Section 1. Legislative Findings - Sets a goal to reduce State-wide GHG emissions to 0 by 2050; with 40% reduction by 2030

Section 2. Creates Article 75 in the Environmental Conservation Law – Climate Change

   a. NYS Climate Action Council
      1. Co-Chairs – DEC & NYSERDA, members: PSC, Dep’t of Labor, DOT, Ag & Markets, Health, Econ Dev, Housing, State, NYPA, & LIPA
      2. 10 experts in environmental justice, labor, public health, and regulated industries (appointed by Governor, Legislature)
      3. Needs supermajority to approve Scoping Plan; quorum & 13 ayes to approve any action
      4. Can create advisory panels
         I. Must create panels on transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, and agriculture and forestry.
         II. Provide expertise & coordinate with EJ Advisory Group & Climate Justice WG
      5. Must create a Just Transition WG – co-chaired by NYSERDA & Dept of Labor
         I. 13-17 members – Dept of Housing, PSC, EJ communities, labor organizations, clean energy developers & 5 energy-intensive industries
         II. Advise on labor training for EE, RE
         III. Effects & solution for workers in energy intensive industries
         IV. Reuse of closed generation sites
         V. Carbon leakage risk & business competitiveness
         VI. Report on effects on workforce of transition
      6. Consult with Climate Justice WG, DOS Utility Intervention Unit, & NYISO
      7. Approve Scoping Plan on Recommendations to reduce emissions by 40% by 2030 and 85% by 2050 – in 2 yrs
         I. State Energy Plan updated with these recommendations
         II. Hold 6 regional hearings & 120 days for public comment
      8. In 3 yrs – must submit final Scoping Plan to Governor, Legislature, & Public
9. Scoping Plan – Recommendations on measures to meet reduction goals
    I. Performance based standards, land use & transportation measures, sequestration or BMP, electrification of freight, leakage
    II. Replacement of fossil-fuel electricity with RE or EE
    III. Achieve 6GW distributed solar by 2025, 9GW off-shore wind by 2035, EE goal of 185Tbillion Btu, 3GW storage by 2030
    IV. Reduction of building emissions – electrification of heating, EE appliance stds, bldg. codes, benchmarking, performance contracting
    V. Verifiable, enforceable & voluntary reduction measures
        a) Consider: actions thru US Climate Alliance, costs and benefits of actions including the value of carbon, economic effects & set de minimis threshold maximum reduction in DC, existing mitigation & adaptions in US
        b) Update every 5 yrs

b. Statewide GHG Emissions Report
    1. Annually DEC shall report on all GHG emissions by source type; including GHG for imported electricity & transport of fossil fuels
    2. 1st yr, DEC shall consider est. mandatory emissions reporting from sources over threshold
    3. Estimate 1990 GHG level
    4. Hold public hearings and release calculations and methodology

c. Statewide GHG Emission Limits
    1. within 1 yr DEC set limit for 2030 – 40% reduction from 1990 from all sources & 85% by 2050

d. DEC Regulations
    1. Within 4 yrs, DEC shall issue regs to meet GHG limits – after workshops, consultations with Council, EJ Advisory Group, & Climate Justice WG, stakeholders, public hearings
    2. Must include enforceable limits, performance stds, or other controls on emissions, reflecting Scoping Plan, must address vehicles & home furnaces
    3. Should max benefits/min costs, reductions are real-permanent-qualifiable-verifyable-enforceable, max reduction in DC, min leakage
    4. Alternative Compliance Mechanism – offsets are real, verifiable, permanent
        I. Apply if GHG limit not tech feasible & currently reduced GHG; 4 yr review
        II. Electric generation sector cannot participate;
        III. Prohibited waste to energy, & energy or transportation biofuels

e. Climate Justice Working Group
    1. DEC, DOH, NYSERDA, Dep’t of Labor, EJ – regional
    2. Est criteria to identify DC based on location, public health, enviro hazards & socioeconomic
    3. Hearings, comments on criteria; Update annually
f. **Value of Carbon**
   1. Within 1 yr, DEC will set social cost of carbon -$/ton of CO₂ equivalent (Value of not emitting a ton of GHG)

g. **Community Air Monitoring Program** - takes effect 10/1/22
   1. By 2022, DEC monitor air pollution in DC
   2. By 2024, strategy to reduce toxic air pollution – DEC reg authority to reduce

h. **Investment of Funds**
   1. DC, to extent practicable, receive 35-40% of overall benefits of energy & EE programs, housing, labor, pollution, energy assistance, trans, & econ dev
   2. Doesn’t alter funds already contracted or committed by 1/1/20

i. **Implementation Reporting**
   1. Every 4 yrs, assess reduction measures – cost/benefit, modifications needed, cost effective, encourage early action, burden to DC, credit for voluntary reductions, recommendations for future policy
   2. Consult Climate Action Council, & Climate Justice WG

Section 3. **EPF – Climate Adaptation & Mitigation** – Environmental Conservation Law
   a. Allows EPF $ to be used for RE, including at public housing

Section 4. **Renewable Energy Program** – Public Service Law
   a. Program defines RE as solar thermal, photovoltaics, on land & offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource
   b. PSC Est program by 6/30/21 – all electricity distributed by LSE is 70% RE by 2030 & 100% by 2040
      1. PSC can waive LSE obligations if impedes safe & adequate service, existing obligations, or significant increase in disconnections or arrears
   c. By 7/1/2024 PSC must order LSE to procure 9GW off-shore wind by 2035; 6GW solar by 2025, & support 3GW storage by 2030
   d. In any order for EE goal of 185TBTu, PSC must ensure 20% to DC
   e. PSC design program to provide substantial benefits for DC:
      1. Specify min % of storage in zones with DC & reduce usage or peaker plants
      2. NYSERDA increase incentives for solar & community distributed generation service DC
      3. In rate payer funds, NYSERDA & IOU report energy savings & clean energy use in LMI & DC

Section 5. This act shall be subject to current **prevailing wage law**
Section 6. Community Ownership Report
   a. 2 yrs before effective date, DEC shall report on access by DC to distributed renewables; EE & Weatherization; zero-emission transportation; adaptation to improve resiliency – microgrids; services to reduce climate hazards; & recommendations to improve
   b. Consulting EJ Advisory Group, Climate Justice WG, Climate Action Council & 2 public hearings
   c. DEC must amend Scoping Plan based on report

Section 7. Climate Actions by State Agencies
   a. All State agencies must reduce their emissions
   b. Requires state decisions, permits, licenses, grants etc. to be consistent with GHG limits and not burden DC
      1. Allows for exemption if agency writes justification statement

Section 8. Gives all State Agencies, PSC, NYSERDA, Power Authorities to issue regs

Section 9. DEC Mitigation & Risk
   a. DEC help agencies assess foreseeable risks from Climate change
   b. Identify significant risks
   c. Take measures to mitigate risks with cost/benefit analysis
   d. DEC Major permits to consider future risks

Section 10. State entities can take emission reduction actions regardless of CLCPA

Section 11. Everyone must still meet other laws & regs

Section 12. Allows Article 78 proceeding for anyone aggrieved

Section 13. Severability

Section 14. Effective Date
   a. Takes effect same day as S.2385 (Passed Senate)/A.1564 (Passed Assembly) – which establishes a permanent EJ Advisory Group & EJ Interagency Coordinating Council
   b. Air Monitoring takes effect 10/1/22