BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

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JOINT LEGISLATIVE HEARING
In the Matter of the
2025-2026 EXECUTIVE BUDGET ON
ENVIRONMENTAL CONSERVATION/ENERGY

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Hearing Room B
Legislative Office Building
Albany, New York

January 28, 2025
9:40 a.m.

PRESIDING:

Senator Liz Krueger
Chair, Senate Finance Committee

Assemblywoman Helene E. Weinstein
Chair, Assembly Ways & Means Committee

PRESENT:

Senator Thomas F. O'Mara
Senate Finance Committee (RM)

Assemblyman Edward P. Ra
Assembly Ways & Means Committee (RM)

Senator Pete Harckham
Chair, Senate Committee on
Environmental Conservation

Assemblywoman Deborah J. Glick
Chair, Assembly Committee on
Environmental Conservation

Assemblywoman Didi Barrett
Chair, Assembly Committee on Energy

2025-2026 Executive Budget
Environmental Conservation/Energy
1-28-25

PRESENT: (Continued)

Senator Kevin S. Parker
Chair, Senate Committee on Energy
and Telecommunications

Senator Michelle Hinchey

Assemblyman Harvey Epstein

Senator Patricia Fahy

Assemblyman Robert Carroll

Senator Dan Stec

Assemblyman Steven Otis

Assemblyman Patrick Burke

Assemblyman Scott Gray

Senator Mario R. Mattera

Assemblywoman Jodi Giglio

Assemblyman Tony Simone

Senator Rachel May

Assemblyman Edward C. Braunstein

Assemblywoman Sarah Clark

Assemblyman William Conrad

Senator Chris Ryan

Assemblywoman González-Rojas

Assemblyman Sam Pirozzolo

Senator Siela A. Bynoe

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PRESENT: (Continued)

Senator John Liu

Assemblywoman Rebecca Kassay

Assemblywoman Jen Lunsford

Assemblyman Joe Sempolinski

Senator George M. Borrello

Assemblyman Chris Tague

Assemblyman Chris Burdick

Assemblyman John Lemondes

Assemblyman Matthew Simpson

Senator Patricia Canzoneri-Fitzpatrick

Assemblyman Zohran K. Mamdani

Assemblyman Keith P. Brown

Senator Pamela Helming

Assemblyman Khaleel M. Anderson

Assemblywoman Dr. Anna R. Kelles

Senator Brad Hoylman-Sigal

Assemblyman Tommy John Schiavoni

Assemblyman Micah C. Lasher

Senator Mark Walczyk

Assemblyman Matt Slater

Assemblywoman Andrea K. Bailey

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PRESENT: (Continued)

Assemblyman Philip A. Palmesano

Senator Kristen Gonzalez

Assemblywoman Sarahana Shrestha

Assemblywoman Dana Levenberg

Assemblywoman Grace Lee

Assemblyman John T. McDonald III

Senator Jessica Ramos

Assemblywoman Jo Anne Simon

Assemblywoman Karen McMahon

Senator Shelley B. Mayer

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CHAIRWOMAN KRUEGER: Hi, I'm Liz Krueger, chair of the Senate Finance Committee, joined by my partner, my new partner, Gary Pretlow, chair of Ways and Means, and our longer-term partners Ed Ra, from the Assembly Republicans, and Tom O'Mara, ranker from the Senate Republicans.

I just always like to go over a couple of the rules of the road when we start a hearing. So this is the hearing on Environmental Conservation and Energy. So if you thought you were on some other topic, go find another hearing room.

(Laughter.)

CHAIRWOMAN KRUEGER: No, that's happened, by the way. This is Albany.

Just to remind everyone we have strict rules about timing, whether you're a testifier or a legislator asking questions. There are clocks that can be seen up here, if you're sitting up here, or when you're in the hot seats you see the clocks.

We will set the right time for you.

That is never enough time, so we get that. We always urge everyone, even if they're giving us 25 pages of legislation, we want the highlights from the perspective of testifying. Because those of you who are not government -- which will come quite a few hours from now -- you only get three minutes to testify.

If you're a ranker on one of the relevant committees, you get 10 minutes -- I'm sorry, if you're a governmental invitee, you get 10 minutes. If you're a nongovernmental invitee, you get three minutes.

For the legislators, the chairs get -- relevant chairs for this hearing get 10 minutes, and they get a second round of up to three minutes if they need it at the end. Rankers get five minutes. All other members of relevant legislative committees get three minutes.

And for legislators to ask questions of nongovernmental witnesses, none of us are special, we only get three minutes each.

I know we're very crowded this morning, so what we ask is the Assembly members stay on the Assembly side, the Senate members stay on the Senate side.

And when necessary, if you are here and you cannot find a seat up here but you know you're going to have questions, let one of us know. At the time that you are up to ask questions -- this is for legislators -- then we'll move you into a seat then.

As the day goes on and people have to go to committee hearings and the floor, it gets a little less crowded up here. So just to go over all of that.

All right, now we're going to officially start with the required opening remarks. I've already introduced myself and the other leadership.

This is the second of 14 hearings conducted by the joint fiscal committees of the Legislature regarding the Governor's proposed budget for state fiscal year '25-'26. These hearings are conducted pursuant to the New York State Constitution

and our Legislative Law.

Today the Senate Finance Committee and Assembly Ways and Means Committee will hear testimony concerning the Governor's proposed budgets for the departments of Environmental Conservation, New York State Energy Research and Development Authority, Department of Public Service, and the New York Power Authority.

As I said, following each testimony there will be some time for questions from the chairs and other relevant committee legislators.

I'm now going to introduce the Senate Democrats who are here with us today, and then I will have Gary Pretlow introduce the Democrat Assemblymembers, and then our Republican rankers will be able to introduce their members who are here today.

And of course I forget to get the list of which of my members are here at the moment, so let me just look down the table. I know we have Pete Harckham, the chair of EnCon; we have Michelle Hinchey, we have Brad

Hoylman-Sigal. Any other Senate Dems so far? Oh, Pat Fahy, thank you very much. I'm sorry, Pat. I can't see people in the second -- and Chris Ryan. Thank you. Appreciate it.

And as other Senators and Assemblymembers come in later, we will try to slide them in as an introduction.

Gary, are you ready to introduce?

CHAIRMAN PRETLOW: I certainly am, Senator.

CHAIRWOMAN KRUEGER: Thank you.

(Mic issues.)

CHAIRMAN PRETLOW: Good morning, everyone. I just want to take a brief moment to introduce the members on the Assembly side, the Democrats.

We have Assemblywoman Deborah Glick, chair of Environmental Conservation, and Assemblyperson Didi Barrett, the chair of Energy.

We have Assemblymember Anderson, Assemblymember Braunstein, Assemblymember Burdick, Assemblymember Clark, Assemblymember

Conrad, Assemblymember Epstein, Assemblymember González-Rojas, Assemblymember Kassay, Assemblymember Lee, Assemblymember Levenberg, Assemblymember Lunsford, Assemblymember Otis.

CHAIRWOMAN KRUEGER: Thank you.

And I also missed Senator Bynoe when I was making the list before.

And now, Tom, if you'd like to introduce the Republican Senators.

SENATOR O'MARA: Sure. Thank you.

Good morning. We have the ranking Republican on the Energy Committee, Mario Mattera; ranking Republican member on the Environmental Conservation Committee, Dan Stec. Also Senators Pam Helming and George Borrello.

Thank you.

CHAIRMAN PRETLOW: And Assemblymember Ra will introduce his members.

ASSEMBLYMAN RA: Thank you.

Good morning. We are joined by Assemblyman Palmesano, who is our ranking member on the Energy Committee, and

Assemblymember Simpson, who is our ranking member on EnCon. And Members Tague, Lemondes, Pirozzolo and Sempolinski.

CHAIRWOMAN KRUEGER: And we missed one more on the Republican Senate side.

SENATOR O'MARA: In the back row we have Senator Mark Walczyk.

CHAIRWOMAN KRUEGER: Okay. And since we're talking about members, I want to remind all members, especially new ones who haven't done these hearings that much, if you know that you have a question for whoever's testifying, let your relevant chair or ranker know so that you go on a list. So that when we allow people to ask questions, you don't go, Why didn't I get one? So you have to let us know if you want to be on the list for questions.

And with all of that prep work done, I would like to introduce Sean Mahar, interim commissioner of the Department of Environmental Conservation, and we'll start with him.

DEC INTERIM COMMISSIONER MAHAR: Thank

you, Senator Krueger, Chair Pretlow, Chair Harckham and Chair Glick and other distinguished members of the Legislature.

My name is Sean Mahar. I'm the interim commissioner of the New York State Department of Environmental Conservation, and it's an honor to be with you here today.

Joining me today, just to do some Team DEC introductions, we have Logan Hardy, who is our deputy director of legislative affairs for DEC, and one of your primary conduits for you and your staff to interact with the department on the legislative front. I also have our Chief of Staff Erica Ringewald and our Deputy Commissioner for Administration Jeff Stefanko here as well.

And we have a number of other Team DEC members here in the audience today as well. I'll save you the introductions involved, but they are all great and amazing.

So I won't read my testimony, I'll just give you the highlights of it.

And obviously 2024 was a year of growth and change at DEC. We on-boarded more

than 450 new employees to the agency while honoring the service of many long-tenured members who left the agency in the last year, all while we responded to many unprecedented natural disasters in the state, from historic rainfalls and flooding, to the most tornadoes in any year in this state, to the largest wildfire to hit the state in decades.

And really thanks to your work and leadership, we were well-prepared to do just that. And our responses from our ECOs, our Forest Rangers, our spill responders, dam safety experts and emergency management professionals were really amazing. And what you saw, not only did they help New Yorkers in their time of need, but we helped others in the nation as well, from the Hurricane Helene response in North Carolina, to wildfires in Montana, to right now we have 10 Forest Rangers deployed to Los Angeles to assist with the California wildfires that are happening as well.

And that really is a testament to the Governor's leadership and the partnership

with you all to provide the resources that we need in order to effectuate these responses and still maintain the high level of service for all New Yorkers that we provide.

And really thanks to your work in the budget last year, we have really continued our nation-leading policies and programs to protect New York's environment, to provide clean water and clean air, and really respond to the urgent threat of climate change.

And what you're seeing in the way we do that is through the Bond Act. And as you'll hear and we'll probably talk a lot about today, we have spent nearly $1.2 billion of the Environmental Bond Act, putting really critical resources on the street and making really great progress at implementing the Bond Act but also leveraging the other investments that are made through the Environmental Protection Fund, the Clean Water Infrastructure Act, and all the other funding sources that you've dedicated. We are really making tremendous progress on the ground, and it's really a testament to

the partnership that we have with all of you in this room.

And we'll soon be sharing our annual report, which is something we put together every year to really go over all the successes and progress that we're making as an agency. But just a few of the highlights.

And I know we'll talk about a number of these items today in our discussion, but top of mind for me is our Freshwater Wetlands Act implementation and the new regulations that we have enacted. It's really creating a workable program, I believe, to really balance the need to protect our freshwater wetlands, well recognizing that we need to have development on the landscape. And we're really bringing that balance to that equation, and we have some general permits that will be coming out soon for additional public comment, and that is part of our way of showing how we're making this a workable program.

Our air regulations on HFCs and SF6 are driving this reduction of climate

super-pollutants in the atmosphere. And again, we're helping to make that transition for our food banks and grocery stores with a new grant program that the Governor's announced in this year's budget.

Our Community Air Monitoring Initiative was really the largest of its kind in state history, and it gave us a snapshot in 10 disadvantaged communities of local air quality, and now we're transitioning into helping to make the changes in those communities based on those findings.

We also established DEC's first-ever Office of Diversity, Inclusion and Civil Rights, stood up by our new chief diversity officer for the agency, really renewing our commitment and the Governor's commitment to equity, justice and environmental justice in the state and making sure that as our agency grows and changes over time, that we are being representative of all New Yorkers in the staff that we bring in.

We also graduated 26 new Environmental

Conservation Police Officers and nine new Forest Rangers to continue to grow their ranks.

We continued to focus on harmful algal blooms in the state, really developing new water quality guidance values, launching a $42 million Eastern Finger Lakes initiative to put a focus on the Finger Lakes region that has many HABs, and really we've just continued to lead the nation when it comes to our HABs work overall.

We delisted the Rochester Embayment Area of Concern, which is a true federal and state partnership. And you'll see some of the other successes in the testimony as well.

And what we're trying to do as well, especially with the new staff that are coming on, is get creative with our outreach to New Yorkers. And Erica and I started a podcast at DEC called DEC Does What?! I encourage you all to become subscribers, like, listen and --

CHAIRWOMAN KRUEGER: I'm sorry to interrupt, we've had some concern. Can you

speak up or pull the mic a little closer?

DEC INTERIM COMMISSIONER MAHAR: I'm sorry.

CHAIRWOMAN KRUEGER: That's okay.

DEC INTERIM COMMISSIONER MAHAR: Is this better?

CHAIRWOMAN KRUEGER: Yes. Much better. We won't make you start again, though.

DEC INTERIM COMMISSIONER MAHAR: I was hearing myself in my ears, but okay.

Do you want me to start from the beginning?

(Laughter.)

CHAIRWOMAN KRUEGER: (Inaudible.)

DEC INTERIM COMMISSIONER MAHAR: Do you really want me to start from the beginning? Okay. Then I will start and continue on the podcast, because it is the favorite thing that we have done in the last year. And I encourage you all to be subscribers and listeners to DEC Does What?! It is our creative way of trying to shine the spotlight on our staff and the tremendous

work that the department is doing, and just trying to use more creative outlets to tell the story of DEC and the incredible work that our agency is accomplishing day in and day out for all New Yorkers. So definitely take a listen to that, and please do spread the word on it. It's one of the new pathways for us to reach New Yorkers as well.

But pivoting to the fiscal year '25-'26 budget, the Governor is really again I think renewing her commitment to climate action and environmental funding, as evidenced by her proposals, especially the $1 billion Sustainable Futures Fund and climate infrastructure funding that she has announced. This is really going to help continue to grow and augment the climate-related work we're doing, the climate-related infrastructure that's needed to help with the transition. And we very much look forward to working with you on this historic funding proposal that the Governor has put forward.

But also in the budget a number of

priorities for DEC that I know we'll talk a lot about today. First and foremost, the Superfund reauthorization. This is our primary tool for cleaning up hazardous waste sites throughout the state. This has to be reauthorized this year, and it is a true powerful tool that is making progress throughout communities, throughout the state, to really clean up legacy contamination and hold polluters accountable. And we look forward to working with you to ensure it's reauthorized in this year's budget.

And what you'll see is some changes really to make sure that this program is working for New Yorkers and the communities that are impacted by this legacy contamination, making it easier for municipalities to also redevelop sites, and also to recognize that cost increases are going up for these construction projects. The Governor has proposed $1.25 billion over the next 10 years to support this program, which is a great investment.

In addition to the climate spending,

we're also continuing full steam ahead on the rulemaking process for the cap-and-invest program, and I'm sure we'll talk about that throughout the hearing today. On 30 by '30 implementation, which is our goal to conserve 30 percent of New York by 2030, we are working to make sure that our land acquisition process is streamlined. And we are proposing a number of changes to help make sure that we have the flexibilities we need in delivering the land acquisitions that we need to see in the state.

Our PFAS work, our perfluorinated-compounds work, is very much continuing under the Governor's leadership, and she has proposed additional firefighter PPE protections in the budget this year to make sure that our emergency responders are not being inadvertently exposed to perfluorinated compounds.

In addition, the 500 million investment in Clean Water Infrastructure funding is really going to continue to leverage and put people to work across the

state, bringing on the clean water infrastructure that we need to support our water conservation efforts and management efforts overall. And that leverages nearly $6 billion of funding that we have all committed over the recent years on that.

And lastly, the Climate Superfund Program, which I know many of you championed and we have enacted here in the state, our staff is getting to work and the Governor, as part of her budget, has increased the staffing level at DEC by 58 positions, to both be able to, one, stand up that program and make sure that we're implementing that law, while also making sure that we have the resources we need to bring online new programs like our wetlands program as well.

So I'm excited about this budget, and these resources are going to go a long way to continuing our work and continuing our work together to protect and restore New York's environment. And I very much look forward to the conversation today.

So thank you for this opportunity.

It's an honor to be here today. And I look forward to your questions.

CHAIRWOMAN KRUEGER: Do you want to add anything?

DEC INTERIM COMMISSIONER MAHAR: I was trying to give you back time, Senator.

(Laughter.)

CHAIRWOMAN KRUEGER: Okay. Thank you very much.

Our first questioner will be Pete Harckham, chair of the EnCon Committee in the Senate.

SENATOR HARCKHAM: Good morning, everyone.

Good morning, Commissioner. Thank you for your testimony. I also want to thank you for your service in the interim role. You've done an amazing job. I want to thank you for your accessibility and the accessibility of your team, and just take an opportunity to thank all the workers in DEC, who do an amazing job. I don't think they hear it often enough, especially from us. But I wish our constituents could see how hard your

folks work on a daily basis. So we appreciate it greatly.

DEC INTERIM COMMISSIONER MAHAR: Thank you, Senator. Appreciate that.

SENATOR HARCKHAM: Thank you.

All right, I know some of my colleagues are going to be asking about cap-and-invest and CLCPA, so I want to focus on some other areas, if I can. We'll kind of do a rapid fire.

You don't need to give me a response, but can your team please provide Bond Act expenditures to the Finance team, what's been expended so far. And also the same with Clean Water funding for the last five years -- what we've appropriated, 500 million a year, what's actually gotten out the door.

DEC INTERIM COMMISSIONER MAHAR: Great. I'm happy to do that. We'll coordinate with the Environmental Facilities Corporation on the clean water funding, since we jointly administer that program.

And on the Bond Act overall, I will just say please check out our Bond Act

website that we have, which is providing realtime tracking to the spending that we're doing. We have an interactive map that we've created to really show where these projects are being implemented across New York. So definitely check that out, but we'll provide a full accounting of what we've spent the 1.2 billion on so far and what's coming on the horizon.

SENATOR HARCKHAM: All right, terrific. Thank you.

Last night the president announced that they were -- the federal government was freezing all federal aid, which could have a chilling impact on a lot of state operations. I know there hasn't been much time to digest it, but have you and your team thought about a freeze in federal aid or a severe cut, what would that mean to your operations and the budget that we're discussing today?

DEC INTERIM COMMISSIONER MAHAR: Well, that is something that we're actively evaluating across the board with everything that's coming out of Washington right now.

Obviously the news is still fresh on this, and we're evaluating what impact that's going to have. We may need to come back and have additional conversation with you about those impacts on New York once we figure out exactly what the federal government is doing and how that's going to impact New York.

But generally as it pertains to, you know, our efforts on the federal level, in many cases New York has backstopped federal regulations or even gone above and beyond to make sure that we're providing the utmost protection for New Yorkers. So in a lot of ways we have confidence that New York is poised to respond in the ways that we have to or already be in a place where we won't have to respond.

But we really have to evaluate and see what changes are coming down and how we need to adapt. And that's going to take conversations with you to see if we need additional legislative authorities or changes to address what's coming out of Washington, what additional regulations we may need to

do. And that evaluation is actively going on right now.

SENATOR HARCKHAM: Do you know offhand or if your team can get to us how much of your budget actually comes from the federal side versus the state side?

DEC INTERIM COMMISSIONER MAHAR: It is a significant amount, in the upwards of 25 to 30 percent, various different funding categories from grants to other direct funding sources as well.

We can get you a full accounting of that. That does change from time to time, based on some of the former administration's priorities in this area where we were getting a lot of resources coming in for programs like well plugging, and that increased the amount of federal funding that we had.

We do have general items that support like our air program and water program, the delegated authorities we have from the feds that provide that funding as well. But we can get you a full breakdown of that --

SENATOR HARCKHAM: All right, thank

you. Shifting gears to another issue, a couple of years ago the Legislature passed cumulative impacts legislation. We are waiting for the regulations. Where is that? And -- and -- yeah.

DEC INTERIM COMMISSIONER MAHAR: Well, wait no longer, Senator. Because tomorrow in the State Register the cumulative impacts regulations will be in the register and opening up a comment period.

Our team has done a real tremendous job at really reviewing the legislation and making sure the regs that we're advancing are living up to those expectations and, again, creating a workable program for all New Yorkers, to make sure we're putting the focus on disadvantaged communities and really helping to make sure that those that are overburdened by historic pollution are being mindful of that future, and really creating a good workable process for all.

So right now we focus first on our SEQR updates and that portion of the law. There will be additional regulatory

proceedings that will come out in the coming months as well. But right now the updates to the environmental assessment form and the SEQR provisions will, you know, put in place a really strong program, but also help address the housing crisis as well.

I think we've adapted and learned from experiences, and part of the Governor's housing agenda is making sure that we're helping to facilitate housing that does not have a major environmental impact. And what you'll see in this proposal is how we're trying to address that dual need as well.

So this will be open for a comment period, and we look forward to engaging in further conversations. And I'm happy to provide an update to you all once the regs are out tomorrow.

SENATOR HARCKHAM: All right, thank you very much.

And while we're on the subject of disadvantaged communities, you released the air monitoring report and you've been working with communities on the community-centered

impact plans. Where do we stand with that?

DEC INTERIM COMMISSIONER MAHAR: Correct. The Community Air Monitoring Initiative was really some groundbreaking science that our team developed to analyze air quality on this hyperlocal level, using the remote sensing technology that we use, and then produce these interactive story maps.

And if you go on our website to the community air monitoring page, you can see community by community the data we collected, how our experts interpret that. And then what now is that's leading us to the actions that we're going to take with those communities.

So our first goal was to get this out and really socialize it with these communities, and now the next step in that process is the actions. So we're going to stand up more community-based conversations, really going into that data and looking at where we need to make changes to improve air quality in localities.

A lot of those changes are going to be driven by some of the transportation-related policies we're working on as we decarbonize our transportation sector and bring on more electric vehicles, because transportation sources were some of the major sources that we found in this analysis. So we know that our decarbonization work and electrification work is really helping improve that air quality, and the other community-based conversations are really going to make sure that we're addressing the findings and helping those communities, you know, live up to the expectations that they have for us to make changes.

SENATOR HARCKHAM: All right. Thanks.

While we're talking about electrification of the transportation sector, something that's vital that we get to -- but on the other hand, we are hearing from the light truck industry, also the auto industry on ACC II, that they are trying to get there but they don't think in the time span they physically can.

Have you had discussions with those industries, and are we looking at some kind of a roadmap to help them either meet the goals or adjust the goals so that it's a more realistic process for those two sectors?

DEC INTERIM COMMISSIONER MAHAR: Oh, and first and foremost I neglected to say our doors are always open -- obviously, to you, but to any stakeholders who are impacted by the work of the department. And we have a very open door policy as it pertains to those conversations.

With regard to advanced clean trucks and advanced clean cars, we're obviously monitoring everything that's coming out of the federal government that may impact these programs, and adapting as anything comes out of there.

We're continuing to coordinate with California and the other Section 177 states of the Clean Air Act to coordinate those efforts. And I think what you've seen is, you know, flexibility that the state is providing. You know, our goal here is to

make sure that as we advance these regulations and drive these changes forward, we're mindful of the process to get there. And what you've seen with our use of enforcement discretions is direct response to what we've heard from industry and stakeholders on those programs.

So, you know, the enforcement discretions on snow plows and emergency vehicles are, you know, a recognition of that. And we've actually received some positive feedback recently from Mack Truck in particular that thanked us for the flexibilities and the openness that we've had, and they're actually saying that these changes that we're enacting and proposing are actually yielding benefits from their standpoint.

So we're making good progress. We're going to continue to be open and flexible as we implement these regulations, and we'll keep you posted as we see what happens on the federal level.

SENATOR HARCKHAM: All right, thank

you.

My 51 seconds left: The 30 by '30 law in New York State, where are we on a percentage basis? I know you said you were changing policies to get us there. So what percent are we at, and what's the plan to get to 30?

DEC INTERIM COMMISSIONER MAHAR: I think we are getting close to 20 percent right now. We've got a number of additional acquisitions in the people. The Bond Act investments and Environmental Protection Fund investments are making us well poised to really move through the acquisitions that we have in the pipeline and really capitalize on some historic opportunities that are coming our way.

There are a number of Boy Scout camps that are coming up for sale throughout the state. There are a number of other large land holdings that we're actively working on right now. So we're really working hard at making sure that we're advancing our land acquisition efforts overall, and the proposal

in the budget is going to help us do that. So --

SENATOR HARCKHAM: Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Thank you.

Assemblywoman Deborah Glick, the chair of the Assembly EnCon Committee.

ASSEMBLYWOMAN GLICK: Thank you very much.

I want to thank you and your staff not only for your service but for the ability to ask questions and get answers. So thank you for the ability to take some field trips and get some on-the-ground information. So thank you very much.

DEC INTERIM COMMISSIONER MAHAR: We look forward to doing more of that with you, ma'am.

ASSEMBLYWOMAN GLICK: Yes. Yes. I look forward to that. When it's warmer.

(Laughter.)

ASSEMBLYWOMAN GLICK: You have some

additional dollars in the budget going into Superfund. Will that be enough, do you think, in order for the agency to keep up with what is contaminated sites that we're discovering?

DEC INTERIM COMMISSIONER MAHAR: Well, I think the Governor's increase in the authorization level this year is a recognition that construction costs are increasing, and our ability to deliver needs to make sure that we have the funds to deliver those programs on the ground.

So this is a strong step forward. What we're going to continue to do is over time, as we find more emerging contaminants in the environment and we respond to different crises of environmental contamination in the state, we're going to evaluate that with you to see how are the construction costs changing, how do we need to continue to adapt.

But again, this is really our "polluter pays" program. So fundamentally we are pursuing polluters for the costs of this

program overall, and those authorities are so important to make sure that we're holding them accountable for those cleanups that need to occur.

ASSEMBLYWOMAN GLICK: The proposed changes, without going into too much detail, will they speed up the process or will they ensure that more sites are cleaned up? What's the thrust of the changes?

DEC INTERIM COMMISSIONER MAHAR: The thrust of the changes is to make sure that we're adapting the program from the real-world examples that we're seeing. So for instance, you see the language on the liens and the use of liens in the Superfund program. That's borrowing from what is in the federal program, but also a number of states have similar programs as well.

And really the Governor is putting the focus on disadvantaged communities and making sure we're prioritizing our remediation efforts in disadvantaged communities.

The ERP provisions are provisions that are working to get municipalities more

abilities to clean up and market these sites within their communities as well. Our focus is really making sure that this is an economic redevelopment tool. By cleaning up the blight of the past, we're actually facilitating good marketable sites for economic development, and that takes the pressure off green space development as well.

So these changes that you see are just a recognition of what we've seen play out in the field and making sure that our program is going to be the strongest to deliver on the ground.

ASSEMBLYWOMAN GLICK: Ten minutes goes quickly. Let me say that I appreciate the interactive map, but I look forward to seeing a more comprehensive database so that it's easier to keep up with exactly what's happening with Bond Act dollars.

So I hear that, and I appreciate the mapping, but you have to sort of look at one and then look at the other and try and figure out are they similar or different. So --

DEC INTERIM COMMISSIONER MAHAR: All

user feedback is appreciated, Assemblymember.

ASSEMBLYWOMAN GLICK: Thank you very much.

There's a Sustainable Future program. It's a billion dollars for climate mitigation and adaptation capital projects. It seems pretty broad and not very well defined. Do you have any information about what criteria will be used to determine priorities and what the process will be for allocating these funds?

DEC INTERIM COMMISSIONER MAHAR: Well, that will be developed in concert with you as we negotiate this important investment as part of the budget negotiations this year.

ASSEMBLYWOMAN GLICK: But we hear that we're going to have a role in making some of that determination.

DEC INTERIM COMMISSIONER MAHAR: Yes, and I'll just say overall, I mean, this investment is going -- we're going to use a mix of programs, both existing programs and augment those, develop new programs where necessary, to continue to deliver the clean

energy and climate-related infrastructure that we need on the ground across the state.

So this investment is a recognition that we need to continue these investments and -- you know, both in building decarbonization and greenhouse gas emissions reductions and using green infrastructure for resilience.

So what you're seeing is a true commitment to climate action from the Governor that's going to go a long way to continue our efforts in the state.

ASSEMBLYWOMAN GLICK: Thank you.

On the water infrastructure, happy to see that it's at 500 million. Obviously, many of us think that needs to increase. But it adds a new component. And I'm wondering, there's a component for state assistance for testing and remediation of emerging contaminants in private drinking wells. I'm wondering if there's a specific amount carved out for this, how will the allocation be done statewide, and will DEC do the testing or will homeowners do testing and then get

reimbursed? What's the plan?

DEC INTERIM COMMISSIONER MAHAR: Well, we're going to be working directly with the New York State Department of Health to stand up that program. What this is is really in response to what we're seeing on the landscape that, you know, private homeowners can be impacted by sources of contamination, and whenever they are, the state responds accordingly, putting in treatment systems and making sure clean water is provided.

But right now there isn't much regulation as pertains to home drinking water wells on private wells. And recognizing what we know about perfluorinated compounds in particular -- and other emerging contaminants, especially the connections from septic systems to groundwater contamination -- there may be private well owners that should have their wells tested, and this program will provide them the direction, guidance and resources to make that happen.

And it's just a recognition that we

want to make sure New Yorkers all get clean water, and this is a valuable investment to make sure that happens.

ASSEMBLYWOMAN GLICK: Thank you.

Following up on that, leachate regulations of landfills are -- have a lot of regulation, but if they release water to water treatment plants, I'm not sure what those treatment plants -- how much they know is in the treated leachate that may come from -- I know we are very careful about the groundwater around landfills, but I'm wondering about any leachate water that might go to a treatment plant.

DEC INTERIM COMMISSIONER MAHAR: So appreciate that question. And what you're seeing with leachate in particular is how we're approaching the emerging contaminant issue writ large, and looking at all the different pathways of how these compounds could potentially find their ways in the environment and taking action.

The fact that we know that there are emerging contaminants and PFAS in particular

in landfill leachate is because of the testing requirements that we've required landfill operators to do to test their leachate. And now our team is working on regulations to address and require pretreatment of leachate before it is sent to wastewater treatment plants for disposal.

It's important to remember that there are permit requirements on wastewater treatment plants with regard to the discharges that need to be met, and they're routinely sampled for. So any leachate that they collect has to be processed in a way that isn't going to run afoul of those permit conditions. And wastewater treatment plant operators are very cognizant of that, and we continue to work directly with them to make sure they understand that as we're building the regulatory protection requirements to require pretreatment and other actions to reduce those contaminant levels in leachate overall.

ASSEMBLYWOMAN GLICK: Just to follow up, when it comes to the private wells, is

there a specific amount that you see going to that new component of the water infrastructure? And will DEC do the testing or will they be reimbursing homeowners?

DEC INTERIM COMMISSIONER MAHAR: That will be developed with the Department of Health with regard to the testing requirements and how this will be rolled out. I'll have to get back to you on a specific amount that we're envisioning for that program in the Clean Water funding. So I'll get back to you.

ASSEMBLYWOMAN GLICK: There's quite a large capital allocation for the transfer to the new state SFS program, and that's been going on for quite some time. And so there's 30 million, and this is on top of I think maybe about 28 million.

How close are we on actually completing that, and why does it cost so much? Don't we have enough 12-year-olds in the state to make that transition run a little smoother?

DEC INTERIM COMMISSIONER MAHAR: Well,

the team has done an amazing job at transitioning to the State Financial System process. It has been a lot of work, I'll be honest. When we first started down this pathway, working with the State Comptroller and the Division of Budget, you know, DEC was very built on different infrastructure, and we had to transition all across the seasoned practices into this new system.

So it has required a major infrastructure upgrade as well as additional capacity to make sure that we're focusing and helping this transition run as smoothly as possible. So we're in the final stages of it right now, and soon we'll be fully migrated to the SFS system.

ASSEMBLYWOMAN GLICK: That's what we want to hear, that this will complete the process.

DEC INTERIM COMMISSIONER MAHAR: Yes.

ASSEMBLYWOMAN GLICK: Thank you.

I lend back my 13 seconds.

(Laughter.)

ASSEMBLYWOMAN GLICK: Thank you.

DEC INTERIM COMMISSIONER MAHAR: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

I want to introduce Senator Mayer, Senator May and Senator Gonzalez, who joined us.

Any additional Assemblymembers?

CHAIRMAN PRETLOW: Not as of yet.

CHAIRWOMAN KRUEGER: Okay.

Any Republican Senators added?

SENATOR O'MARA: Yes, we've been joined by Senator Patricia Canzoneri-Fitzpatrick.

CHAIRWOMAN KRUEGER: Great. And next up is Senator Stec, the ranker on EnCon, for five minutes.

SENATOR STEC: (Mic off.)

CHAIRWOMAN KRUEGER: Press your button.

SENATOR STEC: Good morning, Commissioner. How are you?

DEC INTERIM COMMISSIONER MAHAR: Good morning, sir.

SENATOR STEC: Apologies for my voice; I'm getting over a cold.

I've got a few questions and little time. So a wide range of sectors -- developers, renewable energy, affordable housing, general housing -- have raised concerns about the final wetlands regulations that seemed to go well beyond the statutory changes and will impose uncertainty, delays, and increased costs on projects, including projects that are a priority for New York State.

Is the department sufficiently staffed to make case-by-case applicability determinations for projects with wetland issues? And is there any intent to revisit the final rules based on what we see, the impacts on projects?

DEC INTERIM COMMISSIONER MAHAR: Thank you for that, Senator.

And I think, like I said in our testimony, you know, what we're seeking to do is really create a workable program that balances the need to protect these freshwater

wetland resources that are so critical to protecting our communities from floods and providing clean water, to the need to facilitate development on the landscape.

And what you've seen over the last year from our advance notice of proposal we're making to the draft regs was a real robust and open comment period, where we heard from thousands of stakeholders across the state to make sure that our regulations were done exactly in accordance with the legislation and law that's enacted, and create that workable, balanced program.

So right now we're focused on the next phase of creating general permits, which will help guide certain developments through the process in a more streamlined fashion while allowing our staff to focus more on those that need broader jurisdictional determinations.

Our goal with the general permits is to really make sure that, you know, applicants know what we're looking for when it comes to protecting our wetlands and

addressing the buffer areas and not developing in those. So as long as they can comply with what's in the general permit, things will move through more quickly.

But with all our regulations, we're always going to adaptively manage this with you. We always hear from stakeholders. We'll always consider revisions if we need to, or changes on implementation to make sure things go smoothly.

And the Governor's commitment of staff in the budget is making sure that we're going to have resources to effectively implement this program on the ground.

SENATOR STEC: All right. I hope so.

I'm going to shift gears to EPR for a minute and just throw out a few just general discussion items that I'd like you to react to, about where the administration is on EPR for packaging.

Is there any intent to put forward a proposal in 2025 from the administration? The department is funding a needs assessment. I'm wondering what its status is, its

findings to date, and when it will be completed. And do you think we should wait on passing EPR legislation until the needs assessment is complete, or see what happens in other states -- you know, those that are launching similar proposals -- and learn from that?

DEC INTERIM COMMISSIONER MAHAR: Well, we look forward to more conversations with you on EPR in general. The needs assessment is in development right now, and we're continuing to evaluate the interim data that's coming out on that.

We're also monitoring implementation of our existing EPR programs for carpets and mattresses, which are working very effectively.

So obviously we want to have more conversations with you on an EPR program. The needs assessment will be out relatively soon, and I think that will guide some additional conversations and dialogues.

But generally there's a lot of information in our state solid waste

management plan that our team produced, and there are a lot of facets to our solid waste management efforts across the state that we need to collectively look at. And I encourage you to take a look at that because it does have information on EPR and EPR-based programs that could be taken up by the Legislature as well.

And our goal here is to have a real good conversation with you all on the right policies to address the solid waste management issues that are impacting the state and really address this head on. Not only is it important to our landfill capacity and space, but also our climate efforts as well. Because the more waste that we can reduce from the waste stream directly reduces emissions coming out of landfills, which is really important to implementation of the Scoping Plan as well.

SENATOR STEC: Thank you.

Two more quick-type questions. Why are we appropriating $250,000 to the Vermont Energy Investment Corporation?

DEC INTERIM COMMISSIONER MAHAR: I don't believe that's in DEC's portion of the budget, so I'll have to get back to you on that specific line item in the EPF.

SENATOR STEC: Okay. And then my final question, I see that $15 million for tree planting was eliminated in the Governor's budget proposal. Is it your position as commissioner that the additional funding is no longer needed?

DEC INTERIM COMMISSIONER MAHAR: No, that additional funding will be needed over time, and we're going to continue to work with the Executive on that.

We are just in the process of making that first $15 million investment happen and begin bringing on that necessary capacity at our Saratoga Tree Nursery, and continuing the work to reach the Governor's 25 million tree goal that we have.

So there's a lot of progress still yet to be made on that, and we'll continue to work with you and the Governor's office on those needs over time as we continue to build

this program.

SENATOR STEC: All right, thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Simpson, ranker.

CHAIRWOMAN KRUEGER: Five minutes.

ASSEMBLYMAN SIMPSON: Thank you, Chair.

Thank you, Commissioner. And I want to also thank your team for the visit last week. And, you know, we've had a great dialogue back and forth with the agency and, you know, the people of DEC are doing an incredible amount of work, and I recognize that and appreciate everything that you do.

My question is -- and I didn't see a line or anything, and I haven't heard any movement on it, but is there any resources or programs that have been established to address some of the critical-incidence stress issues that we've seen with the law enforcement side and also the Rangers side?

DEC INTERIM COMMISSIONER MAHAR: We have a big focus on mental health throughout the agency, not just for our first responders but all staff. We continue to work directly with the Forest Ranger leadership, our Employee Assistance Program, our other assistance programs from the State Police and others, to make sure that we're providing that mental health support for all our first responders in the agency.

These are really tough jobs, and they do take their toll. And we want to make sure that we are putting in place the systems and processes to help them out.

We've done a few initiatives with the Office of Mental Health in the last year for some talk sessions and voluntary, you know, reach-out where people can directly connect with a mental healthcare provider. These don't take any additional resources. And what we're doing is using the resources that we have to provide this critical support to our first responders overall.

And that's a big priority of ours, and

we're always looking for additional opportunities to provide that support. Much of that doesn't necessarily need much resources, and if it does, we have the flexibilities in our appropriations to meet it.

ASSEMBLYMAN SIMPSON: Okay, thank you.

I want to switch to the 500 million that's proposed in the Clean Water Infrastructure. You know, this has been appropriated every year. You know, last year was another 500 million. How much of that money has been allocated and appropriated out to projects from its inception -- you know, almost $6 billion.

DEC INTERIM COMMISSIONER MAHAR: We can get you a full accounting of that. We've built a lot of programs that are money in, money out, in a quick fashion. And a lot of our programs are also oversubscribed. So each year as we get additional investments, we're able to meet those goals that are coming in and requests that are coming in from our municipal stakeholders and other

stakeholders who benefit from this funding.

So overall we have spent a lot of that. I want to get you an exact figure to let you know. So -- but generally every year this appropriation is made, great progress is made at implementing it, and you're seeing projects happen on the ground across the state.

ASSEMBLYMAN SIMPSON: Okay. Many years ago there was a report that did a needs assessment essentially across the state. Have we done an updated report assessing -- representing the needs that are out there?

DEC INTERIM COMMISSIONER MAHAR: DEC or EFC has not done an updated report on that, but we continue to implement the programs.

I think what would be most beneficial is to have a meeting with you with Maureen Coleman, who's the president of the Environmental Facilities Corporation, so we can go over both the implementation of the Clean Water funding that we have and also what the needs are that our communities are

facing in the future.

But these investments are really critical and do underpin a lot of important progress that we're making on the ground to provide clean water.

ASSEMBLYMAN SIMPSON: I agree, they are critical. And many of the smaller communities in my district that do have those facilities and need that support for infrastructure, you know, because of the laws and how that is bonded and paid for just by those users, the cost of that infrastructure far surpasses the maybe a hundred people on a $4 million project.

So this funding is critical, and it's critical to get it out the door so that they can move forward.

DEC INTERIM COMMISSIONER MAHAR: And Assemblymember, I'll just say too what this funding does is also leverage the federal dollars that are coming in. And that's why it's also critical to make sure we're maintaining things like the Clean Water State Revolving Fund on the federal level. Because

the New York State investments are leveraging that and making better projects happen on the ground. And if that federal funding goes away, that's going to have a real impact.

ASSEMBLYMAN SIMPSON: Okay. Thank you. And I'm going to add one more question that I was going to save for another panelist, but maybe you have some oversight on this.

There's a state project in my district attached to Gore, the Ski Bowl project. Forty million-plus dollars is being spent there on a beautiful facility. And I did notice that there were 5,000-gallon propane tanks that presumably are being used to heat that facility.

Is there oversight on our projects as to whether we're going to comply or we're aligned with our goals, environmental goals? Because it seems to me we're mandating on one side to residential users all-electric, and now we're -- in our own projects we're using propane.

DEC INTERIM COMMISSIONER MAHAR: Yes,

we're overseeing some of that --

CHAIRWOMAN KRUEGER: You'll have to answer that question to him separately. But you promise to, right?

DEC INTERIM COMMISSIONER MAHAR: I promise to get back to you, Assemblyman.

ASSEMBLYMAN SIMPSON: Thank you.

DEC INTERIM COMMISSIONER MAHAR: On all the ways we're overseeing state projects.

CHAIRWOMAN KRUEGER: Thank you.

Next up we have Senator Rachel May.

Would you like to come up to a seat someone will let you use for the moment?

(Off the record.)

SENATOR MAY: Thank you. Commissioner, good to see you.

DEC INTERIM COMMISSIONER MAHAR: Good to see you, Senator.

SENATOR MAY: I want to ask a couple of questions. One is about solid waste, which doesn't appear very much in the Governor's budget, but the people in the Finger Lakes do not want to see an expansion of Seneca Meadows Landfill. I know that

permit application is in front of you all now.

But if we're going to deny that permit, which I hope will happen, there has to be a plan. So I'm wondering, there's nothing about EPR, there's nothing about expanding the Bottle Bill. I didn't see anything about expanding composting activities in the state. What is the plan for reducing solid waste?

DEC INTERIM COMMISSIONER MAHAR: Well, with regard to the Seneca Meadows landfill, as you know, there is an environmental impact statement that is being developed right now, and we're monitoring that. We put the scoping plan out for that back in April, and that's really guiding the development of the draft generic environmental impact statement, which will be put out for public comment once it's finalized.

So that is in process by the applicant right now, and we'll continue to keep you and the community posted as that process progresses.

With regard to solid waste management overall, obviously the state Solid Waste Management Plan that our team has produced is really guiding the ways in which we need to see changes happen to address solid waste management and improve solid waste management in the state. The Governor's budget is continuing a number of appropriations that are critical to that in the Environmental Protection Fund in particular, and also really making progress on reducing food waste.

And thanks to the changes in the law that were recently enacted, we're seeing even more generators come online, and we update food scrap recycling and donation occurring. We just announced 32 million pounds, and we reached that milestone in the last year, of food waste that was diverted and recycled and provided to needy New Yorkers who need it most.

So you're seeing the progress of our policies that we make at addressing our solid waste management issues.

SENATOR MAY: Okay. All right, thank you. I have one other question; let me just get it in quickly. And this is about land acquisition by land trusts.

I see that there is a move to allow title insurance for DEC land acquisitions. What is being done to speed up the land trust land acquisitions? Because between DEC and the AG's office, they are running into years and years of delays.

DEC INTERIM COMMISSIONER MAHAR: So we are in active conversations with the Office of Attorney General right now regarding that, to find the opportunities to streamline. If we are unable to reach some agreement and consensus on those streamlines, we're going to be coming back to you to discuss additional legislation that may be necessary to streamline those processes.

But what you're seeing --

SENATOR MAY: Do you need additional staff for this purpose? Because I'm hearing that that's where the delays are at DEC.

DEC INTERIM COMMISSIONER MAHAR: Some

of the additional staff that the Governor is providing in this budget is going to help address programs like land acquisition generally.

But the legislation Article VII bill will help streamline the process.

SENATOR MAY: Okay. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Bill Conrad for three minutes.

ASSEMBLYMAN CONRAD: Thank you, Chair.

Commissioner, I wanted to start off by talking about a couple of few issues that I've been kind of fielding that result from manufacturing in the CLCPA. You know, the topics go from HFC regulations to, recently, some of the DAC complications with manufacturing and so on.

Let's start with the HFC topic. I saw that regulations were posted on December 24th, and it had to do with HFC regulations that had been, I would say,

something that had gone on for a while -- dialogue, and we try to extend that.

But the enforcement date was set at 1/9, several days later. And we've been trying to communicate with your office to figure out what's going on, because there's -- let's be honest, I got a lot of phone calls on Christmas Eve from a lot of different, you know, manufacturers, supermarkets, who are very, very kind of I would say frustrated.

Is there clarification? And what things are the DEC doing to communicate better with these industries? Because that was -- that seemed like a wham, right in their face. We're dropping this reg on the 24th, and on the 9th it's supposed to be enacted. Do you care to comment on that?

DEC INTERIM COMMISSIONER MAHAR: I would.

And, you know, part of what we do with the development of all our regulations is to make sure we're doing a robust and transparent engagement process throughout the

process. And for the last two years we had spent developing these regulations, we engaged in many stakeholder conversations.

We really transparently developed these regulations, so I am a bit surprised at some of the concerns that you're hearing about this, because we thought we were engaging effectively with all those that are going to be impacted.

But when it comes to implementation, similar to, you know, what I spoke about earlier on some of our other programs, we want to be flexible. And we hear from stakeholders, and we will adapt accordingly to make sure we're helping them through this transition.

So with regard to Hardy Industries, which I believe has reached out to you and posing many of these questions, we're actively engaging with them right now, looking at using enforcement discretion to make sure that they have compliance pathway that they need to phase this in over time.

And again, this regulation isn't meant

to, you know, take refrigerators offline right now. This is really meant, as equipment ages out and phases out, the industry now needs to phase in natural-based refrigerants and equipment that uses natural --

(Overtalk.)

ASSEMBLYMAN CONRAD: Yeah, I understand that completely, but it just seemed like that time stamp that was put on was quite brutal. You know, and again --

DEC INTERIM COMMISSIONER MAHAR: And that's where enforcement discretion helps. As we hear those concerns, we can work with the industry and give that flexibility that they need for compliance.

ASSEMBLYMAN CONRAD: Okay. With the short time I have, with the disadvantaged community calculation, I had reached out to your office in discussion about completing a plan and having models available for companies as they try to do this what I would call public participation plan. I'll leave it at that.

DEC INTERIM COMMISSIONER MAHAR: I'll take a look at the regs tomorrow, which will be provided --

ASSEMBLYMAN CONRAD: Appreciate it. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Ranker Senator Mattera for five minutes.

SENATOR MATTERA: And thank you, Madam Chair. It's great to be here today. And welcome back, everybody, to our hearings.

And Commissioner, it was great to have a conversation with you the other day, with your staff. And you do a great job and I appreciate it.

I know we had a very lengthy discussion about what's happening with the battery storage situation, and one of the questions I did ask you was, does the DEC have any oversight -- you know, town, county, state -- for the permitting process? And, you know, I found out, no, you don't in certain instances.

We have a situation right now where --

which I'm very proud of in my district, representing the 2nd Senate District -- Smithtown and Huntington opted out. They have a -- excuse me, they have a moratorium on battery storage facilities. Right next to me, where it used to be my redistricting, when they redistricted, I used to have a part of Brookhaven, which they have six battery storage proposed.

Does the DEC have any oversight at all on the permitting process?

DEC INTERIM COMMISSIONER MAHAR: It depends on the case-by-case basis of where these battery storage facilities would be sited and what permitting authorities DEC would have. For instance, if it's a floating battery storage, there would be different marine permitting required --

SENATOR MATTERA: Excuse me, I can't -- I can't hear you.

DEC INTERIM COMMISSIONER MAHAR: Oh. Is this better, Senator?

SENATOR MATTERA: Yes.

DEC INTERIM COMMISSIONER MAHAR: I

said it's really a case-by-case analysis that we have to undertake to see what permitting authorities we would have.

So, for instance, if it's a floating battery storage, there would be specific marine permits that would apply. If there were discharges from the site, there are SPDES permits that would be applied. There would be construction general permits that would apply. If there were any air emissions associated with it, air permits would apply.

So it really depends, on a facility by facility basis, where these are sited and what DEC permits would, you know, cover these facilities.

I encourage you to talk to my colleague at NYSERDA as well, since they're doing a lot of work on battery storage --

SENATOR MATTERA: Trust me, I will be getting into that conversation also.

But Commissioner, my question is also look at the fires that have been happening. Right in my own Long Island alone, we had Easthampton, we had a battery storage fire.

Let's talk about upstate, the fires that happened upstate. Let's talk about the Moss Landing battery plant in California that just happened, another major fire.

We're talking about the DEC, we're talking about our contaminants right now that took -- I think this fire is still going on, actually, in the Moss plant, that's how severe this fire is.

So how could the DEC not be a huge part of the permitting process? So I just actually put a bill in that I'm hoping that all my colleagues -- because we have constituents in my district that they're putting battery storage facilities right in a dense community, right in Setauket, and the DEC has nothing to do with it, especially with something that could go on fire, contaminants going into our ground, up in our atmosphere.

This is something that's very, very serious that -- one thing I always say is battery storage is nothing but an experiment, and it's going to cost all ratepayers

trillions of dollars for an experiment that, guess what, could cause harm. Our volunteer firemen, they're not experienced enough to do anything with this, not for anything -- you could be an experienced fireperson. And guess what, we're putting them in harm's way.

So to you, this is something very, very important that we as, obviously, the DEC needs to make sure are very vocal about this, that you are a big part, the DEC is a big part of the oversight and the permitting process, not just with -- the towns, the counties and the state.

DEC INTERIM COMMISSIONER MAHAR: Well, Senator I look forward to more conversations with you on that generally. And obviously coordinating with NYSERDA and multiple state agencies, we're looking at battery safety. We had a Fire Working Group that was stood up to really evaluate our safety initiatives in the state.

SENATOR MATTERA: Right, are you very concerned -- my question, are you concerned, is your department very concerned about

battery storage facilities?

DEC INTERIM COMMISSIONER MAHAR: Well, we're obviously recognizing the importance of battery storage to our clean energy efforts, and the need to ensure they're properly sited.

And that's really where DEC comes into play, with the current permitting authorities that we have to review this. We're continuing to coordinate with NYSERDA and other state entities on making sure that we're balancing that need to bring on battery storage, but properly siting it in ways that are not going to potentially increase fire risk from wildfires or impacts to communities.

But this is an essential part of the clean energy conversation that we need to have, and battery storage does have a future as part of the dependability and reliability of our grid overall.

SENATOR MATTERA: And I thank you. I had -- I wish I had another five minutes, but thank you very much.

CHAIRMAN PRETLOW: Assemblywoman Didi Barrett, three minutes.

ASSEMBLYWOMAN BARRETT: Thank you, Chair.

And thank you, Commissioner. Thanks so much for all that you've done and for being here today especially.

I've got just a couple of questions. In the 2024 State of the State, the Governor directed NYSERDA and DEC to launch a study on the Clean Transportation Standard, also known as the Clean Fuel Standard. Can you give us a sense of what the status of that study is and where -- you know, how it's being done and when you expect the study to be released?

DEC INTERIM COMMISSIONER MAHAR: So the study is very much underway, and I encourage you to talk to my colleague at NYSERDA in the next panel about the specifics of that.

But I think the work is very much transitioning and progressing, and we're making sure that we're building what we --

ASSEMBLYWOMAN BARRETT: Can you --

mic?

DEC INTERIM COMMISSIONER MAHAR: Sorry.

ASSEMBLYWOMAN BARRETT: Thank you.

DEC INTERIM COMMISSIONER MAHAR: -- building what we learn into, you know, all the policies that we're working on across the board to advance our climate goals and achieve our climate goals overall.

ASSEMBLYWOMAN BARRETT: Okay, thank you.

I want to follow up on what Senator Harckham started asking you about, which is the Advanced Clean Trucks and then also the Advanced Clean Cars. Because we are hearing from -- clearly the trucking industry has a lot of concerns about New York's unwillingness or seeming unwillingness to delay the implementation, which other states like Massachusetts and Oregon have already done. Even, you know, while you're delaying the enforcement. And even as that's happening, the rule's still being implemented and manufacturers will accrue deficits for

the trucks.

And then the cars, there's a lot of concern because the infrastructure isn't there. We had a hearing last week specifically on transportation and zero-emission charging infrastructure, and, you know, it's -- and especially what's happening at the federal level at this point, it's really hard to -- you know, to force people to really run their businesses into the ground without having some way to protect them if there isn't the infrastructure and we're not really encouraging -- we're not doing the kinds of things that would make buying EVs as robust as we really wish we could. And truck companies that, you know, are being punished for something that, you know, they really have no control over.

Can you talk to us a little more specifically? I know you said you're open to everything, but this issue of the implementation is really important.

DEC INTERIM COMMISSIONER MAHAR: So on that, obviously we are not trying to shut

businesses down. That's not what we're in the business of. We're obviously in the business of making sure that we're helping reach the climate goals that we have and recognizing that electrification of our transportation networks is really essential and critical.

And what you're seeing from the commitment of a billion dollars in this budget to climate-related infrastructure and the Sustainable Future program, that is really looking at how we are creating the infrastructure that is going to be needed to help New Yorkers make this transition.

And on the clean energy side and the transportation side, that EV infrastructure is an essential component of that. And that's what we're looking to finance in part with this billion-dollar investment that the Governor is making. Because we want to make sure that this transition is happening affordably for New Yorkers, and we need -- and we recognize we need this infrastructure in place.

Regarding the flexibilities on the regulation side for ACT and ACC II, that's where we continue to really monitor what is happening on the federal level, because that is going to impact these programs, potentially. You know, if the administration in Washington pulls back California's waiver or changes anything there, that's going to have an impact on this program.

We continue to work directly with California right now and, as I said, the other Section 177 states of the Clean Air Act who are enrolled in this program, to evaluate any additional changes. And we are looking at pushing out the timeline for ACC to 2029 and different flexibilities.

So those conversations are actively happening right now, and our goal here is to make sure that you're informed of this. And we've really appreciated you and a number of your other members, you know, interacting with us throughout the fall, really bringing the concerns to us, because that is helpful for us to hear, but we also want to have our

experts be able to talk directly with you on these programs to understand, you know, how they're structured to achieve these goals.

So for instance, these requirements are on engine manufacturers, not on the dealers and distributors. And it's unfortunate that the engine manufacturers have started to play some of the games we see that are impacting the dealers. But as we hear from the dealers, we look at the different enforcement discretions that we can use to help make sure that our regulations aren't putting people out of business, that we're adapting in realtime to what you're seeing, and what you're seeing on the snowplows and emergency vehicles is a true recognition that we can be flexible and we can make changes that address the concerns of stakeholders.

ASSEMBLYWOMAN BARRETT: Thank you.

No, it's definitely encouraging to know that you can, because it's critical. We really do need to bring the whole state with us as we work to reach these goals, and we

share your commitment to reaching the goals and certainly doing it in a way that's not saddling our constituents and our ratepayers with all the costs.

So, you know, it's complicated but I think not creating fear and anxiety in the process is also really important. So how we communicate and how we flag these issues up front I think is essential too. So we appreciate you working with us, you know, and all the agencies in order to make sure that we can communicate to our constituents on all of these issues.

I think that's all I have right now, but thank you.

DEC INTERIM COMMISSIONER MAHAR: And also, our doors are always open for those conversations. And we value that because we want to make sure that we're hearing from you and also arming you with the right information so that you can help advance the programs that you are directing us to advance through legislation, and making sure that we're working together on helping these

transitions occur to our clean energy economy of the future. So we appreciate those conversations and dialogues.

ASSEMBLYWOMAN BARRETT: Thank you.

And we look forward to hearing from your office about the water infrastructure for communities that don't have any water infrastructure to expand or increase or appraise. So thank you.

DEC INTERIM COMMISSIONER MAHAR: I believe Logan is already working on setting up that meeting with you, ma'am.

ASSEMBLYWOMAN BARRETT: Excellent. Thank you. Thanks very much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Helming.

SENATOR HELMING: Thank you, Senator Krueger.

Commissioner, you talked about PFAS, and I was happy to hear that there will be funding in the budget for PPE protection for our firefighters. Hopefully it's sufficient that we're not picking winners and losers.

Any funding or language in the budget

to assist our volunteer fire departments with the removal of disturbed or identified contaminated soils from their property?

DEC INTERIM COMMISSIONER MAHAR: Well, that is something that we'll have to have a case-by-case conversation with --

SENATOR HELMING: Okay. I look forward to following up on that.

DEC INTERIM COMMISSIONER MAHAR: Yeah, obviously, Senator --

SENATOR HELMING: On wastewater treatment plants, we talked briefly about that -- I only have three minutes, and there's a long list. There are aging facilities, I've visited many throughout the State of New York; they're in desperate need of upgrades. They have to compete for grants. Some of them need assistance with that.

I'm wondering, in our budget is there significant infrastructure funding to ensure that our wastewater treatment plants are able to meet safe and the latest, the most recent discharge requirements?

DEC INTERIM COMMISSIONER MAHAR: Yes.

SENATOR HELMING: Thank you.

DEC INTERIM COMMISSIONER MAHAR: The financing of the 500 million is going to go along --

SENATOR HELMING: Thank you.

Real quick, on conserved lands, it's already been discussed, so I'll just -- do you realize how much money is owed to our statewide land trusts?

DEC INTERIM COMMISSIONER MAHAR: We're advancing land acquisition and conservation in the pipeline that we have. The investments in the Bond Act are --

(Overtalk.)

SENATOR HELMING: So it's held up, as Senator May said, and we owe statewide our land trusts more than $150 million.

I'm glad that you said that this is a priority of the Governor. I'm glad you're having those conversations. We need to speed it up. This is a program I really support.

But changing directions here and going to Advanced Clean Trucks and the

refrigerant-containing material rules that were recently enacted, you had used the -- you had said something about engaging effectively, you felt you were engaging effectively. Obviously you've heard from a number of legislators who have heard from their constituents, businesses, who have concerns and questions. Which raises a red flag for me.

Just turning to the refrigerants, those regs were dropped on Christmas Eve. And literally days later, early January, businesses that operate legally in this state, that meet their permit requirements and everything else, all of a sudden they were no longer in compliance.

And just to hear you talk about flexibility with enforcement, do you think that that gives our small businesses some comfort in investing, continuing to invest in the state? These are businesses that employ people, provide jobs. They donate to our not-for-profits throughout our communities. I'm thinking it's backwards.

But again, I'll go back to, are you concerned about these businesses closing under this concept of flexibility with enforcement?

DEC INTERIM COMMISSIONER MAHAR: Well, I think any businesses that have questions on the impact of a regulation should reach out to the department so that we can walk them through that.

And again, with the enforcement discretion, that's --

SENATOR HELMING: These businesses are just trying to survive, to do business every day. They don't have time to continue to check the DEC's website. And we reach out on their behalf --

CHAIRWOMAN KRUEGER: Thank you, Senator Helming.

SENATOR HELMING: -- sometimes we get answers, sometimes we don't.

CHAIRWOMAN KRUEGER: Thank you, Senator Helming.

Assembly.

SENATOR HELMING: Thank you,

Senator Krueger.

CHAIRMAN PRETLOW: Assemblymember Palmesano.

ASSEMBLYMAN PALMESANO: Yes. Commissioner, thanks for your time the other day. I only have three minutes -- or five minutes, excuse me. That's great.

First I wanted to re-emphasize what my colleague Chairwoman Barrett said, to emphasize the ACT regulation. I'm very, very concerned about it. You know, we had a hearing last week and it really sounded a red alarm flag of all that's going on, and other colleagues are talking about it.

The things we heard: Limited range. I mean, one statistic that came out, a typical diesel truck can drive between 1800 to 2,000 miles before needing a refuel, and fill up in 20 minutes, while an electric truck can go 200 miles and take maybe four to five hours to fill up -- or to charge. Limited load capacity, lack of infrastructure, high initial costs -- 200,000 to $300,000 for the purchase of a

near-zero-emission diesel truck, versus 1.4 to 1.5 million. Time and time again.

So we don't just need a pause in the enforcement, we need a delay in the implementation. And maybe along with that, how about a cost-benefit and a feasibility study to see if the infrastructure can handle it, because the grid -- even utilities say they can't provide it to these places that need to be.

So hopefully that's something you look at. Also hopefully you look at renewable diesel. That was brought up in the conversation that this is something that would work in our communities. You wouldn't have to retrofit trucks, it could work with existing areas. And New York City's implemented that, and it has reduced emissions. Maybe that's something we should look at as a bridge before we go forward.

But what I really wanted to talk to you about today a little bit, if I could, to get you on the record about -- I mentioned it in our call -- the DEC, the Governor, the

Legislature have concerns about extraction of fossil fuels and that process and the danger of -- and how that is on the environment.

Certainly you are well aware of the environmental and human labor abuses associated with nickel, lithium, and cobalt and rare-earth mining, all of which is driven by the need for the minerals in batteries for electric vehicles, electric school buses, and renewable energy systems.

And specific examples I want to say for the record, and hopefully you can address, it is well documented that cobalt, child labor in the Democratic Republic of Congo. Seventy percent of the cobalt comes from there to produce a lithium-ion battery. Slave labor in Uyghur, by China.

Also, on the environmental side, in South America in the Lithium Triangle, water, rivers and streams being poisoned and polluted for lithium mining.

Does the DEC account for all the environmental and social consequences of mining expansion required to meet the CLCPA

mandates? Do you account for that? And if not, shouldn't you? And is it okay to really -- you know, children who are dying, being maimed, paralyzed in mine collapses, mining for cobalt, and poisoned water in rivers and streams in other countries, and also child and slave labor, is that okay for us to meet our green energy goals?

Or are we just burying our heads in the sand? So as long as we don't see it, as long as it's not happening in New York, children aren't dying here, we're not poisoning water in river and streams here -- is that okay, from your perspective, that we move forward with this and not take that into account? Because it's really happening, and it's well-documented.

And does the Governor not think about that, or does she not care? Or what are we doing on that? Because this is a tragedy that's happened, and no one's speaking out about it. But I will continue, and so will some of us others.

Please, answer.

DEC INTERIM COMMISSIONER MAHAR: So I definitely encourage you to bring that up with Doreen Harris, president of NYSERDA, in the next panel as well --

ASSEMBLYMAN PALMESANO: I will.

DEC INTERIM COMMISSIONER MAHAR: -- since we work collaboratively with NYSERDA and all our other agency partners on batteries overall.

I would say, yeah, we're always concerned about child labor and making sure that the worker protections that we have here in the state are embraced by others internationally. And we encourage the federal government to continue to maintain that focus on taking the worker protection standards that we have in this nation and making sure that child labor is not occurring, and that these supply chains and supply lines are adequately protected from mistreatment.

ASSEMBLYMAN PALMESANO: But Commissioner -- Commissioner, it is occurring. So what are we doing to ensure

that the materials that come into our vehicles -- should we pause on this to ensure that it's U.S. sourced?

Because really what we're doing is like we're saying we have knowledge it's there but we can't stop meeting these goals because we have to have electric vehicles, we have to have electric school buses, we have to have electric motor -- 18-wheelers. We need to do that, but it's okay that child labor is being used, it's okay that we're poisoning water in rivers and streams in other countries.

Why are we not being more proactive on that and speaking out on that and not just saying, Well, we have to meet these goals? Because that's what it seems like the message is I'm getting, and others: It's okay, because we have to meet these goals. But yet the damage we're doing to these children, the damage, you know, in the Congo, the damage we're doing to other areas with their water and streams -- it's okay to meet these goals.

Shouldn't we do more?

DEC INTERIM COMMISSIONER MAHAR: Well, definitely Doreen can discuss with you further how NYSERDA is looking at batteries and battery storage overall. They've had some reports and analyses that they've produced. So I encourage you to bring that up with her directly as well.

CHAIRWOMAN KRUEGER: Thank you.

Senator Michelle Hinchey, three minutes.

SENATOR HINCHEY: Thank you, Madam Chair.

Hello. Thank you so much for being here and for your time and all of your work, and everyone at DEC.

I want to pick up the thread from Chair Glick on emerging contaminants. We know that we have -- we're doing a lot for emerging contaminants in water, but there's still a lot more to do for on-site, before those contaminants get into our water stream.

Specifically on the leachate question, it's wonderful that regs are coming for our municipalities and communities to figure out

what to do with leachate. However, the article that came out recently was about a landfill in my town. And what are we doing, what is the DEC doing to help communities right now that have to deal with on-site treatment of things like leachate and other emerging contaminants?

DEC INTERIM COMMISSIONER MAHAR: Well, thank you, Senator. And we appreciate some of the dialogue that we've had with you and your community members. Sorry I wasn't able to join the call last week on that.

But I think what --

SENATOR HINCHEY: Your team was great.

DEC INTERIM COMMISSIONER MAHAR: That's great.

I think, you know, as an example of what we're doing with you, that's what we want to do with any communities that have questions. Obviously our doors are open on the regional level to facilitate those conversations.

SENATOR HINCHEY: Thank you. Just to -- there's no -- it doesn't seem like

there's funding available right now to help communities deal with things like on-site storage or tankers to remediate that before it goes to a treatment plant. Is that right?

DEC INTERIM COMMISSIONER MAHAR: Well, that's where the conversations with our experts are important first. We need to understand the site-specific characteristics, what the, you know, constituents are of the leachate, what the water treatment plant is able to process and handle to meet their permit requirements. And there are a lot of discussions that we have to have on a case-by-case basis.

But generally with leachate, you know, what you've seen is with the testing requirements that we've put in place, a recognition that we need to know what's in here and make sure that our processes are able to handle it. And that's why we're --

SENATOR HINCHEY: The challenge is specifically for Hurley is they kind of had a random test, so now the City of Kingston is going to test the other landfills where they

get deposits from. But we imagine that this is a much larger issue than this one landfill that we have in Hurley. And it seems that there's not funding available to help with that mitigation piece now, which is something I think we should all look at in the budget, since that doesn't exist.

DEC INTERIM COMMISSIONER MAHAR: Well, and the Clean Water Infrastructure Funding that we have with the 500 million, there's flexibilities built in where we can adapt that funding program to help support issues like that. So that's part of the conversation we want to continue with you.

SENATOR HINCHEY: Right. But for the work right now, they've kind of been left without anything.

And for the clean water funding, you know, we talked about -- you mentioned in one of the answers about federal dollars, although we acknowledged in the beginning of this hearing that we may -- all the federal dollars are paused.

You know, what other kind of creative

ways are we able to get that funding out the door? Or what kind of new strategies do we need, do you think?

DEC INTERIM COMMISSIONER MAHAR: Well, I think what you've seen in the last years is really a commitment to making sure we've got people in the places to move that money most effectively.

On the Bond Act side, we're standing up the staff that we need and the infrastructure to move that money quickly. Same on the Clean Water Infrastructure side, working with {inaudible} and others. So our commitment is to move the dollars as quickly as we can.

SENATOR HINCHEY: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Yes, we've been joined by Assemblymembers Jo Anne Simon and Karen McMahon.

The next questioner will be Assemblymember Harvey Epstein.

ASSEMBLYMAN EPSTEIN: Thank you,

Chair. And thank you, Interim Commissioner, for being here.

I want to go back to the conversation about waste management issues. And I notice that you applauded the 32 million pounds that we're composting in the state. But, you know, probably overall New York State turns out about 3.9 million tons of food waste that goes into our waste stream. So 32 million pounds versus 3.9 million tons is a -- there's a big gap.

I'm wondering what your commitment is to try to increase that number. I notice in the EPF you've only put in $2.5 million. We need to do a lot more in that world, and I'm wondering what's the goal of DEC in making sure that happens?

DEC INTERIM COMMISSIONER MAHAR: Well, I think, you know, generally you've seen the exponential growth already occurring, right, from when we stood up that program and started with this diverting, you know, a couple hundred thousand pounds of food waste to now 32 million pounds. That's over the

course of two years.

So we are actively working, the program is working, and as we advance the expansions we're going to make even greater progress.

ASSEMBLYMAN EPSTEIN: So can we see a commitment to try to increase this funding? Because I know municipalities around the state would love to increase their ability to do composting, but if we only put 2.5 million in the EPF, we're not going to give them the additional resources they need to do that kind of food waste management.

DEC INTERIM COMMISSIONER MAHAR: Well, we're always open to conversations with you in the context of the budget and look forward to those negotiations this year on how the EPF is allocated, and making sure that it's targeting the types of investments we need to see.

We know what's in there now is helping and it's working, and that's why we want to see that funding continue. But obviously open to conversations about where else we

need to take it.

ASSEMBLYMAN EPSTEIN: So in Executive Order 22, DEC is part of the Green Council, I believe part of the steering committee of the Green Council, to do waste reduction and waste management and ensure we're complying with the Climate Leadership and Community Protection Act.

. What oversight does DEC have over other agencies to ensure they're complying with the CLCPA as well as Executive Order 22 to ensure that their procurements and operations are reducing waste and making sure we're moving to a more sustainable economy?

DEC INTERIM COMMISSIONER MAHAR: Yeah, our Green NY team and the EO22 team is some of the most passionate folks that I've seen in state government for this work. And the collaborative process that they've created with the steering committee is really working to make sure that we're making progress. And with regard --

ASSEMBLYMAN EPSTEIN: I know I only have 36 seconds left, but if an agency's not

complying, what authority does DEC have over a different agency to -- say, when they're buying non-electric vehicles or not complying, what authority do you have to ensure that they're complying with the goals?

DEC INTERIM COMMISSIONER MAHAR: There are provisions built into the executive order on that, and it really depends on a case-by-case basis of what we're seeing. As it goes with all the enforcement that DEC does, it's education first. And so we'll work with a state agency, a business entity or others to talk to them about their pathways to compliance.

ASSEMBLYMAN EPSTEIN: Have you tried to do that with agencies that are not complying currently with the CLCPA or the executive order?

DEC INTERIM COMMISSIONER MAHAR: We're always working across state government to make sure we're leading by example, and that's why EO22 is so important. And you're seeing that progress play out.

ASSEMBLYMAN EPSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Excuse me. Almost gave Harvey extra time by sleeping.

Oh, so sorry. Senator Fahy.

SENATOR FAHY: Thank you.

Thank you, Commissioner, for your service as -- in stepping in this last year more. A few comments and then a couple of questions if I can get to them.

One, I just want to share some of the concerns that were raised about emerging contaminants and hope to get to a question on that.

Also want to share the concerns that you've raised on where we are with meeting the 30 by '30 conservation goals, and appreciate your efforts. Happy to work more with you on streamlining the process, as that was a bill I did with former Senator Kaminsky a number of years ago, and I appreciate your efforts to try to meet that 30 by '30 goal.

Let's see. Then a couple of questions. The trucking -- well, let me just -- the trucking, I share some of the concerns. I adopted and supported a number

of the goals on the Advanced Clean Trucking rules, but I also understand a lot of those were adopted when we thought we'd be further along on the infrastructure. And I see that others are -- other states now are trying to give more time. Is that your anticipation? You said something earlier in one of the questions that you're looking at possibly 2029. Is that -- is that where we're at on that?

DEC INTERIM COMMISSIONER MAHAR: Well, those are some of the flexibilities that we're contemplating with California and our other states who are advancing this program overall.

But on the infrastructure side, I'll just say again that the Governor's commitment of a billion dollars to clean infrastructure -- clean energy spending and the Sustainable Future program is going to stand up that infrastructure that's going to help with that transition. And it's a recognition that we do need to make sure that the charging infrastructure is in place as we

transition to electric vehicles, and that's why the Governor is making a solid commitment and advancing those necessary components as we continue to look at the regulations themselves, how we help adapt to the concerns that we're hearing and create workable programs that are reaching our goals and facilitating this transition to the clean energy economy.

SENATOR FAHY: Looks like it turned off.

I understand after that we also had talked to the Thruway Authority, and lots of new sites there to put in the infrastructure. So I know there's a lot of work to do, and happy to support you in any way with meeting those, because it looks like we're a little ahead of ourselves. And I do think that there is more time needed for the trucking industry.

With regard to biosolids, the Rockefeller Institute -- the biosolids used to fertilize lands, the Rockefeller Institute has issued a couple of articles on this. I

saw that our county has just passed a moratorium -- Albany County, that is.

Is there a status on the testing regarding some findings? And how is the department looking at responding to this right now with some of the contaminants that are being found in the biosolids?

DEC INTERIM COMMISSIONER MAHAR: Across the board with all our PFAS-related work, we're looking at all the different potential pathways of introduction into the environment. And biosolids we know are an emerging issue, and I'm happy to follow up with you on the specifics of what we're doing in that regard.

SENATOR FAHY: Thank you so much, Commissioner. Thank you, Chair.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRMAN PRETLOW: Assemblymember Dana Levenberg.

ASSEMBLYWOMAN LEVENBERG: Thank you.

Good morning? I'm not sure where we're at this morning.

I have three questions; I'll spit them

out as fast as I can.

The first one is the -- I think you started to answer it, but I'm not sure we got the full answer, about the new wetlands regulations, which are important and so much needed.

How many staff of yours are devoted to implementing these new regulations? And does DEC anticipate adding hires in the next year to support effective implementation of these important regulations?

DEC INTERIM COMMISSIONER MAHAR: Yeah, so with the Governor's investment of 58 new staff, we're going to spread those around the agency in the areas that need it most -- wetlands obviously being one, because we want to make sure we've got the people and the places, especially in the regional offices, to move the applications through the process and make sure that this is a workable program.

ASSEMBLYWOMAN LEVENBERG: Okay. So it's 58 divided here and there, is that what you're saying?

DEC INTERIM COMMISSIONER MAHAR: Yes.

ASSEMBLYWOMAN LEVENBERG: Okay. And in terms of the Clean Water Infrastructure Act, I know that there's been a lot of talk about getting the money out the door and specifically I'm wondering if -- and we've heard by putting money into specifically making it easier for the drinking water part of that, for communities to have access to grant money for engineering and planning so that they can actually apply for the grants.

A lot of the issues seem to be around not being able to apply for the grants in the first place. Many small communities just don't have the capacity. But if there were grants available, like there are for the wastewater and stormwater, for the drinking water, then we might be able to see more of that money getting out the door.

DEC INTERIM COMMISSIONER MAHAR: So I definitely encourage you to bring that up with the Department of Health commissioner as part of his hearing, because DOH oversees the drinking water aspect of our Clean Water

funding.

But generally, last year the Governor launched our Community Assistance Teams, where teams of DEC and EFC and DOH members are going into communities and really helping explain our processes, our programs, availability of funding and things like that. So happy to connect you with our Community Assistance Teams; you can hear more about that and make sure that we're interacting with the communities that you're hearing from on that.

ASSEMBLYWOMAN LEVENBERG: Okay. I mean, we have heard that Department of Health has said they don't have the capacity really to take that on as part of the issue why those grants aren't in place, and that they're not the same -- I guess EPF has somebody -- there's a different administrative process for the wastewater grants than there is for the drinking water, which involves DOH.

So we've heard that that's a problem, so I'll just -- I'll put that out there.

And my last question is actually regarding nuclear. Given yesterday's market correction because of a more efficient artificial intelligence model from China that will require fewer data centers and less power, do you really think that the state should be spending resources on bringing online untested technology such as nuclear that doesn't exist and will be up and running for decades, let alone if there are even consumers to purchase it?

Thank you.

DEC INTERIM COMMISSIONER MAHAR: I would encourage you to talk to our energy colleagues on the next panels coming up today on that.

ASSEMBLYWOMAN LEVENBERG: Sorry?

DEC INTERIM COMMISSIONER MAHAR: I'd talk to the energy panels or the energy agencies in the next panels coming up.

ASSEMBLYWOMAN LEVENBERG: Okay, good. Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair.

Commissioner Mahar, thanks for being here.

You mentioned that you're not in the business of putting businesses out of business. I'm glad to hear that. But this clean truck standard is absolutely going to do that. It's doing it now. We're already restricting the ability for dealers to get trucks here, and that's going to have a negative impact on a lot of businesses, including also sales tax revenue for New York State.

So you talked about looking at potentially, you know, changing these standards, but it's being impacted right now. And in fact these things aren't going to take -- the standards aren't going to take a single diesel or gas truck off the roads in New York State. Because I've talked to the industry, they're simply going to be sending trucks in from other states -- like where I live, on the border of Pennsylvania -- and

you're not going to have any -- you're going to have zero impact, quite frankly, on emissions. And we're also going to lose business.

So why are we not suspending this right now? There's been zero dollars invested so far in commercial truck charging stations, and that's the problem. There's no infrastructure. Even companies that want it -- I mean, unless you're going to be a food truck sitting all day, electric food truck, I don't see how it's going to work. It's not commercially viable.

Why have we not suspended this right now?

DEC INTERIM COMMISSIONER MAHAR: Well, again, with the billion dollars that the Governor is proposing in this budget, that's going to go a long way to helping with our implementation of many different --

(Inaudible overtalk.)

SENATOR BORRELLO: Yeah, but this is happening right now. That billion dollars, by the time they put out the RFPs and they

put the infrastructure -- it's going to be, you know, 2030 before that billion dollars is actually deployed.

DEC INTERIM COMMISSIONER MAHAR: Well, we need to start now, obviously, because this infrastructure is necessary.

SENATOR BORRELLO: Why are we not suspending these clean truck standards right now? Forget about California and everybody else. New York needs to suspend this right now, because we are having a negative impact right now on businesses.

And I realize this is -- you're following orders, so to speak, but it is DEC's purview certainly to I would think advise the Governor and everyone else that thinks this is a good idea, as to why we're not doing this right now.

DEC INTERIM COMMISSIONER MAHAR: Well, I think again, when you across the -- especially our Community Air Monitoring program that we did, when you look at the impact on communities of transportation emissions, we know these are a leading source

of climate emissions, but also some of the leading health impacts for local communities that --

(Inaudible overtalk.)

SENATOR BORRELLO: So emissions that are in Pennsylvania, 10 miles down the road from my district, are somehow different than emissions is New York State? Because that's where they're going to be coming from. They're going to move their operations to Pennsylvania. I can throw a stone and hit Pennsylvania from my district.

I'm just trying to understand the practical application of all this right now.

DEC INTERIM COMMISSIONER MAHAR: I will say Pennsylvania is a Section 177 state of the Clean Air Act as well, so they are in this program with us, and that's why we're continuing to work together with all the Section 177 states on this, because we know we need to --

(Inaudible overtalk.)

SENATOR BORRELLO: How many states are in that, if you don't mind me asking.

DEC INTERIM COMMISSIONER MAHAR: What's that?

SENATOR BORRELLO: How many states are in this conglomerate?

DEC INTERIM COMMISSIONER MAHAR: In the Section 177?

SENATOR BORRELLO: Yes.

DEC INTERIM COMMISSIONER MAHAR: I believe it's 12, but I'll get back to you on that specific number.

SENATOR BORRELLO: Well, I would strongly encourage -- also, really quickly, wetland regulations, it's creating a lot of chaos. It's already impacting real estate.

How do we consider a navigable waterway like Chautauqua Lake or Lake George a swamp, slog or bog? Which is really what wetland regulations are supposed to be for.

DEC INTERIM COMMISSIONER MAHAR: Well, again, that's based on biological conditions and factors in the ground and the way that wetlands were defined in the legislation. The general permits that we're advancing will help address Chautauqua Lake, and I'll pivot

back and circle up with you on that and walk you through it.

SENATOR BORRELLO: Thank you. I appreciate that.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Yes, we've been joined by Assemblymember Tony Simone and Assemblymember Tommy John Schiavoni.

Dr. Anna Kelles?

CHAIRWOMAN KRUEGER: And I'm sorry, I did not introduce Senator Ramos, who came in earlier as well. Thank you.

ASSEMBLYWOMAN KELLES: Thank you so much. A ton of questions -- we won't get through all of them, but we'll give it a try.

The 1 billion -- so that's a one-time. My concern, I'm just looking at SUNY alone, 40 percent of all of our state buildings -- we would probably need about $10 billion just to decarbonize those buildings. At the rate that you put in 50 million for capital in the DEC, that would take 200 years to decarbonize. We have the 1 billion.

So, one, what is the long-term plan of continued funding without the cap-and-invest? And the second piece of that is, of this 1 billion, is it going to things like decarbonizing those buildings? Because I am concerned about only the 50 million that was put in for capital.

But is the 1 billion going into the climate fund? Is it going to guarantee to have 30 percent of it going to disadvantaged communities? Do we have any transparency? Do we have any details? I mean, basically this is asking for a blank check, so I'm just trying to get some details.

DEC INTERIM COMMISSIONER MAHAR: I appreciate that question. And obviously, you know, there are some specificities in the Article VII, and we look forward to working with you on that to make sure that the same priorities that are embodied in different funding programs are embodied in what the Governor's proposing here as well.

So the commitment to disadvantaged communities is still there across the board,

and we're always making sure that we are living up to the goals.

I would say, on SUNY and CUNY, the Bond Act does have resources. We've got 50 million that we're going to put on the street to CUNY, and 100 million going out to SUNY as well from the Bond Act.

ASSEMBLYWOMAN KELLES: Right, 100 million if we need like 10 billion is really -- different scales.

DEC INTERIM COMMISSIONER MAHAR: Well, again, we need -- we need to make progress. And every investment is making that progress. And when you leverage this billion -- and, you know, your notion that --

ASSEMBLYWOMAN KELLES: Right. If you did it at that rate, it would be 200 years. So just giving a sense of how much money we need, which is why I'm shifting gears for a second, that cap-and-invest is so important.

Because we do need ongoing funding, and I'm very concerned that we know that it will reduce costs to taxpayers because of the direct rebates. We know that we will have --

if we don't do it now, then we are going to continue to see massive amounts of billions of dollars that taxpayers are spending out because of the cost of climate change. The cost of implementing it will be even worse, and harder and higher, if we don't do it now.

So when is the expectation that we'll have those regulations?

DEC INTERIM COMMISSIONER MAHAR: So it's -- sorry, it's a --

ASSEMBLYWOMAN KELLES: Because by law, it should be out.

DEC INTERIM COMMISSIONER MAHAR: So any notion that NYCI is not happening is just not accurate. I think what the Governor has said is recognizing that we continue to move forward with the cap-and-invest program and we need to --

ASSEMBLYWOMAN KELLES: Do we have a timeline of when those regulations might come out?

DEC INTERIM COMMISSIONER MAHAR: So first, she's directed us to produce the reporting rule requirements first, and those

will be coming out in the coming months as we continue the robust stakeholder engagement that we've had over the past few months, to really make sure New Yorkers are aware of the cap-and-invest program, how it's going to work, and the importance of it.

ASSEMBLYWOMAN KELLES: But by statute it's supposed to be out next year.

So -- and one other question, just about the EPF. There were a lot of cuts that I'm concerned about. Were there reasons that we cut these?

DEC INTERIM COMMISSIONER MAHAR: We can talk offline on that.

ASSEMBLYWOMAN KELLES: Great, thank you so much.

CHAIRWOMAN KRUEGER: Thank you very much.

And we have new Senator Bynoe, it's her first budget hearing. Welcome.

SENATOR BYNOE: Good morning. Hi, Commissioner, how are you?

DEC INTERIM COMMISSIONER MAHAR: Doing well.

SENATOR BYNOE: Great. Today I'd like to discuss the water infrastructure investment plan. And so that act provides opportunity for investments in our local communities especially when it comes to PFAS and 1,4 dioxane, as I understand it. And the fund is currently $500 million. Would you be able to tell me if that program is oversubscribed?

DEC INTERIM COMMISSIONER MAHAR: There is a high demand for water funding in the state that we've seen with the $6 billion commitment and the amount of projects that we have financed, but also those requests that are coming in. There is a big need for this funding.

And that's why we're excited that the Governor is continuing to commit that $50 million investment again this year to make sure that progress continues. We're leveraging that with the Environmental Bond Act resources as well, so we're really making great progress happen. And that's where we really need to see the federal funds continue

to flow into New York as well. Because the Clean Water State Revolving Fund is an essential leveraging piece to that as well.

SENATOR BYNOE: Thank you. Because we're finding that villages that I represent, like the Village of Hempstead, and Mineola, continue to be plagued with 1,4-dioxane and not having sufficient funding to address those issues. And moreover, Nassau County has really been plagued with sinkholes throughout the county. And that's also with the underinvestment in its infrastructure. And we'd like to see that fund grow so that we can take care of some of those issues that we're currently faced with.

Additionally, the CPF funding, you know, we are realizing they didn't -- at Stony Brook, which does the work for Nassau and Suffolk County as it relates to removing harmful blooms and -- algae blooms, it's not been funded at all in this budget. Can you tell me why that hasn't been funded?

DEC INTERIM COMMISSIONER MAHAR: Why what hasn't been funded? I missed the last

part of your question.

SENATOR BYNOE: The Environmental Protection Fund, the CPF. And specifically I'm talking about the Stony Brook initiative.

DEC INTERIM COMMISSIONER MAHAR: Oh, the Center for Clean Water Technology?

SENATOR BYNOE: That's right.

DEC INTERIM COMMISSIONER MAHAR: They have a lot of funding that hasn't been spent yet. And we've been working on some other creative partnerships with other institutions to continue to advance that clean water work.

Then we can get you a full accounting of that program and why the changes were proposed in the Environmental Protection Fund this year. Happy to chat with you offline on that.

SENATOR BYNOE: But moreover, there's additional funding that's needed for the South Shore Estuary. It's only $2 million. It's very underfunded in terms of the needs of that area to be able to remediate pollution. Can you talk about that funding a bit for me, please?

DEC INTERIM COMMISSIONER MAHAR: Well, we work with the Department of State on the South Shore Estuary Reserve. DOS leads that effort, and DEC is a partner in that process overall. I think you've seen just a continued commitment to the importance of that program. And we look forward to working with you on any changes we need to make in appropriations.

SENATOR BYNOE: Look forward to working with you. Thank you.

DEC INTERIM COMMISSIONER MAHAR: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Thank you.

We've been joined by Assemblywoman Shrestha.

Next is Khaleel Anderson, Assemblymember Anderson, three minutes.

ASSEMBLYMAN ANDERSON: Thank you very much, Chair.

And Interim Commissioner, thank you so much for being here.

I have four questions; hopefully I can get them in. So I'll ask them and then hopefully you'll respond thereafter.

So the first question deals with a question related to food. So I know that the Local Emergency Food Relief and Equipment Grant program was something that was announced again for the last fiscal year. Just wondering about the success of that program and wondering if there's any request for additional resources from the Legislature to keep that program going.

My next question is about food insecurity and food recovery. My colleague spoke about the food scraps program, and I'm just wondering again if there's any needed -- more resources needed to ensure that that program runs efficiently and successfully. Of course there's a gap between what is recovered and what is out there, and I'm just wondering if there's anything else needed to expand and grow that program.

My third question is dealing with illegal truck parking and enforcement. We

know that -- the regulations that are on the books as it relates to illegal truck parking and trucks that park overnight. This is a big point of contention, as I represent the cargo areas of JFK Airport. Love to invite you out to the district to learn more.

DEC INTERIM COMMISSIONER MAHAR: I'd love to.

ASSEMBLYMAN ANDERSON: I'm just wondering, you know, how that's being enforced and what mechanisms does DEC have to ensure that folks are following those statutes.

And my last question is about managed retreat. I know that managed retreat is generally something that's in the HCR camp, but I did see the $1 billion related to the Sustainable Futures program and I'm just wondering how that interacts with managed retreat, particularly the 250 million announced last year. I'm just wondering how that --

(Overtalk.)

DEC INTERIM COMMISSIONER MAHAR: All

right, I'll go rapid fire in reverse order.

So managed retreat, the Bond Act is really helping with our climate adaptation and resilience efforts overall. We've got a blue buffers program that we're working with HCR on. We're really going to stand up an amazing program that is really going to help reduce risk to New York homeowners and move them out of harm's way.

So we can set up some follow-up conversations with you on that.

With regard to illegal truck parking and enforcement, our Environmental Conservation police officers are on the front lines doing air quality details on both emissions coming out of trucks but can coordinate with any local police department on enforcement of illegally parked trucks and air quality issues from idling law issues that pertain to that.

ASSEMBLYMAN ANDERSON: It feels like JFK is forgotten about, but we can talk about that offline.

DEC INTERIM COMMISSIONER MAHAR: Yeah,

exactly. I'd like to get out there and bring some ECOs with me to see firsthand what's going on, and we can talk about what security level details or enforcement details we would want to provide.

Food security, insecurity infrastructure, the Governor's proposing grants on obviously on the HFC side to help with the transition to natural refrigerants, which will help with the refrigeration capacity that's needed in our food banks.

And the Food Scraps Donation Recycling Act is working. I want to work with you on figuring out where we go in the future because right now it's ramping up in all the right ways, and we're excited about the progress that we're making.

ASSEMBLYMAN ANDERSON: Thank you so much, Commissioner. Appreciate it.

CHAIRWOMAN KRUEGER: Okay. The next Senator is Senator Walczyk.

SENATOR WALCZYK: Because of their global warming potential, you're banning a bunch of gases, is that right?

DEC INTERIM COMMISSIONER MAHAR: Excuse me, what?

SENATOR WALCZYK: Refrigerants, you're banning a bunch of refrigerants?

DEC INTERIM COMMISSIONER MAHAR: Yes, HFC is a climate super-pollutant, so it's more potent than, you know, carbon dioxide, so we're trying to phase out those most polluting gases from our supply chains.

SENATOR WALCZYK: Does that include things like R-410A and R-32?

DEC INTERIM COMMISSIONER MAHAR: Yes, in certain foam insulations and HFCs, if they have HFCs in them or SS6, they would completely comply with this regulation.

SENATOR WALCZYK: So this is for my colleagues. Those are the exact same gases that are in an air-source heat pump, aren't they?

DEC INTERIM COMMISSIONER MAHAR: Air-source heat pumps have a variety of gases. It depends on the specific heat pump you're speaking about.

I would like to get you our experts on

to walk through what heat pumps and how they would have to comply with these new regulations.

SENATOR WALCZYK: The broader question is rhetorical: How do we expect people to heat and cool their homes if we're banning the gases and the technology that we're mandating as we electrify the State of New York?

I'll ask the next question, registration of ATVs. There's 125,000 of them registered in the State of New York today. Some estimate that two times as many are unregistered. Will we finally register UTVs and ATVs in the State of New York as a revenue in this budget?

DEC INTERIM COMMISSIONER MAHAR: So I'd have to work with my colleagues in other departments who receive that motor vehicle registration to make sure that there is compliance and that we're receiving those revenues.

That's always a priority. We want to make sure people are complying with the laws

and registration requirements there and that we're realizing those revenues coming in.

SENATOR WALCZYK: Yeah, so the issue, Commissioner, is the weight limit. Are you willing to increase the weight limit for ATVs and UTVs so that we can finally get those registered in the State of New York?

DEC INTERIM COMMISSIONER MAHAR: We're always open to conversations on that. And again, I'd like to bring in my colleagues from the Office of Parks, Recreation and Historic Preservation, and others, into that conversation.

SENATOR WALCZYK: Thank you.

On wetlands, you mentioned earlier in your comments a lot of advanced notice of the proposal, you talked about a comment period being long. Those things are appreciated. Obviously we want to hear back from the public. I've heard back from the public. I represent a number of lakes. You also mentioned that the general permit is developing now. Hopefully you'll hear back from the public and don't have to develop a

general permit that doesn't have their input. Because the people on Black Lake don't want to apply for a permit to build a deck. And the people on Oneida Lake don't want to apply for a permit through the Department of Environmental Conservation to put shrubs in their backyard. And the people of Butterfield Lake don't want to apply to cut down a dead tree that's a danger to their home.

So hear the public comment from me on behalf of my constituents: Will you remove the 100-foot buffer zone that you've included in those regs right now so that lakes can be lakes and wetlands can be wetlands?

DEC INTERIM COMMISSIONER MAHAR: Well, our focus is to make sure wetlands are treated as wetlands and that the appropriate protections are put in place, while recognizing that certain ones, like a lake like Chautauqua Lake, which is a shallow, weedy lake, provides that flexibility for homeowners to continue to put in docks and do the work that they have to do.

And we'll have additional general permits out, and our doors are open for those conversations. So we've had robust engagement with lake-wide landowners, and we're going to continue that across the --

CHAIRWOMAN KRUEGER: Thank you, Sean. You can continue with the Senator afterwards.

DEC INTERIM COMMISSIONER MAHAR: Will do.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRMAN PRETLOW: Assemblymember Steve Otis, three minutes.

ASSEMBLYMAN OTIS: Thank you.

Commissioner, first I'd like to thank you and your team at DEC for the tremendous help in the Village of Mamaroneck in terms of dealing with very complex flooding issues. And your whole team has been so great in working with the local officials and trying to problem-solve very complicated matters. I'd spend more time on that, but I have limited time. But thank you, thank you, thank you. You personally have done a great job --

DEC INTERIM COMMISSIONER MAHAR: Thank you, Assemblymember.

ASSEMBLYMAN OTIS: -- and we appreciate that.

I have three quick questions.

On the federal Clean Water State Revolving Fund program, do we know whether that funding is included in the recently announced federal pause of federal funding?

DEC INTERIM COMMISSIONER MAHAR: Well, our evaluation is very much continuing on that right now, Assemblymember, so we'll get back to you on what programs that applies to and what impact that's going to have on the state. So --

ASSEMBLYMAN OTIS: I would say, and this is really for the federal government, that program was started under the Reagan administration. It has been a very successful national program for which New York has done well, and we hope that that funding continues to flow.

For the $1 billion over five years, is the plan to do 200 million a year or may

there be more flexibility depending upon as projects come forward? Or has it not yet been decided?

DEC INTERIM COMMISSIONER MAHAR: I think that's still in development. Because once the Legislature and the Governor agree on the budget, then we can get to work on implementation. I think, again, we're going to look at existing funding programs that we have, where we need to stand up new programs. But our goal is going to move this money as quickly, effectively and efficiently as we can. Because as I think you're hearing from your colleagues, we need to be moving on this transition right now, and that's why the Governor is standing up this funding.

ASSEMBLYMAN OTIS: That's great.

I will say, as an aside, since you mentioned that, some of the water money that doesn't flow is sometimes because the grantee is not ready to receive the money. Sometimes they get the award and -- so just being familiar with the program and EFC, some of that is really program-readiness at the local

level, not with the state.

Last topic, which is fire. And been through a lot, and just curious in terms of DEC's plans for anticipating the fire threats going forward and expanding our capabilities as these things occur.

DEC INTERIM COMMISSIONER MAHAR: Well, our Forest Rangers are wildland firefighters for the state, and they do a tremendous job year in and year out responding to wildfires. I think what you saw with the Jennings Creek fire in the Catskill area this year was really heroic work that protected any homes and infrastructure from being impacted by that wildfire, and it was a real testament to the work that they do across the state.

We're always evaluating fire risk. The statewide burn ban is an important tool, and I'll get back in touch with you, Assemblymember, on all the other ways we're addressing wildfire risk in the state.

ASSEMBLYMAN OTIS: Thank you, Sean.

CHAIRWOMAN KRUEGER: Thank you.

Senator Chris Ryan.

SENATOR CHRIS RYAN: Good afternoon. How are you? Thank you.

I want to just kind of go back to the topic of staffing a bit. I know we touched on it a little bit. Obviously DEC, conservation officers, we struggle a little bit with retention and recruitment. Do you believe we have -- you're adequately staffed?

DEC INTERIM COMMISSIONER MAHAR: Well, I believe that the Governor's investment of 58 staff is a recognition that DEC continues to need new resources to implement the new laws that are being passed and the programs that are being stood up.

So we're always evaluating our staffing needs and levels with the Executive to make sure we're putting the people in the places to guide the implementation of all the programs that we do across the state. So the 3,000 people plus, or 3300 people, are doing amazing work, and I'm proud each and every day of the hard work they're doing to deliver for New Yorkers.

So as far as -- but specific to

conservation officers, right, I think we have -- we're close to 300 -- or how many across the state?

DEC INTERIM COMMISSIONER MAHAR: We have 291 Environmental Conservation Officers.

SENATOR CHRIS RYAN: Minus what we just lost. But we put on 26, but that class was down from 45, right? So we're going to try to do 50. So if we were to put on an additional 58, do you believe that that would satisfy?

DEC INTERIM COMMISSIONER MAHAR: Well, that's something that we're evaluating across the board with the 58 positions we have where we need to make sure we have staffing resources put in place to guide the programs and address attrition losses that we're seeing throughout the agency.

I spoke in my testimony to the over 400 new staff that we've brought on to the agency in the last year alone. For the last two years prior we had about 350 each of those years. So about a third of our agency has overturned in the last three years. And

that is on the recruitment and retention side. We're always looking at all our pathways to make sure we're bringing in talent.

On the ECOs in particular, excited to graduate that newest class. We're already beginning planning for the next training academy in the very near future. We're looking at next year, or 2026, as being another training academy year, and we'll evaluate with the Executive and you what additional positions we need.

SENATOR CHRIS RYAN: So the 283, right, is that about where you think we need to be? Or how many more do you think we need to be adequate?

DEC INTERIM COMMISSIONER MAHAR: Well, that's what we're always evaluating with implementation of the new laws that come in: Are there more staff that we need on implementation, or more ECOs that we need in the field to be able to address those new laws and regulations that are coming into effect? And that evaluation continues each

year.

And I think on the recruitment side we are looking at how we make these positions more marketable to really recruit that next generation of Environmental Conservation Officer or Forest Ranger. These jobs are some of the most rewarding and hardest in the state. And we want to make sure, from our qualifications to our incentives, to everything, we're creating those pathways to bring in ECOs.

So I believe the force is healthy right now, and we're continuing to evaluate what they need in the future.

SENATOR CHRIS RYAN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Jessica Gonzalez-Rojas.

ASSEMBLYWOMAN GONZALEZ-ROJAS: Thank you, Chair.

Thank you, Commissioner, for being here.

As you well know, devastating

hurricanes and storms have been more frequent and more destructive, particularly for vulnerable communities that live in and around the flood zones. I represent several communities in Western Queens that have been hit hard by Hurricane Ida and other storms that have followed. Many families forced out of their homes into hotels because of the severe damage.

I searched both the Governor's budget bill and our own assessments of those bills; the word "flood" came up once. So I want to hear what are the status and budgetary needs of DEC's flood risk management programs, what are the future needs to shore up our flood mitigation infrastructure to protect our communities, given the onslaught of devastating weather impacts in our communities.

DEC INTERIM COMMISSIONER MAHAR: So I think with your word search you should refine to include the words "resilience," "dams," "coastal infrastructure," and other words, because that's where you're seeing some more

of those investments play out.

So reducing flood risks is a top priority of the Governor. The Bond Act has many resources that are dedicated to boosting climate resilience and helping to reduce flood risk. Our wetland regulations are protecting those critical resources that help protect communities from flooding themselves. So that's why the wetlands regulations are so important.

And when you look across the board not only at the Environmental Protection Fund but the Clean Water Infrastructure funding as well, these are some of the resources that we're tapping into to provide that level of protection.

Dam safety is a big priority of DEC, and we're continuing investments in the flood control infrastructure that we have responsibility for, especially in the Southern Tier, leveraging Bond Act appropriations and other state investments to make sure that that infrastructure is providing the protection measures that it

needs to to communities.

On the federal level, we continue to coordinate with the Army Corps of Engineers on many of the larger flood control and coastal restoration projects from the Fire Island to Montauk Point project that's underway on Long Island, to the South Shore of Staten Island project, to the harbor and tributary study that's underway as well. You know, we're evaluating with the Corps all the projects that we have to do to increase community resilience and protect against floods, and really learn the lessons that we've seen in the recent floods to make sure that we're engaging with communities where we have to. And we've done a robust engagement in Steuben County, in particular, that was really impacted with floods, on making sure that the emergency repairs that they do are actually helping alleviate future problems and not just creating problems --

ASSEMBLYWOMAN GONZALEZ-ROJAS: More specifically, can you speak to the area in and around LaGuardia Airport?

DEC INTERIM COMMISSIONER MAHAR: LaGuardia Airport?

ASSEMBLYWOMAN GONZALEZ-ROJAS: Yes.

DEC INTERIM COMMISSIONER MAHAR: I'll have to get back to you, with our regional staff, and I'd like to set up a meeting with you just on that specific area and how we're looking at flood risk and, right, addressing it.

ASSEMBLYWOMAN GONZALEZ-ROJAS: Great. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Canzoneri-Fitzpatrick.

SENATOR CANZONERI-FITZPATRICK: Thank you, Chair. Thank you to the panelists for being here today.

I represent the southwest section of Nassau County, where local control is particularly important. The change in the standard for overriding local rule or local law in a siting development project was changed by the RAPID Act. It used to be that we would look to the needs of the consumers to decide whether or not local law would be

overruled. And the RAPID Act says that if it is unreasonably burdensome in view of the CLCPA targets and the environmental benefits, that local law can be overruled.

So my question is whether it's a matter of statute or practicality, do you expect that ORES will consult with DEC in determining whether local laws are unreasonably burdensome, in light of the CLCPA, in determining whether or not the local law would be overruled?

DEC INTERIM COMMISSIONER MAHAR: So there's robust engagement that our agency has with ORES as part of their process, and we're always making sure that siting is really prioritized. And we're properly siting our energy infrastructure in ways that have minimal environmental impacts but maximal benefits for the clean energy that is going to be produced.

SENATOR CANZONERI-FITZPATRICK: So my next question would follow up on that, is that do you see opportunities where DEC would work with ORES in considering overruling

local law to make sure that the community supports the alternatives that are put in?

DEC INTERIM COMMISSIONER MAHAR: I would definitely encourage you to speak to DPS this afternoon, as part of their relationship with ORES overall.

You know, on our engagement we just focus on the environmental and permitting factors that DEC intersects with ORES to make sure that our experts are providing their expertise as part of that process.

SENATOR CANZONERI-FITZPATRICK: Okay, thank you.

Shifting gears to the HFC regulations, I notice that, you know, the budget does include a grant for small mom-and-pop grocery stores and convenience stores that are in underserved areas. But how are we going to move this forward for the mom-and-pop grocery stores that are not in underserved areas?

And this grant might be just for this year. What do we do in the future to get these stores in compliance?

DEC INTERIM COMMISSIONER MAHAR: Well, I think it's a recognition that in order to ensure compliance we need to be providing that funding, and this initial grant round will be, you know, our first on the street, and we'll continue to grow that program over time to make sure we're helping with that transition to our natural refrigerants that we need to see.

SENATOR CANZONERI-FITZPATRICK: Okay. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: We've been joined by Assemblymember Angelo Santabarbara.

And next on my list is Assemblymember Grace Lee.

ASSEMBLYWOMAN LEE: Thank you, Chair.

And good morning, Commissioner.

DEC INTERIM COMMISSIONER MAHAR: Good to see you.

ASSEMBLYWOMAN LEE: I passed a bill with Senator Brian Kavanagh last session that would expand the technical assistance grant

program requiring participants in the Brownfield Cleanup Program to provide technical assistance grants to communities when a brownfield cleanup site is located on and/or adjacent to a school or daycare center. The bill passed unanimously through both houses but then was vetoed by the Governor in December. Do you know why the Governor vetoed the bill?

DEC INTERIM COMMISSIONER MAHAR: I'd have to look back at her veto message. I don't have that in front of me right now to understand her concerns.

But obviously we're always open to providing technical assistance and engaging communities. So that is a priority of our programs, and I want to work with you more on that.

ASSEMBLYWOMAN LEE: Great. Thank you.

How much do you spend giving grants to property owners for cleanup projects in the aggregate and per project?

DEC INTERIM COMMISSIONER MAHAR: Well, for the brownfield program?

ASSEMBLYWOMAN LEE: Yes.

DEC INTERIM COMMISSIONER MAHAR: We don't provide grants. We provide tax credits.

ASSEMBLYWOMAN LEE: Right, tax credits, sorry.

DEC INTERIM COMMISSIONER MAHAR: The Department of Tax and Finance can get back to you with the specifics on that.

Our focus with this program is overseeing the effective cleanups and make sure that those goals are met and the sites are cleaned up appropriately.

ASSEMBLYWOMAN LEE: And how often do you provide funding to communities impacted by brownfield cleanup programs?

DEC INTERIM COMMISSIONER MAHAR: With the Department of State, with the Brownfield Opportunity Area program, there is incentive funding for communities and municipalities to --

ASSEMBLYWOMAN LEE: How often do you provide those grants?

DEC INTERIM COMMISSIONER MAHAR: I

would have to encourage you to talk to the Department of State about the implementation of that program.

ASSEMBLYWOMAN LEE: Got it.

As I understand, this is a multi-billion-dollar program for developers, and these funding grants are not that frequent. Do you think communities should have the right to objective information about how risks are being managed during cleanup projects?

DEC INTERIM COMMISSIONER MAHAR: Well, the way our cleanup projects are advanced, both in the Brownfields Program and the State Superfund Program, is really based in community engagement. And we want to make sure that we're hearing from communities --

ASSEMBLYWOMAN LEE: But do you think communities should have the objective information about how risks are being managed on their site?

DEC INTERIM COMMISSIONER MAHAR: Of course. And that's what we provide through our programs. We always make sure that we

are transparently putting out how our cleanups are being --

ASSEMBLYWOMAN LEE: Excellent. Well, I look forward to working with you more on this bill as we pass it through the Assembly and Senate this session.

I have a question about congestion pricing -- or impacts of congestion pricing. There are serious concerns from my community that congestion pricing is going to negatively impact air quality for residents along the FDR Drive, as the traffic is being pushed to the edges of Manhattan outside of the Central Business District.

Is there anything currently that DEC is doing to manage air quality or monitor air quality along the FDR Drive?

DEC INTERIM COMMISSIONER MAHAR: So we have a statewide air quality monitoring network across the state, including a number of -- or a suite of air quality monitors in the New York City area that we're going to evaluate over time as we consistently do. But we'll see the impact congestion pricing

is having and evaluate that with you all, transparently, as we get data coming in.

What we expect to see is obviously improvements in air quality overall from any changes to transportation.

ASSEMBLYWOMAN LEE: Great. And if there are impacts, negative impacts, along the FDR Drive where many of my constituents live, can we look to do some mitigation in order to improve the air quality?

DEC INTERIM COMMISSIONER MAHAR: As I say, we're coordinating with DEP in the city on that too, so we'll keep you posted and have meetings with DEP with you.

ASSEMBLYWOMAN LEE: Great, thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Chair Krueger.

And good morning, Commissioner. This question is for you.

As I think you know, I represent Newtown Creek, which is one of the most polluted waterways in the entire country.

And in addition to the 17 million gallons of industrial waste at the Superfund site, today around 1.2 billion gallons of combined sewage overflows flow into Newtown Creek every year.

In 2024, as you also know, DEC and DEP proposed a welcome modification to the original long-term control plan that would eliminate the proposal to displace CSOs in the East River and instead increase CSO capture by increasing the capacity of the proposed Newtown Creek CSO storage tunnel. This change will reduce CSO volume by 67 percent annually, an increase from 62 percent. However, the tunnel will not be complete until 2040, and it will still leave 350 million gallons of raw sewage entering Newtown Creek.

Does DEC plan to strengthen the Newtown Creek long-term control plan and other similar plans for waters throughout the city to eliminate more CSO overflows?

DEC INTERIM COMMISSIONER MAHAR: Appreciate that, Senator. And I think what would be best is for us to set up a meeting

with you and our experts who are working on Newtown Creek, to go into all facets of the program, both on the remediation side but also on the water side, from our, you know, holding the city accountable for implementing the long-term control plans.

Obviously what you're seeing with the Bond Act, with the Clean Water Infrastructure funding, there are a lot of funding sources that we're working to leverage to advance projects like what you're seeing in Newtown Creek. And it is a real commitment of the department here to make sure that we're overseeing the effective cleanup of that area.

So it's really in depth, and I don't want to use up all your time, and that's why I think hearing from the experts and doing a field visit --

SENATOR GONZALEZ: Sure.

DEC INTERIM COMMISSIONER MAHAR: -- with you would be important.

SENATOR GONZALEZ: Happy to follow up offline and talk a little bit more

specifically about Newtown Creek. We certainly need it.

But are we still on track to achieve a goal of zero CSOs by 2060?

DEC INTERIM COMMISSIONER MAHAR: What was the goal?

SENATOR GONZALEZ: I think the goal is to achieve zero CSOs citywide, so New York City, by 2060.

DEC INTERIM COMMISSIONER MAHAR: We are working directly with DEP on that initiative and making sure that the state is making funding available to help that work advance. And I'd have to defer you to DEP for how they are making progress on that goal.

SENATOR GONZALEZ: Yeah, I'm excited to hear about any progress. But, you know, 2060 is quite a long timeline, and I think water quality is a priority for my constituents. So I'd certainly love to know if there are any barriers to achieving that goal by that deadline.

And then, very briefly, you know, air

quality by the BQE in northern Brooklyn is another issue in my district. What resources does DEC need to address the air quality issues identified by the Community Air Monitoring Initiative?

DEC INTERIM COMMISSIONER MAHAR: So that is part of what we're going to do in the next phase of this, which is more community-based conversations on looking at the data and figuring out what actions we need to see.

If there are funding needs associated with those actions, we're going to look to leverage funding sources. But there might be other options that would address the air quality impact. So we'll keep you posted.

SENATOR GONZALEZ: Great. Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Sempolinski.

ASSEMBLYMAN SEMPOLINSKI: Hello. Commissioner, thank you for being here. I

just have one question. And I'll illuminate it by way of an analogy.

So you're sitting here today in good faith, and you're wearing a blue suit. And tomorrow, what if the Legislature passed a law that says anybody that testified before the Legislature wearing a blue suit has to pay $75 billion? I would imagine that you wouldn't want ever to come testify before us again, and I would imagine, in the 12 remaining hearings that we're going to have, a lot of people aren't going to want to come testify because they don't know what silliness we're going to produce coming down the pipeline.

In the Climate Change Superfund law, that's exactly what we did. We had businesses engaging in good faith with the law at the time that then have been charged $75 billion after the fact, some might say ex post facto.

How is that not a blatant attack on the rule of law in the State of New York? And why would any rational person, after

seeing what has happened to these companies -- that again did not break any laws at the time -- ever engage in business with or for the State of New York?

DEC INTERIM COMMISSIONER MAHAR: Well, I think generally, you know, we operate under a polluter-pays principle. And when we have the state Superfund program, which is our traditional hazardous waste cleanup program, you know, we look to see what things may have happened in the past that are now impacting public health and the environment and make sure we're helping them --

ASSEMBLYMAN SEMPOLINSKI: Yes, but at the time they didn't break any law.

DEC INTERIM COMMISSIONER MAHAR: Well, that's not the case necessarily. They may have been doing things potentially in compliance, but that compliance may have had risks and impacts that weren't evaluated for, and now we're finding off-site-migration contaminants and things that are impacting the environment. That's why the polluter-pays program is --

ASSEMBLYMAN SEMPOLINSKI: We're finding -- with all respect, sir, we're finding that after the fact.

DEC INTERIM COMMISSIONER MAHAR: So that's the basis of --

ASSEMBLYMAN SEMPOLINSKI: If you want to change the regulations going forward, that's something -- I think a conversation that we can all have. You know, we all want to protect the environment.

But to look back over the course of decades and say, Well, you did something that we don't like, we're going to charge you a gargantuan sum of money --

DEC INTERIM COMMISSIONER MAHAR: Well, it's not that we didn't like it, it's that we're finding real-world impacts that need to be accountable for and we need to clean up --

(Overtalk.)

ASSEMBLYMAN SEMPOLINSKI: But that's neither here nor there. The question is you can't have ex post facto law and live in a society that's based on the rule of law. Because why don't we all look back at what

something that any of us did last week that we don't like?

DEC INTERIM COMMISSIONER MAHAR: Well, that's why we have to look back to make sure that we're protecting New Yorkers. And I think that's fundamentally what we've done with the traditional Superfund program, and that's what we're going to be doing with the Climate Superfund Program that we're --

(Overtalk.)

ASSEMBLYMAN SEMPOLINSKI: I appreciate your answer. It's blatantly unconstitutional and an attack on the rule of law. Thank you.

CHAIRWOMAN KRUEGER: I think I am the last Senator here to ask questions, so I'm going to take my 10 minutes. Thank you very much.

But I want to talk about cap-and-invest. So -- oh, I guess I just want to comment on -- so if blue suits caused climate crisis and the world to have a shorter existence, do you think it might be a reason to criticize blue suits?

DEC INTERIM COMMISSIONER MAHAR: How

do I look today, Senator?

(Laughter.)

CHAIRWOMAN KRUEGER: You don't actually have to answer. You don't have to answer.

DEC INTERIM COMMISSIONER MAHAR: If I found that my blue suit was impacting you negatively, please hold me accountable.

(Laughter.)

CHAIRWOMAN KRUEGER: Never mind, that was a rhetorical question on my part.

But there was an earlier question about battery storage causing the wildfires in California. Do you think that's the cause of the wildfires in California?

DEC INTERIM COMMISSIONER MAHAR: I haven't seen the -- any evidence of what started those wildfires in California. I think obviously fire risk is a priority, and reducing fire risk is a priority in New York State. And that's why I think, you know, some of your colleagues asked questions about that.

We're working with our Forest Rangers,

our division of Lands and Forests, really to evaluate where fire risk is high in New York and where we need to take proactive steps to reduce that risk through prescribed burning, active forest management, or other steps to really make sure we're protecting communities. And that's our priority.

CHAIRWOMAN KRUEGER: Thank you.

So two reports recently came out on cap-and-invest that both show the vast majority of New York households will break even or even come out ahead financially under our program. And these results actually will improve the higher-priced scenario. And 84 percent of New York State households would break even or come out ahead as a result of cap-and-invest.

We know that it's an assignment of law. We know that utility affordability is a critical issue for all of us. What are -- since we aren't going forward with cap-and-invest in this budget, according to the Governor, what does this budget do to increase energy affordability for those

84 percent of New Yorkers who would have benefited from cap-and-invest?

DEC INTERIM COMMISSIONER MAHAR: Well, first I would just say cap-and-invest is continuing to move and we're continuing to advance it and develop it.

The Governor has directed us to first prioritize the reporting rule, which we will be putting out on the street in the coming months and engaging in a robust dialogue around that component of it while we continue to build additional momentum on the cap-and-invest program overall, the benefits it will provide to New Yorkers, how it will work. And that's part of the robust stakeholder engagement that the Governor is directing us to do, recognizing that we need to get this right. If we're going to have an economy-wide program that addresses climate emissions, we need to make sure New Yorkers are ready for it and prepared for it. And that's what we've been doing with the stakeholder engagement, and that's what we're going to continue to do through the

rulemaking process coming up.

And the billion dollars that she's committing in this budget this year is a recognition that we need to keep those investments going and stand up these programs so that as new programs like a cap-and-invest program come online, we can take that revenue, leverage it, implement it effectively, and address affordability concerns of New Yorkers across the state.

And that's really what you're seeing play out here and that's why, you know, there is a strong commitment to the cap-and-invest program, and we're continuing to move forward on it.

CHAIRWOMAN KRUEGER: So my reading of the budget is while she's talked about a billion dollars, it's actually over five years, so it's only 200 million. Am I correct?

DEC INTERIM COMMISSIONER MAHAR: Well, it's a billion-dollar commitment that will be spread out over time, but we're going to move investments as quickly, efficiently and

effectively as we can.

And again, looking at the suite of programs that we may use, from traditional programs to new programs, obviously we can move traditional programs more quickly. When we stand up new programs, that takes a little more time. So the flexibility that's built into that appropriation just recognizes that we're going to commit a lot of resources that will advance in the coming fiscal years as the projects come online, and the funding is either reimbursed, if it's a reimbursement-based program, or, you know, granted up front for grant-based programs.

CHAIRWOMAN KRUEGER: You just referenced spending quickly. Someone informed me that we still have unspent money from the 1996 Bond Act. Is that true? And can we spend that money this year?

DEC INTERIM COMMISSIONER MAHAR: We do have -- I think we're down to just a few uncommitted funds from the '96 Bond Act. And that was based on some of the ways that Bond Act was enacted and created with the

Legislature at the time, and there were certain spending requirements or restrictions on that fund.

So obviously with the new Bond Act, in the way that you all worked with us to create, we don't have that same problem. And what we're doing with the eligibility guidelines and criteria that we're creating, we're really showing New Yorkers transparently how we're building the Bond Act funding, how it's going to be spent, and how we're maximizing that delivery of it on the ground.

CHAIRWOMAN KRUEGER: So I think most of us if not all of us weren't here in '96, so if you wouldn't mind sharing with us how much money is left, and what it specifically needs to be used for, so that we can coordinate in this year's budget to getting that money spent.

So it was reported I believe in the press yesterday that your draft regulations on cap-and-invest were ready to go. Are they ready to go, even though they are not going

forward right now?

DEC INTERIM COMMISSIONER MAHAR: Well, as we always do with development of any regulations that DEC is developing, we produce options for what -- you know, how these regs would roll out, what the different components of them are, and evaluate that with the Executive.

And what we did as part of that evaluation was obviously show potential scenarios, and the Governor has requested that first we move on the reporting rule, which is what we're going to be putting out on the street in the coming months, to continue to show that momentum of and commitment to cap-and-invest while we continue to build the broader program and hear from additional stakeholders, including members of the Legislature here.

I think we've had a robust conversation today, and I see where you all want to make sure that we're getting this right. And that's part of what we're going to do as we build out the cap-and-invest

program moving forward.

CHAIRWOMAN KRUEGER: So it's tricky to know whether we all are going in the same direction, because we haven't seen the draft regulations. So can you share with us what the various anticipated revenues were in your multiple projections?

DEC INTERIM COMMISSIONER MAHAR: I would have to get back to you on any of that specific accounting. I don't have it at my fingertips right now, Senator.

But part of what we will be doing as further development of the cap-and-invest program is putting that information out there transparently, looking at different scenarios, what the cost implications would be, what the revenue benefit would be, and making sure that we're engaging transparently with you and all New Yorkers in this conversation.

CHAIRWOMAN KRUEGER: So I know that the Governor and you now also have said we want more time so that we can sort of have more people brought in to discuss. How many

public meetings have already been held on cap-and-invest, and how many people have already sent comments in?

DEC INTERIM COMMISSIONER MAHAR: I'd have to get back to you on the specifics, because it has been robust over the last two years and there have been multiple engagement opportunities. And we just want to continue that and deepen that moving forward.

I think the more transparent we can be with the development of these programs, how it's going to work, creates better programs overall. And that's our goal with something that is going to be fully economy-wide, and it's going to really touch New Yorkers. We want to make sure we get this right and deliver the right program for New Yorkers.

CHAIRWOMAN KRUEGER: And since many of us read the law that actually we should have already started cap-and-invest, can you give me an estimate about when you think we are going to start now? Because you even implied it doesn't mean something won't happen this year, in the coming fiscal year.

DEC INTERIM COMMISSIONER MAHAR: Well, obviously that will be developed and we'll work with you directly on that as we finalize the first draft of the reporting rule and get that out on the street. There will be a robust public comment process, and in part that's been dictated by legislation, to make sure that we're transparently and effectively engaging New Yorkers. And that will really dictate the rest of the timelines for the broader cap-and-invest program overall.

So, you know, our goal is to be very transparent with you on that. First things first, we need to get the reporting rule finished and out on the street, and that will really dictate the next steps in the process.

CHAIRWOMAN KRUEGER: Shifting to crypto mining, which if anyone asked while I snuck out for a few minutes, I apologize.

But in theory, my understanding is that you are supposed to complete a Generic Environmental Impact Statement. That was required by the Crypto Mining Moratorium bill of '22. And you have not completed that

report yet.

Can you tell us what the status is and what more you need in order to complete the report and deal with policy solutions ensuring that crypto miners don't continue to cause problems? Because apparently the crypto miners that already are here in New York are using up to the equivalent energy that 1 million homes use.

DEC INTERIM COMMISSIONER MAHAR: So we did put the draft scope out for comment in April and finalized that for the Environmental Impact Statement that we're developing. We took the comments on that. The EIS is being developed now, and then will be put out on the street for a 120-day comment period, including public hearings across the state on what we learned.

DEC didn't have in-house expertise with respect to some aspects of the crypto mining industry and the implications of it, so we had to contract this work out and really stand up the right people and the places to move that forward. And that's very

much moving forward now.

And with regard to the requirements of the law, that 120-day comment period will be the next step in the process to really hear from New Yorkers. But in the interim, any crypto mines that are potentially looking to open in New York have to come to DEC for various permits that are analyzed on a case-by-case basis, and we have oversight authority over that to make sure they're complying with the Climate Act and other aspects of our air and water and natural resource regulations.

CHAIRWOMAN KRUEGER: I'm out of time, so thank you very much.

Next, Assembly.

CHAIRMAN PRETLOW: Assemblymember Micah Lasher.

ASSEMBLYMAN LASHER: Thank you, Chair.

And good to see you, Commissioner.

DEC INTERIM COMMISSIONER MAHAR: Good to see you.

ASSEMBLYMAN LASHER: Thanks for all your work.

Just with regard to the earlier conversation about the color of your suit and the Climate Change Superfund, does the Climate Change Superfund Act -- does any entity's liability have anything to do with whether they're headquartered in the State of New York or employ New Yorkers?

DEC INTERIM COMMISSIONER MAHAR: Well, that is part of what we're going to look at with the specifics --

ASSEMBLYMAN LASHER: As a statutory matter, does an entity's liability have any pertinence to whether they are physically located in the State of New York or employ New Yorkers?

DEC INTERIM COMMISSIONER MAHAR: Not having the statute in front of me, or my general counsel next to me, I'd want to get back to you on that --

(Overtalk.)

ASSEMBLYMAN LASHER: What's your best recollection or rough understanding of the statute?

DEC INTERIM COMMISSIONER MAHAR:

What's that?

ASSEMBLYMAN LASHER: In that regard, what's your rough understanding of the statute, whether that is a pertinent factor?

DEC INTERIM COMMISSIONER MAHAR: What I want to focus on is really building the program behind it with the staff that we're going to be staffing up to make sure that we're delivering for what is needed for New Yorkers and holding polluters accountable in the right way to achieve the Climate Superfund goals.

ASSEMBLYMAN LASHER: I would offer as a clarification that in fact it does not pertain to whether a company is headquartered in New York or employs New Yorkers, and that therefore the notion that a company's decision to locate in New York or leave New York has anything to do with their liability on the Climate Change Superfund Act is a rather disengenuous suggestion.

Moving on to cap-and-invest, we have climate emissions reductions targets of 40 percent off 1990 levels by 2030, is that

correct?

DEC INTERIM COMMISSIONER MAHAR: Yes.

ASSEMBLYMAN LASHER: Okay. What percentage emissions reductions have we achieved to date off 1990 levels?

DEC INTERIM COMMISSIONER MAHAR: We produced an annual greenhouse gas emissions inventory report --

ASSEMBLYMAN LASHER: Roughly speaking, what percentage reduction have we achieved since 1990 to date?

DEC INTERIM COMMISSIONER MAHAR: I'd have to get back to you on the specifics, I don't have them at my fingertips.

I think we're at -- I'll have to get back to you on the specifics.

ASSEMBLYMAN LASHER: Okay. Roughly speaking, in the absence of cap-and-invest, when do you think we would hit the targets that CLCPA established for 2030?

DEC INTERIM COMMISSIONER MAHAR: Well, that's what we're actively working on with our colleagues at NYSERDA --

(Overtalk.)

ASSEMBLYMAN LASHER: Do you think it would occur, roughly, in my actuarially projected lifetime?

DEC INTERIM COMMISSIONER MAHAR: We're --

ASSEMBLYMAN LASHER: In the absence of cap-and-invest.

DEC INTERIM COMMISSIONER MAHAR: I think we are very cognizant of the goals and are driving forward towards them --

ASSEMBLYMAN LASHER: But I mean like --

DEC INTERIM COMMISSIONER MAHAR: -- across the board on all the programs --

ASSEMBLYMAN LASHER: -- if I live to 80 and we don't have cap-and-invest, are we going to hit our emissions reduction goals?

DEC INTERIM COMMISSIONER MAHAR: Well, we're going to build -- we're continuing to build the cap-and-invest program, and that's just one of the tools that we're using to reach our climate goals overall. And we're working, you know, across the board with the billion-dollar commitment that the Governor

is making in this budget, and through other investments, to actually drive the achievement of those goals.

ASSEMBLYMAN LASHER: A question for you. If we put billions of dollars to additional rebates and potentially additional investments in renewables to front-run what cap-and-invest might provide, would that provide some buffering of the sticker shock for households in the near term?

DEC INTERIM COMMISSIONER MAHAR: Well, that's something that we're going to evaluate with you in the context of this billion-dollar commitment that the Governor has proposed. Our goal is to make sure --

ASSEMBLYMAN LASHER: But presumably if you do more than one billion dollars, that would additionally buffer the sticker shock, no?

DEC INTERIM COMMISSIONER MAHAR: Well, yes. And I think we're going to maximize all the resources that we have available to achieve those goals and make this transition affordable for New Yorkers. That's --

ASSEMBLYMAN LASHER: Thank you.

DEC INTERIM COMMISSIONER MAHAR: -- the goal of the Governor.

CHAIRWOMAN KRUEGER: Thank you.

Senator Tom O'Mara, five minutes as the ranker.

SENATOR O'MARA: Good afternoon, Commissioner. Thank you for your testimony today. It's a pleasure to have you.

I just want to initially echo the sentiments of my colleagues that have expressed concerns over the Advanced Clean Truck rule and the imposition of that, and the negative impacts that's going to have on the trucking industry in New York State, as well as I think many hardships to our municipalities as well.

But to get to a topic that we haven't addressed yet, and that would be Peanut the Squirrel. I represent Chemung County, where that squirrel was seized and euthanized. Where do we stand in that investigation?

DEC INTERIM COMMISSIONER MAHAR: Thank you, Senator. So that investigation is

ongoing, and I can't comment too much on the specifics of it. It is an ongoing law enforcement activity that we're engaged in.

Generally what I can say is that obviously state laws make it illegal to have wildlife as pets, and that is a responsibility that we take seriously to enforce, both for animal health but public health. And there are specific requirements with regard to individuals who want to be wildlife rehabilitators in the state. There is a process to be a licensed wildlife rehabilitator. And obviously we take our responsibility to oversee those programs very seriously.

SENATOR O'MARA: Well, the -- you know, it's been three months now, and I -- when do you expect this investigation to be wrapped up so you can discuss what happened? Because it seemed pretty heavy-handed to my constituents and to many across the state -- in fact, across the country and across the globe, with the attention that this incident got. Frankly, a huge embarrassment, to say

the least, for New York State the way that went down.

There are a lot of questions with regards to that on how and why that was carried out in that manner, what interactions there were with the Longos, the squirrel owner, before that action was taken, and also why was -- or why was not the officer that was bitten vaccinated for rabies before that?

DEC INTERIM COMMISSIONER MAHAR: So again, I do look forward to providing more and additional information on this matter as we can provide it. We did provide media updates early on in the process. But because it's an active investigation, we are limited in how much we can disclose at the time.

And, you know, my goal is always to be as transparent as we can with the initiatives that the department undertakes, including all our law enforcement initiatives, and that's something that's really important to make sure we're transparently informing the public of what's going on. So there are some --

SENATOR O'MARA: I know you've made

some changes so far. What changes have been made in the execution of this type of a search warrant?

DEC INTERIM COMMISSIONER MAHAR: Well, again, it's an ongoing issue and I'll report back to you on that.

You know, what we're always looking to do is make sure that we're enforcing the laws appropriately and correctly. And I can say that based on my understanding of the situation, that played out as it normally does across the state when we are presented with situations where people may be holding wildlife as pets illegally.

And we do take seriously our responsibility to both protect animal health and also protect human health, as there are many animal diseases such as rabies, and we coordinate directly with the Department of Health on these initiatives. Because it is a serious matter that we need to take seriously and --

SENATOR O'MARA: This particular incident seems to many to have been very

heavy-handed -- in fact, over the top with the way it was pursued.

But, you know, three months, too long for this investigation. We need transparency on these types of things, and the quicker the better for the public.

Just to use my last minute up here, the Greenidge Power Plant along Seneca Lake, that's in litigation as well. And I think they were in court last week, I believe. Again, we're waiting for a decision there. Or has there been a decision since the hearing last week that I haven't seen?

But how are we going to make up the lost power from that plant that's going into the grid? And also how is that community, particularly Yates County and the school districts there, going to make up for the loss of tax revenues should that plant ultimately be shut down, and the loss of jobs in that community?

DEC INTERIM COMMISSIONER MAHAR: Well, again, I think as you recognize there is litigation involved in this, so I can't

comment too much further. Obviously we're following the courts.

With regard to our permitting oversight of that facility, that facility does have to comply with any current air permits while this court matter proceeds. And we have oversight over that facility moving forward.

With regard to energy production and impacts there, I'd encourage you to talk to DPS and others on how they evaluate a plant like this in the context of our energy demands in the state, and how that capacity --

SENATOR O'MARA: Is there any dollars available for these communities for a plant like this to be shut down?

DEC INTERIM COMMISSIONER MAHAR: Well, again, our goal is to see where the courts go and we'll take our steps from there, working with the community.

SENATOR O'MARA: Thank you.

CHAIRWOMAN KRUEGER: So the Senate is now complete except for one three-minutes for

our chair, meaning now we will just into a group of Assemblymembers in a row.

CHAIRMAN PRETLOW: We will start with Assemblymember Chris Burdick.

ASSEMBLYMAN BURDICK: Thank you, Chair.

And thank you for your good work, Commissioner. I have a couple of questions now, and I'll also submit some in writing.

Regarding the pilot program for private well owners, as I'm sure you know, there are many homeowners' associations that operate public water systems sourced by wells and are subject to DOH water quality regulations. The EFC has advised us that they lack the statutory authority to consider associations for WIIA grants. And given that the EFC and DEC collaborate regarding water quality standards and projects, I thought I'd ask whether the pilot program will be open to such associations. And more generally, would EFC statutory authority be expanded to provide for the pilot program and generally to open up EFC grants and loans to

homeowners' associations?

DEC INTERIM COMMISSIONER MAHAR: I want to get back to you with EFC and also DOH on that, as we develop and build the program, to see how homeowners' associations would be factored into the program that we're standing up.

So I think we're still developing it. Our goal is obviously to make sure that clean water is provided to New Yorkers on private wells. How homeowners' associations fit into that mix, as in do they have a private well that services multiple homes, do they have -- you know, what type of level of jurisdiction do they have, is it all private wells on private homes? And those types of conversations we're just going to have to play out with you, and I look forward to getting the experts together with you on that.

ASSEMBLYMAN BURDICK: Okay. In a different area, the land acquisition program -- and I saw your mention of it in your testimony.

Can you advise whether community support for a land acquisition proposal is considered in the scoring for land acquisition proposals, and to what extent? And could you also advise how that might be conveyed to the DEC?

DEC INTERIM COMMISSIONER MAHAR: So with regard to like implementation of the Bond Act, we put out eligibility guidelines and criteria which will transparently show how we're going to achieve the goals of the programs that we're standing up and how that funding's going to be implemented.

I think our land acquisition pipeline and program is very robust and transparent in our approach to conserve land in the state. Happy to get a meeting with you and our experts, you know, to walk you through more of that in specificity and detail so you can see exactly how, you know, we're evaluating the acquisitions, how they're prioritized, and how we're delivering this program on the ground.

And again, the proposals in the

Governor's budget are going to streamline it.

ASSEMBLYMAN BURDICK: One last question, if I can.

The Open Space Conservation Plan goes back almost 10 years, I believe. It -- has it been or will it be updated?

DEC INTERIM COMMISSIONER MAHAR: It's in the process of being updated now. We've had stakeholder engagement sessions around the state. We have regional committees that have been stood up. And we're working on finalizing that.

ASSEMBLYMAN BURDICK: All right. Thank you so much.

DEC INTERIM COMMISSIONER MAHAR: Thank you, sir.

CHAIRMAN PRETLOW: Next we'll go to Assemblywoman Lunsford.

ASSEMBLYWOMAN LUNSFORD: Thank you, Commissioner. I'm over here, yes.

Following the EPA's inventory of the lead pipe inventory, many of my adorable local historic villages with hundred-year-old water infrastructure have discovered that

they have a significant amount of lead pipes they need to remediate. Is there any express funding earmarked for lead pipe replacement or mitigation in this budget?

DEC INTERIM COMMISSIONER MAHAR: So the DOH oversees the lead service line program for the state.

In the Clean Water Infrastructure funding and also the Bond Act funding, there is funding available for lead service lines and a continued commitment from the state to addressing that. But I'd have to encourage you to talk to DOH.

ASSEMBLYWOMAN LUNSFORD: With regard to the Sustainable Futures program, can you elaborate a little further on what sorts of projects would be eligible for that funding?

DEC INTERIM COMMISSIONER MAHAR: So, yeah, what we're going to do is look across the board at all the various, you know, decarbonization work on buildings, our greenhouse gas emissions and pollution reductions, you know, bringing on thermal energy networks, bringing on more renewable

energy, advancing clean transportation, using green infrastructure for our climate resilience, and really looking at the Climate Act Scoping Plan and figuring out the projects in there that need to be financed, and leveraging this funding to make and deliver those programs on the ground.

ASSEMBLYWOMAN LUNSFORD: And who would be eligible for that funding? Would it only be government entites? Would there be CBOs?

DEC INTERIM COMMISSIONER MAHAR: It depends on the type of funding program that we're going to utilize, and eligibility will be something that we transparently communicate to all New Yorkers, and especially you in the context of these negotiations.

ASSEMBLYWOMAN LUNSFORD: Going back to lead pipes, I've had some concern from my local municipalities because obviously if you're a homeowner, the service line from your street to your home is your responsibility. They're looking for opportunities to help alleviate that expense

for homeowners. I'm wondering if there's any new funding or availability to help homeowners offshore that expense.

But also there's concerns about constitutional limitations with gifting public funds. If we could get clarification on what municipalities can and cannot do to help homeowners with that expense, that would be very helpful.

DEC INTERIM COMMISSIONER MAHAR: Are you talking lead service lines in particular?

ASSEMBLYWOMAN LUNSFORD: Yes.

DEC INTERIM COMMISSIONER MAHAR: So again, you know, the Department of Health can walk you through the implementation of that program and how they evaluate certain characteristics like that and how this program, you know, really makes sure we're delivering that replacement of lead pipes and lead infrastructure in a way that doesn't run afoul of the laws.

ASSEMBLYWOMAN LUNSFORD: So there's nothing specifically in the Bond Act or the CWIA that's earmarked for this sort of

assistance?

DEC INTERIM COMMISSIONER MAHAR: That's where DOH can walk you through their program and the criteria and the guidelines that they use and follow, consistent with the federal guidelines as well. I just don't want to speak too much on behalf of their program.

ASSEMBLYWOMAN LUNSFORD: Very quickly on cap-and-invest. I know the Governor has expressed that there is additional research that needs to be done with regards to pollution. Who's doing that research, and what's the timeline for its delivery?

DEC INTERIM COMMISSIONER MAHAR: Well, that's very much underway between DEC and NYSERDA and our partners throughout state government who are working collectively on this. So ongoing.

CHAIRMAN PRETLOW: Thank you.

Assemblymember Keith Brown.

ASSEMBLYMAN KEITH BROWN: Thank you, Chair.

Thank you, Commissioner. On behalf of

all the residents, I appreciate your work and the great work that your staff does, especially down in Region 1.

I'm going to go really quick because I have limited time. But thank you for all your help with Northport Harbor as well as the Asharoken Seawall.

And I just most recently spoke about the deer-culling problem that we're having in the Huntington area, and to see if we can get your support to kind of get that off the ground. I know you're doing the three-year pilot program; we're two years into it. We really need to advance that, hopefully, one more year. So I've spoken to your staff about that.

Any chance we can get a -- the position filled as the director and get fully staffed? And are you fully staffed in Region 1?

Most recently it came to my attention about saltwater intrusion around Jamaica Bay. That's a real concern, as is -- the Suffolk County Water Authority came to me the

other day and asked for an increase for the water infrastructure amount -- Clean Water Infrastructure, from 500 to 600. So that was in the budget last year. Just want to see if we can restore that to its full amount.

And then the southern pine beetle out on -- in the Pine Barrens. There's -- if you drive on Sunrise Highway, it's readily apparent, the mass destruction. With the wildfires that are happening, it's a real concern. The firefighters that will be fighting that will be undoubtedly from all over the island if not, you know, all around the country. So that's a concern.

And then finally, I speak for many of my colleagues in elected office about a regional garbage plant needed for Long Island.

Thank you.

DEC INTERIM COMMISSIONER MAHAR: That's a lot to unpack in a minute and 11 seconds.

ASSEMBLYMAN KEITH BROWN: So we could also -- whatever we don't get to, if we could

follow up with myself --

DEC INTERIM COMMISSIONER MAHAR: Yes, let's simply follow up.

I'd say saltwater intrusion, obviously we have a comprehensive Long Island groundwater study that's going on that's really looking at the -- how we're managing our groundwater resources, the threat of saltwater intrusion into drinking water wells and how that interplay plays between all the different water withdrawers. Our team is really doing an amazing job, really pioneering some science on that with the U.S. Geological Survey as well. And we can give you a full briefing on that and how we're evaluating both Phase 1 and moving into Phase 2 of that overall.

Southern pine beetle, as we've talked about reducing fire risk, obviously the Pine Barrens is a fire-prone ecosystem and one that we need to evaluate in the context of the threat of invasive species that are impacting our tree stock there and potentially creating wildfire risks. So

that's something we're working on with our Rangers and our Lands and Forests staff to really look at how we continue the management efforts in that area, both to suppress the southern pine beetle but also address fire management needs within the Pine Barrens as well.

Deer culling overall, something we can keep the conversation going on and using all the tools that we can to reduce the deer risk and overabundance in certain areas and the impact that's having on forest health.

ASSEMBLYMAN KEITH BROWN: Thanks. So if I could follow up with Senator Mattera and myself and you about the garbage plant.

DEC INTERIM COMMISSIONER MAHAR: Yup.

ASSEMBLYMAN KEITH BROWN: Thank you.

CHAIRMAN PRETLOW: (Mic off.)

ASSEMBLYWOMAN McMAHON: Thank you.

I'd like to just revisit the refrigerant issue, the Rule 494 and the effective date of January 9th. You've indicated that you want to provide assistance and flexibility to businesses who are trying

to get in compliance with that. Is that January 9th date, is that a deadline? Is that an effective date? Is that a real effective date?

DEC INTERIM COMMISSIONER MAHAR: Well, that is provisions to start certain aspects of the enforcement of the regulation.

But again, what we're doing is we hear from stakeholders with concerns on that, looking at the flexibilities through enforcement discretion we can provide, and we're actively working on that right now to make sure that we're helping the industry comply in response to the concerns that they're raising.

ASSEMBLYWOMAN McMAHON: Okay. My understanding was that last year there was a demonstration project at an ALDI supermarket in Buffalo using CO2, which is an alternative refrigerant. Is there any data, any conclusions from that particular project at this point?

DEC INTERIM COMMISSIONER MAHAR: Well, I mean, definitely it's showing that natural

refrigerants work, work effectively, and can be readily used and incorporated into the type of refrigeration equipment that we rely on every day.

And what the Governor is doing with the grant program that we're standing up to continue that transition focused on food banks and grocery stores, really creating that opportunity for them to get that infrastructure that they need as their current infrastructure ages out.

So we're excited about this. And, you know, thanks to ALDI and Walgreen's and even ORDA for pioneering some of these more natural refrigerants, which are taking these climate super-pollutants out of our processes and waste streams and out of the atmosphere.

ASSEMBLYWOMAN McMAHON: I'm glad to hear your excitement and your commitment to that grant program, because I think it's going to be really important in helping businesses, particularly small businesses, come into compliance. So thank you for your commitment to continuing that and expanding

that particular program.

DEC INTERIM COMMISSIONER MAHAR: Always.

ASSEMBLYWOMAN McMAHON: One of the other areas of I guess flexibility would be to provide -- or to allow businesses to obtain the reclaimed refrigerants. But I guess there's some debate as to whether there's enough of a supply of reclaimed refrigerant to go around. Could you speak to that?

DEC INTERIM COMMISSIONER MAHAR: Well, that's something that we'll evaluate as the implementation of this rolls out, and to see if there are any other adjustments we need to make in order to achieve that compliance.

At my fingertips right now, I don't have any metrics to share with you specifically about that. But our doors are always open for conversations with the industry or stakeholders who may have that information.

ASSEMBLYWOMAN McMAHON: Great.

And then in my remaining 25 seconds,

if I could just switch gears. It's been suggested that local DAs have difficulty prosecuting environmental crimes. Are you aware of that? And would you support establishing a specialized unit in the AG's office to prosecute environmental crimes?

DEC INTERIM COMMISSIONER MAHAR: We're open to any and all conversations with regard to how we work with the court system on our enforcement work. We do coordinate with the district attorneys in the state on enforcement matters and criminal matters as well, but we're open to any further conversations you'd like to have on that.

ASSEMBLYWOMAN McMAHON: Thank you.

CHAIRMAN PRETLOW: Next, Assemblymember Jo Anne Simon.

ASSEMBLYWOMAN SIMON: Thank you.

So DEC does what?

DEC INTERIM COMMISSIONER MAHAR: Yes. We subscribe.

(Laughter.)

ASSEMBLYWOMAN SIMON: Thank you.

I wanted to ask you some questions

about the soil vapor intrusion studies as well as the brownfields program, which as you know there are a lot of sites in my district.

One of the concerns I have is the funding necessary to do the work that you're doing, which I understand is a fairly large portion of the state budget. Could you elaborate on that a bit for me?

DEC INTERIM COMMISSIONER MAHAR: Sure. And really appreciate our partnership, Assemblymember. Obviously always love to spend time down in your district in the Gowanus area and talk to you about these issues. And I'm glad we were able to do a Superfund tour recently for you and other members to really see firsthand what's going on in this community and how the brownfield program and Superfund program are being leveraged to protect that community.

So we do have an areawide soil vapor intrusion investigation that's ongoing now. We're working building by building and homeowner by homeowner to, you know, obtain the access we need to do that testing. We're

utilizing Superfund dollars in order to make that happen. And that's really why the Superfund reauthorization is so critical in this year's budget, to make sure that we continue to have the authorities that we have and the resources we need to deliver programs like this on the ground in Brooklyn and beyond.

So there's a lot of work underway, and that work is very much continuing with the current appropriations we have. And we're, you know, taking immediate action steps in coordination with DOH anywhere we need to in response to the data that we're finding.

ASSEMBLYWOMAN SIMON: Great. Does the budget provide you with enough of this money? Obviously we're going to reauthorize the Superfund.

DEC INTERIM COMMISSIONER MAHAR: Yes, I think the Governor's commitment to reauthorizing the Superfund and putting the 1.25 billion over 10 years into that fund definitely helps us continue that progress, and we'll continue to evaluate year after

year if any additional changes are necessary to make sure we have the resources to continue to respond in the environment.

ASSEMBLYWOMAN SIMON: Okay, great.

And then the other thing is, you know, you just wrapped up this environmental air quality monitoring program. And of course Brooklyn was one of the communities that was studied because of -- along the BQE.

Are you working with State DOT and City DOT with regard to what's going on in that corridor?

DEC INTERIM COMMISSIONER MAHAR: And also the New York City Department of Environmental Protection as well.

So we are coordinating with all entities. Our statewide air monitoring network and then the monitors that we have in the city are going to generate a lot of data that we'll evaluate with DEP and others to make sure we're evaluating the implementation of these programs and looking at where air quality needs to be addressed and what are the solutions to address that. And that's

the community-by-community work that we're doing next.

ASSEMBLYWOMAN SIMON: So do you have any solutions?

DEC INTERIM COMMISSIONER MAHAR: Well, I mean, in particular there I have to look at all the different factors that we evaluated and really work with the community to figure out what solutions they want to see as well.

So we'll have some more conversations on that.

ASSEMBLYWOMAN SIMON: All right. Thank you.

CHAIRMAN PRETLOW: Assemblymember Kassay.

ASSEMBLYWOMAN KASSAY: Hi, good afternoon. Thank you.

So I'm grateful to my colleague who spoke about flooding and, coming from Suffolk County, been working on that issue a lot. It's becoming more frequent, more severe, as we know. And like many, we were devastated by the August storm, including Stony Brook University, which had two dormitories

affected.

So I'm looking to see if there's conversations or funding in this budget to more holistically accomplish the decarbonization of our campuses, which I do fully support, but without exacerbating the flooding issues by clearing the woodland that surrounds our current campus footprint, because the clearing of woodland will further increase flooding. But that's right now the most cost-effective way for our SUNYs to build decarbonized buildings that go to meet that standard.

So is there funding to offset that so that we're not creating another problem by solving one?

DEC INTERIM COMMISSIONER MAHAR: No, that's a good point, and always we have to be balancing those impacts, right, the need to facilitate renewable energy development and building decarbonization with environmental protection and the features that protect our communities like wetlands and forests.

So I think generally the Bond Act is

where we're seeing most of the investments coming for the SUNY network right now, with 100 million being dedicated --

ASSEMBLYWOMAN KASSAY: I look forward to discussing that more specifically with you. I appreciate that being on the radar, though. Thank you.

Sticking with Stony Brook, it's one of our flagship SUNYs, an increasingly growing research institution. And so while it's attracting top-notch researchers, seven of which have come on in Year 3 of five of the water program there, the clean water program to be sure that one of our SUNYs, which is one of the beating hearts of New York State here, is the center of advancing what we can be doing with clean water.

I saw that one of my colleagues mentioned that the funding was cut out. The program is in Year 3 of five. Of course there's going to be unspent money for this program. I would be disappointed in the system if it was not. But, you know, they have built the tracks, the train is on the

tracks, and the momentum's just getting going. So to pull funding at this point would be really stopping something that's building in a really effective way.

So I'm hoping to know if there's -- the decisionmakers will be willing to reconsider staying partnered with our own SUNY instead of seeking other partners for this effort.

DEC INTERIM COMMISSIONER MAHAR: Yeah, I think we're always open to those partnership opportunities.

ASSEMBLYWOMAN KASSAY: Thank you.

DEC INTERIM COMMISSIONER MAHAR: Again, with the specifics of this --

ASSEMBLYWOMAN KASSAY: Sorry. I look forward to discussing that.

One more Long Island issue with drinking water. We have a unique relationship with it. There's a limited quantity with our aquifer. And so we're seeing increasing instances of saltwater intrusion as we move forward. During the droughts especially, there's a need to be

recharging the aquifer as well as. And so currently the local effluent from sewage treatment plants is discharged into the Long Island Sound or other bays and waterways.

And so with the big focus on water quality, which is excellent, we also want to see that we're making sure we have water. So looking at recharging the aquifer through water effluent reuse program and infrastructure money for that.

DEC INTERIM COMMISSIONER MAHAR: Long Island groundwater study underway, so we'll brief you on it.

ASSEMBLYWOMAN KASSAY: Thank you. You'll be seeing me.

CHAIRMAN PRETLOW: Assemblymember Matthew Slater.

ASSSEMBLYMAN SLATER: Thank you very much, Commissioner. Good morning -- or really good afternoon now. Thank you for being so generous with your time.

Forgive me if this was already asked, but I wanted to just hone in on harmful algal

blooms because it is really just being devastating to my district, specifically our lake communities.

And I want to see where in the budget that's been proposed by the Executive. Is there money allocated specifically to combat harmful algal blooms in suburban and rural communities?

DEC INTERIM COMMISSIONER MAHAR: Sure. Well, we've got a lot of investments that we're making across the board in our harmful algal bloom work, both on the research side and implementation of our HAB action plans that we have around the state and going lake by lake, community by community, to address the issues that we're seeing.

So with the Environmental Bond Act, the Clean Water Infrastructure funding, the Environmental Protection Fund, those are all sources that we pull from to support on the ground actions. And that's really what you're seeing.

And you're also seeing that renewed commitment from the Governor to targeting the

Eastern Finger Lakes region, which is being really hit by HABs right now. And we stood up a $42 million program to really advance on the ground actions for addressing the root cause of HABs.

You know, both working farmland owner by farmland owner for best management practices and nutrient reduction measures that we know will work. We've also put in place guidance values on the regulatory side to make sure that dischargers are reducing phosphorus, which is a leading driver of HABs in the environment as well.

So across the board you're seeing a true commitment to addressing HABs and doing it following the science and really driving that science on --

ASSSEMBLYMAN SLATER: I appreciate that. And I only have a little time, but I wanted to also just touch specifically on the Septic Replacement Program and see what are the qualifications specifically for the Septic Replacement Program for lake communities. Because again, in my district,

all of my lake communities are on septic, and so they are looking for relief on those septic replacement programs which are really leading into a lot of the issues of HABs around their waste.

Is there anything specific that you can provide on that?

DEC INTERIM COMMISSIONER MAHAR: Well, we want to continue, obviously, that program because it is so beneficial --

ASSSEMBLYMAN SLATER: Is there enough funding in that program?

DEC INTERIM COMMISSIONER MAHAR: Within the Clean Water Infrastructure funding, that's where we tap for some of the septic replacement work that we do. I look forward to --

ASSSEMBLYMAN SLATER: But there's nothing specific for septic replacement in the Clean Water fund, correct? You just draw down from that program?

DEC INTERIM COMMISSIONER MAHAR: Well, we have separate categories that fund it, and septic replacement is one of those categories

that's a priority for the department and that we use that funding to advance.

ASSSEMBLYMAN SLATER: Do the lakes have to provide public access in order to qualify for the Septic Replacement Program?

DEC INTERIM COMMISSIONER MAHAR: I'd have to get back to you on that level of specificity with our experts. We can set up a separate meeting with the septic replacement team on that.

ASSSEMBLYMAN SLATER: Perfect.

And in my remaining time, what about alum? Two of my communities utilize alum in lakes that were ravaged by harmful algal blooms. DEC has not provided standards. My colleague Assemblymember Levenberg has a bill on this that we supported in the past.

Is New York State, is your agency going to provide standards for the use of alum?

DEC INTERIM COMMISSIONER MAHAR: Well, that's something we're continuing to evaluate, looking at some of these pilot programs to make sure that we understand the

impacts to the ecology and the water environment from the use of compounds like alum.

So that's something that's being evaluated, and we'll adapt the regulations accordingly.

ASSSEMBLYMAN SLATER: Thank you.

CHAIRMAN PRETLOW: Assemblymember Jodi Giglio.

ASSEMBLYWOMAN GIGLIO: Thank you, Chairman.

So my question is I have a concern about garbage removal from Long Island. And with the landfills closing, especially the Brookhaven Landfill in 2026, we don't have any plans in place for transfer stations that are actually permitted and ready to go. And with the recent dumping that took place of hundreds of tons of construction and demolition debris at the Poospatuck, you know, it's -- what is the state doing to remove all that C&D debris that was dumped at the Poospatuck Reservation?

And where are we with the extension of

the Brookhaven Landfill and the height of the ash of the garbage that has been incinerated being approved from the DEC?

DEC INTERIM COMMISSIONER MAHAR: So with regard to the Nation, we continue to work directly with them on that, as part of an investigation that's underway for the illegal dumping activities that occurred. They are being very open and communicative and receptive to, you know, our approach on this, working directly with them and consulting with them on it.

You know, it's not something that they wanted to see happen or that they thought was happening. They thought they were doing the right thing to protect their community and their homes. And unfortunately apparently got taken advantage of.

ASSEMBLYWOMAN GIGLIO: Yeah, it is next to a very large body of water, so the runoff is going right into --

DEC INTERIM COMMISSIONER MAHAR: I went down there firsthand to see it and met with the chief of the Nation as well to make

sure that he knew that we were going to collaborate with them on this, once we heard from the locals on it.

So that's very much ongoing. We'll keep you posted on that.

With regard to the Brookhaven Landfill, right now we don't have any active applications before us for any further expansion of that landfill in the future, but that's something we'll continue to communicate with you if any applications come in to extend the operations, turn it into an ash fill, or anything else that they may propose for that.

Waste by rail is something that we're looking and working on as well to address some of the solid waste issues that are facing Long Island. We're seeing more facilities come in for permits and that are under review by the department, and that I think will help address some of the illegal dumping activities.

But our ECOs are really continuing on the frontlines of making sure that we are

investigating and responding to illegal dumping throughout the state. That is a top priority of our agency, and we have enforcement actions and activities that are --

ASSEMBLYWOMAN GIGLIO: Have any -- I'm sorry, I'm limited on time.

Have any permits been issued for garbage transfer stations on Long Island?

DEC INTERIM COMMISSIONER MAHAR: I'll have to get back to you on the specific ones. There are a number in process, I believe, and I'll have to see where we are and give you a full accounting.

ASSEMBLYWOMAN GIGLIO: Yeah, I believe there's only one, but it's a smaller parcel.

And I'm concerned with the dumping. I'm concerned, with the landfills closing, that people are just going to dump their garbage on the side of the road or go to preserves or open spaces or along riversides and dump their garbage if there's no mechanism to get it off the island or if it becomes too costly.

Which is why the extension for the Brookhaven Landfill should really occur. I'm told that request is in.

And then also for the height on the ash.

DEC INTERIM COMMISSIONER MAHAR: Look forward to working with you on that.

ASSEMBLYWOMAN GIGLIO: Thank you, Commissioner.

CHAIRMAN PRETLOW: Thank you.

Assemblymember Tommy John Schiavoni.

ASSEMBLYMAN SCHIAVONI: Thank you, Chair.

And good afternoon. Thank you for being here, and thank you for your work. I'm from Eastern Long Island, and I know the DEC is very active out there. Thank you in particular for your work on the Napeague Stretch as well as the Riverside sewage treatment facility that the Town of Southampton is putting in.

My question is today about drinking water. As you know, Long Island has no viable alternative for clean drinking water

other than the unconfined aquifer that's underneath us. Currently we are filtering our drinking water with granularly activated carbon filters, and Suffolk County Water Authority relies on that, as do some of the local water districts -- Hampton Bays, Riverside and the like.

Are there any -- is your department researching alternatives to granularly activated carbon filter filtration for the remediation of PFOS and PFOA?

DEC INTERIM COMMISSIONER MAHAR: We are actively working with the DOH on evaluating all treatment options to address perfluorinated compounds and come into compliance with our MCLs for those compounds in drinking water. Working with many research institutions to look at what the different treatment technologies are. Granular activated carbon is the most effective one that's out there now that's readily available and easily implementable by water suppliers. And that's something where we're always continuing to put the focus on.

But recognizing that the science continues to emerge on emerging contaminants, we continue to drive that science. And we're also continuing to push for a federal solution to the prevalence of these compounds in the environment and how we responsibly address them.

So that is very much underway. And, you know, New York is really at the forefront of driving that science.

ASSEMBLYMAN SCHIAVONI: The filters themselves currently run about a million and a half dollars and up, depending on the size. To replace the carbon is nearly a half a million dollars. So the price is quite onerous. And I was wondering how it was going as far as developing other technologies that would be more cost-effective and, you know, and readily usable on Long Island -- and other parts of the state.

DEC INTERIM COMMISSIONER MAHAR: I would say it's ongoing. We're always looking at how we can make it more affordable for water suppliers to come into compliance with

the MCLs and the regulations that are out there and what the, you know, new treatment technologies are or how we address the cost concerns.

I think supply and demand is in effect here, and demand is obviously increasing, and so is supply. And hopefully that will drive down the costs as well.

ASSEMBLYMAN SCHIAVONI: Okay, thank you. And just one last thing in 30 seconds.

Shoreline resiliency. How does this budget address shoreline resiliency?

DEC INTERIM COMMISSIONER MAHAR: Again, multiple ways. I think looking at the use of the Bond Act. There are also other appropriations in the budget that support coastal resilience work and also provide the cost-share for the Army Corps projects that we have underway on portions of Fire Island to Montauk Point, in that project.

And that's a conversation that's actively ongoing now and something that we'll have to collectively budget for in the future and find those appropriations.

ASSEMBLYMAN SCHIAVONI: Good. We look forward to working with you on that issue and others. Thank you.

CHAIRMAN PRETLOW: Assemblyman Chris Tague.

ASSEMBLYMAN TAGUE: Thank you, Chairman.

Commissioner, thank you to you and your staff for being here today and testifying before us.

Number one, a big problem in rural upstate New York is our schools are very, very concerned about complying with this electric bus mandate. What are the penalties for our school districts if they do not comply with the electric bus mandate?

DEC INTERIM COMMISSIONER MAHAR: I'll have to get back to you on any specific penalty provisions.

And you should ask Doreen Harris, on the next panel, with regard to electric -- school bus electrification and that process as well.

ASSEMBLYMAN TAGUE: Governor Hochul

has been quoted as saying we need a pause on cap-and-invest and other CLCPA mandates. After five years of examination, why can't we tell New Yorkers on the out-of-pocket costs for the implementation? Especially after the CAC said that the plan will pay for itself.

DEC INTERIM COMMISSIONER MAHAR: Well, I don't think that the Governor has said that there's a pause on cap-and-invest. I think what you're seeing is the Governor is making sure that we are moving forward with the cap-and-invest program in continuing conversations with stakeholders.

So the first part of that process is making sure that we're advancing the reporting rule requirements that will be out on the street in the coming months, as we continue to build the broader cap-and-invest program overall. So that work is continuing, and our goal here is to work directly with New Yorkers to help them understand the construct of the program and the benefits that it is going to provide overall.

ASSEMBLYMAN TAGUE: Okay. And then

lastly, despite the state efforts to eliminate natural gas, seven large industrial users have been given access to huge volumes of natural gas.

So, sir, who will make that decision?

DEC INTERIM COMMISSIONER MAHAR: Well, that would be something that's done between Empire State Development and the Department of Public Service and other energy entities that look at, you know, the types of energy needs for our new emerging industries that are coming into the state.

And then we would evaluate the proposals in the context of our permitting authorities over air, water and everything else. So we would evaluate that to make sure they're meeting and achieving the goals of the Climate Act and our rigorous laws and regulations in the state.

ASSEMBLYMAN TAGUE: And lastly -- and I've asked this question before; I've never gotten an answer. But since the 1970s to present, both federal and state government have spent trillions, definitely billions of

dollars on environmental initiatives and added more regulations to our businesses, especially here in New York State.

Can you tell us what accomplishments, after this large investment over all these years, and all these regulations, what accomplishments we've actually made that you can attest to?

DEC INTERIM COMMISSIONER MAHAR: I can't effectively do that in nine seconds because it's so vast and it's so -- just look outside, look at the water you drink, look at the air you breathe. And because of these regulations and our approach, we have a cleaner environment today and we're going to continue to make that happen.

ASSEMBLYMAN TAGUE: That's debatable. That's debatable.

CHAIRMAN PRETLOW: Sarah Clark.

ASSEMBLYWOMAN CLARK: Hello. Thank you, Commissioner.

I am, you know, in Rochester, not completely affected by the harmful algal blooms. But because Rochester is in the

greater Finger Lakes region, it is of top concern to many in our area.

I want to follow-up on some of my colleagues' questions, but I think that the first question is given what DEC has done to gather data over the last few years, do you see the sort of prevention of it as the better alternative to then dealing with the effects of it as it is out in the lake? I mean, is it the goal to end the source of it, not figuring out ways and chemicals to just dissipate it?

DEC INTERIM COMMISSIONER MAHAR: Yeah, that's why we've put the prioritization on nutrient reduction in addressing those sort of causes and improving water quality overall.

ASSEMBLYWOMAN CLARK: And I think for us, you know, what we've seen is it -- you know, it's obviously like a huge hit to tourism and the ability to use, swim, be in water, but now we're actually seeing it filter into water systems, including in the city -- drinking water systems, including in

the city of Auburn. Which seems to put this huge thing, this huge priority on it to make this something we're not just continuing to look at data but really putting in and getting ready to tackle the next steps.

Is there sort of a timeline of when DEC will be looking to release, you know, sort of the plan?

DEC INTERIM COMMISSIONER MAHAR: Well, with regard to the drinking water aspects, we coordinate directly with the Department of Health on that. That's why we have that team approach in New York State, to make sure that we're using all the resources and brainpower that we have to address these issues. And we know different treatment technologies and options that exist for deeper water intakes or things that we evaluate with municipalities.

The broader HAB action planning process that we've conducted has really helped show and really take how we can take what we've done in certain lakes and apply that to other lakes that may be impacted by

HABs in a case-by-case really engagement to make sure that as a water body is impacted by HABs, we're taking steps and actions to reduce that risk.

ASSEMBLYWOMAN CLARK: Has there been any coordination with Ag & Markets to look at sources, including what is used on various farmlands and whatever? And what has that looked like?

DEC INTERIM COMMISSIONER MAHAR: Always. That's a -- they're part of the team process that we have on this. They are working to implement best management practices as they're identified. We're working to communicate directly with them. And Commissioner Ball spoke very highly of it yesterday and really the collaborative approach that we've built is helpful and working.

ASSEMBLYWOMAN CLARK: Is there a way to release what you've gathered so far so that other experts and industry folks can really take a look at it as well to start --

DEC INTERIM COMMISSIONER MAHAR: Well,

sure. It's all on our website right now. Our HAB action plans are all up there for public comment -- or public review. And we're always putting new and emerging data on harmful algal blooms on our website and sharing those resources.

So if something's not there that you have questions on, let us know and we'll make sure you're hearing directly from our experts on it.

ASSEMBLYWOMAN CLARK: Okay, thank you.

CHAIRMAN PRETLOW: Assemblymember John McDonald, who just arrived and gets a question.

ASSEMBLYMAN McDONALD: Good morning, Sean.

DEC INTERIM COMMISSIONER MAHAR: Good to see you.

ASSEMBLYMAN McDONALD: Hopefully I'm your last one for the day. So thank you for your --

DEC INTERIM COMMISSIONER MAHAR: I hope not. This is fun.

(Laughter.)

ASSEMBLYMAN McDONALD: This is fun?

(Laughter.)

CHAIRWOMAN KRUEGER: Maybe for you.

ASSEMBLYMAN McDONALD: Maybe for you.

No, it will be -- it is fun. It's always good to talk to you. I'm going to talk to you about Dunn Landfill in Rensselaer, as you would probably suspect.

You know, first of all, throughout the last three or four years we've been working on this, both the prior commissioner and yourself, and, you know, although some of the public may disagree with me, I think there's been always an open-minded communication and I have always appreciated the department's responses. May not have always liked the answers we've gotten, but we've at least appreciated the responses.

And still, as you know, the decision was made December 23rd to extend the permits for the operator at Dunn Landfill. I recognize that there are restrictions on there that would not normally be given, and this is credit to the department, you know,

putting three years' restriction on the mining and also construction demolition.

I think one of the concerns myself, that I have, both Senator Ashby and I had written a letter in the fall of last year asking for more monitoring to go on around the site because there's a concern about particulate matter. And, you know, with the extension of the permit, the community is upset. I share their concern. By the same token, I think there still are concerns about air quality.

So I think we're looking -- as much as I think many are looking for a reversal, I think that's going to be a challenge. I think we're looking for additional commitments. And what else can we expect to have tighter and stricter monitoring when it comes to air quality in and around the Dunn Landfill in Rensselaer?

DEC INTERIM COMMISSIONER MAHAR: I think across the board, across the state, we're obviously always committed to making sure that we're effectively overseeing all

facilities, landfills included, to make sure they're not having adverse impact on communities and the environment.

And that is playing out with the Dunn Landfill, day in and day out, with the monitoring that our staff is conducting and what we hear from the community we integrate into our oversight approach for that facility as well.

And what you saw with the permit authorization was, first of all, the housekeeping to get both their mining permit and solid waste permit on the same timeline so that we can have a more robust and transparent dialogue with the community. So that's why it's a three-year term at present, and that will allow us to get those lined up and continue to have conversations with the community.

When you look at what we put in that permit, that was in direct response to what we heard from constituents and your community members as well. And so we've reduced truck traffic, we've reduced operating hours, it's

driving down emissions, it's reducing particulate matter. But most of the air quality monitoring that we've done has been based on the nearby school, which is not shown to have any impacts associated with the landfill. And now we're open to conversations with the community if we need to adjust and adapt that monitoring in some way.

ASSEMBLYMAN McDONALD: Thank you, Sean.

CHAIRMAN PRETLOW: Thank you.

Ed Ra, ranker on Ways and Means.

ASSEMBLYMAN RA: Thank you.

And I want to thank you and your team for your time last week. We really got in-depth, a little bit more so than we can during these hearings.

Just a few issues, starting with a somewhat local one to us down on Long Island. I know that the department has maybe recently changed, you know, your approach with regard to the Bethpage Community Park and the situation going on with the Town of Oyster

Bay and Grumman regarding perhaps pushing for a full cleanup, which the town has been pushing for.

Can you elaborate on what the department's stance is and whether you are, you know, committed to trying to push for that full cleanup of the park?

DEC INTERIM COMMISSIONER MAHAR: Well, definitely I think the Bethpage work overall just speaks to, again, the importance of the State Superfund Program and making sure DEC has the authority and ability to actually have conversations like this with communities across the state, and especially in Nassau, where you have historical contamination that has impacted it.

We directly work with the town and continue those conversations on advancement of the cleanup of the park, and our goal is to get it cleaned up and put back into the hands of the town for productive use as quickly as possible.

And that cleanup is going to be achieved in accordance with all the laws,

rules and regulations to protect public health and make sure that that cleanup is complete, and that's an ongoing conversation that we're having with the town to make sure that advances.

ASSEMBLYMAN RA: Well, thank you. I know that, you know, contamination just in general from Grumman has been a priority of Supervisor Saladino dating back to when he was in the Assembly with us.

DEC INTERIM COMMISSIONER MAHAR: Oh, yes.

ASSEMBLYMAN RA: Another issue, more so on the budget side, but this is also somewhat Long Island-based. In the past there has been funding for the Stony Brook University Center for Clean Water Technology, a million dollars. I know they've been engaged in a multiyear study with regard to phosphorus pollution. And am I correct that that funding is not in the Executive proposal?

DEC INTERIM COMMISSIONER MAHAR: So SUNY Stony Brook has a lot of unspent

appropriation authority, and that they're still drawing from. I think our experts were looking at working with potentially other universities out there to achieve some of the other specific research targets that we had. That's not a slight at SUNY Stony Brook. And that's a conversation that we want to continue to have as we evaluate the appropriations in this year's budget in the EPF.

ASSEMBLYMAN RA: Okay. So do you feel then they have enough funding right now to be able to continue and complete this study and, you know, keep those that are doing this work, you know, employed and working?

DEC INTERIM COMMISSIONER MAHAR: That is our understanding, but I'm still evaluating that specific change and we'll get back to you as that evaluation continues.

ASSEMBLYMAN RA: Okay. Thank you.

And with regard to an issue that came up earlier -- and I know we discussed this last week, the Clean Water Infrastructure funding. Obviously we're very happy that,

you know, we have the $500 million proposal this year. Last year obviously there was a -- the initial proposal cut that in half.

But as my colleague mentioned earlier -- and we talked about this last week, and I know this part of it is within DOH's purview. But I think we'd all like to see some investment in that lead service line portion of that. You know, constituents are now learning that they have lead service lines. Many are concerned, would like to replace them, but they're learning that it comes at great cost. So I know we've put a very miniscule amount of this money -- and, I mean, the funding has been great continually at helping the local water districts deal with remediation and all of that. But we've put a very little amount towards service lines.

So, you know, I appreciate the support of not just the department but my colleagues to hopefully maybe go up to 600 million or something in this budget with regard to Clean Water Infrastructure so that we can

support the service line aspect of it as well.

DEC INTERIM COMMISSIONER MAHAR: Definitely. It is a commitment of this administration to address lead service lines overall. I mean, I have to defer to DOH just because that's their authority.

But this is a priority, especially looking at disadvantaged communities and others. We want to provide that assistance because it is vital to public health protection to get these lead service lines out of the ground.

ASSEMBLYMAN RA: And then I only have a few seconds, but quickly, I know the department is perhaps part of this. We have this study that was proposed a few years ago with regard to airplane environmental impacts. I know it's a multi-agency effort. I don't know if the DEC is in particular involved, but it's a big concern to many of my constituents in Western Nassau County.

DEC INTERIM COMMISSIONER MAHAR: So that is a DOH-lead study as well, so

encourage you to talk to the Health Commissioner on that.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN KRUEGER: -- if staff thinks this is an endurance test, it has. But we only have the second round for each of our chairs for three minutes, starting with Pete Harckham.

SENATOR HARCKHAM: Commissioner, thank you for three and a half hours of really --

DEC INTERIM COMMISSIONER MAHAR: Oh, that's it?

SENATOR HARCKHAM: -- informative testimony.

(Laughter.)

SENATOR HARCKHAM: One question I didn't get to in my first round. Following up on the harmful algal blooms, another issue we're grappling with is salt in our freshwater drinking sources. A lot of it's coming, obviously, from road salt. Big impact in my district, but statewide implications.

For instance, all of the East of

Hudson Watershed for New York City is in my district. They just released a report that in a couple of decades, the Amawalk Reservoir will have to be taken offline because of the level of salt pollution.

Have you considered or discussed using your authority under the Clean Water Act to begin to regulate salt discharges from roads into drinking water sources?

DEC INTERIM COMMISSIONER MAHAR: Well, thank you for that, Senator. And, you know, I think with the Adirondack Road Salt Task Force that -- and the report that we recently produced that is really evaluating, you know, the salt and the need for public safety use of road salt but also balancing the need to obviously protect the environment and reduce salt in the environment.

And there are some best management practices that we're piloting with the Department of Transportation, really looking at how we reduce road salt use. We've started our "Don't be salty, New York" campaign, which is really leaning in on the

public education and how all New Yorkers can work to reduce salt use in the environment. Encourage you to listen to I think it was Episode 16 of the podcast as well, where we had some of our water quality experts on --

SENATOR HARCKHAM: Back to the podcast.

(Laughter.)

DEC INTERIM COMMISSIONER MAHAR: -- talking about salt use generally.

But, you know, again, we're always open to evaluating what authorities we have and can use to address the contaminants that we're finding in the environment. We know that public education goes a long way both with our roadway practitioners and local highway departments and with State DOT, and we're seeing the best management practices really start playing out and achieving benefits.

And we really do need everyday New Yorkers to help "don't be salty" and reduce their salt use overall, which will go a long way to reducing salt in the

environment.

SENATOR HARCKHAM: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Deborah Glick for her second round.

ASSEMBLYWOMAN GLICK: Thank you very much.

A couple of quick questions. We've talked about the fact that there have been downstate fewer Environmental Conservation Officers. It's been sort of an ongoing concern. We want youngsters to see that there is a working path in that direction.

But also I'm wondering if they are insufficient and whether that's played a role in the diminution of horseshoe crabs over the last 15 years. That population has dramatically dropped under the current management, and I'm -- it's gone from good to poor. And I'm wondering if you have too little capacity for proper enforcement to ensure that we don't have over-harvesting beyond the limits that are allowed or if you

can't keep track year to year of faltering populations.

DEC INTERIM COMMISSIONER MAHAR: Well, we do have really robust science that we do every year to monitor horseshoe crab populations along with all our species out there. We coordinate with the Atlantic States Marine Fisheries Commission on, you know, harvest quotas and elements of that.

But our enforcement work is very much underway, and our ECOs are always out on the frontlines making sure that the seasonal closures that we've put in place for horseshoe crab harvesting are complied with, they know where the horseshoe crab hotspots are and where there's been issues of illegal harvest in the past, and they tailor their enforcement directly around making sure that we're catching bad actors and protecting that population.

And we're continuing to adapt our regulations. And I think as you'll see soon, we'll have additional regulations out to really codify additional closures to protect

the horseshoe crab population and really make sure that we're building off of the closures that are in place now on the lunar cycles that are directly helping the health of that species overall.

And we're going to continue to have more conversations with you on that moving forward.

ASSEMBLYWOMAN GLICK: Great. I appreciate that.

Today -- just following up on some of the biosolids, today Albany County put a moratorium on. Steuben County has indicated that there has been concern about drinking water from farms in Steuben. And I guess I'm wondering if -- whether or not you can in fact, whether DEC can determine whether some of the befouling, if you will, of these wells is actually from the result of biosolids that have been put on farms. Or what's the process that you're engaged in to determine that?

And I know it's -- from DEC's point of view, it's not the largest issue across -- as

it is in some other states. But obviously if it's in your neighborhood, it's a problem.

DEC INTERIM COMMISSIONER MAHAR: Definitely. And that's -- you know, as we continue our nation-leading PFAS efforts, this is an important waste stream that we're looking at and evaluating what its potential impacts are.

I know we're out of time, but generally properly treated biosolids can be beneficially reused, and that's why we have a beneficial use determination. But, you know, we need to make sure that it's not inadvertently introducing PFAS into the environment. And that is a conversation that's actively ongoing, and we look forward to having more conversations with you on that.

ASSEMBLYWOMAN GLICK: Appreciate your responsiveness. Thank you. And all of the work that all of you do.

DEC INTERIM COMMISSIONER MAHAR: Thank you.

CHAIRWOMAN KRUEGER: Thank you very

much. Thank you all for being with us today, and we all do appreciate the work DEC does.

And we've actually completed all the questioning. There may be legislators who still want to grab your attention. As you leave, please take it out to the hallway, anyone who is going to go in search of these people from DEC. And be kind and let them use the bathrooms also --

(Laughter.)

CHAIRWOMAN KRUEGER: -- before we bombard them, because we never let them get up for three and a half hours.

With that, we are on to Panel No. 2, NYSERDA. So as NYSERDA comes down, please let DEC escape the room.

(Off the record.)

CHAIRWOMAN KRUEGER: Hi. I know it's hard to believe, but for people who are keeping track of the scorecard of how many people are going to testify, we're only on Panel B, Doreen Harris, president and CEO of NYSERDA.

She has been with us before, so she

knows the rules of the road. Remember to press your mic till the green light shines, because that way we can actually hear you. And you have 10 minutes to present.

Thank you, and welcome.

There's a sweet spot over the word "Push." There you go.

NYSERDA PRESIDENT HARRIS: Thank you. Good afternoon. You have a panel of one here, yours truly. So thankful to be here again this year. I want to thank you, of course, Chair Krueger, Chair Pretlow, Chair Barrett, Chair Parker, Chair Glick, Chair Harckham and members of the committees for the opportunity to testify again before you as part of the joint legislative budget hearing.

In addition to the summary remarks, we have also filed full written testimony with the chairs, which I'm happy to review at your convenience.

So again, I'm Doreen Harris. I'm president and CEO of the New York State Energy Research and Development Authority, or

NYSERDA. I am here actually telling you we are celebrating 50 years of service this year. NYSERDA was constituted in 1975 in response to the oil and energy crisis of the '70s. And I'm certainly here to reflect both on the ways in which we have benefited the state's economy by implementing our mission to advance clean energy, but also leveraging innovation and investments to improve health, resiliency, prosperity, and everything else for New Yorkers.

So one thing that I'm particularly proud of this year is the ways in which we have engaged with every Assembly and Senate district across the state. We established our Regional Clean Energy Hubs in 2021. We now have 12 functioning hubs in every Regional Economic Development area of the state. And ultimately these hubs are intended to provide access to services on behalf of all New Yorkers. And I am here to say it's been impactful, including connections with nearly 8,000 New Yorkers over this year alone.

But in addition, I was pleased to collaborate with so many of you around formal engagements, of course, such as today, but also ways in which we can both report transparently and work collaboratively in your districts to advance our shared mission.

So I'm pleased to say we have engaged in over 100 meetings or events with members of the Legislature this year alone, certainly fulfilling our promise to be a trusted, accessible and credible resource on behalf of all New Yorkers.

I think, of note, this year we did kick off the State Energy Plan. The State Energy Planning Board is an entity that I chair. And I think, notably, I'd like to thank Assembly Energy Chair Barrett for joining the State Energy Planning Board, as well as the representative appointed by the Senate for that important work.

So certainly, as you heard from Interim Commissioner Mahar, the Governor's commitment to not only the advancement toward our climate goals, but also the realization

of a thriving economy for all New Yorkers remains firm. And certainly we at NYSERDA are an integral part of that effort. We use our funding and our programs to create new opportunities to give consumers money -- save consumers money, grow businesses, and create family-sustaining jobs as well as partnerships with manufacturers, innovators, and colleges and universities to really build that clean energy economy from the ground up at the same time.

And so what this means is of course we benefit from these investments, and the jobs that will come from these investments are something that I'd like to reflect on today as well.

I also want to emphasize the ways in which we at NYSERDA are committed to executing on our mission with transparency and accountability.

So each year NYSERDA files almost 250 reports with governmental and oversight entities and specifically with the Legislature. We potential publish over

150 data sets for public access on OpenNY. Our website provides information in 21 languages. And we ensure, through various portals, that New Yorkers can access these programs seamlessly.

The reports that we file regularly to the Legislature began in 2016, in compliance with the Public Authorities Law, Section 1867, through which we provide a semiannual report to the Assembly Ways and Means chair, the Senate Finance chair, and the Governor. And in those reports we provide information on our revenues, expenditures, contracts, commitments, solicitations and activity by region. And also we report regularly, of course, to our board of directors, the Governor, each of you, and with the Public Service Commission, who has oversight over much of the funds that we deploy.

And so as this transition continues, I want to highlight some key outcomes of the state's clean energy activities.

We launched a new Climate Act

Dashboard this year, transparently providing information with respect to the progress against many of the Climate Act goals. It's important to note that greenhouse gas emissions have decreased 42 million metric tons, a reduction of 10 percent of emissions from 1990 levels, which is 26 percent of the way to the 2030 goal.

Our Clean Energy Fund portfolios report that 36 percent of our local community-based clean energy investments occur in disadvantaged communities, which exceeds the Climate Act requirement, with some portfolios exceeding that number as well. And it was with particular pride that I joined some of you to celebrate the early achievement of one of our Climate Act goals: 6 gigawatts of distributed solar installed, one year ahead of time -- with more to come.

And statewide, more than 136 TBTU of site-based energy savings has been recorded, accounting for approximately 75 percent of the Climate Act goal.

So it is extremely important to

highlight all of this in light of the fact that we actually are doing so while we operate one of the most reliable energy grids in the country. And so much of our work is really centered on that need to do all of these things at the same time.

And I am particularly proud of the ways in which the Governor's proposed Executive Budget puts forward the Sustainable Future Fund, which would advance $1 billion in new funding to support this future -- the single largest climate investment in state budget history.

And so we're looking forward to working with you to identify categories of spending that would occur this year, and certainly more to come as well.

Specific to NYSERDA's administrative and other activities within the Executive Budget, our proposed 18-A funding includes a $7 million increase, bringing the total to 35.725 million. And also the ongoing work at the West Valley Demonstration Project in Cattaraugus County, and that budget estimate

is the same, at $25.8 million.

Looking ahead, so certainly we will continue to need to build markets for renewable energy, energy storage, clean transportation, and other investments that provide opportunities to fulfill the promise that these clean energy investments will result in net benefits and jobs for New Yorkers. As we plan for the coming decades, this will remain central to our State Energy Plan and other proceedings as well. But also supporting the more than 178,000 clean energy jobs across the state -- and I'm pleased to say that this was the most significant year over year growth yet, well above the growth of other sectors of our economy, something that we can all be very proud of.

And of course we do all of this within the context of the federal government's -- and I will say we remain very focused on the ways in which the Trump administration may have impacts. Certainly there's federal actions that have occurred already that may

impact our work and fundamentally affect our energy outcomes in New York State. I'm happy to talk to you today about the specific impacts we're monitoring, but it is too soon to determine the exact nature of those impacts with respect to our progress and initiatives.

So certainly as NYSERDA looks forward to 50 more years, and perhaps more, we're very thankful for our partnership with the New York State Legislature to realize these positive outcomes on behalf of all New Yorkers. This concludes my opening remarks, and I very much look forward to our dialogue.

CHAIRWOMAN KRUEGER: Thank you very much, Commissioner Harris.

Pete Harckham, our chair of EnCon, will be the first questioner, for 10 minutes.

SENATOR HARCKHAM: Thank you, Madam Chair.

Thank you, President Harris. I want to thank my friend Senator Walczyk for reminding me this may be the only opportunity

I have to say "President Harris" for a while. But thank you for being here.

All humor aside, you concluded your remarks talking about what is happening through the president's actions. Last night they ordered a freeze of all federal funding. When we spoke about this with the DEC commissioner, he said at the outset it could impact up to 30 percent of their personnel and activities. What do these cuts or freezes potentially mean for the work you and your team do?

NYSERDA PRESIDENT HARRIS: Yes, it is true that the federal context is extraordinarily relevant for our state. I could speak to many areas that are relevant.

However, specific to the funding cuts, we certainly made quick work at NYSERDA advancing various initiatives to really utilize those federal funds to increase the leverage and the impact that we can be having within our state. As we speak, we are going to be deploying approximately $1.2 billion of federal funds that had been awarded or

allocated since the Biden administration took office.

We have a relatively few full-time equivalent staff against that work, most notably because we're cautious and scale up according to need. So on the order of less than 10 full-time equivalents that we have working on those programs now. Clearly we are monitoring the impacts that this may have because of course we want to continue to scale our programs and advance them according to the plan, which was a multiyear plan that we had put in place.

SENATOR HARCKHAM: Thank you. And then the other action recently was a federal moratorium on offshore wind, and many expect this to be a permanent ban on offshore wind. How does that impact the activities that we've planned for New York and are trying to implement in New York?

NYSERDA PRESIDENT HARRIS: Yes, thank you for that question, Senator.

It is true that one of the Day 1 executive orders did speak to actually wind

in general, on-shore and offshore wind, as being areas where there was an objective to, as you said, limit or extinguish the permitting and advancement of those projects.

Obviously we need more time specifically with respect to the ways in which the federal agencies will interpret those executive orders relative to their day-to-day work. There's a lot of complexity when it comes to advancing these projects, and some are more integrated within the federal purview than others.

However, what I am pleased to say is that our two, our key offshore wind projects are continuing their construction, Empire Wind 1 as well as Sunrise Wind. We have the South Fork Wind Farm, 132 megawatts that entered operation this year. And really our work will continue in that respect as we better understand the implications that the federal government's moratorium may have.

SENATOR HARCKHAM: All right, thank you. Just following up, then, on solar. You mentioned that we've met our distributed

solar goals, which is positive. There's still a lot of low-hanging fruit on solar. Nothing in this budget specifically speaks to solar. You know, there are a number of bills in the Legislature, one particularly, expanding the solar tax credit to make it refundable so low- and modest-income residents could enjoy the same benefits.

Do you have plans to, in regulation, expand the distributed solar goal in a formal way? Or do you have other plans to stimulate growth in the solar market?

NYSERDA PRESIDENT HARRIS: Yes. Certainly the distributed solar market remains a very strong bright spot for the State of New York. We are the number-one community solar market in the nation, and that is in part because of the durability that we have provided to the industry with respect to both the Climate Act goal, which has been achieved, and now the 10-gigawatt expanded goal that Governor Hochul had committed to.

And in fact I think it's important, if

I could just speak out for a minute here and tell you how impactful this resource really is in a highly decarbonized grid. When we looked at the summer of 2024, when we hit our peak day in July, distributed solar actually reduced that peak by 6 percent, ultimately saving New Yorkers $90 million.

So these are real numbers and real impacts, and I would say we are anxious and ready to explore the contributions that solar, distributed solar, may make well beyond our 10-gigawatt goal.

SENATOR HARCKHAM: Thank you.

On another energy source, there's $6 million in the budget to study nuclear. Being agnostic about nuclear for a moment, one of my villages is going to be home to spent nuclear fuel forever because the federal government never addressed the issue of spent fuel. They're also sitting on over a million gallons of radiated wastewater.

What are the state's plans? If we're going to go down this path of nuclear, have we thought about what to do with spent fuel

rods? What are we doing with radiological wastewater? Do we have a plan to address these critical but basic issues?

NYSERDA PRESIDENT HARRIS: Yes. So certainly we are taking cautious but deliberate steps forward as we consider the potential for advanced nuclear technologies to be deployed across our state.

Senator, I want to be clear, our focus is not in the area of Indian Point for -- with respect to the master plan that we have launched. Instead, we're focusing on the Zones A through F, which really push us north and west of those areas of our state.

SENATOR HARCKHAM: Well, they would have the same concerns that my communities have.

NYSERDA PRESIDENT HARRIS: Certainly. Certainly. So as that -- as relates to these topics, of course, as one would say has been the case with every nuclear deployment across the state, safety and waste will be among the myriad issues that will be investigated as part of our master plan, knowing, to your

well-experienced voice, that these are issues that local communities and everyone needs to really focus on.

There is a theory that these technologies could be beneficial in this respect from the perspective of waste, risk, et cetera. However, we need to take an objective look at this, and that is exactly what we will be doing through this multiyear master plan process.

SENATOR HARCKHAM: Thank you.

Switching gears, the EmPower program. Can you give us an update on that, please.

NYSERDA PRESIDENT HARRIS: Yes. We made very quick work of utilizing the $200 million that were allocated to expand EmPower and to the EmPower+ program two years ago. I'm here to tell you we have committed every dollar of those $200 million. We have other funds that we are using to continue the work of EmPower, but I would say this was a very important collaboration. You should each be very proud of the ways in which we have benefited tens of thousands of

New Yorkers through deployment of those funds, focusing on low-to-moderate-income homes in the first instance.

SENATOR HARCKHAM: All right. This is something that we have discussed before privately. You have -- NYSERDA has an amazing array of products and services for municipalities, for school districts, for homeowners, for businesses -- and yet most people don't know about them. And you spoke about the Regional Hubs you have. What more are you doing to market yourselves and the products and the services you have that can help people save money? That's what this is about. It's about saving folks money.

So what's on the agenda to help push those services out?

NYSERDA PRESIDENT HARRIS: Yes, of course. And I couldn't agree with you more, Senator, that we have work to do in really not only being more present in our communities across the state, but also ensuring that those same communities have access and awareness of the various programs

from which -- for which they could benefit.

So the hubs are an example, certainly, of the ways we've put into practice those priorities.

In addition, we have made I'd say extensive efforts to streamline the ways in which the public can access our programs. So I'm talking about primarily homeowners, residents -- you know, folks who are working to access what is a complex series of programs, admittedly both from the state, local and federal frameworks, that we have now centralized in a portal.

Really, I'm not only proud of it, but I've found the user experience to be very successful in allowing consumers to access these resources in a streamlined way.

So for each and every one of you, we'd be happy to demo that portal, as I believe it's something we should be building out for other aspects of our work.

SENATOR HARCKHAM: Thank you very much.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Didi Barrett.

ASSEMBLYWOMAN BARRETT: Thank you.

Thank you, Chairs, and thank you, President Harris. Thank you for being here.

I just also want to flag, you know, you and I have had those conversations about community access and members. And I think one of the best things that we did in our community was a roundtable on electric school buses. And you have a very well-informed and knowledgeable team and brought -- I believe you've done it with BOCES across the state. But I just want to flag for my colleagues, if you haven't, please reach out, because this was extremely helpful for all of the school districts in my Assembly district.

Also want to clarify. We had a lot of conversation with Commissioner Mahar, and you mentioned the Sustainable Fund that's in the budget, the $1 billion that the Governor put in. That is really just capital funds, just

bondable capital funds, right? Is that -- can you just, for the record, spell out for us what we can expect that money to be able to be used for?

NYSERDA PRESIDENT HARRIS: Yes. The Sustainable Future program is a $1 billion fund, and it is intended to advance the types of projects you are describing, Assemblymember Barrett, which involve large capital expenses, capital projects that are bondable.

This is a situation that, based on the nature of these projects, it may be that the funds are expended for a number of years. But I want to be clear that the intent is to commit the funds, the full billion dollars, in this fiscal year.

So these are the types of projects -- there were some examples certainly given. Larger projects in buildings and transportation certainly remain focal points as we consider the ways that we really can get after these largest sources of greenhouse gas emissions across our state, but also

fundamentally projects that will bring big impacts, and a large number of jobs remain focus points as well.

ASSEMBLYWOMAN BARRETT: Great, thank you. Thank you. Now I've got kind of a I guess you could call it lightning round. It sounded better than "speed dating" -- that was the other phrase that kept going through my mind.

So Clean Energy Communities program. Many of the municipalities in my district have participated, you know, in the Clean Energy Communities program and used funding grants for solar panels and heat pumps. And then for, you know, increasing their involvement in the Climate Smart Community program and that status.

And I understand that both of those programs were being reviewed. Could you talk to us a little bit, briefly, about what the plan for both of these programs are? Are they going to be combined? If one is being eliminated, do we have a way to ensure that communities that really, you know, want to be

actively engaged, that there will be this funding to qualify them to become Climate Smart Communities?

NYSERDA PRESIDENT HARRIS: Yes. Thank you for the question.

The Clean Energy Communities program has certainly been a great success. We've engaged with over 60 percent of the municipalities across the state for the high-impact actions that not only should they be proud of, but of course they benefit from financially as well.

Two things. There is a new version of the program that has been proposed with the New York State Public Service Commission. Received a large number of comments about that framework -- which really, I would say, brings that program forward to the next generation of the program, focusing on cohort-based learnings from one community to another, something we heard a lot about.

But also, specific to your point, the ways in which it can better intersect with the Climate Smart Communities program,

knowing that they're different but there are overlaps that we really wanted to get after.

So that is before the commission as we speak.

ASSEMBLYWOMAN BARRETT: And do we have an expectation of when that will be resolved?

NYSERDA PRESIDENT HARRIS: Well, there's a panel that includes the chair of the Public Service Commission. So I'd suggest his timeline would be more accurate than mine.

ASSEMBLYWOMAN BARRETT: All right. Everybody says, "Well, ask the next panel." Okay, we can do that.

NYSERDA submitted a storage roadmap to the PSC for approval and, if approved, we would expect to see energy storage solutions as soon as this year. As NYSERDA's crafting these solicitations and you're scoring metrics, are you taking into consideration long-duration storage technologies, including multi-day storage?

NYSERDA PRESIDENT HARRIS: Thank you for that question.

I can answer the question for the commission. That order was approved in 2024. So we are advancing a number of implementation plans for the bulk retail and residential sectors.

So specific to your question, our near-term focus is on the shorter-duration technologies. But the order does leave open the opportunity for long-duration energy storage, as it is known, that could be useful, to your point, for multi-day applications.

Meanwhile, NYSERDA's innovation team does continue to invest in these technologies. And when we really see that market readiness available, we're ready to deploy.

ASSEMBLYWOMAN BARRETT: Right. No, I understand there's a project that potentially could even be in my district that you've funded.

So -- but it certainly seems to me that multi-day funding is critically important -- multi-day storage is a

critically important piece of reaching our goals here.

In the Executive -- well, we talked a little bit about that already. So more on nuclear. Last year NYSERDA published a request for information to -- for advanced nuclear technologies. Could you talk a little bit about the responses, since they were due December 16th, and let us know what the -- was there interest from potential host communities to that?

NYSERDA PRESIDENT HARRIS: Yes. So with respect to advanced nuclear technologies, there are a number of workstreams that are underway. And in fact, Governor Hochul's State of the State Book included a few of them.

One of the areas was a request for information that we issued. This is an industry that has I would say been in existence throughout our state, but fundamentally we use this RFI in part to understand not only sentiments and opinions, but also expertise and opportunities that may

exist with respect to this resource.

And through that RFI we see a lot of information that can be used in multiple respects, but indeed one of them is the topic of siting. And in fact there are a number of communities that had responded with interest. I think we have to have a more expansive and deliberative process to both survey but also consider that interest. And that is exactly what our master plan is intended to do.

ASSEMBLYWOMAN BARRETT: Okay. As part of last year's budget, NYSERDA was required to conduct a needs evaluation for fast-charger deployment along the key corridors, the major freight corridors. You know I had a bill, an EV charger bill that got vetoed. I think it's really important that we understand and that we talked at the last panel that not to be continuing to create fear about some of the changes that we want to make and that we need to make for a clean energy future.

What's the status of that study, and should we expect to see it in October when I

think it was, you know, intended to be finished? And, you know, how we really address if we're going to increase interest and support for EV, we have to be sure that we get rid of the range anxiety and we let people know what our plan is for ensuring the infrastructure.

NYSERDA PRESIDENT HARRIS: Yes, thank you for that question.

I'm pleased to say the corridor study, as I am referring to it, is well underway, and we do intend to deliver it on time later this fall.

As you and I have discussed, we also are happy to really consider the broader charging needs of the state with respect to the study, and something that I'm happy to work with you to ensure that we accomplish. Because I agree with you, we're making good progress but we really do need to be looking at the longer-term plans of the state and across all aspects of transportation electrification.

ASSEMBLYWOMAN BARRETT: So on that EV

issue, what would you say the state could be doing maybe better or more -- better, whatever, to really encourage a statewide embrace of this? I mean, I know this is a challenging time to answer that question because of the federal situation; we don't know exactly what's going -- what those policies are going to be.

But we have to obviously go forward, you know, with our intention. What's the view on how we do that for increasing -- in our last panel we talked a little bit about the challenges for the trucks and the ACT. Can you just talk a little bit about how you see that going forward?

NYSERDA PRESIDENT HARRIS: Well, I'd say there's multiple workstreams on the topic of transportation charging. It is the case that the Public Service Commission's Make Ready proceeding was perhaps the largest place to look, with over a billion dollars in investments that will be made by the utilities and others to really enhance the charging stations statewide. But also, of

course, federal funds as well as those that we're deploying through other means.

ASSEMBLYWOMAN BARRETT: Great, thank you so much. Thanks.

CHAIRWOMAN KRUEGER: Thank you.

Ranker Mattera for five minutes.

SENATOR MATTERA: That's great. Thank you so, so much, Madam Chair.

And it's great to see you, CEO Harris.

In your testimony you mention that NYSERDA strives for transparency and accountability. Yet we have no transparency or accountability accounting for any of the costs of the CLCPA. Are you willing to be transparent and to share the costs of the CLCPA with this body?

NYSERDA PRESIDENT HARRIS: Well, certainly, as we've discussed before, Senator, thank you for the question. We believe our integration analysis did very transparently reveal the costs of the CLCPA.

Our State Energy Plan that is underway now will refresh that analysis and produce that data transparently as well.

SENATOR MATTERA: All right. In the past, since the last budget hearing, the reality of this rush to implement unrealistic energy policies has been revealed, especially -- even our Comptroller DiNapoli even came forward with that. From battery storage fires to out-of-control emissions, many of the goals of the CLCPA are too unrealistic. The reality is that this is being rushed and we need to work on a real plan that protects our environment, our future and our ratepayers.

Is there a consensus in New York State that the time has come to slow down and to be realistic with our energy mandates that have been put in place, that have been passed? Should the laws that have been passed be repealed, or to start over?

NYSERDA PRESIDENT HARRIS: Thank you for the questions, Senator. This is a topic that I think is quite complex, but one that, as a general matter, we have set out to make reasonable, rational and maximal progress toward the Climate Act goals. And as you've

heard, we certainly have achieved that in one very important instance in the past year.

We had a task. Our task is to execute against the law, the law that of course this Legislature advanced in 2019, and one that we all have, I think, a clear-eyed view as to what it takes to get from here to there.

I think we've made very rational, smart progress in those intervening years, reflective of perhaps some areas we didn't expect -- a pandemic, supply chain disruptions, inflation, interest rate hikes, and the like. So we're always willing --

SENATOR MATTERA: And that's the reason -- and that's the reason why we have companies that are pulling out and everything like that, because it's not realistic. And we all know that.

And where is NYSERDA with regards to the new source of renewable energy? Not wind, hydro, solar. What are we doing to talk about nuclear, carbon recapture, wastewater, thermal energy, and green hydrogen? We do have a billion dollars

that -- in other words, that could be spent. You know, we've been discussing this. I was very, very happy to go to the Energy Summit over the summer, and 80 percent was speaking on nuclear power, which I was very happy about. But I haven't heard anything since.

But what are we doing to move forward with other sources of renewable energy? That's important. I haven't heard anything. Because wind, solar and -- I'm going to talk to you about battery storage, because I've got a minute 36. You know, battery storage is nothing but an experiment and it's becoming a disaster. But we need to talk about that too.

But what are we doing about spending money right now to move forward with other sources of renewable energy?

NYSERDA PRESIDENT HARRIS: Yes, I was very thankful, Senator, that you were able to come to Syracuse.

We certainly have a number of workstreams underway looking at, to your point, the post-2030 plans for the state,

which involve of course tens of gigawatts of dispatchable emissions-free resources that can complement renewables. There's a Public Service Commission proceeding underway really looking at all of those technologies you just laid out. And I think the policies will follow the clear-eyed assessment of the commission.

SENATOR MATTERA: All right. So carbon recapture is something that's going to be very --

NYSERDA PRESIDENT HARRIS: That is -- yes, we are conducting a technoeconomic study, a series of them, on behalf of the commission. One of them is on the topic of carbon capture.

SENATOR MATTERA: Okay, and let's talk about the battery storage disaster that's happening with fires at East Hampton, we had fires upstate, and obviously we know the Moss plant that just happened over in California.

What are your feelings on this that -- I just found out just during the week that

the DEC had no oversight in our towns, our counties, and our state. What do you feel about this total disaster, total experiment that's costing all of our ratepayers money? Because I did find out -- and all New Yorkers need to understand something. We are paying for this experiment, especially with this battery storage. Wind, solar? I have no problem with this. Battery storage has been nothing but a disaster in our communities.

We've got 9 seconds, so can you please talk to me about this.

NYSERDA PRESIDENT HARRIS: Certainly, Senator. I would say with 160 gigawatts of energy storage installed globally, we would disagree about your theory of it being an experiment.

SENATOR MATTERA: Fires, fires, fires --

CHAIRWOMAN KRUEGER: Thank you.

SENATOR MATTERA: -- our communities with contamination.

CHAIRWOMAN KRUEGER: Thank you, Senator Mattera.

It's the Assembly's turn.

CHAIRMAN PRETLOW: Yes. Assemblywoman Glick.

CHAIRWOMAN KRUEGER: She has 10 minutes.

ASSEMBLYWOMAN GLICK: Thank you very much.

I appreciated the -- your conversation around community solar and how effective that has been. And I'm wondering whether folded into that are the residential or if that is, in your mind, separate. Or is that accounted for when there's individual residential?

NYSERDA PRESIDENT HARRIS: Well, one of the -- thank you for the question, Assemblymember.

I would say, sorry, distributed solar has many, many components. What I'm referring to when I discuss community solar is actually different than what would be installed on a residence, which is a different subset of the 6 gigawatt goal.

That is an area where we have particular I'd say challenges in our urban

centers around the topic of residential application. A little difficult to imagine a whole preponderance of solar installed in Manhattan, as an example. However, that is where community solar is just such a huge asset for the State of New York, because it allows someone who maybe cannot install solar on their roof to benefit from solar installations in other areas of the state.

So certainly this is an area that will continue to grow and evolve. And as I said, the benefits will only increase as time goes on.

ASSEMBLYWOMAN GLICK: On that same tack, what are the numbers around residential solar? Which seems be, observationally, very, very successful in many places. In places where I would not necessarily have thought there would be individual homeowners who were interested in it. As I travel around, I am surprised where I see fairly significant amounts. And of course in those instances, those homeowners directly receive a benefit that their cost of energy is

dramatically reduced.

And what are we doing to encourage and make it easier for people to understand? Not everybody goes to the website. So what are we doing to make people aware of it and to make it easier? In a lot of instances it does seem that when you go through the steps, it ultimately results in, you know, "Discuss this with the installer or contractor." So at some point people get to that point and go: Oh, well, I guess I didn't get as much information as I had hoped I would. In advance of talking to somebody that they're not sure they know or are comfortable with.

NYSERDA PRESIDENT HARRIS: Thank you for the question. I will have to get back to you with the exact breakdown. This was -- 2024 was our largest year for solar installations, full stop. Well over a gigawatt was installed. But the breakdown I will have to follow up with you on.

But I'd say a couple of aspects of this are quite relevant with respect to consumer adoption. Right? This all comes

down to the consumer. And fundamentally, certainly our hubs, our Regional Clean Energy Hubs are in part a resource which is intended to aid with this topic of awareness and access.

But in addition we piloted and advanced I think a pretty novel program with National Grid this year focusing on the ways in which these benefits can be achieved -- instead of opting in, you opt out. Meaning you get the benefits of consumer savings through community solar projects without having to even work in any way, shape or form with your utility or otherwise.

You know, our ability to expand that program statewide I think is an area that I'm really excited about this year because it provides just what you're describing, Chair, is access and an ease of access at the same time.

ASSEMBLYWOMAN GLICK: Some of the concerns that were raised earlier, your corridor study seems to be for the Thruway and larger arteries. For many people in my

community that would like to go over to use of an EV, they're -- in urban settings, it's really challenging.

Is there anything that NYSERDA is under discussion with, whether it's the City of New York or any of the other municipalities, about what we can do to promote better access to EV charging?

NYSERDA PRESIDENT HARRIS: Well, I would completely agree with you, Chair, with respect to the topic of access in the city. I'm sure I'm going to hear more questions about charging in the city because it is a particular challenge because of the challenge of parking, of course.

So there are a number of initiatives that are underway, I think the most notable being an installation program being administered by the local utility, Con Edison, really focusing on the ways in which they can expand access to charging in the city. We ourselves have a number of programs as well, but it is an area that we have to continue to focus on.

ASSEMBLYWOMAN GLICK: Yeah, I'm always interested in the folks who obviously have too much money down the block who have thermal heat under their sidewalk. In the snow, they don't have to actually go out; I guess they flip a switch. How they actually get to park in that spot where they have a charger, I'm not sure. But I have seen that. So it's not insurmountable, but obviously not available generally.

New York City has a local law requiring the retrofit for our housing stock, and it's pretty aggressive. And at the end of the day it is intended to decarbonize our buildings, which is a good thing, but again, complicated. And there are different multifamily dwellings that are trying to figure out what would work for them. And some have -- I mean, I think the big challenge is having enough people who can do the work to actually, for some of these large buildings, actually do the work in the time frame that we have, but also deciding what options there are.

Again, has NYSERDA been in discussion with the relevant city agencies to figure out how we can support buildings that are trying to get ahead of the curve?

NYSERDA PRESIDENT HARRIS: Well, certainly -- and the question is a very timely one because of the fact that both we do have a very ambitious city law, as you identified, but overlaid, of course, is our implementation of the zero-emission new construction requirements that do become relevant in the next year for low-rise and a few years thereafter for higher-rise buildings. So these two initiatives do need to work in concert for sure.

But on the other side of the equation, it is a particular challenge in the city but it is one that we at NYSERDA have really been investing heavily to demonstrate that it is indeed possible: First, with new construction, with our Buildings of Excellence competition that really gets in at the architecture phase, the planning phase --

ASSEMBLYWOMAN GLICK: With all due

respect, I appreciate that, and I have a number of buildings in the district where they are -- it's even a major retrofit but it's an empty building. I think I'm trying to figure out what do we do with everybody who's in an older building that they're all living in.

New buildings have -- you know, are very interested in selling that point, that they have made the commitment and they have put in heat pumps and they've done a variety of things. The question is what do we do with all of the condos, co-ops and multifamily dwellings that, you know, are older.

NYSERDA PRESIDENT HARRIS: I do agree. Retrofits are a different matter altogether, particularly in an urban environment.

The program that we have launched and continue to expand is the Empire Building Challenge, which is focused just on that, which is the retrofits that market -- not just how, but how does one share the technologies and the solutions that have been

utilized by these buildings. And that's been a central aspect of that program's success, and one that we continue to build upon as well.

ASSEMBLYWOMAN GLICK: Are we looking at some of these networks that will link buildings? And where are we? Is that just in the talking stage, in the explaining-to-me stage?

NYSERDA PRESIDENT HARRIS: So thermal energy networks, as they're known, are, I would say, a very interesting and relevant solution for dense populations, whether it be a SUNY campus or, in the case of the city, Rockefeller Center, where a pilot effort has been advanced through the New York Public Service Commission to both plan for and demonstrate that these networks can be installed.

ASSEMBLYWOMAN GLICK: We'll talk more. Thank you very much.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much, Assemblymember Glick.

Next is Senator Hinchey.

SENATOR HINCHEY: Hello, President Harris. Thank you for being here today.

I'm going to -- I don't have -- I'm not going to require everyone to have 10 minutes of questions.

I think a lot of the goals and the improvements that we've made and the steps forward that we've made in our renewable energy goals are incredibly important and really inspiring. That said, we need more solar energy, and we needed solar energy 50 years ago. We also have to make sure that we are siting our developments in places that make sense. Anecdotally, we know just in my district alone, many are still being sited or going through the permitting process in places that are not ideal, including prime farmland that still exists. We have one in Columbia County, for example.

What is NYSERDA doing to help incentivize solar developments on places like brownfields and parking lots and rooftops and places where we should be doing large-scale

solar that makes sense?

NYSERDA PRESIDENT HARRIS: Thank you for that question.

We have made, I'd say, good work at bringing these developments away from prime farmland. Our large-scale program, as you and I have discussed before, is showing that when we incentivize and make clear that that's our objective, that the companies are responding.

SENATOR HINCHEY: Admittedly, though, it's still happening.

NYSERDA PRESIDENT HARRIS: Oh, certainly. Certainly.

SENATOR HINCHEY: So how -- what are we doing to incentivize in other locations, as opposed to having just the developers come and say, "This is the place we want to do it," that may not make sense to the town, it may not make sense to the community, it may not make sense for our other goals, including our food supply or our wetland protections, and our forests that we must maintain. What are we doing to actively incentivize in

places where there should be solar development?

NYSERDA PRESIDENT HARRIS: Yes. With that side of the topic, there's two various -- two programs that I'd like to highlight. One is our Build Ready program that is exactly what Build Ready is intended to do, is to be siting projects -- and I'd say solar is the prime target to install on underutilized lands, brownfields, et cetera.

We had our first Build Ready project go to auction this year. It was on an abandoned salt mine, effluent, perfect place to put solar -- in the Adirondack Park, in that instance.

In addition, on the distributed side, we do recognize that these projects can be not at the same cost, perhaps, as a project on a greenfield, and as such we have a number of adders that are intended to incentivize the installation on brownfields and the like.

SENATOR HINCHEY: I'll tell you when I talk to solar developers who are both looking in our district and across the state, they

say that it is not economically viable to do it in places that are not kind of large-scale flatland, which is primarily farms.

So I would encourage NYSERDA or ORES and the PSC to do more in making it clear how we are incentivizing -- not just through the Build Ready program, but real incentives, so that we can shift away from the projects that are proposed currently and to places that make a lot of sense.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

No one should take offense; the Assembly got called into Ways and Means Committee, so we have the members who are not Ways and Means.

And the next Assemblymember up is Assemblymember Palmesano.

ASSEMBLYMAN PALMESANO: Thank you. I am on Ways and Means, but I wanted my question, so.

President Harris, good to see you again. I just, before I ask my question, I really wanted to emphasize your help. I

mentioned it to the DEC commissioner as well. I'm really concerned about the medium and heavy-duty regulations, the ACT regulation that was mandated on our school districts. We definitely need more than just a delay in the enforcement, we need a delay in the implementation.

We had a hearing last week. None of the state agencies showed up for it. They were sounding the red alarm. I mean, they're scared for their business future, the impact this is going to have on trucking. Ninety-six percent of the goods are transported by trucks in New York State. This will increase food prices, this will increase housing costs for construction materials.

So I would just ask you to, when you talk to the Governor, please send that message that we really need to take a look and pause on the ACT regulation, and also the school bus mandate, because that's something they're not ready for as well.

But one thing that did come out in the

conversations about it in the hearings is about things like renewable diesel, where you can use the same -- retrofit the vehicle you have, and you don't have to do any upgrades, you can use it and still have performance. And in fact the USEPA Office of Transportation and Air Quality said "New clean diesel fuel technology is expected to reduce particulate matter in hydrocarbon emission levels to near zero levels by 2025."

Wouldn't that be a better approach to address first, before going forward?

NYSERDA PRESIDENT HARRIS: Thank you for the question, Assemblymember.

Specific to today's discussion, I think it's very important to note that a diversity of resources will be a beneficial opportunity for New York to not only benefit from a reliable grid but, as I said, a diversified energy system writ large.

I'd say that the Clean Transportation Study that we have underway -- that was spoken about I know at the last panel -- is really getting at that topic, which is how

might a clean transportation standard be complementary to the other policies that we are advancing as a state.

And as we have seen in other markets, of course, that type of a policy did spur the utilization of renewable fuels like those that you're describing. So I'd say it is certainly an area that we are investigating.

ASSEMBLYMAN PALMESANO: So given the cost, in what we're hearing of the concerns, I think that would be a better way to go first and then work and try to work the technology.

On cost, I wanted to ask you, you know, we've heard, you know, cap-and-invest was talked about. It seems like there was a delay in that. The Governor has made comments about it's got to be affordable, it's got to be reasonable, feasible. And shouldn't we, when we go forward with these regulations, also if we pause -- we should be pausing -- we should be doing a cost and feasibility study along with this. Because cost and feasibility studies have never

really been done, whether it's CLCPA, school bus, ACT -- none of it.

But after five years of examination, why can we still not tell New Yorkers what the out-of-pocket costs for implementation of the CLCPA is, even especially after the CAC said the plan will pay for itself? Why can't we tell New Yorkers what the cost is going to be, then?

NYSERDA PRESIDENT HARRIS: So as -- thank you for the question. As described with the prior question, I would say we have been transparent about the costs.

Our integration analysis revealed very specifically the investments that would be needed, the benefits that would ensue. And I think something we don't talk a lot about is the importance of recognizing the investments we need to make in our existing energy system. Certainly we have an aging infrastructure, one that in and of itself requires hundreds of billions of dollars to maintain. We have a generation fleet that is in large part over 40 years old.

It is an area of investment the state will be having to make, in large part, either way. The question becomes what do we invest in, Assemblymember.

ASSEMBLYMAN PALMESANO: I'll ask you another question. We're asking our school districts to convert their entire fleet by 2035, their entire medium, heavy-duty fleet by 2035. But yet the State of New York does not have to convert their heavy-duty fleet till 2040. And the State of New York hasn't allowed for feasibility.

Doesn't this seem like hypocritical to you? Shouldn't it be the State of New York converting their fleet first and showing what the problems are and working out the affordability of the charging infrastructure and all that first? Before we really push this social experiment on our school districts and property taxpayers, let the State of New York do it first. Wouldn't that be the smarter, wiser way to do it, and show we'll lead by example, instead of: You go first, and then we'll wait and see what

happens to you?

NYSERDA PRESIDENT HARRIS: Thank you for that question.

I'd say first, with respect to the school bus requirement, this is a statute that this Legislature advanced in 2023 and one that we are advancing to implement. So certainly that has been our charge and something we've been utilizing $500 million of Bond Act money to facilitate these school districts as they begin their transition.

With respect to the state, of course, I agree. Certainly at NYSERDA I'm proud to say we're in -- moving in that direction in a timely manner.

CHAIRWOMAN KRUEGER: Thank you.

Senator Shelley Mayer.

SENATOR MAYER: Thank you. There we go.

Hi, President Harris. Nice to see you. And thank you for NYSERDA's amping up of its materials for school districts for compliance with the school bus

electrification requirements that were adopted by the Legislature.

One question is, how many staff at NYSERDA are involved in truly helping districts identify both how to pay for the buses and all the other questions that they've raised in conjunction with the requirement?

NYSERDA PRESIDENT HARRIS: Thank you for that question, Senator.

We have been staffing up our transportation team, consistent with the electric school bus program. I'd have to get back to you with an exact number. It's something on the order of 15 or so folks working on this, coupled with a series of contractors who can help us really be present.

We were very proud and thankful for the partnership, certainly of the Legislature in hosting the roundtables, but also our engagement with the BOCES systems and many, many school districts. Right now we're working with over half of the school

districts across the state.

But I do agree we have more work to do, and we'll continue to ramp up toward that outcome.

SENATOR MAYER: And what about -- as you know, one of the big complaints is that the actual initial cost of the bus is prohibitive, and we're mindful of that. What is the status of the Bond Act funding going out the door and/or any of the federal money that was allocated under the prior president and the prior Congress that would have helped with the purchase of these buses?

NYSERDA PRESIDENT HARRIS: Yes, so with respect to the applications received to date, we've received applications for about 100 million of the $500 million available. We've issued solicitations totaling -- or opportunities totaling about $300 million now, and the uptake has been strong.

I think many districts are interested in doing just what we wanted to do, which is to get a bus or two in their fleets and

better understand how they may operate and really expand their own educational process through this transition.

It is -- it is the case that we had made work of utilizing federal funds to complement the Bond Act money and the -- I'd say the progress that we would be making with the Bond Act money. That is through the USEPA. And although of course we're monitoring the potential implications, it's too early to say exactly what will happen relative to that funding source or the funds that had been committed thus far.

SENATOR MAYER: Okay, thank you very much.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Okay, we are up to Assemblymember Shres -- Shrestha. Excuse me for the mispronunciation.

ASSEMBLYWOMAN SHRESTHA: Thank you.

So in 2022 NYSERDA awarded $14 million as part of the Clean Green Schools Initiative to 11 school districts to invest in building

decarbonization. The next round of this funding is scheduled to be awarded in 2026. But 14 million for 11 school districts doesn't seem like a lot of money, and Senator Jackson and I are proposing appropriating $500 million to NYSERDA to help public schools overcome hurdles in accessing opportunities in the Inflation Reduction Act. That would be by providing up-front complementary funds and technical assistance for solar, geothermal and storage projects. And this program is based on a similar one in Pennsylvania.

So my question is, what kind of impact do you think this would have on schools as the need to decarbonize them and ensure safe temperatures becomes more pressing? And how much money do you think we actually need for this decarbonization effort?

NYSERDA PRESIDENT HARRIS: Thank you for that question, Assemblymember, and for your interest in this program. This is a big effort, $200 million in total across a number of different funding sources, including the

Environmental Bond Act, the Clean Energy Fund, and the Regional Greenhouse Gas Initiative, that has really been put to use.

Thus far we have funded 32 projects across 68 buildings. And importantly, we've also funded a large amount of technical assistance for these districts, because part of the issue is planning, being ready for the transition.

So with respect to your specific question, we'd have to scale that up as opposed to the actual number of school districts and school buildings within those districts across our state. As a general matter, though, I would agree that the need exceeds the funding. And certainly this is a great opportunity to protect our youngest citizens and create those modern, comfortable spaces for them to learn in together.

ASSEMBLYWOMAN SHRESTHA: And, you know, we have these direct-pay provisions -- for now still safe -- in the Inflation Reduction Act to help schools.

My next question is NYSERDA put out a

joint report with the PSC recently showing that we are not on track for the 70 percent renewables by 2030 goal. And we know that the New York Power Authority is, you know, doing its planning for building public renewables to help us close the gap on those goals.

Is there a role NYSERDA can play to fast-track these public projects?

NYSERDA PRESIDENT HARRIS: Directly speaking, Assemblymember, that is not a role NYSERDA would play.

I'm sure President Driscoll, in the next panel, would be able to speak to various means by which their authority could be streamlined, if you will, from a siting and permitting perspective.

ASSEMBLYWOMAN SHRESTHA: Okay. And I -- okay, thank you. Thank you so much.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Sorry about that.

Next is Senator Stec, five minutes as a ranker.

SENATOR STEC: Thank you, Chair.

Good afternoon.

Affordability and outmigration are two key issues that everyone here agrees that New York State is challenged with. Energy costs and reliability are two key components of both those issues, affordability and outmigration.

We've seen numerous reports showing that we will not meet the statutorily mandated goals that the CLCPA requires. Do you believe that those reports, such as Comptroller DiNapoli's report, are accurate?

NYSERDA PRESIDENT HARRIS: Thank you for the question, Senator, and generally for your partnership on a variety of fronts.

I've obviously talked a lot about the cost of the transition and the ways in which both we think about the cost of inaction versus the cost of action. And I think increasingly we need to think about the cost of the status quo ever more so.

So again, to reiterate, the cost of the status quo to really invest in our system, our energy system --

SENATOR STEC: Excuse me, that wasn't my question. My question is whether or not you agree with Comptroller DiNapoli's report that we are behind schedule and that this is going to be very expensive.

NYSERDA PRESIDENT HARRIS: Thank you.

To answer that question directly, we were, first of all, pleased with the Comptroller's report that reflected that our role in this, we were executing against the Public Service Commission's orders and working apace with the role that NYSERDA plays.

As relates to the goal achievement and the progress toward the goal achievement, we filed a report jointly with the Department of Public Service on this topic -- actually, before the Comptroller's report was issued -- really looking objectively at where we are and where we are heading toward our 2030 goals. That is a matter before the Public Service Commission.

But certainly that report reflected a possible delay in the achievement of the 2030

goal, and one that we continue to monitor but certainly advance rationally against with every decision that we make.

SENATOR STEC: Do you agree with the Comptroller's assessment from his audit that the Climate Act goals -- on the Climate Act goals that ratepayers will be the primary source of funding the transition?

NYSERDA PRESIDENT HARRIS: Certainly the ways these programs function today, any premiums that are paid for with respect to the generation and, of course, transmission buildout, are often ratepayer-funded programs. That's why the Public Service Commission remains central to how we get from here to there.

I think, importantly, we need to think about the investments that need to be made in our energy system irrespective of the transition and really look at this from the perspective of the incremental cost that may occur from our clean energy transition as opposed to the maintenance and expansion of the system we have today.

SENATOR STEC: The most recent NYISO report showed continued decline in grid reliability margins. Are you concerned about this impact of these shrinking margins? And do you think it's wise to retire our existing sources before new sources are brought online?

NYSERDA PRESIDENT HARRIS: Thank you for that question, Senator.

We do work very closely with the New York Independent System Operator, and certainly as they advance their reliability needs assessment. This is intentionally a process that involves all parties, for the very reason that the transition must be effectuated by a reliable grid.

So I was pleased to see the most recent data from the New York ISO identified, importantly, a downstate need that would be addressed when the Champlain Hudson Power Express project came online in 2026, and that there was no upstate need that was identified in that same study.

In the outyears of the study,

depending on the scenarios that you look at, there was a statewide need, but it --

SENATOR STEC: Do you think it's wise -- do you think it's wise to retire existing capacity before others are identified and brought online?

Several key projects for renewable energy have had their contracts cancelled or have had significant increased costs associated with them. For example, last April three offshore wind projects were cancelled with respect -- that were expected to generate 4 gigawatts of power. Why were these contracts cancelled? Is it because they were cost-prohibitive?

Because we have a reliability concern. We're not keeping up with the pace of generation. Demand is continuing to go up. And now you've got the Comptroller and NYISO both questioning the validity and the projections and the cost analysis that's been done so far. What do you say to that?

NYSERDA PRESIDENT HARRIS: Well, this is a difficult question to answer in

14 seconds, but I think this is exactly --

SENATOR STEC: I've been asking these questions for three years, Ms. Harris.

NYSERDA PRESIDENT HARRIS: Senator, this is exactly what these systems are intended to do, which is to provide checks and balances and ways in which --

SENATOR STEC: I want us to be honest with the ratepayers and the taxpayers of the State of New York. Period, full stop.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblyperson Chris Burdick.

ASSEMBLYMAN BURDICK: Thank you.

And President Harris, thank you for the great work that you do. From my days as town supervisor in the Town of Bedford, I know how impactful NYSERDA can be, and its grants programs.

And in that vein, I'm wondering if you could tell me the status of some of the funding programs that you have, and the funding levels, of the designation grants and

the action grants under the Clean Energy Communities Program.

I also understand that NYSERDA has partnered with Sustainable Westchester on the Renew America's nonprofit grants program. And I'm wondering if you could just give us an update on that and the funding levels.

NYSERDA PRESIDENT HARRIS: Thank you for the question, Assemblymember.

The Clean Energy Communities program, as I was just describing, has certainly been a real success across our state. It is -- I would have to get back to you on the specifics of the projects you're referring to, but it is a program that is at the moment closing out a 10-year initiative on Clean Energy Communities with a proposal for sort of the next phase of that program, in concert with the Climate Smart Communities Program that DEC implements.

ASSEMBLYMAN BURDICK: So that's closing out. And is it being succeeded by any program that's similar in terms of working with municipalities and for

community-based organizations?

NYSERDA PRESIDENT HARRIS: Yes. The program is intended to continue in a modified form. The form -- we received many, many comments from host communities on this topic, and it is before the Public Service Commission for decision-making. So the proposal is one that has not yet been codified, and one that we're happy to engage on your thoughts, of course.

ASSEMBLYMAN BURDICK: And do you know what the funding level that's been recommended by the Executive for that in the 2026 proposed budget?

NYSERDA PRESIDENT HARRIS: This is a program -- if we're speaking specifically to the Clean Energy Communities program, it is a program that is funded via ratepayers through the orders of the Public Service Commission. I'm not familiar with the Executive Budget numbers that you are looking for.

ASSEMBLYMAN BURDICK: So -- but the plan is to continue to try to work with community-based organizations and

municipalities as you've done so successfully in the past?

NYSERDA PRESIDENT HARRIS: Absolutely. And it's an area that we're extraordinarily proud of. I've mentioned our hubs several times, but also our clean energy siting team, which has engaged with well over half the municipalities across our state --

ASSEMBLYMAN BURDICK: And if I can, are they supported by federal grants or state grants or a combination of the two?

NYSERDA PRESIDENT HARRIS: Those programs are funded via ratepayer collections as we speak.

ASSEMBLYMAN BURDICK: Great. Thank you so much.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Ramos.

SENATOR RAMOS: Good afternoon. I want to begin by saying that many of us were disappointed to see a lot of the expected funding for cap-and-invest replaced with the Sustainable Future Program. And under the

cap-and-invest program, all projects would have been required or would be required to comply with the labor standards set out.

Can you give us more detail and be more specific about the type of projects that we can expect this funding from the Sustainable Future Program to cover, and how the Executive proposes to select those programs and projects, whether there's going to be public input, legislative input?

NYSERDA PRESIDENT HARRIS: Thank you for the question, Senator.

The $1 billion Sustainable Future Program that Governor Hochul included in her Executive Budget is very much intended to advance large-scale capital projects that are bondable. Our intention is to, to the extent possible, commit those funds in this fiscal year. So by design, this will involve projects that are infrastructure, large projects in nature, and therefore those that can allow for major projects that bring forward a large number of jobs and economic activity across the state.

SENATOR RAMOS: Will there be labor standards?

NYSERDA PRESIDENT HARRIS: That is a topic that I would have to defer to our Division of Budget on. Of course these projects do lend themselves to those types of standards. But as to the requirements, that is not something that I should speak to.

SENATOR RAMOS: I'll be following up on that.

With regard to your NYSERDA training apprenticeship centers, I've received some concerns from pre-apprenticeship practitioners who are finding them difficult to access. Would NYSERDA consider changing its funding criteria so those type of programs can better access the funds?

NYSERDA PRESIDENT HARRIS: Thank you for the question, Senator. I am always willing to find ways to expand access. We need as many workers as we possibly can get. Our $120 million for these purposes was very much intended --

SENATOR RAMOS: Why do you think

they're so difficult to access?

NYSERDA PRESIDENT HARRIS: Excuse me, I don't --

SENATOR RAMOS: Why do you believe they are so difficult to access for apprenticeship programs?

NYSERDA PRESIDENT HARRIS: I would not have a direct answer to that question because we have been working directly with so many contacts within the community of workforce development, organized labor and beyond, that the programs are very much designed with the input we've received.

SENATOR RAMOS: Thanks for the answer. I have one more question before I go.

How are you tracking job numbers by specific project, project size, job type? We're so far behind on reaching our goals; how are you keeping track?

NYSERDA PRESIDENT HARRIS: We produce a longitudinal study issued annually. The Clean Energy Industry Report tracks every clean energy worker across our state. Be glad to send that to you.

SENATOR RAMOS: Please do. Thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Hi, Commissioner. How are you doing today?

NYSERDA PRESIDENT HARRIS: Good, thank you.

ASSEMBLYMAN EPSTEIN: So you talked a little earlier about publicly available charging infrastructure, and I'm wondering what percentage of the funds that are being used -- I know we're talking about another million dollars -- is going to be available for publicly available? Which means no paywall before having access to the charging infrastructure.

NYSERDA PRESIDENT HARRIS: Yes. Thank you for that question, Assemblymember.

And specifically I'm pleased to say I came with my number. We now have 4,000 publicly available stations in New York City.

That is --

ASSEMBLYMAN EPSTEIN: So the 4,000 means there's no paywall, they're not in a garage --

NYSERDA PRESIDENT HARRIS: Correct. Correct.

ASSEMBLYMAN EPSTEIN: They're on the streets and publicly available to the public?

NYSERDA PRESIDENT HARRIS: That is correct. That is our most recent number.

And we see not only New York State, through the Department of Transportation, working with Con Edison to expand access through these hubs -- of course closer to the airports is a great example -- but also, broadly, the ways in which we're utilizing the funding coming from the federal government to advance that as well.

ASSEMBLYMAN EPSTEIN: So how does the public -- and I know it's been hard for people who have plug-ins or -- to distinguish between something that's publicly available on the street without a paywall versus things that are payable on NYSERDA's website. It

doesn't create a distinction, so people have a hard time determining if they can get publicly available charging without having to pay $50 just to park, and then pay for the charging on top of it.

So how is NYSERDA going to help the public feel comfortable with this when they don't really know where these 4,000 stations are and whether they're on the street or in a lot or anywhere else?

NYSERDA PRESIDENT HARRIS: Thank you for the question.

This is not -- I speak as an EV owner myself. I know the apps that I use actually explain to me whether I have to pay to park or not to use the charging infrastructure. This is literally data that can be fed into publicly available databases. And that's how I experience it: Less so NYSERDA's role, more me as a consumer.

ASSEMBLYMAN EPSTEIN: Because I have a plug-in as well, and there's no that I've found anywhere below, you know, 96th Street in Manhattan where there's a publicly

available charger anywhere. And the few that there are -- I think there's four in Manhattan in total. So I'm happy to hear there's 4,000 in New York City, and I think it's just harder for people to find them because so much of them are in garages. Which is really a disincentive for lower-income people who don't have a -- some people who are financially well-off can then put it in their garage and not worry about it. For people who are parking on the street, to get them to -- incentivize them to move to an electric vehicle, they need to know that the charging infrastructure will be available to them.

NYSERDA PRESIDENT HARRIS: We completely agree. There needs to be more public access to charging, full stop.

ASSEMBLYMAN EPSTEIN: Again, I look forward to working with you on that.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYMAN EPSTEIN: Thank you.

CHAIRWOMAN KRUEGER: (Mic off.) Thank you. See, now it doesn't like me.

I'm so sorry. We are now up to Senator Helming.

SENATOR HELMING: Thank you.

Thanks for your testimony, President Harris.

I want to talk about jobs, specifically accelerating economic opportunities, growth, particularly in upstate in the Finger Lakes region. You mentioned about jobs and businesses. Well, businesses need workers, and workers need housing. Are you aware that in some areas in upstate housing has just completely come to a dead standstill because we don't have capacity, we don't have enough electric to build? A simple yes or no.

In Ontario County we have over 500 units, residential units, on hold because of capacity issues.

NYSERDA PRESIDENT HARRIS: Thank you for the question, Senator.

I am aware of a number of areas -- I was thinking of an area in Rochester that I'm well aware of as an example of this. And I

think it's important to note that the Governor in her Executive Budget is recognizing two things, among many. One is the need for housing, right, and the commitment to continue to build housing. But two, importantly, the ways in which we can really ensure economic development occurs through the upgrade of our grid.

SENATOR HELMING: I just wanted to know if you were aware that we have a crisis situation right now where we can't build residential homes because we don't have electric capacity.

And then my next question is, why is there this massive push, this massive rush to retire existing power sources when we can't even meet the demand for current basic housing needs?

NYSERDA PRESIDENT HARRIS: Thank you. Thank you for the question. In many ways this is I'd say not something that I necessarily agree with, in the sense that when we plan for our transition, the studies that we conduct as well as that of the

New York Independent System Operator, inform the readiness of our grid to retire fossil plants.

So a great example is New York City, in which there has been a reliability need identified, and frankly they will --

SENATOR HELMING: I'm sorry, I have to cut you off. I only have 50 seconds left.

NYSERDA PRESIDENT HARRIS: But there will be solutions advanced toward that end.

SENATOR HELMING: I'm hoping that in this budget that there will be something to make -- to resolve that issue.

And also, can you just quickly tell me what's included in this budget to make energy more affordable for the working class? And if we run out of time, just going back to something that Senator Stec asked, my question to you too is, are ratepayers the piggybanks covering the state's CLCPA mandates? You mentioned that we have a cost for the CLCPA. What is it?

NYSERDA PRESIDENT HARRIS: So certainly when we're outside of this venue

I'd be glad to really share some resources with you that may be useful.

Certainly when we think about the Governor's billion-dollar commitment, this is very much with the lens of affordability and investment in mind. Really effectuating the transition for consumers across our state, particularly in the buildings and transportation sector.

SENATOR HELMING: No answers. It's a bunch of talk and no answers.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblywoman Sarah Clark.

ASSEMBLYWOMAN CLARK: Thank you.

And thank you, President Harris, for repping University of Rochester so well.

A couple of questions. I'm going to try to go fast, so the first one will be hopefully a quick one.

Large-scale thermal, which I do believe is going to be a huge piece of our clean energy future -- when will the first

project be up and running from the ones that were granted a couple of years ago?

NYSERDA PRESIDENT HARRIS: Thank you for the question. And thank you for hosting me in Rochester this year as well, with your partner in crime.

I would actually unfortunately have to defer that question to the Public Service Commission. They are advancing those pilots and would have the latest on the commercial operation date.

ASSEMBLYWOMAN CLARK: I just think getting to those large-scale -- it's so hard to go house by house, building by building, and I really think those -- you know, we need to learn from them and understand them so that we can see if that would really be what helps us get there.

Second question, and to the topic of which you came to Rochester for, is electric school buses. You know, very committed to seeing this through and sort of parsing through what is fear, what is not true, what is misinformation, and what is going to help

us get to our goals.

One of the big -- one of the issues that came from one of our districts who is very, very far ahead of this mandate -- they've been working on this long before it became law -- you know, is the utility company charge. And if they even hit a 15-minute window of peak rate for charging, they're charged the entirety for peak rate.

And sort of the answer they were getting was, Well, then, don't do that. Don't charge during the day.

And they said, Well, what if we have a field trip? What if we have this? That's not an answer that they can sort of work with.

It's different in other regions of the state. Whose role is it to ensure that our utility companies are working with our school districts to make sure the rate that they are charging particularly our public institutions for a mandate that we've asked them to do for our clean energy goals, to ensure they're not paying more than they are for gas, for

diesel, for what they're currently using?

NYSERDA PRESIDENT HARRIS: Thank you for the question. This was actually a topic that came up in the roundtable that we had hosted together last year, and it is one that really involves two things. Yes, in part it comes down to charging, to the extent possible, your buses at the best time that you can. Managed charging is an important part of this.

But it also has to do with rate design. And that is why I was very pleased at the roundtable that the utilities were present and specifically of the Department of Public Service was there as well. Because as we advance to not just one or two buses but hundreds and thousands of buses, it is very important that the rate design work for the school districts for those very reasons you describe.

ASSEMBLYWOMAN CLARK: I look forward to working with you on that, and all who may need to be there.

And then on Charge Ready, our

businesses are telling us they went from a couple-of-month window to over a year for approval. Is there any way you're looking at that to see efficiencies to ensure businesses can get their electric charging infrastructure up quicker?

NYSERDA PRESIDENT HARRIS: I will have to look into that. Thank you for raising it.

ASSEMBLYWOMAN CLARK: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Rachel May.

SENATOR MAY: Hi. President Harris, thanks for being here.

I wanted to start by saying I think it's great that you've hit that 36 percent number for disadvantaged communities for clean energy investments. Do you track and report the actual savings to consumers of those -- that might come from those investments?

NYSERDA PRESIDENT HARRIS: This is -- thank you for the question, Senator, and for raising this.

I'm also pleased to say our other

programs are delivering as well. The New York Green Bank, the Regional Greenhouse Gas Initiative, and the Clean Energy Fund are really all on track to meet or exceed these requirements.

There will be a requirement through the CLCPA for broad statewide reporting on not only the achievement of those objectives but, to your point, the impact thereof. It is a work in progress. But there are various reports I could share with you that at least show NYSERDA's contributions in that respect.

SENATOR MAY: It would be very helpful for us to know how it is benefiting ratepayers, because as you've heard, there is a lot of concern out there that it's driving costs up. But I think for some people you are bringing costs down, or you should be.

NYSERDA PRESIDENT HARRIS: Thank you.

SENATOR MAY: I had a question about the -- your draft Clean Energy Standard review, which pointed out that some of the contracts, because you award contracts to the lowest bidder, sometimes you're getting

unrealistic bids that don't actually get built.

Is there a -- any revision to those standards so that you can maybe take project bids that -- you know, judge them not just by the lowest bid but by whether they'll get completed?

NYSERDA PRESIDENT HARRIS: Yes. Thank you for the question. This is actually a topic that was included in the progress report -- the biennial review, as we called it -- looking at the scoring criteria that we utilize.

Just for clarity, we do not award solely on the basis of price. We do, depending on the program, generally look at 30 percent nonprice components. But it is true that the lowest price of course dominates, relatively speaking. So we've brought forward a few additional considerations for the commission to deliberate on.

In the meantime, I am pleased -- I haven't been able to say this yet. We have

constructed 2,000 megawatts of renewables in the last 18 months. We have well over twice that moving into construction. So I would say we do have a lot of reason for optimism that the portfolio is advancing consistent with our objectives.

SENATOR MAY: Wonderful.

And then my last question, just very quickly, how close are we to developing affordable, sustainable aviation fuel?

NYSERDA PRESIDENT HARRIS: That -- sustainable aviation fuel I would say is a work in progress. There's a lot of development globally that we're happy to talk about as we advance in the coming decades.

SENATOR MAY: Thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Dana Levenberg.

ASSEMBLYWOMAN LEVENBERG: Good afternoon, President, and thank you so much for taking all these questions.

I'm going to repeat one that I put to DEC earlier, and maybe you heard it, I don't know. But given yesterday's market correction because of more efficient AI models from China which require fewer data centers and less power, do you really think that the state should be spending resources on bringing online untested nuclear technology that doesn't exist, will not be up and running for decades, there's still no plan for waste disposal, as we heard previously from my colleague Senator Harckham, and to date there has been no nuclear effort that has actually paid for itself and requires enormous subsidies, and no one wants it in their backyard? Even if it's not in our backyard, again, where Indian Point is.

So that's one question. I'll just throw out another one, which is that, you know, we know that energy storage actually -- as much as we have heard from some of our colleagues, the great fear of fire is a great way to address the intermittent nature of

renewable energy generation. So maybe you could explain a little bit more how energy storage is successfully addressing intermittent generation.

And finally, if you could explain the benefits that New Yorkers are experiencing when they electrify their homes with the help of NYSERDA's various incentive programs -- which include things like health benefits, clean energy sector workforce development, household comfort, and energy savings -- that would be lovely.

NYSERDA PRESIDENT HARRIS: Thank you. I'll do my best, Assemblymember.

ASSEMBLYWOMAN LEVENBERG: Thank you.

NYSERDA PRESIDENT HARRIS: Energy storage is a game-changer with respect to the ways in which it can allow us to reduce our peak load. The estimate is the 6 gigawatts that we will be deploying can reduce the peak by 20 percent. So that means we don't have to build a lot of generation in order to buttress this system in that decarbonized future.

As relates to nuclear technologies, we are in a study mode. I want to be completely clear, we're looking at this much like we did with the offshore wind resource over a multifaceted, objective look at the potential for the resource brought about by the bipartisan support that we saw in the Biden administration through the Advance Act. It is something that we don't have answers to, but we have many questions and we're committed to looking at this rationally.

On the topic of building decarbonization, I think it is the topic that should be discussed more, which is the homes that we are electrifying and making more efficient are in fact more comfortable, more modern, and more pleasant to live within. Healthier homes, in the first instance, is really what we're creating along the way. So a reason for pride in what we're doing for our constituents.

ASSEMBLYWOMAN LEVENBERG: Thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair.

Thank you, CEO Harris. Appreciate you being here today.

I have had many, many, many conversations with school districts about the electric school bus mandate. It is a cause of a lot of stress and consternation. But here's the issue. The numbers just don't add up. By my estimates, it's going to take $20 billion to turn every school bus into an electric school bus in New York State. That's about an $8 billion delta between a gas or diesel school bus and an electric school bus.

And yet you've only provided -- the Governor has only provided $500 million. So we've created this Hunger Games for school districts. And now we have school districts that are actually voting down the purchase of these buses, even when these school districts have gone to extensive lengths to try to basically encourage it by having school buses

there, electric school buses there and touring them and everything else.

So now the school districts are going to have to choose between educating our children and feeding our children or meeting this ridiculous boondoggle mandate. How are we going to address that?

NYSERDA PRESIDENT HARRIS: Well, thank you for the question.

As I had said, Senator, we have been working to implement the -- against the timeline, of course, that the Legislature included with respect to the 2027 timeline for zero-emission school bus purchases.

The $500 million I would not claim will get us all the way from here to there. How I think about it is it is allowing our school districts, our 700 school districts, to each get a couple of buses in their fleet to better understand how they operate and --

SENATOR BORRELLO: And that would be great if we had a pilot program, but we do not. Would you support ending this mandate, which is already causing lots of stress, and

replacing that with a bill that I have that actually calls for a pilot program in a rural school, suburban and urban area, so we can actually see what's going to happen?

NYSERDA PRESIDENT HARRIS: Certainly I can't comment on your bill, but I can tell you that we are certainly using these funds to provide this experiential support for the school districts. Right now we're working with over half of the districts across the state.

SENATOR BORRELLO: Well, again, I would say we haven't even got part of the way there. We really haven't gotten past square one at this point. We have very few -- and here we are, you know, the mandate is right around the corner. They're not going to be able to purchase non-electric school buses after 2027.

And I just don't know how we're going to tell our school districts -- and people are already paying way too much in school tax, property taxes in general. And to tell them that we have to meet this mandate

without actually supplying enough money for them to meet the mandate is a true problem.

And I realize that's just something that the Governor and my colleagues on the other side of the aisle need to address, but I really would like to see your leadership on this and the fact that, you know, a commonsense alternative would be to test it out and see how this works.

NYSERDA PRESIDENT HARRIS: I'd say the fleet electrification plans are a central aspect of this, which we are funding fully. This is going to provide these school districts just what they need, which is a roadmap: What will it actually take to get from here to there. These plans are central to understanding the transition more factually.

SENATOR BORRELLO: Thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember.

CHAIRMAN PRETLOW: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: A couple -- we'll do lightning round as well over here.

So I appreciated what you said earlier that we do need to focus on efficiency of homes. One of the programs that you have, the EmPower+ program, is specifically designed to help lower-income families do exactly that.

But of course people who have -- need hazard mitigation or pre-electrification work on their homes are disqualified for that program, and most likely to be the lowest income of those that income-qualify.

So is NYSERDA receptive to, open to expanding the program, whether it be through the hubs or in partnership with, say, HCR or OTDA, work with us to expand that program to make sure that we also fund those pre-electrification and hazard mitigation initiatives in order to get them to the place where they can do the efficiency?

NYSERDA PRESIDENT HARRIS: I'm very glad you brought this to my attention before this hearing, and I'd say even here. It is

the case that we are dealing with a population that does need the ability to both make their home safe and -- I'd say before one can talk about efficiency or electrification.

And we've been better at sort of taking these funds from HCR and others to allow that to happen. Our hubs are a great place to really bring those resources together. But I do agree with you fully that there's more work to be done. I don't believe that the funds are sufficient to really necessarily combine at this moment, and I'd welcome the opportunity to work with you to identify ways that the consumer experience can be improved from beginning to end.

ASSEMBLYWOMAN KELLES: I'm excited to do that with you. That's great.

So another question, the PSC directed NYSERDA a while ago to evaluate and propose an agrivoltaics incentive adder. Specifically, agrivoltaics for -- you know, if they're used properly, we really would

like to incentivize those so we're not competing between food and electric -- renewable energy infrastructure.

Where are you in the process of creating that, and how soon can we expect that proposal to go to PSC?

NYSERDA PRESIDENT HARRIS: Thank you for the question. I will need to get back to you on where that process stands, as I am not entirely sure if it's -- where we are in the process.

But I will tell you that we completely agree, there is no disagreement that agrivoltaics can be a way in which solar siting can be made -- allow co-use. And we are doing the same with RGGI funds for that same purpose, and working with Cornell on their program as well.

ASSEMBLYWOMAN KELLES: Perfect.

I'm going to just ask one other question. NYSERDA recently published its blueprint plan to build new nuclear power plants. Can you tell us details about the public participation process? Is it accurate

to say that the focus has been to specifically create nuclear for the private uses like AI data centers, Micron? Or is this to put energy onto the grid? Can you give us an idea a little bit more, in 10 seconds?

(No response.)

CHAIRWOMAN KRUEGER: Thank you very much.

ASSEMBLYWOMAN KELLES: We'll follow-up with that question. If anyone else wants to ask it, by all means.

(Laughter.)

CHAIRWOMAN KRUEGER: Our next Senator is -- I'm so sorry -- Senator Gonzalez.

SENATOR GONZALEZ: Thank you so much, Senator Krueger.

Good afternoon, President Harris. I think this is a perfect segue, actually, because Assemblymember Kelles and I are working on numerous -- or two bills, at least, that address both retrofitting and data centers.

So starting with retrofitting, as

we've spoken about before, we know New York has an aging housing stock. And I'm curious, with the existing programs -- EmPower+, the Weatherization Assistance Program, Clean Energy Fund -- what has the progress been?

And how are we taking steps to actually get the word out about these programs? Because when I speak to my own constituents, there still seems to be a knowledge gap about what exists.

NYSERDA PRESIDENT HARRIS: Thank you. thank you for the question. And this is an area that, as I had said earlier in my testimony, it is a focus of ours both through our Regional Clean Energy Hubs, our website presence, to streamline access to these programs.

I'm pleased to say last year we increased our deployment of EmPower funds by about 20 percent, so that's a really good thing. But it is a small component of the broader need. We're touching twenty, 25,000 housing units a year, and we need to be touching 200,000. So there is certainly more

work to do.

I look forward to ways you may suggest that we can make our resources better accessed.

SENATOR GONZALEZ: Right. And then for folks who may be in low-income communities, who are coming from environmental justice communities, who may not quite qualify or satisfy the prerequisites for those programs and may need to make upgrades to their own home, is there a single fund that exists -- not a loan, but a grant -- to support them in making those upgrades so they can qualify for the broader or existing retrofitting?

NYSERDA PRESIDENT HARRIS: Yes. So our MyEnergy portal that we just launched, I had offered a tour for anyone who was interested. That's exactly what it's intended to do, is to provide a streamlined way to determine what sources of funds you may be eligible for, depending on your income but also the type of residence or building that you occupy.

SENATOR GONZALEZ: That's great to hear.

And then in the last minute, I will definitely plus-one Assemblymember Kelles's question on nuclear and AI. It's one that I've been meaning to engage you on in my capacity as chair of the Internet and Technology Committee. As we see data centers increase in number across the state, we're certainly interested in seeing what the impact will be on our energy.

NYSERDA PRESIDENT HARRIS: Certainly one of the reasons that we're undertaking this master planning process is because we have seen an increased amount of interest on the part of corporate buyers, whether it be AI, data centers, hyperscalers, or semiconductor manufacturers and the like, in really partnering with generation.

So it is among our studies and the work we'll be doing, but it is not the only potential application that is being considered through the master plan.

SENATOR GONZALEZ: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRMAN PRETLOW: Assemblymember Kassay.

ASSEMBLYWOMAN KASSAY: Hi, good afternoon. I have two questions, one about local plans transitioning to alternative uses.

So out in Suffolk County, Port Jefferson, we have a peaker plant powered by natural gas currently, and in the district, village governments and task forces are working very hard to figure out and try to have agency in the transition to whatever might come next for that plant, both to avoid a brownfield situation, be part of the solution, and then there's also a great tax implication.

So the plant has been applying for a reduced tax burden for itself, thus putting the burden back on the local taxpayers. And so can you speak to what in the budget -- and if there's adequate support for these local governments and groups who are trying to have that agency and solve that problem?

NYSERDA PRESIDENT HARRIS: Yes, Assemblymember, I appreciate the question. This was a very central topic to the Just Transition Working Group that I cochaired with Labor Commissioner Reardon.

And in building on that, there's a number of initiatives on the workforce side. But specific to the site side, there is a Just Transition Site Reuse program that we have undertaken at NYSERDA focused on bringing communities and generators together to reimagine the site itself -- to your point, to avoid a situation in which it is left, you know, without a future. Right?

So I'd encourage you just to -- I can connect with you to really discuss that program and its potential applicability.

ASSEMBLYWOMAN KASSAY: I appreciate that, thank you.

And my second question, can you please speak to funding in the budget that might be there to further Rules Committee energy storage technologies beyond lithium-ion and if there's currently any promising

technologies that we're not yet, you know, widely using. I know we live in this world of breakneck technological improvements, so just curious to see if that's something that New York State is also trying to take the lead on and what the status is.

NYSERDA PRESIDENT HARRIS: Yes, you've hit a very important topic to the NYSERDA team. Our innovation team invests significantly in developing technologies and solutions that may be on the edge of commercialization and, you know, near ready to deploy, and among them are different chemistries that could be deployed for the purpose of energy storage. Iron oxide is one that people talk a lot about as a potential long-duration energy storage solution.

But there's other chemistries as well, as well as the potential application of hydrogen and many others.

So this remains a focus of NYSERDA's, certainly through the Clean Energy Fund but also moving forward --

ASSEMBLYWOMAN KASSAY: Thank you. Are

there any opportunities for pilot programs currently?

NYSERDA PRESIDENT HARRIS: Absolutely. Our programs are available as we speak.

ASSEMBLYWOMAN KASSAY: Very good. We'd be happy to connect about that.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYWOMAN KASSAY: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

We have Senator Canz -- I always get your name wrong, I'm sorry -- Fitzpatrick. I love the blending of the two cultures, but the names are tricky together.

SENATOR CANZONERI-FITZPATRICK: Thank you, Chair.

Thank you, President Harris. There's been a lot of reports that have been issued in relation to what's going on with our energy. A Power Trends report from 2024 from NYISO said that given the trend, that we have power-generated retirements outpacing additions. We also have a trend that we are going to head toward a winter peaking system in the mid 2030s. And that we -- if natural

gas becomes unavailable and supply cannot be secured elsewhere, statewide deficiencies could arise as soon as the winter of 2029 and 2030.

We have the Comptroller's report saying that the audit found that PSC's and NYSERDA's efforts have not met all the essential components of complying with the Climate act, including the determining the cost of transition to renewable energy, and that the cost of transition has not been reasonably estimated. That report, from July 2020, recommends that we conduct a detailed analysis of cost estimates to transition to renewable energy sources and meet the climate goal acts.

So my question to you, in response to these reports -- what has NYSERDA done in response to these reports to respond to these inadequacies that have been highlighted?

PRESIDENT HARRIS: Thank you for the question, Senator.

This is, as I had described earlier, an area that many different actors touch

upon. Our job at NYSERDA, of course, is to bring on new renewable generation that can in part address the challenges that may be seen in the studies that you're referencing, which are by the New York Independent System Operator.

All that to say I found the studies by the New York ISO to be quite encouraging with respect to the areas of need that they identified. And in my view, we're well on our way toward having solutions brought to bear to address those needs should they exist.

SENATOR CANZONERI-FITZPATRICK: But if we're engaged in a budget hearing, the idea is to come up with money, right? Estimating cost is a basic, basic thing that we are doing here.

And NYSERDA hasn't done that, and I want to know why. How do we move forward with giving money and allocating and moving forward with this plan if we don't know what it's going to cost and we don't know what it's going to cost our constituents?

NYSERDA PRESIDENT HARRIS: I would -- I would say that the integration analysis that we conducted through the Climate Action Council was intended to be a transparent assessment of costs and benefits.

Again, hundreds of billions of dollars on either side of that equation, which were transparently provided and will be updated through this year's State Energy Plan that will be produced by the end of this year, Senator.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember.

CHAIRMAN PRETLOW: Assemblymember Ed Ra --

ASSEMBLYMAN RA: Thank you.

CHAIRMAN PRETLOW: -- the ranker.

ASSEMBLYMAN RA: Good afternoon.

So going back to nuclear and advanced nuclear, obviously this is something that under, you know, our Climate Protection Act we need to have this baseload of energy as we're also, you know, putting all these other sources in.

So just in terms of what our long-term plan here is with regard to nuclear, which I think has to be part of this -- so I guess, number one, do you view that as part of the long-term solution here, nuclear power?

NYSERDA PRESIDENT HARRIS: Thank you for the question, Assemblymember.

We certainly, through that same integration analysis, recognized that there was a need for tens of gigawatts of dispatchable emissions-free resources to complement the renewables that we were deploying. Nuclear may well be one of those resources, along with several others that are being considered as we speak by the Public Service Commission.

The intent of the nuclear master plan is to take an objective look at the aspects of advanced nuclear deployment, both from a technology perspective but also a cost perspective and a risk perspective, in an objective way, to help us determine collectively the potential contributions of this resource.

ASSEMBLYMAN RA: Great. And I know -- so we have a $6 million allocation for that nuclear power development master plan. So what is the time frame on that coming together?

NYSERDA PRESIDENT HARRIS: Yes, so the 18-A assessment that is attributed to NYSERDA this year does include a modest expansion, in part to allow us to advance our State Energy Plan that I had described as being underway. As part of it there will be a number of studies. Nuclear, certainly, studies will be included within that work.

And specifically when we consider how we get from here to there, it is a multifaceted effort. I would anticipate it requiring a number of years to play out. But along the way, we are advancing other work in parallel, including a multistate initiative that we will be cochairing the potential utilization of Department of Energy funds for planning at the Nine Mile facility in Oswego, along with others.

So it will be a work evolving over

those coming years.

ASSEMBLYMAN RA: And that was -- you read my mind, because that was my other question, is what are the plans of NYSERDA to support Constellation Energy's effort to install a small modular reactor at the site in Oswego.

NYSERDA PRESIDENT HARRIS: Yes, thank you for the question. I'm glad it was brought up.

So Constellation has applied for a planning grant to the U.S. Department of Energy. So this is a very early site design effort. This has nothing to do with actual deployment but, rather, what would be needed to understand the potential permitting and siting regime for a new reactor at that facility in Oswego.

So NYSERDA's role in this would be to provide the cost-share required under that planning grant, and certainly we await any feedback from the Department of Energy, as this is a competitive process.

ASSEMBLYMAN RA: Okay, thank you. I

mean, as you're aware, you know, when it comes to the use of land and the amount it -- you know, this technology, you know, and they're coming up with new technologies with it, takes up as opposed to some of the other sources, I think it makes a lot of sense to, you know, continue to think about kind of the mix of -- kind of an all-of-the-above approach to trying to meet our goals.

So thank you.

NYSERDA PRESIDENT HARRIS: Yes, you and I have discussed resource diversity a number of times. I think you're seeing this year the embrace of various complementary technologies, and this certainly being one of them. One of the major benefits of it is the energy density, as you describe it. So looking forward to further engagement on this.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Pat Fahy.

SENATOR FAHY: Thank you.

Welcome, President Harris. And I know

you've had a long day, so I'm not going to repeat a lot of the -- or try not to repeat a lot of the questions, I'll just make a few comments. But I know you've been asked a lot today about the costs of implementation, and I always share an interest in hearing more about costs on implementation. So I look forward to always hearing more on that.

But I also want to -- I was reminded by my colleague, what is the cost of doing nothing. And so I'd like to see that juxtaposed with doing nothing to address the weather-related disasters that we seem to have every week, the water problems that everyone has brought up all day, including to DEC, and the growth of some emerging contaminants in our water and soil. So I'd like to make sure we're getting a full scope on costs.

With that, kudos as well on the progress being made on distributed solar. And I too would like to hear more about residential solar. I also -- Senator Hinchey had asked a question about solar farms.

Would also like to hear more as well on that, because I do agree with the concerns in how we address that.

Just a couple of other comments and then I do have a question. Share a number of the concerns that were raised about the Advanced Clean Trucking, as well as on the EV buses. I too am interested in some time here, because we didn't anticipate some of the, you know, international upheaval in the energy markets. We've got infrastructure problems, charging times, range constraints and others, particularly in our rural and more suburban areas.

So as much as I have been supportive of moving toward the EV school buses in particular, I recognize there are a number of constraints and I think we need more flexibility.

Also just want to echo the interesting questions and follow-up on the data AI.

Question. The offshore wind -- I haven't heard that for a few hours. The new Trump administration has already halted

federal leasing of lands for offshore wind development. We've been waiting on updates on the 500 million that was appropriated from a previous administration.

Can you give me an update on where we are -- and of course you know I have a particular interest in the Albany Port, so I would remiss if I -- you know, full disclosure, but also an interest in wind energy in particular.

PRESIDENT HARRIS: Thank you, Senator. This is not going to be able to be answered in this time. But what I want to make clear is our commitment to this resource remains firm. The Governor has made that clear. We are working to assess what impacts the Trump administration will have in making rational, good decisions to both advance our $500 million and the projects themselves.

You have our commitment that we will continue our work.

SENATOR FAHY: Thank you so much.

Thank you, Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Matt Slater.

ASSEMBLYMAN SLATER: Thank you very much. Good afternoon, President Harris.

You had mentioned earlier about battery energy storage systems, and I'm curious if it's your position or that of NYSERDA that large-scale commercial battery energy storage systems belong in residential areas.

NYSERDA PRESIDENT HARRIS: NYSERDA -- thank you for the question. The specific topic of energy storage siting is one that is somewhat dependent on the capacity, if you will, of the system. The permitting authority differs depending on how the system is sited.

I don't myself, as NYSERDA, have a point of view, nor jurisdiction in that respect. But certainly the topic of safety is paramount when we think about how we display and advance energy storage systems, something that we are committed to doing in a

very responsible manner.

ASSEMBLYMAN SLATER: Has NYSERDA proposed any type of standards for, again, commercial large-scale battery energy storage systems in residential areas?

NYSERDA PRESIDENT HARRIS: We have not. Our focus has really been on the Fire Safety Working Group that Governor Hochul formed, and really the necessary reforms perhaps to code, to community engagement, and to education and awareness that are necessary to really equip the communities to host projects -- less so the specifics with respect to where they would be sited.

ASSEMBLYMAN SLATER: As part of the Fire Safety Group, have you looked at -- or do you currently require those applicants or companies that -- again, looking specifically at large-scale battery energy storage systems -- provide any type of insurance for neighboring properties should there be damage to those properties in the case of an emergency such as a fire that we've seen here in New York and in other parts of the

country?

NYSERDA PRESIDENT HARRIS: Certainly the topic of insurance is an important one, but it is not NYSERDA's jurisdiction.

ASSEMBLYMAN SLATER: Much of the battery energy storage problem seems like it's not in your jurisdiction. But then again, it is part of your equation --

NYSERDA PRESIDENT HARRIS: Certainly.

ASSEMBLYMAN SLATER: -- for the grid. So I don't really understand how you can say it's not part of your jurisdiction, yet you need it for the grid. I mean, there are significant concerns -- of again, large-scale commercial storage systems -- being sited 200 feet from people's houses.

And so if it's your position that it's needed, but yet you're walking away from any type of safety precautions to ensure that that in fact would be a safe use, I have a hard time buying that.

NYSERDA PRESIDENT HARRIS: Certainly safety is paramount. I don't want you to misinterpret what I'm describing. What I am

saying is NYSERDA does not permit these projects. They are permitted by the Office of Renewable Energy Siting or the Department of Public Service, depending on its capacity.

So I want to just be clear where our responsibility lies. Certainly I'm sure the chair will have more to say on the next panel.

ASSEMBLYMAN SLATER: Looking forward to it. Thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator John Liu. And we have been joined by Senator John Liu, I just never said that earlier today. Thank you.

SENATOR LIU: (Mic issues.) There you go. Apparently I was not pressing it correctly. But I was pressing the button that says "push."

Thank you, Madam Chair. And thank you, President, for joining us.

NYSERDA PRESIDENT HARRIS: Thank you.

SENATOR LIU: NYSERDA recently published its blueprint plan to build new

nuclear power plants. Can you tell us details about the public participation process NYSERDA will have and the timeline of that participation and approval process?

Don't thank me for this question. You can thank Assemblymember Kelles for this question.

(Laughter.)

NYSERDA PRESIDENT HARRIS: Thank you, Assemblymember Kelles.

The master plan will be a multiyear process. And much like our offshore wind master plan, community engagement will be a central aspect of our work. Perhaps even more so, obviously, given the history that exists from the perspective of conventional nuclear power plants across our state.

So this will involve many ways in which we can take in input, but also information. I think education is going to be one of the most central aspects of this endeavor, because we need better to describe how these technologies work today, as opposed to the technologies of decades ago -- but

also to clearly evaluate the impacts and benefits that may ensue.

SENATOR LIU: And what would the timeline for that participation and approval process be?

NYSERDA PRESIDENT HARRIS: Certainly. The timeline of the study is likely to require multiple years, but that doesn't mean our engagement will start in multiple years, it will be undertaken this year to begin the process of what will be a multiyear engagement.

SENATOR LIU: So can -- I mean, what's the minimum timeline? Like can we say there won't be any nuclear power plants for five years, for 10 years? What's -- what's --

NYSERDA PRESIDENT HARRIS: Certainly when -- yeah, thank you. When you read the literature, it would be fair to say that from the perspective of deployment, these technologies are many years in the future. Some would say a decade, some would say earlier, but we are not talking about a --

(Overtalk.)

SENATOR LIU: Okay, so you have no idea how long it will take.

NYSERDA sent out a request for proposals to the nuclear industry. Can you share with us which companies have responded and what they proposed?

NYSERDA PRESIDENT HARRIS: We are currently reviewing what was an extraordinarily robust response, which exposed to me really the opportunity exists in many aspects of our economy, including education, manufacturing, supply chain and the like.

We'll be using those RFI responses for further engagements and certainly will be releasing details that are relevant for the broader planning exercise.

SENATOR LIU: You could thank me for this question, and the question was: Can you share with us which companies have responded?

NYSERDA PRESIDENT HARRIS: There were dozens if not a hundred companies that responded -- or entities that responded.

SENATOR LIU: Okay. I didn't ask you

how many, I said which companies. But good job running out the time. Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRMAN PRETLOW: Assemblymember Simpson.

ASSEMBLYMAN SIMPSON: Thank you.

Thank you, President Harris.

Does NYSERDA provide oversight, technical assistance or even analysis of projects that the state is building, you know, its own facilities?

NYSERDA PRESIDENT HARRIS: The state facilities would typically be reported under -- by the Office of General Services. We do work with them. In fact, we just issued some guidelines for sustainable development, i.e., construction. But from the perspective of reporting, it would not fall under NYSERDA, but rather OGS.

ASSEMBLYMAN SIMPSON: Yeah, I just wondered in reference to a project that, you know -- in North Creek, the Ski Bowl is part of the Gore expansion. Beautiful facility. But I was surprised to see that the heating

source is going to be fueled by propane.

NYSERDA PRESIDENT HARRIS: Thank you. I heard you ask that earlier, and I assume that was ORDA who had made that investment.

I can't speak to their decision-making, but certainly that is within their ability to utilize that, propane as a heating source for that type of a facility.

ASSEMBLYMAN SIMPSON: It just seems that the state has rules for residential homes, new homes being built, the move to electrification. We have mandates for EVs, we have all sorts of moving pieces that are affecting all New Yorkers. But then when it comes to the state's facilities, programs, investments, there may be a missing link here between what we tell others to do and what we're doing ourselves.

NYSERDA PRESIDENT HARRIS: There are investments going on in state facilities, certainly the Empire State Plaza being a great example of one that is underway by OGS through the executive orders, but also the allocation of budget funds by the Governor.

So again, work in progress, but underway.

ASSEMBLYMAN SIMPSON: Thank you for your response, because it actually highlights it's costly, it's very expensive. And when it comes to the consumer, they have to decide how they're going to move forward with these mandates, but then the state makes its decisions and doesn't have to comply by the same rules. So I think --

NYSERDA PRESIDENT HARRIS: What I would say to that, though, is that each building type is quite different. Building a zero-emission single-family home is quite different than addressing the Empire State Plaza. That's really the phase-in that we are advancing as a state, recognizing we need to start with the place that is perhaps simplest, and that is the strategy that we are undertaking with zero-emission new construction, while of course these more complex buildings are advanced as well.

ASSEMBLYMAN SIMPSON: Okay, thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Walczyk.

SENATOR WALCZYK: Thank you, Chairwoman.

Comptroller DiNapoli says that the CLCPA costs $340 billion to implement. Is he wrong?

NYSERDA PRESIDENT HARRIS: Those numbers are approximately those. I'd have to pull them from the integration analysis, but likely it was quoting data from our own analysis.

SENATOR WALCZYK: Good. And I heard the question from a couple of other members. What was your number?

NYSERDA PRESIDENT HARRIS: I'll have to pull it. It was on that order. I have it in my notes. Just one minute.

SENATOR WALCZYK: Oh, just your total number in billions for what it will cost to implement the CLCPA?

NYSERDA PRESIDENT HARRIS: So the estimates that we had provided were on that order, both from the perspective of costs and

benefits.

SENATOR WALCZYK: So $340 billion?

NYSERDA PRESIDENT HARRIS: Again, I'll have to -- you have to give me a sec to pull the exact number. It was a range that we produced.

SENATOR WALCZYK: Okay. You've been with NYSERDA for 15 years?

NYSERDA PRESIDENT HARRIS: That's correct.

SENATOR WALCZYK: And this is still the Energy Research and Development Authority?

NYSERDA PRESIDENT HARRIS: Well, that was the constitution of the organization back in 1975.

SENATOR WALCZYK: Indeed.

NYSERDA PRESIDENT HARRIS: Better known as NYSERDA now, though. No one tries to spell it out.

SENATOR WALCZYK: Does the Governor like nuclear power?

NYSERDA PRESIDENT HARRIS: The Governor is very interested in the

technology, both from the perspective of its ability to be -- I'll say serve larger loads, such as that by AI, semiconductor manufacturing, and the like. But also its ability to be sited in, as I said, a more energy-dense way. Less land use and a large amount of electricity that may be generated.

So she certainly called for the Future Energy Economy Summit in Syracuse last year that many of you participated in, really as a means by which we could begin an objective assessment of this technology, among others, as useful and complementary to the renewable resources as well.

SENATOR WALCZYK: So she actually likes nuclear power?

NYSERDA PRESIDENT HARRIS: I'd say she's quite interested.

SENATOR WALCZYK: Would you say nuclear power is emissions-free?

NYSERDA PRESIDENT HARRIS: I would say nuclear power is a zero-emission asset.

SENATOR WALCZYK: Is it carbon-free?

NYSERDA PRESIDENT HARRIS: Yes.

SENATOR WALCZYK: Is it safe?

NYSERDA PRESIDENT HARRIS: That is a topic that is subject to our master plan. There's new technologies that are at least marketed from the perspective of providing additional safety features. This is something we will be looking at and evaluating on behalf of New Yorkers.

SENATOR WALCZYK: Does its reliability make it a necessity for where New York is headed for electrification?

NYSERDA PRESIDENT HARRIS: Well, we certainly know that we will need tens of gigawatts of dispatchable emissions-free resources. It was on the order of 18 gigawatts. Nuclear may be a contributor to that. We are not at the point of making that statement.

SENATOR WALCZYK: Like the Governor paused congestion pricing before an election, she also is putting a pause on cap-and-invest until after the gubernatorial election. Will we see your master plan for nuclear power after that election, or are we going to see

it beforehand?

NYSERDA PRESIDENT HARRIS: I want to make clear that cap-and-invest is not paused. We are advancing numerous aspects of this program, as described my colleague on the last panel.

As relates to nuclear power, it was included in her State of the State address. She set this direction for us, and we'll be certainly reporting along the way.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Pirozzolo.

ASSEMBLYMAN PIROZZOLO: Push, okay.

Thank you, President Harris, for being here.

I just happened to stop by -- in and out all day, a lot of questions -- and I heard one of my colleagues talking about insurance. And I know insurance isn't really your thing. But looking at the website, it talks about -- your website -- improving the quality of life for all New Yorkers

equitably.

Now, in my district in Staten Island they want to put one of these second-largest battery facilities, BESS sites, in the country. We all know and we've seen that battery sites do go on fire, and when they go on fire, everything seems to go up. The fire department can't try to put them out.

This particular site is located along a lot of different waterways. One of the reasons fire departments can't put them out is because they don't want to poison the ground and the groundwater. But they're willing to do that on Staten Island, you know, and other areas.

So when we talk about insurance, it's not -- I'd like to know if you can make a recommendation that as these companies open these BESS sites, that they put up a bond to help residents. Because the question is if there was a fire right now and someone who is living next to one of these BESS sites, not only are they probably suffering a decrease in property value, which is suffering a

decrease in property taxes being collected by the city and the state, will their insurance companies say to them: We're not going to insure you because you live near a BESS, or charge a higher premium?

So these are just things I want to put on the record for you to realize that as you have your conversations going forward, these are certainly issues that need to be addressed. Because it's not like their house has to burn down, it could just be coated in whatever pollutants are being released by these batteries. So that's a very big concern for me.

And then talking about nuclear energy, I'd like to know if there is -- I know that you've gone back-and-forth on this. But SMRs I think are a very big thing as far as small modular reactors. I don't want to say they're the wave of the future, but I'd certainly like to know how you guys feel about them. In comparison to standard nuclear power plants, I believe they're cheaper to build, easier to operate. They

kind of run on their own. Don't take that as a literal thing. But I know in California they're reopened nuclear power plants and Google has decided to buy 100 percent of the output because of their data centers.

And, you know, we're trying to attract data centers to New York. We're trying to electrify the state. I'd like to know where all this electricity is coming from if not from SMRs.

NYSERDA PRESIDENT HARRIS: So two responses. First, on the topic of insurance. I appreciate you raising this as well today. I'll certainly take that under advisement and understand better how that may be accomplished in New York's siting and permitting paradigm.

On the topic of nuclear power, we obviously have taken on a big effort to answer for New Yorkers the very questions you're asking, which is what is the contributions it may make, what are the risks that we may see, what are the costs that could come, and ultimately what are the

technologies that we may deploy, including SMRs, among others.

So this is all part of the scope that is being undertaken.

ASSEMBLYMAN PIROZZOLO: Thanks.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Tom O'Mara, five minutes as ranker.

SENATOR O'MARA: Thank you.

Good afternoon. Thanks for being with us today.

On the billion-dollar Sustainable Future Program the Governor has in the budget, that appears to me to basically encompass anything and everything that either cap-and-invest or the Climate Superfund were designed to handle. Is that correct?

PRESIDENT HARRIS: The focus that the Governor has provided on the topic of the Sustainable Future Program would really be looking at the needs primarily in our buildings and transportation sectors, focusing on these large capital projects -- as we have termed them, bondable -- that are

more significant infrastructure projects necessary to get after the two largest sources of emissions in our state.

So that has been the directive that we have received, and we look forward to working with you to identify projects within those bounds.

SENATOR O'MARA: You're asking for a billion dollars. Do you have any outline of proposed projects right now?

PRESIDENT HARRIS: We certainly have ideas on the projects that might meet that need. This is an entire state ecosystem --

SENATOR O'MARA: But you have no list of those for us.

PRESIDENT HARRIS: We have concepts, certainly.

SENATOR O'MARA: Concepts.

NYSERDA PRESIDENT HARRIS: Well, yes. Proposals.

SENATOR O'MARA: And we're supposed to approve a budget with a billion dollars of concepts that you're not even going to tell us what they are?

NYSERDA PRESIDENT HARRIS: This is a process that as I understand it was intended to advance through her budget. And we look forward to advancing the specific projects. I'd imagine you may have suggestions as well.

SENATOR O'MARA: And there will be no legislative review or approval of those projects once we approve this billion-dollar fund. Is that correct, the way it's set up?

PRESIDENT HARRIS: I can't speak to that. Thank you.

SENATOR O'MARA: That's the way it reads to me.

You know, you just mentioned -- I think to Senator Walczyk -- that you expect we need to increase dispatchable emission-free resources by 18 gigawatts to meet our needs. Can you explain the numbers to me? Because my understanding is we have capacity right now of somewhere in the mid-30 gigawatts available in New York on a good day. And the proposed outlook for demand under the CLCPA and the Climate Action Council is somewhere of 120 to 130 gigawatts.

That's a lot bigger gap than 18.

How do we close that gap?

PRESIDENT HARRIS: Certainly the work that we conducted through our integration analysis did include a rough doubling of the capacity of our grid.

I agree the peak demand in New York is around 30 gigawatts, but our installed capacity is greater than that.

It is also the case that we saw this need both from the perspective of the electrification that we've discussed multiple times, but increasingly, of course, the load that we see coming upstate from the perspective of the good problem to have, which is economic development opportunities that we also want to serve, as well as the load potentially from electrolyzers to generate hydrogen, which is actually part of the NYISO's analysis as well.

All that to say is we need to build many, many renewables and, to your point, a large number of dispatchable emissions-free resources to get from here to there.

SENATOR O'MARA: Now, NYISO has demand response programs that when capacity is being maxed out and there's fear of brownouts and blackouts, they encourage consumers to not use power, whether it's high-load-user manufacturers, or whatever, and they get paid for not using power at those times.

My understanding is you just last week NYISO implemented demand-response programs in the middle of winter. A very cold week last week. You know, typically these have been implemented during the hot summer months when air-conditioning is ramping up. Now we're seeing them already in the middle of winter. And we have concerns of meeting our demand and the reliability of the system going forward.

So what's your response to having to implement a demand response program -- and the other warnings that NYISO has already given us about concerns of blackouts and brownouts going forward?

NYSERDA PRESIDENT HARRIS: As I've said throughout this hearing, we look

carefully and work carefully with NYISO around the studies that are part of their RNA. And there is definitely contributions we make to the scenarios that they're evaluating.

The current need is really one that they've identified in the near term in the New York City area. In the outyears of the 2030s, there may be a statewide need. And these are all things that we are planning for.

I'd also note, as I had said with some pride, the solar contributions this summer reduced peak demand by 6 percent, saving New Yorkers $90 million.

So we have a lot of resources that we can be using to address the need for a reliable grid.

SENATOR O'MARA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Since the Assembly has finished except for a second round, I'm going to take my 10 minutes as Finance chair.

(Off the record.)

CHAIRWOMAN KRUEGER: You can go first if you like.

CHAIRMAN PRETLOW: Okay, Mr. Brown, you can go.

ASSEMBLYMAN KEITH BROWN: Hello, President Harris, how are you? Nice to see you.

NYSERDA PRESIDENT HARRIS: Likewise.

ASSEMBLYMAN KEITH BROWN: So my main questions relay around the fact -- you know, we had -- LIPA brought tax certiorari cases that affected my district in particular. But we have, you know, the Northport Power Station and we have the former Shoreham Nuclear Power Plant, both of which have major substations.

And in talking with a fellow member from Queens, in the city, Con Edison is doing everything they can to try to maximize the use of those power station properties in order to keep the tax base up.

Are we doing everything in our power -- is NYSERDA doing everything in their power to make use of those properties and

those substations for both Northport and Shoreham, such that we can keep up those tax rateables? Thanks.

NYSERDA PRESIDENT HARRIS: Certainly the utilization of existing power plants is part of our work, both from the perspective of frankly the value they provide -- the infrastructure itself is extraordinarily valuable. And on Long Island in particular, we of course saw many offshore wind companies really looking at these locations as potential points of interconnection as a result.

We will and anticipate continuing our work in two ways. One, as we deploy toward our energy storage goals, the utilization of these sites as a potential place for those storage systems to be located. But also from the perspective of the broader planning, we were just discussing the fact that we have resources to aid in the planning efforts for those sites as well.

So those are some examples; I'm sure there's more.

ASSEMBLYMAN KEITH BROWN: So is there any plans on the books that you can refer us to that we could look at? Because I'm sure both the school district and the town -- which, you know, is a recipient of a lot of this -- the tax money from LIPA -- would be interested. And National Grid, because the plant is owned by National Grid.

NYSERDA PRESIDENT HARRIS: I don't have any that come to mind at the moment, but I'm sure my team would. So we could certainly follow up with you. And --

ASSEMBLYMAN KEITH BROWN: Would you, please?

NYSERDA PRESIDENT HARRIS: -- thank you for the question.

ASSEMBLYMAN KEITH BROWN: Great, thank you. Thank you, Chair.

CHAIRWOMAN KRUEGER: Thank you.

Okay, let's take a stab at my 10 minutes as ranker -- as chair now, thank you.

So, so many questions have been asked of you, Doreen, and I just want to try to get

some clarification, because I don't agree with many of the questioners, for the record. But the discussion of our CLCPA having a cost of multiple hundreds of billions of dollars, I believe that integration analysis that was being referred to also found that the benefits outweigh the costs by $115 billion. Am I correct?

NYSERDA PRESIDENT HARRIS: You are correct. I have finally found that note in my page. So many numbers. So it estimated the costs between 270 and 295 billion through 2050. And to your point, the value of the benefits far exceeded that on the order of 400 to $415 billion over the same time frame.

So our broad conclusion was that the costs of inaction were exceeded -- exceeded the cost of action by more than $115 billion.

CHAIRWOMAN KRUEGER: Thank you.

And it's also my understanding that if we stay with the status quo and just continue with our system of natural gas distribution, updating that infrastructure will cost us $150 billion in repairs over the time frame

of the CLCPA to move to renewables. Am I off base there?

NYSERDA PRESIDENT HARRIS: You are not off base, Senator. This was the metric that I had quoted that I think is very important to highlight. This includes investments in fuels, infrastructure, equipment. All of it is part of our current energy system.

And I think notably the fact that we see half of the state's installed generating capacity turning at least 45 years old this year means that irrespective of our climate law, we are looking at an unprecedented amount of investment. And very much the investments in clean energy and a resilient grid will be far more beneficial than costly to New Yorkers.

CHAIRWOMAN KRUEGER: Thank you.

And several of my colleagues raised concerns about the safety of ESS, large-scale battery storage. And I just want to compare that from 2010 to 2022, nationally there were an average of 286 natural gas explosions every year. There was an estimated 630,000

leaks in 2020. In that same time period, explosions injured over 700 people and killed 140 people. And 2023 was the worst year since 2004 for catastrophic gas-related home and building explosions, including 25 in the last year here in New York State.

NYSERDA did a big study, I guess you commissioned a big study in 2020 about ESS storage and the future of it. Is it nearly as dangerous as the system we're living under?

NYSERDA PRESIDENT HARRIS: Thank you for the question, because this is the area that we really need to think about, which is where do risks exist in the system that we have.

You referenced some very important metrics. I have myself looked at the security of the fuel system that we have today. We are monitoring fuel supplies on behalf of New York, and I am here to tell you there are real challenges that we see every winter with the availability of fuels and, to your point, the safety of those fuels as

well.

So we need to look squarely in the eye around the topic of the reality that we're living within. And fundamentally, the fact that specifically energy storage with 160 gigawatts installed globally, is a technology that is advancing.

There are challenges with any technology. You've identified some. And that we need to really look at this on balance and bring forward the best solutions for New Yorkers, which I very much believe we are doing.

CHAIRWOMAN KRUEGER: Thank you.

And again, my colleagues, as am I, are very concerned about the costs of energy for ourselves and our constituents. So my understanding is New Yorkers spend right now, on gas and diesel for our vehicles, about $40 billion a year. Do you know if that's correct?

NYSERDA PRESIDENT HARRIS: I believe it is. I would have to double-check, but that is the metric I --

CHAIRWOMAN KRUEGER: And then I was also advised that of that $40 billion a year we're paying out, $34 billion a year is flowing to out-of-state companies. Is that correct?

NYSERDA PRESIDENT HARRIS: That is correct.

CHAIRWOMAN KRUEGER: Thank you.

And because internal combustion is so inefficient, is it actually possible that for every dollar we're paying for oil and gas, we're only getting 30 cents of value back?

NYSERDA PRESIDENT HARRIS: There are inefficiencies in combustion technologies.

CHAIRWOMAN KRUEGER: So you would basically agree that other forms of energy are actually probably not only cheaper but, per dollar spent, a better use of money?

NYSERDA PRESIDENT HARRIS: I think that point can be made. Of course, very dependent on the potential application of it.

But I think you've pointed out some -- some realities with our existing system that are worthy of note.

CHAIRWOMAN KRUEGER: Thank you.

And a lot of people have asked about nuclear, and you and I talked about it as well privately. You said over 100 companies may have responded to the request for "are you interested." Are we talking about companies who want to build nuclear power plants for their private purposes, their private manufacturing, their AI, their data centers, Micron? Or are we talking about new energy that would actually go into the grid to help us all?

NYSERDA PRESIDENT HARRIS: So I want to be clear. We had 100-plus responses to the RFI. Some -- they ran the gamut. Interested communities, colleges and universities, workforce training centers, supply chain companies.

But specific to your question, there are entities that are interested in deploying advanced nuclear technologies. We call it behind the meter. By that I mean it would actually be sited at the location of the load, so it would be next to a user of

electricity of whatever sort -- a data center, a semiconductor manufacturer, et cetera. We see that from companies like Microsoft signing contracts to actually utilize nuclear power.

But this technology -- the technologies that we are investigating are all the way from the micro-reactors that could be sited in very specialized ways all the way up to the conventional generators that we see the technology is known as the AP1000. They're called Gen III+, but they are large generators that would not serve a particular user but, rather, the grid writ large.

So we're really not choosing a technology, but rather evaluating the landscape.

CHAIRWOMAN KRUEGER: So my colleague Senator Harckham already pointed out concerns in one of his own communities about the radiation and spent rods reality for that community forever.

If these are plants that are being

intended to be built by private companies, I'm assuming on land that they already own, are they then exempt from the community's right to say, We don't actually want to live next to a nuclear power plant and spent rods? Or is it still going to be the same process that we assume is in place for nuclear power plants if they're owned by a utility company for movement of energy into the grid?

Is there any way that these companies could actually avoid the participation of their communities in the siting and approval?

NYSERDA PRESIDENT HARRIS: You ask a great question, in part because the answer will depend on the type of technology in that range that I am referring to.

One important aspect of this is what will be subject to federal purview. I know we had discussed that, and the Nuclear Regulatory Commission's role in these projects on a going-forward basis.

Irrespective of the permitting regime or the oversight regime, make no mistake about it. What we are looking to do is to

identify the use cases that may be applicable for advanced nuclear technologies, and that would include communities that actually may want to host a project -- like that's where our starting position is, because of the value that it may provide.

The Future Energy Economy Summit included many individuals and elected officials who obviously represent districts that host existing nuclear power plants, and their view is they would appreciate more. But there may be other communities that are similarly situated. That's really part of what we're going to be looking at in the coming years.

CHAIRWOMAN KRUEGER: Well, based on the news coming out of Washington while we all sit in this hearing room, there will be no federal oversight of anything.

My time is up. I believe we give it to the Assemblymember for closing.

CHAIRMAN PRETLOW: Didi Barrett, Assemblywoman Barrett for her three-minute second round.

ASSEMBLYWOMAN BARRETT: Thank you.

I just have a couple of quick questions that I couldn't get to before.

One is I had asked the first panel, since you're the second panel -- it seems like yesterday -- but in the Governor's 2024 State of the State, NYSERDA and DEC were charged with a study on Clean Transportation Standard, Clean Fuel Standard. And I asked Commissioner Mahar; he said ask you what the status of the study is and when do you expect it to be released and what that process has been.

NYSERDA PRESIDENT HARRIS: Yes, thank you. Thanks for the question. I did hear you ask the interim commissioner.

And our work is definitely moving forward in a timely manner on that very specific study.

I'd say what we are learning is also the fact that we see these types of policies as being highly complementary to other policies that we are also considering such -- and advancing, sorry, such as cap-and-invest,

where we saw specifically on the West Coast these Clean Transportation Standards not only bringing forward a multitude of fuels that that we had been talking about as potential assets, but also a large number of investments in the electrification of transportation, which we've also discussed today is central to our transition as well.

So we are committed to issuing that study just as soon as we wrap up our work. I think it will be important for us to talk about, much like we're talking about dispatchable emissions-free resources. I think a Clean Transportation Standard is an area that we collectively should look at relative to all of the other policies that are before us.

ASSEMBLYWOMAN BARRETT: Certainly, you know, the truck and the EV charging -- I mean, it all seems to be related to that, and just the idea of decarbonizing communities that, you know, have been the recipients of so much pollution, right away.

So when were you hoping to have that

done?

NYSERDA PRESIDENT HARRIS: I can't report an exact timeline, but I know from our team that the work is continuing in a rapid pace. So I wouldn't expect it to be too long.

ASSEMBLYWOMAN BARRETT: Before the end of our session, maybe? Or is that --

NYSERDA PRESIDENT HARRIS: Well, it may be ambitious, but certainly this year.

ASSEMBLYWOMAN BARRETT: This year, okay. Thank you.

And then just the other question is about the $500 million that were -- the reapprop for offshore wind. I know that NYSERDA had issued an RFP that was intended to award some of the funds, and that was targeted to be awarded in September of '24.

However, that never was announced, and I just wanted to know what the status of the RFP was. And are there viable projects that are still being considered based on existing criteria, or have you put this on hold, or what's that?

NYSERDA PRESIDENT HARRIS: So the RFP is not on hold, but it is certainly needing to be informed -- certainly the federal election has bearing on the industry and its long-term plans.

So we thought it best to sort of take stock of those impacts. We received some really exciting projects, and I'm confident that at least some will move forward. But I believe it is in the best interest and prudent to evaluate those projects in light of this very significantly changed federal context.

ASSEMBLYWOMAN BARRETT: Got it. Thank you. Thanks very much. Thanks so much for being here.

CHAIRWOMAN KRUEGER: All right. So we have completed all the questions -- well, not all the questions, but within our time frame. Want to thank you very much for your work and your participation here today.

And we're going to allow you to leave, and in fact we're going to encourage you to move quickly out. And if anybody tries to

follow you, deal with them in the hallway or ignore them in the hallway, whatever you wish, but don't have the conversation here. Thank you very much.

NYSERDA PRESIDENT HARRIS: Thank you, Chair Krueger. And thank you to the members.

CHAIRWOMAN KRUEGER: Thank you.

NYSERDA PRESIDENT HARRIS: And the committee.

CHAIRWOMAN KRUEGER: And with that, I'm going to call up Panel C, which is both the New York State Public Service Commission, Rory Christian, chair, and the New York Power Authority, Justin Driscoll, president and CEO.

And for those of you who are hoping to go after this panel, just remember it gets much quicker with all of you because there's only three minutes you're allowed to testify, three minutes for us to ask. If anyone looks at their watch and realizes I've just got to get on that train home, just let someone in the front know that you've left your testimony or you've filed it with us, but

you're not going to be able to be here, so we're not looking all over the building for you. Thank you very much.

(Pause.)

CHAIRWOMAN KRUEGER: Good afternoon, gentlemen.

NYPA PRESIDENT DRISCOLL: Good afternoon.

CHAIRWOMAN KRUEGER: Do you have a preference of which one of you goes first? Did you discuss it amongst yourselves?

Okay, so you're going to go first, Rory?

PSC CHAIR CHRISTIAN: Yeah, thank you, Senator Krueger. If you please, I would like to go first.

CHAIRWOMAN KRUEGER: Absolutely. So we're going to allow both commissioners to testify, and then we get to ask them questions. They're in a panel format.

Okay, thank you. Start whenever.

PSC CHAIR CHRISTIAN: All right. Good afternoon, everyone.

First, I want to thank you for having

this hearing today and allowing us to be here. It's an honor to be before you to discuss these matters of importance to you and the citizens of New York.

My name is Rory Christian. I'm the chair of the Public Service Commission and the CEO of the Department of Public Service.

And I'd like to give a special thanks to Chair Krueger, Chair Pretlow, and the other distinguished legislative members here today.

The welfare of all New Yorkers and the operation of the state's economy depends on the safe and reliable access to affordable energy, water, steam, telecommunications, and cable services. The department and the commission were established by statute to oversee the utility companies that own and operate the infrastructure through which customers receive these essential services, and in doing so to protect these customers from abuse.

Our agency's mission is to ensure these entities provide safe and reliable,

secure utility service at just and reasonable rates, all in alignment with the state's laws, including the Climate Leadership and Community Protection Act. Pursuit of this mission works hand-in-glove with Governor Hochul's commitment to an affordable and reliable clean energy future.

Today, after more than a decade of energy usage that has largely remained flat, due in large part to hard-won gains in energy efficiency through various state policies, forecasts now show electricity demand rising significantly in the coming years to keep pace with new industries and economic development, as well as the electrification of buildings and transportation throughout the state.

Through the Governor's leadership, we are bringing new jobs and businesses to New York -- in great part because the state's commitment to clean energy aligns with their corporate policies and goals -- and advancing our transition to a clean energy economy.

Clean energy will provide the backbone

for continued economic growth in New York, consistent with the principles enshrined in the department's mission: affordability and reliability. But to meet the challenge of this moment, we need to make significant investments -- investments in generation and transmission, maximizing our resources to benefit consumers -- and proactively plan for our future energy system and the increasing uncertainties under which these systems operate.

Over the past year, the department and the commission have taken several steps to advance these priorities. The department has progressed the Coordinated Grid Planning Process, which will enable the commission and the state's utilities to identify where transmission and distribution investments would make the most sense and enable the integration of clean energy resources.

The commission launched a Proactive Planning Proceeding to identify where transportation and building electrification will require grid upgrades.

And, following the Governor's directive in the 2024 State of the State address, the commission also initiated the Grid of the Future Proceeding, to increase the deployment and use of flexible resources in grid planning and operations to ensure New York gets maximal value from its grid and available demand side resources.

In addition, the commission approved a new framework for the state to achieve a nation-leading 6 gigawatts of energy storage by 2030. The department has continued moving the Zero Emissions by 2040 Proceeding forward, most recently developing a white paper for commission consideration. The department and commission have also continued to steer the development of gas utilities' long-term gas plans.

Following the passage of the RAPID Act in the 2024 budget, the Office of Renewable Energy Siting, known to many of you as ORES, was transferred to the department to create a one-stop shop for siting and permitting major renewable energy generation and electric

transmission projects. The RAPID Act prioritizes transparency, community engagement, environmental protection, and faster decision-making to enhance the pace of project implementation.

And I can say in 2024 alone, ORES issued four final siting permits for major renewable energy facilities, representing collectively over 600 megawatts of new clean energy, providing enough electricity to power over 160,000 homes throughout the state.

In addition to these major policy actions, the commission continues to build on its long history of evaluating emerging risks to ensure safe, reliable, and resilient operations of our energy systems. Over the past year, the commission evaluated seasonal and long-term weather trends, winter and summer gas and electric system readiness, cybersecurity threats, economic trends and supply chain concerns to current and potential future energy policies.

The commission approved electric emergency response plans for the state's

major electric utilities. And the department continued to coordinate emergency response for storm-related utility impacts. The commission also approved the Climate Change Resiliency Plans filed by many of New York's utilities, while also initiating a proceeding to develop uniform best-in-class protections for extreme heat, to ensure our citizens are protected.

These actions underscore the commission's commitment to ensuring investments in our energy system and ensuring that they are designed to withstand the impacts of a changing climate while mitigating energy burdens for utility customers.

A key role of the commission and the department is to review rate cases and, through this process, deliver rates that strike a balance -- a balance between affordability, reliability, and safety. In the last year the commission decided five major electric, gas, and water utility rate cases, adopting rates well below utilities'

initial requests, avoiding roughly half a billion dollars in costs to ratepayers.

The rate case process is only one of the various actions taken by the commission and the department to work to advance energy affordability. The commission and the department are committed to pursuing the goal that New York households should not pay more than 6 percent of their income towards energy costs.

Thanks to the leadership of the Governor and the Legislature, in 2024 the commission established a $200 million New York State energy bill credit that was administered by the state's large electric and gas utilities, making more than $1.4 billion available to New York consumers to help offset energy costs when combined with prior efforts to reduce utility arrears.

The Department is also expanding eligibility for the Energy Affordability Policy, EAP, making it available to all households at or below the state's median income level. Additionally, department staff

worked with utilities to implement Governor Hochul's legislation designed to increase enrollment in utility energy affordability programs by expanding automatic enrollment. This work was done in coordination with the Office of Temporary Disability Assistance and the state's utilities.

The commission also acted on Governor Hochul's directive to implement the statewide Solar for All program to efficiently deliver clean energy savings to low-income households.

The commission and the department continuously identify opportunities to strengthen utility oversight and enhance consumer protections. In 2024, the commission levied over $23 million in penalties against five utilities for failing to meet their 2023 customer service standards. The commission also secured another $115 million cumulatively from utility shareholders in enforcement proceedings against utilities that the department's Office of Investigations and

Enforcement alleged violated the Public Service Law or other regulations.

Additionally, the commission approved an enforcement settlement with Charter Communications to further expand access to affordable broadband for low-income customers across the state. This action was furthered by the commission's recent action to reinstate the Affordable Broadband Act, which connects qualifying low-income households with service at just $15 per month. New York became the first state in the nation to require internet service providers to offer this discounted broadband service, and the commission will work to ensure all providers fully comply with the law.

The Governor has also proposed a budget that will help us build on these successes. The 2025-'26 State of the State and Executive Budget includes $149 million in funding to support the department's operations, and calls on the department to advance several proposals to align economic

development and clean energy initiatives in a way that lowers the cost of the clean energy transition.

To align the development of clean energy generation and transmission expansion plans, the Governor called on the department to identify Clean Energy Zones. Clean Energy Zones will build on the department's Coordinated Grid Planning Proceeding to reduce project risks, further engage communities, and support economic development with clean energy generation and transmission deployment.

Another new program, the Promote Opportunity with Electric Readiness for Underdeveloped Properties, or POWER UP, is designed to create power-ready sites to attract new businesses to the state, with a $300 million commitment in seed funding.

In conclusion, we are well-positioned to deliver our core mission and meet Governor Hochul's ambitious agenda, and we are grateful for the Legislature's continued support.

This concludes my remarks, and I look forward to your questions.

NYPA PRESIDENT DRISCOLL: Chairs Krueger and Pretlow, distinguished members of the committees and Legislature, great to be here with you this afternoon.

My name is Justin Driscoll, and I'm the president and chief executive officer of the New York Power Authority. Thank you for the opportunity to appear today to discuss Governor Hochul's Executive Budget proposal.

I will begin by emphasizing the broad reach of NYPA's work and summarizing NYPA's core mission of providing clean, reliable, and affordable energy for all New Yorkers. We serve as a critical entity in our state's energy infrastructure, shepherded by the leadership of Governor Hochul and the Legislature.

As many of you know, NYPA is the largest state public power organization in the country. We generate up to one-quarter of the electricity produced in the state, and our overhead, underground and submarine

transmission lines make up one-third of the state's high-voltage network. This portfolio continues to expand to meet the needs of our residents and businesses.

NYPA is committed to our mission to lead the transition to a carbon-free, economically vibrant New York through customer partnerships, innovative energy solutions and the responsible supply of affordable, clean and reliable electricity. We have more than 1,100 customers across various public and private segments, as provided under our state and federal laws, and our customers include large and small businesses, not-for-profit organizations, hospitals, airports, community-owned electric systems, and state and municipal governments and utilities. NYPA's hydropower, an important economic development took, supports more than 450,000 jobs in the state.

NYPA is also leading the state's clean energy transition through our electric mobility program, known as EVolve NY, which provides pathways and expertise in installing

critical infrastructure along key travel corridors. As of December 31, 2024, we have executed contracts providing for the installation of 394 EV charging stations around the state, under EVolve, with 212 now in operation.

We also support the electrification of public transportation and municipal fleets, including the Niagara Frontier Transportation Authority and the Metropolitan Transportation Authority. We also provide technical assistance and funding for local governments to develop their own EV charging networks.

NYPA's decarbonization efforts also include our traditional behind-the-meter or customer-sited solar power deployment, via partnerships with school districts, municipalities, colleges, transportation agencies, airports, wastewater treatment plants, and other public entities to install photovoltaic arrays at their facilities, coupled with battery energy storage. These include the largest solar carport canopy in the state, and the only solar array at a

wastewater treatment plant in New York.

NYPA is also working with New York City to deploy solar PV systems at more than 50 K-12 public school rooftops, providing visible and concrete examples of the renewable energy future to inspire future generations.

All this great work is part of the full suite of services to help our customers and other entities align with the state's energy and greenhouse gas emission reduction goals.

As a further example of this customer work, the 2023-2024 State Budget authorized NYPA to lead the state's Decarbonization Leadership Program and prepare decarbonization action plans for 15 of the highest emitting state-owned facilities in the state. In response, we are developing energy and emissions profiles for the identified facilities as well as decarbonization action plans, including for the complex we are sitting in here today.

Our plans include identified viable

pathways such as fuel switching from natural gas to electricity for cooling systems, energy efficiency gains in buildings, and beneficial electrification for heating. And as the next step, Governor Hochul announced a $100 million project to electrify the chiller systems in this complex, to be in construction late next year, with completion by 2029.

And while our path to increased renewable energy development at the utility scale is a major part of NYPA's future, NYPA remains committed to our core generation and transmission future. More than 80 percent of NYPA's electric generation is clean, renewable hydropower, generated from a portfolio of generation assets, from our St. Lawrence-FDR Niagara Power projects to our small hydro plants and our pumped storage plant in Gilboa.

And to continue to supplemental affordable, clean and reliable energy to our customers, NYPA is leading the way in the state's biggest transmission overhaul in

decades. No entity, public or private, is doing more transmission work in New York right now than the Power Authority, and we're committed to reinforcing New York's aging power grid to alleviate transmission bottlenecks and to enhance electric system reliability.

I will next provide some exciting updates on our implementation of the broad new responsibilities NYPA received in the 2023-2024 enacted State Budget. This law, as you all know, has four principal components: utility-scale renewable development; workforce training support; the REACH program; and deactivation of our peaker plants in the city.

With respect to the latter, NYPA is on schedule to publish a plan in the second quarter of this year to stop generating electricity with fossil fuel at these plants by the end of 2030. Currently NYPA has signed two term sheets with developers of battery energy storage projects for the Harlem River and Gowanus power plants, and is

in active negotiation on three more term sheets for our Brentwood, Hellgate and Pouch power plants. These battery storage facilities will provide dispatchable, emissions-free power to help meet the future reliability of New York's electric system, and NYPA will continue to solicit community views on the future of these sites as the initial phaseout plan is finalized. And this plan will be completed and published in May of this year.

Another charge we were given under the expanded authority is the development of the Renewable Energy Access and Community Help, or REACH, program. And under REACH, NYPA will develop a portfolio of renewable energy generation projects and distribute a portion of the revenue from those projects to the state's investor-owned utilities, who will use these funds to generate bill credits for low- and moderate-income energy consumers in disadvantaged communities.

And on October 16, 2024, the PSC granted our petition establishing a

regulatory framework to allow the electric utilities to receive funds from the Power Authority to credit the electric bills of these ratepayers. Investor-owned utilities have now filed tariff modifications and program implementation plans, and we have signed implementing agreements with the utilities to enable the transfer of funds to implement REACH as revenues become available from these new projects. And NYPA expects bill credits to become available as projects are built and come into operation.

Next, some of our proudest work under the new authority has been within our workforce training and development program. Since May of 2024, NYPA has awarded $20 million for training workers for employment in the renewable energy field. The investments will assist in training New Yorkers for work ranging from maintenance of wind and solar facilities to aerial-drone structural inspections, and will also include training in heating, ventilation, and air-conditioning maintenance to support

electric vehicle charging equipment.

And with respect to renewable development, we are excited that NYPA is now a developer of utility-scale renewable generation resources for the benefit of the state. Last year we set out to develop a renewable generation strategic plan to outline our vision for renewables under this new authority, and this morning our board of trustees approved our first plan, after a robust three-month public comment period where NYPA received input from over 400 stakeholders from diverse regions throughout the state. And we held 12 public hearings and one virtual public hearing across the state to collect that input. We also received over 5,000 written comments to further inform this historic expansion of renewables across the state.

All feedback was compiled and published on our website, and we're grateful to the members of the Assembly and Senate who attended some of these public hearings and wrote public comments and engaged with their

constituents throughout the process.

As of today, NYPA has successfully identified 37 proposed projects with a total capacity of 3 gigawatts across the state, and we continue to assess the economics, community impacts, and real estate considerations for each project.

Let me also say that NYPA's statute requires us to receive public feedback on our plans for new renewables developed under this authority, including any future updates through the strategic plan. We intend to update the plan with more projects in the first half of 2025, as we are currently evaluating up to 3 gigawatts of additional projects for inclusion. And we look forward to your continued engagement on future updates.

To put us in the best position, NYPA has established financial structures and other measures to do this work. We created a subsidiary, as authorized by the Legislature, and we authorized $100 million in bond issuance for the first tranche of projects.

And we also issued a request for qualifications to identify potential private-sector partners for the development of this work.

We're also very excited about Governor Hochul's announcement in her State of the State that NYPA and OGS are collaborating on a contractual structure that will allow NYPA to enter into contracts to supply state agencies with renewable energy.

Finally, one note on the canal system, if I could. We're excited also for the inclusion of the $50 million appropriation, as was the case last year, to do the important work of maintaining the canal system in a safe and reliable way.

CHAIRMAN PRETLOW: (Mic off.) Senator Harckham, chair of the Senate Environmental Committee.

SENATOR HARCKHAM: Thank you very much, Mr. Chair. Great to see you in that seat, by the way.

CHAIRMAN PRETLOW: (Inaudible.)

SENATOR HARCKHAM: Compared to last

year.

Thank you. Good afternoon, gentlemen, both of you. Forgive my lack of formality. I only have three minutes in this round.

So first question to President Driscoll. Let's talk a little bit about Build Public Renewables. The first tranche of projects was announced; fanfare to some, criticism to others. And you said that there would be a second and a third tranche of projects coming.

Can you give us an update on where the next rounds are and what the thinking is and how much capital?

NYPA PRESIDENT DRISCOLL: Well, it's top of mind and fresh in mind because I just came from our board meeting this morning where we approved the plan. And I promised the board that we would be back to them at our July meeting, no later than our July meeting this year, with an amendment to the plan.

You may recall that any amendments require a new public comment period of

30 days, and so we'll be doing a public comment period and conducting one public hearing, which is required under the legislation.

And this is going to be an ongoing effort. I mean, this is just our Year 1 deliverable, if you will. I mean, we're trying to achieve the state's 70 by 30 goal, and also its 2040 clean energy grid goal. So this is going to be an ongoing process that we'll be conducting.

And the reason why we've already identified certain projects that weren't in the strategic plan was because once we went for public comment on the strategic plan in October, we couldn't amend that to include additional projects.

SENATOR HARCKHAM: All right. I'm sorry, we just had a little side bar about timing.

Thank you. Thank you for that.

Chair Christian, you talked a little bit about clean energy and the grid. The specific question is we know a kilowatt of

clean energy is less expensive now than a kilowatt of carbon energy. Regardless of the clean energy benefits, what are the benefits of clean energy to the grid in New York?

PSC CHAIR CHRISTIAN: Well, one of the primary benefits of incorporating clean energy into the grid in New York is something that President Harris mentioned earlier, the concept of resource diversity.

Having a variety of resources providing energy reduces the risk to the system by having a lot of variability and allowing you to rely on the different resources at different times in different ways. Wind, solar, hydro -- all the different renewables have different characteristics and capabilities that when taken as a whole, can be used in conjunction to support each other. And when you add batteries to the mix, that adds even greater flexibility and opportunity.

SENATOR HARCKHAM: Thank you.

Now a question actually sort of for both of you on the affordability piece.

We'll start with you, President Driscoll. I was at one of your charging stations last night on Washington Avenue. Still less expensive than when I used to fill my tank with gas, but not cheap. And I was speaking to a gentleman who was in the space next to me who is from Canada, and he said that the price to charge in Canada is about a third of what he found he's paying in New York.

So specifically on the charging side, what can we do to make it more affordable?

And then to you, Chair Christian, the role of the PSC in ensuring, the best you can, affordable rates for New Yorkers.

NYPA PRESIDENT DRISCOLL: So let me -- I'll take a crack at the first piece of that. I think obviously the energy prices are set by the NYISO price of electricity, so that plays a role in the cost of charging and the electricity that's delivered at the site.

I will also say that a way to cut costs is to have programs like the Make Ready program that the commission enacted that actually provided subsidies to the utilities

for building the underlying infrastructure. That's obviously, you know, costly to the developer or an entity like NYPA putting in our chargers.

But we're always looking closely at the pricing. I looked recently, our EVolved pricing is cheaper than some of the private-sector charging in the same zones. So that's a good thing. And we'll continue to work on keeping the prices as low as we can.

PSC CHAIR CHRISTIAN: And to echo President Driscoll -- well, I couldn't have said it better myself.

Our Make Ready charging program, the goal of that is to expand access to public charging, any charging for EVs throughout the state, particularly in areas where the private sector may not be so inclined to invest without the additional incentives and support -- rural areas, suburban areas, and other parts of the state.

So this program has grown significantly. We've increased the target

for the number of charging stations in the last few years by more than threefold, because we've seen tremendous growth. And we're seeing that year over year both in terms of the number of EVs that are being deployed, but it's also growing in tandem with the number of charging stations.

We know we need to put more charging stations in, and so we monitor these programs regularly. We do midpoint reviews halfway through the program term, and endpoint reviews as well, to gauge and evaluate success and reevaluate how to go in the next review period.

But in addition to that, we also encourage utilities to provide programs that allow for flexible pricing. I can't speak to what kind of programs exist in Canada that this individual was using, but the flexible pricing programs we offer allow low-cost charging during off-peak periods when there's cheap power available on the grid. And it encourages that use and it discourages charging during periods where there's limited

supply available or more expensive resources.

So we at the commission encourage the utilities to deploy that kind of measure, and we work with them to make sure that it is aligned to both meet the needs of EV drivers but also support the overall health and well-being of the grid.

SENATOR HARCKHAM: Thank you both for your responses.

This question is for you, Chair Christian. Last year the Office of Renewable Energy Siting was put under your portfolio, as well as transmission. How has that integration gone between bringing that over from Department of State? Can you give us an update on that, please?

PSC CHAIR CHRISTIAN: Sure, happy to. So the integration from my perspective is going swimmingly. The putting of the two organizations together I think makes perfect sense for a number of different reasons. In many ways when you're building the generation, you're also building transmission, so collocating the two offices

together with similar resources, looking at different areas, makes sense from an efficiency and a cost containment for us perspective.

So we are currently going through the process of doing that integration. It's been a little less than a year. We are working together to bring everybody into the fold and integrate various operations, ensuring uniform emails, telephone numbers, things like that, the administrative functions. But we're also moving forward with the development of the RAPID Act, putting forward new permitting and siting regulations to streamline the siting of both renewable energy and transmission in support of the various transmission goals we have at the state.

So that's all going well right now.

SENATOR HARCKHAM: All right. Thank you. I know in past years we heard testimony that there had been a backlog when it came to permit applications. Is -- and that has been decreasing over the years. But is there

currently a backlog of applications? And if there is, is your commission and your team, are they moving through that tranche of applications?

PSC CHAIR CHRISTIAN: Right. So the head of ORES is the final arbiter of the applications, Zeryai Hagos. He was recently appointed executive director. He is overseeing that group and the permitting process. So just to make the distinction between the commission and -- that function remains with the executive director.

My understanding is we're moving through the backlog and we're addressing it at pace. And with the new permitting requirements, we'll be able to move even faster.

SENATOR HARCKHAM: All right, thank you both for your testimony.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Just a couple of

questions, President Driscoll.

How much more transmission lines is there an estimate that we need, and where?

NYPA PRESIDENT DRISCOLL: That's a great question.

There have been estimates of the total buildout of the transmission system nationally, you know, in the hundreds of billions of dollars across the entire country.

Just given the aging nature of the grid and building out of new generation assets around the state, I would say that we're going to -- and we are, at NYPA, both upgrading and adding new transmission lines, and that includes work in the North Country to unbottle wind generation that's been having -- been constrained in the North Country. So adding additional-capacity transmission in the North Country.

We solved for one of the most congested portions of the high-voltage grid between the Utica area and Albany, called the Central East Interface, where we did a

project with Ellis Power to also upgrade that transmission.

So we're doing projects like that. We have the Propel project that many of you are familiar with on Long Island, which will both provide a resiliency benefit to Long Island by undergrounding 345-kV transmission but also enabling the delivery of the offshore wind projects onto Long Island and even off Long Island, to take power upstate. It's going to be by directional transmission lines, so you could see with shifting peaks and demand that you could potentially need to move power up from the downstate region upstate in the future -- which is something that transmission planners are thinking about.

So I don't know that there's a way to answer the question in totality as to how much we need, other than to say that we need to upgrade a lot of our existing transmission and we need to add significant new. Champlain Hudson Power Express, great example of a creative project from -- bringing

hydropower from Hydro-Québec.

So we need significant transmission development.

ASSEMBLYWOMAN GLICK: You anticipated my second part of that question, that this would also include the wind power. Really, they're only responsible to get to shore, and then any distribution thereafter are transmission lines that are required on land are -- is that just your responsibility, or is there another -- are those also contracted to companies that might do that?

NYPA PRESIDENT DRISCOLL: So those -- like the Propel project that I mentioned, that was a NYISO solicitation under what they call Order 1000, FERC Order 1000, now FERC Order 1920. So it's a competitive process that the NYISO runs after the Public Service Commission declares a need for additional transmission. So we competed for that project against private developers. We ended up partnering on Propel with a private developer conglomerate called New York Transco.

So it could be a -- it could be the incumbent utility that does the work on the project, but it would be subject to that solicitation process, in all likelihood, before it was awarded.

But there are plenty -- there are a lot of companies that are looking to do this work. And it's important work. And one of the problems we're facing is because it's so important and there's so much of it going on, there are significant supply chain issues associated with some of this work.

ASSEMBLYWOMAN GLICK: Thank you.

For the PSC, there have been many more storm-related cuts in power and problems that have gone for many more days than the average New Yorker is accustomed to at this point.

What are your communications with the utilities around their keeping customers informed of the estimated time of restoration? And in many instances it seems like they may be over -- what should I say. Over-optimistic. And so for the customer, they're thinking that, you know, they're

going to be back online in 24 hours, and then there is the rolling "Oops, no, oops, no."

Is there anything that requires the utilities to be more accurate in their estimates so that the families actually know what choices they might make as to whether they are staying or going to mom's house or what they're doing, particularly in emergency situations where there's, you know, an ill family member that you can't keep them in the cold, you have to move them out. And if you think, Well, it's going to be eight hours, it's not a problem -- and then it turns out that it's, you know, really 36 hours, what does the commission actually require?

PSC CHAIR CHRISTIAN: So I could spend 20 minutes talking through this, but I want to focus on the point of your answer and I want to offer up the opportunity to talk about the instance in which you're speaking where your constituents have experienced a rolling update of information where it's not 24, now it's 36, now it's 48. Would love to talk to you offline about that in more detail

when time permits.

But generally speaking, we -- at the beginning of a storm, we have our own emergency department that works closely with the Department of Homeland Security and various state agencies during a storm response. We work and coordinate with the individual utilities. We help in terms of communications between state agencies and the utilities. And it's the utilities' main function to inform customers after an event the estimated duration of that event.

We have requirements that, should an event last longer than a certain set of time, utilities have to provide additional resources to customers, such as dry ice, heating centers, things like that. So that's built into the climate resilience plans and emergency response plans that the utilities develop and the commission reviews and approves on a semiannual, regular basis.

The climate resilience plans I mentioned earlier, these plans are in part designed to understand what are the unique

threats that climate change will pose to each unique utility's system. So you can imagine the threats to Con Ed's system in Lower Manhattan are likely very different than those to the gas system in Niagara Mohawk further upstate.

So we look at these studies and understand what investments need to be made, how do we improve upon the system. Because the key thing to think about, much of the infrastructure that we have has been designed under an assumption of a particular climate, a particular set of conditions. And we are now facing -- every week, every month -- an evolving set of conditions and frequencies that they were not necessarily designed to handle and withstand repeatedly.

So we need to evaluate that and explore that and figure out ways to ensure that both our gas, electric, steam -- all our utility systems -- are robust enough to withstand what we anticipate to be coming in terms of climate events.

So all of these things are part of the

commission's activities in working with the utilities, both in preparing the system for a storm, responding for storms, and in working with residents to restore service after the storms.

ASSEMBLYWOMAN GLICK: Just to follow up on that, in the city there are various agencies that can be helpful in the city. Emergency management might be able to set up a heating center, for example, in a community that they have their own emergency generator. If people are in other parts of the state where they're a little more spread out or more rural, they may be a little bit on their own in terms of being able to get to someplace, particularly if it's a storm that's taken out a lot of trees and so you're told not to go on the roads.

So I would just suggest that some of the conversation about resiliency for the -- to deal with climate change and the impacts on customers, that there needs to be a little broader thinking through of how it affects people in different parts of the state.

PSC CHAIR CHRISTIAN: Understood. I believe our plans, the uniqueness of them at the utility level, do address that to some degree, but I'll look them over in a little more detail with that feedback in mind and see if there are any additional adaptations we can make.

ASSEMBLYWOMAN GLICK: Thank you.

PSC CHAIR CHRISTIAN: Thank you.

CHAIRWOMAN KRUEGER: Senator Shelley Mayer.

SENATOR MAYER: Thank you. And thank you, Chair Christian, for speaking with me over the weekend.

I discussed with you my frank assessment that many of my constituents are absolutely furious about the current approved rates for Con Ed that they cannot afford. And they believe that the Public Service Commission doesn't care about them and the Legislature has done nothing to fix it.

And as you may know, the Senate for the second time passed my return-on-equity bill to change the way rates are approved.

Your testimony reflects that the PSC, quote, adopted rates well below what utilities initially sought and suggests that that's a savings to consumers. As you know, I believe that's a problem.

To that end, when was the last time the commission reevaluated its approach to the return-on-equity system when considering rate cases and moved towards a customer-centric approach to rate determinations?

PSC CHAIR CHRISTIAN: So this is another question I could probably spend 30 minutes answering, but I'll try to be focused on the question.

In terms of the ROE approach that we use, we evaluate that constantly. If you were to look at the period over the last three years, you would see that the ROEs we have provided to utilities have varied significantly, in part because of the significant variations in interest rates, inflation, and other economic indications that we have seen. And we've seen

significant shifts both up and downward as a result of the pandemic and various other conditions.

So the process that we use is something that we're constantly reviewing and constantly exploring how to improve upon. And with every rate case, we're starting anew. So if we were to provide a utility a particular ROE in one year, there is no assumption that it will be the exact same ROE the next, due to a variety of different conditions that can change from one period of time to the next.

SENATOR MAYER: Well, the last -- they're three-year rate cases for Con Ed. The last two were 9.25 ROE, which is far in excess of the CPI.

The second question is, are you aware that according to the FCC filings, Con Ed's net income increased by 52 percent from 2022 to 2023, up to $2.5 billion? And that the CEO of Con Ed has a salary that increased from 9.5 million in 2022 to 16.1 million in 2023. Why should my constituents have to pay

for this?

PSC CHAIR CHRISTIAN: So the constituents aren't exactly paying for it in the manner I think you're describing. So the thing to recognize, there's a component of equity and debt that goes into every rate case. We monitor executive compensation closely. I'll have to do a bit of a review to see those numbers that you just quoted and verify and understand the dynamics. But the inherent assumption should not be that ratepayers are paying for utility largesse. Some of that is from shareholders, as compensation for executives.

SENATOR MAYER: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblywoman Didi Barrett.

ASSEMBLYWOMAN BARRETT: Thank you. Good afternoon.

I'm going to start with Chair Christian. The Executive Budget includes an increase for staff for the department. Could

you just tell us what positions your department is planning to fill and what jobs that that's going to address?

PSC CHAIR CHRISTIAN: Well, that is a great question and a question I'm very happy to answer.

So when I joined the department, our staffing level was roughly 470 people. Today we boast 570. This includes the integration of ORES within the department. So in addition to the efficiencies from having that integration happen that has freed up staff time in other areas, and the additional staff we've been able to bring in, we're poised to do a lot of new things, particularly from a customer service perspective.

I've heard from many of you concerns from your constituents, I've heard from many constituents, and that is an area of significant investment that we at the commission seek to staff up. Hiring freezes over the years and other concerns have left that department wanting. And we're in a position, now through this new budget and

other actions, to address those wants and really empower our ability and increase our ability to address various issues as they arise.

In fact, I want to point out the Central Hudson billing issue that I've discussed with many of you over the years, that in part was identified as a result of existing staff using new tools that we were able to acquire through a partnership and discussion with IT, our State ITS division.

And with the new individuals that we're bringing in, we're able to expand how we do customer complaints and explore new ways of handling those complaints. And I know, from conversations again with many of you, from feedback on many a rate case where customers expressed their concerns, that's an area of need. And we're going to be investing very heavily in making sure that our customer service group can rise to the challenge that we're seeing before us.

ASSEMBLYWOMAN BARRETT: Got it, thank you. Thank you.

I want to talk about affordability here. That was obviously the Governor's -- you know, the most reoccurring word in her State of the State. And yet it doesn't seem in this budget -- and I'm going to raise a few points that I'd love you to address after I kind of hit them. But it doesn't seem that this budget is really addressing energy affordability in any meaningful way.

I mean, we just saw last week that HEAP ran out of money two months sooner than it did in the year before. There is a crisis here on the energy costs. And I appreciate the opportunity for new staff and for, you know, more efficiencies in your office and all.

But what efforts are the PSC taking to work with the utilities to ensure customers are adequately protected, particularly during this cold weather? And it's been colder than I certainly remember in a long time.

And then in last year's budget we expanded the energy affordability to moderate-income individuals, because I'm

often -- I feel like our low-income programs are solid but that next tier up, the people who are, you know, one car accident, one health crisis, you know, one lost job away from really being in that same category, aren't covered.

So can you talk about that program? I understand that you actually haven't begun to start filling those -- those applications or meeting those applications. Could you just give us an affordability overview, hitting on those topics, please?

PSC CHAIR CHRISTIAN: Got it. So I'll do my best with the time that I have.

So you mentioned the HEAP program running out of funds. That is something I believe the Office of Disability was able to work through and provide additional funding to address that --

ASSEMBLYWOMAN BARRETT: Could you move your mic a little closer? I sort of feel like I'm losing your voice in there.

PSC CHAIR CHRISTIAN: I'm sorry. Let me try that. Is that better?

ASSEMBLYWOMAN BARRETT: That's it. Thank you.

PSC CHAIR CHRISTIAN: Okay, great.

So we were aware of the problem of the funding shortfall with the HEAP program --

ASSEMBLYWOMAN BARRETT: Before it happened you were aware that it was going to happen?

PSC CHAIR CHRISTIAN: When it happened. When it happened. And we communicated with -- we received feedback from a number of different organizations. We talked internally with our state counterparts at OTDA. And as to your point, funding has been provided to address that shortfall.

So in that area I think we're in a good place for now, but we'll be working with them to see what can be done.

But to the point you're making generally, that is a sign of where things are. You know, a few years ago Governor Hochul approved a package of over a billion dollars to help pay off arrears that were accrued during the COVID-19 pandemic,

and that made a big dent. But over the last few years arrears have slowly crept back up, and they are quickly approaching the levels where they were during that time years ago.

So we're monitoring the situation closely. We're working with the utilities to identify different pathways towards addressing that. But we recognize that affordability is a major issue. And we at the commission are doing many, many different actions both internally through the rate cases and through review of different policies to identify opportunities for addressing affordability at the rate itself.

At the moment, one of the main things that we have from a policy perspective is the 6 percent affordability guarantee. And we put this in place in part because through this affordability guarantee, we're in a position to actually have control over and a line of sight over an entire individual's energy use, while also driving that individual to take actions aligned with state policies.

It's impossible for me to know what's happening with oil or propane in an individual's home. But a fully electrified home, an individual who drives an electric car, has an electric heat pump, that's one bill. That's something I can very easily manage. And the 6 percent affordability guarantee is designed to look at individuals who move in that direction towards electrification, and we can help keep their costs at 6 percent through the funding available through this guarantee.

So that is one program that we put together that we are working on spreading the word, getting more people signed up and involved. But we feel like that is an approach that can drive some significant savings while also aligning the actions of consumers with the overall goals of --

ASSEMBLYWOMAN BARRETT: But it's a journey till we get there. A lot of people are -- you know, it's going to take a while to get to that all-electric -- you know, just by the nature of our housing and our

lifestyles and our communities. So we're living in the now.

PSC CHAIR CHRISTIAN: We are looking into different options. We're exploring what other commissions have done. California, most notably, passed a bill that created a unique rate structure. I believe there's some legal challenges with that at the moment, and we're exploring and seeing how that works out.

But we are paying very close attention to this affordability concern, and I want to point out the affordability issue preexisted COVID. This has always been an issue in New York. I remember a time when a high bill created a very significant problem in my life, and it's something I can only imagine how it affects people today as costs have gone up.

So it's something near and dear to me. I'm a ratepayer. The staff of the department are all ratepayers. Justin next to me is a ratepayer. You're all ratepayers. So we recognize that we need to work on this and

find solutions, and that is what the department is looking to do above and beyond what it already does with that in mind.

ASSEMBLYWOMAN BARRETT: Thank you. No, I know this because we've talked about this over the years, but I know this is an issue near and dear to your heart. So I appreciate it.

I just have a quick question for President Driscoll too. You mentioned about the storage facilities, the large storage facilities that you're working with. We've had some conversations about storage today, and to me, I mean, we always say it's generation, transmission and storage are kind of the three legs of the stool of how we get to where we need to be.

What kind of storage are you looking at? Is it -- or are you working with? Is it long-term storage? Is it just sort of combustible storage? You know, are we starting to look at, you know, real alternatives that might be long duration or multi-day storage?

NYPA PRESIDENT DRISCOLL: The technology that's furthest along, of course is the lithium-ion strategy -- or technology, I should say. So we're looking at that. But we're also exploring all the technologies under development, including the use of zinc, oxide storage, hydrogen storage. We're exploring partnerships with companies that are developing that technology.

So as we look to replace the facilities with battery energy storage we're going to be looking at all the available technologies. But again, the lithium-ion is further along. The problem, of course, is it's of shorter duration. And so really it -- we really need long-term or longer-duration energy storage to solve the intermittency of renewable generation.

ASSEMBLYWOMAN BARRETT: So investing and starting with the lithium, does that -- you know, does that become difficult to make that transition if we're -- you know, if we're looking at iron ore or we're looking at hydrogen or other things that are, you know,

kind of on the cusp -- and I hope they're on the cusp of being ready. Are we sort of putting our eggs in the wrong basket or --

NYPA PRESIDENT DRISCOLL: Well, no, I think in order to move quickly in this transition we should take advantage of existing technology, to the extent it benefits us, understanding that there are limitations associated with it. And then you look to rapidly develop the newer, longer-duration technologies that hopefully, over time, supplement the existing shorter-duration storage with longer-term duration.

And there's also, you know, different use cases for different types of storage. So we'd be exploring all of the options available to us at that time.

ASSEMBLYWOMAN BARRETT: Okay. Thanks very much. Thank you. Thank you both.

CHAIRWOMAN KRUEGER: Thank you.

Senator Mattera. Five minutes as ranker.

SENATOR MATTERA: Great. And thank

you, Chair.

And I appreciate both of you being here today, very, very important. And to Chair Christian and to President Driscoll, I thank you very much.

This is to the chair. President Harris just acknowledged that Comptroller DiNapoli's assessment that the CLCPA will cost New Yorkers $340 billion -- that's $340 billion. That equates to $177,000 for every man, woman and child in the State of New York. That's 19.2 million people that are going to be paying for this.

Given how much we have heard the Governor talk about affordability, do you believe that every New Yorker can afford any extra 177,000 in costs? Ratepayers are already paying the costs already. Their bills are going to be 10 times higher and more. Why should our ratepayers have to pay for something that is not even working?

Right now we have problems, we also know what's going on with the offshore wind problem. There are reasons why New Yorkers

are leaving to other states -- Tennessee, the Carolinas, Florida, Texas, even South Dakota. They're leaving New York. Do you realize that we've lost over 2 million people, residents of this great state, since 2020?

What are we doing to reverse that?

It's great to see you.

PSC CHAIR CHRISTIAN: That's a lot of questions.

SENATOR MATTERA: I know.

PSC CHAIR CHRISTIAN: I'll try to go from the top down in terms of -- I think you said something to the effect of why would we pay for something that's not working. So I want to clarify a few things and amplify a few points.

So the question's been raised and asked, What will be the total cost of the CLCPA? This is not a project that's a one-year project. It's not even a 10-year project. It's a 20-plus-year project. And we all know costs change.

And I remember paying a great deal of money for the first laptop I ever bought, but

I would not pay as much as that for an even better laptop today, 20 years later. Technology advances, technology changes.

And that's one of the difficulties in providing an accurate estimate as to what the true costs would be. These are forecasts. Forecasts can change. They're subject to various conditions. So that's one point.

But in terms of them paying, they've not paid for that. We at the commission last year put together a report, a CLCPA report highlighting the costs of CLCPA-related investments. And this was in large part from the conversations and recommendations from yourself, Senator O'Mara, many others here today to highlight and be more transparent with the cost impacts of these investments.

So we've put that data out. It's available online. We can highlight the costs of individual ratepayers in different pasts of the state. It averages between 6 and 9 dollars per household. That's out there. That's in the public. So I want to make it clear, the numbers are out there. But --

SENATOR MATTERA: Everybody needs to know, all New Yorkers need to know, $340 billion right now with the CLCPA with the -- you know about Comptroller DiNapoli's assessment. That's real numbers. But this is something that, in other words, our ratepayers should not have to pay for, especially -- you and I discussed about the battery storage. And we talked about -- in other words, do you feel wind, solar, battery storage is a good investment for all New Yorkers right now to pay for something -- again, especially what's happening with this battery storage. We have moratoriums, especially on Long Island, to go and sit there and say, Look what happened to East Hampton, look what happened to upstate -- this is the third time I'm talking about this today -- and look what just happened with the Moss plant that just happened over in California that was sitting there. We're investing in this, and we have no idea it's going to cost trillions of dollars and it's not going to work.

We need to work on renewable energies -- other renewable energy. Well, carbon capture, we discussed about that, carbon recapture. Retool our existing power plants to make sure our natural gas -- we just had the governor of Connecticut just said, citing high electricity bills, wants more energy production and said not to rule out natural gas. Which is where the most power comes from and will be there for the foreseeable future.

So there's even the governor of Connecticut realizing that what's happening with renewable energy is not going to work, to make sure that we do not put a ban on natural gas, to find other sources to protect that. Because wind, solar and battery storage is just going to cost us trillions of dollars, and it's not going to work.

PSC CHAIR CHRISTIAN: So I think we can agree to disagree on the efficacy.

But what I do want to point out, we at the commission, our only authority is through rates. We have no bonding authority, we have

no taxing authority. So when the Legislature passed the CLCPA and directed us to take this action, it was under the assumption, there was an understanding that it was clear to them, and you, that ratepayers would be taking some of the cost.

SENATOR MATTERA: Well, you're here to protect our ratepayers, so please understand that you need to be a voice. Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Palmesano, the ranker.

ASSEMBLYMAN PALMESANO: Yes, thank you, gentlemen, for being here.

I'm going to start with Mr. Christian. I hope I get to you, Mr. Driscoll. So if I cut you off, Mr. Christian, just bear with me, because of time.

We talked about how expensive, hundreds of billions of dollars. We know, you know, the rates and things of that nature. And we had an energy hearing last

month -- we had one last week, too, in the Assembly -- and one of the things that came out of the hearing is that really there's no sign-off for funds that go to NYSERDA. If they do big contracts, there's no sign-off or approval by the Comptroller.

Do you think it's a good idea that annual funding that's requests for the ratepayers funds that go to NYSERDA should be approved by at least the Public Authorities Control Board? And should these big projects have sign-off and approval by the State Comptroller? Because from my understanding of what was said during the hearing, that's not the case. For transparency.

PSC CHAIR CHRISTIAN: Well, sir, I can -- what I can say to the current process is there is a significant amount of review of NYSERDA funding, both annually, periodically over years, and on an occurring basis. These proceedings are public, the information is available in the dockets. Any one of you -- and many of you have, have looked at these dockets and registered as parties -- can

review the information that's there. The process is a public process through which various nonprofits and other organizations and industry groups have participated and have provided comments on, and feedback.

So I want to make it clear, this is not a rubber-stamping, this is not a blank check, this is not a carte blanche where we provide NYSERDA with funding to do, willy-nilly, whatever they deem appropriate. There's a lot of rigor that goes into determining how much is provided. There's a lot of rigor in determining what kind of work is done and the pace at which that work is done.

ASSEMBLYMAN PALMESANO: Mr. Christian, I don't doubt your due diligence. My question -- I don't need you to answer it because this is -- the State Comptroller does not sign off on million-dollar projects for offshore wind. There's no sign-off by the Public Authorities Control Board on monies that are given to NYSERDA that come from the ratepayers. There should be, from that

perspective.

So my next question, quickly, is there is no additional funding -- and I don't necessarily need an answer. I hope you can get back the information, because -- in the interests of time. There was no funding in the Governor's budget for the EmPower+ program, which would help customers with the home electrification efforts. Would you be able to get back to this committee on, you know, how much money is still in there? I understand there's some reappropriations that have been in there. And how many eligible customers have taken part in the program since its inception? Is that something you could provide to us?

PSC CHAIR CHRISTIAN: I believe that is something we can provide and has been provided in our document matter system. So that information should be readily available.

And I do want to add, you know, these programs are not monolithic. We adjust them regularly. We look at them. And --

ASSEMBLYMAN PALMESANO: That's fine.

PSC CHAIR CHRISTIAN: And the purpose of the programs is to provide economic incentives for individuals to take particular actions. So we at the commission, working with NYSERDA, adjust the values and the structure regularly.

ASSEMBLYMAN PALMESANO: And I understand that. Again, I'm sorry to be rude, to cut you off -- it's just time.

The 6 percent cap, everyone talks about the 6 percent cap. If that cap is adhered to, won't there be a shift to other ratepayers? Isn't it basically so -- it's being paid for by other people, that 6 percent. It's being paid for by other ratepayers, correct?

PSC CHAIR CHRISTIAN: I'm sorry, when you say the cap, you're talking about the affordability guarantee?

ASSEMBLYMAN PALMESANO: Yeah, that and the other 6 percent. So yes.

PSC CHAIR CHRISTIAN: Right. So not entirely accurate. And I hope I can have the time to explain this. I'm not sure I -- the

minute is sufficient.

But ultimately what we want are energy systems that are fully utilized, we're using the maximum amount of it in every given moment. These are major, multi-billion-dollar investments, as we've all just discussed. Right now the way our system is set up, the significant share of those investments are only used --

ASSEMBLYMAN PALMESANO: Mr. Christian -- Mr. Christian --

PSC CHAIR CHRISTIAN: -- a small portion of the year.

ASSEMBLYMAN PALMESANO: I know you want to explain it, but I don't have the time. I'd love to talk to you off -- if you have -- you said I was inaccurate? I'd love to talk to you about it offline.

Last -- in July of 2023 the Public Service -- PSC passed $43 billion in future ratepayer increases, it was in July '23, to pay for the clean energy, the green energy mandates. That was July of '23 that happened. And I didn't hear anyone come up

and yell and scream about that. But when the utilities come and ask for your rate increases, the Governor and others do. But it's basically addressing these green energy mandates that are being in place.

And that's what the utilities -- when they come to you, that's dealing with these mandates that are being placed upon them, correct?

PSC CHAIR CHRISTIAN: So I disagree. And I know you and your staff have participated in different proceedings over the years. I don't believe -- I don't know if you participated in rate cases. But I guarantee you, there's nothing easy about any of the proceedings. They're not a kumbaya. There's a lot of disagreement, a lot of argument. It happens.

ASSEMBLYMAN PALMESANO: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

We are -- next up, Senator -- so sorry, lost track for a moment. Let's go with Senator Hinchey. (To Senator O'Mara) I

think you were the last Senator.

SENATOR O'MARA: I don't remember.

CHAIRWOMAN KRUEGER: I do.

SENATOR HINCHEY: Thank you, Madam Chair.

And hello, thank you both for being here.

I'm going to direct my short time to you, Chair Christian. Nice to see you and first and foremost, thank you for all of your work. It's been really wonderful to work with you, and I know you deeply care about solving these issues that we have. Unfortunately, you're in a difficult position and -- for a host of reasons, and therefore I ask for some guidance here.

So my office has dealt with over 2,000 constituent cases regarding their utility company. Through the PSC, there was a ruling. Even after that, we still deal with over 40 calls a month of challenges with this same utility company. All we really can do is tell people to call them, file a complaint with you, and then hope they get an answer.

Is there a better process? There has to be a better way to make sure that the Public Service Commission is really helping the public as it pertains to dealing with these utility companies.

PSC CHAIR CHRISTIAN: So I mentioned earlier, when asked about our staffing levels and what we were going to be investing in with the additional appropriations, the need to invest in our customer service area and our team, the technology, the people, the staff, the training, all of those things, to ensure that we can rise and meet the challenges exactly as you describe.

The processes we have right now are designed to ensure that individuals approach the utility to try to exhaust their options first before coming to the commission, before we work then with the utility to try and work through the issue.

You can imagine in a period of time when there's a significant volume, those things can tend to take longer. So we're trying to ensure that we have the appropriate

staff, the appropriate technology, the appropriate systems in place to handle what has been a very recent uptick in complaints that we've received, not just from a utility in your area, but for other utilities as well.

SENATOR HINCHEY: Yeah, it's a statewide issue for sure. And I think -- and I appreciate that, but I think there's got -- even just -- and this is for all of us, there's got to be something better than just having to file a form with the PSC. Our utilities have to actually be better operators in our communities.

But that leads me to the topic of delivery charges. And for us, we've got an uptick in delivery charges. We've had cases of $500 delivery fees when there's just a one-bedroom apartment, and another time where there was a service charge of $39 but the delivery fee was $389.

What else can we be doing on the delivery charge issue here?

PSC CHAIR CHRISTIAN: So I can't speak

to an individual case. I don't know the circumstances, I don't know what's happening.

SENATOR HINCHEY: Of course.

PSC CHAIR CHRISTIAN: We see a lot of interesting things, and I'm happy to spend some time with you going through some of our different cases that we've had, resolved customer complaints, to highlight the significant variability. But it requires that we investigate, look at all the facts, collect all the information and ensure that the process was followed appropriately.

So it takes time.

SENATOR HINCHEY: Thanks.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember.

CHAIRMAN PRETLOW: Assemblymember Steve Otis.

ASSEMBLYMAN OTIS: Thank you.

Thank you both for your testimony and your good work in complex issues. Both of you deal with math a lot, and making the numbers add up in terms of all the things that you have before you.

President Driscoll, thank you for hosting our Assembly Science and Technology committee this summer, a trip to Lewiston and the Niagara Falls Power Plant, which was really fascinating. And the fact that you were there and presented to us was really great.

New York Power Authority is the biggest producer of renewable energy in this state. And already what you inherited, but also in your testimony, many of the good projects that you're working on. The model that we have currently is that your -- the funding that you have available is the funding within your own budget.

My question is, should we reevaluate the use of General Fund funding for the Power Authority to allow you to do more projects since we are so eager to ramp up our ability to expand more renewables? Would that be a tool that the Legislature should take a fresh look at and find you other funds? And what could you do with that kind of opportunity?

NYPA PRESIDENT DRISCOLL: Well, let me first say we would always welcome additional funds.

But it goes to the heart of the public authority construct, I guess, would be one observation. We're off the State Budget and we're independent for reasons that the Legislature chose back when we were created. We do -- as you know, recently have sought funding for the Canal Corporation for some of the infrastructure work that we're doing there, which is critically important to us.

So I guess it may be at the Executive level and potentially above my pay grade, but we'd always welcome discussions with the Legislature about creative ways that we could get more done.

ASSEMBLYMAN OTIS: Thank you.

And Chairman Christian, just one question about the delivery charges. When you're evaluating an application from a utility, how thorough is the analytical process on the Department of Public Service side to make sure that the representations

that are made to you by a utility are accurate?

PSC CHAIR CHRISTIAN: Extremely thorough. And I can expand upon that in 30 seconds, but I won't touch upon the level of detail needed to give you the granularity.

The basic process, a utility says, We have this portfolio of investments, this is what we want to do. We take that and we do our own independent analysis, looking at the costs, the assumptions, the interest rates, the financing, all the different things. And we come back with a counterproposal.

And through that process, over 11 months, between us, the utility and any stakeholders who wish to participate, we evaluate the various approaches and we come to a settlement where we agree that this portfolio of investments is the right way to go.

ASSEMBLYMAN OTIS: Thank you. To be continued, but thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Stec, five-minute ranker.

SENATOR STEC: Thank you, Madam Chair.

A quick question first for the Public Service Commission. Chair Christian, thanks for being here today.

Affordability has been stated by many people, including the Governor very recently, as one of the main challenges facing our state. And obviously energy costs are a key component to that. What proportion of the average customer's bill do you believe is going to be attributable to the state's imposed climate mandates, and do you anticipate ratepayer bills will increase as more investment is needed to meet these goals?

PSC CHAIR CHRISTIAN: I'm sorry, would you mind repeating that question again?

SENATOR STEC: Sure. What proportion of the average customer's bill do you believe is attributable to the state's imposed climate mandates -- I apologize, I have a cold. And do you anticipate ratepayers' bills will increase as more investment is needed to meet these goals?

PSC CHAIR CHRISTIAN: So, one, it's difficult to say what the final number will be. Delivery charges and energy charges are separate, they are calculated in different ways based on different assumptions.

What I can say is under the current regime with fossil fuels, whenever there's a storm in the Gulf, whenever there's a supply chain disruption, whenever there's geopolitical conflict, natural gas and oil prices go up and our ratepayers pay the price for that in higher energy costs.

Where we are today, we have an aging system -- and I think President Harris mentioned this earlier, our system is 50 to 100 years old in certain parts and areas. You need to repair. You need to upgrade. You need to improve. And added to the fact that climate change is causing greater stressors, these things will cost more.

So irrespective of our climate goals, we have to spend a significant amount of funds to keep the system operational and make it work.

What makes the approach interesting and unique and affordability-focused is that we bypass the geopolitical, the macroeconomic, the microeconomic, the climate-driven factors that create temporary price spikes in natural gas.

An issue that's even more difficult to deal with now, because we've gone from exporting zero natural gas over the last few years to now we are the number two, if not number one, exporter of natural gas globally. Seventeen percent of all the natural gas produced domestically is exported overseas.

We had a captive market for much of our history where the prices of natural gas were definitely only influenced by whatever happened within our borders. That we're exporting now, today, roughly 20 percent of that resource means we are exposed to higher prices in Asian and European markets -- markets that are willing to pay significantly more than we have historically paid for natural gas.

That exposure will lead to

significantly higher prices over time. The renewable energy that we are deploying is fixed-price for a very long time -- 20 years, in many instances. That's stability. That's certainty. That's something we're willing to use and make a difference in affordability for customers everywhere.

So I see this as one of many things we can do to enhance long-term affordability for ratepayers in the state.

SENATOR STEC: All right, thank you.

And if I could pivot to the Power Authority. President Driscoll, you mentioned peaker plants earlier. Can you tell us how that process is going? How many plants have been brought offline so far, and how many are slated for decommissioning? And obviously the other concern -- and we've touched on it earlier today -- the progress of building out new energy sources to replace these peaker plants. Because not only do we have customer demand growing organically, and a growing economy -- you would hope that it will correlate to more energy use -- but also

the State of New York is mandating more electric energy consumption with our climate policies.

So how are we coming on replacing those peaker plants?

NYPA PRESIDENT DRISCOLL: So the first part of the question, we have not retired any of our fossil units, mostly located in the downstate region: 11 peaking units around New York City and on Long Island, at six different locations, and then we have a larger fossil plant in Astoria that's also currently online and under contract to the City of New York and other governmental agencies.

The way the process is going to work is pretty much outlined in the statute in the budget from two years ago. We're required to file a plan by May of this year, and we're working closely with the NYISO to determine how to sequence the retirement of those plants, subject to their reliability need.

And of course based on earlier discussion today, we recognize, as a utility,

that we need to match the replacement resources with retirements. And so that's very much part of the equation here. We're welcoming the Champlain Hudson Power Express coming online in late 2026, which will be a data point and a factor in that.

But we're going to be moving forward because the law requires us to have those plants offline by 2030. And so we're going to be taking all the preliminary steps necessary subject to NYISO input.

SENATOR STEC: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblywoman Jo Anne Simon.

ASSEMBLYWOMAN SIMON: Okay. Thank you.

So thank you, Commissioner Christian. You know, I have a couple of questions. Last year during budget, like National Grid had an active ratepayer case open, and so you were hesitant to get into specifics. But that case is now over and there's been an order

granting the increased rate.

So, you know -- as you know, Gowanus Canal and -- National Grid is a responsible party for a lot of the pollution there, including all the coal tar. And it's the largest Superfund site in the state. So what we're concerned about is National Grid is allowed to collect money from ratepayers to pay for the cost of cleanup, when this was a cost that -- you know, it's like that tort fees are collecting from the victim in order to pay the settlement, right?

And so I really want to explore how that is equitable, and also, you know, what are potential future costs to ratepayers because of Superfund cleanup where the company that's responsible for so much of it is going to keep coming back for more rate increases.

PSC CHAIR CHRISTIAN: So I remember your question from last year, and I apologize, I don't have all the information readily available to answer it as precisely as I'd like.

I can say I do recall discussions about the costs associated with that appearing in the rate case. And what I can do is I can go back to staff and I can have that conversation and we can meet with you and talk about it in greater detail, and give you a greater line of sight into anticipated future expenses based on information available in the last rate case. And we can talk through your views of how that could change, if needed. You know.

ASSEMBLYWOMAN SIMON: Okay. Because I get asked that question constantly by the community, who is paying for it.

PSC CHAIR CHRISTIAN: Yeah. Yeah.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN KRUEGER: Senator Gonzalez.

SENATOR GONZALEZ: Thank you.

Good afternoon, Chair Christian and President Driscoll. Thank you so much for joining us today. I definitely appreciated hearing about the work that you are both doing towards energy efficiency and building out public renewables.

As you know, I'm a young Senator who represents an environmental justice district of constituents who want a livable future. So my first question is very simple. Yes or no: Based on the work that you're doing right now, do you feel like we will achieve the CLCPA goal of 70 percent renewable energy by 2030? Simply.

NYPA PRESIDENT DRISCOLL: I could start. I mean, I think that there was an acknowledgment by the administration earlier this year that due to supply chain constraints and inflation that -- and some of the setbacks, particularly with the offshore wind, that we were going to be a little behind but that we had a clear line of vision toward the 2040 clean energy grid. That's the ultimate goal.

So we're working as hard as we can to try to close the gap on the 2030 goal, being mindful that the end goal is our 2040 goal.

PSC CHAIR CHRISTIAN: And I echo that point. And I want to add, you know, I talked about resource diversity and the need for

different kinds of resources. There's an executive order that definitely dampens our aspirations regarding wind -- not just offshore wind, land-based wind as well.

SENATOR GONZALEZ: So I'm going to -- sorry, I'm short on time. I'm hearing from both of you likely no, at this moment, but we're working towards it. Is that accurate? For my -- yes? Sorry.

PSC CHAIR CHRISTIAN: We will consistently work towards the state-mandated legally required goals, yes.

SENATOR GONZALEZ: So my constituents are incredibly concerned that we are not on track, as you both have acknowledged. And on top of that, as you both know, we have new threats to our energy system. That includes the rise of new technologies. According to a recent Washington Post article, 2 percent of the nation's electricity use is coming from the use of artificial intelligence, which will double by 2026. And by 2040, it's predicted that that data center contribution to greenhouse gas emissions will increase by

tenfold.

Our state is looking to build out a lot of this technology. So what is our plan to not only make sure we're meeting our goals but also supporting this new demand on our energy grid?

PSC CHAIR CHRISTIAN: So there are a variety of no-regret strategies that we can approach. Our work on transmission development, in which the New York Power Authority is heavily invested through the projects described earlier, is just one part of the equation.

It's long been known that a robust and effective transmission and distribution -- T&D, transmission and distribution system, can help integrate lots of different types of resources. And again, we're exploring different types of generation. We're looking at different ways to manage flexibility, which is how do we work with individuals, homes, businesses, so that they can use energy in different ways to help better align with the grid.

All of those are part of our solutions.

SENATOR GONZALEZ: I think what I'll just close with, and we'll follow up after this, is that if we don't have a set plan right now, my constituents who live near peaker plants and who live near the Ravenswood Power Plant are going to continue to suffer every day.

CHAIRWOMAN KRUEGER: Senator, I'm sorry, I have to cut you off. You can follow up with them afterwards.

SENATOR GONZALEZ: Thank you, Senator Krueger. We'll follow up.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblyman Mamdani.

ASSEMBLYMAN MAMDANI: Thank you. Bipartisanship.

(Laughter.)

ASSEMBLYMAN MAMDANI: Commissioner Christian, in February 2023 the Public Service Commission approved Con Ed's

application to charge New Yorkers an additional $65 a month total, over the course of this rate plan, resulting in Con Ed making an additional $1.93 billion in revenue. Is that correct?

PSC CHAIR CHRISTIAN: I'm -- the number you're using doesn't line up with my memory. I'm sorry, but I don't know if that's an accurate representation.

But we do regularly approve and review rate cases, and that -- the number doesn't sound right, but I do believe we did something with Con Ed in --

ASSEMBLYMAN MAMDANI: I built that off of the order that was issued by the Public Service Commission.

So I just have that report right here, and I just wanted to confirm one additional piece, which is I was party to that rate case and filed an opposition to this agreement.

Is it correct that Eric Adams' administration, recognized in the filings as the City of New York, signed in support of this rate increase?

PSC CHAIR CHRISTIAN: Again, I don't remember the specifics of that particular rate case. But the City of New York does often sign in support of rate cases. They're a party, and they engage throughout the process.

ASSEMBLYMAN MAMDANI: Okay. I have that on page 2 as them having signed alongside Walmart.

Now, Con Ed is expected to file another rate case before the end of this week. Last month Con Ed themselves reported that 496,000 households were behind on their bills by 60 days or more, with debts of more than $948 million. Many of those households are in my district.

What is your response to my constituents who are still struggling to afford the last rate hike?

PSC CHAIR CHRISTIAN: So our goal in ensuring that the system is functional, that the system is safe and reliable and as affordable as possible, is to make sure that whatever investments come before us in a rate

case are evaluated, scrutinized, and screened, and that only what is necessary is approved and moved forward.

ASSEMBLYMAN MAMDANI: Okay. I disagree on the assessment of this is necessary, and I would appreciate a further conversation. But because of time, I'm just going to move on to President Driscoll at this time. Thank you very much.

President Driscoll, public participation was included in the BPRA to ensure that the public's voice was taken into account. Your strategic plan initially called for 3.5 gigawatts. About 96 percent of all public comment and testimony on that plan demanded that NYPA do more, that NYPA build 15 gigawatts with at least 5 gigawatts downstate.

After the public comment period, your revised plan included fewer gigawatts -- now just 3 -- and furthermore, you stated that you expect some level of attrition.

Now, in comments here, you've suggested that the law forbids you to add

projects to the final strategic plan. Where in the law do you see that you're not able to add projects to the draft plan after public comment?

NYPA PRESIDENT DRISCOLL: The advice of our counsel was that the projects in the draft plan that went out for public comment was the last word on our draft plan.

ASSEMBLYMAN MAMDANI: So what was the point of public comment, then?

NYPA PRESIDENT DRISCOLL: Because we used it to inform the final version of the plan. It was -- we revised the plan based on the public comments --

ASSEMBLYMAN MAMDANI: With fewer gigawatts now.

NYPA PRESIDENT DRISCOLL: The gigawatts that were removed from the plan are still going forward. They're being developed. They just couldn't meet our timeline. But they're still going to count towards the state's goals.

ASSEMBLYMAN MAMDANI: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Canzoneri-Fitzpatrick.

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam Chair.

Thank you both for being here.

Mr. Christian, as you stated in your opening testimony, the RAPID Act empowers ORES to overrule local law, and it moved that entity within your control.

So my question is, to date, have there been any instances where local law has been overruled to let a project move forward?

PSC CHAIR CHRISTIAN: So to my knowledge I'm not -- I'm not aware of any instances where local law has been overruled.

In many of the instances with ORES working with local communities, typically they have managed to work through the various issues prior to the development. And that's something we are emphasizing through the RAPID Act now, that prior to coming for a permitting process, that the developer communicate and agree with the community on the various terms and conditions of the development in advance.

And so that is something we are working with to ensure is a part of every project going forward.

SENATOR CANZONERI-FITZPATRICK: Great. And I hope that that will continue, because of course getting local involvement is the key to moving these forward without a lot of resistance.

Could you tell me how many current projects are being reviewed at this time and where they're located?

PSC CHAIR CHRISTIAN: So you'll need to give me a moment to get that information. I believe the number is in the teens. But I can get that -- a greater level of granularity to you at a later time.

SENATOR CANZONERI-FITZPATRICK: That would be great if you supplied it to me after this hearing. I don't want to put you under pressure.

PSC CHAIR CHRISTIAN: Okay, yeah. But I can say we issued 19 permits, roughly 38,000 acres of solar, another 17,000 for wind. And that a significant amount of that

was not developed on any prime farmland soils.

SENATOR CANZONERI-FITZPATRICK: Okay. Thank you for that information.

The Comptroller's report stated that the PSC and NYSERDA had taken some steps, considerable steps to plan for the transition to renewable energy, but they found that there was -- the plans did not comprise all the essential components, including assessment risk to meet goals and projecting costs.

So I'm wondering, in response to this report, what has your office done to better prepare for the transition?

PSC CHAIR CHRISTIAN: So over the two years of the report, in meeting with the Comptroller's office we talked through the various processes that we've had and how they work. In my opinion there's agreement to disagree, for lack of a better way of putting it, in terms of their interpretation of the work that we are doing from a procurement perspective and how we're authorizing it.

But ultimately what we are doing to both identify what we need and then move forward with it, it's a clear, transparent, open procurement process with the goal of achieving the lowest possible costs.

SENATOR CANZONERI-FITZPATRICK: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblywoman Shrestha.

ASSEMBLYWOMAN SHRESTHA: Thank you.

My first question is for President Driscoll. Hello. The state AFL-CIO and Building Trades Council, the American Lung Association, and the Black, Puerto Rican, Hispanic and Asian Caucus have called for 15 gigawatts by 2030, along with the vast majority of public commenters on your draft plan. These are key stakeholders whose demands shouldn't be ignored. And your plan currently ignores these demands and only proposes 3 gigawatts.

The amount of bill credits the REACH

program can fund also depends on how much public renewables you build.

So my quick question, a rough estimate, how much capacity do you actually intend or hope to build by 2030?

NYPA PRESIDENT DRISCOLL: Well, thank you for the question.

As we sit here today, I think it's unclear in terms of the total amount of gigawatts that --

ASSEMBLYWOMAN SHRESTHA: Okay, great. My next question for you is what do you think is the role of the president of NYPA in meeting our climate goal of 70 percent renewable energy by 2030?

NYPA PRESIDENT DRISCOLL: Well, as the leader of the Power Authority, the Power Authority is a key tool in the Governor's toolbox in terms of executing on state policy --

(Overtalk.)

ASSEMBLYWOMAN SHRESTHA: I'm sorry, I mean specifically the president's role.

NYPA PRESIDENT DRISCOLL: I'm leading

the organization. I represent NYPA. And so we're trying to achieve the state's goals in the best way we can. We're not doing it alone, of course. We're doing it in partnership with the private sector, NYSERDA and other community developers of solar generation.

ASSEMBLYWOMAN SHRESTHA: Do you agree with President Harris's position on the previous panel that how much NYPA wants to build is up to NYPA and there are no obstacles related to NYSERDA?

NYPA PRESIDENT DRISCOLL: I listened to her testimony; I'm not so sure that's exactly what she said.

But there are ways that we can cooperate. I think that was your question to her that I listened to. There are ways that we can work together. We intend to participate in NYSERDA's solicitation process, seeking REC contracts from NYSERDA so that we can --

(Overtalk.)

ASSEMBLYWOMAN SHRESTHA: Okay, I'm

sorry, I have a question for --

NYPA PRESIDENT DRISCOLL: -- for these projects.

ASSEMBLYWOMAN SHRESTHA: -- Chair Christian.

A new report finds that over the last three years investor-owned utilities residual electricity rates have increased 49 percent more than inflation in the country, while publicly owned counterparts have increased 44 percent less than inflation. In some states the contrast is even more stark. And as of September 2024, nearly one-quarter of U.S. households were unable to pay their energy bills in at least one month in the past year.

Do you think that the real obstacle to our climate transition being expensive and our ratepayers being on the hook for that is the fact that these privately owned utilities cannot access low-cost capital and they also have the responsibility to make profits? Would it be better to have public benefit state corporations do this with low access to

capital and without the profit motive, very similar to NYPA, which has excellent bond ratings and also low-cost capital?

PSC CHAIR CHRISTIAN: So I think a diversity of approaches is always a better way to pursue opportunities. And I think having NYPA on board is a great way to go forward with what we need to accomplish.

ASSEMBLYWOMAN SHRESTHA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And next we have Senator May.

SENATOR MAY: Thank you.

And thank you both for -- hi -- for answering our questions.

I think my first question is for PSC, and it has to do with interconnection protocols on the grid. I know in Texas they're able to bring new energy onto the grid very efficiently because they use a connect-and-manage approach as opposed to what we tend to do, which is putting everything in a queue and waiting until every I is dotted and every T is crossed before it gets onto the grid.

Are we in New York exploring more efficient ways to do interconnection on the grid?

PSC CHAIR CHRISTIAN: So interconnection reform is probably one of the more significant things that we'll be examining and have been examining. Your point about the connect-and-manage approach used in Texas, yes, that does allow for a greater degree of interconnecting resources. But one of the main limitations there is those resources may not always be available, and those resources must curtail production -- and they agree to curtail production as part of the condition of being connected in the first place when there's not enough capacity for them to produce power and send it to the grid.

So there are many different ways to go about this. Our way of addressing it right now, based on existing policies available at the time and also direction from the Legislature, is to enhance our buildout of transmission and thus create more points from

which these generators can interconnect.

So we have invested well over $6 billion in T&D through a series of orders. We have initiated something called the Coordinated Grid Planning Process, one of many acronyms we deal with, CGPP. This process is something that we work with each utility to do as a conglomerate throughout the state to identify where do we need to make investments in transmission and distribution, prioritize those investments, allocate funds towards them, and move forward and repeat.

And this is going to be a cyclical process where we identify those needs.

SENATOR MAY: Okay. Tremendous, thank you. I hope to talk to you more about that.

My other question is for NYPA, and it's about hydropower. I understand that a lot of our hydropower facilities are old and not as efficient as they could be, and I wonder if this could be or is part of, for example, Build Public Renewables? Can expanding hydropower be part of that effort?

NYPA PRESIDENT DRISCOLL: So that's an existing effort that actually is embodied in our corporate strategy, our Vision 2030 strategy, where we have a pillar that's called "preserve the value of hydropower." And that encapsulates all the work we're trying to do to make sure that those plants can produce at the same level -- in fact, we're trying to eke out additional generation in some of the improvements we're doing.

We're spending $1.1 billion at Niagara to refurbish all the turbines there, one by one, to make sure that we can, like I said, keep them running, maybe make them more efficient. They serve as a balancing effort with the renewables as well.

SENATOR MAY: Thank you very much.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRMAN PRETLOW: Assemblymember Keith Brown.

ASSEMBLYMAN KEITH BROWN: I think I can say good evening to you both. So thank you for both being here.

Questions regarding infrastructure,

right? The Governor is throwing a billion dollars at infrastructure. Appreciate the effort, but this morning I watched the news and the California wildfire, the Palisades fire, may have been caused by a spark generated from a high-tension line. At least that's what the video showed. So they're going to do a full investigation, obviously.

But, you know, it really begs the question with all of the new green energy and the infrastructure that it's not prepared for, what do you think -- what's your opinion about the stress that's going to be put on the system in -- as it relates to potentially causing some issues like, you know, starting a wildfire?

And then I also want to ask -- and Mr. Driscoll, I've asked you this before, but the building out of the travel plazas, now with the hearing that was held last week, a lot of attention turned to the fact that not just electric vehicles but electric tractor-trailers and trucks won't have the ability to charge on the Thruway. And it's

been a pet peeve of mine. I've sent three letters to the Thruway, to DOT, and yet all those travel plazas -- and ones that are continuing to be built -- do not have proper infrastructure for EV for cars or for tractor-trailers.

So if you could address both of those, either one of you. Thank you.

NYPA PRESIDENT DRISCOLL: On EV charging, I guess I would just say that our efforts are separate from the Thruway Authority's efforts at the rest areas. Most of our EVolved sites are at locations other than the rest stops, off the Thruway. So that's at Stewart's and other convenience stores is where we've found real success with deploying our EVolve --

ASSEMBLYMAN KEITH BROWN: Let me stop you there. So as an EV owner, you know, and the fact that people have to -- it's not feasible for tractor-trailers to get off the Thruway, right, that are going to be electric tractor-trailers, in order to charge.

So it's really -- it's a glaring

omission, you know, the fact that the agencies could not anticipate bringing new electric power to the travel plazas.

So I just want to switch gears over to the question about the infrastructure for you, Mr. Christian.

PSC CHAIR CHRISTIAN: Sure. So I'm still reading much of the information on the fires there. Reports have evolved to the point that you just made; the information on the spark is relatively new.

What I can say for certain is we in New York, for a similar type of situation, vegetation management is one of the more central aspects of minimizing the occurrence of an incidence like that here. Ensuring that trees are cut back so that there's not any underbrush available to dry out and then create dry conditions for a fire to occur, but also to ensure that trees do not actually knock down power lines during incidents of high wind and rain that we have.

ASSEMBLYMAN KEITH BROWN: I'm more concerned about the load that's going to be

put on the system.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Borrello.

SENATOR BORRELLO: Thank you. Thank you both for being here.

President Driscoll, I want to direct this towards you. I have been getting some very concerning phone calls from the public energy companies in my district, like the Jamestown BPU, about the massive increase that you have proposed in the cost of hydroelectric power. You're going to go from $12.88 per megawatt to a proposed $33.05 per megawatt hour, a staggering nearly triple increase. This is going to drive out businesses and families. The Jamestown BPU services one of the poorest communities in New York State, and you're going to drive up electricity costs.

Please explain to me -- I'm told this is, you know, deferred maintenance. Please explain to me how we can justify this kind of a massive jump in one year.

NYPA PRESIDENT DRISCOLL: Thank you. And let me just say that we obviously never want to raise rates. The munis are what we call our preference power customers. They were created when we were created at NYPA. They get our lowest cost, they get at-cost power from us. These customers haven't had an increase in 11 or 12 years. We work very closely with them, and we've been messaging the need to increase their rates, primarily to fund what we just talked about earlier, the refurbishment of the Niagara Power Project --

SENATOR BORRELLO: What are the total costs of that refurbishment?

NYPA PRESIDENT DRISCOLL: One-point-one billion.

SENATOR BORRELLO: One-point-one billion, okay. So I've seen us throw billions around this state for things that are far less important than the one few thing, one of the very few things that we actually have as an advantage here in New York State when it comes to doing

business, and that's low-cost power.

So how can we justify passing that along to ratepayers, particularly to those folks that get that low-cost power? Isn't there another solution besides tripling the rates?

NYPA PRESIDENT DRISCOLL: So let me just clarify one point on the increase. It's only for -- it's a catch-up increase for four years in order to replenish what's required for us to maintain a reserve fund, maintain as part of our structure. So after that gets refurbished, it goes back to --

(Overtalk.)

SENATOR BORRELLO: Have you asked the Governor to give you some funding? What about bonding for this, instead of this massive increase?

NYPA PRESIDENT DRISCOLL: Let me add one other point. We're looking to phase that refurbishment or catch-up over as long a period of time as possible, but the rates are going to then return to a flat line after the account is refurbished.

SENATOR BORRELLO: Well, I'm already hearing from major employers like Cummins Engine -- which only has three factories in the United States, one of them is in Jamestown. This may jeopardize their ability to continue to make engines here. They're the largest employer in Chautauqua County, one of the largest in the state. This could be a very -- this could be a devastating impact on businesses and families.

I would strongly encourage you to rethink this and perhaps ask the Governor, while we're throwing billions around for other unnecessary things, to give you the money you need to actually bring yourself up to where you need to be for that -- for maintenance.

NYPA PRESIDENT DRISCOLL: I appreciate the conversation. I can assure you we'll work with our customers. Jamestown is one of our most -- longest-standing and most sophisticated muni customers. We enjoy working with them. We're going to work closely with them to make this as painless as

possible.

SENATOR BORRELLO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblywoman Dana Levenberg.

ASSEMBLYWOMAN LEVENBERG: Thank you so much to both of you.

My question is for Chair Christian. Why does the PSC continue to do business as usual regarding the maintenance and expansion of our current fossil fuel-based system when doing so puts it at odds with the clean energy transition mandate of the CLCPA? Are there legislative changes that you need to see to have the flexibility to explore more affordable, cleaner energy options?

PSC CHAIR CHRISTIAN: Well, this is an interesting question for a number of reasons, in part because I think if you were to talk to certain individuals, you would hear that we are very much doing everything we can to stop gas use in the state -- which I don't necessarily agree with.

We take a very balanced approach, and the investments that we make in the system are designed with the goal of maintaining the system and continuing its safe and efficient operation. So again, just like what we do through rate cases on the electric side, similar things happen on the gas side. We ensure that those investments that are approved over the period of time of the rate case are necessary.

So it's not designed with the goal of expansion, and in fact in many ways what we have done with the gas utilities, we've made many changes to how they approach engaging new customers, eliminating incentives for certain appliances and other things like that.

The state law still provides incentives for gas connections, the so-called hundred-foot rule, so new customers looking to come online are more than able to do so with the existing state law.

But as it is right now, we at the commission, recognizing the overall goals of

the CLCPA -- which are not anti-natural gas but are very much driven by lowering emissions -- we are trying to ensure that our investments in the natural gas system are as focused and deliberate as possible, so that we can continue service safely and affordably and reliably.

ASSEMBLYWOMAN LEVENBERG: Okay, I think you did point out some of the issues with reliance, our continued reliance on natural gas earlier in some of your answers. And also you mentioned that hundred-foot rule, which obviously creates the ability for people to continue to rely on natural gas when we're trying to segue off of it. So I'm not sure how those two things comport. So it seems to me that if that wasn't there, that it would make it a lot easier.

I also wanted to talk and just sort of uplift all the cries about rate -- the rate cases and ratepayers. Because I would say, in line with complaints about potholes, that's probably our second-highest complaint that we receive in our offices, about utility

bills and how people are not able to afford to pay their bills.

CHAIRWOMAN KRUEGER: Thank you.

Next up is Senator Fahy.

SENATOR FAHY: Thank you. And thank you for joining us here and your patience with us this evening.

And I'm just going to piggyback off of my colleague and just say that utility bills do continue to be a concern, and I appreciate your comments.

I also, Mr. Christian, I appreciate your comment about the hundred-foot rule. That is something, as you know, we've tried for a few years to tackle, and hope we can continue to work on that. Although it's no longer my legislation, I agree with your point on that and hope we can make some progress.

While talking to you, can you also -- this came up much earlier this evening in some of your back-and-forth. The exhaustion of the HEAP dollars that I know ran out extra-early this year. What happens with the

low-income families that are relying on those payments?

PSC CHAIR CHRISTIAN: So the HEAP program is an essential program to ensure that low-income families can pay their heating bills. So the program I believe -- and again, this is information I have available. I don't have full information on exactly what happened. But funding essentially was exhausted.

Why it was exhausted is unclear to me at this time. It could have been the money was used up in advance, more people were enrolled in the program --

SENATOR FAHY: Yes. But is there an alternative? Or does it just run out and there's no alternative for it? I just want to get on to a couple of other questions.

There's no other alternative, then, once they've run out?

PSC CHAIR CHRISTIAN: For the HEAP program, at this time I'm not -- I don't believe there is an alternative to the HEAP program. That's state-sponsored, the way

it's set up.

SENATOR FAHY: Okay. And then with regard to the ORES, now under your agency, where are we on the backlog, which was part of the reason for the switch?

PSC CHAIR CHRISTIAN: So we are absolutely working through the backlog. Part of our review of the permitting requirements is setting up new processes to ensure that we can accelerate our path forward with not just clearing the backlog but future projects, as they come in, being permitted in a more streamlined manner.

So the organization has new leadership in Zeryai Hagos, a very capable individual who's worked with the department for many years, and I have full faith and confidence in his ability to work with the department and achieve the goals we've set for them.

SENATOR FAHY: Okay, thank you.

And just want to mention a couple of other issues, and maybe a quick question for Mr. Driscoll.

The affordability does continue to be

a concern, and I recognize that the AI data centers that a number of members have brought up I think are really good questions that we look forward to hearing more on.

And then, Mr. Driscoll, the plans to decarbonize, to fully decarbonize the Empire State Plaza, we were just briefed with OGS, but is there anything else that you'd want to add in terms of where we are on track with that goal?

NYPA PRESIDENT DRISCOLL: So as I think you know, we're well underway on Phase 1 of replacing the two chillers. It's a very complicated decarbonization effort at that facility. But there's a lot of work underway, and we're committed to getting the work done.

SENATOR FAHY: Thank you. And I didn't mention the Energy Zones; we still would love one in Albany.

But thank you, Chair. The Energy Play Zones, thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you, Chair.

And Chair Christian, I want to thank you for your testimony. And I recognize you've got a tough job.

I also recognize the statutory requirement of the commission to allow a fair and reasonable return, and the need to ensure safe and reliable delivery of electricity. But with all due respect, I think it's gotten out of whack.

As an example, Con Edison reported net income for its third quarter of $1.70 per share, compared to $1.53 per share in the same period in 2023. That's approximately an 11.8 percent increase.

Now, let's contrast that to the increase in Social Security and Supplemental Security Income benefits, which as of January 1 have increased by 2.5 percent due to COLA. And Con Edison, in its announcement, acknowledged that the rise in

earnings for the third quarter of 2024 was driven by, quote, higher authorized rates.

I understand that a further Con Edison trip to the PSC is going to be imminent, and I would respectfully submit that the PSC should reject the upcoming Con Edison rate hike request, and would appreciate your thoughts.

PSC CHAIR CHRISTIAN: So thank you for your comments.

You know, again, affordability is something that we are paying very careful attention to, not just because of recent conditions as a result of the pandemic and other factors, but because, you know, it's important for all New Yorkers. We need to have an affordable system, a system that people can afford to use. And if people can't afford to use it, that's not a good place to be. So we do strive to work with that goal in mind.

I do want to point out a few things about the earnings for the different utilities, and I have some information here

which I'm happy to share with you and speak with the other Assemblymembers and Senators offline. But ultimately, we don't guarantee a return. We give them the ability to earn at that level.

So when we talk about their return of equity in their earnings, that's the opportunity to earn that if they perform and do everything they need to do.

ASSEMBLYMAN BURDICK: But if I may, I just think that more should be borne by the shareholder, particularly the incredible impact that this has on seniors, others on a fixed income, and the huge increase in inflation that's taking place.

And I just would ask you, respectfully, to please try to get it back into balance.

PSC CHAIR CHRISTIAN: We are doing everything we can. And what I can tell you is there's an inherent assumption that the utilities have a blank check, and I assure you that is not the case. We've recovered hundreds of millions of those dollars in

penalties, and we have rejected requests for expenditures. Which Con Ed alone, there was an $80 million request for expenses spent on a billing system. We rejected that. And that is part of what we do.

We don't make a news flash about it. We don't highlight it in part because it's another day in the office for us. But these are everyday parts of the job for myself and the members of the commission to ensure affordability.

And I know this is not what you want to hear, but if we weren't doing our job, the rates would in fact be significantly higher. And so I'm happy to continue this dialogue with you further.

ASSEMBLYMAN BURDICK: Thank you.

CHAIRWOMAN KRUEGER: Sorry, have to cut you off. Thank you.

Tom O'Mara, five minutes, ranker.

SENATOR O'MARA: Thank you.

Good evening, gentlemen. Thank you for sticking with us today. Appreciate having you here.

Chair Christian, we've seen significant utility rate increases in the cases over the last year or so, in the range of 25 to 30 percent phased in over three years. I'm reading a report here that National Grid on Long Island raised rates by $33 a month, on average in Long Island last year, going up another $8 a month this year, another $19 a month next year.

These are massive rate increases. And when we're talking about affordability in New York State, this is not affordable.

Of those rate increases that have been approved -- NYSEG, RG&E, National Grid -- what portion of that is due to the CLCPA and the efforts on climate?

PSC CHAIR CHRISTIAN: So for those specific utilities, I don't have that information readily available right now. What I can tell you is the CLCPA costs for the -- and I forget the utility in question. But in looking at the analysis that we've done, the CLCPA report, which is publicly available, the most significant impact for

any residential ratepayer for the CLCPA was less than 10 percent.

And so when I think about where we're going with rates, again, it's not the CLCPA that is driving the significant driver. It's the aging infrastructure of our system. And keep in mind, and you're making this point very clear for me, we have a gas system where rates are going up. We also have an electric system where rates are going up. And the need for those rates is not simply to, you know, pay executives, it's to highlight that we need to make investments to maintain both systems.

Our goal in transitioning through the CLCPA is to focus our intention and investments on a system that can be more robust -- a singular system -- put our investments there, lower costs in aggregate for all consumers.

SENATOR O'MARA: Okay. What's going to be needed to bolster our infrastructure system? What percentage are we at now? You say this is 10 percent on a bill right now is

all. How much have we -- are we invested dollarwise at this point? And how much do we have to go?

PSC CHAIR CHRISTIAN: I can't answer that question right now. And I know this is a question you ask me every time, and the challenge with that is even the 10 percent number I'm providing you now -- that's the maximum -- that does not necessarily disaggregate other investments we would have to make.

Much of what we're doing through the CLCPA are things we would need to do, irrespective of the CLCPA, to make the system more robust.

SENATOR O'MARA: I think what I've been able to garner is that we haven't even touched the tip of the iceberg on the investments needed with these massive increases on utility ratepayers' bills already, and it's going to skyrocket. And it's going to triple, quadruple, ratepayers' bills. And that's not affordable in New York State. And that's only the portion that's

going on ratepayers' bills.

The Public Service Commission needs to start line-iteming these things on peoples' bills so they know what they're paying and what they're paying for. Because I can assure you when the public knows, you're going to hear about it. Everything's being done with smoke and mirrors on this whole thing, and all these projects are going to get done and nobody's going to know what the rate impact is until it hits them.

Right now, President Driscoll, you said that the Champlain Hudson line is coming on next year. What's the impact of that to the average single-family home?

NYPA PRESIDENT DRISCOLL: I don't know the cost. It's part of the Tier 4 contract that NYSERDA awarded. It would probably be a question more appropriately posed to NYSERDA, since they're the contracting party there.

I can tell you that it adds 1100 megawatts to New York City, which is a very hard place to decarbonize. So that's the benefit.

SENATOR O'MARA: The fact that we don't know is really outrageous, when this project is nearing completion, and the public has no idea what it's going to hit them in the monthly bill.

And that's just one project of many. There's Clean Path, you got others that are coming on. And there's no transparency, there's no forthrightness with the New York State public on what this is going to cost them. And as I said before, when they figure it out, heads are going to roll.

Thank you.

CHAIRMAN PRETLOW: Assemblyman Bobby Carroll.

ASSEMBLYMAN CARROLL: Thank you, Chair Pretlow.

Good evening, CEO Driscoll. Thank you for your testimony this afternoon.

A few other questioners have delved into this topic around peaker plants in New York City, but I was wondering, considering I have a peaker plant just a few blocks outside of my district in the Gowanus

neighborhood of Brookhaven, can you give us some specific details of NYPA's plan to decommission peaker plants in New York City? And if you're able to decommission those plants, what do you plan to replace that capacity with?

NYPA PRESIDENT DRISCOLL: Well, we're well underway in terms of finalizing the plan that's due in May to lay out the methodology that's going to be deployed by us in retiring those plants.

I can tell you that we recognize the significance of the mandate that says that they should be retired by 2030. There is language in there that says "subject to reliability," which pulls in the NYISO in terms of their determination as to which plants are needed for a longer period of time. There may be load pockets where one plant has to stay around, you know, closer to 2030.

We may be able to retire plants before 2030. In fact, we're thinking about potential plants that could be retired as

early as 2027, 2028. We're trying to figure out the sequencing of that with the NYISO.

We plan to replace those plants -- and in fact the law says we should have a preference toward replacing those plants with energy, some sort of energy infrastructure. So we're looking very closely at battery technology. We have term sheets pretty much finalized for one of the South Bronx plants and the Gowanus plant, with developers to replace those plants with battery energy storage.

We have an RFI out for the Williamsburg site, where we're taking in ideas around what that site could be utilized for. That's a single-unit site, it's a small parcel. It's right around some heavily populated areas next to the Domino -- that Domino plant. So, you know, it's a tricky site to replace with storage --

ASSEMBLYMAN CARROLL: I just have a minute left. Let me jump in here, CEO Driscoll.

Look, that's exciting news, and I

would love to see those plants shut down by 2027, 2028, if that's possible. And it's great to hear that you're looking at battery storage for some of those peaker plants.

To switch gears to talk about generation capacity that the Build Public Renewables Act and the laws that were enacted in the '23-'24 budget allowed NYPA to expand its authority to own and build. What is missing, in your opinion, either from the Legislature or the Governor that would allow NYPA to unleash its potential and possibly build, own and operate more renewable generation? Understanding that nothing can be built all at once.

But are there ways that the Legislature in this budget process can give you more either direct lines of income or more ability to actually build more renewable generation in the years to come?

NYPA PRESIDENT DRISCOLL: One quick response would be the 50 percent -- 51 percent requirement where we're required to own a majority interest in the plant. I

think that reduces our ability to leverage NYPA's participation. There are a lot of partners we're talking to that don't want to own a minority interest with us. So being able to leverage our participation. We bring a lot of unique characteristics to a partnership. That would be something that I think would be worth revisiting.

ASSEMBLYMAN CARROLL: Understood.

CHAIRWOMAN KRUEGER: Thank you.

We have been joined by Energy Chair Kevin Parker. Ten minutes on the clock.

SENATOR PARKER: Good afternoon, gentlemen.

PSC CHAIR CHRISTIAN: Good afternoon.

SENATOR PARKER: Thanks for being here. I know this has been a long day.

Mr. Chairman, how will the DPS implement the Clean Energy Zones Program? And how will the transmission upgrades be carried out?

PSC CHAIR CHRISTIAN: So the purpose of the Clean Energy Zone is to enable industry and renewable energy to be

collocated in a manner that limits the cost of building out all the associated transmission and distribution infrastructure needed to power that industry.

We're evaluating how best to proceed. We're looking at how it's going to be rolled out. But ultimately the goal will be to identify areas through a public process that would be best suited. These would be areas where the communities would welcome this kind of investment. And then work with industry, utilities and the local communities to find solutions to achieve the goals of the zone program.

SENATOR PARKER: I have a follow-up question, two parts.

The commission has really previously approved about $6 billion in transmission upgrades for utilities across the state without any competitive bidding. Recently utilities have reported delays and cost increases for these upgrades. What safeguards are in place to protect ratepayers from excess costs associated with these

transmission upgrades under the Clean Energy Zones proposal, is the first part.

And the second part is, would the PSC consider making any transmission upgrades in Clean Energy Zones a competitive process?

PSC CHAIR CHRISTIAN: So the -- I'll have to look a little bit more at the language in the clean energy zone regarding the nature of it. We will do everything in our power to make sure everything is competitive and transparent. So I think that's part of how we function today. I don't see that changing as part of this.

In terms of ensuring that the costs between what we've already allocated through the $6 million for transmission investment throughout the state, you know, there may be some synergies with the zones. I think that's something that we will determine over time.

But again, we want to maximize the benefits of all the resources that we have, the limited resources that we have, so we're going to, through this process, find the

lowest-cost solutions we can to achieve the goals set forth.

SENATOR PARKER: Mr. Chairman, another question.

In the context of, you know, achieving our goals, I know there's been ongoing both conversations and budget allocations around head count and having enough hands on task. Where are we with that? And what would you suggest that we need to do as a Legislature, either budget-wise and/or legislatively, to help the PSC in its work towards reaching the goals of the CLCPA?

PSC CHAIR CHRISTIAN: So I mentioned earlier the recent appropriation providing us with additional staffing and the need to enhance our ability to engage with the public, mainly through our customer service group, which is currently the public-facing part of the department in terms of getting complaints from customers, addressing those complaints, negotiating with utilities.

That's one area where I think additional investment is always going to be a

good idea. There are increasing demands from the Legislature, from the public, for greater transparency, greater information, greater access to the commission. And that is one place where we believe we are in a position to grow and provide that level of engagement.

Historically, the commission has not engaged that way. We've engaged through our quasi-legal proceedings with rates cases. We've engaged through public statement hearings and other public processes. But what we're finding, with all the outreach that we're seeing today, with the significant uptick in participation in our rate cases and other engagements, we need to rethink how we engage with the public.

And so what we are doing with the current appropriation will be with goal in mind. And I imagine future appropriations may be helpful along that line as well.

SENATOR PARKER: So we did -- obviously during the conversations in the context of looking to close a new budget, how much additional funding would the PSC need,

and how many FTEs, approximately, does that equal?

PSC CHAIR CHRISTIAN: So I'd say that' a conversation we may be prepared to have in time. Right now we are -- we have grown significantly. When I arrived at the commission, I think we had a staff of around 470; today we're around 570 just in the last three years.

We anticipate growing further with this new appropriation. So as we grow, we want to manage that growth. We don't want to create any imbalances. So I want to ensure that whatever process we take, we do it with intention, ensuing that the staff and additions that we bring on are suitable to the task and that the way it's structured is something that can work with the needs that are arising.

So appreciate the offer and the opportunity to discuss this in the future, but right now what we have I think will be sufficient for our near-term needs.

SENATOR PARKER: Chairman Driscoll, as

relates to the Build Public Renewables program, where are we -- so three questions. Where are we? Where will we be in a space of making -- I know the legislation was about a planning process, but where will we be in terms of like completing that planning process?

Two, do you think that we will actually need to put that planning process in place, given where we are with the CLCPA?

And three, what do you need from us as a Legislature, either budget-wise or legislatively, to assist in that process?

NYPA PRESIDENT DRISCOLL: Thank you for the question.

So I mentioned earlier we just today approved the strategic plan that we had put out for public comment. Our board authorized us to move forward now, and now for the first time we can actually execute on that planning process and start to develop projects.

So we're looking at different types of projects, of course. We're looking at potentially doing greenfield projects that

NYPA would develop that would have a larger -- a longer project timeline, so those might not be online for two to three years from now. But we're also very focused on joining in-flight projects where a developer wants a partner or a developer wants to step aside and turn the project over to us to get it over the finish line. And there are going to be community projects as well.

So there will be different types in different timelines. But we're, as of today, you know, on the execution track now and we're going to be, as I also said earlier, we're going to be amending the plan that we just approved today to add additional projects within the next six months. Going to go back to our board in July because we have some additional projects we've identified.

So, you know, I think it's -- we're proud of the effort that we've put forward in Year 1. We're just getting started. This is a long journey toward achieving these goals. But I think we're playing a significant role,

along with others.

SENATOR PARKER: And what do you think you need from us to kind of move forward with the projects that you're working on? Other than just staying out of your way.

NYPA PRESIDENT DRISCOLL: I mentioned earlier the 51 percent. You know, we're finding that some developers don't want to have a minority interest with us. So we think we could leverage NYPA's participation in different ways. We could take -- get more projects done, bring our unique characteristics to the project, facilitate more development that way.

So that would be one thing for sure that we would be interested in having discussions with you and your staff over.

SENATOR PARKER: Excellent.

I have a last question just for both of you, and this actually talks about kind of women/minority business enterprises. And kind of wanted to hear both -- from both a staffing perspective about what your staffs look like, especially at the top end of the

scale, as it relates to, you know, Blacks, Latinos, Asians, women, people with disabilities, LGBTQ+. And what does your procurement look like in relation to those categories as well?

NYPA PRESIDENT DRISCOLL: I can start.

So we're very proud that we've exceeded, in recent years, the state goal on MWBE participation and veteran participation.

We've also done some interesting things around making our contracting processes easier for MWBE contractors. We've lessened bonding requirements, we've done workshops with contractors and vendors to try to make our process, since it is paper-intensive sometimes, and frustrating for some new businesses. So we've done some work in that area as well.

And I have statistics because we track it very closely on our own staffing, which I'd be happy to provide to you.

SENATOR PARKER: Please.

NYPA PRESIDENT DRISCOLL: I don't have that off the top of my head, but we're doing

good work in that area. We're proud of the way we look right now.

SENATOR PARKER: Thank you.

PSC CHAIR CHRISTIAN: And for DPS, we are doing a twofold effort, one internal and the second external, with all the regulated utilities, the major IOUs of the state.

We initiated a proceeding several years ago to examine diversity, equity and inclusion practices of the utilities in the state, working with them and a third party to evaluate best practices at each utility. We put that information together and share that amongst the utilities, encouraging those that may not have all the various programs in place, to adopt them through lessons learned from other utilities that may be further afield.

So we are now, I want to say, in the third year of that program, and that effort's been met with a warm reception. Originally it was meant to be a one-year effort, and then we would repeat it several years down the line, but it was so favorably received

we've kept it going each year subsequently. And it continues to this day.

And internally, we've hired a diversity liaison, and we too also look at our metrics and figures for hires and staff, and we monitor that closely.

SENATOR PARKER: Thank you.

PSC CHAIR CHRISTIAN: Thank you.

SENATOR PARKER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Sam Pirozzolo.

ASSEMBLYMAN PIROZZOLO: Good afternoon, gentlemen. Thank you for being here today.

I've been listening to your testimony and the conversations. I've heard the word "investment" constantly if not continually. And I'd like to know -- you know, usually when I think of an investment, I invest for a payoff for retirement. So could you possibly tell me in what year New Yorkers will see their energy rates at least stabilize if not go down or eventually become free for

everyone?

PSC CHAIR CHRISTIAN: Well, sir, based on your question, I can tell you I wish that year was today. I am not in a position where I want to say I want to raise rates. I don't. But the way the system is set up, the way we and every other state and pretty much every nation in the world works with our utilities, there is a rate case process through which the costs associated with maintaining those utilities are paid for by the --

ASSEMBLYMAN PIROZZOLO: I only have three minutes, sir. I don't mean to cut you off, but no year.

And how about from you, sir? Is there any time frame that you could say that any stabilization or decrease would happen in all of this investing?

NYPA PRESIDENT DRISCOLL: (No response.)

ASSEMBLYMAN PIROZZOLO: Is that a no? All right.

So then if you could at least, in the

Governor's Master Plan for Responsible Advanced Nuclear Development, could you give any sort of idea, speaking specifically about small modular reactors? Because with all the energy we're going to need, whether it's for data centers or just the increased activities, you know, that we have, I don't see any way in the future otherwise than being some sort of a nuclear technology.

So could you give some insight as to how that plan might talk about nuclear reactors in the future?

PSC CHAIR CHRISTIAN: So I'm not in the best position to talk about that plan. That's something President Harris of NYSERDA I think discussed in a previous session, and she's best positioned to talk about the roadmap and its current development.

ASSEMBLYMAN PIROZZOLO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

I think I'm the last Senator. So --

CHAIRMAN PRETLOW: The last samurai.

CHAIRWOMAN KRUEGER: The last samurai.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

I know I've asked this question earlier, but let's start again, because we keep going over the same territory. A variety of my colleagues keep saying utility rates are going up because we're trying to move to sustainable green energy, and yet -- I'm looking, for example, my colleague just gave you numbers about how much energy companies tried to increase their rates every year, and we all agree the rates are too high.

But for example, National Grid is asking for a rate increase that will absolutely increase New York City residents' and Long Island residents' gas bills. And they're saying that these rate increases are driven in part by 5 billion in spending on new gas infrastructure. That's not a request of green energy or the CLCPA, but rather the fact that we still haven't changed the law requiring that we put new gas pipes in even though we've already said we're not supposed to be using that anymore.

So can you just clarify for me -- I think the PSC, this is a question for -- if we just got rid of that hundred-foot rule requiring we continue to put new gas pipes into the ground, wouldn't we actually not to have these increases by the utilities to do that work?

PSC CHAIR CHRISTIAN: So if there were a change in law regarding that particular provision, that would likely result in a change in the costs associated with maintaining and expanding the system due to load growth from new customers.

That said, existing customers are using more as well, so it would not make the needs zero, it would make them possibly lower.

Again, this is a system that in many cases is 50-plus years old in parts, with pipes that are made of cast iron, notoriously leaky, which emits methane just by being there. So one of the main things that we are trying to do, and one of the drivers of cost, has been replacing these leaky pipes,

something we would need to do irrespective of the additions to new customers and the existence of the hundred-foot rule.

So I want to make it clear, we need to maintain our systems, and these investments are necessary to keep them going. But as you are suggesting, if we were to change the law, the need to grow the system would change and we may not need to make as many investments.

CHAIRWOMAN KRUEGER: So many hours ago -- but I think the same day -- I referenced to DEC, and I think ultimately also to NYSERDA, that if we move forward with cap-and-invest, the research showed that 84 percent of New York State households would break even or come out ahead as a result of cap-and-invest, saving them utility money.

And I'm curious from the PSC's perspective, because we aren't going forward with cap-and-invest at this moment -- although there seems to be some discussion about moving sooner than later -- would that not help address the growing utility costs for New York State people who aren't paying

too much in their utilities?

PSC CHAIR CHRISTIAN: As I understand your question, if it is structured that way, then yes, it would benefit ratepayers by lowering their costs, yes.

CHAIRWOMAN KRUEGER: And do you have another idea that would actually lower ratepayers' costs besides that at this moment?

PSC CHAIR CHRISTIAN: We are exploring every tool available to us at this time. It's challenging for me to elaborate on what and where we are exploring, in part because these are parts of ongoing proceedings.

But what I can say is throughout every rate case we, again, review every filing to ensure that what we do ultimately approve is absolutely necessary for the safety and reliability and the continuity of the systems.

In addition, we also seek out opportunities to recover funds for ratepayers. There's an unfortunate perception that all of this is on the

ratepayers. Well, I have many examples I can show where the utility shareholders have had to pay for parts of these investments due to a variety of reasons which I can articulate further.

So again, the commission's job, my job, the job of my commissioners, the job of the 500-plus people that represent the Department of Public Service -- who are all ratepayers -- our job is to ensure that we overview, review and scrutinize all the submissions, all the work that the utilities say they need to be done, to ensure that it is needed.

And that is something we have a long history of doing successfully, and we will continue to do that work with the goal of, again, maintaining affordability as best as we can.

But as is clear from today and previous discussions, we do need to do more, and we are trying to find ways to do that.

CHAIRWOMAN KRUEGER: And there's a lot of discussion that we've -- I went back and

forth with NYSERDA about that -- while people say all the costs to invest in new energy and green sustainable energy is going to cost us money, but in fact the research shows it actually saves us money when you balance out what you're spending versus what you're saving.

I want to ask you, since I know that with our goals for energy efficiency and heat pumps, for example, do you think that we would also help speed up the lowering of utility costs if we had more people shifting to energy efficient models in their homes and businesses such as heat pumps and geothermal, et cetera? Would that help us lower our costs?

PSC CHAIR CHRISTIAN: So yes, I can say that unequivocally. There's research from around the world that shows that that is an end result of moving in this direction. And further, among the work that we're doing not just to bring about clean energy and renewable energy resources, I mentioned earlier the need to be able to control the

energy use in individuals' homes with greater degrees of granularity.

I know I speak for myself and I'm sure I speak for many of you, the frustration of entering an empty room where the light is on or a heater is on for Lord knows how long, and having to flick it off. The ability to control these things remotely, whether you are at home or not, gives you a better degree of control over the energy use you have, which ultimately not only lowers your bill but helps reduce the strain on the system, an unnecessary strain on the system, and ultimately reduces waste.

Expand this by the millions of New Yorkers in households: This could have a tremendous benefit from an energy conservation and a load-management perspective. And this is something that we at the commission have been working with the utilities to deploy at scale.

An example of this, something we call dynamic load management. Many utilities in the state have pilot programs, a program

called Bring Your Own Thermostat. And I'd be curious if anybody here is participating in the Bring Your Own Thermostat program. If not, I'm happy to talk to you about it after.

But through this program, we have 100,000 New Yorkers participating currently, and they represent 100 megawatts of flexibility, load that we can call upon during system peaks to reduce costs. And this is only the beginning.

So I see greater opportunity ahead, and we are advancing with those to ensure that we can achieve greater levels of affordability not just for them, but for the individuals who aren't on those programs as well.

CHAIRWOMAN KRUEGER: Thank you.

And President Driscoll, you referenced several times that you're revising your strategic plan for building public renewables later in this year, to add up to three more gigawatts of renewable energy. Do you plan to revise that plan annually on a regular cycle to continue to add generation in the

future? I mean, that seems like a reasonable idea.

NYPA PRESIDENT DRISCOLL: Yes. The answer is yes. We think this is going to be at least an annual process. We think probably, you know, more than annual. Probably twice a year we'll be taking a look at it. Of course it will be dependent upon, you know, projects that we've identified and so forth. But we're definitely going to go back to the board in July, and we look to continue that process in the coming years.

CHAIRWOMAN KRUEGER: Great.

And this is a question for my colleague Senator Chris Ryan, who had to leave. So he's pointed out that the Executive Budget allocates funding for 50 additional full-time staff for the PSC.

He would like to know -- and maybe you can follow up with him afterwards, but I'll take the info back -- how many staff does PSC currently have responsible for monitoring and investigating safety and quality of broadband construction? And how many of these

additional 50 staff will be assisting with that assignment?

Because he's very concerned about quality and safety for broadband workers and the general public as we continue to move to construct broadband across the state.

PSC CHAIR CHRISTIAN: Thank you. We can follow up with that.

CHAIRWOMAN KRUEGER: Okay. Thank you.

I think the Senate is done; just taking a quick look. Okay, Assembly, it's yours.

CHAIRMAN PRETLOW: Assemblymember Gray.

ASSEMBLYMAN GRAY: Thank you. President Driscoll, nice to see you. Thank you for being here. Thank you for your insights today.

So I just want to talk about your battery storage, because NYPA's standards currently, compared to the private sector, are much higher. I have witnessed or seen your Chateaugay storage facility. I also have a storage facility in my district that

was the site of a fire. And I will tell you there's night and day between the two facilities. One is very primitive, the private sector is very primitive, and the other, your facility, is very high quality.

So do you think there should be storage -- there should be standardized measures for storage facilities both to ensure safety, consistency and efficiency?

NYPA PRESIDENT DRISCOLL: Well, we're always a big fan of standardization because it lowers costs. So to the extent that there can be standardization across certain sizes of batteries, it probably would vary between, you know, capacity factors for the various systems.

But we're always -- you know, obviously, being NYPA and having the responsibility we have for the state to own and operate critical infrastructure, we're excessively good on safety and taking extra precautions. There's always a balance between costs and how much you're --

ASSEMBLYMAN GRAY: But having seen

what excessively good is, that is good. And having seen the alternative, should the private sector be held to the same standards?

NYPA PRESIDENT DRISCOLL: Well, I mean, I think that's -- it's a fair point. And I think our view would be that we would be supportive of something like that. But it certainly wouldn't be in our remit.

ASSEMBLYMAN GRAY: Okay. And just regarding the NYPA siting of your 3 gigawatts that you're -- and then additional storage capacity that you're working on, what is the process for NYPA to secure local approval? And, you know, what is your discussion on a local level whether jurisdictions have the ability to accept or reject siting? And how is that different from private-sector siting of facilities right now?

NYPA PRESIDENT DRISCOLL: So there are no exceptions for NYPA projects. We're subject to all of the requirements that every other developer would be subject to, and we build our plants to all the same regulatory processes at the Public Service Commission

and in the communities. We're already very active in the community. We built out a real estate function within NYPA. They're out, you know, talking to landowners and in the communities.

As you know, we have a pretty robust community engagement effort because of all the transmission lines we own, so we work very closely with all the communities where our transmission lines run through. So we're applying the same skills to our renewable development.

ASSEMBLYMAN GRAY: Okay. Thank you very much.

CHAIRMAN PRETLOW: Assemblymember Kelles.

ASSEMBLYWOMAN KELLES: It's been very strange sitting here for the last nine hours in this surreal environment federally where our insanity is happening, and we're still having conversations between, you know, should we fight for the horse and cart or should we like use spaceships to get to work. I feel like that's the difference that we're

doing right now. So I just want to acknowledge the insanity that we're in, because we're fighting for -- against an industry that has vested interests, the oil and gas industry. Like the largest amount of child labor, slave labor, suffering in our history is caused by this industry that seems to be funding a lot of this effort to not evolve as humans. Seems very strange we've just done this for nine hours. So I really hope we all recognize that the only way that we're actually going to save money as a state is if we lean into the transitioning that you all are really trying to do. So thank you for that work, because that is what will actually save us.

So now I'm going to come down and ask some questions. I just wanted to get that off my chest after, what, nine hours of being here, for all of us.

So a question about NYPA. I appreciate that you had a conversation with the Governor about funding specifically for canal funding. Did you also ask for funding

specifically from the Governor to add to NYPA to counter so that we could do more than the 3 gigawatts?

NYPA PRESIDENT DRISCOLL: Not specifically with the renewables efforts, but we were delighted to see the proposal around the billion dollars for clean energy projects, the capital projects, because those are the types of projects that we work with our governmental customers on -- so the college campuses, the correctional facilities, the complexes like this.

We're going to be actively participating in that discussion around how those funds get deployed. And so we think that that's a great -- that will be a great tool for us at NYPA given our customer base.

ASSEMBLYWOMAN KELLES: I think we could do so much more, though. And I do think that NYPA is like literally the most important piece to this right now because you don't have to make a profit as one of the entities there. So you can afford it, and we need it.

NYPA PRESIDENT DRISCOLL: Agreed.

ASSEMBLYWOMAN KELLES: It is probably the only way that we're going to reach our goals.

You had talked about being really concerned about your bond rating. Did you do an analysis to identify how much you could actually build before it would have any effect on the bond rating? Because there was a study that showed that we could literally convert everything that we have and it wouldn't affect your bond rating.

So I'm trying to understand --

NYPA PRESIDENT DRISCOLL: Yeah, I think we would have a different view at NYPA in terms of, you know, the head room we have to do projects.

But it really would be based upon market conditions at the time, how much -- you know, what were the revenues of the project --

(Overtalk.)

ASSEMBLYWOMAN KELLES: But did you do that analysis that you could share? I'd love

to see it.

NYPA PRESIDENT DRISCOLL: We're talking with our financial officers all the time about -- because we're not just doing this with renewables, remember, we're doing this in transmission. We've got a ton of work going on in transmission where we're using the same financial capacity to fund all these --

ASSEMBLYWOMAN KELLES: I have five seconds. We'll talk. But I'd love to talk to you about maybe capping how much utilities are allowed to earn profits as part of our equation for maybe not having rates go so high. So maybe we can talk about that in the future.

CHAIRMAN PRETLOW: Assemblywoman Bailey.

ASSEMBLYWOMAN BAILEY: Good evening. Thank you. Thank you both for being here.

My first question goes to Mr. Driscoll, and it revolves around the role of electric cooperatives. And it's my understanding that these members, you know,

their rate is to be set at the lowest rates reasonably possible under federal and state law.

It's also my understanding that under the rate modification plan the rate will increase over $20 per megawatt per hour over the next four years. So the increased costs are going to be passed down onto the members who are residents and businesses, and they are already struggling with affordability.

Last year, in February, the Governor indicated that energy affordability continues to be top priority of her clean energy agenda. So what I'm hoping that you'll be able to translate for me and for these members is how does that rate translate to affordability?

NYPA PRESIDENT DRISCOLL: Well, again, there was a prior discussion that we had on this topic. So thank you for the question.

Obviously we don't want to raise anyone's rates, and these are our lowest-cost customers. They get rates at cost, so -- and it comes -- it derives from our foundation.

When we were created, we provided this program to the municipal utilities and cooperatives.

So -- and we've been working with your customers and residents, constituents, on this topic. And so they've seen this coming, if you will. It hasn't been obviously something that we take lightly. But it's designed to pay for the improvements to our hydro facilities where they get the power, which gives them the ability to have this low cost. So we're spending $1.1 billion at Niagara to upgrade the facility, to preserve it, maybe get even more generation out of it for the benefit of residents of the state.

And their increase is only over this four-year period, and then it will phase out and level off.

But we're currently looking at -- and sensitive to this issue, we're currently looking at phasing it in over a longer period of time, longer than four years, if possible. But we have to --

ASSEMBLYWOMAN BAILEY: What would that

look like?

NYPA PRESIDENT DRISCOLL: We have to replenish a reserve fund that's required. And they understand why we have to do this.

But we're very sensitive to it. These are favored customers, trust me, and we're working with them very closely.

ASSEMBLYWOMAN BAILEY: So real quick, in the 20 seconds we have left, if we were to reevaluate that time frame over four years, what are you projecting?

NYPA PRESIDENT DRISCOLL: I don't think we have a number, but we're trying to figure out how long we can push it out to make -- to ease the pain.

ASSEMBLYWOMAN BAILEY: Thank you.

CHAIRMAN PRETLOW: Assemblywoman Kassay.

ASSEMBLYWOMAN KASSAY: Thank you.

I just want to start seconding Assemblymember Kelles's notion regarding capping of profits for utility companies. But mostly I want to talk about the -- or ask about the structure of billing.

So in addition to moving forward with green energy production, we're also looking to reduce energy use where possible. So with Suffolk County residents, my constituents, paying an average of 25 percent more per kilowatt hour than the national average as part of our generally high cost of living, I'm always looking for a means as well to relieve constituents of these very high costs for utilities with ongoing rate hikes especially.

I personally grew up in a very budget-conscious household, and we were strictly taught to turn off lights when leaving each room, to reach for a sweater and a hat before turning up the thermostat. I still do this today, which can drive my husband crazy. And I know that it's not everybody's chosen lifestyle. But whether it's for environmental or financial reasons -- or both, in my case -- I know there are many New Yorkers who do closely watch their usage.

So currently the structuring of

utility billing has hefty delivery and service fees, with the actual usage per kilowatt hour or therms not constituting the majority of the bill, especially for low-use households.

So is there currently any discussion to restructure billing fees or tiers to provide real meaningful cost savings to give households greater agency and relief regarding monthly costs, while also further incentivizing households and business to be more conscious of their usage either by habit or by upgrading energy efficient elements of the building?

PSC CHAIR CHRISTIAN: So I'll take this one. So we at the commission evaluate rates and their implementation with every rate case. Each utility has its own unique set of costs, and so the rates become unique utility by utility.

We're trying a variety of different ways to implement new rates. I mentioned earlier what we're doing with electric vehicles and how we're providing them with

lower rates during times when there's plenty of energy that's renewable and cheap, higher rates during times when the grid is stressed. That's a type of time variant time-of-use pricing.

ASSEMBLYWOMAN KASSAY: I appreciate that. I spoke locally to our power suppliers and I said does that mean that we're staying at the current rate and the lower usage is lower, or is the higher usage just higher? And they sheepishly said the higher usage is just higher. So it's not a decrease, it's just an increase during the peak times.

PSC CHAIR CHRISTIAN: Right. So that's one approach, right? What we're doing right now in Long Island is a similar setup, time variant pricing where there's different tranches of prices throughout the day. The price will change. And the goal of that is to encourage use to shift during the lower cost periods and to limit use during the higher cost --

ASSEMBLYWOMAN KASSAY: I understand. And so maybe people will be paying less more,

but still the lowest rate, the lowest tranche, the lowest time is still probably going to continue increasing. It's not going to be less than what payers are paying now.

I'm looking to see how my constituents can find relief from their bills.

PSC CHAIR CHRISTIAN: So happy to have a further discussion with you on this offline.

ASSEMBLYWOMAN KASSAY: Looking forward to it. Thank you.

PSC CHAIR CHRISTIAN: Thank you.

CHAIRMAN PRETLOW: Thank you.

Tommy John. Assemblyman -- forgot your last name, I'm sorry. Schiavoni.

ASSEMBLYMAN SCHIAVONI: Good evening. Thank you. I have a question about Community Choice Aggregation and the advantages of the opt-in version versus the opt-out version for municipalities. This is something that is in place in a number of communities throughout the state, particularly Westchester, and we've been floating that on Long Island as well.

So if you could kind of give us the two-minute primer on opt in versus opt out, and the advantages and disadvantages of each.

PSC CHAIR CHRISTIAN: Sure.

So the basic premise between Community Choice Aggregation, it allows people living in a particular area to subscribe for access to renewable energy. So they can power their homes, all their electricity use would come from a dedicated renewable energy source, developed to provide them with electricity.

And the best way to do this is to ensure that the developer, from their perspective, they need to ensure they have a large number of people who are actually going to sign up for this. And so this brings us to the point you're raising about opt in versus opt out.

In the opt-in regime, you have to go house to house and get everyone to deliberately want to do this. They have to affirmatively sign on. So it takes time to get a large number of people, and in many cases you never exceed a particular level, a

threshold of people signing up. It becomes incredibly challenging to get to the point where it can be a financially viable project.

Opt out is a very different story, where in a particular area everyone is automatically assumed to be in, and they have the opportunity to leave. And through this they're notified or we've set requirements for communications and how these processes work. This is something the commission has reviewed I want to say four or five times over the last three years. We've issued a variety of orders refining and adapting the process.

But ultimately what we have today is a system where a community wants to move forward with an aggregation, they will notify the people in that geographic area of the potential for this aggregation. If they choose to opt out, they won't be a part of the aggregation. Those who take no action, they're by default in.

So that's the fundamental difference between opt in and opt out, and that's --

that's -- yeah, that's the difference.

ASSEMBLYMAN SCHIAVONI: So if we were to move forward with this and to give our ratepayers -- when I say our ratepayers, in a particular municipality -- a choice on whether to use green energy or not, it would have to be the opt-out method, because the municipality would need the critical mass of consumers in order to negotiate for a price that would be even for the entire group.

PSC CHAIR CHRISTIAN: That is -- that is what we have been finding in the literature and through the various programs, yes.

ASSEMBLYMAN SCHIAVONI: And just one last point on this.

Communities that do adopt CCA, they do allow their ratepayers to just drop out of the program completely.

PSC CHAIR CHRISTIAN: Yeah, one can leave the program. It's not a -- you can divorce it, yes.

ASSEMBLYMAN SCHIAVONI: Okay, thank you. Thank you, Chair.

CHAIRMAN PRETLOW: Assemblyman Ed Ra, ranker.

ASSEMBLYMAN RA: Thank you, Mr. Chair.

Thank you both for your testimony.

Mr. Driscoll, one of the topics that has come up a lot, I know you're very well aware of this downstate, I'm sure in other parts of the state a lot of municipalities are adopting moratoriums with regard to battery storage facilities. Are there, you know, safety standards in effect, or is that being worked on in particular with regard to siting these types of facilities within residential areas?

Because it seems like right now the municipalities are -- in the absence of that, are, you know, stepping in and putting in these moratoriums.

NYPA PRESIDENT DRISCOLL: Yeah. I think that one piece of this is an educational component. I think that we could do a better job of educating around a lot of the technologies that we're pursuing and deploying. So that would be one I think key

component here.

I know that the Governor set up the working group last year to look at safety around battery storage.

I can tell you that we're piloting a utility-scale battery in the North Country -- in fact, it's online now, 20 megawatts. We've done a lot of learning around that. We spoke earlier with Assemblymember Gray around some of the work we've done up there.

We also have a battery outside of our building in White Plains that we're testing, which is a new technology that sort of islands the interior components of the battery, so you can't have a thermal runaway situation which causes the fires.

So, I mean, there's a lot of work being done. Obviously it's -- battery storage is critical. We're obviously looking at other technologies other than lithium-ion, which we're doing with some of our R&D partners and with the Electric Power Research Institute.

So I think that safety standards can

always get better. We're doing our own learning for the benefit of the industry and the state at NYPA.

ASSEMBLYMAN RA: And are first responders part of that conversation and workgroup so that they -- because obviously I think they have concerns with regard to --

NYPA PRESIDENT DRISCOLL: Yes. Yes.

ASSEMBLYMAN RA: -- having adequate resources and equipment.

NYPA PRESIDENT DRISCOLL: Right.

And we're working closely with FDNY on some of the potential solutions at our peaker facilities in the city, too, and they'll have a big say about what can go where, as will the communities.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN KRUEGER: All right. Well, then, we have perhaps not all asked every question, but we've all ran out of time. So we want to thank you very much for your participation tonight and for your work on behalf of the State of New York. And you may hear from some of us afterwards.

And again, like all the government panels, if you'd now please leave us as quickly as possible.

(Laughter.)

PSC CHAIR CHRISTIAN: Thank you.

CHAIRWOMAN KRUEGER: And if people need to grab you, they should grab you in the hallway, not in the hearing room. Except for my colleague Pete Harckham who's always very genteel with everyone. So thank you.

And I'm going to call up, for those of you who thought it would never happen, we're now on Panel D, the beginning of the --

(Applause from audience.)

CHAIRWOMAN KRUEGER: All right! Are you applauding them, or that we're finally getting to you? I'm not sure.

Both. Both. All right. Good.

So first panel, Natural Resources Defense Council, Environmental Advocates of New York, New York League of Conservation Voters, and Beyond Plastics.

You each get three minutes. And just a reminder, people I know may have to run for

trains, they may have already left. Please let us know up front if you -- unless you've already left, and then you won't be hearing me. And it's three minutes for each of you, and none of us are allowed to take more than three minutes to ask you questions.

Okay, Ian, do me a favor. Take the dirty cups there, just throw them away. Thanks.

All right, shall we start with -- in the order you were there, with Natural Resources Defense Council first, Rick Schrader. Is that okay?

MR. SCHRADER: Yes, thank you, Senator. Thank you, Assemblyman Pretlow.

Can you hear me okay?

CHAIRMAN PRETLOW: Yeah.

CHAIRWOMAN KRUEGER: Yes.

MR. SCHRADER: Great, thanks.

In my limited time, I just want to run through a couple of bills that we support, they're on our priority list.

Because a lot of the topics today and the themes today were affordability, one

bill -- one program I think that's eminently capable of saving money for New Yorkers, and that's NY HEAT. Just to start with, if we get rid of the 100-foot rule, that's a $200-million-a-year tax and ratepayer subsidy for gas utilities when a new customer comes online if they're within 100 feet of the gas pipe. Why should we be paying that to expand gas infrastructure? It's a lot of money for ratepayers to have to pay. You save money right off the top.

Secondly, the obligation to serve. Without going into detail on it -- it was touched on by the chairman of the PSC -- the utilities are going to be spending $150 billion in the next 25, 30 years to lay down new pipe. They don't need all of that pipe. And they're moving in a rapid, aggressive way to lay it down because it's profitable, it makes money. And they want that money invested there because they're afraid that there's going to be renewable alternatives that will come in.

This law will allow -- this bill will

allow, if it becomes law, for the Public Service Commission to have more ability to do the transition, to say no to some of that investment. And I think that's a critical piece that will save consumers money in this state.

Third, while we are currently giving in New York State a $1.6 billion in tax subsidies a year to the fossil-fuel industry, the Krueger-Simon bill -- which is an excellent bill, it's been an NRDC priority for a number of years -- this will immediately get money back into the coffers of New York State.

There is no industry in the country that needs this less than the oil and gas industry. Trust me on that, please. They make $450 million a year. They're the reason we're in this problem to begin with, because they lied in the 1980s about climate and they were climate deniers.

That's why it's such a good law that we just passed and that the Governor signed into law that had the Climate Superfund,

because, you know, when you break something and when you make something filthy, you should clean it up. So polluters pay, not taxpayers, not ratepayers. And thank you very much, by the way, for that.

We support a $500 million Environmental Protection Fund, a critical program disbursement for everything from ocean conservation to land preservations, et cetera. That's $100 million more than is in the Governor's budget.

We also support a $600 million investment in the Clean Water Infrastructure Act, which is $100 million more than the Governor put in.

Cap-and-invest, speaking very quickly, another way that ratepayers will save some money on fossil-fuel suppliers, they will have to take an allowance which will be a cost. That money will be put into a fund, and that fund can both help to pay for renewables, help to pay for coastal resilience and other kinds of improvements that will protect us as the climate crises

continue -- not climate change -- and also money that will go directly to help ratepayers.

We support the Packaging Reduction and Recycling Act, the Fashion Act, which this is an industry that's increasingly growing in terms of greenhouse gas emissions, and then the Healthy Home Right to Know Act.

CHAIRWOMAN KRUEGER: (Mic off.) Hi, how are you?

MS. NADEAU: I'm well, thank you.

CHAIRWOMAN KRUEGER: Good.

MS. NADEAU: Thank you so much, Chairs and members of the committee.

So there's a lot in Environmental Advocates' testimony. I'm going to focus most of my time this evening on the cap-and-invest program.

New York prides itself on being a leader -- economically, culturally and environmentally. But today that is all at risk because of Governor Hochul's decision to indefinitely delay the cap-and-invest program, a program which, if done right, will

set a declining cap on emissions and raise revenue by selling allowances to corporate polluters for the right to pollute.

This isn't just a missed opportunity, it's a betrayal of the promises in the Climate Leadership and Community Protection Act. It ignores science. It disregards the urgency of the climate crisis. It undermines the hard work of the Legislature, state agencies, and the tens of thousands of New Yorkers demanding action who have already weighed in on this program and its stages to date. This is no time to hit pause. We cannot afford it.

Programs like cap-and-invest can transform New York, creating jobs, cleaning our air and water, replacing lead pipes, and investing in frontline communities. And we've already seen the positive impact of programs like the Clean Water Investment Act and the Environmental Protection Fund.

And now we need your help to demand accountability and funding that matches the scale of the climate crisis. The cost of

inaction is incredibly steep -- more flooding, deadly heatwaves, asthma in children and vulnerable populations, and lost jobs. And transformative funding isn't just about dollars, it's about lives. It's about the child in the Bronx breathing dirty air, the family in Troy who needs clean water, and the communities hit hardest by climate impacts who need solutions today, not tomorrow.

Delaying cap-and-invest threatens billions of dollars each year in climate revenue that could ease utility costs for families, build resilient infrastructure, and reduce pollution where it's needed most. Most low- and moderate-income New Yorkers would see a net financial benefit under a cap-and-invest program. And every dollar invested in climate resilience saves $7, depending on the study you read, in disaster recovery efforts.

Governor Hochul's proposed alternative to cap-and-invest is a $1 billion promise stretched very thin over five years. I have

sat in this seat for years calling for significant climate investments. I know that with your help and additional directive language, New York can put those dollars to good use. But a one-shot appropriation does not and will not meet the need.

So this is the Legislature's time to shine. In the face of an all-out assault coming from Washington, D.C., we need your help. Demand that cap-and-invest move forward without delay. Push for $600 million in clean water infrastructure. Pass the Packaging Reduction and Recycling Infrastructure Act, enact bans on PFAS, safeguard private well owners, and pass the NY HEAT Act.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Beyond Plastics?

MS. ENCK: Good evening. I'm Judith Enck, the president of Beyond Plastics. I previously served as deputy secretary for the environment for two governors, and it was my greatest honor to be appointed by

President Obama to serve as EPA Regional Administrator.

Congrats, Assemblymember Pretlow, on your new leadership position here.

We all know the serious problems, environmental and health problems associated with plastic pollution. But I'm here tonight to point out that plastic pollution is also a very significant fiscal problem. In New York we generate about 34 billion pounds of waste every year. That is staggering. Only 19 percent gets recycled, 39 percent buried, 15 percent burned, and 27 percent exported to other states.

The burning and the burying mostly happens in low-income communities and/or communities of color, whether it's the Finger Lakes, which hosts the Seneca Meadows Landfill, or the Covanta garbage incinerator in Newark, New Jersey, that burns Manhattan's trash.

There are huge taxpayer expenses here and a real opportunity to reduce costs by adopting Assemblymember Glick and

Senator Harckham's Packaging Reduction and Recycling Infrastructure Act.

I can drone on and on for hours about the importance of that bill, but I'd rather just demonstrate to you what this bill will do. I have a friend who's very environmentally conscious when she makes purchases. She wanted to buy pen highlighters that were made from wood rather than plastic. She is much more hardcore than I am. So she ordered it from this little mom-and-pop company, Amazon. It came in this (indicating), and then it came in this (indicating), then it came in this (indicating), and then she got her ECO highlighters.

Amazon has no skin in the game to solve the problem. We as taxpayers have to pay to get rid of all of this. We also pay with our health in terms of microplastics in our bodies. Amazon could have easily shipped this in something like this (indicating) -- made from recycled paper, and you can put it in your home recycling bin.

This will not change until the Packaging Reduction and Recycling Infrastructure Act is adopted. We urge you to cosponsor the bill. It passed the Senate last session. It came close in the Assembly. We need something like this soon, because companies will not change on their own.

On the health impacts of plastic, Dr. Leo Trasande, a medical doctor at NYU Langone, he's estimated that plastics cause $250 billion a year in healthcare costs. So we have an opportunity to do something to save tax dollars and improve health.

CHAIRWOMAN KRUEGER: Thank you.

And, yes, sorry -- oh, you know, I meant to call you first, but I was looking that way. I'm sorry.

MR. McCLELLAN: That's okay.

CHAIRWOMAN KRUEGER: New York League of Conservation Voters, Patrick McClellan.

MR. McCLELLAN: Thank you to the chairs and the members who are here. My name is Pat McClellan. I'm the policy director for the New York League of Conservation

Voters.

The last time Donald Trump was in office, threatening to rollback the clock on environmental protections and fighting climate change, New York stepped up. During that time we solidified our commitment to offshore wind, we adopted congestion pricing, we established the Clean Water Infrastructure Act, we made it easier to site renewable energy, we did a lot of other things. And of course the highlight was that we passed the Climate Leadership and Community Protection Act, which in 2019, when it was passed, was a nation-leading commitment to act on the climate crisis.

Today we're failing to live up to that commitment, and we're currently on track to miss almost every goal that's laid out in the CLCPA, and it's not because those goals are impossible. I know that that has been the subject of a lot of questions today, but these goals are not impossible. We're just not taking the actions that we know we need to to achieve them. And as a result, we're

failing New Yorkers and we're failing our children. And this Executive Budget does not meet this moment.

The single most important action the state must take now is to adopt the cap-and-invest program that was called for in the Climate Action Plan and anticipated when the Legislature authorized the Climate Action Fund in the budget two years ago. Cap-and-invest is the strongest, most cost-effective tool at the state's disposal to tackle the climate crisis, using a market-based approach to both incentivize economy-wide emission reductions while generating billions of dollars in recurring revenue from polluters, not taxpayers, for investments in deep carbon reductions and in climate justice.

NYLCV and many other advocates in this room believe that the draft cap-and-invest regulations -- which by law should have been published no later than 2023, would be released this month and finalized by the end of the year -- now there is an indefinite

delay, which we find to be unacceptable.

So we urge Governor Hochul to direct DEC and NYSERDA to advance the rules for public comment immediately. And while we think the Executive needs to publish those draft regulations, we also need the Legislature to work with the Governor in this budget process to take action on additional complementary policies to ensure that we get back on track to tackling the climate crisis.

In the enacted budget we urge the Legislature to tackle pollution from buildings by passing the NY HEAT Act, which would start the planning process for equitably and cost-efficiently reducing our reliance on natural gas while also saving working New Yorkers money on their utility bills.

We also need the Legislature to pass the Clean Fuel Standard, which in California and Washington State has been paired with cap-and-invest programs to displace fossil fuels from the transportation sector, ramp up electric vehicle adoption, and reduce overall

pollution at little to no cost to consumers.

We also urge the Legislature to increase the state's distributed solar goal and update the solar tax credit to make rooftop solar accessible to more New Yorkers; provide new tax incentives and siting reforms to accelerate the buildout and reduce the soft costs of battery energy storage systems, which are critical to achieving our renewable energy goals; and to pass new purchase rebates for zero-emission vehicles.

New York can still be the leader we need on climate change in this moment, but we need Governor Hochul and the Legislature to have the courage to seize that mantle.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Any -- oh, Senator Harckham.

SENATOR HARCKHAM: Thank you, Madam Chair. Thank you all for being here.

First, I want to take a second just to thank all of the NGOs and nonprofits for waiting it out. It's been a long day. We want to hear from you. Your testimony is

important. So I'm not going to ask a lot of questions of all of you, so I can hear from you.

But just because the timing worked out that Beyond Plastics had your Lobby Day today, the Chemistry Council had their Lobby Day today -- for every action, there is an equal and opposite reaction -- I just wanted to ask you a quick question for the record, Judith.

What is your opinion on advanced recycling or chemical recycling?

MS. ENCK: So advanced recycling is neither advanced or -- and it's not recycling. It's basically using high heat to take waste plastic and attempt to turn in into low-grade fossil fuel -- the last thing we need. In some rare instances they try to break down waste plastic to make new plastic polymers, but it creates a huge amount of hazardous waste.

And even if you swept aside all of the health and environmental problems with chemical recycling, which is what the

plastics industry suggests as a solution to the problem, it only -- the current facilities only are handling 1.3 percent of the country's waste plastics. So let's say they double it. That's 2.6 percent. It's just a marketing scheme. It's not a real solution.

I also want to add I -- one of the largest proponents of chemical recycling is ExxonMobil. And I asked to tour their facility in Houston, and at first they said yes, and then they said no. And I want to know why ExxonMobil would not allow Beyond Plastics to have a prearranged visit to their chemical recycling facility in Baytown, Texas. If it's really that clean, they should open their doors to journalists and advocates and let us take a look.

It's not new. It's relying on a technology called pyrolysis or gasification or solvolysis. And companies have been trying this for decades. So not surprisingly, chemical companies and fossil-fuel companies do not want to turn off

the tap on plastic. They just want to keep inventing new pseudo-solutions that leave taxpayers with this mess.

So I'm opposed to chemical recycling, in case that wasn't clear.

(Laughter.)

SENATOR HARCKHAM: Thank you very much. Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Anyone else?

CHAIRMAN PRETLOW: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Yes, let me also join Senator Harckham in thanking all of you for not just being here today but being here, you know, year in and year out, trying to move the ball forward.

Just briefly, we've heard today from a lot of different people that maybe we can't do this or maybe we can't do that because it's too expensive or it's going to cost everybody or something. Are there costs associated with not doing things?

And if in the instance of plastics

recycling, or plastic -- trying to reduce plastics, do we have other examples of industry making changes when they see that there's an economic benefit to making a change? So would that be like maybe you can't make the fuel-efficient cars unless you're, you know, forced to? Something like that. Anyone.

MS. ENCK: Lots of examples. If you look at the auto industry, one of my favorite things when I was at EPA was to meet with companies that were impacted by changing regulations. And after the EPA amended the Clean Air Act to require better fuel efficiency -- so you and I pay less at the pump -- I met with auto dealers who said, Oh, my gosh, we can never achieve these requirements. Are you really serious about promoting electric cars?

And I said yes, we actually are, because of air-quality concerns and health concerns.

I think the lesson with the Clean Air Act, the federal Clean Water Act is that

voluntary change doesn't work. We need laws and strong enforcement of the laws to make that change. And as Patrick mentioned, the federal government is just not going to be there for us.

I'm extremely concerned about the future of the EPA, which includes a lot of federal funding that comes to New York for clean air, for drinking water, for sewage treatment plants. And so in the context of this budget, New York needs to plan for this reduction in EPA's role at the federal level.

MR. SCHRADER: If I could respond, too, Chairwoman Glick. And thank you for that question. Two points.

One, the entire Clean Water Act created an industry that has gotten increasingly and evolved increasingly in terms of its sophistication dealing with drinking water and wastewater. Now, I've been around long enough -- I lobbied for the Clean Water Act in 1972. And what happened since then is we've seen literally, literally trillions of dollars put into these kinds of

technologies, and we had an extraordinary impact as far as cleaner water.

And the last thing I want say is we heard from NYSERDA today. We know for a fact that once you balance it out, it's going to be a benefit in terms of all of these new technologies and renewables in terms of over $115 billion. You add in health impacts, et cetera, to that.

ASSEMBLYWOMAN GLICK: Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Anyone else? Then I'm going to thank you. And please don't take our not asking questions as any kind of --

CHAIRMAN PRETLOW: I have -- I have a few.

CHAIRWOMAN KRUEGER: Oh, excuse me.

Oh, don't go anywhere.

(Laughter.)

CHAIRWOMAN KRUEGER: The chair wants to ask you a few questions.

CHAIRMAN PRETLOW: No, no, it's not me. I'm not going to belabor this, but our

ranker would like to ask a few questions.

ASSEMBLYMAN RA: Thank you.

Good evening. Oh, did you mean -- you meant me?

CHAIRMAN PRETLOW: You.

ASSEMBLYMAN RA: Okay. Thank you.

So just for Beyond Plastics, I mean, I would agree that, right, the goal is to change behavior. And I've gotten stuff like that in the mail, and sometimes you scratch your head. But as we look at the EPR bill, one of the things that obviously comes up is we have lots of household staples that people buy at the grocery store that use these types of plastics to package them, and concerns have been raised that are we going to lose access to these products. So if -- number one, if you could respond to that.

MS. ENCK: So we are not Rhode Island, we are New York. And I don't think most companies are going to give up the New York market.

I would also say that Assemblymember Glick and Senator Harckham's bill requires --

the bill that passed the Senate requires a 30 percent reduction in plastic. So we're still going to have 70 percent allowed.

And I would respectfully suggest that the bill go back to the original version, which is a 50 percent reduction in plastic packaging, not 30 percent, given the seriousness of the problem that we face.

So I don't see big companies or small companies pulling out of New York because they have to reduce their plastic packaging by 30 or 50 percent. And there are alternatives. We don't need a space-age breakthrough. The alternatives are paper, cardboard, metal, glass -- things that were used for decades with no real difficulty.

ASSEMBLYMAN RA: So then the next piece of that is, are those alternatives at a similar price point, or will the cost go up? I'm sure you're aware there's been studies that have projected a total consumer cost of more than a billion dollars annually, which I think it balances out to $900 per household.

Do you dispute those numbers?

MS. ENCK: Oh, yeah. That's not a credible study. It's been recycled from state to state by a Canadian professor who I'm sure is a nice guy but is not doing the math correctly.

The nice thing about the Packaging Reduction and Recycling Infrastructure Act is we often hear from companies, Don't tell us exactly what to do, just tell us the goals and let us comply. And that's what this bill does. Some companies will just reduce their use of packaging and save money. Others will shift away from plastic.

I think the benefit to taxpayers for having to pay for all of this will far exceed any potential increase in price, which I don't think is going to be significant.

ASSEMBLYMAN RA: Thank you.

CHAIRMAN PRETLOW: Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you.

First, thank you for those of you that talked about clean water, emphasizing the need to add $100 million. Since we started doing 500 million a year since 2017, we've

had an increase in need to address emerging contaminants, increasing need to address lead pipes and other issues. So it's about time we get an increase there.

Question for Judith. We often talk about what you do with the plastic after the fact. Could you just comment briefly on the environmental cost of producing the plastic to begin with and how that costs New Yorkers?

MS. ENCK: Sure. So most plastic is actually produced in Texas, Louisiana, and Appalachia, causing tremendous health damage there. But writ large, we all have microplastics in our bodies. And for many, many decades, plastic producers said don't worry about all this single-use plastic, you can just recycle it. Turns out that's not true. The plastic recycling rate is 5 to 6 percent.

I support recycling. I started my town's recycling program as a volunteer. But I want to explain why plastics has been such an abysmal failure for recycling. You cannot recycle this with this and this (indicating

bags). There are 16,000 different chemicals used to make plastic, all different types of plastics and different colors. It cannot be recycled together. That's why the plastic recycling rate is so low. I wish it was higher. It's never been high. It hasn't been double digits even when we exported so much plastic to China. China closed its doors.

I would recommend that everyone look at the lawsuit filed by California Attorney General Rob Bonta. He sued ExxonMobil for deceptively trying to fool the public into thinking that plastics can be easily recycled, which is not true. Again, keep recycling everything else, but not -- let's be honest about the failure of plastic recycling.

And the Attorney General of California also sued ExxonMobil for their deceptive statements involving chemical recycling or advanced recycling that Senator Harckham just asked me about.

ASSEMBLYMAN OTIS: Thank you.

I yield the rest of my time back.

CHAIRMAN PRETLOW: Assemblywoman Kassay.

ASSEMBLYWOMAN KASSAY: Okay. Good evening, and thank you all for hanging in.

You know, these are incredibly important topics, and I'm going to pick up on where two speakers ago left off as far as costs go.

So we know that in the long run environmental sustainability is fiscal responsibility. But in the short term, sometimes it's difficult to show our constituents that if they see prices go up at the checkout aisle, you know, or on Amazon, if that's the case with a bill like this, what we as legislators or me as a legislator would really benefit from is having those figures saying here are the other costs that are either not going to go up or actually might decrease as a result.

So for example, in my district, the Brookhaven Landfill is closing. As a result, taxes have gone up double digits in the

Town of Brookhaven and there's no clear plan for waste management, to my knowledge, moving forward. And so the Town of Brookhaven residents are likely to see, you know, an increase in cost that is tied to the amount of waste that they're producing.

So is there actual figures -- you know, theoretically, I know we have these conversations. But can someone provide figures to us of, you know, landfill costs or, you know, waste management costs as well as other costs -- not so much health, but something that's really practicable for consumers who are understandably watching their bottom line and wanting to see that, yes, you know, this is happening over here, but here's where it's going to be offset likely more and, you know, benefit you financially. Thank you.

MR. SCHRADER: Well, as far as landfills go, you know, New York State's got a landfill crisis. You know, we're looking at closing down landfills around the state. One of the issues around the Fashion Act,

which is the Hoylman-Kelles Act, is that so much of the fast fashion, the trash fashion that comes in from places like Shein -- they just wind up -- they're worn a few times, they're thrown into the landfill.

ASSEMBLYWOMAN KASSAY: I appreciate -- I hear, and I don't mean to cut you off. I'm just -- I'm hoping for those -- I'm a facts and figures kind of person, and I really want to -- I want to help, but I need --

MR. SCHRADER: Energy efficiency is the place where you're going to see the most immediate savings for consumers.

ASSEMBLYWOMAN KASSAY: Thank you.

MR. McCLELLAN: And also on waste, the tipping fees that towns pay for disposing of their waste, they're highest for landfills. So recycling organic waste rather than landfilling it, as well as recycling metal, glass, plastic, and paper, you know, aside from the environmental benefits of doing that, it is literally cheaper on a per-ton basis for the town's sanitation department than it is to landfill it.

ASSEMBLYWOMAN KASSAY: Right. So but like -- I want to see like facts and figures, charts that I can relate to, and specifically especially with the Plastic Waste Reduction Act.

MS. ENCK: I can get back to you -- (mic cuts out).

ASSEMBLYWOMAN KASSAY: Why not? That means you definitely have facts and figures. So thank you, and I look forward to speaking further.

CHAIRMAN PRETLOW: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: So a couple of data pieces on plastics. How much -- I'm just curious, how much money does, at this point, does the oil and gas industry make on oil and gas versus plastic?

MS. ENCK: Right now the oil and gas industry is making more money on electricity generation and transportation. However, plastics is Plan B for the oil and gas industry. They know that there's going to be reduced demand for fossil fuels for cars and

trucks and electricity generation. So the companies that are really investing in plastic production are companies we've all heard of: ExxonMobil, BP, Shell. They want to keep drilling in order to just keep going.

Now, most plastics these days are made from chemicals and not oil but ethane, a byproduct of hydrofracking.

ASSEMBLYWOMAN KELLES: Another quick question. Advanced plastics recycling, are there any facilities that exist that are profitable on their own? Or they need massive subsidies?

MS. ENCK: They all get public subsidies.

ASSEMBLYWOMAN KELLES: Okay. Shifting -- thank you. Because it's not a solution if taxpayer dollars are paying for it, for a private company to make a profit.

A question about meeting our 2030 goals. Can we meet it without the cap-and-invest, do you think?

MR. McCLELLAN: The reducing emissions 40 percent by 2030 goal?

ASSEMBLYWOMAN KELLES: Yeah.

MR. McCLELLAN: I don't think that that goal is achievable no matter what the state does at this point.

I think the rest of the CLCPA goals are, including 70 percent renewable energy by 2030. But the year-over-year reductions we would need to have in the next five years to cut emissions 40 percent -- I don't think we've even hit double digits yet in the amount of greenhouse gases we've reduced from the 1990 baseline. So it's hard for me to imagine what combination of state policies could actually achieve that.

ASSEMBLYWOMAN KELLES: And do you think we could green and decarbonize our own systems of state government without cap-and-invest?

MS. NADEAU: It would take tremendous effort and leadership, but yeah.

And the Governor can right the ship on cap-and-invest at any moment, right? These are her agencies that have this draft regulation sitting on the shelf ready to go.

So the opportunity is there. And we're calling on her to lead on this.

Whether -- so yes, you could do that at the state procurement and the state buildings level, you can do that statewide.

ASSEMBLYWOMAN KELLES: But with cap-and-invest, we aren't -- we wouldn't achieve it necessarily without it. We don't have any other funding source that is this powerful or of this magnitude.

MS. NADEAU: No. I mean, nothing anywhere near this magnitude. And that's the invest side of cap-and-invest. We don't have any programs, to the point earlier, to drive down greenhouse gas emission reductions either. So --

ASSEMBLYWOMAN KELLES: Right. So we could both drive down the emissions from the industry while investing in our own decarbonization.

MS. NADEAU: And investing in New Yorkers, right? Because at least a third of the dollars coming back in from a cap-and-invest program go directly back to

New Yorkers in the form of rebates.

ASSEMBLYWOMAN KELLES: I think that's so important. Thank you.

CHAIRMAN PRETLOW: Assemblymember Burdick.

ASSEMBLYMAN BURDICK: Thank you.

This is taking off a bit from the conversation that you just had with Dr. Kelles. And if you could very briefly just say what three actions can we take to get on track for meeting the CLCPA. Just like in single words or so. Go ahead.

MR. McCLELLAN: Advance cap-and-invest. Invest in decarbonizing state-owned buildings through thermal energy networks. Pass the Clean Fuel Standard.

ASSEMBLYMAN BURDICK: Good.

Next?

MS. ENCK: Pass the Packaging Reduction and Recycling Infrastructure Act, because plastics is a climate-change issue.

ASSEMBLYMAN BURDICK: Okay. Second? Oh, was that everything? Go ahead.

MS. NADEAU: We're just going to build

on each other. NY HEAT, right? That's the other place where we've got a ton to gain there and invest in climate solutions.

MR. SCHRADER: Yeah, I think cap-and-invest is the critical piece to this. And the point that was just made by Katherine, a third of the money's going to go back as rebates. So it's yet another place, along with NY HEAT's getting rid of the 100-foot rule, where consumers will benefit.

ASSEMBLYMAN BURDICK: Great. Thank you.

CHAIRWOMAN KRUEGER: Any other questions?

CHAIRMAN PRETLOW: Yes.

Assemblywoman Jo Anne Simon.

ASSEMBLYWOMAN SIMON: Thank you. Thank you. So I have a question for Mr. Schrader.

As you may know, I have a bill that would repeal tax expenditures to the worst fossil-fuel offenders that are harming our climate and save about $336 million. So I'm wondering if you can comment on like the

value added of doing that and how that would advance the state's climate goals as well.

MR. SCHRADER: Yes. And thank you so much for having that bill.

Three points on this, and NRDC's been working on the bill for a couple of sessions now. A, it's money that's saved by the state. It's $336 million that goes back to the state. As I said, this industry doesn't need tax advantages, tax breaks. It's not an industry that needs that. Maybe some do.

And by the way, maybe long ago it made sense for the petroleum business tax. Maybe long ago in the '50s and '60s it made sense. It doesn't today. It's misaligned with the climate law.

You know, secondly, it's beneficial -- not just money coming back in, but it's going to be an important, I think, step in terms of potential money that's going to be loosened up for renewables. So yet another possibility, to Senator Burdick's question, how do we get to getting the CLCPA goals -- well, this may be one more aspect of it, a

chunk of that money being spent on things like wind, on solar, energy efficiency.

And I meant that before; another immediate impact consumers will benefit from is energy efficiency. It's the quickest way to save from using that kind of gas, electricity, oil, etc.

So, I mean, I think this is such an important no-brainer bill. You know, we don't want to be giving the fossil-fuel industry these kinds of tax benefits -- thanks again for putting it in -- and it's misaligned with our climate plan and the climate law.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRMAN PRETLOW: Assemblymember Schiavoni.

ASSEMBLYMAN SCHIAVONI: Good evening. Thank you for being here. Thank you, Chair.

I'm a former town councilman, and one of our largest expenses in the town was solid waste management. And you take that in one town -- of 923 towns throughout the State of New York, 62 counties, it's really difficult

to quantify the amount of money that our taxpayers are paying just for solid waste management, forget about the cleanup and everything else. It's just a comment, and I had to get it out. Thank you, Assemblywoman Kassay.

Also, is it possible to quantify the effects of microplastics in the human body? You mentioned $250 billion. From my understanding, we really don't quite know just yet the effects of microplastics inside a human body. Would you speak to that, if you could?

MS. ENCK: Yeah, I teach a class on plastics. And when I started teaching it I was looking for the health data, as what you mention. And four years ago it wasn't there. Today it's there.

Microplastics have been found in our blood, in our lungs, in the human placenta -- both the fetal side and the maternal side -- in breast milk, in testicles. It's been found in our heart arteries. So not our heart, in our brain -- thank you -- but the

heart arteries.

And I would direct you to the New England Journal of Medicine -- you know, not exactly a radical rag. They said that because of microplastics attaching to plaque in the heart arteries, we are seeing a significantly increased risk of stroke, heart attack, and premature death. They didn't put a number on that, but it's those studies that allowed NYU Langone to say that plastics are damaging public health to the tune of 250 billion a year.

We are in early days of quantifying this. But I would argue that knowing all the parts of our body where we have microplastics and nanoplastics, it's not helping our health.

ASSEMBLYMAN SCHIAVONI: Plastics, they do break down, right, in sunlight? In sunlight the polymers will break down and then it --

MS. ENCK: No. No. They are not biodegradable.

ASSEMBLYMAN SCHIAVONI: Well, it just

gets into a smaller particle is what it --

MS. ENCK: Yeah, into smaller pieces that -- the way it gets into our body is we inhale it or we swallow it. But it doesn't break down in our bodies.

ASSEMBLYMAN SCHIAVONI: Thank you.

CHAIRWOMAN KRUEGER: Thank you. And now we're going to excuse the four of you. Thank you very much.

And I'm going to call up the next panel: Earthjustice, Liz Moran; New York City Environmental Justice Alliance, Conor Bambrick; and WE ACT for Environmental Justice, Annie Carforo.

And since the room is getting emptier, the rhythm I would suggest, if you see you're on the panel after this one, please move towards the front so you can get to the table more quickly. Thank you.

Great, let's start with Liz, then move to Connor, then move to Annie. Hi.

MS. MORAN: Hi. Good evening, everyone. Thank you for the opportunity to testify this evening. My name is Liz Moran.

I'm the New York policy advocate with Earthjustice. It's an honor to be on a panel with fellow groups with the word "justice" in our names, so thank you for that.

On day one we have a new federal administration that has begun to execute a very clear vision to profit wealthy polluting corporations while the rest of us are going to have to pay the price. So meanwhile, when state action and leadership could not be more important, unfortunately the Governor's proposed budget doesn't offer a clear vision. Quite the opposite -- it feels visionless.

The bottom line is no New Yorker voted for a dirty environment. Quite the contrary. Time and time again, we see New Yorkers broadly, across political spectrums, support bold climate and environmental policies and funding. So to that end, New Yorkers are counting on you, our State Legislature, to demonstrate the vision that they want to actually see executed. They want to see policies that cut their energy bills. They want to see policies that cut climate

pollution and create good jobs.

So Earthjustice's testimony outlines a number of ways we feel the Legislature can accomplish this, but I want to focus on one particular policy that I think will be a win-win-win for the Legislature to do this year, and that is the NY HEAT Act.

A number of you today rightfully mentioned that energy bills are skyrocketing for people, and it is simply unsustainable. And the reason for that is our dependence upon the gas system. Every ratepayer is subsidizing the very expensive costs of maintaining our aging gas infrastructure. So the NY HEAT Act, every single measure of this legislation is a cost savings measure for New Yorkers. And I'll explain exactly why.

One is a 6 percent cap on utility bills for the New Yorkers that need it the most. That's going to total to, on average, $136 that will go back into people's wallets per month. So that's very straightforward.

But the other provisions of the legislation are really important as well, and

that tackles something some people have been calling a gas mandate, but it's more formally known as the obligation to serve. Gas infrastructure, as I said, is very expensive, and right now the state has no choice but to offer gas to people. That's under the state law. Gas pipelines cost three to six million dollars per mile to replace. It's simply unsustainable.

So ultimately the NY HEAT Act will free New Yorkers from these costs and enable the state to be aligned with the climate law, cut pollution, and save New Yorkers money.

Thank you all so much for the opportunity to testify.

MR. BAMBRICK: Thank you, Chairs and members of the committee, for the opportunity to testify here today. I'm Conor Bambrick. I'm a senior climate adviser for the New York City Environmental Justice Alliance.

I want to start off with the CLCPA implementation. One, there's a requirement in the climate law that 35 to 40 percent of clean energy funds be invested into

disadvantaged communities. Those funds -- it's unclear to us that all state agencies are paying attention to that requirement.

But to date, thus far only NYSERDA and DEC have issued guidance on that. And we would encourage a more uniform guidance, one that directs these funding streams to be invested directly into communities rather than measuring the benefits.

Secondly, on cap, trade and invest, we've heard a lot from the previous panel. You know, I certainly support the sentiments that the Governor should be releasing these regulations. But the suggestion that that is still a possibility doesn't really hold water for me, given that there was no funding anticipated in the proposed budget.

We would urge the Legislature to take it a step further and adopt a cap-and-invest program. We think done right, under a high price point, it could wind up saving New Yorkers significant amounts of money.

I know, Senator Krueger, you cited a study earlier -- I believe it was a study

that we had conducted with Resources for the Future -- that demonstrated with a high price point we can save New York households that are $200,000 and below. They'll either break even or actually wind up earning under that type of proposal.

But we can't just have it go forward without also including some key protections or guardrails for disadvantaged communities or environmental justice communities. So we urge you to consider legislation that has been proposed by Assemblymember Kelles and Senator Parker that would establish these important protections.

As I'm running low on time here, I'm going to briefly touch on the Sustainable Future program. We'd like to see the full disbursement of those funds in the next fiscal year, and also the inclusion of disadvantaged community and labor protections that we saw in the Climate Action Fund that this fund is now going around.

On the subject of air quality, under the CLCPA there was a Community Air

Monitoring Program that was begun. We were assured that cap-and-invest funding would then be used to implement some of the solutions that were found under those programs. So we urge for those to be funded.

And then finally, under extreme heat -- this is one of the most dangerous weather conditions, killing around 350 New York City residents each year. We encourage the Extreme Heat Action Plan to receive implementation funding.

Thank you.

MS. CARFORO: Hi, everybody. Thank you so much for the opportunity to testify today.

My name is Annie Carforo. I'm the climate justice campaign manager at WE ACT for Environmental Justice, which for the past 36 years has been combating environmental racism through community organizing and policy advocacy at the city, state, and federal levels.

It's clear we're living through unprecedented times with the changing federal

landscape that rebukes science and devalues public investment, and the Governor's Executive Budget is a paltry response to the urgency of this moment that leaves low-income communities and communities of color overburdened and underserved.

We urge the Legislature to show ambition and vision in the final budget by including proposals that move us closer to our state's climate goals, recommit to environmental justice, and lower costs for New York households.

Namely, we need to see a $200 million investment in a green affordable pre-electrification fund to address deferred maintenance issues and eliminate legacy environmental hazards like lead, mold, old roofs, and poor ventilation, which are well-documented barriers to energy-efficiency programs for low-income households. We've heard multiple times today how energy efficiency is one of the best ways to reduce costs, and there's millions of households that are being locked out of these programs.

We need a robust cap-and-invest program, period. But in its absence, we also ask the Legislature to direct the Sustainable Futures Fund to investments that create tangible impacts in disadvantaged communities, avoid false solutions that fail to address the root causes of climate change and environmental injustice. And most urgently, we need the Legislature to include the NY HEAT Act in their final budget.

Our written testimony goes into detail on these three priorities, but I want to use the rest of my time to talk about energy affordability.

Last week, when temperatures dipped into single digits across the state, the Home Energy Assistance Program, also known as HEAP, a critical lifeline for low-income New Yorkers, ran out of funds. The depletion of HEAP this early in the heating season is indicative of the broader energy affordability crisis New Yorkers are grappling with. Ratepayers are contending with double-digit rate hikes, while a quarter

of low-income households in New York City are already paying over 17 percent of their monthly income on utility bills. Utility arrears climbed to $1.8 billion in December, burdening over 1.3 million households with ballooning debt.

So if the state is serious about tackling the affordability crisis, legislators cannot ignore the spiraling cost of the status quo -- maintaining an aging and outdated gas system that is driving up energy costs leaving one in four households with energy bills they cannot afford.

The NY HEAT Act is commonsense legislation. And boiled down, it's a planning bill. It enables utilities and the state to work together towards a planned transition to a clean energy future in a coordinated way that does not exacerbate disproportionate burdens on low-income communities.

The bill halts allocations in millions of dollars in ratepayer subsidies to expand the gas utilities. It redirects ratepayer

dollars to focus on energy efficiency and cheaper and cleaner energy alternatives. The bill also offers a near-term solution to address the affordability crisis by codifying the 2016 goal to keep energy costs at 6 percent of household income.

However, the bill offers flexibility on how to achieve this. It requires the PSC and utilities to evaluate and restructure existing and new bill assistance and energy efficiency programs, and ensure that we're reaching New Yorkers with the highest energy burden, making sure that nobody is left out in the cold in weather like this.

Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

Any Senate questions?

Assembly?

CHAIRMAN PRETLOW: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Just a quick thank you for your advocacy, your involvement, your engagement and for being here a little later than you expected. And

for all of your work. We really appreciate the collaboration.

CHAIRMAN PRETLOW: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Yeah, I wanted to thank you all as well. Thank you for your patience in sticking this out.

My first question: What do you all feel are the -- or, I know, Conor, we've talked about this, if you want to -- and Liz, I know we've -- maybe we haven't yet. But the criteria that you think -- the guardrails that need to be in place for a cap-and-invest to be successful and truly achieve the outcomes of the reduced emissions, and supporting taxpayers.

MR. BAMBRICK: So in terms of the guardrails and protections that, you know, we would use as an example would be no trading, first of all, to -- we don't want to create a situation where we have polluters paying to pollute in certain communities by buying allowances outside of their community.

We would want to see facility-specific

emissions caps on facilities located within disadvantaged communities.

So those are two examples that would help sort of guard against creating pollution hotspot situations that we've seen with other cap-and-trade programs.

ASSEMBLYWOMAN KELLES: Great, thank you.

And on NY HEAT, what do you feel the state needs to do to transition neighborhoods to clean energy and avoid further gas investment systems? And what do you think is preventing the state from moving faster? And thirdly, what are the barriers to the adoption of neighborhood-scale electrification projects that would be part -- fundamental to that?

MS. MORAN: So by changing the state's obligation to serve, or the gas mandate, that would enable much broader decarbonization and consequently electrification. Because the state existing law requires that utilities provide heat -- excuse me, gas, it means that when there's cheaper alternatives available

instead of replacing an old piece of gas pipeline, they really can't. They're pretty much locked into it.

So it would save ratepayers' dollars in those instances where a utility says it would actually be more cost-prudent to have a thermal energy network or to electrify those homes in many cases, instead of the three to six million dollars per mile of pipeline.

ASSEMBLYWOMAN KELLES: So the NY HEAT Act does require -- maintain an obligation to serve, it just has obligation to serve power, not obligation to serve gas specifically.

MS. MORAN: Exactly.

ASSEMBLYWOMAN KELLES: I think that's important.

MS. MORAN: It changes the existing law. It doesn't say that people would be left in the cold.

ASSEMBLYWOMAN KELLES: Great. Thank you so much.

CHAIRWOMAN KRUEGER: Thank you, then, very much for your testimony tonight.

MS. MORAN: Thank you all.

CHAIRWOMAN KRUEGER: Appreciate it.

Calling up the next panel: Rewiring America; New York Solar Energy Industries Association; New York Clean Power; and the Public Utility Law Project. New Yorkers for Clean Power, excuse me.

Good evening. Again, if the next panel wants to line up right behind them in the chairs, that would be great.

Again, we appreciate your being with us all day and into the evening. So let's start with Rewiring America.

MR. HERNANDEZ: (Mic off.)

CHAIRWOMAN KRUEGER: Nope. It has to be green. There you go.

MR. HERNANDEZ: There you go.

Thank you. Michael Hernandez. I'm the New York policy director for Rewiring America. We're a leading electrification advocacy group really moving -- helping people to move forward with their electrification journey. We're really looking at the demand side -- how can we help people who want to electrify, who want to

move away from fossil fuels, to get incentives, to get information to make that process easier.

And so I think when we're looking at the Executive Budget proposal, we're really supporting the Sustainable Future Fund, $1 billion in the Executive Budget -- we think that should be $2 billion. The Public Facilities Sustainability, the Executive put $50 million in there. We think that should be $100 million.

We support the IRA direct payments for $10 million. We think NY HEAT Act should be in the final enacted budget, and also that there should -- the Executive should move forward with cap-and-invest with no delays.

So when thinking about the Sustainable Fund Act, the one -- we think that that fund should really be streamlined. Right now it's very broad, it's including but not limited to. You can look at my testimony, I've kind of marked up the appropriation. I really think that that should really be focused on building decarbonization.

Buildings are the largest source of greenhouse gas emissions in New York State. So it's really how we heat our buildings, how we heat our spaces, how we heat our water that actually contributes the most to greenhouse gas emissions. So if we can reduce our greenhouse gas emissions through building decarbonization, that's the most direct way of reducing greenhouse gas emissions for New York State.

We think about 20 percent of New Yorkers are using fuel oil and propane to heat their homes. That's very expensive. It's very dirty. And so we want to give them a break, help them transition, and use that billion dollars to help incentivize them for that program.

And then gas is also -- the delivery charges are extremely expensive. That's just paying for the gas infrastructure. Oftentimes you look at a gas bill, the delivery charges are three times the amount of the supply charges. The utility just passes that supply charge over.

We also want to just say that we support the public buildings -- NYPA is doing a plan for decarbonizing the 15 highest-emitting buildings. That plan, there's a status report due this week, actually. And the final plan will be submitted at the end of this year, but still within this fiscal year. And so we can start moving forward with decarbonizing those state facilities.

And then, finally, the Inflation Reduction Act has money in place for tax credits for not-for-profits and the state to do actions, and this money would move that forward.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next we have the New York Solar Energy Industries Association, Noah Ginsburg.

MR. GINSBURG: Good evening. My name is Noah Ginsburg. I'm the executive director of New York Solar Energy Industries Association. NYSEIA is a trade association that represents New York's rooftop and

community solar industry. We have 230 member companies across the state.

Just to give you a sense about the distributed solar industry, there are 800 solar companies in New York State. We have more than 15,000 workers in this sector.

I'm going to talk -- there are two main types of distributed solar. There's solar on the rooftops on homes and businesses, and there's community solar, which are small-scale ground-mount solar projects that serve folks who can't put solar on their own rooftop.

Some of the benefits of distributed solar: We can deploy it quickly and cost-effectively. It can deliver direct bill savings to New York homes and businesses. It provides revenue to rural landowners and municipalities. It creates good jobs and supports economic development. It lowers systemwide costs by generating power during times of peak demand, lowering energy prices not just for the folks who are participating but for all ratepayers.

And finally, improved land use. By putting more solar on the built environment and installing solar in smaller increments, it can be collocated with agriculture and be developed in a way that aligns with New York's other priorities.

Distributed solar really is New York's clean-energy success story. We're ahead of schedule and under budget. There are more jobs in this sector than any other renewable energy sector in the state. Last year alone, we deployed 1.24 gigawatts of distributed solar. So that's a new record for New York State.

Despite all of this success, we're really at a crossroads right now. There are some very serious challenges. Restrictive local laws and moratoria are stopping solar projects in their tracks. The DEC's red tape and the expanded jurisdiction and the lack of clear guidance is causing layoffs in this industry where folks are not developing new projects. Rising interconnection costs and the lax oversight of our utilities are

driving up the cost to build clean energy projects. And finally, inflation and high interest rates are really impacting demand for solar for homes and for businesses. And to top it all off, the Trump administration is going to be reducing federal support for our industry.

So if these challenges are not addressed, we're going to see precipitous declines in development, deployment and employment. Simply put, New York can go big or go home.

NYSEIA and a growing coalition are calling for New York to go big. We're looking for New York to raise our distributed solar goal and to advance policies that are going to drive down costs.

Because I'm running short on time, I'm going to talk specifically about one policy that absolutely needs to be in the budget, and that is the modernizing and the strengthening of the New York Residential Solar Tax Credit.

So this is a policy wherein folks who

install solar in their home in New York State get a tax credit, but that per-household cap hasn't been raised since 2006. We need to raise that cap. We also need to make this credit refundable so that low-income folks can participate and benefit as well.

Thank you.

CHAIRWOMAN KRUEGER: New Yorkers for Clean Power.

MR. GUPTA: Good evening. My name is Anshul Gupta. I'm the policy and research director at New Yorkers for Clean Power, a statewide collaborative campaign --

CHAIRWOMAN KRUEGER: Pull the mic closer.

MR. GUPTA: -- a statewide collaborative campaign to rapidly shift to a clean energy economy. Thank you for this opportunity to speak today.

The energy affordability and climate crises, the health impacts of oil and gas pollution, the principles of environmental justice, and the mandates of the climate law all demand swift, powerful action by the

Legislature at this time.

In 2023, Governor Hochul announced an economy-wide cap-and-invest program as her preferred mechanism for funding the CLCPA and enforcing its statutory greenhouse gas emissions limits. After missing last year's statutory deadline to finalize this legislation, the Governor now abruptly shelved the program, just as agency staff completed their work on developing the full regulatory package.

These delays in the program's rollout not only deprived New Yorkers of critical investments in cleaner infrastructure to reduce pollution in our homes, workplaces, and schools, but also increased future costs of reducing climate pollution.

We urge the Legislature to call upon the Governor to immediately release the full cap-and-invest regulations. However, as critical as cap-and-invest is, it is one of the tools in a broader policy framework for reducing climate pollution. It will require synergistic, legislative, and regulatory

actions to be successful.

And the single most effective piece of substantive legislation which also meaningfully addresses energy affordability in the state is the NY HEAT Act. Each key provision of this popular, long-overdue legislation explicitly or implicitly seeks to reduce New Yorkers' energy burdens while rectifying costly incongruencies between the state's climate law and the Public Service Law.

Every bit of delay in passing this bill locks in irreversible ratepayer liabilities and corresponding rate hikes from wasteful investments in new fracked-gas pipes, while missing opportunities to redirect those investments into improving our built environment, enhancing health, comfort, and safety, reducing climate and air pollution, and removing a key statutory barrier to the adoption of thermal energy networks at scale.

We urge the Senate and the Assembly to include the full NY HEAT Act in their

respective one-house budgets.

And finally, I'd like to remind the committees that the fundamental reason why climate change has become the climate crisis now is because of a well-documented, decades-long campaign of lies and deception by the oil and gas industry to delay action. This was one of the premises behind the recently passed Climate Superfund Act.

So please help us stop perpetuating this problem by stopping to give credence to gas company lobbies, their front groups, or the National Fuel flyers full of falsehoods about NY HEAT that were circulating in this building yesterday.

Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Next is the Public Utility Law Project.

MS. WHEELOCK: Thank you so much. Good evening. My name is Laurie Wheelock. I'm the executive director and counsel of the Public Utility Law Project. We go by PULP

for short. We are a small but mighty nonprofit that represents low-income utility customers.

Our last year has been difficult, to say the least. We have seen a 46 percent increase of calls and emails for help. Many of those cases are also far more complex than we saw before the pandemic. It was also the first summer where a lot of the electric and gas utilities were pursuing normal service terminations for customers who have fallen behind on their arrears, and so dealing with that was, you know, to my team, a lot to deal with.

Last year we did get an increase in the budget, which we're entirely -- you know, so grateful for. I believe I sat here last year and said my dream was that PULP would be 151 of us. And so we're getting closer. By the end of this year we'll be 15, so I just need 136 more. Building every year.

And, you know, along with that, we obviously are asking for an increase this year of $250,000, which would add at least

two more staff to our team.

So that's our main ask, but we do have five other proposals that were included in our budget testimony.

The first is funding for the Energy Affordability Program, an existing program that I believe Chair Christian spoke about earlier today. It provides monthly discounts off of electric and gas bills, and it is just a lifeline for low-income customers. It helps them just, again, be financially more stable, and they rely on that funding every single month to help them make it through their billing period.

We know that data matching was passed and signed by the Governor now two years ago, and it will be implemented this year. So we expect that there'll be more low-income customers directed into that program. So we're asking for state funding to help provide a cushion, because the more people that you put in, it could cut the credits themselves.

The second proposal, which is one that

we wanted to bring to the Legislature, along with hearing from our friends at WE ACT talk about concerns with extreme heat, is a program for HEAP cooling. Now, there's a HEAP cooling program now, but it's to provide an air conditioner or fan. We hear from constituents, consumers every single summer who are terrified to turn that air conditioner on. They're nervous.

We have one woman who gets on the subway early in the morning to go to her senior center; she goes the long way so she doesn't have to turn that AC unit on.

And so we want to see state funding put into the budget to help create a program that actually will provide cash assistance to pay for the electric bills.

Once we saw the Governor's budget come out and we saw the billion-dollar appropriation, we felt that this was perfect timing to fund both of those programs with that. Energy affordability, energy burden was discussed by the Climate Justice Working Group, so we feel that they fit very well

together.

Again, we had three other proposals, but I'll save my time for that and just thank you for having PULP be here again this year.

CHAIRWOMAN KRUEGER: Thank you. There we go. Any Senators with questions?

Oh, Shelley Mayer. Thank you.

SENATOR MAYER: Thank you, and thank you all. And I have to say a special thank you to you, Laurie, and PULP.

Correct me if I'm wrong, but is PULP the only New York State not-for-profit whose -- part of whose mission is to intervene in rate cases on behalf of consumers?

MS. WHEELOCK: Yes.

SENATOR MAYER: And we've worked so closely with you during very difficult periods, and you continue to be just a fantastic asset.

But knowing that Con Ed is about to put in a new rate case, with a new rate request for a three-year period -- and ordinary consumers and our constituents don't

know anything about this process, so the idea that they can weigh in at some point is really sort of just dreaming -- we are reliant on you, am I correct, to be the voice for our constituents in making the only case possible against these rate increases?

MS. WHEELOCK: Yes. And we do get involved with all the major rate cases.

You know, before the pandemic, two a year were a lot. But because of the pandemic, everything slowed down, and we had eight this year. We had two water, we had six -- if I can do math this late -- six energy cases. And we were very successful in those water cases. We fought for low-income customers and actually saw the creation of the first water affordability programs in this state.

We're getting ready for Con Ed to file before the end of this week. We'll be in touch with the members. And again, just looking to get in there and just try to fight for stronger consumer protections while trying to cut costs as much as possible.

SENATOR MAYER: And the last question is just -- I'm very, of course, sympathetic with the focus on low-income consumers, and it's perfectly fair. But the fact is the rates have become unaffordable for middle-class consumers as well. Someone earning $55,000 in my district in Westchester cannot afford current utility rates.

And I appreciate that you're willing to work with us. I'm trying to expand these benefits so that the middle-income consumers are not paying the price for a benefit that we rightly want to give to low-income consumers. And I hope that there can be a change of thinking about that.

Really, at the end of the day, these utilities should be affordable to everyone as much as water and other services are.

And I really just want to thank you all for your advocacy on these issues of equity in the utility space, which I think we've lost sight of.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRMAN PRETLOW: Assemblywoman --

CHAIRWOMAN KRUEGER: You have an answer? I'm sorry.

MS. WHEELOCK: So first off, thank you, Senator.

You know, some of the legislation that you carry -- Senator Parker has one on fixed charges -- we really believe not only are we fighting the rate cases, but we have to have a much bigger discussion in this state about the way that the rates are set.

And so things like fixed charges, return on equity, we are opening Pandora's box. But that box has to be opened because the business-as-usual is just not working for us. We fully agree on moderate-income as well. Again, our mission is low-income, but we see that need.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblywoman Barrett.

ASSEMBLYWOMAN BARRETT: Thank you. Thank you all for your advocacy and for being here and hanging in with us.

I just want to go back to Laurie for a second. And we had a big scare last week when the funding was dried up, basically, for HEAP two months sooner than people expected it to. And I know, you know, we -- I wrote a letter, you wrote a letter.

What is your -- you know, with a little bit of hindsight now, any reflections on what we could be doing to address this, what we learned from that situation? You know, the Governor put in $35 million. Is that going to take us through the next two months? You know, how do we know?

So could you just share some thoughts on that, please?

MS. WHEELOCK: Absolutely.

And first and foremost, thanks to all of you -- thank you to OTDA, DPS, the utilities. You know, we reached out to everyone under the sun after we got that news on Tuesday. I think that morning it was negative 3 degrees here in Albany. When I got the text message from my staff while I was at the Senate Energy Committee that HEAP

closed, I thought, This has to be a mistake. This doesn't make any sense. It's January 21st. Last year HEAP closed March 31st; before that, in May.

So what we were hearing in, you know, the kerfuffle that -- just everyone running as quickly as possible to find out what was going on, there seemed to be some sort of shortfall. And then there also seems to be an increase in applications.

We know that the benefit amount went up slightly. It had like a COLA. So it seemed to be a lot of this all at once. But also in reaching out to fellow advocates in other states, it doesn't seem like our cold-weather neighbors were having this issue either.

So at these points in time we always stop and reflect, what can we do better? We have to have more notice. You know, our people had two hours to call and tell our consumers that HEAP was closing. We need OTDA to tell us more.

And then I think as a state, we have

to have a conversation with our federal partners. Last night there was an executive order -- I'm sure that you saw that news about the low-income programming. HEAP is part of that. And so I believe as of 5 o'clock this evening there was a federal judge that has since blocked that. But I think honestly, as a state, we need to take these moments and say if there isn't any federal funding next year, how can we help the people who rely on this as a state?

We need to shore up our programs and make sure that they are safe while we do, and continue to build and grow as a state as well. So I think it was a good -- I don't -- I'm trying to think positive. It was a really rough week, but we all jumped in together. We all worked together, and we were able to see that outcome. But we have to learn from it, and I think we have to grow from it.

ASSEMBLYWOMAN BARRETT: Thank you. And thank you for your leadership in helping us navigate to the difference we could make.

Thank you.

MS. WHEELOCK: Thank you.

MR. HERNANDEZ: And could I just mention one thing, is the LMI households in New York State make up almost half of the households in New York State. And that's what --

CHAIRWOMAN KRUEGER: Thank you.

Michelle Hinchey.

SENATOR HINCHEY: I really want to give you space, but I have a question. If there's time, finish that thought.

Two questions. Laurie, I'll start with you. Thank you, ditto, for all of your help and support for our constituents.

I want to switch gears a little bit to small water authorities and small water companies, because their bills -- especially the small ones -- are not regulated. And when we talk about affordability, that is a big cost for a lot of people, especially in smaller communities in rural areas across the state.

We have two bills, as you know, one

that would create audits for small water companies and one that sets up an authority to oversee those small water companies.

Without commenting on the legislation specifically, can you talk about the need for something like an authority and why that exists, why the need is there?

MS. WHEELOCK: Yeah, absolutely. And thank you, Senator, for taking on this issue.

You know, there's over 230 small water companies across New York State. Many of them are family-run. Families would pass them along and, you know, Junior would take over. They have sometimes 25 customers, maybe 400 max. And the truth is the infrastructure's breaking down. Maybe the family doesn't want to run it anymore.

And so right now what we see is usually the department and the utility work together to have a larger water utility like Veolia or Liberty buy them out. But that also creates problems, because that system and its issues gets, you know, absorbed into the rate base. We see, for instance, Veolia

is, you know, out in certain counties, but then they have like little Owego-Nichols all the way up here. And so it just -- it's not really working.

And so both bills really try to take this very complex problem and put greater teeth and oversight into what's going on and then try to really elevate and help those water systems, those customers, you know, be able to afford and have quality water. So thank you for both of those.

SENATOR HINCHEY: Thank you.

I want to ask a question. You mentioned issues with the utility companies for connecting specifically for community solar. Can you expand on that?

MR. GINSBURG: Absolutely.

So a little-known fact is that all of the upgrades to the electric distribution system to plug in new solar and storage projects, those are paid for by the solar and storage developers. But the utilities complete the upgrades.

And what we've been seeing in the last

few years is that the utility costs have gone up and up and up and there's really no adult in the room, there's nobody who's monitoring utility costs. The utilities are sending retroactive bills for cost overruns.

A fun fact, the site where New York cut the ribbon to celebrate achieving our 6-gigawatt milestone more a year ahead of schedule, a couple of weeks later National Grid, who is -- you know, we have quite a few issues with National Grid. They sent the solar energy system owner a bill for $1.3 million for their cost overruns, which they didn't tell them about until after the system was fully up and running.

Now, how can anybody invest and build projects in New York State if the utility costs to do these upgrades is just an uncapped liability?

SENATOR HINCHEY: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes.

First, thank you, all of you, for hanging in. It's been a long day.

But my question is for Laurie. I want to talk about arrears. You know, we know that people are in utility arrears. If my numbers are correct, is it somewhere like between 1.2 and 1.3 million households, the total arrears were approximately $1.8 billion? Is that pretty close to where we are?

MS. WHEELOCK: Yes, it is.

ASSEMBLYMAN PALMESANO: And how does that compare to where we were during the COVID highs?

MS. WHEELOCK: Yeah, so we were very close to hitting the 1.9 right before the Governor released and the Legislature supported the COVID relief package.

ASSEMBLYMAN PALMESANO: So we were around 1.9 during COVID?

MS. WHEELOCK: Yeah.

ASSEMBLYMAN PALMESANO: Okay. So my question is, we know the utilities sit on

money when they -- I mean, it's all collected from the ratepayer for all these green energy programs. And they collect, they hold it. And then when it's called for by NYSERDA and others, then they have to pass it on. I mean, we know that it's hundreds of millions of dollars, minimally.

Wouldn't it be better -- because the green energy, that's for the future. But the individuals who are in arrears, wouldn't it be better maybe to use those funds to kind of get people off the arrears? Because otherwise, ultimately the utilities are going to go back to the PSC to ask for a rate -- to recoup those costs.

So in the immediate -- you know, to try to reset where we are from the pandemic, wouldn't it be better to kind of use some of those funds to help lower that amount and reduce that $1.8 billion in arrears and let it reset? Because ultimately the utilities are going to go back, ask for another rate increase. So it's like getting more money on top of money they've already collected. And

we are collecting this money already from the ratepayers for these green programs.

Wouldn't the emergency be to help the people in arrears if we want to reset the process? Because it's not like the money's going to stop flowing for the green programs, because there's a commitment there. But under the circumstances, don't you think, given the arrears situation, the $1.8 billion, if we took some of the funds and used that to settle that, that would be a big help to those in arrears?

Ultimately, because it's going to come back around anyway and we're going to have to pay for it again anyway through the utilities, through the rate negotiations with the PSC, wouldn't that be at least a feasible option to at least look, at in your opinion? You know, obviously as an advocate for the ratepayer.

MS. WHEELOCK: So, you know, first and foremost, to the Assembly, we know you just had a hearing in December on NYSERDA and kind of the oversight and more. I'd be happy to

forward our testimony to you.

I think the problem is a very complex one on every single level. Unfortunately, we saw relief be given to customers, and they needed that, but we've seen the arrears keep growing.

And so why do the arrears keep growing? Part of it is, you know, a snowball effect for a lot of our low-income people. You know, they come in, they have that disconnect notice, they have right now about $4,000 in arrears is average. That's a lot. Late fees on that -- we had a woman in Queens -- I will get you our testimony. I'd love to talk more.

ASSEMBLYMAN PALMESANO: All right, thank you. Thanks for your time.

CHAIRWOMAN KRUEGER: Thank you.

I just have one question, I think addressed to all of you. You've been here all day, you've been listening. You all represent trying to move us forward in energy, and you are all very, very aware of the issue of the very high utility costs in

New York.

There seems to be a disagreement among my colleagues and I. Is our effort to meet CLCPA causing increased utility costs? Or is our failure to do the things that many of us recommend within CLCPA causing the increased utility costs? Anyone want to take a stab?

MR. HERNANDEZ: Can you take that one?

(Laughter.)

MS. WHEELOCK: You were -- go ahead.

(Laughter.)

MR. HERNANDEZ: So I think the Scoping Plan, you know, really was very clear on this, that the status quo is actually going to cost us a lot more if we don't take action to make changes. The health costs, the averted health costs alone are going to cost a lot more. And so I think that was one thing that the Scoping Plan was very clear on.

Rewiring America has shown that when you transition, when you decarbonize a home in New York, that home will save $1,500 in utility bills for that year. And so you can

really see the changes.

CHAIRWOMAN KRUEGER: Anyone else?

MR. GINSBURG: And I'll just add solar power is the lowest-cost source of power in the world, once you cut through the red tape.

And so when we think about this kind of -- I think it's a false dichotomy, are we going to fund affordability or are we going to fund green energy and pay a premium.

The reality is if we are smart, if we cut through red tape, if we better regulate our utilities, if we use 21st-century technology to integrate more clean energy into the distribution and transmission system we have today, we're going to lower the cost for everyone, we're going to have abundant clean power.

That's what we need to support our economy and our growing industries here in the state.

CHAIRWOMAN KRUEGER: Thank you.

MR. GUPTA: And the delay in passing the NY HEAT Act is an important example where our failure to implement the CLCPA is

actually increasing New Yorkers' energy burdens. The provisions of the NY HEAT Act are called for in the Scoping Plan. Today Chairman Rory Christian testified that one of the reasons why our bills are going up is that we are trying to maintain two different aging energy systems. And our burdens will reduce if we invested in a single future-looking, modern system, rather than trying to sustain the 100-year-old fossil-fuel infrastructure.

CHAIRWOMAN KRUEGER: Thank you.

Oh, do you want to jump in?

MS. WHEELOCK: Yeah, real quick. And thank you for your patience.

I mean, we see it in the rate case, we see that tension right there. You know, I know it was discussed earlier about leak-prone pipe; it's anywhere from 3 million to 10 million a mile.

The Central Hudson rate case, if you look at the filing letter, about 59 percent of the cost request in the gas side is, you know, gas infrastructure, leak-prone pipe,

things of that nature.

We have to continue having these conversations. They're not easy. They involve rate design and where do we go in the costs. And we're excited to be a part of that. Thank you.

CHAIRWOMAN KRUEGER: Thank you all very much.

Assembly?

CHAIRMAN PRETLOW: Assemblyman Anderson.

ASSEMBLYMAN ANDERSON: Thank you so much, Chair.

And thank you to this panel for your critical presentation tonight about the severity of the rise in cost of energy here in the state.

My question is sort of piggybacking off of the question I asked back in December at the energy hearing that was held here in the Capitol. And I think it's directed towards you, Laurie, of PULP, which it's always good to see you.

Section 32 of the Public Service Law

says that between November 1st and April 15th, there's supposed to be a cold weather period moratorium. I'm just wondering, one, how our utilities are actually engaging with that statute. And two, what are some resources the state can provide to ensure that our utility partners are following that statute?

MS. WHEELOCK: Yes, thank you so much for the question.

So New York does not have a legally mandated moratorium on shutoffs in the winter. There's additional notice. So there is a 72-hour notice where the utility has to make a call or make the knock on the door, and then also at the time of shutoff. That alone can be very difficult.

You know, we have individuals call us every day who -- I was at work, I was picking up my child, they come home and the power is off. They didn't know they were at risk of shutoff.

You know, I think, especially seeing what happened with the HEAP funding running

out -- and, again, not knowing what maybe the future is right now with those costs -- we need to look at whether or not that is really the -- it is the bare minimum. I think we need much more.

ASSEMBLYMAN ANDERSON: So it's actually not a moratorium.

MS. WHEELOCK: Mm-hmm (shaking head). The only time there's no shutoffs is the utilities agree at the last two weeks of the year.

And then in the rate cases, we have been successful at getting the utilities to go above that minimum of just the notice. There's, you know, some utilities that won't shut off when it is below 32, or do we consider windchill and things like that. So we've had some success there. But it is a smattering.

Last week the Public Service Commission opened up a generic proceeding to look at extreme heat and what the protections are there. But we're really hopeful that if they talk about heat, they also look at cold.

Because it is very different, and I think we're concerned.

ASSEMBLYMAN ANDERSON: So just to be clear, the purpose of this statute is just for notification. It's not a moratorium. It's increased notification between this period.

MS. WHEELOCK: Yes. And to look if there's a medical condition in the home.

ASSEMBLYMAN ANDERSON: It sounds like there's an issue, for sure. Does this also include a household that uses lifesaving equipment?

MS. WHEELOCK: So that would be an additional protection under the law.

We have also had issues, though, with medical coding. We've had to file a lot of extra complaints this year to get the protections for medical coding.

Life-sustaining equipment is usually a bit easier, but we did have an individual on oxygen who had her electricity turned off and had to take her child to the laundromat to use an inhaler recently. A nebulizer.

ASSEMBLYMAN ANDERSON: Thank you so much, Laurie. We should talk offline more.

MS. WHEELOCK: Yes. Thank you.

ASSEMBLYMAN ANDERSON: Thank you so much.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRMAN PRETLOW: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Yup, Michael, I wanted to follow up on one thing that you said. You were talking about gas customers, and their energy bills are going up, but at the same time, gas supply costs are low. Which, you know, there seems to be a technical piece missing. And that those low costs -- the rising costs, then, are not due to the supply but rather -- I think you mentioned two things that I wrote down, gas infrastructure as being one of them, right, investments in gas infrastructure, and then the regressive nature of the gas tax.

So can you talk a bit about what the current gas delivery rate structure is that would allow for that discrepancy?

MR. HERNANDEZ: Yeah. Thank you for that question. I think really what we see, the PSC showed that if you look at gas supply costs right now they're at a pretty low from where they have been recently since the pandemic. But really they were anticipating this winter to see gas prices increase -- customer bills increase by 18 percent. And that's due to the delivery charge, which is specifically for the infrastructure costs.

And the way that they -- it's regressive, for the infrastructure costs aren't spread out evenly. It's a regressive rate. So the first 3 therms that you're consuming during the year -- excuse me, during the month, are the most expensive. And then the next tranche are slightly less expensive, and then the next tranche are even more less expensive. So actually it's incentivizing more use instead of, you know, evenly playing that out.

So the even smaller consumers of the gas are paying greater for the infrastructure costs.

ASSEMBLYWOMAN KELLES: So as to guarantee their profits.

MR. HERNANDEZ: That's right. They have to -- when they go for their rate, they're -- and in the rate cases they are saying, This is how much it's going to cost for us to put this replacement infrastructure in.

And the PSC, because of the Public Service Law, mandates that you have to replace old leaky gas pipes with new gas pipes, and you have to expand gas, and the ratepayers have to pay for that. That's the law right now.

If we change that through the NY HEAT Act, it would allow some discretion to the Public Service Commission so they could say, Oh, well, maybe there's an alternative.

ASSEMBLYWOMAN KELLES: Like networked geothermal might be cheaper, and long term the capital cost would be spread out over -- savings with operating, for example.

MR. HERNANDEZ: Exactly. Exactly. There's alternatives, and then also they

could look at that rate. Because the NY HEAT Act caps household burdens at 6 percent, so they could look at that rate that's regressive, and move that around so it's not as regressive.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYWOMAN KELLES: Thank you.

CHAIRWOMAN KRUEGER: Assembly?

CHAIRMAN PRETLOW: Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you.

A couple of quick questions.

Mr. Gupta, how nice to see you. In your testimony you suggested, proposed that we increase the geothermal tax credit maximum from $5,000 to $10,000. Do you have a number of what that would be state budget costwise? And if you don't have that today, you can get that to us after the fact.

MR. GUPTA: Yes, I don't have that number right now. But I believe the New York Geothermal Association has that, and we can forward that to your office.

ASSEMBLYMAN OTIS: That would great, just so we could put a price tag on it. That

would be good.

MR. GUPTA: Right. And it is our belief that this small sort of investment on the part of the state will really pay back in terms of reducing energy costs, and that advancement of the geothermal heat pump systems, that will reduce the future infrastructure investment costs in the electricity generation and delivery system. Because what geothermal heat pumps do is that they would dramatically cut peak wintertime electricity demand. And in about a decade, the electricity system is expected to become winter peaking.

So that's -- but we need to start planning for that now by incentivizing geothermal heat pumps and directing the home electrification sort of more towards thermal energy networks and geothermal systems as much as possible.

ASSEMBLYMAN OTIS: That's great. Thank you very much.

And, Laurie, I have a question for you. In your written testimony you had some

detail about the sharing of tax data information. And in the testimony you expressed a concern, so long as we're not increasing burdens on consumers -- and I'm not sure what that alludes to. Is that a personal privacy piece that you're concerned about? Or is that more burden for signing up for benefits?

MS. WHEELOCK: Yeah. So we're very interested in data matching in all forms. So what our hope is, is seeing that the Department of Tax & Finance, which has all of our tax records, or we hope, if we can get a pathway where they are able to start sharing data with agencies, I think that will help with many of the different programs the state is picking up and looking at now.

For instance, when we did our three rounds of comments on, you know, New York cap-and-invest, one of the things that was really important for PULP was the choice in how benefits be received. You know, the people we help don't fit into cookie-cutter spaces. They may want it to help with rents,

they may want it on an EBT card, they may want it as a tax credit, they may want -- you know, on and on and on.

So I think in so many ways seeing that's a big positive.

ASSEMBLYMAN OTIS: Let's follow up further on that, because I have some more questions about those concerns.

Thank you.

CHAIRMAN PRETLOW: Assemblywoman Jo Anne Simon.

ASSEMBLYWOMAN SIMON: There we go, thank you. Thank you all for staying so late, and the rest of you.

So I have a question to sort of follow up on, Laurie. First of all, I want to support what Senator Mayer said about, you know, you're being the voice of people. But you also are in a position to help other people who call qualify understand what it is that's going on.

But also you're getting complaints, you really get a sense of trends and what -- the facts on the ground. And so -- and you

may or may not want to answer this question. But there are so many issues that come up that appear to be a lack of competence on the part of the utility and its processes -- I know you know I'm thinking of one in particular. But they're not -- they can't be the only one that sends out bills three years late or doesn't bill or can't identify what they're billing for or doesn't credit you for having paid your bill.

So, you know, that's obviously a great source of stress for a lot of people, and compounds the problem. You know, is there some way that -- something that we can do to help to rectify that situation?

MS. WHEELOCK: We really appreciate the support. Because we do, we see patterns all the time. Central Hudson was the first utility to go through major billing system upgrades. And again, the department, like they got in there, they investigated, there were hearings. You know, they have five different case numbers watching them. If anything, it's kind of hard because there are

five. But they also made sure that those lessons learned went to every single other utility.

And that's extremely important, making sure in those moments when things go bad -- and we see it as state -- making sure that then there is consistency. I think we do have to look at that. IT systems, cybersecurity, those are all things we need these utilities to do, and they need to do it well. People want to get their bills, they want to know it's accurate. They don't want to have to call me and be like, I can't -- I can't handle opening this, Laurie, tell me how much it says I owe. Do you think it is right? We do that for people still, and it's heartbreaking.

So I definitely think there's a way to create standards but also consistency. I think it would help the department. And I'm really excited to hear that they're upping, you know, staffing there because I think the accounting and whatnot is needed, the -- you know, the credits, making sure people's

credits from solar are done accurately.

These are all those areas that again, if it affects the customer experience and they're not having a good experience, then no one is happy and that's not good for any of us. I don't know if you want to add.

MR. GINSBURG: Well, because you called out solar crediting, I'll just mention that community solar customers and actually even net-metered customers have had, over the last several years, major issues with utilities issuing timely and accurate credits on customer bills, which has really undermined and eroded trust in the program.

The Public Service Commission, we're waiting for them to take action on a staff proposal to create performance metrics and penalties. But it's in the commission's hands, so we hope they'll do something.

ASSEMBLYWOMAN SIMON: Okay. Thank you.

CHAIRWOMAN KRUEGER: Anyone else?

CHAIRMAN PRETLOW: I believe that's it.

CHAIRWOMAN KRUEGER: All right. Then we want to thank you very much for your being with us and your work every day for us, and excuse you and call up -- we're on Panel G -- Citizens Campaign for the Environment, Riverkeeper, Finger Lakes Land Trust, and Save the Sound.

(Pause; inaudible interjection.)

Well, you know, this is an endurance test for us all, including the ones up here.

All right. Good evening, everyone. I can say clearly it is evening. So we'll just go in the order that you are in the paperwork. Citizens Committee for the Environment -- Campaign for the Environment, I'm so sorry.

MS. ESPOSITO: Good evening, legislators. My name's Adrienne Esposito. I'm the executive director of Citizens Campaign for the Environment

. A heartfelt thank you for sticking it out and staying here. The NGOs really do appreciate it. Thank you very much.

I'm going to bring us back to the

topic of clean water, and I'm going to use my Brooklyn speed-talking right now.

Number one is we're asking -- I'm also the chair of the New York State Clean Water Coalition, which is not only all these wonderful environmental groups you've been hearing from today, but it also includes the New York Water and Environment Association, the good people that operate and run our sewage treatment plants; it includes New York Rural Water Association as well as the New York Water Association. So all of the drinking water, all of the wastewater, all of the environmental groups, and we're all asking for $600 million in the Clean Water Infrastructure Act. Why? Because we need it.

And I want to thank you guys so very much for restoring the budget cut last year to $500 million when it was proposed to be $250 million.

The good news is -- and we want to recognize the Governor's staff and the agencies -- they spent a lot of money last

year in the clean water arena. In fact, they spent a record amount -- $600 million went out the door last year for over 250 projects all across New York State upgrading sewage infrastructure and making our clean water cleaner.

That's great. See, they can do it. That justifies asking for $600 million again this year.

Also a little-known fact, but very important, the program was oversubscribed again last year. In fact, it was oversubscribed by over $700 million, which means there were 200 different infrastructure projects that went unfunded and were denied last year that are shovel-ready right now.

And if that's not good enough, I think we all need to know that the PFAS regulations are going to be coming online for the 4 parts per trillion -- you know, if the EPA keeps to that, but that's another story. Which means, according to the water districts, there's 296 water districts across New York State that are right now between 4 PPT and 10 PPT

that will need more clean water funding. And if you think people want to afford their electric bills and their grocery bills, they really want to afford their water bill. It's a necessity.

Really quick, we're going to ask also for an increase in the Environmental Protection Fund. We told you that would be an investment of funds, and you know what? We were correct. A report just came out, a record number of people visiting New York State parks -- 88 million people last year visited New York State parks, the crown jewel being Jones Beach with 9.5 million people.

Everything we spend in that EPF is coming back to us as an investment not only for economically in New York State, but for quality of life for New York State residents.

My time is over. Thank you very much.

CHAIRWOMAN KRUEGER: (Inaudible.)

MS. ESPOSITO: And we're getting applause. Thank you, thank you.

(Laughter.)

MS. ESPOSITO: I think you're just

delirious because it's 8 o'clock at night.

MR. CHERSON: Good evening. My name is Jeremy Cherson, associate director of government affairs for Riverkeeper.

Thank you for the opportunity to testify today. And do not fear, Senator Krueger, there will be no props this year.

(Laughter; applause.)

MR. CHERSON: In 2023, New York City discharged 29 billion gallons of combined sewer overflows, equal to 105 Empire State Buildings full of sewage. Across the rest of the state, 8.8 billion gallons were dumped into our waters. That's 32 Empire State Buildings of sewage. That's a lot of poop.

Now, that doesn't even capture the 89 million gallons of untreated landfill leachate that is released into the Hudson and Mohawk rivers annually, according to a group of citizens who just recently released a report.

To address these challenges, we're asking for the Legislature to increase the Clean Water Infrastructure Act to

600 million, and I'll add that inflation has eroded its value since it first hit 500 million in 2017. It's now worth $641 million, funded at that level, and the program as Adrienne said is oversubscribed.

The EFC has identified 544 water projects requiring $6 billion of need this year alone. Despite investment, the progress is uneven. We also support raising the EPF to 500 million with a 2 million increase to the Hudson Estuary program and the Mohawk Basin program. These programs are really important for nutrient pollution, habitat loss, PFAS contamination, as well as providing technical support to counties and municipalities.

Since 2021, over $650,000 of Hudson Estuary grants have supported STEM education for young adults from New York City to the Mohawk Valley. Also, the Interstate Environmental Commission, based in Long Island City, protects water and air quality in the tristate region. The Governor's budget proposes cutting IEC

funding by more than half, jeopardizing $1 million in federal funds. We urge full restoration of this funding.

Finally, Riverkeeper, like everyone else, is concerned about news coming from D.C. regarding the pause on federal grants and infrastructure funding as well as the termination of grants for nonprofits and universities that provide foundational research that guides policymaking. This serves as a sobering reminder that the state is the last line of defense when the federal government threatens the progress we've made on clean water over the last 50 years.

Thank you for your time, and I'm happy to take questions.

MR. ZEPP: (Mic off.) Ah, there we go. All right, good evening.

My name is Andy Zepp. I'm president of the Finger Lakes Land Trust, and I come from a region that supports a $2 billion tourist economy that is based on clean water, clean vistas, and easy access to nature.

And my organization, the Finger Lakes

Land Trust, focuses on projects that sustain those values. Many of our projects are done in partnership with New York State. Earlier this year we've worked together to secure more than 3,000 feet of shoreline on Cayuga Lake. We also worked with Onondaga County to create the first new county park in 20 years. Both of these projects benefited from support from the Environmental Protection Fund, as do many of our other projects.

Unfortunately, at a time of increasing demand on the EPF, particularly for water quality, we're seeing the purchasing power go down. And that's for two reasons. One, we have a red-hot land market, so the values are at all-time highs. At the same time, particularly for water-quality projects, we see inflation in construction costs, particularly in both labor and materials.

So because of that, we're asking for an increase from 400 to 500 million because the need has never been greater and, again, the purchasing power is going down.

Now, funding is one thing, but there's a big difference between appropriations and getting paid. My organization today holds 21 properties for transfer to the state. This is about $4.7 million, which is a lot for a small organization. And in the last two years we've only completed one sale to the state.

Across the state, collectively, land trusts hold 100,000 acres with a value of $150 million awaiting transfer. In contrast, in 2023 the state only acquired 3800 acres with a value of 6.5 million. So why the backlog? There are a couple of different reasons.

First and foremost is New York's approach to title review. Unlike most other states and the federal government, we don't use title insurance, which the rest of the world does. We're delighted to see in the Governor's State of the State Book that there were -- she proposed to address it, but concerned that we didn't see that again in the budget document.

In addition, we also note over the years there has been attrition in the Real Property Bureau of the Attorney General and the DEC. So we see staffing shortfalls and other issues.

And then, third, there are processes and procedures that are out-of-date and simply need to be reassessed and streamlined.

All of these are going to take focus. These are projects that are vital to our state's economy, human health. And we hope that if the Governor doesn't renew her commitment on title insurance, we hope that the Senate and Assembly will as well.

Thank you.

CHAIRWOMAN KRUEGER: (Inaudible.)

MR. ANSEL: (Mic off.) Thanks, Adrienne.

Good evening. My name's David Ansel. I'm the vice president of water protection for Save the Sound. Our mission is to protect and restore the Long Island Sound, although I note that our advocacy and fight for clean water is good for all New Yorkers.

I want to thank you for the opportunity to testify tonight and for staying here with us to listen.

I want to share some of the challenges that are facing Long Island Sound, but first I want to remind you why the Long Island Sound is so important. It's an ecological treasure, with over 170 known species of fish and dozens of types of migratory birds. Millions of New Yorkers use it for recreation, boating, fishing, and swimming at over 200 beaches, and it's an economic engine.

Clean water we know is good for the economy, and it provides hundreds of thousands of jobs and billions of dollars of revenue to the State of New York. The challenges that we're facing are many; I won't be able to list them all. I have a big three, because I have three minutes. One is wastewater pollution, the second is stormwater runoff pollution, and the third are the effects of climate change.

And climate change is in and of itself

a triple threat, because it exacerbates wastewater pollution by overwhelming outdated infrastructure that can't handle the amount of liquid coming in from the rain events that we're having. It exacerbates stormwater pollution. We don't have enough green infrastructure and too many impervious surfaces, and it's actually also warming the water.

And as the water gets warmer, it can hold less oxygen, which can lead to hypoxic dead zones, which were really prevalent in the 1980s and '90s. And we worked so hard to try to reduce that, but unfortunately we're kind of at a tipping point where we may be going back in the wrong direction.

The good news is we know what the solutions are. We need to invest in wastewater infrastructure. We need to reduce stormwater pollution and have more green infrastructure and nature-based solutions and living shorelines. We need to mitigate climate change, as I said. And we need to address the wastewater infrastructure

deficiencies.

We have outdated and inadequate wastewater infrastructure all around the Sound. Which brings me to my ask tonight, which is we must fund the Clean Water Infrastructure Act at 600 million, and we must fund the EPF at 500 million.

The Governor focused on affordability in her State of the State address a couple of weeks ago. And affordability doesn't just affect groceries and milk and cheese, it actually affects the parts necessary to upgrade and maintain our wastewater facilities as well. So there's a massive opportunity cost in failing to increase this funding.

One is the continued degradation of our environment and public health. And second, it appears that we're losing our support from the federal government, in which case it's never been more important for New York State to continue to lead in the fight for clean water, and at this point every dollar counts.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Hinchey.

SENATOR HINCHEY: Hi. Thank you so much. I'll see if I can do two quick questions. Thank you all for what you do and for being here and for staying.

The first question is for Riverkeeper. We've talked a lot today -- it feels like yesterday -- this morning, about emerging contaminants and on-site treatment. You're very familiar with the situation that we're experiencing in Ulster County.

Could you elaborate a little bit on the importance of funding for on-site treatment of those contaminants before they get to a wastewater treatment plant?

MR. CHERSON: Right. So the leachate from landfills contains heavy metals, toxic organic materials, and PFAS and other PFAS-related chemicals. It's all of our garbage, and it's all the liquid from the garbage, the sludge that is required to be collected.

And if there was a direct discharge from these facilities, they would have to treat them. But they're able to pump them into trucks or pipe them directly to a wastewater treatment plant, and magically it's not toxic waste any more, and they're able to discharge it directly into waterways across New York State. And so it's not just the Hudson and Mohawk rivers.

And so DEC has been looking at issuing regulations to require on-site treatment. They have not released those regulations yet, but they have the technology, these facilities have the technology to do it. It will cost money, and the state will likely be asked to help to support those on-site treatment measures.

SENATOR HINCHEY: Thank you.

And I would acknowledge that we're supposed to see those regs, DEC has told us the early part of this year, so we're all waiting for that.

I'd be remiss if I didn't say that Assemblymember Kelles and I have a bill that

would help address this exact thing, which we would love to see in the budget, which I think would be helpful.

I'd like to switch over to Adrienne with your hat with the Clean Water Coalition with everyone including the rural water crew and our wastewater treatment plants. I know one of their priorities has been working with us to both increase the clean water grant funding, but also create other programs to make sure that the money is getting out the door in a more reliable way. Something like a CHIPS-like model I know they've been really supportive of.

Can you -- would you agree with that, and would that be helpful?

MS. ESPOSITO: Yes. In fact, that is part of the clean water platform which you will be receiving very shortly via email, and then we have our Clean Water Lobby Day in February.

So yes, we've been supportive of that model. That's been part of the water suppliers' and the wastewater treatment

operators' input, and we agree with them. I mean, look, we need to have a reliable sustainable funding stream, right, and so that is one way to get it.

And unfortunately, our sewer infrastructure needs are so massive and so expensive, and they're not going to fix themselves. So to have some type of reliable financial income is better than doing it year by year.

SENATOR HINCHEY: Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblyman Ra.

ASSEMBLYMAN RA: Thank you. Thank you guys for sticking it out.

Adrienne, Keith Brown actually asked me to ask this because he had to leave, but I know you may have heard it discussed earlier as well -- the Stony Brook situation and that funding. You know, the answer I got earlier was, Oh, they have adequate funding to continue their work.

I know you mentioned it in your

testimony. What are your thoughts?

MS. ESPOSITO: Yes. Thank you so much for asking that.

I do think there was miscommunication between the DEC and Stony Brook. I can tell you I met with Stony Brook on Friday, and they were aghast that the money was not in the budget for them this year. They do not have adequate money. That is not correct information.

They are in the middle of a five-year study, they're in the third year. It's a study New York State asked them to do to look at phosphorus for all of the freshwater bodies around the State of New York, because they need to -- they, the DEC, needs to create TMDLs for phosphorus going into those freshwater bodies.

Stony Brook geared up the first two years, so they didn't spend all the money. But now they're in full gear, they have seven Ph.D. scientists, and they're moving on this. And they want to complete the study, and they don't want to fire their team, so they need

to get the $1 million back.

ASSEMBLYMAN RA: Okay. Thank you.

And for anybody who wants to comment on this -- I know, you know, we're talking about trying to increase with regard to clean water infrastructure. I had talked about earlier that, you know, so many people are now learning about their service line situations and stuff.

So I'm just wondering your thoughts if we could increase that, if we could finally put a -- I think we've only, over the years, put like maybe $5 million into the Lead Service Line Replacement program. So if that would be one of the places that we could invest more in, if we were to get it increased, that funding.

MS. ESPOSITO: Yes. In fact, our coalition is asking for $100 million for replacing those lead service lines.

Again, this is part of the big need and why you need a sustainable, you know, income for fixing infrastructure. Lead is a pretty serious pollutant, and it needs to be

addressed. So thank you for asking that question.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN KRUEGER: Senator Bynoe.

SENATOR BYNOE: Thank you, Madam Chair.

Hi, the question is for CCE.

So we just -- my colleague just asked a question regarding treating water before it gets into the system. Would you suggest increasing testing as well throughout the state to ensure that we're really capturing the reality of how our water is contaminated in MCLs?

MS. ESPOSITO: Well, first of all, welcome, Senator Bynoe, to the Senate EnCon Committee.

And the answer is absolutely yes. In fact, we were extremely disturbed that the EPA just -- or the administration just withdrew, just as it was supposed to go into effect, the EPA's rules to require that manufacturers that involve PFAS were supposed to be testing and regulating for the

discharge of that. That is a huge public health and environmental setback.

So the more -- so that it falls to the state, as I think David might have said earlier to you. But the point is that yes, the state is going to now need to do more testing.

The whole idea is not just to clean up PFAS and 1,4 dioxane after it gets into the water. It's to prevent it from getting into the water in the first place. That's the cheaper, safer alternative. But we don't know always where it's coming from unless we're testing, whether it's effluent or discharge from industry.

So those two things are critically important to protect environment and public health -- and, frankly, our dollars.

SENATOR BYNOE: So speaking to 1,4 dioxane, in my district in Hempstead, in the village, they're facing a really big challenge to the tune of over 5 -- I'm sorry, $55 million to do a cleanup. And they're really at this point outside of the

guidelines.

MS. ESPOSITO: The standards.

SENATOR BYNOE: And so would you suggest putting more money in communities that are disproportionately affected based on their disadvantage, their economic disadvantage?

MS. ESPOSITO: Yes. And the reason for that is we really need to keep water affordable. That particular area that you're talking about, the Village of Hempstead unfortunately is drinking 11 parts per billion of 1,4 dioxane. And as far as I know -- and I did look -- it's the highest level in the State of New York. So that is of concern.

It's also a low-income community of color, and they cannot afford higher water bills. So the answer to your question is yes.

SENATOR BYNOE: Okay. So thank you for that testimony. And thank you also for clearing up a point earlier about the Stony Brook issue and the funding. So I hope

that's restored.

Thank you very much.

MS. ESPOSITO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblymember Schiavoni.

ASSEMBLYMAN SCHIAVONI: Thank you, Chair.

And good evening. Thank you for being here. And thank you for your advocacy for the environment. You do so much, and you speak for areas of our environment that certainly need a voice, and you also marshal people quite well. So well done there.

Thank you, Ms. Esposito, for bringing up Stony Brook, and Assemblyman Ra for bringing up Stony Brook. The School of Atmospheric Science out in Stony Brook Southampton, as well with the Center for Clean Water Technology, is really -- has been at the forefront of our testing and our remediation as municipal governments. So, you know, I certainly appreciate that, and

your work.

My question, Ms. Esposito, you mentioned shovel-ready projects. Could you give us some examples of some of the shovel-ready projects on Long Island that --

MS. ESPOSITO: On Long Island -- well, I did not review the list. What we did was we looked at the data that a report provided, and it talked about the program being oversubscribed by $744 million. And I think it was 227 projects that went unfunded.

So I don't know which ones are on Long Island. I know that there were some on Long Island, but I don't have them memorized, I apologize. I'll do that next year.

ASSEMBLYMAN SCHIAVONI: You know, when I got into this, I was a commissioner of a water district. And at that time the acceptable parts per trillion was 60 of PFAS and PFOS. Now it's down to 10. It's going to go down again.

I know I had asked this question earlier about, you know, the different kind of filters. Could you speak to the kinds of

money that is going to be needed to filter the groundwater for PFAS and PFOS?

MS. ESPOSITO: Yes. And actually, the last I checked, the cost of a carbon granulated filtration system for the average water supply district is about $1.5 million, and that's for the installation and the upfront costs.

And then of course the maintenance cost down the line varies according to how much PFAS is actually in the water and it's filtering out. But, you know, it could be upwards of $1 million per year.

Right now the grants cover the initial installation cost, but they do not cover the maintenance cost. So it's just another -- a reason why we really need to cover that initial upfront construction cost.

ASSEMBLYMAN SCHIAVONI: And, last question, I believe prevention is worth certainly a ton of cure. And when we talk about nitrogen in the water and, you know, harmful algal blooms, do you support either septic or sewage systems? In other words,

municipal sewering versus individual IA septic systems.

MS. ESPOSITO: I support both. I mean, there's many areas I know specifically across Long Island -- but not just across Long Island, in the Adirondacks and other areas -- where they don't want sewers. And sewers are quite expensive. I mean, they are very, very costly.

It's actually cheaper in many areas to replace old septics and cesspools that are failing with these new innovative alternative technologies that filter out nitrogen and other pollutants.

ASSEMBLYMAN SCHIAVONI: Thank you.

CHAIRMAN PRETLOW: Assemblywoman Kassay.

ASSEMBLYWOMAN KASSAY: Thank you. I will go ahead and beat the dead horse of Stony Brook University. This is in my district, so thanks to everyone for setting me up.

I will further ask a different question, then. So in your testimony,

written, you have during the fourth year they were asked to study phosphorus in water. I know, off the top of my head, nitrogen, dioxanes, PFAS, medicines and hormones in water -- there are so many more issues to study in water and to develop clean water technologies and hopefully cheaper technologies that can be put in. Because I know for PFAS it's very expensive to put these filters in.

So for me, you know, I would hope to see funding not just for the five-year program, but to continue building. Is that part of the conversation right now?

MS. ESPOSITO: Yes, it should be. I mean, as we increase -- which we are hopeful that you will do -- the funding for the Environmental Protection Fund, I would urge you to add funding for the Center for Clean Water Technology.

The state created this center. They have been wonderful in the cutting-edge research they've done on nitrogens, relationship to harmful algal blooms,

phosphorous, now, relationship to harmful algal blooms.

They're developing new IA systems that can be used all over the state for less -- actually, one-third the price of the conventional ones right now that are on the market for about $25,000. Theirs are less than half-price, that will do the same filtration level.

So the science that's being done there is being deployed all over the state. It's really important. And I'm a big, big supporter of them because not only do they do the science, but they share the science. And good science and good common sense make for good public policy.

ASSEMBLYWOMAN KASSAY: Absolutely. Thank you. So it is really an investment, that a small investment -- especially with the cesspool systems, those are -- they're incredibly expensive. And so to have an alternative being proposed, not only does that bring prices down for homeowners, but also for the state if they're offsetting

costs.

MS. ESPOSITO: Yes.

ASSEMBLYWOMAN KASSAY: So we're getting our money back tenfold.

MS. ESPOSITO: It's an investment of funds, not an expenditure of funds.

ASSEMBLYWOMAN KASSAY: Very good. I appreciate that.

I would ask you about sewers, but out of respect of everyone's time -- I know we can talk crap all day, so --

(Laughter.)

CHAIRWOMAN KRUEGER: Okay. Any other Assemblymembers?

CHAIRMAN PRETLOW: Yes. Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you.

Andrew Zepp, you left out one liquid that attracts people to the Finger Lakes. That would be wine.

(Laughter.)

MR. ZEPP: I did, but you have to have a view when you're drinking the wine.

ASSEMBLYMAN OTIS: Absolutely.

I have a question. You know, Senator Mayer and I share a lot of territory, and one of the things that we've experienced in the last few years is in extreme storm circumstances there's a hit on water quality, because it exposes the inadequacy of our stormwater systems, it damages and overflows our sanitary sewer systems.

So I'd say to any of you, if you could feed in and amplify the impact of extreme storms on water quality and why that's another reason we need to increase the amount of money for the clean water pot of funding.

MR. ZEPP: Well, I'll just speak first in the Finger Lakes. We've seen every year now a super-saturated storm cell in the summer drop somewhere in the -- eight, 10 inches of rain in a spot and just, you know, not only damage infrastructure but create a tremendous pulse of nutrients and sediment into our lakes.

And for starters, some of the work we're doing with the state, with the counties, sewer and water districts, is try

to build back in some of the resiliency that was lost. Because in a wet climate, for about 200 years the number-one goal is to get the water off my land and in the lake.

So we straightened the creeks, we've eliminated the wetlands, and it's building back that stormwater detention capacity, some of which could be natural and have a habitat function, but some it's going to be engineered basin. But that is, you know, needed across the whole state.

But we're seeing it now. It's not a prediction of the future, it's every year.

ASSEMBLYMAN OTIS: Great.

MR. ANSEL: And in the Sound Shore region and across the Sound we know that the infrastructure has got problems. And when we get these incredible rain events, it's overwhelming, going into cracked lines and sewage lines that need to be replaced, overwhelming the wastewater treatment facilities.

And so we're releasing partially treated -- and in New York City in

particular, untreated -- sewage into the water.

Jeremy can make sure my quote's right. It's over $20 billion a year in New York City waters that's going in untreated and combined sewer overflows because of the rain. And of course the stormwater pollution is really serious. Every time it floods, all pollution is in the puddles, it's on the ground. And we always say whatever is on the ground gets in the Sound.

MR. CHERSON: Yeah, that's 29 billion gallons in New York City of raw discharge sewage.

MR. ANSEL: Annually.

MR. CHERSON: Annually. One hundred three Empire State Buildings full, as I said.

And there's a bill, Rain Ready New York, that would help modernize our stormwater practices that Assemblywoman Gallagher and Senator May carry that we're hoping can get over the finish line this year in the Assembly.

ASSEMBLYMAN OTIS: Thank you all.

CHAIRMAN PRETLOW: Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Yes. Thank you, Chair, and thank you to the panel.

Can you comment on the proposed pilot program to provide financial assistance to owners of private wells contending with contamination? And how would you see it scaled to a statewide program, and do you have any idea of cost?

MS. ESPOSITO: Well, I'll just start. I mean, I live in a county where there's 40,000 homes that rely on private wells, which equates to about 150,000 people. And I would venture to tell you those people have no idea what they're drinking. And when they do get their well tested, it's never really great news.

So we, the New York Clean Water Coalition, did advocate, we've been advocating for several years for this line item. We're very happy that the Governor's put this in the State of the State and her budget this year.

We also have the same questions you do about how will it be administered. Will the DEC be testing those wells, which would be unusual. I don't think that's the way it's going to happen. Usually a local health department will test the well or at least send a sample out to be tested, particularly for PFAS, because a lot of local health departments don't have the PFAS technology to test.

So we don't know how it's going to be rolled out, but we are happy that this is a beginning part of funding it and figuring that out.

ASSEMBLYMAN BURDICK: Anyone else want to comment on that? Cost for scaling it, anybody even --

MR. ANSEL: It's going to be billions. It's going to be a huge number in the long run, because I think more and more communities are going to find out about it, you know, in the long run. More communities in Westchester and around the state are finding out they have a PFAS problem all the

time.

And it's really important that we do test this, we do help families with remediation and try make people safe. It's a major public health and safety issue. But just as Adrienne was saying at the top of the conversation, it's really important from a legislative perspective that we get control of stopping PFAS from getting into the system in the first case. That's one of the huge goals that we have.

ASSEMBLYMAN BURDICK: Great. Thank you.

CHAIRWOMAN KRUEGER: Anyone else?

CHAIRMAN PRETLOW: Nope, that's it.

CHAIRWOMAN KRUEGER: Okay, then I want to thank this panel very much for staying with us all day and evening.

MS. ESPOSITO: Thank you so much.

MR. CHERSON: Thanks very much.

CHAIRWOMAN KRUEGER: Thank you.

And I'm going to call up Fridays for Future -- oh, they had to leave. So Police Benevolent Association, The Nature

Conservancy, and Clean+Healthy.

Good evening. We're going to start out with -- I assume while I see four people, I have three groups. Am I right? Is Clean -- is Fridays for Future not here, or did they stay? You did stay. Thank you.

Okay, let's start with Fridays for Future, and we'll just go down the list from there. Press the light -- there you go. It's green.

MS. MANCINI: Hello, and thank you.

My name is Helen Mancini. I'm a 17-year-old organizer with Fridays for Future in New York City.

In 2019, the same year that New York passed the CLCPA, I attended my first Friday for Future climate strike. I was one of 300,000 people who marched the streets of New York City, alongside millions across the globe protesting the lack of government action on the climate crisis. That year the IPCC report declared that to avoid dangerous global warming over 1.5 degrees dangerous greenhouse gas emissions had to peak by 2025.

Out of all the target dates and predictions, I have always remembered this year, my graduation year, as motivation to fight for my future. Now that we've reached 2025, it's clear we have not met our goals. Temperatures rose over 1.5 degrees last year, and peak emissions are still nowhere in sight.

We've elected an administration that has spent its first week cutting red tape for the fossil-fuel industry and reversing the wins of the Inflation Reduction Act.

We felt the impact of this inaction in our communities. In 2024 we experienced the hottest summer on record, followed by a devastating hurricane season that New Yorkers felt through the flooding of our homes and public infrastructure. Wildfires burned from Orange County to Brooklyn's Prospect Part during the drought this past fall and continue to rage in California. The climate crisis has only grown more expensive, with disasters expected to cost over half a trillion dollars by 2050.

But despite these failures, 2025 cannot be our finish line -- of our fight or of our optimism. For so many of us, 2025 is only our beginning. This is the year my friends and I will graduate high school and begin our adult lives. It's the year my little sister will start second grade. 2025 must be the year we change course and take the lead as New York State to achieve the future of clean air and water, safe from climate disaster.

We've been talking a lot today about the prices right now, but think about the prices 50 years from now, when my sister is only 56 -- the age of a lot of people in this room or older. This starts in this room with the budget.

It does not look like Governor Hochul casting doubt on our climate goals and delaying cap-and-invest. It does not look like NYPA promising only 3 gigawatts and maybe 3 later when BPRA specifically mandates 15. It also does not look like the Clean Fuel Standard Bill, which is another attempt

to weaken our CLCPA commitment.

It looks like living up to the CLCPA and investing billions more into mitigation, resilience, and adaptation through an affordable and climate-ready homes program and the community-directed grant program proposed by the NY Renews Coalition, and the GAP funding legislation to make homes and buildings ready for electrification. It looks like passing the full NY HEAT Act and ending subsidies with the Stop Climate Polluter Handouts Act.

New York must do better. This budget is a chance to promise more for New York by passing the Invest in Our NY package and funding our public transit, a chance to reduce pollution through the Packaging Reduction and Recycling Infrastructure Act, and more appropriations for climate, education and schools.

In 2025, this body --

CHAIRWOMAN KRUEGER: Thanks, Helen, and I'll have to cut you off now. Thank you.

Helen was an intern in my office, so I

also want to thank you for staying so late.

Excuse me -- Police Benevolent Association.

DIRECTOR KRUG: Good evening. My name is Matt Krug, and I'm the director of the Environmental Conservation Officers and serve on the board of directors for the PBA of New York State. Today I'll speak about the budget needs for Conservation Officers and Forest Rangers.

First and foremost, I would like to thank the Legislature and the Governor for passing a 9/11 death benefit for the family of Lieutenant Paul Adam, who passed away in 2015 from cancer. While I greatly appreciate the Legislature helping the family of one of our fallen officers, the rest of my testimony will be about helping our current and future officers and rangers.

We urge the Legislature to allocate all funding for Forest Rangers and Conservation Police in separate, dedicated line items within the state budget. This will ensure that funding for the enforcement

of environmental laws and emergency response like wildfires is protected and not diverted to other agency priorities. Year after year I've seen the DEC budget increase without an increase in enforcement or emergency response.

Forest Rangers and Conservation Officers are deployed to prison escapes, snowstorms, and other natural or manmade disasters. Over half our Ranger staff was deployed to the Jennings Fire. The trauma of responding to fires, suicides, and other devastating incidents, combined with the strain of short-staffing demands, increased investment in critical incident stress management and employee assistance programs. This funding is vital to support the well-being of our Forest Rangers and prevent further tragedies amongst them.

Staffing improvement is a challenge for both our divisions. Last year the DEC attempted to hire 25 more Rangers. However, only nine completed the academy. Of the 45 spots for Conservation Officers, we only

had 26 graduate our academy.

Pension and pay disparities make both careers less marketable, and this past year the number of individuals taking our civil service test decreased by 20 percent. In 2024, our 27 investigators collected $8.6 million in criminal and civil penalties from polluters. Assemblywoman Kelles and Senator Harckham introduced legislation for an environmental enforcement bill that will use the criminal penalties to fund special prosecutors be hired and to purchase emergency response equipment.

Currently, the majority of the environmental cases are significantly underprosecuted by local district attorneys. These district attorney offices routinely dismiss our cases statewide because they aren't comfortable prosecuting environmental cases.

Senator Parker, thank you for introducing legislation requiring Conservation Officers to have body cameras. We support that legislation. However, we

need the funding for it. Besides the body cameras, there also needs to be funding for the memory storage and also for our report management system. The total cost is about $8 million.

Lastly, we're hopeful that the new year will bring experienced new leadership to the DEC that will support its members in the field and that are on the frontlines protecting its people, animals, and other natural resources.

Thank you.

MS. OTTNEY MAHAR: Hi, there. Thank you. My name is Jessica Ottney Mahar, and I'm the state policy and strategy director for The Nature Conservancy. We're the largest conservation organization in the world. We started right here in New York, and our goal is to protect the lands and waters on which all life depends. No short order.

I wanted to start out by just reflecting on a trip I took earlier this month to a global leadership conference for

The Nature Conservancy where I was with about 250 of our leaders for work going on around our country and around the world. And I wanted to let you know that there was a lot of praise for New York, a lot of eyes on New York, a lot of curiosity about New York and the incredible work that you all have been doing here to really set a high standard for environmental funding and environmental policy.

People are watching New York, and they're watching the incredible work you're doing and that we're doing together. And what we need to do now is to realize the potential of the legislation that we've passed. The climate bill, our funding programs, we've heard about a quarter of the Bond Act is already out the door -- these are really exciting things, but they need to actually happen.

Implementation matters, and given what we've all been talking about today with what's been happening in Washington, it matters more than ever. And the work that

you're doing here matters to places around the world. So I wanted to say thank you and to urge you to keep going.

On the budget itself, I work heavily with a coalition called New Yorkers for Clean Water and Jobs, which is focused on environmental funding. The Environmental Protection Fund is a key component of that. It's been a long-time source of critical funding for programs around the state. It's had bipartisan support. It's part of the Legislature's environmental legacy, and I want to thank you again. We're urging you to increase that to $500 million.

There's a typo in my testimony. There's a chart in there that talks about the Land Trust Alliance Conservation Partnership Program. We're hoping that goes up to $5 million this year.

And I also wanted to put in a little plug for the funny little program, the Protected Areas Database, which is going to help us do things like site renewable energy more effectively, make sure we have data to

make natural resources decisions. It's an overlooked gem in the EPF.

I also wanted to talk about the changes to the state's Land Conservation Program. Those are of critical importance, and we're urging you to support what's in the budget. And if by the 30-day amendments there isn't a new proposal from the Governor for title insurance, or an agreement reached, to please work on legislation to address title insurance. And also, support the Clean Water Infrastructure Act with $600 million.

And I'll yield the rest of my time to my colleagues here. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And you only get three minutes, even though she ceded you time.

(Laughter.)

CHAIRWOMAN KRUEGER: But that was very nice of you.

SENATOR PARKER: It was a good try.

CHAIRWOMAN KRUEGER: That was a good try.

(Laughter.)

CHAIRWOMAN KRUEGER: Clean+Healthy, thank you.

MS. WILDING: Good evening. I feel like this is a Now for Something Completely Different panel. And so I'm Bobbi Wilding. I'm the executive director of Clean+Healthy. We are an environmental health and justice advocacy organization focused on building a just and healthy world where toxic chemicals are simply unthinkable.

And as I listened to all of the testimony that we've been hearing today, I want to say it's essential that New York State step into the leadership role of turning off the tap on toxic chemicals. We solve many of these financial burdens on communities when it comes to water, when it comes to solid waste, when it comes to toxic chemicals coming out of landfills, by turning off the tap.

And before I talk more about that, I want to take a step back to where I got started, which is working on cleaning up toxic waste sites. Superfund is up for

reauthorization. Given the federal climate, there are a couple of things I want to highlight that we support in what the Governor is proposing. That is putting a focus on disadvantaged or overly burdened communities in deciding what to prioritize, and the other is making sure that the court considerations of how Superfund is adjudicated move to the state. Given the Chevron deference being taken away at the federal level, this is an important move to protect New York State and moving forward with cleaning up toxic waste sites.

I also just want to note that nuclear waste is another forever chemical, and it is essential to consider that when thinking about where we get our energy sources. Advanced nuclear is really not, in my book, any more advanced than advanced chemical recycling. And so I will leave that there.

We've already heard a lot of people talk about the need for a $500 million Environmental Protection Fund, which we strongly support. We also support increasing

the Clean Water Infrastructure Act funding for 600 million, particularly thinking about dealing with our long-time legacy of one of the other original forever chemicals, which is lead, and getting lead pipes out of our environment.

Two things that I want to lift up. The New York State Children's Environmental Health Centers are bringing environmental health capacity to pediatricians across the state, and they need an increase within the EPF to $5 million.

We also are on the brink of creating a whole lot of new Superfund sites across upstate New York as we bring in chip manufacturers. They are heavily reliant on PFAS. There are no air emissions controls on PFAS, there's no water emissions controls on PFAS. If we are not taking that -- not significantly, and the EPA is rolling that back, we need to fund solutions. The New York State Pollution Prevention Institute is looking at the solutions that are PFAS alternatives so we can be moving away from

PFAS in those manufacturing facilities. This is an opportunity to take prevention.

I have many more things. I will just say, in my last five seconds, GAP fund, let's make sure that homes are protected and able to move into the clean energy economy.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Any Senators? Yes, Pete Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

Thank you all for staying late, and thank you for your really excellent testimony.

First a quick comment, and then a question. Helen, thank you so much, you rocked it. We so need people of your generation to push this fight, and thank you for your leadership and thank you for your passion. Really appreciate it.

A couple of quick questions for Matthew. On the recruitment issue, we have a class of 45, 46, you end up with 25 or 26. It sounded like the same ratio on the Ranger

side. What accounts for that?

DIRECTOR KRUG: So part of it, we would do better with recruitment if the civil service test was offered in April or May so that we could go to college job fairs and have kids sign up when they're in their senior year of college. That would help out tremendously when they're thinking about the test.

Now the test is during the summer, I think when a lot of kids are at the beach. So that is a big portion of it.

But we also don't have dedicated recruitment officers that are able to go to college fairs and different large-scale events like the State Troopers do. So out of the 2200 individuals that took our civil service test, we canvassed all of them for our physical test, and I believe it was around 500 showed up and a little over 200 passed the run, pushups, sit-ups, and swim. And then after that, we go to a background check, and we lost 30 percent there to other agencies.

We had 56 enter the academy, and our academy is strenuous. We're working in rural areas, far from backup. And we only had 26 graduate, and they're currently on FTO in the downstate area, especially New York City.

SENATOR HARCKHAM: And then the other thing I wanted to ask you about was when we had met a year ago, we talked about the benefits of the leadership development and the fire training that happens out of state and the desire for more fire training and leadership development in-state. Has that situation improved at all, or is it still the same?

DIRECTOR KRUG: I can't 100 percent speak for the Forest Rangers, but I have seen they've begun to send more Forest Rangers out of state. They went to the California fires recently. And then they are getting that experience, especially for our younger Rangers, and bringing it back to New York so they can use it downstate at the Jennings Fire recently, where most of the Rangers in New York State ended up going to

work.

SENATOR HARCKHAM: All right, great --

DIRECTOR KRUG: That is an improvement.

SENATOR HARCKHAM: Twelve seconds. Also the equipment fund, you're funding yourself. Is that still the case?

DIRECTOR KRUG: That's for the Forest Rangers, they came up with their own equipment fund.

I'm Conservation Officers. We are using boats that are 30-some years old sometimes, or older, and they break down a lot. My snowmobiles are older than our newest officers.

SENATOR HARCKHAM: Great, thanks. We'll talk more.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Thank you all for still being here.

A couple of things. One thing that --

"FTO"? You said they were in New York City?

DIRECTOR KRUG: Yes.

ASSEMBLYWOMAN GLICK: For --

DIRECTOR KRUG: Field training in New York City. That's where all of our new folks get sent to start with. That's where I started. I started in Brooklyn, covering that area for about two years, and then I transferred out to Long Island. And then we finally get back up upstate.

ASSEMBLYWOMAN GLICK: Okay. Is some of the issue that you have highly trained folks who don't have pension equity and you lose them?

DIRECTOR KRUG: Absolutely. One big issue this last time around was NYPD's -- they did a collective bargaining, and their pay went up about 30 percent. And they have a 20-to-22-year retirement, and we lost dozens to NYPD right there that were looking to lateral over.

ASSEMBLYWOMAN GLICK: Okay, thank you. I suspected that was a big problem.

And thank you and both the

Forest Rangers and the ECOs for everything that you do, because we don't have enough of you and so you're all doing twice as much.

Jess, on the land trust, what was the first thing? It was $5 million --

MS. OTTNEY MAHAR: Oh, yeah, their -- Land Trust Alliance has two programs that are funded by the Environmental Protection Fund, the Forest Conservation Easement for Land Trust grant program and the Conservation Partnership program. We're hoping to see both of those grow to $5 million within the land conservation part of the EPF this year.

ASSEMBLYWOMAN GLICK: Great. Thank you.

MS. OTTNEY MAHAR: Thank you.

ASSEMBLYWOMAN GLICK: I just have a minute. Bobbi, could you just talk a little bit more -- I think it's very interesting that you raised the issue of nuclear waste still being a forever chemical. Could you just talk for one second about how many chemicals are in our just general, everyday -- do we know any of the testing, or

is it only a portion of the thousands of chemicals?

MS. WILDING: We don't have a great sense of how many chemicals we're surrounded by every day. What we do know is that there are 15,000 different chemistries that make up the class of PFAS alone, and estimates are that there are about 80,000 chemicals that are commonly used in commerce. The vast majority of those have never been fully tested.

And it's important to recognize that even with some recent strides, only about five or six chemicals have ever been fully banned at the federal level.

ASSEMBLYWOMAN GLICK: Thank you. Thank you for what you do.

CHAIRWOMAN KRUEGER: No more Senators.

Assembly?

CHAIRMAN PRETLOW: Okay, Assemblyman Simpson.

ASSEMBLYMAN SIMPSON: Thank you.

Thank you all for sticking it out. And I saved my time to ask a question. I'm

going to focus on a question for Matt, though. It's great to see you, though, Jess. I just don't have any questions for you.

You mentioned critical incident stress training. What would be the ask as far as resources, what you would need? Any idea for a budget -- you know, you talked about a separate budget line for --

DIRECTOR KRUG: So we had two Forest Rangers in the last couple of years commit suicide. They were -- one was a captain and one was, I believe, a colonel.

ASSEMBLYWOMAN GLICK: Could you pull the mic a little closer?

DIRECTOR KRUG: Yup. Sorry. So we had two Forest Rangers commit suicide. Some of the mental issues that you develop over your career with seeing numerous dead bodies and other searches and stress has -- it affects their relationships, not only with their family but other officers.

So a portion of it is when law enforcement or other people need to get help under the current red flag laws is -- you

could lose your ability to work. So sometimes a mental illness is a very short-term issue that can be worked out within a couple of weeks with treatment and help, talking to somebody. And under the current state regs, if we have an officer that goes out of state because they have like alcohol rehab, when they come back they have to go through a psych test. And they can't come back to work for -- you're looking at three or four months, even though they've technically been cured. Their health -- they're sober.

So that definitely leads to some challenges there, where we actually have to send the officers out of state to get help now. We can't do it in-state because of the ERPO laws.

ASSEMBLYMAN SIMPSON: Right.

DIRECTOR KRUG: So that's definitely a challenge to make sure everybody gets the help they need.

ASSEMBLYMAN SIMPSON: Are there resources that could be available to you if

you had the funding here in New York? You know, within the budget now.

DIRECTOR KRUG: So a portion of it is. So for Conservation, we do have a critical incident stress management team that they will reach out, every region. But the Forest Rangers are lacking that, and they are the ones that are really looking for this right now.

So it would be sending the officers -- the Rangers to training, having somebody to talk to, it would be possibly additional overtime to fill their vacancies if they need to spend a couple of weeks out of work.

Forest Ranger Robert Praczkajlo, who is the Ranger delegate, he should have been here testifying with me, but he was recovering from a long carry-out up in the High Peaks that took days and hours up that way. It's very strenuous, it's cold, very -- a lot of snow.

ASSEMBLYMAN SIMPSON: All right. I have four seconds, so. Thank you. We'll have to work on this.

CHAIRMAN PRETLOW: Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes, just real quick. No questions. But -- well, first, thank you all for coming and staying so late and testifying. Appreciate it.

But first to you, Helen, I just wanted to say thank you. I spend a lot of time going into schools and talking to young people about the importance of getting involved and not being afraid to speak up on those issues that are important to you, and I'm encouraged to see you here. I wish more young people would not shy away from talking to their elected officials, because we work for you.

So I just wanted to congratulate you and say thank you for coming up here and speaking on those issues that matter most to you. So continue to speak out on those issues, and I hope more young people do the same thing.

And Matt, I just wanted to say thank you to you and your officers that you

represent from across the state, and what you do in our communities each and every day. So I just want to say thank you very much and keep up the great work. So thank you, and thanks for your testimony too.

Thank you guys.

CHAIRMAN PRETLOW: Assemblyman Schiavoni.

ASSEMBLYMAN SCHIAVONI: Thank you, Chair.

Good evening, everyone. Thank you for being here. And I'm also thankful that, you know, Senator Harckham, Assemblymembers Glick and Simpson shared the concerns that I'm going to bring up with you, Mr. Krug -- Officer Krug.

Tell me about -- you're having difficulties retaining, recruiting and retaining officers for environmental law enforcement. Incredibly important, and I know that we're understaffed in all parts of the state. And on different levels, too. How does your benefit package compare to other officers? Is that keeping -- or is

that too much for this particular --

DIRECTOR KRUG: Oh, no, I can talk about it.

ASSEMBLYMAN SCHIAVONI: Okay. How does it compare to other law enforcement communities? And why, you know, are you having --

DIRECTOR KRUG: So for New York State Troopers, they have a 20-year pension and they make more than we do. Suffolk County, Nassau County, NYPD, they're all in the same boats. Most downstate police agencies, municipal police agencies, have a 20-year retirement.

They also have less of an educational requirement to be hired. For us, we either need a four-year degree or a two-year degree with two years full-time police, or two years full-time active-duty military. The majority of us all have at least four-year degrees in that aspect.

So if you are going to graduate college and you have a choice between a Trooper position and our position, but you

can retire sooner and make more money as a State Trooper, what would you choose? That's a big portion of it, and that's why we are losing candidates.

We lost two individuals -- one individual had six years on, and the other one had almost 11 years on with us -- last year that transferred over to State Troopers. And just losing those individuals that are so highly trained is -- it's difficult. We just lost another officer at 17 years. He quit after the Peanut the Squirrel incident and said, you know, "I'm done."

ASSEMBLYMAN SCHIAVONI: Well, I appreciate your candor. And, you know, it's important to -- obviously to us here on this committee.

As far as prosecution, when crimes are committed, does the prosecution go to the local district attorneys on the county level? Or -- and how is that working?

DIRECTOR KRUG: So we do -- we can prosecute things a couple different ways. One is criminal prosecution, issuing someone

a ticket, an appearance ticket, make an arrest and go through the local district attorney's office.

We can also -- what's called an administrative ticket, a notice of violation, which we do for wetlands where we need remediation completed, or for a corporation.

We can also do criminal tickets and administratively settle them up.

But when we send stuff to the local criminal or district attorney's offices, they specialize in penal law, traffic law. They don't have the Environmental Conservation Law training.

ASSEMBLYMAN SCHIAVONI: Thank you.

CHAIRWOMAN KRUEGER: Thank you very much, all of you. Appreciate your time and hanging out with us for the day. And evening.

CHAIRMAN PRETLOW: Oh, whoops, I'm sorry. Chris Burdick.

CHAIRWOMAN KRUEGER: Oh. Oh, uh-oh.

ASSEMBLYMAN BURDICK: I'm sorry at that, to call you back.

CHAIRWOMAN KRUEGER: Uh-oh. You thought you were getting away.

ASSEMBLYMAN BURDICK: But I'll be quick.

First of all, I want to thank all of you for the terrific work that you do and your advocacy. It really makes a tremendous difference.

And thank you as well for the call out to the State Legislature and for what we do to try to make New York a beacon of hope to the nation.

Mr. Krug, can you please talk a little bit more about your view as to the under-enforcement of environmental laws and what you see are the factors that contribute to that which EnCon Officers face?

DIRECTOR KRUG: So the biggest portion of it is the district attorneys' offices usually have -- they have a full docket for the staffing that they have. They don't -- and then we go to local criminal courts where a lot of the magistrates are elected. They may be a local farmer during the day, and

they get a week of training at the town courts.

So we get into court and a lot of these cases, because the district attorneys' offices aren't -- they're out of their league with the science background.

ASSEMBLYMAN BURDICK: You're talking about the judges now, or the whole --

DIRECTOR KRUG: The whole --

ASSEMBLYMAN BURDICK: -- district attorneys, the whole system?

DIRECTOR KRUG: The whole system.

ASSEMBLYMAN BURDICK: Okay.

DIRECTOR KRUG: I spend a lot of my time educating not only the judges but also the district attorneys on what the law is and why the law is important.

And then when it goes through the cases, if we are not present in court, the district attorneys' offices, just to clear their docket, will be taking a next-to-nothing plea.

So for instance, if you illegally take a deer, it could be a $500 to $2500 fine. If

we're not in court, sometimes the district attorneys' offices will settle --

ASSEMBLYMAN BURDICK: Just down to nothing?

DIRECTOR KRUG: What's that?

ASSEMBLYMAN BURDICK: It can go down to nothing or to something really nominal?

DIRECTOR KRUG: It'll be a slap on the wrist, it gets automatically dismissed --

ASSEMBLYMAN BURDICK: Can I ask you this? Sorry to interrupt. But don't some counties have environmental courts?

DIRECTOR KRUG: Yes.

ASSEMBLYMAN BURDICK: And do you think that that may be one of the ways to help to provide the training? Because then judges and the whole system would need to gear towards making sure that those involved with those environmental courts know what they're doing.

DIRECTOR KRUG: Yes. Where we did have environmental courts was Suffolk County and in New York City, and we had judges that were becoming familiar with our laws and our

processes, and that was a tremendous help.

Upstate in the rural areas it's a little tougher. I mean, I work Washington County, and I deal with at least 22 different courts during a different year. Sometimes they have court at the same time. We only -- we have to arraign on a district attorney night, they only have one of those sometimes a month. So it's kind of tricky, but yes, that would be one way to do it.

What we're looking for here, though, is to take our criminal fines, our administrative fines, and reinvest that back to special prosecutors and hire them just for that.

ASSEMBLYMAN BURDICK: Right. Well, thank you so much. Appreciate it all.

DIRECTOR KRUG: Thank you.

ASSEMBLYMAN BURDICK: Thanks for staying so late.

CHAIRWOMAN KRUEGER: Thank you all, and now you're allowed to leave the table. Appreciate it.

And now we are coming to -- not the last

panel, actually -- Protect the Adirondacks, Open Space Institute, Adirondack Mountain Club, and Adirondack Council.

Let's start with Open Space Institute, just so the three Adirondack folks can go in a row.

MS. MOSER: Great. Thanks, everybody, for staying here so late tonight.

I have a lot of requests in my written testimony, but I'm going to name myself the broken record of the Environmental Budget Hearing, because this is the third year I'm going to bring up this same topic. However, I'm an optimist. Third time's the charm. And I believe in good government.

So you guys already know -- I see Assemblyman Simpson shaking his head -- for the past two years the New York Land Trust community and our friends -- there's over 90 of us -- and the environmental community in New York have been talking about modernizing the state land acquisition program.

Let me give you a statistic, and I

know Jeff talked about this, and Andy Zepp from the Finger Lakes Land Trust. In 2007, New York State bought 283,000 acres of land. In 2023, the last year that the State Land Acquisition Report came out, it was 3800. Something's got to change.

Now, we have had some slow progress. The chamber called a meeting in August. We had a roundtable, and DEC and State Parks have been really working with us and improving the process. We had a meeting with Comptroller DiNapoli and his executive staff, and that was very positive.

And then we saw, in the State of the State, the last paragraph -- it was really easy to find, just scroll all the way down to the last paragraph, Make Open Space Accessible for All: "Recognizing the need for streamlined processes, the Governor will also champion several key initiatives. This will include modernizing the use of title insurance to expedite land acquisitions."

And I want to point out, this isn't just an upstate issue. I get calls from

Ramon Andino of the Bronx Land Trust -- he's projects out the wazoo that he wants to protect in his community. And 35 percent, a minimum of 35 percent of the Bond Act is supposed to go to disadvantaged communities. But because the process is so long, some organizations like mine are holding $24 million of land right now.

So when we saw this paragraph in the State of the State, we were pretty excited. And so we looked at the budget thinking, there's a big fiscal impact here. The state's starting to pay interest charges to the land trusts because we're holding these properties so long, and the staff costs associated with this as well.

And there was nothing. There was nothing in the budget, the Governor's budget about this. There were other land reforms that we were very appreciative of, covering some of our costs prior to the acquisition. But you'll remember the Senate passed title insurance legislation last year. It got through the EnCon Committee and didn't get to

the floor of the Assembly.

We're asking the Governor in her 30-day amendments to put title insurance back in her budget. And if she doesn't, we're going to come back to you all in your one-house budgets to put it in there.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Okay, Protect the Adirondacks.

MS. BRAYMER: Thank you, Senator Krueger. And good evening to Chair Pretlow, Senator Harckham, Chair Glick, and other members of the Senate and Assembly Environmental Conservation Committees.

Thank you for the opportunity to testify. I am Claudia Braymer, executive director of Protect the Adirondacks.

I will be brief and focus on three points. First, the protection of the state's lands and forests is essential for the health of the state. The Environmental Protection Fund should be increased to $500 million, with the open space and land acquisition line increased to $100 million. This increased

level of funding is necessary to protect the approximately 3 million acres of land needed to reach the state's 30 by '30 goal.

Funding for the Adirondack High Peaks Information Center, the Cascade Welcome Center, and the Adirondack Watershed Institute needs to be restored to the EPF. These are critical institutions for the protection and research of natural resources in the Adirondacks.

For 50 years, the Department of Environmental Conservation has been required by the Adirondack Park State Land Master Plan to undertake carrying-capacity analyses on major lakes in the Adirondacks. To date, that has not taken place. We need a million dollars in the state land stewardship line of the EPF for carrying-capacity studies for water bodies so that DEC can undertake and complete this vital work.

Funding for wildlife research is needed to support DEC's 2025 update of the statewide Wildlife Action Plan. DEC has inadequate data to support its efforts and to

make science-based decisions. One million dollars is needed in the EPF for non-game wildlife research, including $500,000 to conduct a gray wolf status assessment.

On a final note for EPF, diversity, equity and inclusion initiatives are being decimated at the federal level. We need a million dollars to be added for the planned new exhibit on the African-American experience in the Adirondacks.

Second, funding provided under the Clean Water Infrastructure Act is essential. We need that to be increased to $600 million to address urgent and widespread clean water infrastructure needs, including sewers and septic systems that you've already talked about tonight.

Third, the Executive Budget proposes to boost the staff and budget of the Adirondack Park Agency, but the 50-year-old APA Act itself needs a facelift. Some of the APA Act's provisions are outdated, like the shoreline protection. Others need clarification and improvement, such as the

jurisdictional provisions. And new provisions need to be added to address current significant issues such as climate change, affordable housing, and local-government planning issues.

The APA Act needs to be amended so that it can serve the purpose of protecting and conserving for future generations this beautiful place.

I want to also support the title insurance fix. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And next, Adirondack Mountain Club.

MS. PEDLER: Thank you for this opportunity.

I'm Cathy Pedler with Adirondack Mountain Club, which is based in the High Peaks Wilderness, and we agree with the land trusts.

(Laughter.)

MS. PEDLER: The Catskill and Adirondack Parks represent over 6.5 million acres, with more than 25 million visitors each year. New York State Forest Preserve

lands within the parks, about 3 million acres, are managed by DEC. The parks combat climate change, protect critical habitats, and provide fresh drinking water to millions, including those in New York City.

We thank the Senate and Assembly for your leadership in providing 10 million in dedicated EPF state land stewardship funds for the Catskills and Adirondacks over the past several years. This line is critical for protecting wilderness, providing space, and welcoming visitor experiences and supporting communities.

Projects being implemented with this funding include the expansion of trail work; more educational stewards; improvements to recreation infrastructure at trailheads, parking areas, and water access; projects to improve accessibility; materials for bridges, docks, campsites, and day use areas; ecological monitoring and visitor use management planning and implementation.

This year ADK, the groups on this panel, and over 40 organizations and

municipalities signed a letter to the Governor requesting that the dedicated stewardship line be increased to 12 million and that the EPF, in which this line lives, be increased to 500 million.

Thanks again to your work, in the final budget last year Forest Preserve visitor centers were supported, including Catskill Visitor Center, Adirondack Mountain Club's visitor centers, and the visitor interpretive centers of Paul Smith and SUNY ESF.

In the Executive Budget proposal, three of the centers received full support, but the Adirondack Mountain Club's visitor centers were not included. And we respectfully request that funding for ADK visitor centers be restored to 250,000.

Our visitor centers are essential infrastructure for the Adirondacks and the High Peaks Wilderness. They are a year-round resource for outdoor recreators providing trip planning, weather reports, trail conditions, maps, guidebooks, and essential

gear to insure recreators have safe adventures. They provide year-round access to skilled education staff and 24-hour bathroom facilities which reduces the impact of improperly disposed of human waste.

And the visitor centers provide essential preventative search-and-rescue education to help avoid preventable rescues by an already overstressed Forest Ranger force, and our visitor centers serve as a base for Forest Rangers who coordinate the search-and-rescue events.

There are other important initiatives listed in our written testimony that were outlined in a letter to Governor Hochul and signed by over 40 Adirondack and Catskill organizations and municipalities, and I've included a table that summarizes the EPF in terms of funding requested by Adirondack and Catskill groups.

And thank you very much for this time.

CHAIRWOMAN KRUEGER: Thank you.

And finally, Adirondack Council.

Hi, Kevin.

MR. CHLAD: Hi. Thank you so much.

Good evening. My name is Kevin Chlad. I'm the deputy director of the Adirondack Council.

A small building sits on the rocky summit of Whiteface Mountain. This building serves many purposes, but perhaps its most important purpose is to monitor air quality. A small device sits on this building's roof. And when a cloud passes by, the device opens up sending its many tendrils upward that look like fishing lines. Cloud water condenses on those lines and drips down into containers. Those samples are then returned to a laboratory for analysis, teaching us what we're breathing and what we're drinking.

During the first term of the Trump administration, this air-monitoring station found a dramatic uptick in ozone pollution. An investigation quickly determined that the EPA had neglected to order the coal-fired power plants of the Ohio Valley to turn on their pollution control equipment.

AG James took the EPA to court, and New York was successful in getting a decision that compelled that federal agency to order upwind coal-fired power plants to turn on their pollution control equipment, preventing thousands of premature mortalities each year.

AG James relied on water-quality data collected in the Adirondacks to prove harm to New York and establish standing in court. The data she used came from an Adirondack lake survey, consisting of more than 40 years of carefully collected water quality samples.

Scientists are telling us something very important right now. A new baseline water-quality study is needed to bolster ongoing data collection efforts and to learn more about the potential for our waters to combat climate change. A consortium of experts in New York State have come together to design such a study, and it's called SCALE, a Survey of Climate and Adirondack Lake Ecosystems. The Legislature has committed $4.5 million to the study over the last three years, and for that we're truly

grateful.

The project is estimated to cost roughly $12 million in total. We applaud the Governor for including $1.5 million for SCALE in our Executive Budget proposal, but we do urge the Legislature to increase the final approved total to $3 million this year. That would get us past the halfway mark in funding research that really helps protect vulnerable populations from air pollution and climate change impacts.

There are many other items in our written testimony that we would love to talk to you about, but you can read it there.

But thank you for your time.

CHAIRWOMAN KRUEGER: Thank you very much.

Senators? Senator Harckham.

SENATOR HARCKHAM: Thank you, Madam Chair.

Thank you all for your testimony and for your partnership.

This is not a question, it's more of a statement in that we, in past years, have

worked with you collaboratively on, shall we say, adjustments to the EPF. And you've all mentioned different items in your testimony separate from your long written testimony. If you could just be sure to get your proposed revisions to both me and Chair Glick, and Senate and Assembly central staff, that would be very helpful.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Assemblyman Simpson.

ASSEMBLYMAN SIMPSON: Thank you. Just want to thank you all for being here. And the common theme is we need resources in the Adirondacks.

But I do have a question pertaining to something you mentioned, Claudia, on the shoreline impacts and, you know, a million dollars. Is that DEC staff doing that survey and looking at -- to get to the bottom of my question is, do you think DEC has enough staff to complete this?

Because it seems like, you know, whether it's the stewardship, the trails, the management of, you know, hiking opportunities in the Adirondacks, we're still hearing we need more resources to fill in. And I know from my time here in the Legislature we continue to compound the DEC's responsibilities. And we are hearing that there's 58 new people. But, you know, we also are tasking them with looking out for the billion-dollar expenditure for climate change and that program.

So do you think DEC has enough personnel staff to do that currently?

MS. BRAYMER: I think the million dollars could definitely be used by DEC.

I have two points. I think you would have to ask Interim Commissioner Mahar that question, if they have the staffing to do it.

And I would also suggest that we look at the model that was used for the High Peaks Visitor Use Management Study, where DEC did engage with a consultant to do some of that work to make sure that we were undertaking

the work necessary to do the research on how the use of the High Peaks was being impacted by people there.

And that is exactly what a carrying-capacity study can he do. It can help us analyze the impacts on the natural resources, the water quality, the fish, the wildlife, and how they're being impacted by users and recreational impacts.

ASSEMBLYMAN SIMPSON: Okay. Thank you.

CHAIRMAN PRETLOW: Assemblyman Anderson.

ASSEMBLYMAN ANDERSON: Thank you so much, Chair.

It's really good to see this panel here. I appreciate you all for staying here this late so that we can talk about how to save our planet and improve our quality of life and the environment.

My question is for our partners and friends at the Adirondack Council. It's so good to see you here, Kevin.

MR. CHLAD: Likewise.

ASSEMBLYMAN ANDERSON: Usually in the Executive Budget you don't see critical programs like the Timbuctoo Pipeline, which that program works actively to ensure that we have access to stewards, environmental stewards and programs that take folks from the inner city up to different parts of the state to experience that stewardship and gain that love for the environment and then hopefully be connected to careers in such.

So my question is, with all of what's happening in Washington, I'm wondering how we are looking to ensure that any budget request that comes before the Legislature, since it's not in this Executive Budget proposal, will protect the vitality and growth of this program.

MR. CHLAD: Well, we have -- we have a lot of work to do, right? We often talk amongst ourselves as advocates that we need 10 times the number of people and organizations that, you know, do the work that we do. We're all constrained by bandwidth, and we just need more people to

get into this field. And that's going to start in schools, school-aged children.

And that's why the Timbuctoo program is so important. Timbuctoo Institute, for those who aren't aware, is a program -- a partnership between Medgar Evers College and SUNY School of Environmental Science and Forestry in Newcomb, and this program seeks to expose high-school-aged students that are wondering, What am I going do when I leave high school?

It exposes high school students to fields in protecting our environment and fighting climate change. And they've met some really incredible people over the last two years, the six cohorts that we've had. And many of them are now returning to be counselors for the program. They want to be a part of the faculty that are teaching the next generation. And they're thinking about, you know, maybe I want to be a Ranger, an ECO.

So that's just the first link in what needs to be a much longer chain, but we had

to start there with those students. And so we're really excited, but the plan is to grow the program. We need to serve more students. We're aspiring to grow.

And so there is a plan to stretch and do a virtual model this year to expand. So we will still bring students to the Adirondacks, but at the same time we will have a virtual model that teaches students. And then next year hopefully we'll be bringing more students to the Adirondacks.

ASSEMBLYMAN ANDERSON: Thank you so much.

CHAIRMAN PRETLOW: Assemblymember Glick.

ASSEMBLYWOMAN GLICK: Claudia, one quick question. When you refer to non-game wildlife, what exactly is the -- is it a study? Or is it some protective ...

MS. BRAYMER: Thank you for the question, Chair Glick.

What we were referring to primarily is the fact that DEC bases a lot of its wildlife management decisions on research about game

animals. So they will take information from hunters, they'll take information from permits that are being issued for game animals. And what we would like to see is more research based on non-game animals.

For instance, wolves cannot be hunted in New York State because they're an endangered species, so we -- that's why we specifically pointed out wolves in the state. But that's what we were going after, some information -- oh, for instance, bobcats. We'd like to see more information, data on the species of bobcats in the state that is not based solely on -- not solely, but that is expanding to other research datasets.

ASSEMBLYWOMAN GLICK: Okay, so --

MS. BRAYMER: Like field -- field -- we do know that they are using field cameras and things like that to try to gather some more information about animals out in the wild.

ASSEMBLYWOMAN GLICK: But it's a more targeted focus on non-game wildlife research.

MS. BRAYMER: Yes.

ASSEMBLYWOMAN GLICK: Okay, thank you.

MS. BRAYMER: Thank you.

CHAIRWOMAN KRUEGER: Thank you all.

Anyone else? Okay. Then thank you very much, all of you, for being with us.

And we've still got two more strong, willing people to come and testify. We have the Empire State Redemption Association and the Can Bottle Return organization.

Whichever order you would wish to go in.

MS. EDDY: Okay, I'll go first, since my mic is already on.

CHAIRWOMAN KRUEGER: Okay.

MS. EDDY: Hi. My name is Jade Eddy, and I'm here on behalf of the Empire State Redemption Association. I'd like to thank you for the opportunity to testify today, though I must admit I shouldn't have to be here again.

Redemption centers are suffering working conditions entire labor movements were started over. Owners are working alone, sleeping in their shops, losing homes, unable

to afford groceries, and performing forced free labor. Why? We just received our 13th increase to payroll since 2009. We're expected to cover a 114 percent increase with the same 3.5 cent handling fee.

Meanwhile, the Governor has just announced that starting in 2027 minimum wage will be tied to inflation. If that same mindset is not applied to our pay, our industry dies.

This inequity has led to the closure of 25 percent of the state's redemption centers in just two years. Without immediate action, more closures are imminent. These closures mean less access to recycling and crucial funds to struggling New Yorkers.

The Bottle Bill, which was once a forward-thinking solution, is now outdated. In fact, we're now being forced to turn away more recyclable containers than we are allowed to accept, all while facing an environmental crisis.

My question to you is, how does this align with Albany's goals of affordability or

environmental sustainability?

Last year I sat on the Assembly floor and I heard the goals for the session: support small businesses, create jobs, and protect our environment. The Bottle Bill achieves all those goals. But once again, the Legislature failed to act.

Voters are paying attention. They see hypocrisy. They see the state raking in billions from the unredeemed fund while my colleagues and I lose our livelihoods and our employees lose their jobs. They see the litter and waste crisis worsen rather than improve.

This is not a partisan issue. It unites people across the political spectrum. Red or blue, everyone agrees this crisis needs to be addressed. Yet billionaire corporations who profit from the collapse of this system spread false narratives about job loss to oppose progress.

But history shows the opposite. When the Bottle Bill was last amended, it sparked a boom in redemption center openings and jobs

throughout the entire system. Modernizing the Bottle Bill is a win for the environment, the economy, and New Yorkers.

Container expansion and an increased deposit in Connecticut led one of our businesses to see their volume quadruple in 2024. This leads to more green jobs and a massive positive impact on our environment.

I'm urging you to include the Bottle Bill in the budget or to find funding to save this crucial system. Failure to act is causing far-reaching damage to New Yorkers all across the board.

CHAIRWOMAN KRUEGER: Thank you.

Okay, next.

MR. BAKER: Thank you guys for allowing me to testify here today. My name is Peter Baker, and I'm a partner and operator of a local community-based container redemption center in Hamburg, New York.

Local redemption centers are currently operating at or near untenable margins in the year 2025 because of the lack of handling fee increases since 2009. Exacerbated by the

recent inflationary pressures and the new amounts of containers entering the stream that are not redeemable, pressures to operate with the intent to profit, let alone innovate, are becoming too much to bear and have already caused 25 percent of the redemption centers across the state to close, with many more scheduled to do so in 2025.

As a single operation, CBR helped divert 28 million containers to initiators to be reused and recycled in 2024, while providing 17 full-time positions and creating an incubator for donation/fundraising environment that exceeds well over $100,000 a year. We can do this because we believe in the spirit of innovation through investment, and most of our system is completely mechanized.

My hope one day is that we at CBR can be part of diverting 120 million containers in the next five to seven years. But with current margins and no handling fee increases slated on the horizon, investment in modernization to get to that point is

unfortunately unattainable.

As more and more community redemption centers cease to operate, the state will continue to see an uptick in beverage containers not being reused and/or recycled, further intensifying the challenges the state already faces. In turn, New Yorkers will have to foot the bill later on with higher taxes for both public health and pollution cleanup.

As an operator on the frontlines of this fight, there are two very simple perspectives that should not be diametrically opposed, and that is that we continue to redeem, reuse and recycle in much larger quantities while developing a circular economy that at its core operates with the same capitalistic principles and virtues that will no doubt develop long-term prosperity through investment, innovation, education, and creative solutions for the time and the future.

Those that fear change want you to all believe that both truths cannot be held

sincere at the same time and that it can only be one or the other, further kicking the can down the road for the New York taxpayer. Any burgeoning industry just needs a little shove, which requires vision and courage. And as an operator in this fight, that's all I'm asking for today.

And I thank you, and I yield my time.

CHAIRWOMAN KRUEGER: Thank you.

Any questions? Assembly?

CHAIRMAN PRETLOW: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Thank you for being here.

It was a great disappointment to me personally that we did not -- that at sort of the 11th hour, things kind of blew up.

We are committed to raising the deposit, increasing the handling fee, and expanding the array of materials that -- product that should be -- coffees, teas, sports drinks, and the like.

I thank you for still hanging in there, and this year we really have to get it

done.

MS. EDDY: This is my last year. I can't do this again. I've gone nine months without taking pay. Nobody can survive under these conditions. People really need to understand that.

ASSEMBLYWOMAN GLICK: I think most of us do, and --

MS. EDDY: And I thank you, you in particular, for your hard work and advocacy. Because this is a -- it's not just important to us, it's important to our customers as well.

We have people relying on this bottle return money, and they want clean communities. And they are furious that this has not been addressed. It's been almost two decades, you guys. I mean, we're not being unreasonable at this point.

ASSEMBLYWOMAN GLICK: Thank you very much.

MS. EDDY: Thank you.

CHAIRWOMAN KRUEGER: I just want to ask quickly -- oh, I'm sorry.

So what does happen when you close? Because I think you're right, that if the state doesn't act, you close. What is your prediction of what happens in these communities?

MS. EDDY: We're going to have a severe waste crisis, far worse than we're seeing right now.

I've included -- or I sent in pictures to include in my written testimony -- the pile of non-deposit containers that come into my small shop. I'm one of the little guys. He's the big fish. So what he gets is far surpassing what I get. I literally am turning away more containers than I am allowed to accept.

That's a grave problem for our landfills, which we've heard several times today are in crisis. It doesn't make sense to me that you can alleviate multiple problems with this Bottle Bill and it's not being done.

So we're going to see landfills filling up far quicker, which is already a

problem. We're going to -- we already are seeing litter in our areas where redemption centers have closed.

The misconception is that people can just turn to grocery stores or convenience stores. They can't handle the volume that we do. You just heard Pete say he takes in 28 million containers a year. Do you think your local grocery store or gas station can do that? They don't have the space, they don't have the manpower, they don't have the proper setup for something like that.

When the Bottle Bill was created in the '80s, nobody saw this many beverages coming into the market. Just between 2009 and 2022, we went from just over 4 billion beverages sold in New York State to over 9.2 billion. I don't know what the current numbers are, but I estimate that that's going to be even higher, based on what I see coming in my shop.

A lot of those newer beverages are not covered under the bill language because it's outdated, so we have to update things to keep

up with the modern times.

CHAIRWOMAN KRUEGER: Right.

MS. EDDY: In addition to the environmental problems that we face, you will see low-income families suffering at the loss of that money, you will see charities, school organizations, Boy Scout groups, Girl Scout groups -- all of these amazing organizations within all of your communities that fundraise through bottle fundraisers, they're going to lose that vital funding. A hundred thousand dollars?

Do you want to add anything? Sorry, I just ate up all the time.

MR. BAKER: That's okay. If you don't mind me --

(Laughter.)

MR. BAKER: -- jumping in there (mic off) -- 15 seconds that she didn't answer -- except that if we're not out ahead of this, the crisis will happen. And then the idea that we can innovate immediately to fix the problem won't be attainable for many years down the road.

And my municipality right now has already put the brakes on how much stuff I'm allowed to -- that's non-redeemable, as it stands in the language right now, has told me -- and I have to pay out of my own pocket as a business to dispose of it properly.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRMAN PRETLOW: Chris Burdick?

ASSEMBLYMAN BURDICK: Thank you, Chair.

And I thank you for your perseverance. I attended the hearing that the Environmental Conservation Committee held last year, and the plight that I heard last year was just astonishing. And your ability to even stay afloat is also astonishing.

I mean, and there's so many reasons why we need to do this. The decline in the redemption rates, the -- you know, the redemption centers themselves struggling to just stay alive. And, you know, this is such an enormous area of waste, too, that can be addressed.

So I join my colleagues in thanking you for hanging in there, and we're going to do our damnedest to get it done this year.

MS. EDDY: Thank you. I appreciate that.

CHAIRWOMAN KRUEGER: Thank you.

Anyone else? All right. Well, thank you very much, and thank you for staying with us all day and night.

(Applause.)

CHAIRWOMAN KRUEGER: And with that, I am actually going to officially close down this hearing.

And the Education hearing will be tomorrow, here in the same room, starting at 9:30 in the morning. And that will be an Assembly-run hearing tomorrow. So everyone try to get some sleep.

Thank you.

(Whereupon, the budget hearing concluded at 9:27 p.m.)