STATE OF NEW YORK

8809--A

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 -- 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:

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

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

LBD17009-03-0

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

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 This act shall take effect immediately and shall expire and be deemed repealed on and after April 1, 2021.