

NYSDEC/NYSRC Agenda – July 16, 2026, Meeting Summary

- **2026 Legislative Update - Rad**
 - **GENERAL – LEGISLATIVE UPDATE**
 - ***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 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, and terminate applications to renew Title V permits if the DEC does not make a final determination on the renewal application within three years of the effective date of the legislation or the date the DEC receives the renewal application.
 - The bill remained on the Senate Floor.
 - The Assembly bill is in the Assembly Environmental Conservation Committee.
 - ***Just Energy Transition Act” for High Emitting Facility Replacement Blueprint by 2030 – S.5111-A (Parker) / A.10856 (Alvarez)***
 - This bill would require NYSEDA to develop a study to facilitate the replacement, redevelopment, and phasing-out of at least 4 GW of New York's oldest and highest emitting fossil fuel facilities and their sites by 2030, while ensuring resource adequacy.
 - The Senate bill has passed the Senate.
 - The Assembly bill is in the Assembly Energy Committee.
 - This legislation includes reliability protections and involves facility owners in the preparation of the study.
 - **ONE YEAR DATA CENTER MORATORIUM STATUS**
 - ***Responsible Data Center Development Act - A.11560 (Barrett) / S.10642 (Gonzalez)***
 - This bill would impose a one-year moratorium on the ability of large data centers, which are above 20 MW, and which commence construction after the bill's effective date, to get any permits.
 - The moratorium does not apply to permit modifications or renewals.
 - The DEC, in consultation with DPS, DOH, EFC and NYISO, are required to prepare an environmental impact report on data center development in this state.
 - LIPA also is required to establish a program for data centers.
 - Among other provisions, this legislation would require data centers, which have a peak load of 5 MW or more, to demonstrate that they are procuring, either via contract or onsite generation, renewable energy systems in the following amounts:
 - at least one-third of their electricity consumption from 2030 to 2034
 - at least two-thirds of their electricity consumption from 2035 through 2039
 - at least 90 percent electricity of their electricity consumption in 2040 and thereafter
 - These data centers are required to demonstrate that their energy needs are being met “as is technologically, environmentally, and practically feasible from on-site generation from renewable energy systems.”

- The bill does not mention the eligibility of nuclear or other zero emission sources.
 - The bill has passed both houses but has not yet been sent to the Governor for her consideration.
- **CO2 Programs – Ona**
 - **Status of RGGI Program** – Expect the final draft rule before the end of summer 2026. There was a recent Press Release from RGGI last week (see: [2026_06_26_RGGI_Proceeds_Report_Release.pdf](#)). Additional allowances including set-asides, VA allowances, and VA cost containment reserves allowances will be included in the next auction. In total, over 9M allowances from the established level will be introduced.
 - **Status of Part 253 compliance outreach** – The NYSDEC is still developing outreach materials. With respect to CLCPA language changes that came out of the Budget discussions. DEC is taking time to consider appropriate outreach given the changes.
 - **Outreach and timing** – initial outreach next month with additional in the following months.
 - **Q - Could there be a re-issuance of Part 253? Response: The NYSDEC is currently evaluating how to move forward with changes in the law.**
 - **Status of NYSDEC CLCPA and GHG regulations** – Climate Super Fund is still a law that is being discussed and New York has formed a team to move forward with compliance with that law.
 - **GHG EPA actions of note** – no issues.
- **NYSDEC Regulatory/SIP Update – Bob**
 - **Federal Executive Orders** – Several orders were issued but do not apply to reliability.
 - **EPA Actions** – On June 12, 2026, EPA proposed “Ozone Reclassification State Implementation Rule” where it is reconsidering certain aspects of the January 2025 final rule entitled “State Implementation Plan Submittal Deadlines and Implementation Requirements for Reclassified Nonattainment Areas Under the Ozone National Ambient Air Quality Standards.” In this proposed action, EPA is proposing that an area is subject to those requirements in Clean Air Act Section 182 that are specific to that area’s current classification. See <https://www.federalregister.gov/documents/2026/06/12/2026-11843/ozone-reclassification-state-implementation-plan-rule> for more information. Most, if not all, impacts from this proposed federal action fall on the administrative side of NYSDEC SIP development. Also, on June 26, 2026, the U.S. Court of Appeals for the District of Columbia Circuit unanimously upheld EPA’s 2024 rule that tightened the primary annual PM2.5 National Ambient Air Quality Standard (NAAQS) from 12.0 µg/m³ to 9.0 µg/m³. The U.S. District Court for the Northern District of California has ordered EPA to complete its PM2.5 nonattainment designations by February 6, 2027. On February 7, 2025, New York submitted a designation recommendation to EPA recommending statewide attainment.
 - **NYSDEC Regulatory Update** – No update.
 - **SIP Development Status** – Staff continue developing attainment demonstration SIPs for the 2008 ozone standard, the 2015 ozone standard, the 2010 Sulfur Dioxide standard; and regulatory language for 6 NYCRR Subpart 482-3, Ozone

- Nonattainment Program Fees (that will satisfy CAA Section 185 requirements for “Severe” and above nonattainment areas.)
 - **Northeast Supply Enhancement (NESE)** - Update – Inquiries related to this topic should be sent to the NYSDEC press office at pressoffice@dec.ny.gov or by calling 518-402-8000.
 - **Constitution Pipeline** – Federal vs State Action Update – Inquiries related to this topic should be sent to the NYSDEC press office at pressoffice@dec.ny.gov or by calling 518-402-8000.
- **NYISO Update – James**
 - **Q2 2026 STAR Update**
 - Posted July 14
 - <https://www.nyiso.com/documents/20142/39103148/2026-Q2-STAR-Report-vFinal.pdf/0d2bd99b-54b5-6842-fa66-ffd18b5a98a>
 - **Danskammer Retirement Notice**
 - Q2 STAR - Danskammer 1-4 cannot deactivate on August 1, 2026, and will be required to remain in-service until at least January 15, 2027, if permanent solutions are not available sooner.
 - **RNA Status Update**
 - July/August – Base Case results and preliminary scenarios.
 - July 7 TPAS
 - https://www.nyiso.com/documents/20142/58449658/09_2026RNA_Scenarios_July7ESPWG-TPAS.pdf/e96ed098-28dd-dbde-561e-c9f64d1a2271
 - **FERC Show Cause Order – Large Load** – Presenting next week on July 23. ESPWG/TPAS.
 - https://www.nyiso.com/documents/20142/58620525/04_FERC%20Large%20Load%20Show%20Cause%20Order%20-%20ESPWG.pdf/3b66b965-05ad-51e6-a4c5-c9846eeada4c
 - **Resource & Outlook Report** is subject to final NYISO Board approval.
- **NYSRC Update – Chris**
 - The NYSRC meets on Friday, July 17, 2026. Main topics on the agenda are:
 - Fuel Constraints Report
 - IRM Parametric Results
 - PRR 157 Mandatory Under-Frequency Load Shedding Design Requirements for Large Load
 - DOE Draft National Transmission Needs Study
 - Materials are on our website www.nysrc.org.
- **NYSPSC Staff Regulatory Update – Jerry**
 - **Implementation of Nuclear Reliability Backbone – 26-E-0335** – Nuclear Reliability Backbone. Governor Hochul Initiative wants to build 1 GW in upstate NY. 5 GW starting point. Comments requested and due August 2026. Eleven questions were posed. DPS/NYSERDA will host a Technical Conference by end of October and release a Whitepaper in November 2026.
 - **Interconnection Reform for Large Loads – 26-E-0045** –
 - EIS & Interconnection Working Group per Governor Hochul’s EO62 are expected to be included in this docket.
 - **Con Ed Reliability Contingency Plan – NYC – 25-E-0764** – Extension granted in this proceeding. Con Ed is expected to submit their Reliability Contingency Plan tomorrow’ July 17. **NY BEST** – filed an emergency ruling on energy storage. They

are concerned about how BESS is being screened within Con Ed and whether it may be a possible barrier to entry.

- **Energy Storage Proceeding – 18-E-0130.** – Con Ed submitted bring your own battery plan in April 2026. NYSERDA – updated Residential and Retail Storage Plan.
- **Clean Energy Standard - 15-E-0302** – NYSPSC Order on June 12 – it approved ZEC 2.0 Plan until 2049. NYSERDA submitted its ZEC 2.0 Plan in the docket.

Q – Rad – Clean Energy Zone (CEZ) Whitepaper - what is an eligible definition of a clean energy source?

The CEZ whitepaper focuses on bulk resources and transmission. It specifically calls out nuclear, land-based wind, and utility scale solar. Distribution system level solar and energy storage are NOT a focus of the CEZ process. However, storage may be part of any new renewable's generation being considered in the process.

- **Zero Emissions Resource Proceeding Offshore Wind Proceeding – 18-E-0071.** – no update
- **PSC's Transmission Planning Proceeding – 20-E-0197** – Comments on June 2026 PSC order Establishing a Nuclear Reliability Backbone Process is due August 2026. Comments on Joint Utilities' CGPP Cycle 1 Report due August 2026.
- **Matter of the Advancement of Distributed Solar - 21-E-0629** – no action
- **Grid of the Future – 24-E-0165** – no update.
- **RAPID ACT Implementation – Case 24-M-0433** – no update.

- **Next Call** – Proposed for **Thursday, September 10, 2026, at 9am**