days of delivery of the study to the gover-
7 nor, temporary president of the senate and speaker of the assembly; and,

8 (b) issue an order regarding implementation of the strategies,
9 programs, standards, and requirements described in the study referred to
10 in section three of this act, including but not limited to any compet-
11 itive procurement processes, no later than July 30, 2023.

12 § 6. This act shall take effect immediately.