



NEW YORK STATE SENATOR

Jack M. Martins

Power NY Signed Into Law

JACK M. MARTINS August 9, 2011

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The Power NY Act that was passed by the Senate earlier this year was signed into law by Governor Andrew Cuomo. The act reauthorizes and modernizes the licensing process for major electric generating facilities (also known as Article X), provides incentives to consumers for energy efficiency investments, and explores the potential for additional solar power generation in the state.

“Power NY is a win for New York State. It encourages the development of reliable and affordable power that is better for the environment and at the same time, it supports job and business growth,” said Senator Jack M. Martins.

Article X of the state Public Service Law, which governs the siting of new electric generation facilities in New York, expired in 2003. Since then, the development of major new facilities has been at a standstill, despite a growing demand. This is because it became more difficult and time-consuming to obtain the necessary permits and environmental reviews by private investors seeking to construct power plants.

The Power NY Act of 2011:

- Enacts a new permanent streamlined permitting process for power plants greater than 25 megawatts by creating a "one-stop" multi-agency siting board that will make siting decisions;
- Empowers communities to participate in the process by requiring power plant applicants to provide "intervener funding" for the community affected by the proposed plant to hire experts and lawyers;
- Improves the environment and public health by requiring the siting board to determine whether a proposed facility will create a disproportionate environmental impact in a community and, if so, requires applicant to minimize or avoid those impacts;
- Directs the Department of Environmental Conservation to promulgate emissions standards for carbon dioxide, furthering New York's efforts to address climate change;
- Reduces energy demand by allowing homeowners and businesses to pay back loans for energy efficiency upgrades using a surcharge on local utility bills;
- Creates jobs by encouraging investment in new power plants and energy efficiency retrofits;
- Directs NYSERDA to study potential policy approaches to increasing solar energy development in New York.