NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

JUL 31 2026

RE: Enforcement Discretion Part 253, Mandatory Greenhouse Gas Reporting Program

To Whom It May Concern,

This is to advise you that, subject to the terms set forth in this letter, the New York State Department of Environmental Conservation (NYSDEC or Department) will exercise its authority to use enforcement discretion with respect to certain provisions of Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 253, Mandatory Greenhouse Gas Reporting Program (Part 253), that became effective on December 25, 2025. Exercise of this discretion is in recognition of NYSDEC's decision to develop a regulatory package to amend Part 253 in response to the May 26, 2026 legislative changes to the Climate Leadership and Community Protection Act. *See* L. 2026, ch. 58, pt. VV. This enforcement discretion is effective on the date of signature and will continue through the dates noted for each provision below.

Provision in Part 253	Activity	Regulatory Deadline	Enforcement Discretion Effective Through
1.4(b)	2026 Emissions Data Report	June 1, 2027	December 31, 2027
1.4(b)	2027 Emissions Data Report	June 1, 2028	September 1, 2028
1.4(c)	Verification Statements for 2026 Reporting Year	December 1, 2027	April 1, 2028
1.7(e)	Large Emissions Source's GHG Monitoring Plan	December 31, 2026	June 30, 2027
2.4(e)	Registration of anticipated sources for specified facilities or units using imported or exported electricity	February 1, 2027	August 31, 2027
2.20(a)(2)	Emissions Monitoring and Measurement Plans for operators of solid or liquid waste management facilities	September 1, 2026	March 1, 2027

NYSDEC will exercise its enforcement discretion authority regarding Sections 253-1.4(b)("Reporting Deadlines"), 1.4(c)("Verification Requirement and Deadlines"), 1.7(e) ("GHG Monitoring Plan"), 2.4(e)("Requirements for Claims of Specified Sources of Electricity"), and 2.20(a)(2) ("Emissions Monitoring and Measurement Plan – Department Approval") as follows:

- Section 1.4(b) requires that "[e]ach reporting entity must submit an emissions data report no later than June 1 of the calendar year immediately following each emissions year. The 2026 emissions year data report will be due by June 1, 2027." NYSDEC will extend the deadline by which enforcement will begin through December 31, 2027 for the 2026 emissions year report. This enforcement discretion will remain in place through December 31, 2027. Additionally, NYSDEC will extend the deadline by which enforcement will begin through September 1, 2028 for 2027 emissions year data reporting deadline. This enforcement discretion will remain in place through September 1, 2028.

- Section 1.4(c) requires reports by a third-party verifier to be submitted by December 1, 2027 for emissions year 2026. NYSDEC will extend the deadline by which enforcement will begin through April 1, 2028 for the 2026 emissions year verification report deadline. This enforcement discretion will remain in place through April 1, 2028.

- Section 1.7(e) requires that "[e]ach facility operator or supplier that meets the thresholds in section 1.2(f) of this Part must submit to the department a GHG monitoring plan by December 31, 2026, or by the end of the first calendar in which the source first meets the thresholds in section 1.2(f)." NYSDEC will extend the deadline by which enforcement will begin through June 30, 2027 for the Section 1.7(e) GHG monitoring plan submission requirement for Large Emissions Sources identified by Section 1.2(f). This enforcement discretion will remain in place through June 30, 2027.

- Section 2.4(e) provides that "[e]ach reporting entity claiming specified facilities or units for imported or exported electricity must register its anticipated specified sources with the department pursuant to paragraph (1) of this subdivision by February 1 following each emission year to obtain associated emission factors calculated by the department for use in the emissions data report required to be submitted by June 1 of the same year. If an operator fails to register a specified source by the June 1 reporting deadline specified in section 1.4(d) of this Part, the operator must use the emission factor provided by the department for a specified facility or unit in the emissions data report required to be submitted by June 1 of the same year." In connection with the submission deadline for Section 1.4(b), NYSDEC will also extend the date on which enforcement of Section 2.4(e) is to begin through August 31, 2027. Entities claiming specified facilities or units for imported or exported electricity must register such sources with the department pursuant to 2.4(e)(1) by August 31, 2027, to obtain associated emission factors

calculated by the department for use in the 2026 emissions data report. This enforcement discretion will remain in place through August 31, 2027.

- Section 2.20(a)(2) requires submission of an Emissions Monitoring and Measurement Plan (EMMP) to the department by operators of solid and liquid waste management facilities that are required to report under sections 2.13 and 2.2 and exceed the applicability threshold in 2.20(a)(1). 2.20(a)(2) states: "Department Approval: The operator of an applicable facility or operation must submit an EMMP proposal to the department no later than September 1, 2026, and by March 1, 2029, and every three years thereafter in a format approved by the department." NYSDEC will extend the deadline by which enforcement of the first EMMP submission deadline required by section 2.20(a)(2) will begin through March 1, 2027. This enforcement discretion will remain in place through March 1, 2027.

Thank you for your cooperation in this matter. Questions regarding this enforcement discretion or Part 253 should be directed to NYSDEC's Division of Air Resources via email at DAR.253MRR@dec.ny.gov or in writing to NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233.

Sincerely,

Anthony P. Luisi
Deputy Commissioner
and General Counsel