

## **NYSDEC/NYSRC – July 18, 2024, Agenda – Meeting Note Summary**

- **CO2 Programs – Mike**
  - **Status of NYSDEC Cap & Invest Regulatory Process** — no public announcement yet. Goal – draft proposal by end of year. It is expected the full rulemaking process will not be completed until sometime in CY2025.
  - **Status of RGGI Program Re-Evaluation Process** — agency heads active in on-going RGGI discussions. Meeting next week – to continue those discussions including when and how to provide an update announcement.

**Q – Lang – PA and VA status? Still in flux. Not being incorporated in the current program review at this moment.**

**C – Legislation is a guiding factor for CLCPA. Because it is a regional program, RGGI still needs to negotiate separately but those discussions are guided by each participating state’s climate goals (i.e., NY’s CLCPA goal of 0 x 40).**

### **Legislative Session - 2024 Final Closeout– Radmila**

- **Legislation - Passed Both Houses**
  - ***NYS Grid Modernization Commission to Address NYSIO Outlook*** - A.6253-A (Barrett) / S.1694-B (Parker)
    - This bill would create a Grid Modernization Commission to study how to address the challenges demonstrated in the NYISO’s 2021-2040 System and Resource Outlook and to identify technology solutions.
    - The new Commission would obtain input from stakeholders, such as utility companies, ratepayers, trade associations, generators, and transmission owners.
    - The appointments to the Commission would include agency heads and representatives from Disadvantaged Communities.
- **Legislation - Passed One House Only**
  - ***"Just Energy Transition Act" for High Emitting Facility Replacement Blueprint by 2030*** - S.2935-D (Parker) similar to A.4866-D (Kelles)
    - The Senate and Assembly bills are not “same-as” companions.
    - This legislation would require NYSERDA to develop a study to facilitate the replacement, redevelopment, and phasing-out of at least a total of 4 GW of New York’s oldest and highest-emitting fossil fuel facilities and their sites by 2030, while ensuring resource adequacy.
    - The Senate bill passed the Senate.
    - The Assembly bill is in the Assembly Ways and Means Committee.
  - ***NY HEAT Act*** ("NY Home Energy Affordable Transition Act") - Aligns Utility Regulation with State Climate Justice and Emission Reduction Targets and Repeals Certain Provisions of the Public Service Law Relating to Gas Service and Sale – S.2016-B (Krueger) / A.4592-B (Fahy)

- The bill would require a transition away from utilities providing natural gas service to alternatives, such as electrification and geothermal, considering reliability and cost.
  - The Senate bill passed the Senate.
  - The Assembly bill is in the Assembly Corporations Committee.
- **Legislation - Did Not Pass**
    - ***Economy-Wide Cap and Invest Program*** - A.8469 (Kelles) / S.9228 (Parker)
      - Among other provisions, the bill would prioritize emissions reductions in Disadvantaged Communities.
      - DEC would set site or facility specific caps for each stationary source of greenhouse gas for each compliance period in Disadvantaged Communities and review them annually.
      - DEC, NYSEDA, and the PSC would determine a timeline and related planning process for the retirement of fossil fuel generation facilities or their conversion to renewable energy facilities.
      - DEC would determine how to link the cap-and-invest program with the RGGI program.
      - DEC also could link the cap-and-invest program with other similar programs, based upon a plan to be provided for public comment and after approval by the Legislature.
      - The bill is in the Environmental Conservation Committee of both houses.

## **NYSDEC Update**

- **NYSDEC Extreme Heat Action Plan** — released. Available on NYSDEC website. It is a living document open for continuous improvement. The plan can be found at: <https://dec.ny.gov/environmental-protection/climate-change/effects-impacts/extreme-heat>.
- **NYSDEC DAC Policy Summary – Update** – Mike – now in official form. Will factor into the future decision-making on new permits and permit renewals. See policy at: <https://dec.ny.gov/regulatory/permits-licenses/notable-projects-documentation/permitting-disadvantages-communities-under-climate-leadership-and-community-protection-act>.

**Q – will DAC be retroactive to outstanding permits? Per the policy: V1a. “All major permit applications made pursuant to the following ECL received by DEC, after the issuance date of this policy, and all pending incomplete permit applications, including incomplete modifications or renewals of existing permits.”**

- **EPA Revisions to the Air Emissions Reporting Requirements** – Mike – No updates from EPA on final release on regulatory requirements. NYSDEC is waiting for their guidance.
- **EPA Cross State Air Pollution Rule (CSAPR 3)** — DEC has submitted questions to EPA based on Supreme Court recent stay. They are waiting for their response.

**Q - Cathy – we have not heard anything, and wondering what happens with available allowances? NYSDEC acknowledged the uncertainty and will respond when more information is available.**

- **DEC Application IDs: 3-1326-00211/00001** (Dover Compressor Station); 4-1922-00049/00004 (Athens Compressor Station) – – no update. Comments received are still being assessed.
- **EPA Proposed Methane regulations** – NYSDEC Staff — NYSDEC submitted a spreadsheet to USEPA to determine if NYSDEC regulations are adequate or if additional rulemaking necessary. NYSDEC believes they are close and will continue to work with USEPA on final determination.

**Q – Peaker Rule – 2-year delay provision – can it be extended if reliability dictates? DEC will need to assess the regulatory provisions as those dates approach.**

**Q – Community Air Modeling Program? Next steps? The NYSDEC Air Quality Team is completing the presentation and story for each community. They have briefed all key NYSDEC leadership including the Executive. More activity later this summer.**

#### **NYISO Update – James Sweeney / Ray Stalter**

- **NYC PPTN Status Update** – completed solicitation in June, projects are posted on the NYISO website. Solicitation award in 2025.
  - [https://www.nyiso.com/documents/20142/45141681/10\\_NYCPPTN\\_ESPWG\\_2024\\_06\\_07.pdf/c023c5fc-060b-e409-2660-9805f45fb5fb](https://www.nyiso.com/documents/20142/45141681/10_NYCPPTN_ESPWG_2024_06_07.pdf/c023c5fc-060b-e409-2660-9805f45fb5fb)
- **Power Trends Update – Completed in June. Legislative briefings on-going.**
  - <https://www.nyiso.com/documents/20142/2223020/2024-Power-Trends.pdf/31ec9a11-21f2-0b47-677d-f4a498a32978>
  - Fact Sheet: <https://www.nyiso.com/documents/20142/23494579/2024-Power-Trends-Fact-Sheet.pdf/7cb06506-6565-158c-e906-6d95f604d30c?t=1717677829632>
- **System and Resource Outlook Update – Approved by MC and NYISO Board. Expect to post on the NYISO Website within next couple of days.**
  - Final report forthcoming
  - Presented to a special MC meeting on June 27
  - [https://www.nyiso.com/documents/20142/45442281/06272024\\_MC\\_2023-2042\\_System\\_Resource\\_Outlook.pdf/73c1ee3f-cdb3-6873-fcac-eeb5ebc9dcbd](https://www.nyiso.com/documents/20142/45442281/06272024_MC_2023-2042_System_Resource_Outlook.pdf/73c1ee3f-cdb3-6873-fcac-eeb5ebc9dcbd)
- **Interregional Transmission Planning Update** – no activity.

#### **NYSRC Update – Chris Wentlent**

- NYSRC approved their 2025 Budget.
- Approved the planned NYSRC and Subcommittee Meeting Schedule for 2025 and it is posted on our website.
- Approved the Final Assumptions Matrix IRM 2025-2026 Preliminary Base Case
- Approved a guidance document for Exception Requests for RR B5.

- Received a presentation from Zach Smith on the NYISO System and Resource Outlook Plan
- We reviewed the recent NYSPSC Order on Energy Storage
- Reviewed the NYSPSC/NYSERDA Biennial CLCPA Report
- Mark Domino will begin as Chair of the NYSRC in August, Steve Whitley will be the Vice Chair.
- All materials are available on our website at [www.nysrc.org](http://www.nysrc.org)

## NYSPSC Staff Regulatory Update – Shahriar Chowdhury

- **NYSERDA/NYS DPS Biennial CLCPA Report**
  - **Seventy percent by 2030 target is not possible without adjustments**, and the report identifies the following factors affecting progress:
    - Global Interest rates, Inflation and Supply Chain issues
    - Workforce shortfall of skilled labor of up to >100k by 2030 nationwide
    - Existing Transmission system constraints limit renewable progress.
    - Interconnection study timeline
    - Transmission Permitting
    - OSW Permitting
    - State Electric Load is expected to increase in the future due to data centers, manufacturing growth and electrification efforts.
  - **Progress towards 70% by 2030**
    - There is an expected shortfall of 42,115 GWh of renewable generation in 2030 in the **base case**. NYSERDA would have to procure around 14,048 GWh per Tier 1 solicitation in 2024 – 2026.
      - Base case load forecast in 2030 is 164,910 GWh.
      - Seventy percent renewable goal of base load forecast is 115,437 GWh.
      - Expected renewable generation in 2030: 73,292 GWh.
      - Shortfall: 42,115 GWh
    - Table below shows a potential path to achieving 70% by 2033 for the base case:

<i>GWh, cumulative</i>		2030	2031	2032	2033
Statewide load forecast	Base	164,910	167,130	169,630	172,390
	Low	154,880	157,100	159,600	162,360
	High	174,876	183,360	191,930	200,610
70% goal	Base	<b>115,437</b>	<b>116,991</b>	<b>118,741</b>	<b>120,673</b>
	Low	108,416	109,970	111,720	113,652
	High	122,413	128,352	134,351	140,427
Currently operational and contracted, incl 10 GW DG		73,292	73,292	73,292	73,292
Offshore wind beyond NY4		0	6,251	12,502	18,753
Distributed generation beyond 10 GW goal		1,512	2,722	3,932	5,142
Tier 1 for 6 RFPs 2024-2029 @ GWh/y		11,760	15,680	19,600	23,520
Total Renewables		86,565	97,946	109,327	120,707
<b>Gap to 70% (base load forecast)</b>		<b>28,872</b>	<b>19,045</b>	<b>9,414</b>	<b>0</b>

- The report proposes the following to reach the 70% goal as quickly after 2030 as possible:
  - **NYSERDA Tier 1**
    - Average Tier 1 solicitation amount be updated to 5,600 GWh per year or Tier 1 eligible Recs.
    - Extend Tier 1 procurement authority by at least 3 years to 2029.
  - **OSW 9 GW**
    - Recommends The Commission approve procurement flexibility to seek more than 9 GW of OSW.
  - **Distributed Generation**
    - Recommends NYSERDA conduct further analysis and develop proposals for an increase in the goal and authorization levels for distributed generation beyond the current goal of 10 GW by 2030.
  - **Clean Energy Standard (CES) Reform Options:** The report also provided some options for CES reform that aimed at reducing risk and uncertainty projects.
    - **Project Selection:** 70% of the scoring criteria relates to the bid price of the project, while 30% is related to non-price factors (20% Project Viability, Operational Flexibility and Peak Coincidence; and 10% Economic Benefits to New York State).
      - ⚡ Option: Reduce 70% price scoring component.
      - ⚡ Option: Expand definition of cost component beyond bid price.
      - ⚡ Option: Consolidation and re-allocation of non-price points.
      - ⚡ Option: Onshore wind-specific Tier 1 carve-out.
      - ⚡ Option: Onshore wind-specific solicitation(s).
      - ⚡ Option: Price bonus for onshore wind generation projects.
    - **Strike Price Adjustment:** Adjustments specific to inflation that may occur between when a project is awarded and when it enters commercial operation.
      - ⚡ Option: Authorize NYSERDA and DPS Staff to offer a strike price adjustment to awarded but not yet constructed projects if unforeseen events outside the control of project developers occur.
    - **Strike Price Escalation**
      - ⚡ Option: Allow for adjustment in awarded strike price based on a market price index during the life of the contract.
    - **REC Purchase Contract Tenor:** Tier 1 contracts for wind and solar generators have a maximum contract tenor of 20-years as established in the Final Phase 1 Implementation Plan in 2017.
      - ⚡ Option: Increase maximum Tier 1 contract tenor to 25 years.
    - **COMD Deadlines and Extensions:** The CES Phase 1 and Phase 3 implementation plans contain specific guidance regarding the implementation of Commercial Operation Milestone Date (COMD).
      - ⚡ Option: Allow for adjustments to the nature and consequences of COMD deadlines.

- **Index REC Methodology**
    - ✚ Option: Optimize the Index REC settlement structure.
  - **OREC Purchase Contract Tenor:**
    - ✚ Option: Extend the maximum OREC contract tenor to 30 years.
  - **Regulated Electric Utility Role in Renewable Energy Procurement**
    - ✚ Option: Allow regulated electric utilities in New York State to develop and own renewable energy projects.
  - **Renewable Energy Zones**
    - ✚ Option: Designate Renewable Energy Zones to align generation development with planned transmission expansion and economic development.
  - **Baseline Hydro Generation**
    - ✚ Option: Capital Grants Program for facilities under 5MW
    - ✚ Option: E-value: The E-Value was established by the Commission in 2017 as part of VDER mechanism to succeed net energy metering as the method for valuing grid injections for Distributed Energy Resources for incremental generators. Extend this E-Value to small hydro.
    - ✚ Option: Revise Maintenance Tier program.
- **New Grid of the Future Proceeding (24-E-0165)**
    - No new orders/petitions to report on.
  - **Energy Storage Proceeding (18-E-0130)**
    - **Order Establishing Updated Energy Storage Goal and Deployment Policy (6/20/2024)**
      - The Order was put in place to facilitate NYS's goal of adding 6 GW of energy storage to the grid by 2030. The roadmap aims at procuring an additional 4.7 GW of new storage projects across the bulk (large-scale), retail (community, commercial and industrial), and residential energy storage sectors in New York State. These future procurements, combined with the 1.3 GW of existing energy storage being procured or already under contract would achieve NYS's goal of 6 GW of energy storage.
      - The Order is extensive:
        - NYSEERDA shall conduct a minimum of three bulk energy storage solicitations, annually at the minimum.
        - NYSEERDA shall apply a procurement target of 20% for long duration energy projects in each of the bulk energy storage procurement solicitations.
        - NYSEERDA shall implement an Index Storage Credit mechanism for bulk storage.
        - NYSEERDA shall allow for one-time inflation adjustment as it implements the Index Storage Credit mechanism.

- NYSERDA shall adopt the operational requirements for the Index Storage Credit mechanism, as directed in the body of this Order.
- NYSERDA shall include maturity requirements for its bulk energy storage solicitations.
- NYSERDA shall establish a 15-year maximum contract term length for lithium-ion battery bulk energy storage projects and a 25-year maximum contract term length for bulk non-lithium-ion battery energy storage projects.
- NYSERDA is directed to develop a publicly accessible calculator for Value of Distributed Energy Resources energy storage projects, as directed in the body of this Order.
- JU - Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric and Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities Inc., and Rochester Gas and Electric Corporation shall continue their bulk storage dispatch rights Request for Proposals process under the previously approved Utility Dispatch Rights framework.
- NYSERDA shall establish a declining block retail energy storage program to procure 1,500 megawatts of retail energy storage, as discussed in the body of this Order.
- NYSERDA shall consult with Department of Public Service Staff and conduct stakeholder outreach prior to modifying the incentive blocks for the retail energy storage program, as discussed in the body of this Order.
- NYSERDA shall establish a twenty megawatt-hour cap for retail energy storage projects.
- NYSERDA shall establish a residential energy storage program to support the buildout of two hundred megawatts of residential energy storage statewide by 2030.
- NYSERDA shall include language in contracts with energy storage developers that require paying the New York State Prevailing Wage.
- The Department of Public Service Staff shall prepare an annual report and perform a triennial review for Commission consideration on the status of the energy storage programs and progress to date, as well as barriers to success, consistent with the process initiated in the Energy Storage Order.
- NYSERDA shall use any funding from cancelled retail and residential projects and apply them to new qualifying projects.
- NYSERDA shall procure a minimum of 35 percent of bulk and offsite retail energy storage projects in the New York Independent System Operator's G-K Capacity Zones, as discussed in the body of this Order.
- NYSERDA shall procure energy storage projects in the bulk, residential, and retail programs in disadvantaged communities consistent with the allocations described in the body of this Order.

- NYSERDA shall ensure that the procurement of energy storage projects is consistent with the in-service date requirements described in the body of this Order.
- Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric and Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities Inc., and
- Rochester Gas and Electric Corporation shall study the non-market transmission and distribution services that energy storage can provide, including a bridge to wires use case, as discussed in the body of this Order; the results of this study shall be filed with the Commission within 120 days of this Order.
- Consolidated Edison Company of New York, Inc. shall submit a filing within 60 days of this Order detailing the Rider Q Program, including any suggestions for improvement, as described in the body of this Order.<sup>55</sup>
- NYSERDA shall consider and include fire safety requirements in its Implementation Plans, as discussed in the body of this Order.
- NYSERDA shall file a bulk storage program Implementation Plan with the Commission within 120 days of this Order, consistent with the requirements outlined in the body of this Order.
- NYSERDA shall file a retail/residential storage program Implementation Plan with the Commission within 60 days of this Order, consistent with the requirements in the body of this Order. The New York State Energy Research and Development Authority's Innovation Program shall continue efforts to commission Long Duration Storage pilot projects that utilize a variety of technologies spanning use cases.
- Funding for the Retail and Residential energy storage programs and administrative costs totaling \$814.6 million shall be collected in the manner prescribed in the body of this Order and made available to the New York State Energy Research and Development Authority through the Bill-As-You-Go Mechanism.
- NYSERDA is directed to file an Updated Bill-As-You-Go Summary, as discussed in the body of this Order, within 60 days of the issuance of this Order.
- NYSERDA and Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric and Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities Inc., and Rochester Gas and Electric Corporation are directed to execute any necessary modifications to their individual Bill-As-You-Go Funding Agreements within 90 days of the issuance of this Order.
- NYSERDA shall file an updated Clean Energy Fund cash flow analysis incorporating the collections and projected expenditures



for the Retail and Residential Energy Storage Programs, within 30 days of the issuance of this Order.

- NYSERDA shall enter into an agreement with the Long Island Power Authority to address its proportional contribution to the Retail and Residential Energy Storage Programs within 90 days of the issuance of this Order.
- Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation shall file tariff amendments necessary to effectuate the recovery of costs associated with the New York State Energy Research and Development Authority Bulk, Residential and Retail storage programs, on not less than 30 days' notice, to become effective on a permanent basis on October 1, 2024, as discussed in the body of this Order.
- Funding for the bulk energy storage program incentives shall be collected by jurisdictional load serving entities in proportion to their share of Statewide load as described in the body of this Order.
- Bulk, retail, and residential energy storage projects procured under the programs described in this Order shall have an in-service date by December 31, 2030, unless they meet the criteria described in the body of this Order for an extension. Energy storage projects procured under the programs established in the Energy Storage Order may have their in-service date extended after December 31, 2025, if they meet the criteria described in the body of this Order.

- **Clean Energy Standard (15-E-0302)**
  - No new orders/petitions to report on.
- **Electric Vehicle Proceeding (18-E-0138)**
  - No new orders/petitions to report on.
- **Offshore Wind Proceeding (18-E-0071)**
  - No new orders/petitions to report on.
- **Energy Efficiency and Heat Pumps (18-M-0084)**
  - No new orders/petitions to report on.
- **PSC's Transmission Planning Proceeding (20-E-0197)**
  - **Order Modifying Phase One Project List and Interim Spending Cap (5/17/2024)**
    - National Grid is authorized to continue development of three new Subsequent Phase 1 Projects.

- National Grid stated that these three new projects were essential to maintain reliability and would facilitate construction of subsequent Phase 1 projects.
  - National Grid dropped three other Phase 1 projects that were identified earlier because those projects were offset by other initiatives and were no longer needed.
  - National Grid is authorized to spend up to \$110.3 million through March 31, 2025, or until the Commission next sets rates for National Grid, whichever is later, on developing the three new Subsequent Phase 1 Projects and the seven existing Subsequent Phase 1 Projects listed in the Appendix.
- **Coordinated Grid Planning Process Mid-Cycle Assessment (7/15/24)**
    - **Stage 1: Data Collection, Scenario Definition, Capacity Expansion Modeling**
      - For this first cycle of the CGPP, the Utilities are relying on the NYISO to perform the capacity expansion modeling. Results for Scenario 1 and Scenario 2 are complete with results of the third scenario **expected by August 2024.**
        - 🚧 Scenario 1: State Scenario – **Complete**
        - 🚧 Scenario 2: Low Impact Low Transmission Scenario – **Complete**
        - 🚧 Scenario 3: High Impact High Transmission Scenario – **August 2024**
    - **Stage 2: Network Model Development**
      - Utilities to develop detailed short circuit and power flow models for the three Stage 1 scenarios. The Utilities will use the selected methodology to identify the specific geographic areas of their networks where the resources selected by the capacity expansion model at the zonal level can make use of existing headroom at the local system level. **Stage 2 is expected to proceed through the second half of 2024.**
      - The Utilities and the Energy Policy Planning Advisory Council (EPPAC) are currently developing the siting methodology that will transfer the zonal capacity expansion results from Stage 1 into the nodal system models that are developed in Stage 2.
    - **Stage 3: Local Transmission and Distribution Assessment**
      - Utilities to complete the granular system modeling to determine where local transmission and distribution upgrades may be necessary to enable the least-cost overall solution to meeting the State’s clean energy targets. **Projected completion by the middle of 2025.**
    - **Stage 4: Review of Preferred Solutions**
      - Utilities to determine the statewide impact of implementing the identified upgrades for each of the three scenarios. The size and cost of the potential solutions then become inputs to Stage 5. **Begin in early 2025 and run through the third quarter of 2025.**

- **Stage 5: Least Cost Planning Assessment**
  - Utilities to provide the NYISO with system limitation identified in Stage 3 and the local transmission and distribution upgrades developed in Stage 4. NYISO to model using the information provided by the utilities to select the least-cost combination of generation and transmission for each of the three scenarios. Utilities will use this information to identify the final set of preferred solutions required in the least-cost system buildout during the **second half of 2025**.
- **Stage 6: CGPP Cycle 1 Final Report**
  - The results of each Stage and the Utilities' recommendations for proposed grid upgrades will be written up in a final report in Stage 6 and submitted to the PSC. Commission to make determination on whether and how to fund the proposed solutions. **Expected completion by the fourth quarter of 2025**.
- **Shortening the Process Timeline to Two Years**
  - Staff recommends that the CGPP timeline be shortened to two years. Joint Utilities agree. A shorter timeline will allow more flexibility for the recommendations to evolve with the rapidly changing energy system.
- **Proceeding regarding Natural Gas Planning (20-G-0131)**
  - No new orders/petitions to report on.
- **Matter of the Advancement of Distributed Solar (21-E-0629)**
  - **Order Approving Statewide Solar for All Program with Modifications (5/16/2024)**
    - The utility-managed Energy Affordability Program (EAP) and market-based community solar. It will allow EAP customers to participate in both Solar for All program and an opt-in CDG project. Going forward, the Statewide Solar for All program will be administered by each of the investor-owned utilities that serve electric EAP customers. The new program will begin by delivering an electric bill credit to EAP customers who reside in a disadvantaged community with the goal of delivering a minimum of \$40 in annual bill credits to more than 800,000 households.
    - PSC granted CDG developers the flexibility to offer up to three different savings rates to opt-in CDG subscribers. Investor-owned utilities will be required to implement the capability to allow for multiple savings rates based on the cost of supply of the electricity for a CDG project.

#### **NYSDEC – Other Regulatory - Bob B**

- **2015 Ozone Standard:** NYSDEC submitted a voluntary reclassification request to EPA on June 5, 2024. In that request, NYSDEC asked that the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT ozone nonattainment area be reclassified from “moderate” to “serious” nonattainment. Connecticut and New Jersey

submitted similar requests for their respective nonattainment areas. NYSDEC expects EPA to act on the request prior to the August 3, 2024, attainment deadline for areas designated nonattainment for the 2015 ozone NAAQS with a “moderate” classification. If approved by EPA as expected, the area will have until August 3, 2027, to attain the 2015 ozone NAAQS.

- **NYSDEC continues to work on the attainment demonstration SIPs for the 2008 Ozone Standard** (NYMA “severe” classification) and the 2010 SO<sub>2</sub> Standard (partial St. Lawrence County).

**Q – What are the consequences of change? No immediate impacts to facilities are expected as the area is also designated nonattainment for the 2008 ozone NAAQS with a higher “severe” classification.**

**Q – Rad – Impact of Legislative Fees? NYSDEC is in the process of obtaining Commissioner approval to develop the state regulation that will implement the Clean Air Act section 185 penalty fee program as approved by the legislature. The regulation needs to be submitted as a SIP revision by November 3, 2025. Rulemaking development should begin shortly.**

**Q – How will you bring Metro Area into attainment? NYSDEC continuously considers all options to help bring the area into attainment. For example, NYSDEC works with NESCAUM, the OTC, and NACAA to stay abreast of emerging emission reduction technologies and programs in other states that New York could potentially use to bring the area into attainment. However, time constraints and minimal beneficial impacts often limit the usefulness of emissions control programs to satisfy SIP requirements. NYSDEC also continues to work with various partners to address “Good Neighbor” emissions that impact New York. While the area continues to see improvement in ozone design values, NYSDEC hopes that future mobile source program emission reductions and emissions reductions resulting from climate initiatives will gain momentum and help the area progress to attainment at a faster pace. Flexibility may be necessary depending on how certain litigation and other proceedings play out, e.g., the “Chevron” decision, EPA’s Good Neighbor Rule, and CAA 177 waiver requests.**

**Q – Any additional regulations for generators? NYSDEC does not foresee any near-term additional regulations for generators.**

**Next Call – Thursday, September 19, at 9am.**