

March 14, 2002

Paul DeCotis, Records Officer
New York State Energy Planning Board
New York State Energy Research and Development Authority
286 Washington Avenue Extension
Albany, NY 12203-6399

Re: Draft New York State Energy Plan

Dear Mr. DeCotis:

These comments are submitted on behalf of Communities United for Responsible Energy (“CURE”). CURE is a citywide coalition of community-based organizations formed to address the proliferation of power plant applications in New York City. CURE is calling for a rational energy plan for the State which will promote, among other things, the following: the true “repowering” of existing power plants to reduce air emissions and increase efficiency; the increase in energy conservation and alternative energy development; a needs assessment before any new power plants are sited; and equitable siting practices in the event new plants are needed. Member organizations of CURE include: Better Queens Environment, Bronx Environmental Action Coalition, East River Environmental Coalition, El Puente, The Point CDC, We Stay/Nos Quedamos Committee, CHOKE, GWAPP, the East Midtown Coalition, Stop the Barge, Sustainable South Bronx, Williamsburg Watch, Neighbors Against Garbage, UPROSE, and 426 East 149th Street Housing Development Fund Corporation. Many members of CURE are also members of the New York State Sustainable Energy Campaign (“NYSSEC”).

The Draft New York State Energy Plan (“Draft Plan”) should be substantially revised in order to present a comprehensive and meaningful planning document to guide State and private action in the energy arena over the next five years. A proper energy plan must include specific goals, objectives, and actions to bring about a safer, cleaner, and healthier energy policy. Instead, as currently written, the Draft Plan merely provides broad policy “suggestions,” many of which do not address the needs of a vast majority of citizens in the State. Because of the deficiencies in this Draft Plan, no new electric generating facilities should move forward until there is an environmentally and economically sound and equitable energy plan in place.

The Draft Plan completely disregards environmental justice issues even though it is intended to be a “blueprint to inform energy decision making.” Draft Plan at 1-2. One of the stated broad policy objectives of the Draft Plan is to ensure fairness and equity. See Draft Plan at 1-13. Thus, environmental justice must be squarely addressed to meet this essential objective. Rather than describing how environmental justice will be

considered in the development of new power plants and energy policies, it inappropriately assumes that environmental justice may be eliminated from the Draft Plan because the Department of Environmental Conservation (“DEC”) has an Office of Environmental Justice. See Draft Plan at 1-37 and 2-48. This illogical excuse is a blatant attempt to dodge a potentially controversial topic. The Draft Plan should not bypass any issue merely because another state agency is also working on the general issue. For example, even though NYSERDA develops energy conservation programs, the Draft Plan addresses energy conservation.

Moreover, the DEC is not handling environmental justice in a way that satisfies community groups fighting environmental injustices. Just as is the case with the Draft Plan, the recently released Recommendations for the New York State Department of Environmental Conservation Environmental Justice Program (“Recommendations”) are equally as non-specific and vague. They are extremely narrow in scope and avoid critical components of environmental justice such as cumulative impacts. Furthermore, as the Recommendations are limited to the DEC permitting process and environmental review under the State Environmental Quality Review Act, DEC states specifically that its Recommendations are not applicable to energy policy or to the Article X siting process. The Draft Plan must be revised to fully address environmental justice in the context of energy planning and power plant siting.

CURE met with those compiling information in preparation of the Draft Plan. At that time, CURE emphasized the enormous public participation problems of the Article X process. The affected community’s ability to meaningfully participate in the process should be expanded. More information should be made readily available to the public during the pre-application process. The timeframe for public review, comment and preparation for potential hearings should be expanded. Communities should be allowed to use intervenor funds for broader assistance necessary for full public participation, such as legal representation. These suggestions have been ignored. Not only does the Draft Plan not improve the public participation process, it suggests lessening the public involvement. For instance, the Draft Plan recommends expediting the approval process for building new power plants on brownfields sites. Such fast-tracking of the Article X process should not be permitted. Furthermore, as a significant percentage of brownfields are located in low-income communities and communities of color, targeting brownfields for siting power plants may have serious environmental justice implications that must be addressed.

Unfortunately, the Draft Plan continues current State policy which relies almost entirely on traditional fossil fuel technology to generate electricity. It is projected that by 2021 renewable technologies will constitute less than 2% of all power generated in New York. Like other states, New York should institute a 10% renewables portfolio standard. Such a standard would require 10% of the state’s electricity to be generated using alternative technologies such as wind power, photovoltaics, and fuel cells. Until a substantial renewables portfolio standard is mandated, New York will continue to rely on dirty sources of power, deplete scarce energy resources, and force the siting of new power plants in communities already inundated with pollution and with fragile health profiles.

Similarly, New York must increase the funding for energy efficiency and conservation programs. On a per capita basis Massachusetts, Connecticut and New Jersey spend more than twice as much as New York on such programs. No one can dispute that

significant reductions in energy consumption are attainable through efficiency and conservation programs. Even the soon-to-be-published report from the New York Building Congress admits that at least 500 MW of the 720 MW which the Congress says is necessary to meet increased demand in New York City over the next five years can easily be met through energy efficiency and conservation. California's efforts are even a greater example of success. New York State is woefully behind other states in this area. The Draft Plan offers no remedy for this deficiency. Once again, this failure on the part of the State leads to a waste of resources, increased costs, and health burdens on people who can least bare them.

If you have any questions regarding these comments, please feel free to contact us. Thank you for your consideration.

Sincerely,

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Senior Environmental Counsel