

# STATE OF NEW YORK

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8809--A

## IN SENATE

July 20, 2020

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Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a heightened review of new permits for the operation of certain electric generation facilities to ensure consistency with state public interest standards; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. Legislative intent. It is the intent of this legislature to  
2 further the protection of the Hudson Valley region from the adverse  
3 effects of electric generation from fossil fuels in the Town of Wawayan-  
4 da. Such adverse effects include emissions of carbon dioxide, methane,  
5 and other pollutants that contribute to climate change, noise pollution,  
6 and damaging impacts on health, agriculture, tourism, viewshed, and the  
7 character of the surrounding community. Orange county is home to the  
8 "Black Dirt Region," an agriculturally significant region famous for its  
9 production of onions, among other products, and is also home to impor-  
10 tant recreational and tourist attractions, and ongoing review of facili-  
11 ty operations should take into account whether the electric generating  
12 facility's operation is in the public interest.

13 § 2. Notwithstanding any law to the contrary, for any permit decisions  
14 issued after the effective date of this act, the department of environ-  
15 mental conservation shall not issue any new permits, or any permit  
16 renewal for a facility subject to this act that is located in a county  
17 with a population of not less than three hundred fifty thousand and not  
18 more than four hundred thousand as determined by the most recent United  
19 States census, for the operation of an electric generating facility  
20 powered by natural gas or any other carbon fuel unless such facility  
21 demonstrates that it can operate in the public interest by demonstrating  
22 that its operation (i) is consistent with and will not substantially  
23 impede or interfere with the state's ability to meet the targets and  
24 goals in the climate leadership and protection act and (ii) does not

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

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1 negatively affect public health or safety, agriculture, viewshed, noise  
2 pollution, tourism and recreational opportunities, community character  
3 or environmental justice communities. The department of environmental  
4 conservation shall issue a written determination on whether the facility  
5 is in the public interest only after a public hearing and comment peri-  
6 od.

7 § 3. This act shall take effect immediately and shall expire and be  
8 deemed repealed on and after April 1, 2021.