



Accelerated Renewable Energy Growth and Community Benefit Act

New Renewable Energy Siting Process Webinar

Wednesday, April 29th

Agenda

- ✓ Background on Accelerated Renewable Energy Growth and Community Benefit Act
- ✓ ORES Scope and Jurisdiction
- ✓ Overview of ORES process and deadlines
- ✓ Q&A

Agenda

- ✓ Background on Accelerated Renewable Energy Growth and Community Benefit Act
- ✓ ORES Scope and Jurisdiction
- ✓ Overview of ORES process and deadlines
- ✓ Q&A

New York State is working to achieve the most ambitious renewable energy and GHG targets in the nation

- The Climate Leadership and Community Protection Act (CLCPA), established the following targets:
 - *GHG reduction from 1990 emissions of 40% by 2030 and 85% by 2050*
 - *Renewable energy generation target of 70% by 2030 and 100% emissions free by 2040*
 - *9 GW Offshore wind by 2035, 6 GW PV by 2025, 3 GW storage by 2030*
- To achieve success, renewable energy needs to be sited in a timely, balanced and cost-effective manner
- This month, New York enacted the “Accelerated Renewable Energy Growth and Community Benefit Act” to expand and streamline renewable energy deployment

The Accelerated Renewable Energy Growth and Community Benefit Act, “the Act,” has three main pillars

Pillar	Summary	Agency lead(s)
Power Grid Study & Investment Plan	<ul style="list-style-type: none"> • Requires evaluation of need for upgrades to the distribution, and local and bulk transmission system • PSC will establish an investment plan for distribution and local transmission upgrades, identify bulk transmission projects that can be built through NYISO Order 1000 and those that must proceed on an expedited basis • For expedited transmission projects, NYPA will construct such projects through competitively solicited partnerships 	DPS/PSC; NYPA
Build-Ready	<ul style="list-style-type: none"> • Focus on incentivizing the reuse of previously developed sites for renewable energy facilities • NYSERDA will acquire interests in land, conduct review of siting feasibility, secure permits, and auction build-ready sites to developers, with possible REC contracts. 	NYSERDA
Office of Renewable Energy Siting	<ul style="list-style-type: none"> • Streamlined permitting process for large-scale renewable energy projects in NYS 	DOS/ORES

Agenda

- ✓ Background on Accelerated Renewable Energy Growth and Community Benefit Act
- ✓ **ORES Scope and Jurisdiction**
- ✓ Overview of ORES process and deadlines
- ✓ Q&A

ORES – Responsibilities

- Issues Siting Permit for renewable energy projects - include all necessary approvals from both a state and local law perspective, except for any approvals necessary under federal law, including federally delegated permits.
- ORES will be hosted by the Department of State and will be comprised of legal, environmental, and energy professionals.
- ORES will establish Uniform Permit Standards and Conditions (USC) to limit the amount of site-specific conditions that require negotiation.
- ORES must also adopt regulations for implementation within one year.

ORES – Authority

- Executive Director, or designee, will also adopt procedural rules, regulations and guidance that may be necessary to process applications
- Hearings or dispute resolution may be conducted by the Executive Director or a designee
- The office may request assistance from all other state agencies and authorities

USCs

- USC must be established in one year and only after four public hearings are held on the draft USC.
- The USC will:
 - *Consider CLPCA targets and environmental benefits of renewable energy*
 - *Be designed to first avoid, then minimize, then mitigate environmental impacts and to limit the number of site-specific conditions that must be negotiated between the applicant and the Office*
 - *Will be specific to solar and wind, and will apply to environmental impacts common to each*
- Drafting is underway in consultation with NYSERDA, DEC, DPS, Ag & Markets.

Intervenor Funds

- An amount equal to \$1,000/MW of facility capacity must be paid into a local agency account hosted by NYSERDA
- Intervenor funding will be made available to a host municipality, political subdivision, or local community members per regulations to be established by the Office
- Funding can be used by eligible entities for participation in public comment period or adjudicatory hearing
- For projects transferring from the Siting Board, any intervenor funding remaining will transfer from DPS to NYSERDA

Agenda

- ✓ Background on Accelerated Renewable Energy Growth and Community Benefit Act
- ✓ ORES Scope and Jurisdiction
- ✓ Overview of ORES process and deadlines
- ✓ Q&A

The ORES application process creates specific and efficient timelines for each step

Application Received

Completeness Determination

Within 60 days of submission

Draft permit issued

Within 60 days of completeness determination

Comment Period Ends

At a minimum of 60 days after draft permit published

Adjudicatory Process (if necessary)

Final permit decision issued

*Within one year of completeness determination**

**Within 6 months of completeness determination for if proposed facility would be located on an existing or abandoned commercial use site, dormant electric generating sites or underutilized sites*

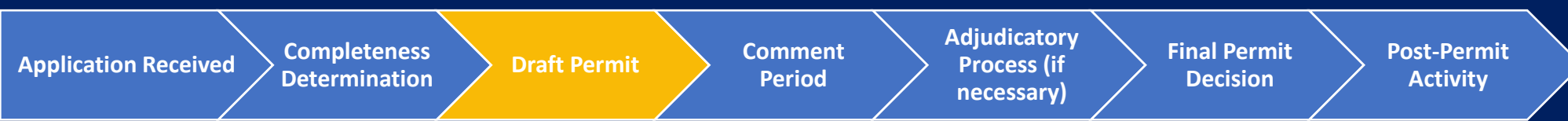
Application completeness decision must be issued within 60 days of application receipt

- Completeness determination must be made within 60 days of receipt
 - *Applicant can agree to extend the 60-day timeframe*
 - *Applicant must demonstrate developer consultation with and service of application upon municipality*
- Incompleteness determinations must be conveyed to the applicant in writing and include an explanation for why such determinations were made
- Application transfers from the Siting Board:
 - *Completeness determination from Board carries to ORES*
 - *All others will have a completeness determination within 60 days of the transfer*



Draft permit must be issued within 60 days of completeness determination

- Draft permit must contain applicable USC and site-specific conditions to address environmental impacts caused or contributed to by the project.
 - *Site-specific conditions will be developed in consultation with regulatory agency, e.g. DEC*
 - *For impacts not addressed in USC or site-specific, an amount may be set forth for off-site mitigation related to Threatened & Endangered Species*
- ORES may elect not to apply, in whole or in part, any otherwise applicable local law or ordinance if it finds it unreasonably burdensome in view of CLCPA targets and environmental benefits



Draft permit subject to 60-day public comment period

- Notice must be given to municipality/political subdivision where facility is proposed – newspaper or electronic format & ORES's website.
- The municipality must submit a statement indicating whether the design of the proposed facility is compliant with applicable local law and regulation.
- If the municipality finds the facility does not comply with local law and regulations and no adjudicatory hearing is scheduled, ORES is required to hold a public statement hearing in the municipality/political subdivision.



Evidentiary/Adjudicatory Hearings

- When a “substantive and significant” issue is raised an adjudicatory proceeding shall take place, including an evidentiary hearing.
 - *When issues of fact exist, an adjudicatory process may include hearings with submission of expert testimony, discovery, cross examination, and post-hearing briefs.*
 - *Parties will also be permitted to enter into settlement negotiations for purposes of resolving any “substantive and significant” issues.*
- For cases involving evidentiary hearing, a final hearing report will be issued.
- When no evidentiary hearing is required, a written summary and assessment of comments will be issued with the final permit as appropriate.



Final permit decisions must be made within 6-12 months of the completeness determination

- Final permit decision must be made within one year of the completeness determination
 - *Six months for “repurposed sites” an existing or abandoned commercial use site, including brownfields, landfills, dormant electric generating sites or underutilized sites*
 - *Deadline can be extended for 30 days upon agreement of applicant and ORES*
- If siting decision is not made within the required timeframe, the draft permit issued for comment will automatically be deemed the final permit
- Final permit must include a provision requiring permittee to provide a host community benefit
 - *May be established by the PSC or upon agreement between the application and the host community, or otherwise determined by the Office*



A party aggrieved by the issuance or denial of a permit may seek judicial review within 90 days of the decision

- Judicial review will occur in an appellate court having jurisdiction over the county where the facility is proposed to be located
- Only issues raised in the permit process will be considered
- Scope of review will consider conformity with constitution, laws and regs of the state and US, be supported by substantial evidence question and judicial notice, or the permit decision was arbitrary and capricious or abuse of discretion



Permits can be amended, but major changes may trigger additional public notice and hearing requirements

- Subject to ORES approval, permits may be transferred or assigned
- ORES or permittee may amend the permit
 - *Amendments that are likely to result in material increase in environmental impact or substantial change to applicable UTCs must comply with public notice and hearing requirements*
 - *Normal repairs, maintenance, replacements non-material modifications and improvements done in course of ordinary business do not constitute a permit violation*
- DPS/PSC have responsibility and authority to monitor, enforce and administer permit compliance



Q&A