

**2026 -- S 2351**

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LC004733

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2026**

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**A N A C T**

**RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING  
ACT**

Introduced By: Senators Gu, DiMario, Zurier, Britto, Urso, and Bell

Date Introduced: January 30, 2026

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1        **SECTION 1.** Sections 42-98-2 and 42-98-3 of the General Laws in Chapter 42-98 entitled

2        "Energy Facility Siting Act" are hereby amended to read as follows:

3        **42-98-2. Declaration of policy.**

4        It shall be the policy of this state to assure that:

5        (1) The facilities required to meet the energy needs of this and succeeding generations of

6        Rhode Islanders are planned for, considered, and built in a timely and orderly fashion;

7        (2) Construction, operation, and/or alteration of major energy facilities shall only be

8        undertaken when those actions are justified by long term state and/or regional energy need

9        forecasts;

10        (3) The energy shall be produced at the least possible cost to the consumer consistent with

11        the objective of ensuring that the construction, operation, and decommissioning of the facility shall

12        produce the fewest possible adverse effects on the quality of the state's environment; most

13        particularly, its land and its wildlife and resources, the health and safety of its citizens, the purity

14        of its air and water, its aquatic and marine life, and its esthetic and recreational value to the public;

15        (4) The licensure and regulatory authority of the state be consolidated in a single body,

16        which will render the final licensing decision concerning the siting, construction, operation, and/or

17        alteration of major energy facilities;

18        (5) An energy facility planning process shall be created through which the statewide

1 planning program, in conjunction with the division of public utilities and carriers, will be  
2 empowered to undertake evaluations and projections of long and short term energy needs, and any  
3 other matters that are necessary to establish the state energy plans, goals, and policies. The state  
4 planning council shall be authorized and empowered to adopt a long term plan assessing the state's  
5 future energy needs and the best strategy for meeting them, as part of the state guide plan by January  
6 1, 1991.

7 (6) The construction, operation, and/or alteration of major energy facilities shall be  
8 consistent with the state's established energy plans, goals, and policy.

9 (7) Before approving the construction, operation, and/or alteration of major energy  
10 facilities, the board shall determine whether cost-effective efficiency and conservation  
11 opportunities provide an appropriate alternative to the proposed facility.

12 (8) The energy facilities siting board shall give priority to energy generation projects based  
13 on the degree to which such projects meet criteria including, but not limited to:

14 (i) Using renewable fuels; or natural gas, ~~or coal processed by "clean coal technology"~~ as  
15 their primary fuel;

16 (ii) Maximizing efficiency;

17 (iii) Using low levels of high-quality water;

18 (iv) Using existing energy-generation facilities and sites;

19 (v) Producing low levels of potentially harmful air emissions;

20 (vi) Producing low levels of wastewater discharge;

21 (vii) Producing low levels of waste into the solid waste stream; and

22 (viii) Having dual fuel capacity.

23 The board shall, within its rules and regulations, provide guidelines and definitions of  
24 appropriate standards for the criteria designated in this subsection (8) by January 1, 1991.

25 **42-98-3. Definitions.**

26 (a) "Agency" means any agency, council, board, or commission of the state or political  
27 subdivision of the state.

28 (b) "Alteration" means a significant modification to a major energy facility, which, as  
29 determined by the board, will result in a significant impact on the environment, or the public health,  
30 safety, and welfare. Conversion from one type of fuel to another shall not be considered to be an  
31 "alteration."

32 (c) "Board" for purposes of this chapter refers to the siting board.

33 (d) ~~"Clean coal technology" means one of the technologies developed in the clean coal~~  
34 ~~technology program of the United States Department of Energy, and shown to produce emissions~~

1 ~~levels substantially equal to those of natural gas fired power plants.~~

2 (e) "Major energy facility" means facilities for the extraction, production, conversion, and  
3 processing of coal; facilities for the generation of electricity designed or capable of operating at a  
4 gross capacity of forty megawatts (40 MW) or more; transmission lines of sixty-nine (69) Kv or  
5 over; facilities for the conversion, gasification, treatment, transfer, or storage of liquefied natural  
6 and liquefied petroleum gases; facilities for the processing, enrichment, storage, or disposal of  
7 nuclear fuels or nuclear byproducts; facilities for the refining of oil, gas, or other petroleum  
8 products; facilities of ten megawatts (10 MW) or greater capacity for the generation of electricity  
9 by water power, and facilities associated with the transfer of oil, gas, and coal via pipeline; any  
10 energy facility project of the Rhode Island commerce corporation; the board may promulgate  
11 regulations to further define "major energy facility" to the extent further definition is required to  
12 carry out the purpose of this chapter, provided that any waste to energy facility shall not be deemed  
13 a major energy facility for the purposes of this chapter.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING  
ACT

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- 1        This act would remove clean coal as a renewable fuel given priority as an energy generation
- 2        project.
- 3        This act would take effect upon passage.

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