

**CITIZENS
CAMPAIGN**
FOR THE ENVIRONMENT

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Empowering Communities. Advocating Solutions.

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NYSERDA
17 Columbia Circle
Albany, NY 12203-6399

RE: Comments on the NYS Energy Plan Interim Report

Dear Sirs or Madams:

Citizens Campaign for the Environment (CCE) is an 80,000 member, non-profit, non-partisan advocacy organization working to protect public health and the natural environment in NYS. CCE works to build widespread understanding and advocacy for policies and actions designed to manage and protect our natural resources and public health.

CCE works actively at the local, state, and federal level to advance policies that reduce greenhouse gas emissions and promote clean, renewable energy solutions. CCE applauds the Energy Coordinating Working Group (ECWG) for moving forward with the New York State Energy Plan process, releasing the Interim Report, and welcoming public comments and feedback.

CCE supports New York State formulating an energy plan for the region. An agreed upon plan for energy development in the state will benefit the environment, public health and our climate by meeting our energy needs in the most efficient, sustainable, and cleanest manner, while providing regulatory certainty for energy companies in NYS.

It is CCE's hope that the NYS Energy Plan will encourage the energy industry to invest in clean, sustainable, safe and local energy generation in NY and dissuade ill-conceived energy proposals like the proposed 43 MW coal plant in Jamestown, NY and new proposed nuclear power plants, like Nine Mile-3 in Oswego, NY

CCE offers the following specific comments on the NYS Energy Plan Interim Report:

- 1. In regard to the state's plan for energy efficiency on the planning horizon, CCE believes that in order for the "State to maximize the effectiveness of all of the energy efficiency programs it offers to citizens and businesses," the plan should delineate pathways for New York State to actively promote public participation in energy efficiency and energy conservation endeavors.**

NY should look at other state's programs and assess "what works and what doesn't". An energy plan must include strong public participation and involvement so that the public is part of the solution.

- 2. While the State develops a plan to achieve near term (within the 10 years) goals for Greenhouse Gas (GHG) emission reduction, the state should utilize the recommendations from consensus of leading climate experts, including the International Panel on Climate Change (IPCC).**

The IPCC recommends a minimum decrease of GHG of 20% by 2020, and 80% by 2050. Reductions should be based on a baseline of 1990 levels. Leading scientists believe that these are the minimum actions needed to avert the worst adverse impacts of global climate change.

To further reduce GHG emissions, the interim report indicates that in the electric generation sector, the state will need to evaluate tradeoffs in the development of new base load generation capable of zero or low carbon electric grid. CCE believes when balancing the different options, the plan should indicate that clean, domestically produced energy options should be stated as New York's top priority. Energy independence, clean energy production, combating global warming and providing for a sustainable energy future can not be accomplished with continued dependency on fossil fuels. *The New York State Energy plan should reflect and articulate an energy future that actively promotes, advances and seeks out clean energy technologies over the use of fossil fuels.*

- 3. The Energy Plan should address climate change adaptation measures.**

While New York State should move as aggressively as possible to mitigate the impacts of climate change, policies should be developed to include adaptation. The IPCC concluded that global warming is already impacting physical and biological systems. New York must plan to adapt to the unavoidable impacts of climate change to protect people, habitats, plant and animal species, drinking water, and areas susceptible to flooding. *The plan should promote policies that provide resources (i.e. through auction of carbon credits) to adapt to inevitable consequences of climate change.*

- 4. CCE recommends that the State Energy Plan ensure public health and environmental protection in the extraction of natural gas from shale formations, including Marcellus and Utica shale.** The Interim draft identifies that the demand for natural gas in growing and new infrastructure may be needed. Due to exemptions for the oil and gas industry under federal statute and significant staff cuts in key regulatory and enforcement capacities of the Department of Environmental Conservation, *CCE believes it is critical for the state Energy Plan to guarantee that any permitted natural gas drilling in shale formations has adequate regulatory and enforcement oversight, and that water*

quality, water quantity, air quality, and public and private property are not adversely impacted.

5. CCE recommends that the State Energy Plan ensure public health and environmental protection in construction and operation of infrastructure to store and/or deliver Liquid Natural Gas (LNG). Recognizing the projected increase in demand for natural gas the state should aggressively assess NY's need and identify siting locations that present the least environmental and societal impacts while providing a high degree of safety. Large-scale battles as demonstrated by the Broadwater Energy proposal can and should be avoided with a more thoughtful planning process.

6. CCE recognizes that the much of New York is a federally designated transmission corridor for congestion and constraint. Reliable energy transmission is necessary to ensure reliable electrical service and competitive markets. Proposals to build new rights-of-ways are short-sighted and have the potential to disrupt New Yorker's quality of life, local economies, environmental quality, and opportunities for recreation. *CCE strongly recommends that the State Energy Plan address transmission congestion and constraint through upgrading existing right-of-ways and investing in energy generation in proximity to demand, while modernizing the grid to have real-time pricing, smart meters, and other upgrades to provide incentives to conserve energy and improve efficiency in transmission.*

7. CCE recommends that the State Energy Plan include specific criteria for New York Power Authority (NYPA's) allocation of low-cost hydropower.

Job creation, industry sector, and geographic constraints are the most important criteria for power allocation in the current power programs. Energy efficiency and conservation, as well as the development of additional renewable energy sources, are not valued in the current scheme. *CCE recommends the Plan promote policies that require criteria for NYPA's allocation of low-cost power put a high priority on:*

- a. **Energy efficiency and conservation.** Businesses and other entities that apply for low-cost power should be required to outline a meaningful energy efficiency and conservation plan in order to be considered for low cost hydropower. Many of the current recipients of low-cost power are some of the most energy intensive in the state, making these companies the highest priority for implementing efficiency and conservation measures. The use of hydropower for these companies provides little or no incentive for energy efficiency and conservation efforts.
- b. **Companies that develop renewable energy technologies.** Manufacturers of renewable energy technologies, such as wind, geothermal and solar power, should be a high priority sector to receive low-cost power. This investment in renewable energy companies is aligned with the ECWG goal of refocusing New York's existing manufacturing sector toward the development of advanced energy technologies and their component parts. Additionally, when hydropower

is sold on the open market at a higher cost, these *local* manufacturers should be given priority for proceeds.

8. CCE recommends that the plan incorporate a regional/national plan to specifically address pollution from energy generation, particularly mercury.

CCE commends the State's work to reduce emissions such as sulfur dioxide, nitrogen oxides, carbon monoxide, mercury, and ozone levels from various energy production sources. While action from NYS is critical, pollutants do not respect state lines, and pollution emitted in neighboring states (and Canada) will impact New York's environment and public health. CCE recommends that the Plan incorporate a regional/national plan to specifically address pollution from energy generation, especially mercury.

9. The NYS energy plan should provide recommendations to ensure responsible siting of energy facilities, which respect environmental justice and ensure public participation.

These recommendations could be incorporated into Article X legislation, which has failed to be reauthorized by the New York State legislature for several years.

Specifically, CCE recommends:

- a. ***Ensure environmental justice and mitigation of pollution impacts on overburdened communities.*** Large electric non-renewable generating facilities generate pollution that adversely impacts surrounding communities. Energy siting law must include a review of potential impacts to overburdened low-income communities and communities of color, in context with existing local pollution sources, when proposing to add another major source of pollution to the community. Additionally, pollution mitigation, based on cumulative impacts, must be required for already overburdened communities. The pre-application report should be expressly required to include a discussion of the extent to which production of fuel for the facility meets any state, federal, or United Nations standards or guidelines concerning disproportionate impacts to low income or minority population.
- b. ***Guarantee the tools and a transparent process for meaning public participation in the siting process.*** Communities must be properly equipped with the resources needed to provide legal services to navigate the complicated siting process. Energy siting law must provide adequate funding to community groups and municipalities to provide important legal services. CCE strongly supports project developers providing intervenor funds, available during the pre-application process, and urges the final law to include adequate funding levels.

10. CCE recommends NYS engage neighboring states in regional energy planning.

CCE is extremely supportive of a cooperative, collaborative approach to energy issues. Our neighboring states of Connecticut and New Jersey should be included in regional energy planning, particularly because of shared resources including the Long Island Sound and the Atlantic Ocean.

The regional energy plan should include a new structure that provides for communication with Connecticut officials to discuss and conduct regional energy plans, particularly those that involve the Long Island Sound. For far too long, NY and CT have only sat down to resolve conflicts regarding energy infrastructure. The states have yet to work together collaboratively to advance a mutual energy agenda. This opportunity to collaborate can and should be advanced by NY.

Multiple offshore LNG facilities are already proposed for off the coast of NY and NJ and the number of proposals is likely increase. These proposals represent some of the largest energy supply infrastructures in the history of the Northeast. The proposals range from supplying 1.2 bcf of natural gas per day to 2.4 bcf per day into the NJ and NY market. NY and NJ should have a meaningful dialogue on what energy is needed and choose projects that will have the least environmental impact, not the most environmental impact.

11. NYS should work with the 8 Great Lake States and two Canadian Provinces to develop strong, uniform standards for siting of turbines in the Great Lakes.

CCE is also very supportive of the State's participation in the Great Lakes Wind Collaborative. There is tremendous potential for wind development offshore in the Great Lakes, which could provide important environmental and economic benefits to the state and region. Through this collaborative process, it is critical that the eight Great Lakes States and two Canadian Provinces develop strong, uniform standards for siting of turbines in the lakes. This will help ensure that wind energy generation potential in the lakes is realized, while protecting the amazing, fragile Great Lakes ecosystem from further degradation.

12. The NYS Energy Plan should include plans for large-scale offshore wind and large-scale solar projects.

There is a tremendous offshore wind resource both in the Great Lakes and in the Atlantic Ocean. New York has been pro-actively developing land-based wind energy. This includes the largest wind farm east of the Mississippi River, Maple Ridge Wind Farm, with an installed capacity of 231 MW. Much of this clean, renewable wind energy is located in the upstate regions of New York. CCE is encouraged by NYPA's leadership to move forward on an offshore wind farm in the Great Lakes. Yet, we are concerned with the slow progress on an offshore ocean wind farm.

Solar energy is another critical renewable energy source that can and should be advanced. We are encouraged by Governor Paterson's 100 mw solar program. 100 mw of solar energy is a laudable goal to begin this process, yet we believe New York has the potential

to do much more. In 2008 Germany installed 1,100 MW of solar energy and that country is projecting an additional installation of 1,300 MW in 2009.

According to one national solar company's model, Long Island alone has the potential for developing 500-700MW of clean, renewable solar energy. The model demonstrates how a private company would build, construct, and maintain the solar panels. The company would own the solar units and through a power purchase agreement (PPA) sell the power to the grid, as does any existing power plant. New York has plentiful locations to place solar panels, including flat roofs, remediated brownfields, and closed landfill sites. *We believe this kind of model has the potential to advance solar energy in New York and should be aggressively explored and pursued by the state. **CCE recommends that the NYS Energy Plan pledge to plan and produce 2000 MW from solar energy by 2020.***

13. The NYS Energy Board should actively work with the NY Ocean and Great Lakes Ecosystem Conservation Council to develop a Marine and Great Lakes Spatial Plan.

In the final report, "Our Waters, Our Communities, Our Future," developed by the NY Ocean and Great Lakes Ecosystem Conservation Council, it is recommended that NY should take a pro-active approach in the siting of offshore energy infrastructure. This would include identifying critical offshore habitats, as well as areas that may be degraded. This type of planning is critical to advancing clean renewable energies, while protecting important habitats.

14. The NYS Energy Plan should include Long Island.

Although the Long Island Power Authority (LIPA) is a member of the NYS Energy Planning Board, it seems there is a disconnect between the State Interim plan and the recently released draft LIPA 10 year energy plan. The State plan strives to meet state mandates, such as the "45 x 15" initiative, while the LIPA plan falls short. The State plan is working to develop a comprehensive blueprint and the LIPA plan is a hodgepodge of options, with no clear energy pathway. The state plan should incorporate all areas of the state, including Long Island.

15. The NYS Energy Plan must consider and plan for issues surrounding long-term containment of high-level nuclear waste. Previous proposals for a national nuclear waste disposal site have faced staunch criticism and lack of political support and access to funding. For decades, New York State has struggled to remediate contaminated sites with radioactive waste, including West Valley. As New York's nuclear power plants continue to age and prospects for off-site containment diminish, New York Energy Plan must consider environmental and public health implications of long term on-site containment. Furthermore, the plan must address additional waste burdens that may result from interests proposing to build new nuclear reactors in the state.

16. The NYS Plan should include recommendations for model codes for energy infrastructure.

The multiple levels of government across New York State and particularly Long Island have complicated and thwarted state and regional planning initiatives. The traditional home rule mantra and philosophy can be counter productive to such cutting edge planning such as reducing energy consumption and advancing large scale as well as residential use of renewable energy technologies.

Model codes can be adopted by local governments to allow for a streamlined approach for planning agencies and the business sector when seeking to implement energy infrastructure for wind, solar, geothermal and energy efficiency standards.

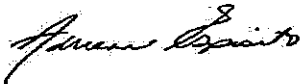
Such codes could be provided to the multitude of planning and governing bodies that are directly and indirectly engaged in planning processes and decisions. Such governing bodies include but are not limited to:

- County Legislatures
- County Planning Departments and Planning Commissions
- Town Boards, Town Planning Boards and Planning Departments
- Village Boards, Village Planning Departments and Planning Boards
- Zoning Board of Appeals

CCE believes that a strong NYS energy plan will be a tremendous asset in providing for energy development in the state that will benefit the environment, public health and our climate by meeting our energy needs in the most efficient, sustainable, and cleanest manner while providing regulatory certainty for energy companies in NYS. Critical to the success of the plan is developing mechanisms to actually implement the plan. CCE recommends that the NYS energy plan include recommendations for legislative and regulatory action to ensure the recommendations in the plan are carried out.

In closing, CCE commends Governor Paterson and NYSERDA for committing to formulating an energy plan for the state. CCE appreciates the opportunity to comment on New York's proposed scoping for that plan and looks forward to further input in the future.

Respectfully Submitted,



Adrienne Esposito
Executive Director