

STATE OF NEW YORK

8809

IN SENATE

July 20, 2020

Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 deci-
14 sions, excluding renewals, issued after the effective date of this act,
15 the department of environmental conservation shall not issue any new
16 permits for the operation of an electric generating station powered by
17 natural gas or any other carbon fuel unless such facility demonstrates
18 that the station can operate in the public interest by demonstrating
19 that its operation is consistent with the state's climate goals and does
20 not negatively affect public health or safety, agriculture, viewshed,
21 tourism and recreational opportunities, or community character. The
22 department of environmental conservation shall issue a written determi-
23 nation on whether the facility is in the public interest only after a
24 public hearing and comment period.

25 § 3. This act shall take effect immediately and shall expire and be
26 deemed repealed on and after December 31, 2020.

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

LBD17009-02-0