

**2020 Joint Legislative Budget Hearing**  
**January 27, 2020**

**TESTIMONY of Anne Reynolds, Executive Director, Alliance for Clean Energy New York**

Thank you for the opportunity to provide testimony on the proposed Executive Budget on behalf of the Alliance for Clean Energy New York. The Alliance for Clean Energy New York (ACE NY) is a broad coalition dedicated to promoting clean energy, energy efficiency, a healthy environment, and a strong economy for the Empire State, and is New York's premier advocate for the rapid adoption of renewable energy and energy efficiency technologies. Our members include renewable energy and energy efficiency companies, including companies that are currently operating renewable energy facilities in New York, such as hydropower and wind facilities, and those pursuing opportunities to invest in New York to build land-based wind and offshore wind, community solar and grid-connected solar, fuel cells, and transmission. You can learn more about ACE NY at [www.aceny.org](http://www.aceny.org).

On January 21, Governor Cuomo delivered his budget proposal and speech to the Legislature, and in that speech, which started out on the important topics of climate, energy, and environment, the Governor mentioned the length and difficulty of developing renewable energy in NYS, and the need for additional transmission capacity to move electricity around the State. We are happy he highlighted this issue in the speech, and couldn't agree more that renewable energy needs to be sited, interconnected, and permitted more rapidly if the State of New York is to have a chance to meet the ambitious and truly nation-leading goals for climate action that are mandated by the legislation that you -- this Legislature -- passed this past year. This is the topic that I would like to focus on further in this testimony. I note that there does not appear to be any proposed amendments to Article 10 of the Public Service Law in the Executive Budget proposal, or other proposed language to address renewable energy siting in the budget. Also, I note that I am attaching to my written testimony a presentation regarding the need for additional renewable energy and general estimates of how much renewable energy we need to build to reach 70% by 2030.

The Governor also described a total 5-year commitment to climate change action of \$33B. This figure, as I understand it, is the sum of the proposed Bond Act and a suite of important programs that have been previously committed, including for example, NYSERDA funds used to sign 20 year

contracts for renewable energy generation (for the purchase of renewable energy credits, or RECs), which are critical and instrumental in getting renewable projects financed and built; as well as Regional Greenhouse Gas Initiative funds, and ratepayer funded efforts through the Green Bank, the Clean Energy Fund, and the recent energy efficiency commitments made via the issuance of a Public Service Commission Order this month. There was also a mention of \$1.5 billion towards a reduction in transportation-related emissions in support of electrifying bus fleets and expanding fast-charging stations across the State. Even though these are mostly not General Fund budget items, I mention them because they are all programs that ACE NY very much supports, and because they are all important pieces of the overall strategy to create clean energy jobs, reduce greenhouse gas emissions and transition New York to a 100% clean energy future.

I want to specifically mention that ACE NY enthusiastically supports the proposal to increase staffing at the Department of Environmental Conservation with at least 47 positions to implement the Climate Leadership & Community Protection Act (CLCPA) and, according to the Governor's Budget address, the "Resiliency and Economic Development Initiative." We very much hope that a portion of these new positions are dedicated to the process for reviewing and approving of renewable energy project proposals, especially those that are awarded contracts by NYSERDA, because there already is a higher number of renewable energy projects in front of the DEC than ever before, and without increased staffing and a more efficient process, there will be a growing backlog there. Further, even a cursory reading of the CLCPA makes it clear that the DEC will have a lot of additional work, and it is only common sense that without additional staff, that work will not get done. I doubt that this Legislature wants to see CLCPA implementation languish and will, in fact, be closely watching the state's progress in implementation. So, I hope there is support in both houses for these new positions at the DEC.

Now that this Legislature passed the CLCPA, you all have a stake in the successful achievement of the law's very, very ambitious, but achievable, goals. Given that the law is so broad and economy-wide and greenhouse gas emissions are so ubiquitous, you may believe that I'm simplifying things to say that building wind and solar projects is the single most important thing we can be doing in the short term, but in fact, it's true. To reduce emissions from the electric sector, you need more renewable power plants. To meet the goals in the law for offshore wind, for distributed solar, and for 70% renewable electricity by 2030, NYS needs more wind and solar. We will reduce emissions

from transportation and heating – the other two major sectors -- by electrifying vehicles and heating, but only if that electricity comes from renewables. Further, it takes years to develop a renewable energy project -- from land acquisition, to public outreach, permitting and interconnection to financing and construction – and those processes need to be embarked on as soon as possible for as many projects as possible, so that we can collectively and gradually move closer to the law’s 2030 and 2050 mandates.

There are, of course, other things that need to happen. We need more transmission investments to upgrade and modernize the grid and move power around the state without congestion. This is critical to meet climate goals, but also to assure a safe and efficient grid, as much of the current transmission system is old. We need to follow up on energy efficiency goals and commitments with all types of programs and incentives to achieve those savings. And we need to take some significant first steps to reduce emissions from transportation: (1) pursue the multi-state Transportation Climate Initiative to establish a cap on emissions from transportation and auction allocations for transportation emissions, and use those proceeds to reinvest in electrifying public transportation vehicles, school buses, fleets, and other vehicles; (2) reform electric rates to facilitate fast charging and increase investments in electric vehicle charging; and (3) implement a low carbon fuel standard, as laid out in S.4003-A (Parker)/ A.5262-A (Woerner), to be a policy tool to reduce emissions from the transportation sector.

Moving back to the permitting of renewable energy, ACE NY has the position that the review and permitting process could be made more efficient, that is, faster, by dedicating additional staff, by standardizing conditions and requirements, and by streamlining some of the more bureaucratic aspects of the process, which is laid out in Article 10 of NY’s Public Service Law. This could be achieved, in part, without statutory change by the Siting Board and implementing agencies. But we do think it is time to reexamine Article 10 and have the following general suggestions for modifications to the law:

- **Conditions/Decisions Should Balance Climate Benefits against other Environmental Impacts:** Agencies and the Siting Board should be directed to prioritize, for renewable energy projects, the need to reduce GHG emissions to mitigate climate and its impacts on wildlife when assessing all impacts and the required mitigation for those impacts.

- **Solar Land-Use Limitations** – Landowners with a solar project should be allowed to use their entire parcel (excluding setbacks). Currently, the NYSERDA solar permitting guidebook recommends that no more than 50% of a parcel shall be used for solar.
- **Wetland Delineations:** Clarify that wetlands delineation needs to be for actual facility site plus all areas to be disturbed by construction, plus a 100 foot buffer around all areas to be disturbed by construction, which is what is used for all other development projects in NYS. Currently, the DPS regulation requires 500 feet from all disturbed areas, which adds unnecessary expense.
- **Identify Undisputed Matters Earlier** - Matters not disputed by the State or the applicant should be identified in the pre-hearing conference.
- **Quicken Response Times** –
  - To ensure projects are not delayed, presiding examiners should respond to motions and appeals for renewable energy projects faster (now it is 45 days).
  - Match the application review time to the current timeframe for repowering projects (6 months rather than 1 year).
  - Various deadlines for State and applicant responses need to be specified or tightened.
- **Create an Environmental Mitigation Bank** – To strengthen State-wide programs to protect wetlands and endangered species, renewable energy developers should be able to pay into a State mitigation bank to meet mitigation requirements, rather than have a months or years long negotiation process with DEC to decide on specific mitigation projects. These funds could be deposited into the Natural Heritage Trust, which currently exists in NYS law, and the DEC could use the funds for a more cohesive and comprehensive set of conservation projects.
- **Increase Intervenor Funds for Local Stakeholders:**
  - Intervenor funding should be focused on the property owners that live closer to the proposed project, e.g. within a 1 mile of project infrastructure. Currently, anti-wind energy activists from around the State can intervene in article 10 cases, and access intervenor funds.
  - Increase intervenor funds for municipal entities from 50% to 75%.
- **Encourage Repowering Renewable Energy Facilities:** To grow the number of facilities that repower, Article 10 should only apply to those renewable energy facilities increasing their generating capacity by 50 MW or more.

- **Consistent environmental impact language:** Environmental impacts should be assessed and mitigated the same as they are in SEQRA.

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One of the most significant environmental aspects of this budget is the proposed **Restore Mother Nature Bond Act** (*Parts QQ & RR.*), ACE NY is generally supportive of the proposed Bond Act, although there does not appear to be any detail available regarding the breakdown of the funds among the various proposed uses. We are waiting to hear more details on how the funds will be spent. We are pleased the proposed Bond Act language recognizes the importance of increasing the use of renewable energy.

ACE NY is excited that the Governor's budget presentation highlighted the need to address climate change; the importance of increasing the pace that new renewable energy project are reviewed and permitted by the Article 10 Siting Board; and improving our electrical transmission grid. We at ACE NY and our member companies stand ready to help you make the changes we need to meet the ambitious goals in the Climate Leadership and Community Protection Act. This past year, young climate activist Greta Thornburg admonished us that "Our house is on fire" but here in New York, I'm proud to say, we will do more than just watch it burn.