

STATE OF NEW YORK

6039

2023-2024 Regular Sessions

IN ASSEMBLY

March 31, 2023

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the public service law, in relation to the state greenhouse gas emission accounting system

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

1 Section 1. Subdivision 2, paragraph e of subdivision 10 and subdivision
2 13 of section 75-0101 of the environmental conservation law, as
3 added by chapter 106 of the laws of 2019, are amended to read as
4 follows:

5 2. "Carbon dioxide equivalent" means the amount of carbon dioxide by
6 mass that would produce the same global warming impact as a given mass
7 of another greenhouse gas over an integrated [~~twenty-year~~] one hundred-
8 year time frame after emission.

9 e. Anaerobic digesters[~~, where energy produced is directed toward~~
10 ~~localized use~~];

11 13. "Statewide greenhouse gas emissions" means the total annual emis-
12 sions of greenhouse gases produced within the state from anthropogenic
13 sources; [~~and~~] greenhouse gases produced outside of the state that are
14 associated with the generation of electricity imported into the state;
15 and greenhouse gases produced outside the state that are associated with
16 the extraction and transmission of fossil fuels imported into the state.
17 Statewide emissions shall be expressed in tons of carbon dioxide equiv-
18 alents on a full life-cycle basis utilizing the Argonne GREET (green-
19 house gases, regulated emissions, and energy use in technologies) model
20 for all systems resulting in greenhouse gas emission sources in the
21 state, including the relative contribution of each type of greenhouse
22 gas and each type of source to the statewide total.

23 § 2. Section 75-0105 of the environmental conservation law, as added
24 by chapter 106 of the laws of 2019, is amended to read as follows:

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

LBD10231-02-3

1 § 75-0105. Statewide greenhouse gas emissions report.

2 1. No later than two years after the effective date of this article,
3 and each year thereafter, the department shall issue a report on state-
4 wide greenhouse gas emissions, expressed in tons of carbon dioxide
5 equivalents, [~~from all~~] on a full life-cycle basis utilizing the Argonne
6 GREET (greenhouse gases, regulated emissions, and energy use in technol-
7 ogies) model for all systems resulting in greenhouse gas emission sourc-
8 es in the state, including the relative contribution of each type of
9 greenhouse gas and each type of source to the statewide total.

10 2. The statewide greenhouse gas emissions report shall be a comprehen-
11 sive evaluation, informed by a variety of data, including [~~but not~~
12 ~~limited to~~]:

13 a. information relating to the use of fossil fuels by sector, includ-
14 ing for electricity generation, transportation, heating, and other
15 combustion purposes;

16 b. information relating to fugitive and vented emissions from systems
17 associated with the production, processing, transport, distribution,
18 storage, and consumption of fossil fuels, including natural gas;

19 c. information relating to emissions from non-fossil fuel sources,
20 including, but not limited to, garbage incinerators, biomass combustion,
21 landfills and landfill gas generators, and anaerobic digesters;

22 d. information relating to emissions associated with manufacturing,
23 chemical production, cement plants, and other processes that produce
24 non-combustion emissions; and

25 e. information from sources that may be required to participate in the
26 registration and reporting system pursuant to subdivision [~~four~~] three
27 of this section.

28 3. The statewide greenhouse gas emissions report shall also include an
29 estimate of greenhouse gas emissions associated with the generation of
30 imported electricity and with the extraction and transmission of fossil
31 fuels and with the production and transmission of biofuels imported into
32 the state which shall be counted as part of the statewide total.

33 4. Within one year after the effective date of this article, the
34 department shall consider establishing a mandatory registry and report-
35 ing system from individual sources to obtain data on greenhouse gas
36 emissions exceeding a particular threshold. If established, such regis-
37 try and reporting system shall apply a consistent reporting threshold to
38 ensure the unbiased collection of data.

39 5. The statewide greenhouse gas emissions report shall also include an
40 estimate of what the statewide greenhouse gas emissions level was in
41 1990.

42 6. The statewide greenhouse gas emissions report shall utilize best
43 available science and methods of analysis, including the comparison and
44 reconciliation of emission estimates from all sources, fuel consumption,
45 field data, and peer-reviewed research.

46 7. In accordance with internationally accepted best practices, carbon
47 dioxide emissions from the combustion of sustainable biomass and biofu-
48 els shall not be counted toward the statewide greenhouse gas emissions
49 limits pursuant to section 75-0107 of this article.

50 [~~7~~] 8. The statewide greenhouse gas emissions report shall clearly
51 explain the methodology and analysis used in the department's determi-
52 nation of greenhouse gas emissions and shall include a detailed explana-
53 tion of any changes in methodology or analysis, adjustments made to
54 prior estimates, as needed, and any other information necessary to
55 establish a scientifically credible account of change.

1 ~~[8-]~~ 9. The department shall hold at least two public hearings to seek
2 public input regarding the methodology and analysis used in the determi-
3 nation of statewide greenhouse gas emissions, and periodically thereaft-
4 er.

5 § 3. Paragraph g and subparagraph ii of paragraph h of subdivision 4
6 of section 75-0109 of the environmental conservation law, as added by
7 chapter 106 of the laws of 2019, are amended to read as follows:

8 g. The following types of projects shall be prohibited:

9 i. waste-to-energy projects, including incineration and pyrolysis of
10 fossil fuel products; and

11 ii. biofuels used for energy or transportation purposes.

12 ii. be located in the same county, ~~[and within twenty-five linear~~
13 ~~miles, of the source of emissions,~~] to the extent practicable;

14 § 4. Paragraph (b) of subdivision 1 of section 66-p of the public
15 service law, as added by chapter 106 of the laws of 2019, is amended to
16 read as follows:

17 (b) "renewable energy systems" means systems that generate electricity
18 or thermal energy through use of the following technologies: solar ther-
19 mal, photovoltaics, on land and offshore wind, hydroelectric, geothermal
20 electric, geothermal ground source heat, tidal energy, wave energy,
21 ocean thermal, anaerobic digestion, forest biopower that is operational
22 as of December thirty-first, two thousand twenty-two, and fuel cells
23 which do not utilize a fossil fuel resource in the process of generating
24 electricity.

25 § 5. This act shall take effect immediately.