



A.8696 (CAHILL, SPANO)

Summary

This bill reauthorizes Article 10 of New York State Public Service Law governing power plant siting, and extends it until December 31, 2020. The bill also amends State Finance Law to establish an intervenor account and Environmental Conservation Law to establish power plant emissions performance standards.

Explanation

The siting of major electric power generating facilities has serious consequences for the environment, public health and the state's power supply. This bill establishes a siting process for generating facilities that is more open to the public and analyzes potential environmental and health impacts.

The bill would require power plants of 30 megawatts "nameplate" capacity and higher to comply with proposed siting provisions. The bill requires broad public participation and public notice, including environmental justice considerations. Intervenor funding is available to local governments and other interested parties to pay for expert consultants and administrative and legal fees in both the pre-application and application phases of the siting process.

The Department of Environmental Conservation (DEC), in collaboration with the Department of Health, would be responsible for analyzing environmental impacts, including the cumulative air quality impacts of existing and projected air emissions. Such analysis would cover a five-mile radius around the proposed project site, including the host county and adjacent counties.

In its 2009 Reliability Needs Assessment, the New York Independent Systems Operator concluded that the resources needed to meet the state's electricity needs will continue to exceed demand through 2018. Under this bill, the New York State Energy and Research Authority would play a key role in assessing whether or not a proposed generating facility is the most cost-effective solution to meet "public need" rather than alternatives such as energy efficiency, distributed renewable installations, or demand response. This is an important factor, and must be given the highest priority to prevent the construction of costly and polluting facilities solely for economic development purposes, rather than to meet true capacity requirements.

The bill would also direct the DEC to promulgate performance standards for new power plants by 2010 for mercury, nitrogen oxide, sulfur dioxide and carbon dioxide, and further specifies that the agency's Commissioner set a permanent cap on total emissions of carbon dioxide from the power sector no later than 2012. Measures such as these will aid New York's efforts to improve air quality and reduce the greenhouse gas emissions that cause global warming.

Environmental Advocates of New York supports this bill.

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