S.4378 (Brisport)

Purpose: This bill requires electric generating units that operate during periods of peak electricity demand (so-called "peaker plants") to submit to a mandatory replacement and compliance plan, requiring the replacement of current systems with clean and renewable energy systems within a given time frame.

Statement of Support: Thanks to the vision of the Legislature and Governor Cuomo, the Climate Leadership and Community Protection Act has provided the enforceable structure by which the state must achieve a 100% renewable energy grid by 2040 and complete carbon neutrality by 2050. But as the Climate Action Council (CAC) and its supporting committees deliberate over the scoping plan for the eventual climate regulations, the Department of Environmental Conservation (DEC) and Public Service Commission (PSC) are continuing to process Title V air permits for existing peaker plants as well as applications for major new fossil fuel power plants. The DEC and the PSC have indicated that the new climate law does not remove their obligation to follow every laborious step of a permitting review, including Title V air permit renewals, regardless of how incompatible the continued operation of the facility may be with our climate goals. Unless the legislature tells them otherwise, State permitting officers assume all fossil fuel powered energy plants can maintain operations until 2040, when they will be forced to shut down by statute. Clearly, we will not reach our climate goals unless we stop permitting new gas infrastructure and rapidly phase out our existing peaker plants now. What makes prolonging the operations of peaker plants especially problematic is that many are located in disadvantaged communities or communities of color with populations that already bear a disproportionate share of pollution. More than one million New Yorkers live within one mile of a peaker plant, and pollution from these facilities contributes to asthma and other lung ailments.

S.4378 will require any peaker plant applying for its 5-year Title V air permit renewal to submit a mandatory replacement and compliance plan, requiring the replacement of current systems with clean and renewable energy systems, like wind, solar and battery storage, within five years of the renewal. New York has 19 years to achieve a carbon neutral grid and we will not meet that ambitious goal if we continue to prolong the operations of gas fired power plants. The Legislature must act to ensure our agencies have the authority they need to phase out polluting peakers and focus on building a renewable and resilient NY.

The Sierra Club Atlantic Chapter urges your support of S.4378