

**“New York State Climate Leadership and Community Protection Act”  
S6599/A8429**

**The legislation has been approved by the Senate and Assembly, however, it must still be signed by Governor Cuomo.**

**In Summary the bill:**

- Sets an economy-wide net zero emissions goal by 2050
- Codifies the following emissions reduction and renewable energy goals:
  - 85 percent economy-wide greenhouse gas emissions reductions by 2050
  - 70 percent renewable energy for statewide electricity generation by 2030
  - 100 percent emissions free electricity generation by 2040 (Offsets are not allowed)
  - 6,000 megawatts of solar energy by 2025
  - 3000 megawatts of storage by 2030
  - 9,000 megawatts of offshore wind energy by 2035
  - 23 percent increase in energy efficiency
- How does Climate Leadership this compare with RPS, and CES?

<b>Comparison</b>	<b>Today</b>	<b>RPS</b>	<b>REV/CES</b>	<b>Climate Leadership</b>
<b>% Renewable Generation</b>	26%	2004 - 25% 2010 - 30%	2016 - 50%	2019 - 70%
<b>OSW</b>	none		2400 MWs	9000 MWs
<b>Onshore Wind</b>	1739 MWs (NYISO Gold Book)			
<b>Storage</b>			1500 MWs by 2025	3000 MWs by 2030
<b>Solar</b>	31.5 MWs - bulk system 1479 MW BTM (NYISO Gold Book)		3000 MWs by 2023	6000 MWs by 2025
<b>GHG Emission Goal</b>		2009 - Governor Paterson signed an Executive Order for 80% from 1990 levels	2015 - Governor Cuomo signed an Executive Order for 40% by 2030 and 80% by 2050.	2019 - 85% from 1990 levels economy wide by 2050

- Creates a 22-member Climate Action Council to create a scoping plan of recommendations to achieve the above goals and transform New York's economy
- Directs benefits of clean energy program spending to frontline communities that have been historically burdened by pollution and/or are at high risk from the effects of climate change
- Creates a Climate Justice Working Group that includes representatives from environmental justice communities and several state agencies
- Allows for strictly defined offsets to reduce pollution beyond 85 percent by 2050, with guidelines that ensure the projects create permanent and verifiable pollution reductions, benefit New York directly, and do no harm to overburdened communities

**Detailed Outline below:**

**Creates the NYS Climate Action Council**

- 22 Members, co-chaired by DEC and NYSERDA, and includes:
  - Commissioners of transportation, health, economic development, agriculture and markets, housing and community renewal, environmental conservation, labor, PSC Chair, President of NYSERDA, NYPA, LIPA, Secretary of State, or their designees
  - 2 non-agency expert members appointed by the Governor
  - 3 members to be appointed by the temporary president of the Senate
  - 3 members to be appointed by the speaker of the Assembly
  - 1 member to be appointed by the minority leader of the Senate
  - 1 member to be appointed by the minority leader of the Assembly
  - At large members shall include at all times individuals with expertise in issues relating to climate change mitigation and/or adaptation, such as environmental justice, labor, public health and regulated industries
- Council shall convene advisory panels covering, at a minimum, the following topics: transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, and agriculture and forestry
- Council shall convene a just transition working group
  - Chaired by the Commissioner of Labor and President of NYSERDA
  - Will have no more than 17 members and no less than 13 members
  - Will include: Commissioner of housing and community renewal, PSC Chair, representatives of environmental justice communities and representatives of labor organizations, clean energy developers and at least five representatives of distinct energy-intensive industries
  - Charged with identifying issues and reporting on issues as they relate to the impact of the legislation on the NYS workforce

### **Scoping Plan**

- Within 2 years of the effective date the council shall prepare and approve a scoping plan outlining the recommendations for attaining the statewide greenhouse gas emission limits as established in the legislation, 85% net zero emissions in all sectors over 1990 levels
- Council shall hold at least 6 regional public comment hearings on the draft scoping plan (3 upstate, 3 downstate) with a 120 day comment period on the plan
- ***Final scoping plan shall be submitted within 3 years of the effective date to the Governor, Senate and Assembly***
- Scoping plan will inform the adoption of the State Energy Plan
- Scoping Plan shall identify and make recommendations on:
  - Performance-based standards for sources of greenhouse gas emissions
  - Measure to reduce emissions from the electricity sector by displacing fossil-fuel fired electricity with renewables or energy efficiency
  - Land-use and transportation planning measures aimed at reducing emissions from motor vehicles
  - Measures to achieve:
    - 6 GW of distributed solar by 2025
    - 9 GW of offshore wind by 2035
    - Energy efficiency goal of 185 trillion BTU energy reduction from the 2025 forecast
    - 3 GW of energy storage by 2030
  - Measures to promote electrification of personal and freight transport
  - Measures to reduce energy use in residential and commercial buildings
  - Recommendations to aid in the transition of the state workforce
  - Measures to achieve health forests
  - Measures to limit the use of chemicals
  - Mechanisms to limit leakage
- Plan shall be updated at least every 5 years

### **Greenhouse Gas Emissions Report**

- Within 2 years and every year after, the department shall issue a report on state-wide greenhouse gas emissions
- Report shall include information on:
  - Use of fossil fuels by sector
  - Fugitive and vented emissions from the production, processing, transport, distribution, storage, and consumption of fossil fuels
  - Emissions from non-fossil fuel sources including but not limited to garbage incinerators, biomass combustion, landfills and landfill gas generators, and anaerobic digesters

- Emissions associated with manufacturing, chemical production, cement plants, and other processes that produce non-combustion emissions
- Greenhouse gas emissions associated with the generation of imported electricity and with the extraction and transmission of fossil fuels imported

### **Statewide greenhouse gas emission limits**

- No later than one year after the effective date, the department shall establish rules and regulations (after at least one public hearing) establishing a statewide greenhouse gas emission limit as a percentage of 1990 emissions as follows:
  - 40% reduction by 2030
  - 85% reduction by 2050
- Rules and Regulations shall:
  - Ensure aggregate emissions will not exceed the statewide limits
  - Include legally enforceable emission limits and standards to control emissions from greenhouse gas emission sources, with the exception of agriculture emissions
  - Reflect the findings from the scoping plan
  - Include measures to reduce emissions from sources that have a cumulative significant impact on emissions such as vehicles and furnaces
  - Be designed in a manner that is equitable, minimizes cost, and maximizes total benefits
  - Ensure measures taken do not result in a net increase in co-pollutants
  - Do not disproportionately burden disadvantaged communities
  - Minimize leakage

### **Alternative Compliance Mechanism**

- Department shall establish an alternative compliance mechanism to be used by sources subject to greenhouse gas emissions limits to achieve net zero emissions
- Use of such mechanism shall account for not greater than 15% of statewide emissions
- Mechanism must offset a quantity greater than or equal to the greenhouse gases emitted
- Department must approve the alternative compliance mechanism through an application process and in consultation with the various councils and working groups
- Electric generation sector shall not be eligible to participate in such mechanism
- Waste-to-Energy and biofuels are prohibited

### **Climate Justice Working Group**

- Within 6 months of the effective date, the “Climate Justice Working Group” shall be established
- Comprised of representatives from:
  - Environmental justice communities
  - DEC
  - DOH
  - NYSERDA
  - DOL
- Working group shall establish criteria for identifying disadvantaged communities for the proposal of co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and the allocation of investments
- 6 public hearings shall be held on the criteria (3 upstate, 3 downstate) and there will be a 120 day comment period

### **Value of Carbon**

- ***No later than one year from the effective date, DEC in consultation with NYSERDA shall establish the social cost of carbon***
- Social cost of carbon shall serve as a monetary estimate of the value of not emitting a ton of greenhouse gas emissions

### **Community Air Monitoring**

- On or before October 1, 2022, DEC shall prepare, in consultation with the climate justice working group, a program demonstrating community air monitoring systems
- Program shall identify the highest priority locations in disadvantaged communities around the state to deploy community air monitoring systems
- DEC shall publish the air quality data produced on their website
- On or before June 1, 2024 DEC shall prepare, with the climate justice working group, a strategy to reduce emissions in disadvantaged communities

### **Investment of Funds**

- 40% of the available programmatic resources shall be spent in disadvantaged communities on:
  - Clean energy and energy efficiency programs
  - Projects or investments in the areas of housing, workforce development, pollution reduction, low income energy assistance, energy, transportation, and economic development
- No less than 35% of the overall benefits of spending on clean energy and energy efficiency programs shall be spent on disadvantaged communities

## Implementation Reporting

- Not less than every four years, DEC shall publish a report which shall include recommendations regarding the implementation of greenhouse gas reduction measures

## Renewable Energy Program

- *No later than June 30, 2021, DPS shall establish a program to require:*
  - *2030: 70% renewable generation*
  - *2040: 100% zero emission generation*
- **Commission may suspend or modify the obligations if, after a public hearing, finds the program impedes safe and adequate electric service and/or that there is a significant increase in arrears or service disconnections**
- No later than July 1, 2024, DPS shall establish programs to requires load serving entities to procure at least:
  - 9 GW of offshore wind by 2035
  - 6 GW of solar by 2025
  - Support 3 GW of energy storage by 2030
- DPS through a proceeding shall set a goal of 185 trillion BTUs of end-use energy savings below 2025 energy use forecast
  - 25% of investments in residential energy efficiency can be invested in a manner to benefit disadvantaged communities
- All programs should focus on benefiting disadvantaged communities
- This act shall be subject to current prevailing wage law