

NYSDEC/NYSRC Agenda – May 7, 2026, Meeting Summary

Legislative Update - 2026

General Budget Update

- Legislators continue to negotiate the State Budget, which was due on April 1.
 - The current extender runs through May 6.
- **Governor's CLCPA Revisions**
 - The Governor has proposed some changes to the CLCPA, according to her March 20 editorial.
 - While we have yet to see bill language, our understanding is that the Governor has proposed the following provisions:
 - ***Changing the due date for the DEC to issue the enforcement regulations for the CLCPA from 2024 to the end of 2030; subsequently, she proposed a due date of 2028.***
 - The CLCPA required the DEC to issue the regulations by January 1, 2024. The DEC held off on issuing the New York Cap-and-Invest regulation by that date, due to cost concerns.
 - At the end of last year, a court required the DEC to issue the regulations by February 1 of this year or get CLCPA changes from the Legislature. The DEC has appealed the court's ruling.
 - ***Changing the CLCPA's greenhouse gas accounting methodology from a 20-year period to 100 years, consistent with other states***
 - The CLCPA uses an accounting methodology that is different from other states.
 - The CLCPA considers emission impacts over a 20-year period, whereas other states consider them over a 100-year period.
 - ***Adding a 2040 interim target date for the DEC's greenhouse gas emissions limits***
 - The current targets are:
 - 40% emission reduction from 1990 levels by 2030
 - 85% emission reduction from 1990 level by 2050
 - A news article indicates a potential new interim CLCPA target of 60% by 2040.
 - ***More funding for progress to address climate change***

General Session Update

- 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)**
 - This legislation applies to Clean Air Act Title V permits.
 - The bill is trying to address a lack of decision by the DEC on permits if those decisions are not made within a three-year period.
 - At that point, the bill would:
 - automatically suspend Title V permits that have been extended, pursuant to the permit shield under Section 401(2) of the State Administrative Procedure Act
 - terminate applications to renew Title V permits.
 - The bill has moved from the Senate Environmental Conservation Committee to the Senate Floor.
 - The Assembly bill is in the Assembly Environmental Conservation Committee.
 - The bill is pre-empted by federal law.
 - The pre-emption affects the bill's provisions that would:
 - Automatically suspend permits.
 - Establish a fee to be deposited into the existing Air Quality Improvement Fund

- **New Nuclear Facility Moratorium – S.9962 (Parker)**
 - The bill would establish a moratorium for 30 months on the implementation of financial assistance, such as zero emission credits, for the planning and construction of new nuclear facilities.
 - The legislation also would create a task force on nuclear assessment to evaluate matters, such as:
 - cost and environmental impacts
 - whether this state's government should promote and invest in nuclear power facilities
 - how this state's development of nuclear power facilities may undermine the transition to renewable energy, energy efficiency and energy storage to meet the CLCPA's goals.
 - The task force would provide a draft report to the public, the Governor, and the Legislature, within 13 months of the bill's immediate effective date.
 - The task force would conduct at least six public hearings and a 120-day public comment period.
 - Within 30 months of the bill's effective date, the task force would submit its final report with its findings, conclusions, recommendations, and any legislative proposals to the public, the Governor, and the Legislature.
 - The bill is in the Senate Energy and Telecommunications Committee, and it does not have an Assembly companion bill.
 - The bill does not acknowledge the nuclear planning process that is being conducted by NYSERDA in coordination with NYPA.

- **Moratorium on Data Center Permit Issuance - S.9144 (Krueger) / A.10141 (Kelles)**
 - This legislation would prohibit data centers from getting permits.
 - The data center moratorium would apply to all permits "pending or filed" 30 days after the bill's effective date.
 - The moratorium would be in place for 90 days after the DEC completes regulations and the PSC issues orders.

- Under the bill, the DEC would not be able to issue regulations until three years after the bill's effective date.
 - Additionally, the legislation says that the PSC could not issue its orders until three years after the bill's enactment.
 - The legislation is in the Environmental Conservation Committee of both houses.
 - A PSC's proceeding is addressing large energy loads, such as data centers.
 - Comments on questions are due by May 13, 2026.
 - Reply comments are due by June 14, 2026.
- **Just Energy Transition Act” – S.5111 (Parker) / A.10856 (Alvarez)**
- 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 Senate bill has passed the Senate.
 - The new Assembly bill is in the Assembly Energy Committee.
- **CO2 Programs – Ona**
- **Status of RGGI Program including State of Virginia update** – DEC is currently assessing, reviewing and responding to public comments. Expectation is something in the State Register by the end of the summer.

VA joining RGGI – See VA website at: This link point to key dates: <https://townhall.virginia.gov/l/ViewStage.cfm?stageid=11159>
 This link offers text: <https://townhall.virginia.gov/l/ViewXML.cfm?textid=20473>
 RGGI website: [2026_05_08_Market_Activity_Statement.pdf](https://www.rggi.org/2026_05_08_Market_Activity_Statement.pdf)

C -K Lang – mentioned MMU meeting, more market forces. Not a cause for concern.

C - Matt S – high price runup. RGGI higher than NG costs.

Q – any plan to evaluate the revised rule now that VA is rejoining?

Consistent with the press release, the RGGI participating states are monitoring the secondary market prices. Currently there are about sixty million allowances in circulation that are in excess of emission obligations. The secondary market future closing prices as of May 11 have declined since last week, though prices in the secondary market continue to be in flux. Virginia will undertake regulatory action to align the state's program with the outcomes of the Third Program Review and the updated Model Rule by January 1, 2027. This action by Virginia is anticipated to increase the number of CCR allowances available by augmenting the number of tier one CCR allowances and adding an equal sized tier two CCR aligned with other participating states. The participating states anticipate starting a fourth program review no later than 2028.

• **Status of Part 253 compliance outreach and recent lawsuit**

- i. Outreach: May 13 – Verifiers Webinar – 25k or more emissions require a verifier.

- ii. DEC has established a dedicated webpage here: [Mandatory Greenhouse Gas Reporting Verification - NYSDEC](#)
- iii. Platform is expected Fall 2026.
- iv. Before October – DEC will conduct sector specific outreach.
- v. May 13th live “Existing Verification Training” webinar for entities and individuals already accredited through CARB and ANSI looking to become accredited to perform verification in New York.
- vi. Operators completing full reporting under 253-2.2 (Anaerobic Digestion and Liquid Storage of Waste) or have exceeded 300,000 MT CO₂e annual emissions reporting under 253-2.13 (Solid Waste Management) must develop and submit an Emissions Monitoring and Measurement Plan (EMMP) proposal to the Department by 9/1/26 and every three years thereafter.
- vii. EPE 's register their Specified Sources by 2/1/27.
- viii. First Emissions Data Reports due 6/1/27.
- ix. First Verification reports due 12/1/27, 12/1/28 and then August 10th each subsequent emissions year.

API Lawsuit – Part 253 will continue in the interim. Ona – we cite Part 98 often. If anything happens with Part 98 – Part 253 will continue because our citation refers to the specific date of each portion of Part 98. Budget talks do touch Part 253.

- **Status of NYSDEC CLCPA and GHG regulations** –NYSDEC is waiting on budget talks. Update next meeting.
- **GHG EPA actions of note** – no activity.
- **Status of first annual SF6 supplier reports** – NYSDEC is intending to finalize the reporting form by year end. It will align with the EPA program. We plan to reach out to utilities on this matter.

Q –Cathy - if Part 98 goes away – how will a new entrant get access? Ona - We incorporate it by reference into our regulations and that is available through the State and other locations.

Q – Bill – SF6 - manufacturers were required to submit reports by May 1, 2026. Have they complied with the requirement? Are the manufacturers in compliance? Ona - Suppliers of SF6 and other fluorinated GHGs are required to register and report under Parts 494 and 495. Once a supplier submits their registration or reporting form on DEC’s nForm platform, the software sends an automated confirmation. This automated confirmation and submission ID can be used to verify that the entity has submitted the required forms.

- **NYSDEC Regulatory/SIP Update – Bob**
 - **Federal Executive Orders** – Update – No applicable updates.
 - **EPA Actions**– Update – No applicable updates.
 - **NYSDEC Regulatory Update** –
 - DEC is seeking approval to modify 6 NYCRR Part 203, Oil and Natural Gas Sector to meet federal requirements contained in EPA’s “Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review” finalized on March 8, 2024. See EPA Final Rule: [2024-00366.pdf](#). DEC regulatory updates will be provided to this group on future calls.
 - There are no updates related to the federal Good Neighbor Rule at this time.

- There are currently no planned revisions to Part 227-3, Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines. However, DEC is aware of reliability concerns that may necessitate future revision(s) to Part 227-3.
 - There are no updates to Part 482-3, Ozone Nonattainment Program Fees, which is still currently under development. DEC acknowledges concerns raised during this call about emission reduction and cost impacts on stakeholders and will continue to provide updates. Pursuant to the Clean Air Act, the attainment year for the 2008 Ozone NAAQS for the New York “Severe” nonattainment area is 2027. The “baseline” year to be used in the fee calculation is 2027 if the area does not attain by July 20, 2027.
 - **SIP Development Status** –
 - Staff continue to develop attainment demonstration SIPs for the 2008 Ozone NAAQS (NYC Metro Area), the 2015 Ozone NAAQS (NYC Metro Area) and the 2010 SO2 NAAQS (partial St. Lawrence County).
 - **Northeast Supply Enhancement (NESE)** - Update – response is pending.
 - **Constitution Pipeline** – Federal vs State Action Update – No update. The following question was posed to DEC and a response is pending:
 - Q - The federal government appears to want to move forward, however, the state is stating it has jurisdictional authority over the water permit. Can the federal government move forward without state approval?
 - **Cryptocurrency Mining GEIS Status** – No update.
- **NYISO Update – James**
 - **2025-2044 System & Resource Outlook Update** - See March 26 ESPWG Materials, https://www.nyiso.com/documents/20142/57510547/05_2025-2044_System_Resource_Outlook_03262026.pdf/a56d858d-e853-c859-a4fa-2fbc384e142c
 - **Q1 2026 STAR Update** - Posted on 4/15, also posted a Short-Term Reliability Process Report: 2026-2030 Generator Deactivation Reliability Needs (2025 Q3 STAR)
 - <https://www.nyiso.com/documents/20142/16004172/2026-Q1-STAR-Report-Final.pdf/a5fd3388-ea22-ff21-7f95-490356af30f5>
 - <https://www.nyiso.com/documents/20142/15930753/2025-Q3-Short-Term-Reliability-Process-Report-Final.pdf/3be3824b-50fb-48bf-d441-79e67ae338e8>
 - See Presentation Slides for the April 29th Management Committee Meeting
 - https://www.nyiso.com/documents/20142/57787467/04_STRP%202026-04%20MC.pdf/2769f2c5-6308-78ed-bf55-cca554ffc77
 - **Danskammer Retirement Notice – Update** - Danskammer is discussed in the reports issued on April 15 and in the MC presentation slides referenced immediately above.
 - **Champlain Hudson Power Express** – Current Status May 13 – energy, Not participating in June Capacity - The notice for June 2026 capacity market parameters indicated that CHPE did not submit a notice by the April 10 deadline to begin capacity market participation for June 2026
 - **Summer 2026 Capacity Assessment** – 50/50%, 90/10% and 99/1% scenarios - Will be presented to the OC on May 14, materials are available on the NYISO website.

- <https://www.nyiso.com/documents/20142/57796669/S2026%20Capacity%20Assessment%20for%20OC.pdf/0b4612fb-fb14-671f-98b1-89ec25d2732b>
- **NYSRC Update – Chris**
 - **Summary of April 2026 Executive Committee**
 - ICS continues to work on preliminary IRM planning.
 - Large Load WG formed to monitor all NERC, FERC and state activities in this space.
 - TSL/LCR WG – evaluating ways to bring modeling assumptions closer together in both processes.
 - Received decarbonization and environmental reports.
 - Our next meeting is tomorrow, Friday, May 8
 - All pertinent materials are posted on our website.
 - **FERC Large Load – June 2026 Expected Order FERC**
- **NYSPSC Staff Regulatory Update – Jerry**
 - **Interconnection Reform for Large Loads – 26-E-0045** – extension of comment granted to May 13.
 - **Con Ed Reliability Contingency Plan – NYC – 25-E-0764** – comments submitted for Con Ed RFI on clean & non-emitting reliability solutions for Zone J reliability needs.
 - **Energy Storage Proceeding – 18-E-0130** – Released State of Storage Report. March 2026 – 1952.3 MW, 528.7 deployed, 1423.6 MW awarded/contracted. At 32.7% of 2030 target of 6000 MW.

Dynamic Load Management filings – IOU Annual Reports filed. Con, O/R and NGRID asked to rescind requirement to file monthly demand response reports.

Advanced Energy United filed a petition. Commission issued an order. Con Ed DLC program expanded to include BYOB program; utilities must report on term- and auto-DLM enrollments and operations to determine long-term program viability. Removed monthly demand response reporting.

- **Clean Energy Standard - 15-E-0302** – NYSERDA submitted ZEC 2.0 Implementation program plan. NYSERDA submitted backfill request for critical positions needed for CES administration.
- Utility Owned Generation, and Petition for Rehearing on CLCPA. Comments received on both issues, and currently under review.
- **Zero Emissions Resource Proceeding Offshore Wind Proceeding – 18-E-0071** – No activity.
 - **PSC’s Transmission Planning Proceeding – 20-E-0197** – 5/4/26 – JU submitted the CGPP Cycle 1 Report to assess and plan the grid to accommodate future clean energy resources in the coming decades. Provides a least-cost portfolio of local transmission projects to facilitate this delivery. CGPP portfolio includes seven projects, unlocking 6380 MW of headroom, at a cost of \$8.7B. Utilities request the Commission to approve the development of these projects. [CGPP Report DMM Link](#).
 - **Matter of the Advancement of Distributed Solar - 21-E-0629** – no activity
 - **Grid of the Future – 24-E-0165** – no activity.
 - **RAPID ACT Implementation – Case 24-M-0433** – Alliance for Clean Energy Filed a Petition for a declaratory ruling to clarify updated Article 8 regulations for large-scale solar and wind projects that have already submitted a permit application.

- **New Business**
- **Next Call – Thursday, July 16, 2026, at 9am**