STATE OF NEW YORK

9003

2025-2026 Regular Sessions

IN ASSEMBLY

August 13, 2025

Introduced by M. of A. GALLAGHER -- read once and referred to the Committee on Energy

AN ACT in relation to authorizing and directing the New York state energy research and development authority, the public service commission and the New York power authority to conduct a study to determine the possibility of closing the peaker plant electric generating facilities in Brooklyn, NY; Brentwood, NY; Astoria, NY and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings and intent. Peaker plants have been used to ensure grid reliability during high-demand periods. Peaker plants are not used routinely throughout the year but instead are used as backup energy sources in the event that the energy grid is under increased pressure. Grid operators spend a large amount of money on operating and maintaining these highly polluting plants so they can be ready to quickly start up at times of peak demand, which are rare but dangerous moments on the grid. Host communities where these power plants are located have borne the burden of these power plants for years concerning poor air quality, noise, and noxious odors. More than one-third of New York's peaker plants primarily burn oil and over three-quarters are at least 30 years old resulting in numerous inefficient plants with high rates of greenhouse gas and health-damaging pollutant emissions for every unit of electricity generated. Nearly a third of the plants are located in areas the state considers to be environmental justice communities (disadvantaged communities), where vulnerable populations typically experience high levels of health and environmental burdens.

§ 2. For the purposes of this act, the following terms shall have the following meanings:

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

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(a) "peaker plant electric generating facility" and "peaker plant" shall mean a major electric generating facility as defined in paragraph b of subdivision one of section 19-0312 of the environmental conservation law that burns coal, oil, diesel, or natural gas and was operational and generated electricity less than fifteen percent of the year during at least two years between 2014 and 2024;

(b) "disadvantaged communities" shall mean areas burdened by cumulative environmental pollution and other hazards that can lead to negative public health effects;

(c) "renewable energy" and "renewable energy systems" shall have the same meanings as set forth in section 66-p of the public service law; and

(d) "qualified energy storage system" shall have the same meaning as set forth in section 74 of the public service law.

§ 3. The New York state energy research and development authority, in consultation with the public service commission and New York power authority, is authorized and directed to conduct a study to assess closing the following New York power authority peaker plants; the Kent peaker plant, located at North 1st and Grand 47-79 River, Brooklyn, NY 11211, the Brentwood peaker plant, located at West End Campus Road, Brentwood, NY 11717, the Vernon peaker plant, located at 38-54 Vernon Blvd, Astoria, NY 11101, and the potential impact on the surrounding area. Such study shall include, but not be limited to:

(a) the change in electricity wholesale prices, delivery rates, and total bills that energy consumers in this state will pay, including indirect energy costs;

(b) identifying other existing peaker plant electric generating facilities, renewable energy systems and qualified energy storage systems that can compensate for the closure of the Kent, the Vernon and the Brentwood peaker plants, with preference given to qualified energy storage systems and renewable energy systems;

(c) the impact of renewable energy systems on the reliability of the electric system in the state, including, but not limited to, how to maintain reliability when solar and wind resources are not generating requisite power and how reliability can be maintained if fast-ramping gas-fired generation is phased out;

(d) proposing a strategy to replace the plants with renewable energy systems or qualified energy storage systems or a combination thereof;

(e) energy systems that would maintain reliable energy output during a transition period;

(f) potential effect of such a transition on disadvantaged communities;

(g) the discharge, displacement, or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits;

(h) the impairment of existing collective bargaining agreements;

(i) identifying means to establish the following:

i. the transfer of existing duties and functions to renewable energy systems; and

ii. the transfer of future duties and functions, of employed workers located at the peaker plants impacted by this act and how they can be retrained in renewable energy system work places;

(j) the impact on black start capabilities within New York city and throughout the state, and what alternatives can be deployed to maintain grid reliability and resiliency; and

(k) any legal barriers that may exist to reusing these peaker plant sites for repowering projects and how those barriers can be overcome by legislation, and/or rules or regulations.

§ 4. The New York power authority, in consultation with the the public service commission and New York state energy research and development authority, may conduct any hearings or take any written testimony as it deems necessary in order to aid such study, and shall take all other steps necessary to provide a thorough analysis of all issues related to the provisions listed in section three of this act.

§ 5. The New York power authority, in consultation with the public service commission and New York state energy research and development authority, shall issue a final report no later than one year after the effective date of this act to the governor, the speaker of the assembly, the temporary president of the senate, and the chairs of the assembly committee on energy and the senate committee on energy and telecommunications, and post a copy of such report on the New York power authority's website.

§ 6. This act shall take effect immediately and shall expire and be deemed repealed 2 years after such date.