

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:

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

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

5 § 66-v. Coal to gas plant conversion and redevelopment. 1. The New
6 York state energy research and development authority is hereby author-
7 ized and directed to:

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

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

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

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

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

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

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

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

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

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

27 2. The department, the department of environmental conservation, and
28 the Long Island power authority are hereby authorized and directed to
29 commence proceedings and stakeholder processes to establish programs and
30 other initiatives necessary to carry out the strategies, programs, stan-
31 dards, and requirements described in the study referred to in subdivi-
32 sion one of this section within sixty days of delivery of such study to
33 the governor, temporary president of the senate and speaker of the
34 assembly.

35 3. The commission is hereby authorized and directed to:

36 (a) commence a proceeding to implement the strategies, programs, stan-
37 dards, and requirements described in the study referred to in subdivi-
38 sion one of this section within ninety days of delivery of the study to
39 the governor, temporary president of the senate and speaker of the
40 assembly; and

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

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

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

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

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

6 § 168-a. Board decisions; coal burning facilities. Notwithstanding any
7 contrary provision of section one hundred sixty-eight of this article,
8 or any other contrary provision of this chapter or any other law, rule
9 or regulation, beginning on the effective date of this section and there-
10 after, no certificate or amendment thereof for the construction or
11 operation of a facility subject to the provisions of this article,
12 either as proposed or as modified, shall be granted by the board for any
13 facility that is powered or proposed to be powered in whole or in part
14 by coal.

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

17 8. Notwithstanding any contrary provision of this section, or any
18 other contrary provision of this chapter or any other law, rule or regu-
19 lation, beginning on the effective date of this subdivision and there-
20 after no certificate or amendment thereof for the construction or opera-
21 tion of any facility subject to the provisions of this article, either
22 as proposed or as modified, shall be granted by the board for any such
23 facility that is powered or proposed to be powered in whole or in part
24 by coal.

25 § 5. The public authorities law is amended by adding a new section
26 1020-nn to read as follows:

27 § 1020-nn. Coal to gas plant conversion and redevelopment. 1. The
28 authority, the department of public service and the department of envi-
29 ronmental conservation are hereby authorized and directed to commence
30 proceedings and stakeholder processes to establish programs and other
31 initiatives necessary to carry out the strategies, programs, standards,
32 and requirements described in the coal to gas plant conversion and rede-
33 velopment study required pursuant to section sixty-six-u of the public
34 service law no later than sixty days following the delivery of such
35 study to the governor, temporary president of the senate and speaker of
36 the assembly pursuant to paragraph (e) of subdivision one of section
37 sixty-six-v of the public service law.

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

42 § 6. The public authorities law is amended by adding a new section
43 1874 to read as follows:

44 § 1874. Coal to gas plant conversion and redevelopment. The authority
45 shall, in consultation with the department of public service, the
46 department of environmental conservation, the Long Island power authori-
47 ty and other relevant state agencies and authorities with subject matter
48 expertise, conduct a study of competitive options to facilitate the
49 phase out, replacement and redevelopment of coal burning facilities and
50 their sites into gas plants by the year two thousand thirty-one and
51 shall deliver a report of its findings thereon to the governor, tempo-
52 rary president of the senate and speaker of the assembly in accordance
53 with all applicable provisions of section sixty-six-v of the public
54 service law.

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

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

11 § 8. This act shall take effect immediately.