STATE OF NEW YORK

1695

2023-2024 Regular Sessions

IN SENATE

January 13, 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 and the environmental conservation law, in relation to eliminating coal burning and coal use

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

Section 1. The public service law is amended by adding a new section 66-u to read as follows:

§ 66-u. Coal burn and use prohibited. 1. The commission is authorized and directed to develop rules and plans for the elimination of coal burning and coal use which shall include requirements that beginning after December thirty-first, two thousand twenty-four, the commission shall not:

(a) approve any new or renewed power purchase agreement that proposes to burn or consume coal to generate electricity; or

(b) issue or renew any permit to an owner or operator of a facility which will burn or consume coal to generate electricity.

2. The burning of coal may be authorized where it is necessary for a manufacturing use or purpose, in chemical products, for pharmaceutical purposes, for agricultural purposes, in chemical products, for pharmaceutical purposes, for agricultural purposes, or for the operation of a laboratory, crematorium, commercial kitchen, or where used for reliability, emergency, back-up fuel or standby power, or other use allowed by rule of the commission, to the extent necessary for, and in the space occupied by such use or purpose.

3. Notwithstanding the provisions set forth in subdivision two of this section, no facility shall be approved where the commission finds that there will be significant, adverse and disproportionate environmental impacts to disadvantaged communities resulting from the construction or operation of a facility.

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

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§ 2. Section 19-0311 of the environmental conservation law is amended by adding a new subdivision 6 to read as follows:

6. a. Beginning after December thirty-first, two thousand twenty-four the department shall not issue or renew certificates for any major coal burning electric generating facility.

b. The burning of coal may be permitted where it is necessary for a manufacturing use or purpose, in chemical products, for pharmaceutical purposes, for agricultural purposes, or for the operation of a laboratory, crematorium, commercial kitchen, or where used for reliability needs, emergency, back-up fuel or standby power, or other use allowed by rule of the department, to the extent necessary for, and in the space occupied by such use or purpose.

c. Notwithstanding the provisions set forth in paragraph b of this subdivision, no facility shall be approved where the department finds that there will be significant, adverse and disproportionate environmental impacts to disadvantaged communities resulting from the construction or operation of a facility.

§ 3. The environmental conservation law is amended by adding a new section 37-0123 to read as follows:

§ 37-0123. Prohibition against certain coal.

1. No person shall permit the burning of coal within any building.

2. No person shall sell or offer for sale bituminous coal that is pre-packed.

3. No person shall sell or offer for sale loose coal directly to a consumer.

4. No coal shall be used for the purpose of providing heating for any building or facility in the state, unless provided an exemption pursuant to subdivision five of this section.

5. The burning of coal may be authorized where it is necessary for a manufacturing use or purpose, in chemical products, for pharmaceutical purposes, for agriculture purposes, or for the operation of a laboratory, crematorium, commercial kitchen, or where used for reliability, emergency, back-up fuel or standby power, or other use allowed by rule of the department, to the extent necessary for, and in the space occupied by such use or purpose.

6. Notwithstanding the provisions set forth in subdivision five of this section, no facility shall be approved where the department finds that there will be significant, adverse and disproportionate environmental impacts to disadvantaged communities resulting from the construction or operation of a facility.

§ 4. This act shall take effect immediately.