S.5939 (Ramos)/A.6761 (Mamdani)

**Purpose:** Prohibits the development of any new major electric generating facilities that would be powered in whole or in part by any fossil fuel.

**Statement of Support:** The Climate Leadership and Community Protection Act (CLCPA) mandates that the state achieves a 70% renewable energy grid by 2030, a 100% zero-emission grid by 2040, and near-elimination of all greenhouse gases by 2050. Achieving these goals and averting the most catastrophic effects of our fossil fuel-driven climate crisis requires a departure from business as usual and a commitment across our state to embark upon the necessary planning and implementation to achieve a zero-emissions grid, in a way that uplifts our most disadvantaged communities. New York has only 19 years to transition to an emissions-free grid and we are already reliant on fossil fuel generation for 68 percent of the state’s generating capacity. We will not achieve the CLCPA’s electric sector, job creation, or equity goals if we continue to build new fossil fuel plants.

At present, the CLCPA requires state agencies to identify actions that are inconsistent with the statute’s climate obligations, but does not expressly authorize agencies to truncate or terminate their review where inconsistencies are found. In the context of building new large gas-fired power plants over 25 MW, the state does not need a multi-year review of the facilities to conclude what should be an obvious denial of siting authorization. The Department of Environmental Conservation (DEC) and the Public Service Commission (PSC) have indicated that the CLCPA does not remove their obligation to follow every laborious step of a permitting review – regardless of how incompatible the project may be with the state’s climate and social equity goals. In some cases, these reviews could take years and waste hundreds of thousands of dollars in taxpayer resources. Currently, these same state agencies are continuing to process permits for major new fossil fuel power plants in Astoria, Newburgh, and Sunset Park — communities that already suffer disproportionate pollution burdens. Community members and organizations on the ground have firmly rejected these proposals. Passage of S.5939 will ensure that as old fossil fuel plants retire, renewable, resilient, and community-supported options can take their place, not more gas plants.
S.5939 will also send a much-needed signal to developers that they should be proposing energy projects that are truly CLCPA-compliant. Companies will know that no new gas plants will be approved, and owners of the strategic interconnection and generation locations can propose renewables, storage, a combination of the two, or transmission interconnection for those sites, instead of wasting years of time and millions of dollars trying to persuade the state that we still need more gas.

Passing the CLCPA in 2019 was a monumental achievement that has set New York State on the right path to addressing the climate crisis. But legislative action is still necessary to ensure our state agencies have the authority they need to reject regressive fossil fueled proposals and focus on a just and equitable transition to a renewable and resilient New York.

The Sierra Club urges your support of S.5939/A.6761