

STATE OF NEW YORK

4866

2023-2024 Regular Sessions

IN ASSEMBLY

February 24, 2023

Introduced by M. of A. KELLES, ZINERMAN, STECK -- 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 2031

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "fossil fuel facilities replacement and redevelopment blueprint
3 act".

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

6 (a) New York state, especially New York city, is reliant on fossil
7 fuels for energy production, making the transition to renewable sources
8 for the downstate electricity system key to achieving the requirements
9 of section 4 of the New York state climate leadership and community
10 protection act, including that seventy percent of the state's electric-
11 ity be from renewable energy sources by the year 2031 and that one
12 hundred percent of the state's electricity be from zero-emission sources
13 by the year 2041. A particular challenge is the reliance on fossil fuel
14 generation facilities that only operate when electricity demand peaks
15 above the average usage.

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

22 (c) A public policy purpose would be served and the interests of the
23 people of the state would be advanced by directing the New York state
24 energy research and development authority, in consultation with the

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

LBD06171-01-3

1 department of public service and department of environmental conserva-
2 tion, to develop a study of strategies to facilitate the replacement and
3 redevelopment of New York's oldest and most-polluting fossil fuel facil-
4 ities and their sites by 2031, while ensuring resource adequacy, with
5 renewable energy systems as defined in paragraph (b) of subdivision 1 of
6 section 66-p of the public service law, energy storage systems, and
7 electricity transmission and distribution systems and equipment.

8 (d) It is the intent of the legislature in enacting this act to
9 empower the New York state energy research and development authority,
10 department of public service, and department of environmental conserva-
11 tion, to develop a study as described in subdivision (a) of section
12 three of this act, and for those entities and the public service commis-
13 sion, and any other agencies or authorities of the state as may be
14 required, to commence any proceedings or other initiatives necessary to
15 carry out the strategies described therein.

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

18 (a) develop a study of competitive options to facilitate the phase
19 out, replacement and redevelopment of New York state's oldest and most-
20 polluting fossil fuel facilities and their sites by the year 2031, with
21 renewable energy systems as defined in paragraph (b) of subdivision 1 of
22 section 66-p of the public service law, energy storage systems, and
23 electricity transmission and distribution systems and equipment, while
24 ensuring resource adequacy and other reliability services are main-
25 tained, and to do so in consultation with the department of public
26 service, department of environmental conservation, Long Island power
27 authority, and other relevant state agencies and authorities with
28 subject matter expertise, the federally designated electric bulk system
29 operator, the New York State Reliability Council, and the owners of such
30 facilities. The study should prioritize the replacement and redevelop-
31 ment of such fossil fuel facilities with facilities that will directly
32 assist in achieving the energy, environmental justice and emissions
33 reductions requirements of section 66-p of the public service law. The
34 study shall include recommendations of standards and requirements that:

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

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

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

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

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

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

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

4 § 4. The department of public service, department of environmental
5 conservation, and Long Island power authority are authorized and
6 directed to commence proceedings and stakeholder processes to establish
7 programs and other initiatives necessary to carry out the strategies,
8 programs, standards, and requirements described in the study referred to
9 in section three of this act within 60 days of delivery of the study to
10 the governor, temporary president of the senate and speaker of the
11 assembly.

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

13 (a) commence a proceeding to implement the strategies, programs, stan-
14 dards, and requirements described in the study referred to in section
15 three of this act within 90 days of delivery of the study to the gover-
16 nor, temporary president of the senate and speaker of the assembly; and,

17 (b) issue an order regarding implementation of the strategies,
18 programs, standards, and requirements described in the study referred to
19 in section three of this act, including but not limited to any compet-
20 itive procurement processes, no later than July 30, 2024.

21 § 6. The Long Island power authority is authorized and directed to
22 establish a program in its service territory consistent with the author-
23 ization and direction of the public service commission in section five
24 of this act, and the objectives of this act.

25 § 7. This act shall take effect immediately.