

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Promulgation of Interconnection Reforms for Large Loads Including Data Centers		
Project Location (describe, and attach a general location map): Statewide		
Brief Description of Proposed Action (include purpose or need): The proposed action is the development and promulgation of interconnection processes and cost allocation standards for large electric load customers, including but not limited to data centers. The purpose of, and need for, the proposed action is the rapid growth in large load interconnection requests in New York State (the State). Promulgating interconnection reforms is part of the State's broader efforts to provide greater certainty and predictability for new customers with large electric demands while protecting other ratepayers from incurring incremental costs and ensuring electric system reliability. The proposed action will also address Executive Order (EO) 62, which requires an assessment of the environmental impacts of the construction and operation of data centers. Impacts to be considered include energy demand, water use and quality, air quality, disproportionate impacts on disadvantaged communities, and noise levels.		
Name of Applicant/Sponsor: New York State Department of Public Service (DPS)		Telephone: 518-474-6530
		E-Mail: secretary@dps.ny.gov
Address: Empire State Plaza, Agency Building 3		
City/PO: Albany	State: NY	Zip Code: 12223-1350
Project Contact (if not same as sponsor; give name and title/role): N/A		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): N/A		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☒ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	Public Service Commission; order approving interconnection reforms	N/A
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☒ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☒ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☒ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☒ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? N/A ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? N/A _____

b. What police or other public protection forces serve the project site?

N/A _____

c. Which fire protection and emergency medical services serve the project site?

N/A _____

d. What parks serve the project site?

N/A _____

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

_____ ☐ Yes ☐ No

ii. Is a cluster/conservation layout proposed?

☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: 	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____	☐ Yes ☐ No ☐ Yes ☐ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____		
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☐ No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☐ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____ _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____ _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ _____ • Operation: _____ _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ _____ • Operation: _____ _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site																																							
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ii. If mix of uses, generally describe: _____																																							
b. Land uses and covertypes on the project site. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Land use or Coverture</th> <th style="width: 15%;">Current Acreage</th> <th style="width: 25%;">Acreage After Project Completion</th> <th style="width: 20%;">Change (Acres +/-)</th> </tr> </thead> <tbody> <tr> <td>• Roads, buildings, and other paved or impervious surfaces</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Forested</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Agricultural (includes active orchards, field, greenhouse etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Surface water features (lakes, ponds, streams, rivers, etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Wetlands (freshwater or tidal)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Non-vegetated (bare rock, earth or fill)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Other Describe: _____</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Land use or Coverture	Current Acreage	Acreage After Project Completion	Change (Acres +/-)	• Roads, buildings, and other paved or impervious surfaces				• Forested				• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)				• Agricultural (includes active orchards, field, greenhouse etc.)				• Surface water features (lakes, ponds, streams, rivers, etc.)				• Wetlands (freshwater or tidal)				• Non-vegetated (bare rock, earth or fill)				• Other Describe: _____			
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c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	☐ Yes ☐ No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	☐ Yes ☐ No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	☐ Yes ☐ No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	☐ Yes ☐ No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	☐ Yes ☐ No

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____ _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ _____ % _____ _____ % _____ _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site ☐ Moderately Well Drained: _____ % of site ☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site ☐ 10-15%: _____ % of site ☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No If Yes, describe: _____ _____	
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? ☐ Yes ☐ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☐ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☐ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No If Yes: i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☐ No If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project. See Initiating Order and E062 attached.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name New York State Department of Public Service Date 9/2/2026

Signature  Title Senior Attorney

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on February 12, 2026

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

CASE 26-E-0045 - Proceeding on Motion of the Commission to
Address Interconnection Reforms for Large
Loads.

ORDER INSTITUTING PROCEEDING AND SOLICITING COMMENTS

(Issued and Effective February 12, 2026)

BY THE COMMISSION:

INTRODUCTION

In the State of the State address on January 13, 2026, Governor Kathy Hochul announced the Energize NY Development initiative to assess and modernize how large loads connect to the electric grid, while ensuring that projects driving significant system demand, such as data centers, pay their fair share of the associated costs. This endeavor reflects the State's objectives of providing greater certainty and predictability for new customers with large electric demands, while protecting other ratepayers from incurring incremental costs and ensuring electric system reliability is maintained.

New York has a long history of supporting large electric loads that drive economic development, manufacturing, and job creation. However, advanced manufacturing facilities,

cleantech, and other industrial development, including data centers, can require substantial electric service to operate. For these projects, timely, predictable, and cost-effective interconnection is essential to maintaining New York's competitiveness.

The Public Service Commission (Commission) has used a "beneficiary pays" principle to require that new load customers take responsibility for the costs of necessary grid upgrades that directly benefit them.¹ This principle is in alignment with requirements in the Public Service Law (PSL) and implementing regulations that obligate utilities to provide electric and gas service and outline how utilities should recover costs for system upgrades.² Given the anticipated significant and unprecedented load growth due to data centers and similar facilities, the Commission finds that it is necessary to ensure this principle continues to protect ratepayers from potential costs associated with these facilities, such as the costs to adequately interconnect and supply sufficient electricity.

Given the potential for an increased burden on customers related to rapidly growing demand from large loads, the Commission is exploring revisions to the existing approach for interconnection of new large electric load customers that would relieve these facilities' impact on rates. If improvements in the speed, efficiency, and cost-effectiveness of the interconnection process provide benefits to those new large electric load customers and encourage more economic development in the state, then there is the potential for all customers to benefit from the programs and policies around these new loads.

¹ See Case 08-E-0539, Consolidated Edison - Electric Rates, Untitled Order (issued February 17, 2010).

² See PSL §§65 and 66 and 16 NYCRR §§98.2 and 98.3.

The Commission recognizes distinct challenges associated with large loads, such as data centers and similar facilities, that are looking to expand their footprint in New York State. As of February 2026, 11.9 gigawatts (GW) of load within the New York Independent System Operator, Inc. (NYISO) interconnection queue are attributed to future large load projects. In 2025 alone, more than 8.3 GW of new load entered the NYISO queue, exemplifying the emerging challenge presented by large load interconnections. These interconnection requests may introduce planning uncertainty through speculative or duplicative interconnection requests, and the projects themselves often require significant electric supply and may drive the need for major grid upgrades.

Consistent with the Governor's 2026 State of the State address, this Order initiates this proceeding to advance a large load interconnection framework, while acknowledging that certain large electric load facilities, such as data centers, often do not provide the same economic development or job creation opportunities relative to other strategic industries. The objectives of the proceeding are to: (1) modernize the interconnection process for all building loads; (2) improve transparency and predictability related to grid upgrades; (3) ensure that data centers and similar facilities bear the cost they impose on the electric system; (4) provide for the continued reliability of the electric system; (5) develop programs and policies for the interconnection of large loads that consider the objectives of the Climate Leadership and Community Protection Act; and (6) explore ways in which new large electric load could lead to downward pressure on rates for all customers.

The Commission's longstanding efforts to improve utility interconnection processes provide a strong foundation

for this work. This proceeding builds on those efforts by creating interconnection and cost allocation policies that adjust to the unique characteristics and system impacts of different categories of large loads. This proceeding will develop appropriate criteria to define the class of facilities to be considered "large loads" and establish sub-categories that characterize facility type, including data centers and similar facilities. These criteria will be refined through stakeholder input and technical analysis developed in this proceeding.

BACKGROUND

The Commission has previously acted to improve the interconnection process, streamline siting and permitting, create new cost sharing mechanisms, and provide cost certainty. The results and lessons learned from these efforts, as detailed below, may be valuable to inform the development process and policy improvements considered in this proceeding. Although the utilities apply an interconnection review process to both generation and load, those processes differ in scope, purpose, and technical requirements.³ While enhancements identified through this proceeding may inform broader interconnection practices, the focus of this proceeding is on load interconnection.

Through the establishment of updates to the Standardized Interconnection Requirements (SIR), the Commission has created dedicated working groups to resolve issues and continuously improve the interconnection process. Through this SIR process, a new innovative cost sharing mechanism, Cost Sharing 2.0, was created to alleviate the cost burden for the "first mover" when an interconnection triggers a substantial

³ New York Independent System Operator, Transmission Expansion and Interconnection Manual (effective date February 7, 2025).

system upgrade and to instead share the costs of such upgrades across each benefitting Distributed Energy Resource (DER).⁴ As an extension of SIR improvements, the Commission initiated a proceeding in 2024 to evaluate interconnection timeliness and cost estimation practices to reduce barriers for DER interconnection and development.⁵ The results and feedback from these related initiatives serve as foundational elements for the improvement of interconnection and cost allocation mechanisms for large loads, as envisioned by this proceeding.

Additionally, to improve system planning to better align infrastructure development with anticipated system needs, the Commission directed Department of Public Service (DPS) staff to develop the Coordinated Grid Planning Process (CGPP) and the Proactive Planning Proceeding.⁶ The CGPP was created, in response to the Accelerated Renewable Energy Growth and Community Benefits Act, to improve the planning process for transmission and generation as part of the bulk system.⁷ The Proactive Planning Proceeding assesses the distribution system to identify preemptive upgrades to the grid to streamline the interconnection process. The Commission's work to integrate transmission, distribution, and resources planning, has improved transparency and regulatory certainty to incentivize more efficient investment in these systems.

⁴ Case 20-E-0543, Petition of Interconnection Policy Working Group Seeking a Cost-Sharing Amendment to the New York State Standardized Interconnection Requirements, Order Approving Cost-Charing Mechanism and Making Other Findings (issued July 16, 2021).

⁵ Case 24-E-0415, Interconnection of Distributed Energy Resources, Notice Soliciting Comments (issued July 16, 2024).

⁶ Case 24-E-0364, Proactive Planning for Upgraded Electric Grid Infrastructure (Proactive Planning Proceeding).

⁷ Case 20-E-0197, Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act.

On April 20, 2024, the Renewable Action through Project Interconnection and Deployment (RAPID) Act was enacted to streamline environmental review, permitting, and siting for major renewable energy projects. The RAPID Act integrated the Office of Renewable Energy Siting and Electric Transmission within the DPS, to administer a consolidated permitting process to enhance coordination and provide greater certainty for developers and host communities. These process improvements seek to reduce development time, improve transparency, and create certainty.

In November 2025, Governor Hochul announced the launch of the Promote Opportunity with Electric Readiness for Underdeveloped Properties (POWER UP) program, which is a \$300 million initiative to support the development of electric ready sites. This program is administered by Empire State Development in consultation with DPS staff, to ensure power-ready sites have the utility power needed to attract businesses by proactively developing electrical infrastructure at key industrial sites, thereby reducing development time.

Additionally, the Commission authorized upstate municipal power authorities to adopt tariff classifications for high density load (HDL) customers in response to concerns that data centers and crypto mining business demand could drive up local electricity costs for existing ratepayers.⁸ Customers of these municipal utilities benefit from an allocation of low-cost New York Power Authority hydroelectric power. When the municipality's allocation has been expended, more costly supplemental power is procured, and the costs are recovered from

⁸ Case 18-E-0126, Tariff Filing by the New York Municipal Power Agency to Implement a New Rider A - Rates and Charges for High Density Load Service, Order Approving Tariff Amendments with Modifications (issued March 19, 2018) (HDL Order).

all customers. Serving HDL customers requires municipalities to increase their supplemental energy purchases. The HDL Order implemented protections against increased power costs associated with such purchases for New York Municipal Power Agency member customers, among other things. This example highlights how tariffs can be designed in specific cases to protect ratepayers by ensuring data centers and similar facilities pay their fair share.

In addition to these initiatives, New York's law and regulations have specific requirements to provide service and define the methods to recover costs for system upgrades. For example, utilities are obligated to provide service under Transportation Corporation Law §12 that states a utility must supply electric or gas service for a building within one hundred feet of a gas main or electric line after receiving a written application and payment and provides that the Commission may require applicants for electric or gas service to buildings in excess of one hundred feet from existing electric or gas infrastructure to pay or agree in writing to pay material and installation costs relating to the facilities to be installed. Also, 16 NYCRR Part 98.2 requires customers to pay installation costs for new facilities, such as infrastructure upgrades identified during the interconnection process. Utility tariffs implement these laws and regulations and will be evaluated as part of this proceeding to determine if modifications should be made to address large loads. While this regulatory framework supports a variety of project types, including large loads associated with manufacturing, cleantech, and other industries, there are inherent challenges with the scale and speed of demand associated with load directly tied to data center development.

Experiences outside of New York further highlight the changing landscape of large load interconnection challenges.

Regulators and utilities in other states have begun exploring alternative approaches for managing data center growth, including long-term contractual arrangements, capacity-based charges, and “bring your own generation” models. In addition, some data centers have publicly committed to paying higher electricity costs or procuring dedicated generation resources to mitigate grid impacts. These advancements underscore the need for New York to update interconnection and cost allocation frameworks that reflect distinct characteristics of different categories of large loads.

The Commission is also cognizant that, on October 27, 2025, the Federal Energy Regulatory Commission (FERC) issued a notice inviting comments on an Advance Notice of Proposed Rulemaking (ANOPR), which proposed that FERC determine to exert jurisdiction over the interconnection of large loads to the transmission system.⁹ While FERC has not, to date, acted on the ANOPR and proposed a formal rule deciding to exert such jurisdiction, the Commission will monitor and closely examine any future FERC actions.

DISCUSSION

The Commission institutes this proceeding to review the planning and interconnection processes, cost-allocation mechanisms, and tariff structures relating to the integration of large loads within the State’s transmission and distribution (T&D) systems. The goal of this initiative is to support new demand for electric power and to advance State economic development objectives without adversely impacting other ratepayers or the reliability of the electric system, and to do

⁹ Federal Energy Regulatory Commission, Ensuring the Timely and Orderly Interconnection of Large Loads, ANOPR, Docket No. RM26-4-000 (issued October 27, 2025).

so in a way that is consistent with the Climate Leadership and Community Protection Act.

In line with Energize NY Development, the Commission is committed to supporting large load projects that drive job creation and economic growth, while maintaining energy affordability for ratepayers. For these projects, uncertainty related to interconnection timelines, upgrade costs, and planning assumptions can undermine investment decisions. This proceeding will examine opportunities to modernize the interconnection process, enhance transparency around grid upgrade requirements, and improve cost predictability for projects that deliver meaningful benefits.

The Commission also remains absolutely committed to ensuring system reliability and cost-effectiveness of investments in, and operations of, the T&D system. Accordingly, this proceeding will examine opportunities to further optimize upgrades potentially made necessary by the interconnection of new load. These may include: improved, timely, and effective engagement between large load applicants and utilities and the NYISO; more effective approaches (including data standards, forecasting, queue management especially of speculative load, and modeling) to ensure both efficient interconnection and system reliability; more effective approaches to customer-sited or customer-provided resources to optimize interconnection costs and reliability; and clear and equitable impact-based risk- and cost-sharing arrangements for necessary grid upgrades. In addition, this proceeding will consider the development of criteria to define and categorize large loads and establish appropriate requirements for facilities that provide limited public benefit but have significant electrical demand. For data centers, and similar facilities, the Commission may consider additional requirements such as customer-supplied generation or

storage, grid flexibility or curtailment, modifications to tariff cost sharing and cost recovery rules, the use of long-term contracts, or charges to protect ratepayers. Further, the Commission may consider requirements that are specifically designed for the new large electric load to lead to reduced rates for all customers.

In developing these approaches, the Commission will seek to build off lessons learned from prior initiatives to emphasize improvements in planning, coordination, transparency, and equitable allocation of costs, in line with the beneficiary pays principle. The Commission will also consider relevant and useful proceedings and practices from other jurisdictions dealing with this topic.

As we embark on the Energize NY Development initiative, we would be remiss in our deliberations if we did not explore all opportunities these loads may present to the State overall, as well as their impacts on or possible contributions to our climate objectives. Certain large loads may hold potential for the reuse of waste heat in a beneficial manner by serving as a thermal resource to a future thermal energy network (TEN) or providing thermal energy storage at times advantageous to the grid, thereby reducing the overall impact of the large load to the grid. As such, we direct DPS staff to recognize opportunities within this proceeding that could advance the potential beneficial use of waste heat from these large, interconnected loads and to ensure coordination with the Commission's proceeding to implement the requirements of the Utility Thermal Energy Network (UTEN) and Jobs Act.¹⁰

To help inform the Commission in regard to the objectives of this proceeding, DPS staff is directed to convene

¹⁰ Case 22-M-0429, Utility Thermal Energy Network and Jobs Act.

at least one technical conference before December 31, 2026 (Technical Conference). Interested stakeholders are invited to file initial comments on or before April 13, 2026, in Case 26-E-0045, responsive to the questions posed in the Appendix to this Order. Stakeholders are also invited to submit reply comments, responsive to the initial comments, on or before May 13, 2026. The comments will be used to develop an agenda for the Technical Conference.

Additionally, DPS staff shall prepare a whitepaper, for Commission consideration, detailing the range of issues associated with large load interconnection, as addressed in this proceeding. The whitepaper will be informed by the comments received and input provided at the Technical Conference. The whitepaper is to be issued no later than one year from the issuance date of this Order and will be subject to New York State Administrative Procedure Act notice requirements.

CONCLUSION

The Commission finds that a proceeding is needed to advance the Energize NY Development initiative and to assess large load interconnection processes that can accelerate economic development, while establishing appropriate cost-responsibility frameworks for data centers and other high energy density facilities. The Commission expects this effort will leverage existing planning processes, integrate innovative tools, and engage with relevant stakeholders.

The Commission orders:

1. A proceeding is instituted to execute the Energize NY Development initiative.
2. Interested stakeholders shall file initial comments on the questions posed in the Appendix to this Order by April

13, 2026. Comments in response to the initial comments shall be filed by May 13, 2026. All comments shall be filed in Case 26-E-0045.

3. Department of Public Service staff shall convene at least one public technical conference before December 31, 2026, as discussed in the body of this Order.

4. Department of Public Service staff shall prepare a whitepaper addressing the interconnection and related issues considered in this proceeding within one year of the issuance of this Order. The whitepaper shall be informed by the technical conference in Ordering Clause 3, address the comments received in the responses to Ordering Clause 2, be subject to public notice and comment, and contain recommendations for the Commission's consideration.

5. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

6. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

APPENDIX

Questions soliciting stakeholder comment on integrating large electric loads.

We invite stakeholders to provide examples of other state's relevant approaches when responding to the questions below.

1. How can large load demand be accurately forecasted and verified before being included in long-term load forecasts and system planning studies?
2. What innovative technology should be considered to improve interconnection cost estimates, reduce development time, and provide sensitivity analysis?
 - a. How has this technology been utilized and what were the results?
3. What requirements should be applied to large loads and / or data centers to maintain grid reliability, protect ratepayers, and meet New York's climate goals?
4. What grid services such as load flexibility, demand response, on-site generation, energy storage, or alternative service be considered?
5. How should cost allocation be structured to ensure data centers or similar facilities bear the cost they impose on the electric system?
6. How can the state ensure transparency in the large load interconnection process and information sharing?
7. What interconnection rules should the Commission consider that would allow for leveraging of waste heat as part of thermal energy networks?
8. What additional measures should the Commission consider as part of this proceeding to ensure large load and data

centers are not causing cost increases to all other ratepayers, or adversely impacting reliability or the achievement of Climate Leadership and Community Protection Act objectives?



State of New York

Executive Chamber

No. 62

EXECUTIVE ORDER

ESTABLISHING A TEMPORARY MORATORIUM ON DATA CENTERS IN NEW YORK WHILE THE STATE DEVELOPS HIGHER STANDARDS FOR DATA CENTER DEVELOPMENT AND BENEFITS BLUEPRINT TO SUPPORT LOCALITIES

WHEREAS, New York State (the State) is experiencing unprecedented growth in demand for data center development, driven by the need for computing infrastructure that supports artificial intelligence (AI), cloud computing, streaming services, and other computing operations; and

WHEREAS, the increasing demand for data storage and processing capacities, especially for intensive computational tasks, has led to multiple proposals for the construction and operation of data centers that require large amounts of energy and water to run and cool thousands of computer servers; and

WHEREAS, as of May 2026, nearly 12 gigawatts (12,000 megawatts) of data center load requests are in the New York Independent System Operator interconnection queue with more than eight gigawatts entering the queue in 2025 alone, representing accelerating demand growth and a need for action; and

WHEREAS, Energize NY Development, announced in the 2026 State of the State, directs the Public Service Commission to modernize how large energy consumers, including data centers, connect to the grid, while ensuring those consumers pay their fair share or supply their own power; and

WHEREAS, it is the policy of New York State that the cost of electric system upgrades required to provide electric utility service to large loads should not be paid for by every-day New Yorkers; and

WHEREAS, the growth of Statewide electric load caused by data centers challenges the clean energy targets of the State and will require the procurement of additional energy supply to serve this incremental electric load; and

WHEREAS, data center development can be unpredictable and creates potential risk for utilities and ratepayers, including when infrastructure investments are made in anticipation of loads that may not fully materialize; and

WHEREAS, the State is dedicated to environmental quality, sound public health and safety, economic prosperity, and social well-being; and

WHEREAS, New Yorkers have expressed legitimate concerns regarding the potential impacts of the siting and operation of data centers on energy use, water use, water quality, air quality, noise, lighting, quality of life, and other potential environmental impacts; and

WHEREAS, the State's existing regulatory frameworks are not yet prepared to address the large-scale water use and treatment from data centers which could strain aquifers, surface waters, and public infrastructure; and

WHEREAS, as competition for clean freshwater resources increases due to threats to water quality and changing precipitation and drought patterns from climate change, the need to maximize water reuse and implement the best available technologies to conserve water resources becomes increasingly important, especially within sectors of high-water-demand such as data centers; and

WHEREAS, without regulations, policies, or guidance that enable safe, efficient, and economically viable water use and reuse, the State risks exacerbating water scarcity conditions in high-demand areas, constraining industrial growth, and undermining long-term climate resilience; and

WHEREAS, localities across New York are increasingly contending with the costs and benefits of serving as host communities for data centers, and hosting a data center presents unique opportunities for the host community to encourage and secure private sector investment from the developer or operator that delivers meaningful local benefits; and

WHEREAS, while the negotiation of local benefits with data center developers or operators is the responsibility of the locality, the State can offer valuable technical resources and provide best practices to support the negotiation of meaningful local commitments from the developer or operator;

NOW, THEREFORE I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

1. Data Center Permitting Moratorium and Generic Environmental Impact Statement (GEIS)

The Department of Public Service (DPS) is directed to examine the impacts associated with the interconnection of data centers to the electric distribution network through its proceeding under Case 26-E-0045, Proceeding on Motion of the Commission to Address Interconnection Reforms for Large Loads. In connection with such proceeding, DPS is further directed to initiate a formal public process, including public comment and a public hearing, to create a Generic Environmental Impact Statement in accordance with the requirements of the State Environmental Quality Review Act at Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (collectively, SEQRA), to assess the potential environmental impacts of the construction and operation of data centers in the State, including energy demand, water use and quality, air quality, disproportionate impacts on disadvantaged communities, and noise levels. DPS shall submit a report of such Final Generic Environmental Impact Statement and findings statement. DPS shall consult with the Department of Environmental Conservation and other relevant state agencies and authorities.

Until DPS submits its report of the final Generic Environmental Impact Statement and associated findings statement, the Department of Environmental Conservation (DEC), consistent with its obligations under SEQRA, is directed to hold in abeyance all applications for any discretionary permit, approval, license, or similar form of permission for the construction or expansion of a data center that (1) are or may hereafter be pending before DEC and (2) have not been determined to be complete by DEC before the date of this Executive Order. As a condition precedent to a determination of completeness for an application for a discretionary permit, approval, license, or similar form of permission, DEC may require the applicant to identify and describe in writing whether such application relates to or involves the construction or operation of a data center. This provision does not apply to permits, approvals, licenses, or similar forms of permission from local governments. DEC shall assist DPS in the preparation of the Generic Environmental Impact Statement referenced above.

2. Developing a Community Investment Framework

To assist localities across New York in analyzing and attaining local economic benefits and mitigating potential negative effects of serving as a host community for a data center, Empire State Development (ESD) is directed, within 60 days of this Executive Order, to consider feedback on and create and post on its website a Community Investment Framework.

ESD shall include in such Community Investment Framework, guidance associated with:

- a. Creation and maintenance of a community investment fund into which data center developers or operators provide capital that can be used for energy affordability efforts and enhancements to public services such as child care, K-12 programming, or public infrastructure.
- b. Investments in local infrastructure such as local energy distribution systems, broadband or irrigation systems or wastewater treatment plants
- c. Establishment of frameworks that provide organized labor a seat at the table and prioritize prevailing wage standards and project labor agreements for data center construction, local hiring, apprenticeships and workforce development to maximize economic benefits.
- d. Transparency through reporting requirements or other means so that communities understand many of the key economic metrics associated with data center development.

Localities and other governmental entities, including but not limited to Industrial Development Agencies, may use the Community Investment Framework to negotiate terms and conditions with the developer or operator of such data center, to help the host community explore ways it can directly benefit from such project through established partnerships, direct investments in the community, and any other appropriate terms.

3. The New York Grid Acceleration Fund

DPS is also directed to consider the development of a mechanism to protect all customers from the risk of significant costs and risks of stranded assets, including consideration of a New York Grid Acceleration Fund, and may consider such as part of the Energize NY Proceeding. The Fund may require data centers to make upfront capital contributions to finance grid improvements, participate in demand response programs, support the procurement of new clean energy supply including distributed energy resources, and establish an insurance pool to which developers may need to contribute. This Fund would help ensure that New York's grid is modernized to maintain reliability while also ensuring the costs of integrating and serving these new loads are not borne by other ratepayers. The Fund could also explore options to support energy affordability.

DPS shall consider assessing how data center contributions to the Fund may be structured, including contribution levels and how funds may be allocated. Additionally, the department shall consider developing a process to work with utilities and other stakeholders to identify necessary infrastructure improvements across the grid. A component of the Fund may include measures to protect ratepayers from project delays, changes in scope, or cancellations that could result in stranded assets. As part of this effort, DPS may evaluate approaches to require data centers to fund new clean electric generation and/or battery storage dedicated to their operations, consistent with the State's clean energy goals, including customer-sited distributed energy resources, to the greatest extent feasible.

4. Interconnection, Reliability, and Cost Allocation

DPS is directed within sixty days to form a Data Center Interconnection Working Group to identify and resolve issues related to the interconnection of data centers, and other large loads, in order to support efficient interconnection of large new customers and the faithful compliance of "beneficiary pays" principles as related to network upgrade and resource adequacy costs.

DPS is directed to convene the State's transmission owners to review their practices and methodologies for studying the system impacts of data centers, and other large loads in order to understand their sufficiency for the purpose of estimating and managing cost impacts, both as they relate to network upgrades and to supply. DPS is directed to report to the Commission within ninety days.

Data centers may also be subject to service classifications and requirements pertaining to data centers to be developed by DPS and as may be established by the Public Service Commission in the exercise of its discretion.

5. Data Center Water Withdrawal Review and Report

DEC shall assess whether any new or amended regulations, policies, reporting, or guidance is necessary or appropriate to help ensure its water withdrawal program requirements, pursuant to 6 NYCRR Parts 601 and 602, accurately and completely reflect the water demands of large use customers in the State, including data centers.

No later than twelve months after the date of this order, DEC shall deliver a report setting forth the results of such assessment and an identification of the potential regulatory, policy, and guidance actions that are necessary or appropriate to address the concerns associated with the siting and operation of data centers in the State.

6. Definition

For the purposes of this Executive Order, "data center" shall mean a facility or group of facilities located on the same site or contiguous sites used to house computer servers, associated components, or computing or telecommunications equipment for the storage, processing, distribution, and / or management of data. Characteristics of data centers subject to this Executive Order include computer servers, associated components, or computing or telecommunications equipment which: (1) are in facilities containing uninterruptible power supply systems, specialized cooling systems designed for high-density computing loads, and / or contain cybersecurity systems designed for secure digital infrastructure operations, (2) provide data storage, cloud computing, and/or content delivery to customers, internal operations, and/or affiliated business operations, oftentimes on a continuous twenty-four-hour cycle, and (3) consume or can consume 50 megawatts of energy or more. Provided, however, that a facility that is primarily used for manufacturing, research (including but not limited to quantum computing research or biomedical research), education (including but not limited to such facilities used by accredited colleges and universities in New York State, to the extent such colleges and universities are engaging in academic research, and the Empire AI consortium, or the institute, as defined in section three hundred sixty-one of the Economic Development Law), or the provision of medical care, is not covered by this definition and thus not subject to this Executive Order.

7. Agency Consultation

In implementing this order, DEC, DPS, and ESD shall consult with one another and with additional partner agencies and authorities in the State, including but not limited to the Authorities Budget Office, Department of Health, the New York State Energy Research and Development Authority, the Long Island Power Authority, the Department of State, as well as the New York Independent System Operator.



GIVEN under my hand and the Privy Seal of the
State in the City of Albany this fourteenth
day of July in the year two thousand
twenty-six.

BY THE GOVERNOR

A stylized, handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke at the end.

Secretary to the Governor

A handwritten signature in black ink that reads "Kathy Hochul" in a cursive script.

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts: Potential impacts to land generically from construction and operation of large electric load customers across the State under future interconnection reforms.		☐	☒

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☒	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☒	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☒	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☒	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☒	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☒	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☒	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☒	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☒	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☒	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☒	☐

l. Other impacts: <u>Potential impacts to surface water generically from construction and operation of large electric load customers across the State under interconnection reforms.</u>	☐	☒
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☒	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☒	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☒	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☒	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☒	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☒	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☒	☐
h. Other impacts: <u>Potential impacts to groundwater generically from construction and operation of large electric load customers across the State under future interconnection reforms.</u>		☐	☒

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☒	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☒	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☒	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☒	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☒	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☒	☐

g. Other impacts: <u>Potential impacts to flooding generically from construction and operation of large electric load customers across the State under future interconnection reforms.</u>	☒	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	☒	☐
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	☒	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☒	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	☒	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☒	☐
vi. 43 tons/year or more of methane	D2h	☒	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☒	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☒	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☒	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☒	☐
f. Other impacts: <u>Potential impacts to air quality generically from construction and operation of large electric load customers across the State under future interconnection reforms.</u>		☐	☒

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☒	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☒	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☒	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☒	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☒	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☒	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☒	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☒	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☒	☐
j. Other impacts: <u>Potential impacts to plants/animals generically from construction and operation of large electric load customers across the State under interconnection reforms.</u>		☒	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐ NO ☒ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☒	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☒	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☒	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☒	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☒	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☒	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☒	☐
h. Other impacts: <u>Potential impacts to agriculture generically from large electric load customers</u>		☐	☒

across the State under future future interconnection reforms.

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☒	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☒	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☒ ☒	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☒ ☒	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☒	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☒	☐
g. Other impacts: Potential impacts to aesthetic resources from construction and operation of large electric load customers across the State under future interconnection reforms.		☐	☒

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☒	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☒	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☒	☐

d. Other impacts: <u>Potential impacts to historical resource generically from construction/operation of large electric load customers across the State under interconnection reforms.</u>		☒	☐
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i> ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☒	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☒	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☒	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☒	☐
e. Other impacts: <u>Potential impacts to open spaces generically from construction and operation of large electric load customers across the State under interconnection reforms.</u>		☐	☒

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i> ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☒	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☒	☐
c. Other impacts: <u>Potential impacts to CEAs generically from construction and operation of large electric load customers across the State under future interconnection reforms.</u>		☒	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO

☒ YES

(See Part 1. D.2.j)

If “Yes”, answer questions a - f. If “No”, go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☒	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☒	☐
c. The proposed action will degrade existing transit access.	D2j	☒	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☒	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☒	☐
f. Other impacts: <u>Potential impacts to transportation generically from construction and operation of large electric load customers across the State under interconnection reforms.</u>		☒	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☒ YES

(See Part 1. D.2.k)

If “Yes”, answer questions a - e. If “No”, go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☒	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☒	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒	☐
e. Other Impacts: <u>Potential impacts to energy generically from construction and operation of large electric load customers across the State under future interconnection reforms.</u>		☐	☒

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☒ YES

(See Part 1. D.2.m., n., and o.)

If “Yes”, answer questions a - f. If “No”, go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☒	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☒	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☒	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☒	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☒	☐
f. Other impacts: <u>Potential impacts generically from construction and operation of large electric load customers across the State under future interconnection reforms.</u>		☐	☒

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☒ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☒	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☒	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☒	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☒	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☒	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☒	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☒	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☒	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☒	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☒	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☒	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☒	☐
m. Other impacts: <u>Potential impacts to human health generically from construction and operation of large electric load customers across the State under interconnection reforms.</u>		☒	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

☐ NO

☒ YES

If “Yes”, answer questions a - h. If “No”, go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☒	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☒	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☒	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☒	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☒	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☒	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☒	☐
h. Other: <u>Potential impacts to community plans generically from construction and operation of large electric load customers across the State under future interconnection reforms.</u>		☒	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

☐ NO

☒ YES

If “Yes”, answer questions a - g. If “No”, proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☒	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☒	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☒	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☒	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☒	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☒	☐
g. Other impacts: <u>Potential impacts to communities generically from construction and operation of large electric load customers across the State under interconnection reforms.</u>		☐	☒

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attachment -- Part 3 Determination of Significance

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Attached Initiating Order and Executive Order 62

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
New York State Public Service Commission as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☒ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Promulgation of Interconnection Reforms for Large Loads Including Data Centers

Name of Lead Agency: New York State Public Service Commission

Name of Responsible Officer in Lead Agency: Ryan Coyne

Title of Responsible Officer: Senior Attorney

Signature of Responsible Officer in Lead Agency: 

Date: 9/2/2026

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

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For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Attachment for Part 3: Determination of Significance

On February 12, 2026, the New York State Public Service Commission (Commission) issued an *Order Instituting Proceeding and Soliciting Comments* in Case 26-E-0045 (the Initiating Order). On July 14, 2026, Governor Hochul issued Executive Order 62 (EO62), *Establishing a Temporary Moratorium on Data Centers in New York While the State Develops Higher Standards for Data Center Development and Benefits Blueprint to Support Localities*. As explained in the Initiating Order and EO62, New York State (the State) is undertaking efforts aimed at providing greater certainty and predictability for new customers with large electric demands, while protecting other ratepayers from incurring incremental costs and ensuring electric system reliability. As part of these efforts, the State will assess and reform the State's large load interconnection processes and establish cost allocation standards applicable to data centers and other large electric load customers.

Reforming the interconnection process for large electric load customers is an action subject to the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR part 617). Part 2 of this Full Environmental Assessment Form (FEAF) identifies several potential environmental impacts associated with the contemplated interconnection reforms and with the construction and operation of the data centers referred to in EO62. Depending on the location and design of any particular project, these impacts can include, but are not limited to, potential impacts to land, surface water resources, groundwater resources, floodways and floodplains, air quality, plants and animals, agricultural resources, aesthetic and archaeological resources, open space and recreation, critical environmental areas, transportation systems, and energy use. Local noise, odor, and light impacts may also occur, as may potential impacts to human health, socioeconomics, and disadvantaged communities. In addition, individual projects may impact community land use plans and existing community character.

Future projects may affect many areas across the State. While construction impacts are generally transient and may not in any particular case rise to a level of significance requiring mitigation, other impacts may be of longer duration, as large load facilities may remain in service and impact the State's resources for decades. Both short and long-term impacts due to construction, operations, and maintenance are likely, given the increasing demand for facilities like data centers across the country and the State. People living in proximity to these projects are most likely to be directly affected by new construction, ongoing operations, and periodic maintenance activities. However, large load projects like data centers may require large amounts of energy and have the potential to impact energy services, water supplies, and air quality across the State as new generation and transmission resources are needed.

In the absence of large load interconnection reforms, these projects may cause many or all of these impacts at levels that would be deemed significant. Even with appropriate reforms and regulatory controls, the cumulative impacts of large load projects across the State may be significant. Thus, the Commission, acting as lead agency for this Unlisted action, finds that the action that is the subject of this FEAF may have a significant adverse impact on the environment and that an environmental impact statement (EIS) is required.

In this case, the Department of Public Service (DPS) will prepare a generic environmental impact statement (GEIS) pursuant to 6 NYCRR 617.10. A GEIS is a type of EIS that is typically used to assess the environmental impacts of an entire program or plan, including new or significant changes to an agency's regulatory programs, which new large load interconnection processes could entail. A GEIS is used when an agency is considering a new, or substantially revised plan, program, or policy that will affect a wide range of resources or geographical areas, and for which an exploration of a range of mitigation measures that would work in various circumstances is needed.

The broader focus of a GEIS will enable DPS to identify and broadly analyze the cumulative impacts of the proposed action. The fundamental elements of a GEIS are the same as the elements for a site-specific or project-specific environmental impact statement but otherwise provide broader review and analysis of existing conditions and potential impacts.