

8005

I N S E N A T E

June 3, 2016

Introduced by Sens. SAVINO, AVELLA, HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, the public service law, the public authorities law, the labor law and the community risk and resiliency act, in relation to establishing the New York state climate and community protection act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and declaration. The legislature here-  
2 by enacts the "New York state climate and community protection act" and  
3 finds and declares that:  
4 1. Climate change is adversely affecting economic well-being, public  
5 health, natural resources, and the environment of New York. The adverse  
6 impacts of climate change include:  
7 a. an increase in the severity and frequency of extreme weather  
8 events, such as storms, flooding, and heat waves, which can cause direct  
9 injury or death, property damage, and ecological damage (e.g., through  
10 the release of hazardous substances into the environment);  
11 b. rising sea levels, which exacerbate damage from storm surges and  
12 flooding, contribute to coastal erosion and saltwater intrusion, and  
13 inundate low-lying areas, leading to the displacement of or damage to  
14 coastal habitat, property, and infrastructure;  
15 c. a decline in freshwater and saltwater fish populations;  
16 d. increased average temperatures, which increase the demand for air  
17 conditioning and refrigeration among residents and businesses;  
18 e. exacerbation of air pollution; and  
19 f. an increase in the incidences of infectious diseases, asthma  
20 attacks, heart attacks, and other negative health outcomes. These  
21 impacts are having a detrimental effect on some of New York's largest  
22 industries, including agriculture, commercial shipping, forestry, tour-  
23 ism, and recreational and commercial fishing. These impacts also place  
24 additional strain on the physical infrastructure that delivers critical

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

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1 services to the citizens of New York, including the state's energy,  
2 transportation, stormwater, and wastewater infrastructure.

3 2. The severity of current climate change and the threat of additional  
4 and more severe change will be affected by the actions undertaken by New  
5 York and other jurisdictions to reduce greenhouse gas emissions. Accord-  
6 ing to the U.S. Global Change Research Program (USGCRP) and the Inter-  
7 governmental Panel on Climate Change (IPCC), substantial reductions in  
8 greenhouse gas emissions will be required by mid-century in order to  
9 limit global warming to no more than 2°C and ideally 1.5°C, and thus  
10 minimize the risk of severe impacts from climate change. Specifically,  
11 industrialized countries must reduce their greenhouse gas emissions by  
12 at least 80% below 1990 levels by 2050 in order to stabilize carbon  
13 dioxide equivalent concentrations at 450 parts per million--the level  
14 required to stay within the 2°C target.

15 3. Action undertaken by New York to reduce greenhouse emissions will  
16 have an impact on global greenhouse gas emissions and the rate of  
17 climate change. In addition, such action will encourage other jurisdic-  
18 tions to implement complementary greenhouse gas reduction strategies and  
19 provide an example of how such strategies can be implemented. It will  
20 also advance the development of green technologies and sustainable prac-  
21 tices within the private sector, which can have far-reaching impacts  
22 such as a reduction in the cost of renewable energy components, and the  
23 creation of jobs and tax revenues in New York.

24 4. It shall therefore be a goal of the state of New York to reduce  
25 greenhouse gas emissions from all anthropogenic sources 100% over 1990  
26 levels by the year 2050, with an incremental target of at least a 50  
27 percent reduction in climate pollution by the year 2030, in line with  
28 USGCRP and IPCC projections of what is necessary to avoid the most  
29 severe impacts of climate change.

30 5. Although substantial emissions reductions are necessary to avoid  
31 the most severe impacts of climate change, complementary adaptation  
32 measures will also be needed to address those risks that cannot be  
33 avoided. Some of the impacts of climate change are already observable in  
34 New York state and the northeastern United States. Annual average  
35 temperatures are on the rise, winter snow cover is decreasing, heat  
36 waves and precipitation are intensifying, and sea levels along New  
37 York's coastline are approximately one foot higher than they were in  
38 1900. New York has also experienced an increasing number of extreme and  
39 unusual weather events, like Hurricanes Irene and Lee and the  
40 unprecedented Superstorm Sandy in 2012, which caused at least 53 deaths  
41 and \$32 billion in damage in New York state.

42 6. New York should therefore minimize the risks associated with  
43 climate change through a combination of measures to reduce statewide  
44 greenhouse gas emissions and improve the resiliency of the state with  
45 respect to the impacts and risks of climate change that cannot be  
46 avoided.

47 7. Climate change especially heightens the vulnerability of disadvan-  
48 taged communities, which bear environmental and socioeconomic burdens as  
49 well as legacies of racial and ethnic discrimination. Actions undertaken  
50 by New York state to mitigate greenhouse gas emissions should prioritize  
51 the safety and health of disadvantaged communities, control potential  
52 regressive impacts of future climate change mitigation and adaptation  
53 policies on these communities, and prioritize the allocation of public  
54 investments in these areas.

55 8. Creating good jobs and a thriving economy is a core concern of New  
56 York state. Shaping the ongoing transition in our energy sector to

1 ensure that it creates good jobs and protects workers and communities  
2 that may lose employment in the current transition must be key concerns  
3 of our climate policy. Setting clear standards for job quality and  
4 training standards encourages not only high-quality work but positive  
5 economic impacts.

6 9. Workers are at the front lines of climate change. Construction  
7 workers and building service workers were some of the first workers  
8 dedicated to cleaning up damage inflicted by recent storms. These work-  
9 ers were often operating in unsafe and toxic environments, cleaning up  
10 mold, and working in unstable buildings. In order to protect the health  
11 and welfare of these workers, it is in the interest of the state of New  
12 York to establish safe and healthy working conditions and proper train-  
13 ing for workers involved in climate change related activities. In addi-  
14 tion, much of the infrastructure work preparing our state for additional  
15 climate change events must happen quickly and efficiently. It is in the  
16 interest of the state to ensure labor harmony and promote efficient  
17 performance of work on climate change related work sites by requiring  
18 workers to be well-trained and adequately compensated.

19 10. Ensuring career opportunities are created and shared geograph-  
20 ically and demographically is necessary to ensure increased access to  
21 good jobs for marginalized communities while making the same neighbor-  
22 hoods more resilient. Climate change has a disproportionate impact on  
23 low-income people, women, and workers. It is in the interest of the  
24 state of New York to protect and promote the interests of these groups  
25 against the impacts of climate change and severe weather events and to  
26 advance our equity goals by ensuring quality employment opportunities in  
27 safe working environments.

28 11. The complexity of the ongoing energy transition, the uneven  
29 distribution of economic opportunity, and the disproportionate cumula-  
30 tive economic and environmental burdens on communities mean that there  
31 is a strong state interest in setting a floor statewide for labor stand-  
32 ards, but allowing and encouraging individual agencies and local govern-  
33 ments to raise standards.

34 12. By exercising a global leadership role on greenhouse gas miti-  
35 gation and climate change adaptation, New York will position its econo-  
36 my, technology centers, financial institutions, and businesses to bene-  
37 fit from national and international efforts to address climate change.  
38 New York state has already demonstrated leadership in this area by  
39 undertaking efforts such as:

40 a. executive order no. 24 (2009), establishing a goal to reduce green-  
41 house gas emissions 80% by the year 2050, creating a climate action  
42 council, and calling for preparation of a climate action plan;

43 b. chapter 433 of the laws of 2009, establishing a state energy plan-  
44 ning board and requiring the board to adopt a state energy plan;

45 c. chapter 388 of the laws of 2011, directing the department of envi-  
46 ronmental conservation to promulgate rules and regulations limiting  
47 emissions of carbon dioxide by newly constructed major generating facil-  
48 ities;

49 d. the adoption of a state energy plan establishing clean energy goals  
50 for the year 2030 aimed at reducing greenhouse gas emission levels by  
51 40% from 1990 levels, producing 50% of electricity from renewable sourc-  
52 es, and increasing energy efficiency from 2012 levels by 23%;

53 e. collaboration with other states on the Regional Greenhouse Gas  
54 Initiative, and the development of a regional low carbon fuel standard;

1 f. creation of new offices and task forces to address climate change,  
2 including the New York state office of climate change, the renewable  
3 energy task force, and the sea level rise task force; and

4 g. the enactment of the Community Risk and Resiliency Act (CRRA),  
5 which requires agencies to consider sea level rise and other climate-re-  
6 lated events when implementing certain state programs.

7 This legislation will build upon these past developments by creating a  
8 comprehensive regulatory program to reduce greenhouse gas emissions that  
9 corresponds with the targets established in executive order no. 24, the  
10 state energy plan, and USGCRP and IPCC projections.

11 S 2. The environmental conservation law is amended by adding a new  
12 article 75 to read as follows:

13 ARTICLE 75  
14 CLIMATE CHANGE

15 SECTION 75-0101. DEFINITIONS.

16 75-0103. NEW YORK STATE CLIMATE ACTION COUNCIL.

17 75-0105. GREENHOUSE GAS REPORTING.

18 75-0107. STATEWIDE GREENHOUSE GAS EMISSIONS LIMITS.

19 75-0109. SCOPING PLAN FOR STATEWIDE GREENHOUSE GAS EMISSIONS  
20 REDUCTIONS.

21 75-0111. PROMULGATION OF REGULATIONS TO ACHIEVE STATEWIDE GREEN-  
22 HOUSE GAS EMISSIONS REDUCTIONS.

23 75-0113. DISADVANTAGED COMMUNITIES WORKING GROUP.

24 75-0115. IMPLEMENTATION REPORTING.

25 S 75-0101. DEFINITIONS.

26 FOR THE PURPOSES OF THIS ARTICLE THE FOLLOWING TERMS SHALL HAVE THE  
27 FOLLOWING MEANINGS:

28 1. "ALLOWANCE" MEANS AN AUTHORIZATION TO EMIT, DURING A SPECIFIED  
29 YEAR, UP TO ONE TON OF CARBON DIOXIDE EQUIVALENT.

30 2. "ALTERNATIVE COMPLIANCE MECHANISM" MEANS AN ACTION UNDERTAKEN BY A  
31 GREENHOUSE GAS EMISSION SOURCE THAT ACHIEVES THE EQUIVALENT REDUCTION OF  
32 GREENHOUSE GAS EMISSIONS OVER THE SAME TIME PERIOD AS A DIRECT EMISSION  
33 REDUCTION, AND THAT IS APPROVED BY THE DEPARTMENT. SUCH MECHANISMS MAY  
34 INCLUDE BUT ARE NOT LIMITED TO A FLEXIBLE COMPLIANCE SCHEDULE, ALTERNA-  
35 TIVE CONTROL TECHNOLOGY, A PROCESS CHANGE, OR A PRODUCT SUBSTITUTION.

36 3. "CARBON DIOXIDE EQUIVALENT" MEANS THE AMOUNT OF CARBON DIOXIDE BY  
37 MASS THAT WOULD PRODUCE THE SAME GLOBAL WARMING IMPACT AS A GIVEN MASS  
38 OF ANOTHER GREENHOUSE GAS OVER AN INTEGRATED TWENTY-YEAR TIME FRAME  
39 AFTER EMISSION, BASED ON THE BEST AVAILABLE SCIENCE.

40 4. "CO-POLLUTANTS" MEANS HAZARDOUS AIR POLLUTANTS PRODUCED BY GREEN-  
41 HOUSE GAS EMISSIONS SOURCES.

42 5. "COUNCIL" MEANS THE NEW YORK STATE CLIMATE ACTION COUNCIL ESTAB-  
43 LISHED PURSUANT TO SECTION 75-0103 OF THIS ARTICLE.

44 6. "DIRECT EMISSION REDUCTION" MEANS A GREENHOUSE GAS EMISSION  
45 REDUCTION ACTION MADE BY A GREENHOUSE GAS EMISSION SOURCE AT THE SOURCE.

46 7. "DISADVANTAGED COMMUNITIES" MEANS COMMUNITIES THAT BEAR BURDENS OF  
47 NEGATIVE PUBLIC HEALTH EFFECTS, ENVIRONMENTAL POLLUTION, IMPACTS OF  
48 CLIMATE CHANGE, AND POSSESS CERTAIN SOCIOECONOMIC CRITERIA, AS IDENTI-  
49 FIED PURSUANT TO SECTION 75-0113 OF THIS ARTICLE.

50 8. "EMISSIONS REDUCTION MEASURES" MEANS PROGRAMS, MEASURES, STANDARDS,  
51 AND ALTERNATIVE COMPLIANCE MECHANISMS AUTHORIZED PURSUANT TO THIS CHAP-  
52 TER, APPLICABLE TO SOURCES OR CATEGORIES OF SOURCES, THAT ARE DESIGNED  
53 TO REDUCE EMISSIONS OF GREENHOUSE GASES.

54 9. "GREENHOUSE GAS" MEANS CARBON DIOXIDE, METHANE, NITROUS OXIDE,  
55 HYDROFLUOROCARBONS, PERFLUOROCARBONS, SULFUR HEXAFLUORIDE, AND ANY OTHER

1 SUBSTANCE EMITTED INTO THE AIR THAT MAY BE REASONABLY ANTICIPATED TO  
2 CAUSE OR CONTRIBUTE TO ANTHROPOGENIC CLIMATE CHANGE.

3 10. "GREENHOUSE GAS EMISSION LIMIT" MEANS AN AUTHORIZATION, DURING A  
4 SPECIFIED YEAR, TO EMIT UP TO A LEVEL OF GREENHOUSE GASES SPECIFIED BY  
5 THE DEPARTMENT, EXPRESSED IN TONS OF CARBON DIOXIDE EQUIVALENT.

6 11. "GREENHOUSE GAS EMISSION SOURCE" OR "SOURCE" MEANS ANY SOURCE OR  
7 CATEGORY OF SOURCES OF GREENHOUSE GAS EMISSIONS, DETERMINED BY THE  
8 DEPARTMENT TO BE CAPABLE OF BEING MONITORED FOR COMPLIANCE.

9 12. "LEAKAGE" MEANS A REDUCTION IN EMISSIONS OF GREENHOUSE GASES WITH-  
10 IN THE STATE THAT IS OFFSET BY AN INCREASE IN EMISSIONS OF GREENHOUSE  
11 GASES OUTSIDE OF THE STATE.

12 13. "MAJOR GREENHOUSE GAS EMISSION SOURCE" OR "MAJOR SOURCE" MEANS ANY  
13 SOURCE WHOSE EMISSIONS ARE AT A LEVEL OF SIGNIFICANCE, AS DETERMINED BY  
14 THE DEPARTMENT, THAT ITS PARTICIPATION IN THE PROGRAM ESTABLISHED UNDER  
15 THIS ARTICLE WILL ENABLE THE DEPARTMENT TO EFFECTIVELY REDUCE GREENHOUSE  
16 GAS EMISSIONS AND MONITOR COMPLIANCE WITH THE STATEWIDE GREENHOUSE GAS  
17 EMISSIONS LIMITS AS ESTABLISHED IN SECTION 75-0107 OF THIS ARTICLE. SUCH  
18 SOURCES SHALL INCLUDE, AT MINIMUM:

19 A. MANUFACTURERS, PRODUCERS, AND/OR DISTRIBUTORS OF FOSSIL FUELS,  
20 INCLUDING BUT NOT LIMITED TO OIL REFINERIES, OIL STORAGE FACILITIES,  
21 NATURAL GAS STORAGE FACILITIES, COMPRESSOR STATIONS, NATURAL GAS METER-  
22 ING AND REGULATOR STATIONS, AND NATURAL GAS PIPELINES;

23 B. ANY ELECTRIC GENERATING FACILITY OF 25 MEGAWATTS OR MORE THAT BURNS  
24 FOSSIL FUELS;

25 C. ANY STATIONARY SOURCE OF GREENHOUSE GAS EMISSIONS THAT EMITS 25,000  
26 METRIC TONS OR MORE OF CARBON DIOXIDE EQUIVALENT PER YEAR;

27 D. ANY OTHER SOURCE, CAPABLE OF BEING MEASURED, THAT THE DEPARTMENT  
28 DEEMS TO BE A MAJOR CONTRIBUTOR TO GREENHOUSE GAS EMISSIONS IN THIS  
29 STATE.

30 14. "MARKET-BASED COMPLIANCE MECHANISM" MEANS ANY OF THE FOLLOWING:

31 A. A PRICE ON GREENHOUSE GAS EMISSIONS FROM REGULATED SOURCES,  
32 EXPRESSED AS A FEE PER TON OF CARBON DIOXIDE EQUIVALENT RELEASED IN A  
33 GIVEN YEAR.

34 B. A SYSTEM OF MARKET-BASED DECLINING ANNUAL AGGREGATE EMISSIONS LIM-  
35 TATIONS FOR SOURCES OR CATEGORIES OF SOURCES THAT EMIT GREENHOUSE GASES.

36 C. GREENHOUSE GAS EMISSIONS EXCHANGES, BANKING, CREDITS, AND OTHER  
37 TRANSACTIONS, GOVERNED BY RULES AND REGULATIONS ESTABLISHED BY THE  
38 DEPARTMENT, FOLLOWING APPROVAL BY THE LEGISLATURE AND AFTER NO LESS THAN  
39 TWO PUBLIC HEARINGS, THAT RESULT IN THE SAME GREENHOUSE GAS EMISSION  
40 REDUCTION, OVER THE SAME TIME PERIOD, AS DIRECT COMPLIANCE WITH A GREEN-  
41 HOUSE GAS EMISSION LIMIT OR EMISSION REDUCTION MEASURE ADOPTED BY THE  
42 DEPARTMENT PURSUANT TO THIS ARTICLE.

43 15. "STATEWIDE GREENHOUSE GAS EMISSIONS" MEANS THE TOTAL ANNUAL EMIS-  
44 SIONS OF GREENHOUSE GASES IN THE STATE, INCLUDING, BUT NOT LIMITED TO,  
45 ALL EMISSIONS OF GREENHOUSE GASES FROM THE GENERATION OF ELECTRICITY  
46 DELIVERED TO AND CONSUMED IN NEW YORK, ACCOUNTING FOR TRANSMISSION AND  
47 DISTRIBUTION LINE LOSSES, WHETHER THE ELECTRICITY IS GENERATED IN STATE  
48 OR IMPORTED. STATEWIDE EMISSIONS SHALL BE EXPRESSED IN TONS OF CARBON  
49 DIOXIDE EQUIVALENTS.

50 16. "STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT" OR "STATEWIDE EMISSIONS  
51 LIMIT" MEANS THE MAXIMUM ALLOWABLE LEVEL OF STATEWIDE GREENHOUSE GAS  
52 EMISSIONS IN A SPECIFIED YEAR, AS DETERMINED BY THE DEPARTMENT PURSUANT  
53 TO THIS ARTICLE.

54 17. "ENVIRONMENTAL JUSTICE ADVISORY GROUP" SHALL MEAN THE PERMANENT  
55 ENVIRONMENTAL JUSTICE ADVISORY GROUP ESTABLISHED BY A CHAPTER OF THE  
56 LAWS OF TWO THOUSAND SIXTEEN AMENDING THE ENVIRONMENTAL CONSERVATION LAW

1 RELATING TO ESTABLISHING A PERMANENT ENVIRONMENTAL JUSTICE ADVISORY  
2 GROUP AND AN ENVIRONMENTAL JUSTICE INTERAGENCY COORDINATING COUNCIL, AS  
3 PROPOSED IN LEGISLATIVE BILLS NUMBERS S.1525 AND A.3063, RELATING TO  
4 ESTABLISHING A PERMANENT ENVIRONMENTAL JUSTICE ADVISORY GROUP AND AN  
5 ENVIRONMENTAL JUSTICE INTERAGENCY COORDINATING COUNCIL.

6 S 75-0103. NEW YORK STATE CLIMATE ACTION COUNCIL.

7 1. THERE IS HEREBY ESTABLISHED, WITHIN THE DEPARTMENT, THE NEW YORK  
8 STATE CLIMATE ACTION COUNCIL ("COUNCIL") WHICH SHALL CONSIST OF THE  
9 FOLLOWING TWENTY-THREE MEMBERS:

10 A. THE COMMISSIONERS OF TRANSPORTATION, HEALTH, ECONOMIC DEVELOPMENT,  
11 AGRICULTURE AND MARKETS, HOUSING AND COMMUNITY RENEWAL, GENERAL  
12 SERVICES, LABOR, ENVIRONMENTAL CONSERVATION, HOMELAND SECURITY AND EMER-  
13 GENY SERVICES, THE SUPERINTENDENT OF FINANCIAL SERVICES, THE PRESIDENTS  
14 OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT; NEW YORK POWER  
15 AUTHORITY; LONG ISLAND POWER AUTHORITY; NEW YORK POWER AUTHORITY AND  
16 DORMITORY OF THE STATE OF NEW YORK, OR THEIR DESIGNEE.

17 B. TWO MEMBERS APPOINTED BY THE GOVERNOR;

18 C. TWO MEMBERS TO BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
19 SENATE;

20 D. TWO MEMBERS TO BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

21 E. ONE MEMBER TO BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;  
22 AND

23 F. ONE MEMBER TO BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY.

24 2. THE AT LARGE MEMBERS SHALL INCLUDE AT ALL TIMES INDIVIDUALS WITH  
25 EXPERTISE IN ENVIRONMENTAL ISSUES RELATED TO CLIMATE CHANGE, ENVIRON-  
26 MENTAL JUSTICE, LABOR, AND REGULATED INDUSTRIES.

27 3. COUNCIL MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES  
28 BUT SHALL BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN  
29 THE PERFORMANCE OF THEIR DUTIES.

30 4. THE CHAIRPERSON OF THE COUNCIL SHALL BE THE COMMISSIONER OF ENVI-  
31 RONMENTAL CONSERVATION OR HIS OR HER DESIGNEE.

32 5. A MAJORITY OF THE MEMBERS OF THE COUNCIL SHALL CONSTITUTE A QUORUM.

33 6. ANY VACANCIES ON THE COUNCIL SHALL BE FILLED IN THE MANNER PROVIDED  
34 FOR IN THE INITIAL APPOINTMENT.

35 7. THE COUNCIL SHALL BE AUTHORIZED TO CONVENE ADVISORY PANELS TO  
36 ASSIST OR ADVISE IT IN AREAS REQUIRING SPECIAL EXPERTISE OR KNOWLEDGE.

37 8. THE DEPARTMENT SHALL PROVIDE THE COUNCIL WITH SUCH FACILITIES,  
38 ASSISTANCE AND DATA AS WILL ENABLE THE COUNCIL TO CARRY OUT ITS POWERS  
39 AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVI-  
40 SIONS THEREOF MAY, AT THE REQUEST OF THE CHAIRPERSON, PROVIDE THE COUN-  
41 CIL WITH SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL ENABLE THE COUN-  
42 CIL TO CARRY OUT ITS POWERS AND DUTIES.

43 9. THE COUNCIL SHALL CONSULT WITH THE DISADVANTAGED COMMUNITIES WORK-  
44 ING GROUP ESTABLISHED IN SECTION 75-0113 OF THIS ARTICLE, THE DEPARTMENT  
45 OF STATE UTILITY INTERVENTION UNIT, AND THE FEDERALLY DESIGNATED ELEC-  
46 TRIC BULK SYSTEM OPERATOR.

47 10. THE COUNCIL SHALL ADVISE THE DEPARTMENT ON:

48 A. THE DEVELOPMENT OF STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT RULES  
49 AND REGULATIONS, PURSUANT TO SECTION 75-0107 OF THIS ARTICLE, AND  
50 REDUCED GREENHOUSE GAS EMISSIONS REGULATIONS, PURSUANT TO SECTION  
51 75-0111 OF THIS ARTICLE.

52 B. THE PREPARATION OF A SCOPING PLAN FOR REDUCING GREENHOUSE GAS EMIS-  
53 SIONS, PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 75-0109 OF THIS  
54 ARTICLE.

55 S 75-0105. GREENHOUSE GAS REPORTING.

1 1. NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE,  
2 THE DEPARTMENT SHALL, AFTER AT LEAST TWO PUBLIC HEARINGS, PROMULGATE  
3 RULES AND REGULATIONS REQUIRING ANNUAL GREENHOUSE GAS EMISSIONS REPORT-  
4 ING FROM MAJOR GREENHOUSE GAS EMISSION SOURCES. THE REGULATIONS SHALL:

5 A. ESTABLISH A GREENHOUSE GAS EMISSIONS REGISTRY AND REPORTING SYSTEM  
6 FOR GREENHOUSE GAS EMISSION SOURCES, WHICH INCLUDES GREENHOUSE GAS EMIS-  
7 SIONS FROM ALL MAJOR GREENHOUSE GAS EMISSION SOURCES, EXPRESSED IN TONS  
8 OF CARBON DIOXIDE EQUIVALENTS;

9 B. ACCOUNT FOR BOTH DIRECT AND INDIRECT GREENHOUSE GAS EMISSIONS,  
10 INCLUDING EMISSIONS FROM ALL ELECTRICITY CONSUMED IN THE STATE, REGARD-  
11 LESS OF WHETHER SUCH ELECTRICITY WAS GENERATED WITHIN THE STATE OR  
12 IMPORTED FROM OUTSIDE THE STATE, AND ACCOUNTING FOR TRANSMISSION AND  
13 DISTRIBUTION LINE LOSSES;

14 C. ENSURE RIGOROUS AND CONSISTENT ACCOUNTING OF EMISSIONS AND PROVIDE  
15 REPORTING TOOLS AND FORMATS TO ENSURE COLLECTION OF NECESSARY DATA; AND

16 D. ENSURE THAT GREENHOUSE GAS EMISSION SOURCES MAINTAIN COMPREHENSIVE  
17 RECORDS OF ANY GREENHOUSE GAS EMISSIONS REPORTED FOR AT LEAST FIVE  
18 YEARS.

19 2. THE DEPARTMENT SHALL:

20 A. REVIEW AND UPDATE EMISSION REPORTING REQUIREMENTS AT LEAST EVERY  
21 FIVE YEARS;

22 B. MAKE REASONABLE EFFORTS TO MAKE ITS REPORTING REGULATIONS CONSIST-  
23 ENT WITH INTERNATIONAL, FEDERAL, AND OTHER STATES' GREENHOUSE GAS EMIS-  
24 SIONS REPORTING PROGRAMS; AND

25 C. PROVIDE COMPLIANCE ASSISTANCE TO SMALL BUSINESSES PURSUANT TO THE  
26 PROVISIONS OF SECTIONS 19-0313 AND 19-0315 OF THIS CHAPTER.

27 3. NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ARTICLE,  
28 AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL ISSUE A REPORT ON:

29 A. THE ANNUAL GREENHOUSE GAS EMISSIONS FROM ALL MAJOR GREENHOUSE GAS  
30 EMISSION SOURCES, INCLUDING THE RELATIVE CONTRIBUTION OF EACH MAJOR  
31 GREENHOUSE GAS EMISSION SOURCE TO THE STATEWIDE GREENHOUSE GAS EMIS-  
32 SIONS; AND

33 B. THE PROGRESS MADE BY THE DEPARTMENT IN ACHIEVING THE REQUIREMENTS  
34 OF THIS SECTION.

35 S 75-0107. STATEWIDE GREENHOUSE GAS EMISSIONS LIMITS.

36 1. NO LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ARTICLE,  
37 THE DEPARTMENT SHALL DETERMINE WHAT THE STATEWIDE GREENHOUSE GAS EMIS-  
38 SIONS LEVEL WAS IN 1990, AND, PURSUANT TO RULES AND REGULATIONS PROMUL-  
39 GATED AFTER AT LEAST ONE PUBLIC HEARING, ESTABLISH A STATEWIDE GREEN-  
40 HOUSE GAS EMISSIONS LIMIT AS A PERCENTAGE OF 1990 EMISSIONS, FOR THE  
41 FOLLOWING YEARS AS FOLLOWS:

42 A. 2020: 100% OF 1990 EMISSIONS.

43 B. 2025: 75% OF 1990 EMISSIONS.

44 C. 2030: 50% OF 1990 EMISSIONS.

45 D. 2035: 40% OF 1990 EMISSIONS.

46 E. 2040: 30% OF 1990 EMISSIONS.

47 F. 2045: 20% OF 1990 EMISSIONS.

48 G. 2050: 0% OF 1990 EMISSIONS.

49 2. IN ORDER TO ENSURE THE MOST ACCURATE DETERMINATION FEASIBLE, THE  
50 DEPARTMENT SHALL UTILIZE THE BEST AVAILABLE SCIENTIFIC, TECHNOLOGICAL,  
51 AND ECONOMIC INFORMATION ON GREENHOUSE GAS EMISSIONS AND CONSULT WITH  
52 THE COUNCIL, STAKEHOLDERS, AND THE PUBLIC IN ORDER TO ENSURE THAT ALL  
53 EMISSIONS ARE ACCURATELY REFLECTED IN ITS DETERMINATION OF 1990 EMIS-  
54 SIONS LEVELS.

55 S 75-0109. SCOPING PLAN FOR STATEWIDE GREENHOUSE GAS EMISSIONS  
56 REDUCTIONS.

1 1. ON OR BEFORE TWO YEARS OF THE EFFECTIVE DATE OF THIS ARTICLE, THE  
2 DEPARTMENT SHALL PREPARE AND APPROVE A SCOPING PLAN OUTLINING THE  
3 DEPARTMENT'S RECOMMENDATIONS FOR ATTAINING THE STATEWIDE GREENHOUSE GAS  
4 EMISSIONS LIMITS IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED IN SECTION  
5 75-0107 OF THIS ARTICLE.

6 2. THE DRAFT SCOPING PLAN SHALL BE DEVELOPED IN CONSULTATION WITH THE  
7 COUNCIL, ENVIRONMENTAL JUSTICE ADVISORY GROUP, AND THE DISADVANTAGED  
8 COMMUNITIES WORKING GROUP ESTABLISHED PURSUANT TO SECTION 75-0113 OF  
9 THIS ARTICLE AND OTHER STAKEHOLDERS.

10 A. THE DEPARTMENT AND THE COUNCIL SHALL HOLD AT LEAST SIX REGIONAL  
11 PUBLIC COMMENT HEARINGS ON THE DRAFT SCOPING PLAN, INCLUDING THREE MEET-  
12 INGS IN THE UPSTATE REGION AND THREE MEETINGS IN THE DOWNSTATE REGION,  
13 AND SHALL ALLOW AT LEAST ONE HUNDRED TWENTY DAYS FOR THE SUBMISSION OF  
14 PUBLIC COMMENT.

15 B. THE DEPARTMENT SHALL PROVIDE MEANINGFUL OPPORTUNITIES FOR PUBLIC  
16 COMMENT FROM ALL PERSONS WHO WILL BE IMPACTED BY THE PLAN, INCLUDING  
17 PERSONS LIVING IN DISADVANTAGED COMMUNITIES AS IDENTIFIED PURSUANT TO  
18 SECTION 75-0113 OF THIS ARTICLE.

19 C. ON OR BEFORE THIRTY MONTHS OF THE EFFECTIVE DATE OF THIS ARTICLE,  
20 THE DEPARTMENT SHALL SUBMIT THE FINAL SCOPING PLAN TO THE GOVERNOR, THE  
21 SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE AND  
22 POST SUCH PLAN ON ITS WEBSITE.

23 3. THE SCOPING PLAN SHALL IDENTIFY AND MAKE RECOMMENDATIONS ON REGULA-  
24 TORY MEASURES AND OTHER STATE ACTIONS THAT WILL ENSURE THE ATTAINMENT OF  
25 THE STATEWIDE GREENHOUSE GAS EMISSIONS LIMITS ESTABLISHED PURSUANT TO  
26 SECTION 75-0107 OF THIS ARTICLE. THE MEASURES AND ACTIONS CONSIDERED IN  
27 SUCH SCOPING PLAN SHALL AT A MINIMUM INCLUDE:

28 A. PERFORMANCE-BASED STANDARDS FOR SOURCES OF GREENHOUSE GAS EMIS-  
29 SIONS, INCLUDING BUT NOT LIMITED TO SOURCES IN THE TRANSPORTATION,  
30 BUILDING, INDUSTRIAL, COMMERCIAL, AND AGRICULTURAL SECTORS.

31 B. MARKET-BASED MECHANISMS TO REDUCE STATEWIDE GREENHOUSE GAS EMIS-  
32 SIONS OR EMISSIONS FROM A PARTICULAR SOURCE CATEGORY, INCLUDING AN EXAM-  
33 INATION OF: THE IMPOSITION OF FEES PER UNIT OF CARBON DIOXIDE EQUIVALENT  
34 EMITTED AND THE IMPOSITION OF EMISSIONS CAPS ACCOMPANIED BY A SYSTEM OF  
35 TRADABLE EMISSION ALLOWANCES.

36 C. MEASURES TO REDUCE EMISSIONS FROM THE ELECTRICITY SECTOR BY  
37 DISPLACING FOSSIL-FUEL FIRED ELECTRICITY WITH RENEWABLE ELECTRICITY OR  
38 ENERGY EFFICIENCY.

39 D. LAND-USE AND TRANSPORTATION PLANNING MEASURES AIMED AT REDUCING  
40 GREENHOUSE GAS EMISSIONS FROM MOTOR VEHICLES.

41 E. MEASURES TO ACHIEVE LONG-TERM CARBON SEQUESTRATION AND/OR PROMOTE  
42 BEST MANAGEMENT PRACTICES IN LAND USE, AGRICULTURE AND FORESTRY.

43 F. VERIFIABLE, ENFORCEABLE AND VOLUNTARY EMISSIONS REDUCTION MEASURES.

44 4. IN DEVELOPING SUCH PLAN THE DEPARTMENT SHALL:

45 A. CONSIDER ALL RELEVANT INFORMATION PERTAINING TO GREENHOUSE GAS  
46 EMISSIONS REDUCTION PROGRAMS IN OTHER STATES, REGIONS, LOCALITIES, AND  
47 NATIONS.

48 B. EVALUATE, USING THE BEST AVAILABLE ECONOMIC MODELS, EMISSION ESTI-  
49 MATION TECHNIQUES AND OTHER SCIENTIFIC METHODS, THE TOTAL POTENTIAL  
50 COSTS AND POTENTIAL ECONOMIC AND NON-ECONOMIC BENEFITS OF THE PLAN FOR  
51 REDUCING GREENHOUSE GASES, AND MAKE SUCH EVALUATION PUBLICLY AVAILABLE.  
52 IN CONDUCTING THIS EVALUATION, THE DEPARTMENT SHALL QUANTIFY:

53 I. THE ECONOMIC AND SOCIAL BENEFITS OF GREENHOUSE GAS EMISSIONS  
54 REDUCTIONS, TAKING INTO ACCOUNT THE FEDERAL SOCIAL COST OF CARBON, ANY  
55 OTHER TOOLS THAT THE DEPARTMENT DEEMS USEFUL AND PERTINENT FOR THIS  
56 ANALYSIS, AND ANY ENVIRONMENTAL, ECONOMIC AND PUBLIC HEALTH CO-BENEFITS



1 (SUCH AS THE REDUCTION OF CO-POLLUTANTS AND THE DIVERSIFICATION OF ENER-  
2 GY SOURCES); AND

3 II. THE COSTS OF IMPLEMENTING PROPOSED EMISSIONS REDUCTION MEASURES,  
4 AND THE EMISSIONS REDUCTIONS THAT THE DEPARTMENT ANTICIPATES ACHIEVING  
5 THROUGH THESE MEASURES.

6 C. TAKE INTO ACCOUNT THE RELATIVE CONTRIBUTION OF EACH SOURCE OR  
7 SOURCE CATEGORY TO STATEWIDE GREENHOUSE GAS EMISSIONS, AND THE POTENTIAL  
8 FOR ADVERSE EFFECTS ON SMALL BUSINESSES, AND RECOMMEND A DE MINIMIS  
9 THRESHOLD OF GREENHOUSE GAS EMISSIONS BELOW WHICH EMISSION REDUCTION  
10 REQUIREMENTS WILL NOT APPLY.

11 D. IDENTIFY MEASURES TO MAXIMIZE REDUCTIONS OF BOTH GREENHOUSE GAS  
12 EMISSIONS AND CO-POLLUTANTS IN DISADVANTAGED COMMUNITIES AS IDENTIFIED  
13 PURSUANT TO SECTION 75-0113 OF THIS ARTICLE.

14 5. THE DEPARTMENT SHALL UPDATE ITS PLAN FOR ACHIEVING THE STATEWIDE  
15 GREENHOUSE GAS EMISSIONS LIMITS AT LEAST ONCE EVERY FIVE YEARS AND SHALL  
16 MAKE SUCH UPDATES AVAILABLE TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY  
17 AND THE TEMPORARY PRESIDENT OF THE SENATE AND POST SUCH UPDATES ON ITS  
18 WEBSITE.

19 S 75-0111. PROMULGATION OF REGULATIONS TO ACHIEVE STATEWIDE GREENHOUSE  
20 GAS EMISSIONS REDUCTIONS.

21 1. NO LATER THAN THREE YEARS AFTER THE EFFECTIVE DATE OF THIS ARTICLE,  
22 THE DEPARTMENT, AFTER PUBLIC WORKSHOPS AND CONSULTATION WITH THE COUN-  
23 CIL, THE ENVIRONMENTAL JUSTICE ADVISORY GROUP, AND THE DISADVANTAGED  
24 COMMUNITIES WORKING GROUP ESTABLISHED PURSUANT TO SECTION 75-0113 OF  
25 THIS ARTICLE, REPRESENTATIVES OF REGULATED ENTITIES, COMMUNITY ORGANIZA-  
26 TIONS, ENVIRONMENTAL GROUPS, HEALTH PROFESSIONALS, LABOR UNIONS, MUNICI-  
27 PAL CORPORATIONS, TRADE ASSOCIATIONS AND OTHER STAKEHOLDERS, SHALL,  
28 AFTER NO LESS THAN TWO PUBLIC HEARINGS, PROMULGATE RULES AND REGULATIONS  
29 TO ENSURE COMPLIANCE WITH THE STATEWIDE EMISSIONS REDUCTION LIMITS.

30 2. THE REGULATIONS PROMULGATED BY THE DEPARTMENT PURSUANT TO THIS  
31 SECTION SHALL:

32 A. ENSURE THAT THE AGGREGATE EMISSIONS OF GREENHOUSE GASES FROM MAJOR  
33 AND MINOR SOURCES WILL NOT EXCEED THE STATEWIDE GREENHOUSE GAS EMISSIONS  
34 LIMITS ESTABLISHED IN SECTION 75-0107 OF THIS ARTICLE.

35 B. INCLUDE LEGALLY ENFORCEABLE EMISSIONS LIMITS, PERFORMANCE STAND-  
36 ARDS, OR OTHER REQUIREMENTS TO CONTROL EMISSIONS FROM MAJOR SOURCES.

37 C. INCLUDE MEASURES TO REDUCE EMISSIONS FROM MINOR SOURCES THAT HAVE A  
38 CUMULATIVELY SIGNIFICANT IMPACT ON STATEWIDE GREENHOUSE GAS EMISSIONS,  
39 SUCH AS MOTOR VEHICLES AND ELECTRIC GENERATING FACILITIES OF LESS THAN  
40 25 MEGAWATTS.

41 3. IN PROMULGATING THESE REGULATIONS, THE DEPARTMENT SHALL:

42 A. DESIGN AND IMPLEMENT ALL REGULATIONS IN A MANNER THAT SEEKS TO BE  
43 EQUITABLE, TO MINIMIZE COSTS AND TO MAXIMIZE THE TOTAL BENEFITS TO NEW  
44 YORK, AND ENCOURAGES EARLY ACTION TO REDUCE GREENHOUSE GAS EMISSIONS.

45 B. ENSURE THAT GREENHOUSE GAS EMISSIONS REDUCTIONS ACHIEVED ARE REAL,  
46 PERMANENT, QUANTIFIABLE, VERIFIABLE, AND ENFORCEABLE BY THE DEPARTMENT.

47 C. ENSURE THAT ACTIVITIES UNDERTAKEN TO COMPLY WITH THE REGULATIONS DO  
48 NOT RESULT IN A NET INCREASE IN CO-POLLUTANT EMISSIONS OR OTHERWISE  
49 DISPROPORTIONATELY BURDEN DISADVANTAGED COMMUNITIES AS IDENTIFIED PURSU-  
50 ANT TO SECTION 75-0113 OF THIS ARTICLE.

51 D. PRIORITIZE MEASURES TO MAXIMIZE NET REDUCTIONS OF GREENHOUSE GAS  
52 EMISSIONS AND CO-POLLUTANTS IN DISADVANTAGED COMMUNITIES AS IDENTIFIED  
53 PURSUANT TO SECTION 75-0113 OF THIS ARTICLE AND ENCOURAGE EARLY ACTION  
54 TO REDUCE GREENHOUSE GAS EMISSIONS AND CO-POLLUTANTS.

55 E. MINIMIZE LEAKAGE.

56 4. MARKET-BASED COMPLIANCE MECHANISMS.

1 A. THE DEPARTMENT MAY, WITH THE APPROVAL OF THE LEGISLATURE, INCLUDE  
2 IN THE REGULATIONS PROVISIONS FOR THE USE OF MARKET-BASED COMPLIANCE  
3 MECHANISMS TO COMPLY WITH THE REGULATIONS.

4 B. PRIOR TO THE INCLUSION OF ANY MARKET-BASED COMPLIANCE MECHANISM IN  
5 THE REGULATIONS, TO THE EXTENT FEASIBLE AND IN THE FURTHERANCE OF  
6 ACHIEVING THE STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT, THE DEPARTMENT  
7 SHALL DO ALL OF THE FOLLOWING:

8 I. CONSIDER THE POTENTIAL FOR DIRECT, INDIRECT, AND CUMULATIVE EMIS-  
9 SION IMPACTS FROM THESE MECHANISMS, INCLUDING LOCALIZED IMPACTS IN  
10 DISADVANTAGED COMMUNITIES AS IDENTIFIED PURSUANT TO SECTION 75-0113 OF  
11 THIS ARTICLE;

12 II. DESIGN ANY MARKET-BASED COMPLIANCE MECHANISM TO PREVENT ANY  
13 INCREASE IN THE EMISSIONS OF TOXIC AIR CONTAMINANTS OR CO-POLLUTANTS;  
14 AND

15 III. MAXIMIZE ADDITIONAL ENVIRONMENTAL, PUBLIC HEALTH, AND ECONOMIC  
16 BENEFITS FOR THE STATE OF NEW YORK AND FOR DISADVANTAGED COMMUNITIES  
17 IDENTIFIED PURSUANT TO SECTION 75-0113 OF THIS ARTICLE, AS APPROPRIATE.

18 C. SUCH REGULATIONS SHALL INCLUDE PROVISIONS GOVERNING HOW  
19 MARKET-BASED COMPLIANCE MECHANISMS MAY BE USED BY REGULATED ENTITIES  
20 SUBJECT TO GREENHOUSE GAS EMISSIONS LIMITS AND MANDATORY EMISSION  
21 REPORTING REQUIREMENTS TO ACHIEVE COMPLIANCE WITH THEIR GREENHOUSE GAS  
22 EMISSIONS LIMITS.

23 D. THE DEPARTMENT SHALL ENSURE THAT FORTY PERCENT OF ANY FUNDS  
24 COLLECTED PURSUANT TO ANY MARKET-BASED COMPLIANCE REGULATIONS PROMULGAT-  
25 ED UNDER THIS SECTION AS A RESULT OF LEGISLATIVE AUTHORIZATION, AND  
26 FUNDS AUTHORIZED BY THE PUBLIC SERVICE COMMISSION TO BE COLLECTED SOLELY  
27 FOR AND DIRECTED TO THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT  
28 AUTHORITY ARE INVESTED IN A MANNER WHICH WILL BENEFIT DISADVANTAGED  
29 COMMUNITIES, IDENTIFIED PURSUANT TO SECTION 75-0113 OF THIS ARTICLE,  
30 CONSISTENT WITH THE PURPOSES OF THIS ARTICLE, INCLUDING, BUT NOT LIMITED  
31 TO, INCREASED ACCESS TO RENEWABLE ENERGY, ENERGY EFFICIENCY, WEATHERIZA-  
32 TION, ZERO- AND LOW-EMISSION TRANSPORTATION, AND ADAPTATION OPPORTU-  
33 NITIES. THE DEPARTMENT SHALL CONSULT WITH THE DISADVANTAGED COMMUNITIES  
34 WORKING GROUP IN DEVELOPING AND CARRYING OUT SUCH INVESTMENTS.  
35 S 75-0113. DISADVANTAGED COMMUNITIES WORKING GROUP.

36 1. THERE IS HEREBY CREATED WITHIN THE DEPARTMENT, NO LATER THAN SIX  
37 MONTHS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, A "DISADVANTAGED COMMU-  
38 NITIES WORKING GROUP." SUCH WORKING GROUP WILL BE COMPRISED OF REPRESENT-  
39 TIVES FROM: ENVIRONMENTAL JUSTICE COMMUNITIES, THE DEPARTMENT, THE  
40 DEPARTMENT OF HEALTH AND THE DEPARTMENT OF LABOR.

41 A. ENVIRONMENTAL JUSTICE COMMUNITY REPRESENTATIVES SHALL BE MEMBERS OF  
42 COMMUNITIES OF COLOR, LOW-INCOME COMMUNITIES, AND COMMUNITIES BEARING  
43 DISPROPORTIONATE POLLUTION AND CLIMATE CHANGE BURDENS, OR SHALL BE  
44 REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS WITH EXPERIENCE AND A  
45 HISTORY OF ADVOCACY ON ENVIRONMENTAL JUSTICE ISSUES, AND SHALL INCLUDE  
46 AT LEAST THREE REPRESENTATIVES FROM NEW YORK CITY COMMUNITIES, THREE  
47 REPRESENTATIVES FROM RURAL COMMUNITIES, AND THREE REPRESENTATIVES FROM  
48 UPSTATE URBAN COMMUNITIES.

49 B. THE WORKING GROUP, IN COOPERATION WITH THE DEPARTMENT, THE DEPART-  
50 MENTS OF HEALTH AND LABOR, AND THE ENVIRONMENTAL JUSTICE ADVISORY GROUP,  
51 WILL ESTABLISH CRITERIA TO IDENTIFY DISADVANTAGED COMMUNITIES FOR THE  
52 PURPOSES OF CO-POLLUTANT REDUCTIONS, GREENHOUSE GAS EMISSIONS  
53 REDUCTIONS, REGULATORY IMPACT STATEMENTS, AND THE ALLOCATION OF INVEST-  
54 MENTS RELATED TO THIS ARTICLE.

1 C. DISADVANTAGED COMMUNITIES SHALL BE IDENTIFIED BASED ON GEOGRAPHIC,  
2 PUBLIC HEALTH, ENVIRONMENTAL HAZARD, AND SOCIOECONOMIC CRITERIA, WHICH  
3 SHALL INCLUDE BUT ARE NOT LIMITED TO:

4 (1) AREAS BURDENED BY CUMULATIVE ENVIRONMENTAL POLLUTION AND OTHER  
5 HAZARDS THAT CAN LEAD TO NEGATIVE PUBLIC HEALTH EFFECTS;

6 (2) AREAS WITH CONCENTRATIONS OF PEOPLE THAT ARE OF LOW INCOME, HIGH  
7 UNEMPLOYMENT, HIGH RENT BURDEN, LOW LEVELS OF HOME OWNERSHIP, LOW LEVELS  
8 OF EDUCATIONAL ATTAINMENT, OR MEMBERS OF GROUPS THAT HAVE HISTORICALLY  
9 EXPERIENCED DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY; AND

10 (3) AREAS VULNERABLE TO THE IMPACTS OF CLIMATE CHANGE SUCH AS FLOOD-  
11 ING, STORM SURGES, AND URBAN HEAT ISLAND EFFECTS.

12 2. BEFORE FINALIZING THE CRITERIA FOR IDENTIFYING DISADVANTAGED COMMU-  
13 NITIES AND IDENTIFYING DISADVANTAGED COMMUNITIES PURSUANT TO SUBDIVISION  
14 ONE OF THIS SECTION, THE DEPARTMENT SHALL PUBLISH DRAFT CRITERIA AND A  
15 DRAFT LIST OF DISADVANTAGED COMMUNITIES AND MAKE SUCH INFORMATION AVAIL-  
16 ABLE ON ITS WEBSITE.

17 A. THE DEPARTMENT SHALL HOLD AT LEAST SIX REGIONAL PUBLIC HEARINGS ON  
18 THE DRAFT CRITERIA AND THE DRAFT LIST OF DISADVANTAGED COMMUNITIES,  
19 INCLUDING THREE MEETINGS IN THE UPSTATE REGION AND THREE MEETINGS IN THE  
20 DOWNSTATE REGION, AND SHALL ALLOW AT LEAST ONE HUNDRED TWENTY DAYS FOR  
21 THE SUBMISSION OF PUBLIC COMMENT.

22 B. THE DEPARTMENT SHALL ALSO ENSURE THAT THERE ARE MEANINGFUL OPPORTU-  
23 NITIES FOR PUBLIC COMMENT FOR ALL PERSONS WHO WILL BE IMPACTED BY THE  
24 CRITERIA, INCLUDING PERSONS LIVING IN AREAS THAT MAY BE IDENTIFIED AS  
25 DISADVANTAGED COMMUNITIES UNDER THE PROPOSED CRITERIA.

26 3. THE GROUP WILL MEET NO LESS THAN ANNUALLY TO REVIEW THE CRITERIA  
27 AND METHODS USED TO IDENTIFY DISADVANTAGED COMMUNITIES AND MAY MODIFY  
28 SUCH METHODS TO INCORPORATE NEW DATA AND SCIENTIFIC FINDINGS. THE DISAD-  
29 VANTAGED COMMUNITIES WORKING GROUP SHALL REVIEW IDENTITIES OF DISADVAN-  
30 TAGED COMMUNITIES AND MODIFY SUCH IDENTITIES AS NEEDED.

31 S 75-0115. IMPLEMENTATION REPORTING.

32 1. THE DEPARTMENT SHALL, NOT LESS THAN EVERY FOUR YEARS, PUBLISH A  
33 REPORT WHICH SHALL INCLUDE RECOMMENDATIONS REGARDING THE IMPLEMENTATION  
34 OF GREENHOUSE GAS REDUCTION MEASURES.

35 2. THE REPORT SHALL, AT MINIMUM, INCLUDE:

36 A. WHETHER THE STATE IS ON TRACK TO MEET THE STATEWIDE GREENHOUSE GAS  
37 EMISSIONS LIMITS ESTABLISHED IN SECTION 75-0107 OF THIS ARTICLE.

38 B. AN ASSESSMENT OF EXISTING REGULATIONS AND WHETHER MODIFICATIONS ARE  
39 NEEDED TO ENSURE FULFILLMENT OF THE STATEWIDE GREENHOUSE GAS EMISSIONS  
40 LIMITS.

41 C. AN OVERVIEW OF SOCIAL BENEFITS FROM THE REGULATIONS OR OTHER MEAS-  
42 URES, INCLUDING REDUCTIONS IN GREENHOUSE GAS EMISSIONS AND COPOLLUTANTS,  
43 DIVERSIFICATION OF ENERGY SOURCES, AND OTHER BENEFITS TO THE ECONOMY,  
44 ENVIRONMENT, AND PUBLIC HEALTH, INCLUDING WOMEN'S HEALTH.

45 D. AN OVERVIEW OF COMPLIANCE COSTS FOR REGULATED ENTITIES AND FOR THE  
46 DEPARTMENT AND OTHER STATE AGENCIES.

47 E. WHETHER REGULATIONS OR OTHER GREENHOUSE GAS REDUCTION MEASURES  
48 UNDERTAKEN ARE EQUITABLE, MINIMIZE COSTS AND MAXIMIZE THE TOTAL BENEFITS  
49 TO THE STATE, AND ENCOURAGE EARLY ACTION.

50 F. WHETHER ACTIVITIES UNDERTAKEN TO COMPLY WITH STATE REGULATIONS  
51 DISPROPORTIONATELY BURDEN DISADVANTAGED COMMUNITIES AS IDENTIFIED PURSU-  
52 ANT TO SECTION 75-0113 OF THIS ARTICLE.

53 G. AN ASSESSMENT OF LOCAL BENEFITS AND IMPACTS OF ANY REDUCTIONS IN  
54 COPOLLUTANTS RELATED TO REDUCTIONS IN STATEWIDE AND LOCAL GREENHOUSE GAS  
55 EMISSIONS.

1 H. AN ASSESSMENT OF DISADVANTAGED COMMUNITIES' ACCESS TO OR COMMUNITY  
2 OWNERSHIP OF THE SERVICES AND COMMODITIES IDENTIFIED IN SECTION EIGHT OF  
3 THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN WHICH ADDED THIS ARTI-  
4 CLE.

5 I. WHETHER ENTITIES THAT HAVE VOLUNTARILY REDUCED THEIR GREENHOUSE GAS  
6 EMISSIONS PRIOR TO THE IMPLEMENTATION OF THIS ARTICLE RECEIVE APPROPRI-  
7 ATE CREDIT FOR EARLY VOLUNTARY REDUCTIONS.

8 J. RECOMMENDATIONS FOR FUTURE REGULATORY AND POLICY ACTION.

9 3. IN PREPARING THIS REPORT, THE DEPARTMENT SHALL, AT A MINIMUM,  
10 CONSULT WITH THE COUNCIL, AND THE DISADVANTAGED COMMUNITY WORK GROUP  
11 ESTABLISHED IN SECTION 75-0113 OF THIS ARTICLE.

12 4. THE REPORT SHALL BE PUBLISHED AND POSTED ON THE DEPARTMENT'S  
13 WEBSITE.

14 S 3. Subdivision 1 of section 54-1523 of the environmental conserva-  
15 tion law is amended by adding a new paragraph h to read as follows:

16 H. TO ESTABLISH AND IMPLEMENT EASILY-REPLICATED RENEWABLE ENERGY  
17 PROJECTS, INCLUDING SOLAR ARRAYS, HEAT PUMPS AND WIND TURBINES IN PUBLIC  
18 LOW-INCOME HOUSING IN SUBURBAN, URBAN AND RURAL AREAS.

19 S 4. The public service law is amended by adding a new section 66-o to  
20 read as follows:

21 S 66-O. ESTABLISHMENT OF A RENEWABLE ENERGY PROGRAM. 1. AS USED IN  
22 THIS SECTION:

23 (A) "ELECTRIC DISTRIBUTION COMPANY" MEANS AN INVESTOR-OWNED UTILITY  
24 THAT DISTRIBUTES ELECTRICITY WITHIN THIS STATE;

25 (B) "PREVAILING RATE OF WAGES" SHALL HAVE THE SAME MEANING AS SUCH  
26 TERM IS DEFINED IN PARAGRAPH A OF SUBDIVISION FIVE OF SECTION TWO  
27 HUNDRED TWENTY OF THE LABOR LAW; AND

28 (C) "RENEWABLE ENERGY SYSTEMS" MEANS SYSTEMS THAT GENERATE ELECTRICITY  
29 OR THERMAL ENERGY THROUGH USE OF THE FOLLOWING TECHNOLOGIES: SOLAR THER-  
30 MAL, PHOTOVOLTAICS, WIND, HYDROELECTRIC, GEOTHERMAL ELECTRIC, GEOTHERMAL  
31 GROUND SOURCE HEAT, TIDAL ENERGY, WAVE ENERGY, OCEAN THERMAL, OFFSHORE  
32 WIND AND FUEL CELLS WHICH DO NOT UTILIZE A FOSSIL FUEL RESOURCE IN THE  
33 PROCESS OF GENERATING ELECTRICITY.

34 2. NO LATER THAN JANUARY FIRST, TWO THOUSAND SEVENTEEN, THE COMMISSION  
35 SHALL ESTABLISH A PROGRAM TO REQUIRE THAT A MINIMUM OF FIFTY PERCENT OF  
36 THE STATEWIDE ELECTRIC CAPACITY SERVED BY ELECTRIC DISTRIBUTION COMPA-  
37 NIES REGULATED BY THE COMMISSION IN TWO THOUSAND THIRTY SHALL BE GENER-  
38 ATED BY RENEWABLE ENERGY SYSTEMS.

39 (A) THE PROGRAM SHALL ACHIEVE THE FOLLOWING INCREMENTAL MINIMUM  
40 PERCENTAGE CAPACITY LEVELS OF RENEWABLE ENERGY SYSTEMS WITHIN THE AREAS  
41 SERVED BY THE ELECTRIC DISTRIBUTION COMPANIES REGULATED BY THE COMMIS-  
42 SION:

43 (I) TWENTY-SEVEN PERCENT BY TWO THOUSAND SEVENTEEN;

44 (II) THIRTY PERCENT BY TWO THOUSAND TWENTY;

45 (III) FORTY PERCENT BY TWO THOUSAND TWENTY-FIVE; AND

46 (IV) FIFTY PERCENT BY TWO THOUSAND THIRTY.

47 (B) THE MINIMUM PERCENTAGE CAPACITY LEVELS ESTABLISHED PURSUANT TO  
48 PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE ACHIEVED THROUGH MINIMUM  
49 PROPORTIONAL OBLIGATIONS ON EACH ELECTRIC DISTRIBUTION COMPANY BASED ON  
50 THE TOTAL ANNUAL KILOWATT HOURS DISTRIBUTED AS DETERMINED BY THE COMMIS-  
51 SION, PROVIDED THAT THE COMMISSION MAY REQUIRE ELECTRIC DISTRIBUTION  
52 CORPORATIONS TO ACHIEVE DIFFERENT PROPORTIONAL SHARES.

53 (C) THE PROGRAM ESTABLISHED BY THE COMMISSION SHALL BE DESIGNED TO:

54 (I) BE COST-EFFECTIVE; (II) ENCOURAGE THE DEPLOYMENT OF RENEWABLE ENERGY  
55 SYSTEMS AT THE BULK ELECTRIC SYSTEM LEVEL AND BEHIND-THE-METER; (III)  
56 ALLOW FOR DIVERSITY IN THE SIZE AND GEOGRAPHIC LOCATION OF RENEWABLE

1 ENERGY SYSTEMS; (IV) ENABLE THE PARTICIPATION OF RESIDENTIAL AND NON-RE-  
2 SIDENTIAL CUSTOMERS, INCLUDING SPECIAL CONSIDERATION TO LOW-TO-MODERATE  
3 INCOME CUSTOMERS; (V) ENSURE THAT RENEWABLE ENERGY SYSTEMS WILL BE STRA-  
4 TEGICALLY LOCATED TO MINIMIZE PEAK LOAD IN CONSTRAINED AREAS; (VI)  
5 SUPPORT ELECTRIC SYSTEM RELIABILITY AND SECURITY; AND (VII) ACHIEVE ANY  
6 OTHER OBJECTIVES THE COMMISSION MAY ESTABLISH.

7 (D) IN DEVELOPING INCENTIVES FOR THE PROGRAM, THE COMMISSION SHALL  
8 CONSIDER THE VALUE OF RENEWABLE ENERGY SYSTEM COMPONENTS MANUFACTURED  
9 AND ASSEMBLED WITHIN THE STATE AND ANY OTHER CONSIDERATIONS DEEMED  
10 APPROPRIATE BY THE COMMISSION.

11 (E) THE COMMISSION SHALL ORDER EACH ELECTRIC DISTRIBUTION COMPANY TO  
12 FILE A PROGRAM PLAN BY JUNE FIRST, TWO THOUSAND SEVENTEEN, FOR THE  
13 PURPOSE OF FULFILLING ITS OBLIGATIONS ESTABLISHED PURSUANT TO THIS  
14 SUBDIVISION. THE COMMISSION SHALL APPROVE EACH SUCH PLAN, OR MAY MODIFY  
15 IT AS IT DEEMS APPROPRIATE, IF THE COMMISSION FINDS THAT THE PLAN WOULD  
16 RESULT IN ACHIEVEMENT OF THE COMPANY'S OBLIGATIONS, ENHANCES PROGRAM  
17 EFFICIENCY, AND MAXIMIZES RATEPAYER VALUE. NOTHING IN THIS SECTION SHALL  
18 BE CONSTRUED AS LIMITING THE ELECTRIC DISTRIBUTION COMPANIES' ABILITY TO  
19 PROPOSE, OR THE COMMISSION'S ABILITY TO APPROVE, A JOINT PROGRAM PLAN  
20 FOR ONE OR MORE ELECTRIC DISTRIBUTION COMPANIES.

21 3. NO LATER THAN JULY FIRST, TWO THOUSAND EIGHTEEN, AND EVERY TWO  
22 YEARS THEREAFTER, THE COMMISSION SHALL, AFTER NOTICE AND PROVISION FOR  
23 THE OPPORTUNITY TO COMMENT, ISSUE A COMPREHENSIVE REVIEW OF THE PROGRAM  
24 ESTABLISHED PURSUANT TO THIS SECTION. THE COMMISSION SHALL DETERMINE,  
25 AMONG OTHER MATTERS: (A) PROGRESS OF EACH ELECTRIC DISTRIBUTION COMPANY  
26 IN MEETING ITS OBLIGATIONS ESTABLISHED PURSUANT TO SUBDIVISION TWO OF  
27 THIS SECTION AND PROGRESS IN MEETING THE OVERALL ANNUAL TARGETS FOR  
28 DEPLOYMENT OF RENEWABLE ENERGY SYSTEMS; (B) THE REASONABLENESS OF EACH  
29 ELECTRIC DISTRIBUTION COMPANY'S OBLIGATIONS; (C) DISTRIBUTION OF SYSTEMS  
30 BY SIZE AND LOAD ZONE; AND (D) ANNUAL INCENTIVE COMMITMENTS AND EXPENDI-  
31 TURES. THE COMMISSION SHALL EVALUATE THE REASONABLENESS OF THE FUTURE  
32 ANNUAL TARGETS ESTABLISHED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO  
33 OF THIS SECTION AND DETERMINE WHETHER THE ANNUAL TARGETS SHOULD BE  
34 ACCELERATED, INCREASED OR EXTENDED. THE COMMISSION SHALL ALSO REVIEW THE  
35 INCENTIVE STRUCTURES AND ELECTRIC DISTRIBUTION COMPANIES' PROGRAM PLANS  
36 AND MAKE ADJUSTMENTS AS NECESSARY IN A MANNER THAT IS COST-EFFECTIVE.

37 4. THE COMMISSION MAY SUSPEND OR TERMINATE THE PROGRAM ESTABLISHED  
38 UNDER THIS SECTION OR SUSPEND AN ELECTRIC DISTRIBUTION COMPANY'S OBLI-  
39 GATIONS UNDER SUCH PROGRAM PROVIDED THAT THE COMMISSION, AFTER CONDUCT-  
40 ING A HEARING AS PROVIDED IN SECTION TWENTY OF THIS CHAPTER, MAKES A  
41 FINDING THAT THE PROGRAM IMPEDES THE PROVISION OF SAFE AND ADEQUATE  
42 ELECTRIC SERVICE OR THAT THERE IS A SIGNIFICANT INCREASE IN ARREARS OR  
43 UTILITY SERVICE DISCONNECTIONS THAT THE COMMISSION DETERMINES IS RELATED  
44 TO THE PROGRAM.

45 5. EVERY CONTRACTOR EMPLOYED PURSUANT TO THIS SECTION, NOT OTHERWISE  
46 REQUIRED TO PAY LABORERS, WORKERS OR MECHANICS THE PREVAILING RATE OF  
47 WAGES PURSUANT TO ARTICLE EIGHT OF THE LABOR LAW, SHALL PAY EMPLOYEES  
48 UNDER CONTRACT FOR THE DEVELOPMENT OF RENEWABLE ENERGY SYSTEMS RATED AT  
49 TWO HUNDRED FIFTY KILOWATTS OR MORE, A WAGE OF NOT LESS THAN THE  
50 PREVAILING RATE OF WAGES FOR SUCH WORK IN THE LOCALITY WHERE SUCH  
51 INSTALLATION OCCURS. THIS REQUIREMENT SHALL BE IN EFFECT FOR THE DURA-  
52 TION OF THE RECEIPT BY THE CONTRACTOR OF THE INCENTIVES ESTABLISHED  
53 PURSUANT TO THIS SECTION AND IN NO EVENT SHALL SUCH REQUIREMENT EXTEND  
54 BEYOND THE AVAILABILITY OF SUCH INCENTIVES. EVERY CONTRACTOR SUBJECT TO  
55 THE PROVISIONS OF THIS SUBDIVISION SHALL MAINTAIN PAYROLL RECORDS IN  
56 ACCORDANCE WITH SECTION TWO HUNDRED TWENTY OF THE LABOR LAW.

1 S 5. Section 1005 of the public authorities law is amended by adding a  
2 new subdivision 26 to read as follows:

3 26. A. FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL  
4 HAVE THE FOLLOWING MEANINGS:

5 (1) "PREVAILING RATE OF WAGES" SHALL HAVE THE SAME MEANING AS SUCH  
6 TERM IS DEFINED IN PARAGRAPH A OF SUBDIVISION FIVE OF SECTION TWO  
7 HUNDRED TWENTY OF THE LABOR LAW; AND

8 (2) "RENEWABLE ENERGY SYSTEMS" MEANS SYSTEMS THAT GENERATE ELECTRICITY  
9 OR THERMAL ENERGY THROUGH USE OF THE FOLLOWING TECHNOLOGIES: SOLAR THER-  
10 MAL, PHOTOVOLTAICS, WIND, HYDROELECTRIC, GEOTHERMAL ELECTRIC, GEOTHERMAL  
11 GROUND SOURCE HEAT, TIDAL ENERGY, WAVE ENERGY, OCEAN THERMAL, OFFSHORE  
12 WIND AND FUEL CELLS WHICH DO NOT UTILIZE A FOSSIL FUEL RESOURCE IN THE  
13 PROCESS OF GENERATING ELECTRICITY.

14 B. AS DEEMED FEASIBLE AND ADVISABLE BY THE TRUSTEES, NO LATER THAN  
15 JANUARY FIRST, TWO THOUSAND SEVENTEEN, THE AUTHORITY SHALL ESTABLISH A  
16 PROGRAM TO REQUIRE THAT A MINIMUM OF FIFTY PERCENT OF THE ELECTRIC  
17 CAPACITY SERVED BY THE AUTHORITY IN TWO THOUSAND THIRTY SHALL BE GENER-  
18 ATED BY RENEWABLE ENERGY SYSTEMS. THE PROPOSED PROGRAM SHALL FIRST BE  
19 MADE AVAILABLE TO THE PUBLIC, WITH NOTICE AND OPPORTUNITY FOR COMMENT,  
20 BEFORE FINAL ADOPTION BY THE AUTHORITY'S BOARD OF TRUSTEES.

21 (1) THE PROGRAM SHALL ACHIEVE THE FOLLOWING INCREMENTAL MINIMUM  
22 PERCENTAGE CAPACITY LEVELS OF RENEWABLE ENERGY SYSTEMS:

23 (I) TWENTY-SEVEN PERCENT BY TWO THOUSAND SEVENTEEN;

24 (II) THIRTY PERCENT BY TWO THOUSAND TWENTY;

25 (III) FORTY PERCENT BY TWO THOUSAND TWENTY-FIVE; AND

26 (IV) FIFTY PERCENT BY TWO THOUSAND THIRTY.

27 (2) THE PROGRAM ESTABLISHED BY THE AUTHORITY SHALL BE DESIGNED TO: (I)  
28 BE COST-EFFECTIVE; (II) ENCOURAGE THE DEPLOYMENT OF RENEWABLE ENERGY  
29 SYSTEMS AT THE BULK ELECTRIC SYSTEM LEVEL AND BEHIND-THE-METER; (III)  
30 ALLOW FOR DIVERSITY IN THE SIZE AND GEOGRAPHIC LOCATION OF RENEWABLE  
31 ENERGY SYSTEMS; (IV) ENABLE THE PARTICIPATION OF RESIDENTIAL AND NON-RE-  
32 SIDENTIAL CUSTOMERS, INCLUDING SPECIAL CONSIDERATION TO LOW-TO-MODERATE  
33 INCOME CUSTOMERS; (V) ENSURE THAT RENEWABLE ENERGY SYSTEMS WILL BE STRA-  
34 TEGICALLY LOCATED TO MINIMIZE PEAK LOAD IN CONSTRAINED AREAS; (VI)  
35 SUPPORT ELECTRIC SYSTEM RELIABILITY AND SECURITY; AND (VII) ACHIEVE ANY  
36 OTHER OBJECTIVES THE AUTHORITY MAY ESTABLISH.

37 C. IN DEVELOPING INCENTIVES FOR THE PROGRAM, THE AUTHORITY SHALL  
38 CONSIDER THE VALUE OF RENEWABLE ENERGY SYSTEM COMPONENTS MANUFACTURED  
39 AND ASSEMBLED WITHIN THE STATE AND ANY OTHER CONSIDERATIONS DEEMED  
40 APPROPRIATE BY THE AUTHORITY.

41 D. NO LATER THAN JULY FIRST, TWO THOUSAND EIGHTEEN, AND EVERY TWO  
42 YEARS THEREAFTER, THE AUTHORITY SHALL, AFTER NOTICE AND PROVISION FOR  
43 THE OPPORTUNITY TO COMMENT, ISSUE A COMPREHENSIVE REVIEW OF THE PROGRAM  
44 ESTABLISHED PURSUANT TO THIS SUBDIVISION. THE AUTHORITY SHALL DETERMINE,  
45 AMONG OTHER MATTERS: (1) PROGRESS IN MEETING ITS MINIMUM CAPACITY LEVELS  
46 FOR DEPLOYMENT OF RENEWABLE ENERGY SYSTEMS; (2) DISTRIBUTION OF SYSTEMS  
47 BY SIZE, AND LOAD ZONE; AND (3) ANNUAL INCENTIVE COMMITMENTS AND EXPEND-  
48 ITURES. THE AUTHORITY SHALL EVALUATE THE REASONABLENESS OF THE FUTURE  
49 MINIMUM CAPACITY LEVELS ESTABLISHED PURSUANT TO SUBPARAGRAPH ONE OF  
50 PARAGRAPH B OF THIS SUBDIVISION AND DETERMINE WHETHER THE MINIMUM CAPAC-  
51 ITY LEVELS SHOULD BE ACCELERATED, INCREASED OR EXTENDED. THE AUTHORITY  
52 SHALL ALSO REVIEW THE INCENTIVE STRUCTURES AND MAKE ADJUSTMENTS AS  
53 NECESSARY IN A MANNER THAT IS COST-EFFECTIVE.

54 E. THE AUTHORITY MAY SUSPEND OR TERMINATE THE PROGRAM ESTABLISHED  
55 UNDER THIS SECTION AFTER A FINDING THAT THE PROGRAM IMPEDES THE AUTHORI-

1 TY'S DUTY TO OBTAIN AND MAINTAIN A CONTINUOUS AND ADEQUATE SUPPLY OF  
2 DEPENDABLE ELECTRIC POWER AND ENERGY.

3 F. EVERY CONTRACTOR EMPLOYED PURSUANT TO THIS SUBDIVISION, NOT OTHER-  
4 WISE REQUIRED TO PAY LABORERS, WORKERS OR MECHANICS THE PREVAILING RATE  
5 OF WAGES PURSUANT TO ARTICLE EIGHT OF THE LABOR LAW, SHALL PAY EMPLOYEES  
6 UNDER CONTRACT FOR THE DEVELOPMENT OF RENEWABLE ENERGY SYSTEMS RATED AT  
7 TWO HUNDRED FIFTY KILOWATTS OR MORE A WAGE OF NOT LESS THAN THE PREVAIL-  
8 ING RATE OF WAGES FOR SUCH WORK IN THE LOCALITY WHERE SUCH INSTALLATION  
9 OCCURS. THIS REQUIREMENT SHALL BE IN EFFECT FOR THE DURATION OF THE  
10 RECEIPT BY THE CONTRACTOR OF THE INCENTIVES ESTABLISHED PURSUANT TO THIS  
11 SUBDIVISION AND IN NO EVENT SHALL SUCH REQUIREMENT EXTEND BEYOND THE  
12 AVAILABILITY OF SUCH INCENTIVES. EVERY CONTRACTOR SUBJECT TO THE  
13 PROVISIONS OF THIS PARAGRAPH SHALL MAINTAIN PAYROLL RECORDS IN ACCORD-  
14 ANCE WITH SECTION TWO HUNDRED TWENTY OF THE LABOR LAW.

15 S 6. Sections 1020-ii, 1020-jj and 1020-kk of the public authorities  
16 law, as renumbered by chapter 388 of the laws of 2011, are renumbered  
17 sections 1020-jj, 1020-kk and 1020-ll and a new section 1020-ii is added  
18 to read as follows:

19 S 1020-II. ESTABLISHMENT OF A RENEWABLE ENERGY PROGRAM. 1. AS USED IN  
20 THIS SECTION:

21 (A) "PREVAILING RATE OF WAGES" SHALL HAVE THE SAME MEANING AS SUCH  
22 TERM IS DEFINED IN PARAGRAPH A OF SUBDIVISION FIVE OF SECTION TWO  
23 HUNDRED TWENTY OF THE LABOR LAW; AND

24 (B) "RENEWABLE ENERGY SYSTEMS" MEANS SYSTEMS THAT GENERATE ELECTRICITY  
25 OR THERMAL ENERGY THROUGH USE OF THE FOLLOWING TECHNOLOGIES: SOLAR THER-  
26 MAL, PHOTOVOLTAICS, WIND, HYDROELECTRIC, GEOTHERMAL ELECTRIC, GEOTHERMAL  
27 GROUND SOURCE HEAT, TIDAL ENERGY, WAVE ENERGY, OCEAN THERMAL, OFFSHORE  
28 WIND AND FUEL CELLS WHICH DO NOT UTILIZE A FOSSIL FUEL RESOURCE IN THE  
29 PROCESS OF GENERATING ELECTRICITY.

30 2. NO LATER THAN JANUARY FIRST, TWO THOUSAND SEVENTEEN, THE AUTHORITY  
31 SHALL ESTABLISH A PROGRAM TO REQUIRE THAT A MINIMUM OF FIFTY PERCENT OF  
32 THE ELECTRIC CAPACITY SERVED BY THE AUTHORITY IN TWO THOUSAND THIRTY  
33 SHALL BE GENERATED BY RENEWABLE ENERGY SYSTEMS. THE PROPOSED PROGRAM  
34 SHALL FIRST BE MADE AVAILABLE TO THE PUBLIC, WITH NOTICE AND OPPORTUNITY  
35 FOR COMMENT, BEFORE FINAL ADOPTION BY THE BOARD.

36 (A) THE PROGRAM SHALL ACHIEVE THE FOLLOWING INCREMENTAL MINIMUM  
37 PERCENTAGE CAPACITY LEVELS OF RENEWABLE ENERGY SYSTEMS:

38 (I) TWENTY-SEVEN PERCENT BY TWO THOUSAND SEVENTEEN;

39 (II) THIRTY PERCENT BY TWO THOUSAND TWENTY;

40 (III) FORTY PERCENT BY TWO THOUSAND TWENTY-FIVE; AND

41 (IV) FIFTY PERCENT BY TWO THOUSAND THIRTY.

42 (B) THE PROGRAM ESTABLISHED BY THE AUTHORITY SHALL BE DESIGNED TO: (I)  
43 BE COST-EFFECTIVE; (II) ENCOURAGE THE DEPLOYMENT OF RENEWABLE ENERGY  
44 SYSTEMS AT THE BULK ELECTRIC SYSTEM LEVEL AND BEHIND-THE-METER; (III)  
45 ALLOW FOR DIVERSITY IN THE SIZE AND GEOGRAPHIC LOCATION OF RENEWABLE  
46 ENERGY SYSTEMS; (IV) ENABLE THE PARTICIPATION OF RESIDENTIAL AND NON-RE-  
47 SIDENTIAL CUSTOMERS, INCLUDING SPECIAL CONSIDERATION TO LOW-TO-MODERATE  
48 INCOME CUSTOMERS; (V) ENSURE THAT RENEWABLE ENERGY SYSTEMS WILL BE STRA-  
49 TEGICALLY LOCATED TO MINIMIZE PEAK LOAD IN CONSTRAINED AREAS; (VI)  
50 SUPPORT ELECTRIC SYSTEM RELIABILITY AND SECURITY; AND (VII) ACHIEVE ANY  
51 OTHER OBJECTIVES THE AUTHORITY MAY ESTABLISH.

52 (C) IN DEVELOPING INCENTIVES FOR THE PROGRAM, THE AUTHORITY SHALL  
53 CONSIDER THE VALUE OF RENEWABLE ENERGY SYSTEM COMPONENTS MANUFACTURED  
54 AND ASSEMBLED WITHIN THE STATE AND ANY OTHER CONSIDERATIONS DEEMED  
55 APPROPRIATE BY THE AUTHORITY.

1 3. NO LATER THAN JULY FIRST, TWO THOUSAND EIGHTEEN, AND EVERY TWO  
 2 YEARS THEREAFTER, THE AUTHORITY SHALL, AFTER NOTICE AND PROVISION FOR  
 3 THE OPPORTUNITY TO COMMENT, ISSUE A COMPREHENSIVE REVIEW OF THE PROGRAM  
 4 ESTABLISHED PURSUANT TO THIS SECTION. THE AUTHORITY SHALL DETERMINE,  
 5 AMONG OTHER MATTERS: (A) PROGRESS IN MEETING ITS MINIMUM CAPACITY LEVELS  
 6 FOR DEPLOYMENT OF RENEWABLE ENERGY SYSTEMS; (B) DISTRIBUTION OF SYSTEMS  
 7 BY SIZE AND LOAD ZONE; AND (C) ANNUAL INCENTIVE COMMITMENTS AND EXPENDI-  
 8 TURES. THE AUTHORITY SHALL EVALUATE THE REASONABLENESS OF THE FUTURE  
 9 MINIMUM CAPACITY LEVELS ESTABLISHED PURSUANT TO PARAGRAPH (A) OF SUBDI-  
 10 VISION TWO OF THIS SECTION AND DETERMINE WHETHER THE MINIMUM CAPACITY  
 11 LEVELS SHOULD BE ACCELERATED, INCREASED OR EXTENDED. THE AUTHORITY SHALL  
 12 ALSO REVIEW THE INCENTIVE STRUCTURES AND MAKE ADJUSTMENTS AS NECESSARY  
 13 IN A MANNER THAT IS COST-EFFECTIVE.

14 4. THE AUTHORITY MAY SUSPEND OR TERMINATE THE PROGRAM ESTABLISHED  
 15 UNDER THIS SECTION AFTER A FINDING THAT THERE IS A SIGNIFICANT INCREASE  
 16 IN ARREARS OR UTILITY SERVICE DISCONNECTIONS THAT THE AUTHORITY DETER-  
 17 MINES IS RELATED TO THE PROGRAM OR THAT THE PROGRAM IMPEDES THE AUTHORI-  
 18 TY'S DUTY TO OBTAIN AND MAINTAIN A CONTINUOUS AND ADEQUATE SUPPLY OF  
 19 DEPENDABLE ELECTRIC POWER AND ENERGY.

20 5. EVERY CONTRACTOR EMPLOYED PURSUANT TO THIS SECTION, NOT OTHERWISE  
 21 REQUIRED TO PAY LABORERS, WORKERS OR MECHANICS THE PREVAILING RATE OF  
 22 WAGES PURSUANT TO ARTICLE EIGHT OF THE LABOR LAW, SHALL PAY EMPLOYEES  
 23 UNDER CONTRACT FOR THE DEVELOPMENT OF RENEWABLE ENERGY SYSTEMS RATED AT  
 24 TWO HUNDRED FIFTY KILOWATTS OR MORE, A WAGE OF NOT LESS THAN THE  
 25 PREVAILING RATE OF WAGES FOR SUCH WORK IN THE LOCALITY WHERE SUCH  
 26 INSTALLATION OCCURS. THIS REQUIREMENT SHALL BE IN EFFECT FOR THE DURA-  
 27 TION OF THE RECEIPT BY THE CONTRACTOR OF THE INCENTIVES ESTABLISHED  
 28 PURSUANT TO THIS SECTION AND IN NO EVENT SHALL SUCH REQUIREMENT EXTEND  
 29 BEYOND THE AVAILABILITY OF SUCH INCENTIVES. EVERY CONTRACTOR SUBJECT TO  
 30 THE PROVISIONS OF THIS SUBDIVISION SHALL MAINTAIN PAYROLL RECORDS IN  
 31 ACCORDANCE WITH SECTION TWO HUNDRED TWENTY OF THE LABOR LAW.

32 S 7. The labor law is amended by adding a new article 8-B to read as  
 33 follows:

#### 34 ARTICLE 8-B

##### 35 LABOR AND JOB STANDARDS AND WORKER PROTECTION

36 SECTION 228. LABOR AND JOB STANDARDS AND WORKER PROTECTION.

37 S 228. LABOR AND JOB STANDARDS AND WORKER PROTECTION. 1. ALL STATE  
 38 AGENCIES INVOLVED IN IMPLEMENTING THE NEW YORK STATE CLIMATE AND COMMU-  
 39 NITY PROTECTION ACT SHALL ASSESS AND IMPLEMENT STRATEGIES TO INCREASE  
 40 EMPLOYMENT OPPORTUNITIES AND IMPROVE JOB QUALITY. WITHIN ONE HUNDRED  
 41 TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, ALL STATE AGENCIES,  
 42 OFFICES, AUTHORITIES, AND DIVISIONS SHALL REPORT TO THE LEGISLATURE ON:

43 A. STEPS THEY WILL TAKE TO ENSURE COMPLIANCE WITH THIS SECTION; AND  
 44 B. REGULATIONS NECESSARY TO ENSURE THAT THEY PRIORITIZE THE STATEWIDE  
 45 GOAL OF CREATING GOOD JOBS AND INCREASING EMPLOYMENT OPPORTUNITIES.

46 2. IN CONSIDERING AND ISSUING PERMITS, LICENSES, REGULATIONS,  
 47 CONTRACTS, AND OTHER ADMINISTRATIVE APPROVALS AND DECISIONS PURSUANT TO  
 48 THE NEW YORK STATE CLIMATE AND COMMUNITY PROTECTION ACT, ALL STATE AGEN-  
 49 CIES, OFFICES, AUTHORITIES, AND DIVISIONS SHALL APPLY THE FOLLOWING  
 50 LABOR, TRAINING, AND JOB QUALITY STANDARDS TO THE FOLLOWING PROJECT  
 51 TYPES: PUBLIC WORK; PROJECTS IN RECEIPT OF MORE THAN ONE HUNDRED THOU-  
 52 SAND DOLLARS IN TOTAL FINANCIAL ASSISTANCE; OR TO PROJECTS WITH A TOTAL  
 53 VALUE OF MORE THAN TEN MILLION DOLLARS; AND PRIVATELY-FINANCED PROJECTS  
 54 ON PUBLIC PROPERTY.

55 A. THE PAYMENT OF NO LESS THAN PREVAILING WAGES FOR ALL EMPLOYEES IN  
 56 CONSTRUCTION AND BUILDING, CONSISTENT WITH ARTICLE EIGHT OF THE THIS



1 CHAPTER, AND BUILDING SERVICES, CONSISTENT WITH ARTICLE NINE OF THIS  
2 CHAPTER;

3 B. THE INCLUSION OF CONTRACT LANGUAGE REQUIRING CONTRACTORS TO ESTAB-  
4 LISH LABOR HARMONY POLICIES; DISPUTE RESOLUTION MECHANISMS; PREVAILING  
5 WAGE COMPLIANCE; SAFETY POLICIES; WORKERS COMPENSATION INSURANCE  
6 (INCLUDING REVIEW OF CONTRACTOR EXPERIENCE RATING AND OTHER FACTORS);  
7 AND APPRENTICESHIP PROGRAM APPROPRIATE FOR CRAFTS EMPLOYED. PROCUREMENT  
8 RULES SHOULD ENCOURAGE BUNDLING OF SMALL CONTRACTS AND PROJECTS TO  
9 IMPROVE THE EFFICIENCY OF COMPLIANCE;

10 C. APPRENTICESHIP UTILIZATION:

11 I. THAT ALL CONTRACTORS AND SUBCONTRACTORS, INCLUDING THOSE THAT  
12 PARTICIPATE IN POWER PURCHASE AGREEMENTS, ENERGY PERFORMANCE CONTRACTS,  
13 OR OTHER SIMILAR PROGRAMS, PARTICIPATE IN APPRENTICESHIP PROGRAMS IN THE  
14 TRADES IN WHICH THEY ARE PERFORMING WORK;

15 II. MAXIMUM USE OF APPRENTICES AS PER DEPARTMENT OF LABOR APPROVED  
16 RATIOS;

17 III. ENCOURAGEMENT OF AFFILIATED PRE-APPRENTICE DIRECT ENTRY PROGRAMS,  
18 INCLUDING BUT NOT LIMITED TO EJM CONSTRUCTION SKILLS; NYC HELMETS TO  
19 HARDHATS, AND NONTRADITIONAL EMPLOYMENT FOR WOMEN (NEW) FOR THE RECRUIT-  
20 MENT OF LOCAL AND/OR DISADVANTAGED WORKERS;

21 IV. EXISTING WORKFORCE DEVELOPMENT PROGRAMS, INCLUDING THOSE AT THE  
22 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, SHOULD BE MADE  
23 TO CONFORM TO THESE STANDARDS.

24 3. THE COMMISSIONER, THE FISCAL OFFICER AND OTHER RELEVANT AGENCIES  
25 SHALL PROMULGATE SUCH REGULATIONS AS ARE NECESSARY TO IMPLEMENT AND  
26 ADMINISTER COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. THE DEPART-  
27 MENT AND THE FISCAL OFFICER SHALL COORDINATE WITH ORGANIZED LABOR AND  
28 LOCAL AND COUNTY LEVEL GOVERNMENTS TO IMPLEMENT A SYSTEM TO TRACK  
29 COMPLIANCE, ACCEPT REPORTS OF NON-COMPLIANCE FOR ENFORCEMENT ACTION, AND  
30 REPORT ANNUALLY ON THE ADOPTION OF THESE STANDARDS TO THE LEGISLATURE  
31 STARTING ONE YEAR FROM THE EFFECTIVE DATE OF THIS SECTION.

32 A. FOR THE PURPOSES OF THIS SECTION, "FISCAL OFFICER" SHALL MEAN THE  
33 INDUSTRIAL COMMISSIONER, EXCEPT FOR CONSTRUCTION AND BUILDING SERVICE  
34 WORK PERFORMED BY OR ON BEHALF OF A CITY, IN WHICH CASE "FISCAL OFFICER"  
35 SHALL MEAN THE COMPTROLLER OR OTHER ANALOGOUS OFFICER OF SUCH CITY.

36 B. THE PROVISIONS OF THE CONTRACT BY THE RECIPIENT OF FINANCIAL  
37 ASSISTANCE PERTAINING TO PREVAILING WAGES ARE TO BE CONSIDERED A  
38 CONTRACT FOR THE BENEFIT OF CONSTRUCTION AND BUILDING SERVICE WORKERS,  
39 UPON WHICH SUCH WORKERS SHALL HAVE THE RIGHT TO MAINTAIN ACTION FOR THE  
40 DIFFERENCE BETWEEN THE PREVAILING WAGE RATE OF PAY, BENEFITS, AND PAID  
41 LEAVE AND THE RATES OF PAY, BENEFITS, AND PAID LEAVE ACTUALLY RECEIVED  
42 BY THEM, AND INCLUDING ATTORNEY'S FEES.

43 C. I. WHERE A RECIPIENT OF FINANCIAL ASSISTANCE CONTRACTS BUILDING  
44 SERVICE WORK TO A BUILDING SERVICE CONTRACTOR, THE CONTRACTOR IS HELD TO  
45 THE SAME OBLIGATIONS WITH RESPECT TO PREVAILING WAGES AS THE RECIPIENT.  
46 THE RECIPIENT MUST INCLUDE TERMS ESTABLISHING THIS OBLIGATION WITHIN ANY  
47 CONTRACT SIGNED WITH A CONTRACTOR.

48 II. WHERE A RECIPIENT OF FINANCIAL ASSISTANCE CONTRACTS FOR  
49 CONSTRUCTION, EXCAVATION, DEMOLITION, REHABILITATION, REPAIR, RENO-  
50 VATION, ALTERATION OR IMPROVEMENT TO A SUBCONTRACTOR, THE SUBCONTRACTOR  
51 IS HELD TO THE SAME OBLIGATIONS WITH RESPECT TO PREVAILING WAGES AS THE  
52 RECIPIENT. THE RECIPIENT MUST INCLUDE TERMS ESTABLISHING THIS OBLIGATION  
53 WITHIN ANY CONTRACT SIGNED WITH A SUBCONTRACTOR.

54 4. FOR THE PURPOSES OF THIS SECTION "FINANCIAL ASSISTANCE" MEANS ANY  
55 PROVISION OF PUBLIC FUNDS TO ANY PERSON, INDIVIDUAL, PROPRIETORSHIP,  
56 PARTNERSHIP, JOINT VENTURE, CORPORATION, LIMITED LIABILITY COMPANY,

1 TRUST, ASSOCIATION, ORGANIZATION, OR OTHER ENTITY THAT RECEIVES FINAN-  
2 CIAL ASSISTANCE, OR ANY ASSIGNEE OR SUCCESSOR IN INTEREST OF REAL PROP-  
3 ERTY IMPROVED OR DEVELOPED WITH FINANCIAL ASSISTANCE, FOR ECONOMIC  
4 DEVELOPMENT WITHIN THE STATE, INCLUDING BUT NOT LIMITED TO CASH PAYMENTS  
5 OR GRANTS, BOND FINANCING, TAX ABATEMENTS OR EXEMPTIONS, INCLUDING BUT  
6 NOT LIMITED TO ABATEMENTS OR EXEMPTIONS FROM REAL PROPERTY, MORTGAGE  
7 RECORDING, SALES, AND USE TAXES, OR THE DIFFERENCE BETWEEN ANY PAYMENTS  
8 IN LIEU OF TAXES AND THE AMOUNT OF REAL PROPERTY OR OTHER TAXES THAT  
9 WOULD HAVE BEEN DUE IF THE PROPERTY WERE NOT EXEMPTED FROM SUCH TAXES,  
10 TAX INCREMENT FINANCING, FILING FEE WAIVERS, ENERGY COST REDUCTIONS,  
11 ENVIRONMENTAL REMEDIATION COSTS, WRITE-DOWNS IN THE MARKET VALUE OF  
12 BUILDINGS OR LAND, OR THE COST OF CAPITAL IMPROVEMENTS RELATED TO REAL  
13 PROPERTY FOR WHICH THE STATE WOULD NOT PAY ABSENT THE DEVELOPMENT  
14 PROJECT, AND INCLUDES BOTH DISCRETIONARY AND AS OF RIGHT ASSISTANCE. THE  
15 PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO PROJECTS RECEIVING MORE  
16 THAN ONE HUNDRED THOUSAND DOLLARS IN TOTAL FINANCIAL ASSISTANCE, OR TO  
17 PROJECTS WITH A TOTAL PROJECT VALUE OF MORE THAN TEN MILLION DOLLARS.

18 5. THE COMMISSIONER SHALL EVALUATE WHETHER THERE ARE ADDITIONAL STAND-  
19 ARDS THAT COULD BE APPLIED TO INCREASE WAGE AND BENEFIT STANDARDS OR TO  
20 ENCOURAGE A SAFE, WELL-TRAINED, AND ADEQUATELY COMPENSATED WORKFORCE.

21 6. NOTHING SET FORTH IN THIS SECTION SHALL BE CONSTRUED TO IMPEDE,  
22 INFRINGE, OR DIMINISH THE RIGHTS AND BENEFITS WHICH ACCRUE TO EMPLOYEES  
23 THROUGH BONA FIDE COLLECTIVE BARGAINING AGREEMENTS, OR OTHERWISE DIMIN-  
24 ISH THE INTEGRITY OF THE EXISTING COLLECTIVE BARGAINING RELATIONSHIP.

25 7. NOTHING SET FORTH IN THIS SECTION SHALL PRECLUDE A LOCAL GOVERNMENT  
26 FROM SETTING ADDITIONAL STANDARDS THAT EXPAND ON THESE STATE-WIDE STAND-  
27 ARDS.

28 S 8. Report on barriers to, and opportunities for, community ownership  
29 of services and commodities in disadvantaged communities. 1. On or  
30 before two years of the effective date of this act, the department of  
31 environmental conservation, with input from relevant state agencies, the  
32 environmental justice advisory group as defined in section 75-0101 of  
33 the environmental conservation law, the disadvantaged communities work-  
34 ing group as defined in section 75-0113 of the environmental conserva-  
35 tion law and Climate Action Council established in article 75 of the  
36 environmental conservation law, and following at least two public hear-  
37 ings, shall prepare a report on barriers to, and opportunities for,  
38 access to or community ownership of the following services and commod-  
39 ities in disadvantaged communities as identified in article 75 of the  
40 environmental conservation law:

41 a. Distributed renewable energy generation.

42 b. Energy efficiency and weatherization investments.

43 c. Zero-emission and low-emission transportation options.

44 d. Adaptation measures to improve the resilience of homes and local  
45 infrastructure to the impacts of climate change including but not limit-  
46 ed to microgrids.

47 e. Other services and infrastructure that can reduce the risks associ-  
48 ated with climate-related hazards, including but not limited to:

49 i. Shelters and cool rooms during extreme heat events;

50 ii. Shelters during flooding events; and

51 iii. Medical treatment for asthma and other conditions that could be  
52 exacerbated by climate-related events.

53 2. The report, which shall be submitted to the governor, the speaker  
54 of the assembly and the temporary president of the senate and posted on  
55 the department of environmental conservation website, shall include

1 recommendations on how to increase access to the services and commod-  
2 ities.

3 3. The department of environmental conservation shall amend the scop-  
4 ing plan for statewide greenhouse gas emissions reductions in accordance  
5 with the recommendations included in the report.

6 S 9. Climate change actions by state agencies. 1. All state agencies  
7 shall assess and implement strategies to reduce their greenhouse gas  
8 emissions.

9 2. In considering and issuing permits, licenses, and other administra-  
10 tive approvals and decisions, including but not limited to the execution  
11 of grants, loans, and contracts, all state agencies, offices, authori-  
12 ties, and divisions shall consider whether such decisions are inconsis-  
13 tent with or will interfere with the attainment of the statewide green-  
14 house gas emissions limits established in article 75 of the  
15 environmental conservation law. Where such decisions are deemed to be  
16 inconsistent with or will interfere with the attainment of the statewide  
17 greenhouse gas emissions limits, each agency, office, authority, or  
18 division shall, provide a detailed statement of justification as to why  
19 such limits/criteria may not be met, and, to the maximum extent practi-  
20 cable, identify alternatives or greenhouse gas mitigation measures to be  
21 required where such project is located.

22 3. In considering and issuing permits, licenses, and other administra-  
23 tive approvals and decisions, including but not limited to the execution  
24 of grants, loans, and contracts, pursuant to article 75 of the environ-  
25 mental conservation law, all state agencies, offices, authorities, and  
26 divisions shall not disproportionately burden disadvantaged communities  
27 as identified pursuant to subdivision 7 of section 75-0101 of the envi-  
28 ronmental conservation law. All state agencies, offices, authorities,  
29 and divisions shall also prioritize reductions of greenhouse gas emis-  
30 sions and co-pollutants in disadvantaged communities as identified  
31 pursuant to such subdivision 7 of section 75-0101 of the environmental  
32 conservation law.

33 S 10. Authorization for other state agencies to promulgate greenhouse  
34 gas emissions regulations. 1. The public service commission, the New  
35 York State energy research and development authority, the department of  
36 health, the department of transportation, the department of state, the  
37 department of economic development, the department of agriculture and  
38 markets, the department of financial services, the office of general  
39 services, the division of housing and community renewal, the public  
40 utility authorities established pursuant to titles 1, 1-A, 1-B, 11,  
41 11-A, 11-B, 11-C and 11-D of article 5 of the public authorities law and  
42 any other state agency may promulgate regulations to contribute to  
43 achieving the statewide greenhouse gas emissions limits established in  
44 article 75 of the environmental conservation law. Provided, however, any  
45 such regulations shall not limit the department of environmental conser-  
46 vation's authority to regulate and control greenhouse gas emissions  
47 pursuant to article 75 of the environmental conservation law.

48 S 11. Chapter 355 of the laws of 2014, constituting the "community  
49 risk and resiliency act", is amended by adding two new sections 17-a and  
50 17-b to read as follows:

51 S 17-A. THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL TAKE  
52 ACTIONS TO PROMOTE ADAPTATION AND RESILIENCE, INCLUDING:

53 (A) ACTIONS TO HELP STATE AGENCIES AND OTHER ENTITIES ASSESS THE  
54 REASONABLY FORESEEABLE RISKS OF CLIMATE CHANGE ON ANY PROPOSED PROJECTS,  
55 TAKING INTO ACCOUNT ISSUES SUCH AS: SEA LEVEL RISE, TROPICAL AND EXTRA-  
56 TROPICAL CYCLONES, STORM SURGES, FLOODING, WIND, CHANGES IN AVERAGE AND

1 PEAK TEMPERATURES, CHANGES IN AVERAGE AND PEAK PRECIPITATION, PUBLIC  
2 HEALTH IMPACTS, AND IMPACTS ON SPECIES AND OTHER NATURAL RESOURCES.

3 (B) THE MOST SIGNIFICANT CLIMATE-RELATED RISKS, TAKING INTO ACCOUNT  
4 THE PROBABILITY OF OCCURRENCE, THE MAGNITUDE OF THE POTENTIAL HARM, AND  
5 THE UNCERTAINTY OF THE RISK.

6 (C) MEASURES THAT COULD MITIGATE SIGNIFICANT CLIMATE-RELATED RISKS, AS  
7 WELL AS A COST-BENEFIT ANALYSIS AND IMPLEMENTATION OF SUCH MEASURES.

8 S 17-B. MAJOR PERMITS FOR THE REGULATORY PROGRAMS OF SUBDIVISION THREE  
9 OF SECTION 70-0107 OF THE ENVIRONMENTAL CONSERVATION LAW SHALL REQUIRE  
10 APPLICANTS TO DEMONSTRATE THAT FUTURE PHYSICAL CLIMATE RISK HAS BEEN  
11 CONSIDERED. IN REVIEWING SUCH INFORMATION THE DEPARTMENT MAY REQUIRE THE  
12 APPLICANT TO MITIGATE SIGNIFICANT RISKS TO PUBLIC INFRASTRUCTURE AND/OR  
13 SERVICES, PRIVATE PROPERTY NOT OWNED BY THE APPLICANT, ADVERSE IMPACTS  
14 ON DISADVANTAGED COMMUNITIES, AND/OR NATURAL RESOURCES IN THE VICINITY  
15 OF THE PROJECT.

16 S 12. Nothing in this act shall limit the existing authority of a  
17 state entity to adopt and implement greenhouse gas emissions reduction  
18 measures.

19 S 13. Nothing in this act shall relieve any person, entity, or public  
20 agency of compliance with other applicable federal, state, or local laws  
21 or regulations, including state air and water quality requirements, and  
22 other requirements for protecting public health or the environment.

23 S 14. Severability. If any word, phrase, clause, sentence, paragraph,  
24 section, or part of this act shall be adjudged by any court of competent  
25 jurisdiction to be invalid, such judgement shall not affect, impair, or  
26 invalidate the remainder thereof, but shall be confined in its operation  
27 to the word, phrase, clause, sentence, paragraph, section, or part ther-  
28 eof directly involved in the controversy in which such judgement shall  
29 have been rendered.

30 S 15. This act shall take effect on the same date and in the same  
31 manner as a chapter of the laws of 2016, amending the environmental  
32 conservation law, in relation to establishing a permanent environmental  
33 justice advisory group and an environmental justice interagency coordi-  
34 nating council, as proposed in legislative bills numbers A.3063 and  
35 S.1525, takes effect; provided further, the provisions of section seven  
36 of this act shall take effect on the one hundred eightieth day after it  
37 shall have become a law and shall apply to any grants, loans, and  
38 contracts and financial assistance awarded or renewed on or after such  
39 effective date.