STATE OF NEW YORK

5776

2023-2024 Regular Sessions

IN SENATE

March 15, 2023

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, the public authorities law and the environmental conservation law, in relation to enacting the "coal to gas plant conversion and redevelopment blueprint act"

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

Section 1. Short title. This act shall be known and may be cited as the "coal to gas plant conversion and redevelopment blueprint act".

§ 2. The public service law is amended by adding a new section 66-v to read as follows:

§ 66-v. Coal to gas plant conversion and redevelopment. 1. The New York state energy research and development authority is hereby authorized and directed to:

(a) conduct a study of competitive options to facilitate the phase out, replacement and redevelopment of the state's coal burning facilities and their sites by the year two thousand thirty-one, with gas facilities, and the appropriate transmission and distribution systems and equipment, if necessary, while ensuring resource adequacy and other reliability services are maintained, and to do so in consultation with the department, the department of environmental conservation, the Long Island power authority, and other relevant agencies, authorities and entities with subject matter expertise, including but not limited to the federally designated electric bulk system operator, the New York State Reliability Council, and the owners of such facilities. Such study shall prioritize the replacement and redevelopment of such coal burning facilities with gas facilities that will directly assist in achieving the energy, environmental justice and emissions reductions requirements of section sixty-six-p of this article. The study shall include recommendations of standards and requirements that:

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

LBD06168-04-3

(i) would significantly reduce the state's electricity system reliance on fossil fuels, taking into account the requirements and timing of the state's emission reduction programs;

(ii) would establish a competitive program to promote private sector investment in eligible technologies that the public service commission has determined, after notice and provision for the opportunity to comment, ensure resource adequacy, while achieving the requirements of section sixty-six-p of this article;

(iii) would provide significant environmental, health and other benefits to disadvantaged communities as defined in section 75-0111 of the environmental conservation law; and

(iv) would have significant potential for job creation and retention, economic development, and just transition opportunities benefiting New Yorkers and the state's workforce;

(b) receive and utilize new operating plans to convert coal burning plants to gas plants;

(c) provide public notice of the study and an opportunity for public comment on the study of not less than sixty days and conduct at least two public hearings on the study, with such public hearings offering video participation and accessibility;

(d) address public comments and update the study, as appropriate, especially to ensure resource adequacy and reliability services are maintained; and

(e) deliver the study to the governor, temporary president of the senate and speaker of the assembly within one hundred eighty days of the effective date of this section.

2. The department, the department of environmental conservation, and the Long Island power authority are hereby authorized and directed to commence proceedings and stakeholder processes to establish programs and other initiatives necessary to carry out the strategies, programs, standards, and requirements described in the study referred to in subdivision one of this section within sixty days of delivery of such study to the governor, temporary president of the senate and speaker of the assembly.

3. The commission is hereby authorized and directed to:

(a) commence a proceeding to implement the strategies, programs, standards, and requirements described in the study referred to in subdivision one of this section within ninety days of delivery of the study to the governor, temporary president of the senate and speaker of the assembly; and

(b) issue an order regarding implementation of the strategies, programs, standards, and requirements described in the study referred to in subdivision one of this section, including but not limited to any competitive procurement processes, no later than July thirtieth, two thousand twenty-five.

4. Notwithstanding any contrary provision of law, rule or regulation, beginning on the effective date of this section and thereafter, no approval shall be granted for any major electric generating facility or project that is proposed to be powered in whole or in part by coal.

5. The Long Island power authority is hereby authorized and directed to establish a program in its service territory consistent with the authorization and direction of the commission in accordance with this section and section one thousand twenty-nn of the public authorities law.

6. The department may establish a fund and funding system, providing for grants, loans and incentives to aid in the operating plans to convert coal burning plants to gas plants.

§ 3. The public service law is amended by adding a new section 168-a to read as follows:

§ 168-a. Board decisions; coal burning facilities. Notwithstanding any contrary provision of section one hundred sixty-eight of this article, or any other contrary provision of this chapter or any other law, rule or regulation, beginning on the effective date of this section and thereafter, no certificate or amendment thereof for the construction or operation of a facility subject to the provisions of this article, either as proposed or as modified, shall be granted by the board for any facility that is powered or proposed to be powered in whole or in part by coal.

§ 4. Section 168 of the public service law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any contrary provision of this section, or any other contrary provision of this chapter or any other law, rule or regulation, beginning on the effective date of this subdivision and thereafter no certificate or amendment thereof for the construction or operation of any facility subject to the provisions of this article, either as proposed or as modified, shall be granted by the board for any such facility that is powered or proposed to be powered in whole or in part by coal.

§ 5. The public authorities law is amended by adding a new section 1020-nn to read as follows:

§ 1020-nn. Coal to gas plant conversion and redevelopment. 1. The authority, the department of public service and the department of environmental conservation are hereby authorized and directed to commence proceedings and stakeholder processes to establish programs and other initiatives necessary to carry out the strategies, programs, standards, and requirements described in the coal to gas plant conversion and redevelopment study required pursuant to section sixty-six-u of the public service law no later than sixty days following the delivery of such study to the governor, temporary president of the senate and speaker of the assembly pursuant to paragraph (e) of subdivision one of section sixty-six-v of the public service law.

2. The authority shall establish a program in its service territory consistent with the authorization and direction of the public service commission in accordance with subdivisions three and five of section sixty-six-v of the public service law.

§ 6. The public authorities law is amended by adding a new section 1874 to read as follows:

§ 1874. Coal to gas plant conversion and redevelopment. The authority shall, in consultation with the department of public service, the department of environmental conservation, the Long Island power authority and other relevant state agencies and authorities with subject matter expertise, conduct a study of competitive options to facilitate the phase out, replacement and redevelopment of coal burning facilities and their sites into gas plants by the year two thousand thirty-one and shall deliver a report of its findings thereon to the governor, temporary president of the senate and speaker of the assembly in accordance with all applicable provisions of section sixty-six-v of the public service law.

§ 7. Section 19-0301 of the environmental conservation law is amended by adding a new subdivision 6 to read as follows:

6. The department, the department of public service and the Long Island power authority are hereby directed to commence proceedings and stakeholder processes to establish programs and other initiatives necessary to carry out the strategies, programs, standards, and requirements described in the coal to gas plant conversion and redevelopment study conducted pursuant to subdivision one of section sixty-six-v of the public service law no later than sixty days following the delivery of such study to the governor, temporary president of the senate and speaker of the assembly pursuant to paragraph (e) of subdivision one of section sixty-six-v of the public service law.

§ 8. This act shall take effect immediately.