

NYSDEC/NYSRC – September 14, 2023, Webex Meeting - Summary

Cap and Invest

- **Status of NYSDEC Cap & Invest Regulatory Process** – Mike Sheehan - Continue working on program development. Phase 2 - hoping to get approval for the next round of outreach over the next couple of weeks. The second round will also be informal and include an opportunity for stakeholders to comment. Likely a presentation or presentations and fact sheets to highlight leanings and request feedback. Webex with Labor on Friday, September 15 at 12:30pm. Rule(s) proposals to follow in 2024. Modeling ongoing at NYSERDA DEC will work to provide an update on that process.

Legislative

- **Legislation Session - 2023 Closeout & 2024 Preview** – Radmila – nothing has changed. Return at end of year. Reliability Bills – Peaker Justice Legislation-reliability ramifications likely to surface again next year.
 - **Roundtable – transportation** being planned for September 22 at 10am.

NYSDEC

- **185 Fees** will be required as part of the next SIP submission. DEC will explore the need for legislative action in this coming session.
- **EPA Proposed Power Plant Emissions Regulation – Summary** - Mike – commented, waiting for next steps and regulation finalization.
- **EPA Revisions to the Air Emissions Reporting Requirements** – Mike – DEC is working through it. The department will likely join with others to comment on the updated requirements. DEC currently files all Title V's with EPA through the national emissions inventory process at the end of each calendar year. EPA is looking to shorten this timeline and DEC is not certain that it is achievable. On the Toxic emissions reporting side – EPA wants to increase who may be required to report.
 - Q – Sandi – will you do submittals and send emissions? NYSDEC wants to do the same thing as they do now for Title V facilities, still to be determined what additional sources may be required to report and what additional data will need to be submitted and whether DEC will take that responsibility or let EPA collect that new information directly.
 - Q – Sandi – sub-facility level asking for more information including mobile sources? NYSDEC will likely push back on this aspect.
 - EEANY is considering comments to use existing data. Comments are due on October 18.
- **RGGI Update** – Part 242 Regulations, VA Participation, PA LEGAL Activity – Mike – stakeholder meeting on Sept 26 at 10am and 6pm. https://www.rggi.org/sites/default/files/Uploads/Program-Review/2023-09-26/RGGI_Public_Meeting_Notice_Sept2023.pdf
- **California regulations:** Advanced Clean Trucks (ACT), Heavy-duty Low NOx Omnibus, and Phase 2 Greenhouse Gas Standards – NYSDEC – Mike – regulations have been adopted. NYSDEC continues to assess mobile source controls, and evaluate future changes based on activities in California.

- **EPA Cross State Air Pollution Rule (CSAPR 3)** – Mike – litigated throughout the country. States are pushing back. DEC working with AG. Paired with PA regarding upwind states pollution impact on downstate regions.
- **EPA/DEC Proposed Methane regulations** – NYSDEC Staff – Ona. –
- PHMSA proposed a rule in May with requirements for leak detection and repair (<https://www.federalregister.gov/documents/2023/05/18/2023-09918/pipeline-safety-gas-pipeline-leak-detection-and-repair#:~:text=PHMSA%20proposes%20to%20require%20that,leakage%20surveys%20and%20leak%20in%20investigations.>). The New York State AG's office commented on this with a group of other states.
- DEC is collecting data through Part 203. Methane releases planned and unplanned as well as pigging activities. DEC is working to incorporate automated reporting while an interim solution is being developed for the end of the year. The ultimate objective is to develop a permanent automated solution.

NYISO

- **NYISO Update** – James Sweeney
 - **Q2STAR Report** – Notice for solutions on August 4. Due October 3. [Q2STAR Solicitation](#)
 - Q3 STAR – July 25 Presentation and it is underway. Q3 STAR Report due in Mid-October. [Q3 STAR](#)
 - **Economic Planning Process 2023-2042 System & Resource Outlook– 2023-2042 has kicked off.** [System & Resource Outlook](#)
 - **NYC PPTN Status Update - July 25 – ESPWG. August 22 presentation as well.**
 - [Slide 1 \(nyiso.com\)](#)
 - **Interregional Transmission Planning Update** – [JIPC Response to ISO-NE](#)

NYSRC

- **NYSRC Update** – Chris Wentlent
 - Approved incorporating Sensitivity Case 6a involving Emergency Assistance flow limitations into the Final Base Case
 - Reviewed Level 3 Alert regarding Essential Actions to Industry Cold Weather Preparations for Extreme Weather Events
 - Reviewed a NERC Disturbance IBR Report – Event that occurred in Southwest UT. We continue to work on our Draft IBR Rule Revision. When finalized, it will be posted for comment, and we will conduct an educational webinar on the revised version.
 - Reviewed 2023 NERC Reliability Risk Priorities Report
 - Next Meeting is October 13 – it is a virtual meeting.

NYSPSC - NYSPSC Staff Regulatory Update – Mike/Jerry

- **Energy Storage Proceeding** – 18-E-0130. – nothing to report

- **Clean Energy Standard –15-E-0302 – Clean Energy Petitions**
 - **NYSERDA Request – CES Administrative Cost** – Salaries and overhead, etc., Approximately \$33M Budget. NYSPSC must decide on the matter.
 - **Zero Emissions Resource Proceeding** – nothing to report yet. **Stakeholder comments received August 16th; technical conference required before January 12, 2024**
 - 🚧 Q – discussions with NYSERDA/NYSDEC/NYISO on Cap and Invest? Level of cooperation and Cap and Invest. Jerry will check on this aspect.
NYSERDA and DEC are leading this effort, see [this link](#) for information.
 - **Tier 1 Petitions** – currently pending before the Commission. Comments filed in August 2023. Petitioners have requested a decision by October.
 - **Tier 1 – Phase 5 Implementation Plan** – Plan details compliance to load share approach or ACP. LSEs now buy based on load ratio share. No ACP is applied any longer.
 - **CPNY and CHPE Petitions** – submitted seeking adjustments for all renewable energy contracts. Supply chain, economic, inflation cited as reasons. Expected October 2023 timeframe decision.
 - 🚧 Q - CHPE – is the in-service date at risk? Jerry will check.
The CHPE petition speaks for itself.
- **Electric Vehicle Proceeding** – 18-E-0138. – CH Make Ready filed on August 24. Added a table for make-ready program. Incentives for public and non-public. Non-public eligible for 50%, public 100%
- **Offshore Wind Proceeding** – 18-E-0071 - OREC Petitions -Empire and Beacon Wind – motion to compel. Additional report on building projects. Expedited action requested by October 2023 timeframe. Filed June 7. Another developer also requested the contract term be extended for five years.
- **Energy Efficiency and Heat Pumps** – 18-M-0084. – July 24 – Ruling to extend request granted. CEF ordered extended comments to Sept 27. NYSEG/RGE Savings Report submitted. NYSERDA assessment of industrial sector. EE, electrification in industrial sector. Sept 1 – JU – Clean Heat Program submitted by joint utilities.
- **PSC’s Transmission Planning Proceeding** – 20-E-0197 – August 2023 order creating grid planning process and EPPAC formed. Look at T&D needs for CLCPA. Two-year cycle process. The EPPAC meeting is set for September 19 and EPPAC members identified.
- **Proceeding regarding Natural Gas Planning** – 20-G-0131- Nothing to report. However, both National Fuel Gas and Con Ed/O&R are going through this process under separate dockets. The proceeding is specifically evaluating how natural gas usage can be decreased over time per CLCPA mandates.
- **Matter of the Advancement of Distributed Solar** - 21-E-0629 – NY SUN 2025-30 Plan released to meet the goal. Includes details about the program. August 17 – extension granted to NYSERDA until November for their planned filing.

NYSDEC

- **NYSDEC Regulatory and State Implementation Plan Update** – NYSDEC Staff – NYSDEC staff continue to develop the attainment demonstrations for the 2105 ozone NAAQS and 2010 SO₂ NAAQS. No other updates since last call.

Next Meeting

- **Next Call** – November 16, 2023, at 9am.