



NEW YORK STATE SENATOR  
George D. Maziarz

## Historic "Power NY" plan approved in Legislature

GEORGE D. MAZIARZ June 22, 2011

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Senator George Maziarz (R-C, Newfane), Chairman of the Senate Energy and Telecommunications Committee, announced that the State Senate has approved historic legislation (S.5844/A.8510) known as the Power New York Act. This measure will permanently renew Article X of the Public Service Law, which governs the siting of power generation facilities in New York. With no state siting regulations in place since the expiration of Article X at the end of 2002, no new generation facilities have been built except for small-scale, locally-regulated projects such as wind turbines.

"The energy needs of New York State are increasing substantially, and the effective blackout on building major new generation facilities has gone on for far too long," said Senator Maziarz. "We are focused on conservation and efficiency, but we also need to focus on power production. We need to keep up with demand and strengthen our state's energy portfolio."

The legislation passed tonight represents a three-way agreement among the Governor, Senate, and Assembly to plan for New York's energy future. Article X renewal has been a long-term priority of Senator Maziarz and his most recent efforts include the Senate passage of one-house Article X legislation under his sponsorship on May 9, 2011.

The regulatory provisions of the new bill, Governor's Program Bill #21, will apply to all types of electric generation facilities of at least 25 megawatts. The bill establishes a one-stop permitting process through an appointed seven-member Siting Board. After an application is deemed complete, the Board will undertake a thorough review process, which involves public and stakeholder input, and will be required to make a determination as to approval within one year. A six-month process will be established for renovations or additions to existing facilities.

Power plant applicants will be required to deposit monies into a utility intervenor fund to assist affected communities in obtaining legal advice. The fee range will be from \$30,000 for small projects to a maximum of \$750,000.

Applicants seeking siting approval must comply with all applicable state and federal emissions requirements, and the New York State Department of Environmental Conservation will be authorized to promulgate regulations to reduce carbon dioxide pollution. The Siting Board will not be able to issue a certificate of approval until it is determined that the project increases generation capacity in the state and minimizes or avoids adverse impacts on the environment and overly-burdened communities.

"I commend Governor Cuomo for bringing legislators and interest groups together on this critical issue," said Senator Maziarz. "Earlier this year we worked together to create the Recharge New York program and now we're collaborating to enact a new power plant siting law. We have made great progress this year on energy issues and I look forward to our continued partnership with the Governor and other leaders as we confront the challenges facing our state."

The Article X reforms have been endorsed by diverse interest groups on all sides of the issue, including Unshackle Upstate, Business Council of New York State, Partnership for New York City, Buffalo Niagara Partnership, Rochester Business Alliance, Associated General Contractors of New York State, Alliance for Clean Energy New York, Affordable Reliable Electricity Alliance, Independent Power Producers of New York, New York League of Conservation Voters, New York City Environmental Justice Alliance, Environmental Advocates, New York Public Interest Research Group, and the New York Building and Construction Trades Council and affiliate unions.

The bill also directs the New York State Energy Research and Development Authority (NYSERDA) to conduct a study on how to increase solar energy production within the state, with the goals of expanding our clean and reliable energy supply and creating green manufacturing jobs.

The bill further directs NYSERDA to establish an on-bill financing program for energy efficiency upgrades made possible through the Green Jobs/Green New York program. The program will provide loans to residential property owners for energy efficiency upgrades aimed at reducing electricity costs. With on-bill financing, the homeowner will be able to repay the loan in monthly installments on his or her utility bill at an amount less than the energy cost savings associated with the upgrades.

“On-bill financing will give homeowners a way to pay for new lighting or other kinds of improvements to reduce their monthly electric bill,” said Senator Maziarz. “They can pay for the upgrades through their savings, so they don’t need the money up front.”

The measure was approved by the Assembly earlier in the evening. It will be sent to Governor Cuomo for his signature into law.

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