

# SABIN CENTER FOR CLIMATE CHANGE LAW

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# Only approve offset projects that meet certain criteria.

Date Due:	Responsible Entity:	Action:	Summary:	Status:	Stat
N/A	DEC	Only approve offset projects that meet certain criteria.	The DEC will only approve greenhouse gas emission offset projects designed to provide a discernible benefit to the environment rather than to the source, among other criteria.	PENDING	CLC § 2 add: ECL 75-0109(f)-(i)

The [CLCPA](#)  instructs the DEC, to promulgate rules and regulations to ensure compliance with the statewide emissions reduction limits. In doing so, the DEC may establish an alternative compliance mechanism to be use sources subject to greenhouse gas emissions limits to achieve net zero emissions. The DEC must only approve greenhouse gas emission offset projects designed to provide a discernible benefit to the environment rather than to the source, among other criteria.

### Statutory Language:

CLCPA § 75-0109(4)(f)-(i): “f. Sources in the electric generation sector shall not be eligible to participate in such mechanism. g. The following types of projects shall be prohibited: i. waste-to-energy projects, including incineration and pyrolysis; and ii. biofuels used for energy or transportation purposes. Any greenhouse gas emission offset project approved by the department shall: i. be designed to provide a discernible benefit to the environment rather than to the source; ii. be located in the same county, and within twenty-five linear miles, of source of emissions, to the extent practicable; iii. enhance the conditions of the ecosystem or geographic area adversely affected; and iv. substantially reduce or prevent the generation or release of pollutants through source reduction. i. A greenhouse gas emission offset project shall not be approved by the department where the project is required pursuant to any local, state or federal law, regulation, or administrative or judicial order; ii. contain:

measures which the source would have undertaken anyway within the next five years; iii. contributes to environmental research at a college or university; or iv. is a study or assessment without a commitment to implement the results.”

§ 75-0101 (10): "Greenhouse gas emission offset projects" means one or more projects, including:

- a. Natural carbon sinks including but not limited to afforestation, reforestation, or wetlands restoration;
- b. Greening infrastructure;
- c. Restoration and sustainable management of natural and urban forests or working lands, grasslands, coastal wetlands and sub-tidal habitats;
- d. Efforts to reduce hydrofluorocarbon refrigerant, sulfur hexafluoride, and other ozone depleting substance releases;
- e. Anaerobic digesters, where energy produced is directed toward localized use;
- f. Carbon capture and sequestration;
- g. Ecosystem restoration; and
- h. Other types of projects recommended by the council in consultation with the climate justice working group to provide public health and environmental benefits, and do not create burdens in disadvantaged communities."

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***Approved  
Projects Must:***

- Be designed to provide a discernible benefit to the environment rather than to the source.
- Be located in the same county, and within twenty-five linear miles, of the source emissions, to the extent practicable.
- Enhance the conditions of the ecosystem or geographic area adversely affected.
- Substantially reduce or prevent the generation or release of pollutants through source reduction.

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***Prohibited  
Projects:***

- Sources in the electric generation sector.
- Waste-to-energy projects, including incineration and pyrolysis.
- Biofuels used for energy or transportation purposes
- Projects required pursuant to any local, state or federal law, regulation, or administrative or judicial order.
- Projects that contain measures which the source would have undertaken anyway within the next five years.
- Projects that contribute to environmental research at a college or university.
- Projects that are part of a study or assessment without a commitment to implement the results.