



## SENATE ARTICLE X

### S. 5908 (Wright)

#### Summary

This bill reauthorizes Article 10 of the Public Service Law governing the siting of major electric generating facilities. This bill also amends the Energy Law and re-establishes the State Energy Planning Board and authorizes the Board to engage in energy planning.

#### Explanation

Environmental Advocates of New York opposes Article 10 reauthorization without significant reforms. Major electric generating facilities are large sources of air and water pollution, and should be sited carefully and fairly. This proposal, while an improvement over a straight reauthorization of the expired statute, does not go far enough to reform the siting process.

The plant size threshold included in the proposed legislation should be lowered and changed to clarify that the process applies to plants with a specific capacity. It is not appropriate to have a threshold that can be avoided when companies promise to operate below capacity, then construct the plant and wish to operate at full capacity. We favor a lower threshold that applies to “nameplate generating capacity.”

This bill takes a step in the right direction by creating a pre-application fee to be available for intervenors. This is a positive change from the expired law, because the process should allow earlier public participation. However, intervenor funds made available in either the pre-application phase or accompanying an application should also be made available for legal expenses.

This bill fails to require a full description of the expected emissions of small particulate emissions, referred to as PM 2.5, mercury, and all other federal criteria pollutants and toxins. Further, this bill does not require an examination of the cumulative impact of existing and proposed plants in localized areas. Nor does the bill provide for any mitigation of the increases in pollution from new plants.

Power plant pollution causes acid rain, smog, and global warming. It exacerbates asthma and puts public health at risk. Major reforms of the siting process are needed to ensure active public participation and protection from the harmful effects of air pollution. This bill does not go far enough to include the public in decision making and protect public health and the environment of New York State.

**Environmental Advocates of New York strongly opposes this bill.**

**Memo 51**