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and Human Services

Via Electronic Mail

October 19, 2009

Mr. Thomas Congdon
Chairman
State Energy Planning Board
c/o SEP Comments
NYSERDA
17 Columbia Circle
Albany, New York 12203-6399

Subject: Comments on Draft 2009 New York State Energy Plan

Dear Mr. Congdon:

We appreciate and are encouraged by the comprehensive analysis and recommendations in the Draft 2009 State Energy Plan ("Draft Plan"). We provide the following comments on aspects of the Draft Plan, some of which have special relevance to Westchester County:

1. Extend and Support Local Government Energy Efficiency Initiatives – As noted in the Draft Plan, some local government initiatives, such as in the Town of Bedford, have emerged to advance affordable residential energy efficiency improvements using new mechanisms. Local governments are uniquely positioned to conduct such initiatives, as local officials and staff can have greater accessibility and communication with residents, helping to promote these programs. Of course, the newly enacted Green Jobs/Green New York Law can accomplish these objectives on a wide scale. Initial feedback within our communities indicates that a local approach is still valued.

Forming local initiatives typically requires special approval by New York State. Towns may now utilize a solid waste district as a vehicle for funding improvements (like the Town of Babylon); however, of Westchester County's 6 cities, 19 towns, and 20 villages, only 4 towns presently have such districts. New legislation that increases opportunities for local governments to create vehicles for financing energy efficiency improvements is needed. Such legislation

could be a new ‘energy efficiency district’ for local governments. Westchester County is exploring collaborations between the County and its municipalities to promote and achieve home improvements across income sectors and to develop a skilled workforce. The County Board is also evaluating the potential to propose county-wide energy efficiency programs. An alternative could be to utilize county districts to seed improvements.¹ In recently reviewing presently available residential incentives, we have observed the complexity associated with present programs, which the Draft Plan also suggests.² While noting the possible confusion that also could ensue from having both state and local energy efficiency programs, we believe state-local coordination, such as through the new regional councils established in the state energy plan amendment, could help inform the public and reduce confusion. We also believe aggressive marketing of all incentive programs is necessary to reach the public and effect change.

2. Increase Coordination with Local Governments and Communities on Energy Planning – The Draft Plan identifies numerous local initiatives, including a county-wide action plan in Westchester, and describes the benefits associated with integrating energy considerations into local planning. The recently enacted amendment to the state Energy Law will establish a downstate regional council, with whom the State Energy Planning Board will consult.³ We support state consultation with local entities to improve energy planning. We also suggest local consultation in development of Tax Increment Reform legislation, which the Draft Plan recommends.⁴

3. Protect Water Resources and Encourage Natural Gas Conservation – The Draft Plan describes the potential to develop natural gas resources in the Marcellus Shale, which is partially located within the New York City watershed. Numerous commenters have expressed caution on developing the Marcellus Shale because of the proximity to the NYC watershed and large water (and subsequent wastewater) volumes associated with the hydrofracturing process for this development. Westchester County obtains approximately 85% of its drinking water from the Catskill and Delaware water supply, which are located in the boundary of the Marcellus Shale.⁵

The State has already demonstrated its capacity to balance energy uses with water resources in its careful deliberation on the environmental impacts of the proposed Broadwater LNG terminal in Long Island Sound. Accordingly, we urge the State to maintain drinking water quality as the highest priority in evaluating proposed natural gas drilling within the Catskill and Delaware watershed. In addition, we suggest the State encourage adoption of natural gas conservation and energy efficiency measures to the maximum extent practicable by all sectors to reduce natural gas demand.

4. Replace Indian Point with Gas-Fired Turbines – The Draft Plan describes the possibility of replacing the Indian Point nuclear power plant with combined cycle gas powered turbines, in the event that Indian Point is not relicensed.⁶ The County Board previously passed a resolution

¹ This approach would be similar to the Babylon model and would likely require state approval.

² Draft Plan, p. 14 [noting possible confusion to consumers and contractors from evaluating multiple initiatives].

³ Energy Law, Section 6-102(2), Regional Planning Councils, enacted in Chapter 433, Laws of New York, 2009.

⁴ p. 80.

⁵ NYSDEC’s Marcellus Shale map delineates the boundary, available at <http://www.dec.ny.gov/energy/46381.html>.

⁶ p. 56-57.

supporting this same proposal⁷, and we continue to support this possibility or other safer alternatives to the existing nuclear facility for the reasons described in the Draft Plan.

5. Enact a Low Sulfur Heating Oil Standard – The Draft Plan discusses benefits associated with low sulfur content of heating oil.⁸ In 2005, the County Board considered but did not enact a local law requiring phased reduction of sulfur content in home heating oil to 500 ppm and subsequently 15 ppm (a level similar to the federal ultra-low sulfur diesel standard). Since 2005, support has gathered among parties in the fuel oil supply and distribution industry for a low sulfur heating oil standard. The recent success in implementing the federal ultra-low sulfur diesel requirements suggests a similar success for a low sulfur heating oil standard. A challenge for owners of residences and multi-family units is ensuring that existing storage tanks and heating equipment can adjust to lower sulfur blends. State technical and funding support can help in facilitating this switch. Similar support for dual-firing systems (natural gas and distillate oil) would also be helpful.

6. Enact State Tax Credits for Geothermal Systems – The Draft Plan describes presently available sales and income tax credits associated with renewable energy systems (biofuels, solar thermal, solar PV).⁹ Such credits could also be extended to geothermal systems (“heat pumps”), which can have potential application in residential, commercial, and institutional settings. The Draft Plan notes that PSC has ordered a geothermal incentive program through the Energy Efficiency Portfolio Standard (EEPS).¹⁰ Adding a tax credit(s) to complement this EEPS incentive can broaden the applicability of incentives to different sectors for this promising technology.

7. Closely Monitor Reliability for Electric Distribution Systems – The suburban environment of Westchester County poses challenges for its aboveground electric distribution systems, notably for system operation subject to weather interruptions and for system maintenance affected by vegetation management. After several 2006 storms that caused prolonged power outages, the PSC commenced a special proceeding to evaluate Con Edison’s storm response and system maintenance within Westchester County. Following PSC’s order in this proceeding, Con Edison increased tree cutting along transmission and distribution lines which at times caused dramatic aesthetic changes for homeowners. The PSC should continue to closely monitor utility operation and maintenance of distribution lines to minimize service interruption, but also be mindful of impacts to abutting homeowners. PSC should also continue to require utilities to maintain resources and conduct adequate planning for storm events.

8. Support Training Programs for Revised Energy Code Compliance – New York must substantially increase compliance with the revised State Energy Conservation Construction Code to maintain eligibility to receive American Recovery and Reinvestment Act (ARRA) funds.¹¹ The Draft Plan notes that local governments typically enforce compliance with the State

⁷ County Board Resolutions 266-2001 and 142-2002 support the development of a non-nuclear alternative to Indian Point.

⁸ p. 27.

⁹ p. 44.

¹⁰ p. 43 [allocating up to \$2.3 million per year for three-years, for multi-family buildings; the Order contemplates a typical size of 100 units per building].

¹¹ p. 15-16.

Building and Energy Codes, and we support the Draft Plan's recommendation to increase training opportunities and enforcement resources for code enforcement officers.

9. Consider Uniform Licensing for Certain Energy-Related Professionals – As new statutes and incentive programs emerge to promote energy conservation and efficiency, there is a sharply increased need for competent energy professionals. Professional accreditation is valued for promoting competencies and for consumer protection. Various certifications, job titles, and associations presently exist related to energy efficiency, which can be confusing for governments promoting incentives, as well as for homeowners and property owners.¹² As the State develops training programs and resources for local governments, the State should also consider whether and how to streamline classification of energy-related professions to promote clarity in this area.

10. Monitor Solid Waste Impacts on Energy Consumption – Solid waste management can have significant impact on overall energy consumption. An obvious example is transporting waste long distances to ultimate disposal, but numerous other impacts are connected with the life-cycle of consumer products. Smart waste management planning is necessary and should be emphasized in both the State Energy Plan and State Solid Waste Management Plan.

11. Support Smart Meters and Time of Use Pricing – The County Board has previously resolved support for widespread installation of smart meters and implementation of time of use pricing. We continue to support this recommendation in the Draft Plan.

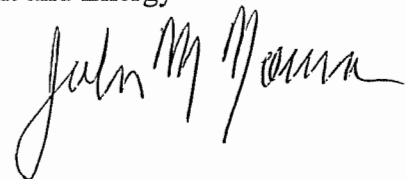
12. Support Smart Grid Technology – Implementation of Smart Grid technologies will increase the efficiency in the transmission and distribution of electricity throughout the State.¹³ The County Board supports investment in Smart Grid technology.

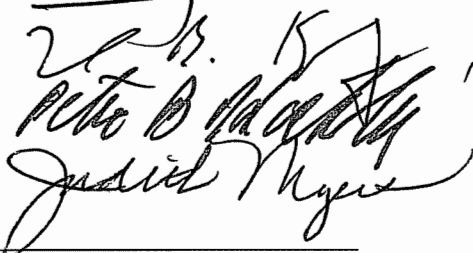
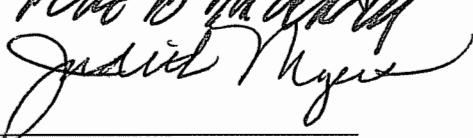
Thank you for this opportunity to provide comment on New York's energy policy. Please feel free to contact us at (914) 995-2800 with any questions, etc.

Very truly yours,

Westchester County Board of Legislators, Committee on Environment and Energy

 Thomas Albanito, Chair

 John M. Manna

 Peter B. Blumenthal
 Judith Meyer

¹² Examples include Certified Energy Manager, Home Energy Rater, LEED Accredited Professional, Professional Engineer, and numerous certifications associated with organizations (e.g., BPI certification, etc.).

¹³ p. 95.