

# STATE OF NEW YORK

11202

## IN ASSEMBLY

June 14, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cusick) --  
read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to  
mandatory greenhouse gas emissions and clean energy standard reporting

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

1 Section 1. The environmental conservation law is amended by adding a  
2 new article 20 to read as follows:

### ARTICLE 20

#### STATEWIDE GREENHOUSE GAS AND RENEWABLE ENERGY REPORTING AND TRANSPARENCY

##### Section 20-0101. Definitions.

##### 20-0103. Mandatory greenhouse gas emissions and clean energy standard reporting.

##### § 20-0101. Definitions.

##### When used in this article:

11 1. "Alternative compliance mechanism" means an action undertaken by a  
12 greenhouse gas emissions source that achieves the equivalent reduction  
13 of greenhouse gas emissions over the same time period as a direct emis-  
14 sion reduction, and that is approved by the department. Such term  
15 includes, but is not limited to, flexible compliance schedule, alterna-  
16 tive control technology, a process change, or a product substitution.

17 2. "Authority" means the New York state energy research and develop-  
18 ment authority.

19 3. "Carbon dioxide equivalent" means the amount of carbon dioxide by  
20 weight that would produce the same global warming impact as a given  
21 weight of another greenhouse gas, based on the best available science,  
22 including from the Intergovernmental Panel on Climate Change.

23 4. "Commission" means the public service commission.

24 5. "Cost-effective" means the cost per unit of reduced emissions of  
25 greenhouse gas adjusted for its global warming potential.

26 6. "Greenhouse gas" or "greenhouse gases" means and includes all of  
27 the following gases: carbon dioxide, methane, nitrous oxide, hydrofluo-  
28 rocarbons, perfluorocarbons and sulfur hexafluoride.

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

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1 7. "Greenhouse gas emissions sources" shall mean anthropogenic sources  
2 of greenhouse gas emissions including, but not be limited to, the trans-  
3 portation sector, energy sector, industrial sector, agricultural sector,  
4 and land use and forestry.

5 8. "Market-based compliance mechanism" means either of the following:

6 a. a system of market-based declining annual aggregate emissions limi-  
7 tations for sources or categories of sources that emit greenhouse gases;  
8 or

9 b. greenhouse gas emissions exchanges, banking, credits and other  
10 transactions, governed by rules and regulations established by the  
11 department, that result in the same greenhouse gas emission reduction,  
12 over the same time period, as direct compliance with greenhouse gas  
13 emission limits or emission reduction measures adopted by the department  
14 pursuant to this article.

15 § 20-0103. Mandatory greenhouse gas emissions and clean energy standard  
16 reporting.

17 1. The commission and the authority shall jointly examine, evaluate  
18 and make recommendations regarding the state's progress toward meeting  
19 the goals of the clean energy standard. The commission and the authority  
20 shall consult with and request data from all available entities and  
21 resources including, but not limited to, the New York independent system  
22 operator.

23 2. On or before December thirty-first, two thousand eighteen and annu-  
24 ally thereafter, the commission and the authority shall submit a joint  
25 report of their findings and recommendations to the governor and the  
26 legislature and shall submit with such report recommended regulations or  
27 legislative proposals as the commission and the department deem neces-  
28 sary to achieve the state's clean energy standard goals set for the year  
29 two thousand thirty.

30 3. The annual clean energy standard report required pursuant to subdi-  
31 vision two of this section shall include, but not be limited to:

32 a. a summary of progress toward meeting New York's clean energy stand-  
33 ard goals.

34 b. a summary of fees, charges and costs imposed by the commission from  
35 the implementation of clean energy standard, reforming energy vision,  
36 energy efficiency, distributed energy resources and zero emission cred-  
37 its. Such summary shall provide a percentage of the foregoing charges as  
38 applied to the average bill of a ratepayer of such utility.

39 c. a thorough accounting of resources in the renewable energy base-  
40 line, and analysis and recommendations for retaining such resources in  
41 the most cost effective manner, including analysis of competition for  
42 renewable resources in the region.

43 d. a report on the reliability of the state's current energy infras-  
44 tructure, including but not limited to, reports of any bottlenecks in  
45 the transmission of energy or any interruptions in service experienced  
46 by ratepayers throughout the state related to availability of generation  
47 or transmission.

48 e. a report on the reliability and availability of generation broken  
49 down by resource category including but not limited to nuclear, natural  
50 gas, coal, wind, solar and hydro generation sources.

51 f. analysis of the clean energy standard's consistency with section  
52 3-101 of the energy law, and the most recent state energy plan as devel-  
53 oped pursuant to section 6-104 of the energy law.

54 4. On or before December thirty-first, two thousand twenty-one, and  
55 every three years thereafter, the authority and the commission shall

1 include a detailed report of the greenhouse gas emissions in the clean  
2 energy standard report.

3 5. The greenhouse gas emissions report shall include, but not be  
4 limited to:

5 a. a summary of greenhouse gas emissions and carbon dioxide equiv-  
6 alents from each category of greenhouse gas emissions sources, beginning  
7 with the sources and categories of sources that contribute most to  
8 statewide emissions.

9 b. a description of the accounting methodology for measuring green-  
10 house gas emissions.

11 c. strategies and recommendations of policies the state could insti-  
12 tute to achieve the greenhouse gas emissions goal set in the clean ener-  
13 gy standard.

14 6. No later than December first, two thousand twenty the commission,  
15 in consultation with the authority, shall issue increasing annual  
16 targets for clean energy adoption for the years two thousand twenty-one  
17 through two thousand thirty, inclusive. Such annual targets shall be  
18 consistent with the clean energy standard goal of fifty percent renewa-  
19 ble energy by the year two thousand thirty.

20 7. The increasing annual targets issued by the commission shall  
21 include an analysis of cost-effective strategies the commission and the  
22 authority could implement to help achieve the annual clean energy stand-  
23 ard goals including, but not limited to, market based compliance mech-  
24 anisms, alternative compliance mechanisms, changes to resource eligibil-  
25 ity in existing programs, long term contracting authority, policies  
26 implemented in other jurisdictions, bundled power purchase agreements,  
27 transmission development and investments, and legislative changes.

28 § 2. This act shall take effect immediately.