

# STATE OF NEW YORK

2689

2023-2024 Regular Sessions

## IN SENATE

January 24, 2023

Introduced by Sens. BRESLIN, BRISPORT, GOUNARDES, HOYLMAN-SIGAL, KRUEGER, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the executive law and the public authorities law, in relation to the utilization of renewable energy at state-owned facilities in Albany

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

1 Section 1. This act shall be known and may be cited as the "Renewable  
2 Capitol Act".

3 § 2. The executive law is amended by adding a new section 204 to read  
4 as follows:

5 § 204. Renewable capitol project. 1. For the purpose of this section,  
6 the following terms shall have the following meanings:

7 (a) The "advisory committee" shall mean the committee established  
8 pursuant to paragraph (b) of subdivision three of this section.

9 (b) The "CLCPA" shall mean the New York state climate leadership and  
10 community protection act enacted as chapter one hundred six of the laws  
11 of two thousand nineteen, as it shall from time to time be amended.

12 (c) "Co-pollutants" shall have the same meaning as set forth in subdi-  
13 vision three of section 75-0101 of the environmental conservation law.

14 (d) "Emergency generator" shall mean the set of diesel generators  
15 located on Sheridan Avenue in Albany, New York as of the effective date  
16 of this section, that are intended to power the empire state plaza  
17 complex during an emergency fault condition causing an interruption to  
18 normal electricity service from the grid.

19 (e) "Empire state plaza complex" or the "complex" shall mean the  
20 complex of state-owned buildings and the land thereon in Albany, New  
21 York that utilize the steam distribution network of the Sheridan Avenue  
22 steam plant, including what are popularly known as Empire State Plaza,  
23 the State Capitol Building, the State Museum, the Alfred E. Smith Build-

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

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ing, the State Education Building, the Sheridan Avenue steam plant, and the former Albany New York Solid Waste Energy Recovery System incinerator building.

(f) "Greenhouse gas" shall have the same meaning as set forth in subdivision seven of section 75-0101 of the environmental conservation law.

(g) The "local community" shall mean the portion of Albany, New York designated as the local community under the plan, which shall include, at a minimum, the Albany Sheridan Hollow, Arbor Hill, Center Square, Mansion and South End neighborhoods.

(h) "NYSERDA" shall mean the New York state energy research and development authority created under section eighteen hundred fifty-two of the public authorities law.

(i) The "office of general services" or the "office" shall mean the agency created under section two hundred of this article.

(j) The "plan" shall mean the plan set forth in subdivision three of this section.

(k) The "project" shall mean the work on the empire state plaza complex mandated by this section.

(l) A "power purchase agreement" shall mean an agreement between two parties, the seller and the buyer, to enter into a contractual obligation for the purchase of electricity.

(m) "Renewable energy systems" means systems that entirely generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity or thermal energy.

(n) "Sheridan Avenue steam plant" shall mean the steam plant facility owned by New York state located as of the time of the effective date of this section at 79 Sheridan Avenue in Albany, New York.

2. (a) Within three years after the effective date of this section, the office of general services, in consultation with the power authority of the state of New York, shall ensure that all operations that power, heat or cool the empire state plaza complex shall entirely use renewable energy systems. In satisfying this requirement, the office may demonstrate that the amount of electrical energy credited to the complex annually from renewable sources through a power purchase agreement or similar instrument is not less than the amount of electrical energy consumed annually by the complex. Notwithstanding this mandate, the emergency generator shall be permitted to utilize non-renewable energy, but the office shall be empowered to retire or convert the emergency generator to wholly or entirely utilize renewables if possible. Further, the office shall strongly consider any recommendations made pursuant to paragraph (b) of subdivision three of this section.

(b) The project and the empire state plaza complex shall comply with the CLCPA, and any rules and regulations issued thereunder, and, in particular, section seven of such law; the statewide greenhouse gas emissions limits set forth in section 75-0107 of the environmental conservation law; and the targets established in subdivision two of section sixty-six-p of the public service law. Nothing in this paragraph shall preclude the office from mandating lower greenhouse gas emissions limits or compliance with greenhouse gas emissions limits in a shorter timeframe than set forth in section 75-0107 of the environmental conservation law, or in mandating a higher percentage of renewables or in a shorter timeframe than in subdivision two of section sixty-six-p of the

1 public service law. Except in regard to the provision regarding to the  
2 emergency generator as set forth in paragraph (a) of this subdivision,  
3 any action taken in furtherance of the project that leads to any  
4 increase in the emissions of greenhouse gases shall be deemed inconsis-  
5 ent with and in interference with the attainment of the statewide green-  
6 house gas emissions limits established in article seventy-five of the  
7 environmental conservation law and therefore shall trigger the process  
8 set forth in subdivision two of section seven of the CLCPA.

9 (c) Any contractor receiving payments for work conducted pursuant to  
10 this section shall pay employees and other workers under such contract a  
11 wage not less than the prevailing rates of wages for such work in the  
12 locality where the work is performed, in conformity with prevailing  
13 wage laws.

14 3. (a) Within one hundred eighty days of the effective date of this  
15 section, the office shall issue a plan in conformity with this subdivi-  
16 sion and subdivision two of this section.

17 (b) Within sixty days of the effective date of this section, the  
18 office shall establish an advisory committee to advise it on the prepa-  
19 ration, design and content of the plan. The advisory committee, whose  
20 members shall be appointed by the commissioner of the department of  
21 environmental conservation in consultation with the president and chief  
22 executive officer of NYSEDA, shall contain, but not be limited to: at  
23 least three representatives of Albany community organizations, at least  
24 two of which are from organizations whose mission, in whole or in part,  
25 is to represent the interests of the Arbor Hill and/or Sheridan Hollow  
26 neighborhoods in Albany; two additional representatives of local envi-  
27 ronmental justice organizations; one individual not employed by New York  
28 state with recognized expertise in renewable energy; a representative of  
29 labor organizations; at least one scientist with expertise in energy and  
30 climate policy and the mayor of Albany or his or her designee. The advi-  
31 sory committee shall meet at least three times annually, or additional  
32 times as the committee shall by majority vote determine. At such meet-  
33 ings, which shall be open to the public, the office, among other things,  
34 shall report on the progress made in completing the project and other-  
35 wise implementing this section. The advisory committee members shall  
36 receive no compensation for their services but shall be reimbursed for  
37 their actual and necessary expenses incurred in the performance of their  
38 duties. All agencies of the state or subdivisions thereof may, at the  
39 request of the advisory panel or the office, provide the advisory panel  
40 with such facilities, assistance and data as will enable the advisory  
41 panel to carry out its powers and duties.

42 (c) Each member of the advisory committee shall be entitled to one  
43 vote. No action may be taken by the advisory committee unless there is  
44 a quorum, which shall at all times be a majority of the members of the  
45 committee.

46 (d) The office shall issue a draft plan within one hundred twenty days  
47 after the effective date of this section. The office shall be transpar-  
48 ent in its work to develop the plan and shall maintain a website where  
49 the draft plan and other documents relevant to its development shall be  
50 posted for public review. The advisory committee shall hold at least two  
51 public hearings within thirty days after the release of the draft plan  
52 and prior to the release of the final plan, of which one shall be held  
53 in Arbor Hill or Sheridan Hollow neighborhoods and one shall be held  
54 during the evening or weekend hours. An additional public hearing shall  
55 also be held within thirty days after the creation of the advisory

1 committee to receive public input into the development of the draft  
2 plan.

3 (e) The plan shall contain recommendations on regulatory measures and  
4 other state actions to ensure that the mandates in subdivision two of  
5 this section are met. The measures and actions set forth in the plan  
6 shall include:

7 i. a timeline for planned steps toward the completion of the project,  
8 including, but not limited to construction of the project and obtaining  
9 the necessary permits to begin operation. The timeline should maximize  
10 the potential for achieving, and if feasible making greater emissions  
11 reductions than the statewide greenhouse gas emissions limits set forth  
12 in section 75-0107 of the environmental conservation law and meeting the  
13 other mandates of the CLCPA;

14 ii. measures to maximize the benefits to the local community, includ-  
15 ing prioritizing the reduction of greenhouse gases and co-pollutants and  
16 improving public health in the local community;

17 iii. measures to optimize thermal load sharing, energy efficiency,  
18 demand response, and energy conservation;

19 iv. comprehensive consideration of renewable heat exchange systems or  
20 a combination of such systems to meet the heating and cooling needs of  
21 the empire state plaza complex, including but not limited to: geothermal  
22 heat exchange with the earth, geothermal heat exchange with the Hudson  
23 River, open-loop and closed-loop heat exchange with the aquifer, heat  
24 exchange with potable water supplies, heat recovery from wastewater  
25 sources, air-source heat pump technology, and thermal storage;

26 v. prioritization of electricity procurement from renewable sources  
27 within New York Independent System Operator (NYISO) Zone F, especially  
28 sources most capable of providing electricity serving real-time load  
29 conditions of the empire state plaza complex. This shall include, but  
30 not be limited to, consideration of projects that expand electricity  
31 generation from ecologically-responsible, run-of-the-river hydroelectric  
32 facilities within the region; and

33 vi. prioritization of project implementation efforts to maximize the  
34 creation of quality jobs in New York state and the local community.

35 (f) The plan shall also designate the geographic boundaries of the  
36 local community. In designating such boundaries, which shall include the  
37 Albany Sheridan Hollow, Arbor Hill, Center Square, Mansion and South End  
38 neighborhoods, the office shall consider including in its designation  
39 any other communities that experience impacts on their water, air quali-  
40 ty, noise and traffic from the empire state plaza complex.

41 § 3. The tenth undesignated paragraph of section 1005 of the public  
42 authorities law, as added by chapter 55 of the laws of 1992, is amended  
43 to read as follows:

44 The authority is further authorized, as deemed feasible and advisable  
45 by the trustees, to acquire, maintain, manage, operate, improve and  
46 reconstruct as a project or projects of the authority one or both of the  
47 steam generation facilities owned by the state known as the Sheridan  
48 [~~avenue~~ Avenue steam [~~generating~~] plant [~~on Sheridan avenue in the city~~  
49 ~~of Albany and used to supply steam to state facilities~~], together with  
50 any properties, buildings and equipment at the sites thereof or ancil-  
51 lary thereto, for the generation and sale of thermal energy and the  
52 cogeneration and sale of electricity for use by facilities of the state  
53 within the county of Albany. All the authority's costs, including its  
54 acquisition, capital, operating and maintenance costs, shall be recov-  
55 ered fully from the customers receiving service from such project or  
56 projects. Thermal energy and electricity not required by the state may

1 be sold by the authority to others. The authority is not authorized to  
2 use refuse or refuse-derived fuel in operating the project or projects.  
3 As of the time period specified in paragraph (a) of subdivision two of  
4 section two hundred four of the executive law, all of the energy,  
5 including but not limited to heat, cooling and electricity, produced at  
6 the Sheridan Avenue steam plant shall utilize renewable energy systems.

7 Any agreement for such acquisition shall insure that the authority is  
8 not liable or otherwise responsible for circumstances arising from the  
9 prior operation of such facilities. The acquisition and purchase of such  
10 land, buildings and equipment by the authority, and any actions taken to  
11 effect such acquisition and purchase, are hereby exempt from the  
12 provisions of article eight of the environmental conservation law. The  
13 application of such exemption shall be strictly limited to the acquisi-  
14 tion and purchase of such land, buildings and equipment by the authority  
15 and such agreements with the state. Nothing herein shall exempt the  
16 authority from otherwise applicable laws respecting the expansion,  
17 conversion, operation and maintenance of such land, buildings and equip-  
18 ment. For the purposes of this subdivision, the terms "renewable energy  
19 systems" and "Sheridan Avenue steam plant" shall have the same meanings  
20 as in subdivision one of section two hundred four of the executive law.

21 § 4. This act shall take effect immediately.