



EANY SUPPORTS Siting Process for Dormant Power Plants



Memo #62

[A.7768-A \(Kelles\)](#)

[S.7006-A \(May\)](#)

Explanation:

This bill prohibits the restarting of dormant fossil fuel fired power plants with operating certificates and permits issued prior to 2012 when the Article 10 siting law for major electric generating facilities was enacted. Currently, retired or dormant facilities that have outlived their viability in the wholesale electricity markets can be repurposed for other industrial uses and restart operations under outdated certificates that do not account for the permitting standards applied to new, more efficient facilities.

Article 10 requires a comprehensive review of the cumulative environmental and public health impacts of all new and repowered major electric generating facilities. Under the Climate Leadership and Community Protection Act (CLCPA), the siting process must also account for impacts on the state's ability to meet the climate and equity mandates of the climate law, including the requirement that New York's electricity sector be emissions free by 2040.

Power plants repurposed for potentially energy intensive industrial uses could have significant adverse impacts on air and water quality, while also hindering the state's progress toward eliminating emissions from the power sector. These facilities should be subject to the same rigorous review required of all other new or repowered generators.

Summary:

The legislation prohibits the transfer of operating certificates for dormant electric generating facilities if the certificates were issued prior to 2012. The bill prohibits dormant facilities with permits issued prior to 2012 from utilizing fossil fuels for electricity production or other industrial purpose without the issuance of a new operating certificate by the Public Service Commission and new air and water permits by the Department of Environmental Conservation.