STATE OF NEW YORK

6030

2023-2024 Regular Sessions

IN SENATE

March 27, 2023

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

13. "Statewide greenhouse gas emissions" means the total annual emissions of greenhouse gases produced within the state from anthropogenic sources**;** [~~and~~] greenhouse gases produced outside of the state that are associated with the generation of electricity imported into the state**;** and **greenhouse gases produced outside the state that are associated with** the extraction and transmission of fossil fuels imported into the state. Statewide emissions shall be expressed in tons of carbon dioxide equivalents **on a full life-cycle basis utilizing the Argonne GREET (greenhouse gases, regulated emissions, and energy use in technologies) model for all systems resulting in greenhouse gas emission sources in the state, including the relative contribution of each type of greenhouse gas and each type of source to the statewide total**.

§ 2. Section 75-0105 of the environmental conservation law, as added 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

§ 75-0105. Statewide greenhouse gas emissions report.

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

2. The statewide greenhouse gas emissions report shall be a comprehensive evaluation, informed by a variety of data, including [~~but not limited to~~]:

a. information relating to the use of fossil fuels by sector, including for electricity generation, transportation, heating, and other combustion purposes;

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

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

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

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

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

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

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

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

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

[~~7.~~] **8.** The statewide greenhouse gas emissions report shall clearly explain the methodology and analysis used in the department's determination of greenhouse gas emissions and shall include a detailed explanation of any changes in methodology or analysis, adjustments made to prior estimates, as needed, and any other information necessary to establish a scientifically credible account of change.

[~~8.~~] 9. The department shall hold at least two public hearings to seek public input regarding the methodology and analysis used in the determination of statewide greenhouse gas emissions, and periodically thereafter.

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

g. The following types of projects shall be prohibited:

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

ii. biofuels used for energy or transportation purposes.

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

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

(b) "renewable energy systems" means systems that 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, anaerobic digestion, forest biopower that is operational as of December thirty-first, two thousand twenty-two, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

§ 5. This act shall take effect immediately.