

STATE OF NEW YORK

8405--A

Cal. No. 715

IN SENATE

February 23, 2022

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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-

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

LBD14767-02-2

tion, to develop a study of strategies 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.

(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 phase out, replacement and redevelopment of New York state's oldest and most-polluting fossil fuel facilities and their sites by the year 2030, while ensuring resource adequacy and other reliability services are maintained, and to do so in consultation with the department of public service, the department of environmental conservation, other relevant state agencies and authorities with subject matter expertise, the federally designated electric bulk system operator, the New York State Reliability Council, and the owners of such facilities. The study should prioritize the replacement and redevelopment of such fossil fuel facilities with facilities that will directly assist in achieving the energy, environmental justice and emissions reductions requirements of section 66-p of the public service law. The study shall include recommendations of standards and requirements that:

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

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

(iii) 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

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

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

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

(d) 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 stakeholder processes to establish programs and other initiatives necessary to carry out the strategies, programs, standards, and requirements

1 described in the study referred to in section three of this act within
2 60 days of delivery of the study to the governor, temporary president of
3 the senate and speaker of the assembly.

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

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

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

13 § 6. This act shall take effect immediately.