

**NYSDEC/NYSRC Meeting Summary – January 15, 2026**

- **2026 Legislative Update**
  - **State of State Address**
    - DPS will undertake a process to facilitate a pathway to 4 GW of additional new nuclear energy.
    - NYPA and NYSERDA are directed to update their regulations to speed up the deployment of clean energy projects.
      - The State intends to streamline procurement.
    - Agencies involved in permitting would review their regulations to accelerate reviews and alleviate bottlenecks and make recommendations by September 1, 2026.
      - AI would be used to accelerate permitting and procurement processes and to determine if applications are complete.
      - The State is seeking ideas from stakeholders on opportunities to reform regulations.
    - DEC would launch the Smart Access platform to allow applicants and government agencies to follow the progress of permits and reviews.
      - State agencies also would develop internal performance tracking systems to monitor the status of permits and environmental reviews.
    - SEQRA review will be expedited for projects smaller than 25 MW located in previously developed areas, and DEC will develop Generic Environmental Impact Statements.
      - SEQRA review would last a maximum of two years.
    - DPS would launch Energize NY Development to improve how large energy users connect to the grid and would streamline interconnection rules.
    - Projects, which drive exceptional demand without “exceptional” job creation or other benefits, would cover the costs they create or supply their own power.
  - **General – Session & Budget**
    - The Governor’s Executive is due to be released by January 20.
    - The NYS Budget is due to be adopted by April 1.
    - The Legislative Session is scheduled to conclude on June 4.
  - **Key Reliability Based Legislation – 2026**
    - ***Permit Modifications, Suspensions, Revocations, and Renewals – S.6833-A (Harckham) / A.8553 (Wright)***
      - Among other provisions, the bill states that permits for facilities that are continuing to operate under Section 401 of the State Administrative Procedures Act would be suspended two years from the date of the DEC having denied or limited the permit or after the bill’s effective date.
      - Under the bill, if the DEC has not made a final determination on the application within 36 months after the effective date of the bill or the date the application is received by the DEC, whichever is later, then the permit is automatically suspended, and the application is denied.
        - The legislation includes reliability protections.
      - The bill is in the Environmental Conservation Committee of both houses.

- The bill's major provisions are pre-empted by federal law and EPA's regulations:
  - Automatically suspension of permits
  - Establishing a fee to be deposited into the existing Air Quality Improvement Fund
- **Regulation of Energy Consumption by Data Centers – A.9086-A (Kelles) / S.6394-A (Gonzalez)**
  - Among other provisions, this bill would phase-in having data centers be powered by renewable energy pursuant to power purchase agreements:
    - 2030 – one third (1/3)
    - 2035 – two thirds (2/3)
    - 2040 – 100 percent.
  - Renewable energy would come from eligible sources under the CLCPA's PSL Section 66-p: solar, wind, hydroelectric, geothermal, tidal, wave, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.
  - The bill is in the Energy Committee of both houses.
- **“Just Energy Transition Act” – S.5111 (Parker)**
  - This legislation would require NYSEERDA to develop a study to facilitate the replacement, redevelopment, and phasing-out of at least a total of 4 GW of New York's oldest and highest-emitting fossil fuel facilities and their sites by 2030, while ensuring resource adequacy.
  - The bill includes reliability protections and involves facility owners in the preparation of the study.
  - The bill is in the Senate Energy and Telecommunications Committee and does not have an Assembly companion bill.

#### **CO2 Programs – Ona Papageorgiou**

- **Regional Greenhouse Gas Initiative (RGGI, Part 242) – Ona:**
  - The Participating States Third program review was completed in 2025 and DEC proposed Part 242 in December.
  - The proposal is in the December 10, 2025, State Register. The comment period end on February 17, 2026.
  - See: [Air Pollution Regulatory Revisions - NYSDEC](#)
- **Status of Part 253 compliance outreach – Ona:**
  - Part 253 was Adopted in 2025 and in the State Register on December 10, 2025
  - See: [Air Pollution Regulatory Revisions - NYSDEC](#) (scroll down to 253).
  - Requirements begin January 1. Focus this first year is on guidance and education. There are some helpful documents including FAQ and Factsheet documents on the dedicated webpage.
  - See: [Mandatory Greenhouse Gas Reporting - NYSDEC](#)
  - In addition, stakeholders may find useful information in the assessment of public comments document that accompanied the adoption package.
- **Status of NYSDEC CLCPA (cap-and-invest) regulations – Ona.”**
  - Cap & Invest – There is current court action. No additional update.
- **GHG EPA actions of note – Ona – no update.**

- **Q – Bill Slade – When will the Part 253 reporting tool be available?** Bill Slade mentioned it is important for entity compliance. Entities need to develop internal procedures for data collection.
  - Response: Ona indicated that it would not be available until “later in the year.”
- **Comment - Cathy W – we can support the NYSDEC as needed to create the reporting tool.**
  - Response: Thank you. We are keeping that in mind as we move forward with the work.
- **NYSDEC Regulatory/SIP Update – Bob Bielawa**
  - **Federal Executive Orders** – Update – no update.
  - **EPA revisions – Update** – On January 6, 2026, EPA finalized revisions to the Regional Haze Rule under the Clean Air Act to change the due date for the next round of State Implementation Plans for the third implementation period from July 31, 2028, to July 31, 2031. See 91 Federal Register 331.
  - **EPA Cross State Air Pollution Rule (CSAPR 3)** – no update. NYSDEC is waiting on further EPA action.
  - **6 NYCRR 482-3, Ozone Nonattainment Fee Programs-** DEC hopes to move forward with this regulation, which implements the requirements of Clean Air Act section 185 for severe and extreme ozone nonattainment areas that do not attain by the applicable attainment date, in 2026.
  - **SIP Revision for the 2008 Ozone Standard, “Severe” Classification** – DEC is currently developing the attainment demonstration SIP for this standard.
  - **SIP Revision for 2015 Ozone Standard, Moderate Classification** – DEC will begin development of the attainment demonstration SIP for the 2015 Ozone NAAQS, “Serious” classification once it completes the attainment demonstration SIP for the 2008 Ozone Standard “Severe” Classification.
  - **Northeast Supply Enhancement (NESE)** - Update – no update
  - **Constitution Pipeline – Federal Action Update** – no update.
  - **Cryptocurrency Mining GEIS Status** – Update – no update
  - **Q – Bill Slade – What is the status of Well Drilling Regulations?** This regulation originates with DEC’s Division of Mineral Resources. On July 23, 2025, DEC published an Advanced Notice of Proposed Rule Making (ANPRM) with the New York State Department of State to amend 6 NYCRR Part 550 and add 6 NYCRR Parts 561, 563 and 569. The public input and comment period ran from July 23, 2025, to August 22, 2025, and DEC is currently reviewing the comments received. Please see <https://dec.ny.gov/regulatory/regulations/proposed-emergency-and-recently-adopted-regulations/mineral-resources> for the latest updates, more details and contact information.
  - **Comment – Kevin Lang – Executive Order** – United States has communicated it is leaving international programs including IPCC. DEC is aware of this issue, and the Division of Air Resources have been asked to compile a list of frequent/recurring international contacts, however, it is not known if this request is related to Kevin’s observation.
- **NYISO Update – James Sweeney**
  - 2026-2027 LCR - Update – Reviewed at the January 6, 2026, ICAP Meeting. An official vote will occur at the January 15, 2026, Operating Committee Meeting. <https://www.nyiso.com/documents/20142/56195523/2026-2027%20Final%20LCR%20Results%20-%20001062026%20ICAPWG%20Final.pdf/8680e40a-33ed-f4f5-5ee3-c954fa41d02f>

- **Interregional Transmission Planning Update** – IPSAC – Early December 2025 Meeting. <https://www.iso-ne.com/committees/planning/ipsac>
  - **Winter Capacity Market Enhancements Update** - – Presented and voted on at the November 20, 2025, Management Committee. It will be filed at FERC in Q1 2026. <https://www.nyiso.com/documents/20142/55191864/2025%20Winter%20Reliability%20-%20November%2020%20MC.pdf/c69dff41-e8e7-470c-ae42-9137478de444>
  - **2025-2044 System & Resource Outlook Update** – Next presentation next week at the ESPWG Meeting. [https://www.nyiso.com/documents/20142/56487677/08\\_2025-2044\\_System\\_Resource\\_Outlook\\_Update\\_01202026.pdf/320c6530-9aa4-cdaa-24cb-f2cbb6f57d27](https://www.nyiso.com/documents/20142/56487677/08_2025-2044_System_Resource_Outlook_Update_01202026.pdf/320c6530-9aa4-cdaa-24cb-f2cbb6f57d27)
  - **Danskammer Retirement** – recently filed at the NYISO. This topic will remain on our agenda due to possible reliability related considerations.
- **NYSERDA Update – Leonard Ashley**
    - NY Nuclear Summit - Update – SOS – directed state agencies to create a clear pathway to add an additional 4GW of nuclear generation. Recent NYPA press release communicated strong upstate local community interest, and twenty-three companies that responded to RFI released late last year.
- **NYSRC Update – Chris Wentlent**
    - Reviewed January 2026 Installed Capacity Subcommittee Report
    - Approval of Reliability Rule 156. It was posted for comment and no stakeholder comments were received. A.2 is currently structured with annual installed capacity requirements for LSEs which are based on summer peak. With growing winter reliability risks, seasonal adjustment to the capacity requirements may be needed to better reflect reliability risks between the two seasons. In addition, NYISO is developing proposed ICAP Market enhancements to establish seasonal capacity requirements. This rule change accommodates those possible changes in the future. The vote was unanimous.
    - Received NYISO Reports on Planning, Markets, and Operations
    - Reviewed the major energy related items from Governor Hochul's State of the State Address
    - The approved December 2025 Meeting Minutes are attached.
    - Next meeting is Friday, February 13.
    - All Executive Committee materials are available at [www.nysrc.org](http://www.nysrc.org)
- **NYSPSC Staff Regulatory Update – Jerry Mathew**
    - **Con Ed Reliability Contingency Plan – NYC** – 25-E-0764 – NYISO and Con Ed Reports identified reliability needs. Con Ed must study and provide a report, conduct a Technical Conference, and issue an RFP requesting solutions. Joanne W – LIPA will also create a plan and make a filing in next week.
    - **Energy Storage Proceeding** – 18-E-0130. – no report.
    - **Clean Energy Standard** - 15-E-0302 – Administrative Funding approved for \$31.5M. OSW funding reduced. Coalition petition requesting hearing to evaluate suspending obligations under Renewable Energy Program. Cites difficulties in meeting 2030 and 2040 CLCPA targets and diminishing reliability margins. Suspension or modification would allow dispatchable generation and would entail repowering fossil fuel plants. Holding a hearing will help Commission determine if this is needed for safe, reliable, and affordable power.

**Q - does the legislature also need to act before any changes to the CLCPA are considered?** The petition for hearing is related to the Renewable Energy Program. It

is not asking the Commission to modify the CLCPA, nor does the Commission have that authority. The CLCPA can only be modified by the legislature. It is within the Commission's authority to modify programs it has created, such as the Renewable Energy Program. The legislature would not have to act before the Commission modified the Renewable Energy Program.

- **Zero Emissions Resource Proceeding Offshore Wind Proceeding** – 18-E-0071.  
– no update
- **PSC's Transmission Planning Proceeding** – 20-E-0197 – Order modifying the process. Next cycle will be refined and completed within 2 years. Includes modifications to stakeholder engagement, modeling, coordination with FERC rulemaking, siting methodology, and Cycle 1 final proposal development. Goal is a more holistic analysis including both Transmission and Distribution.

Utilities submitted petition regarding headroom calculations. Modifications to get more accurate information on headroom. Utilities filed CLCPA.

- **Matter of the Advancement of Distributed Solar** - 21-E-0629 – no update
  - **Grid of the Future** – 24-E-0165 – no update
  - **RAPID ACT Implementation – Case 24-M-0433** – no update
  - Q – Bob B (NYSDEC) – How do I access the documents involving the Con Ed and LIPA Reliability Plans? Jerry will forward the docket information to Bob.
- **Next Call – Thursday, March 5, 2026, at 9am**