

New York State
Department of Environmental
Conservation
EMERGING ISSUES
2009

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Topics

- NYSDEC GAS PIPELINE TRANSMISSION COMPLIANCE UPDATE
- NYS ALTERNATIVE ENERGY PROJECTS (RENEWABLES)
- NYSDEC SEQR POLICY (DRAFT)
 - **Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements**
- NYSDEC “GREEN” PESTICIDE INITIATIVES

NYSDEC GAS PIPELINE TRANSMISSION “COMPLIANCE UPDATE”

APRIL 2009

Natural Gas Pipelines – Federal Energy Regulatory Commission has licensing authority except for other federal programs delegated to NYS:

- Water Quality Certifications (Federal: CWA §401; State: 6 NYCRR Parts 700 - 704)
- Storm Water Pollution Prevention (6 NYCRR §750-14(b) and 40 CFR 122.26) – From State Pollutant Discharge Elimination System (SPDES) (Federal: CWA §402; State: ECL Art. 17 & 6 NYCRR Part 750)

NYSDEC GAS PIPELINE TRANSMISSION “COMPLIANCE UPDATE” APRIL 2009

These are NYSDEC’s tools to ensure compliance with water quality standards for linear projects such as gas pipelines.

Electric transmission lines typically governed in NYS under Public Service Law Article VII.

Article VII – Clean Water Act provides same compliance tools:

- Water Quality Certifications
- SWPPs still enforceable







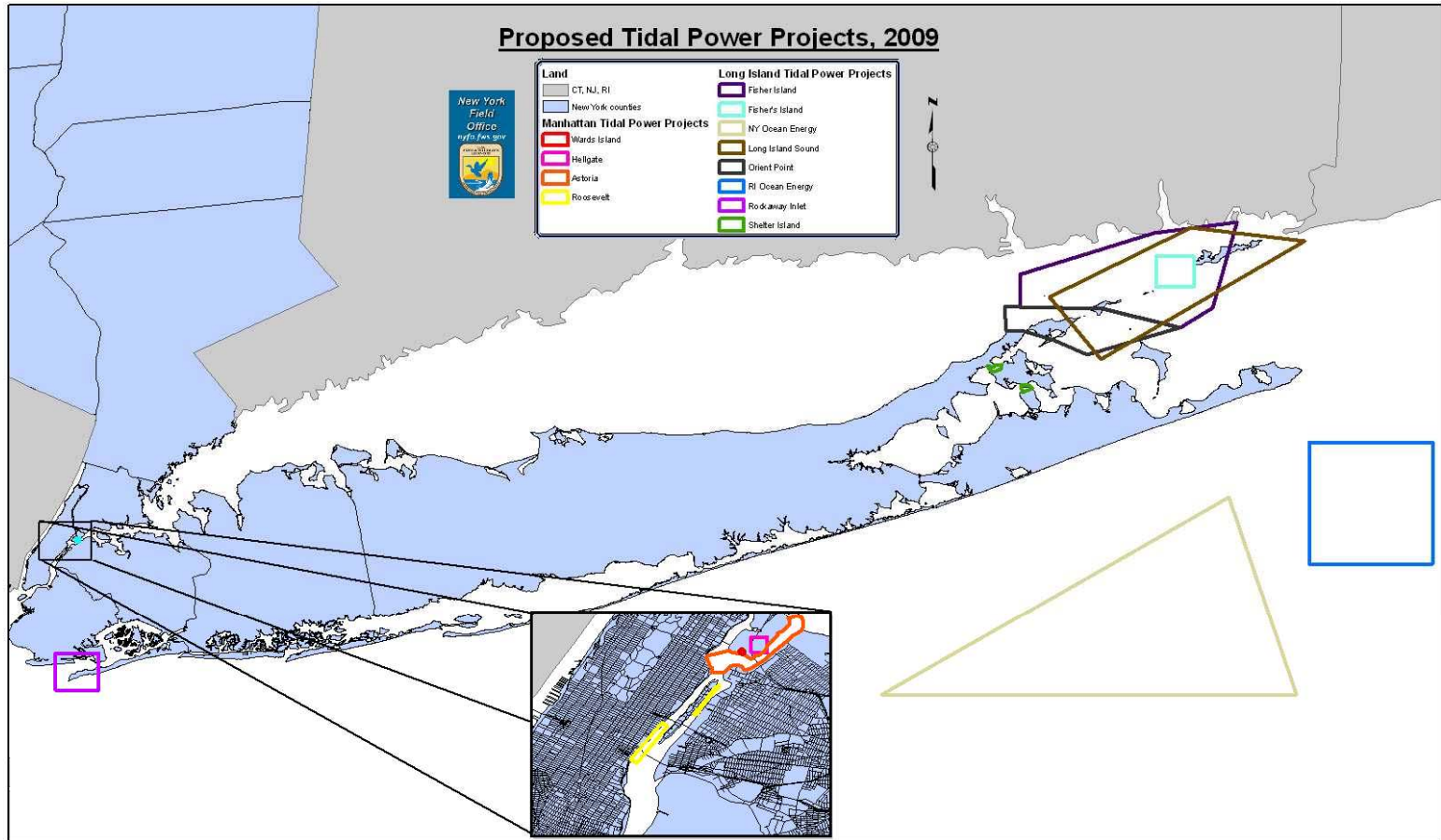




NYS ALTERNATIVE ENERGY PROJECTS (RENEWABLES)

- **Wind Turbines – 1250+ MW installed per NYISO.**
 - Est. 8,000 MW capacity in NYS - Off Shore?
 - Typically local government lead
 - NYSDEC developing guidance re: Avian & Bat Species Assessment: Pre-Construction and Post-Construction Surveys
 - Transmission still a significant issue – access to larger transmission lines

Proposed Tidal Power Projects, 2009



Hydrokinetic Power Projects in NY– Valid Preliminary Permits:

Roosevelt Island Project	East River	NY	Verdant Power
Shelter Island Tidal Project	Long Island Sound		Natural Currents Energy Services, LLC
Hells Gate Tidal Project	East River	NY	Coastal Power, Inc.
Ogdensburg Kinetic Energy Project	St. Lawrence River	NY/ONT	AER NY-Kinetics, LLC
New York 1	Niagara River	NY	Hydro Green Energy, LLC
New York 2	Niagara River	NY	Hydro Green Energy, LLC
Long Island Sound	Long Island Sound	NY	Natural Currents Energy Services, LLC
Astoria	East River	NY	Oceana
Ward’s Island	Hell Gate	NY	Natural Currents Energy, LLC

The Greenhouse Effect: Gases Trap Radiated Heat

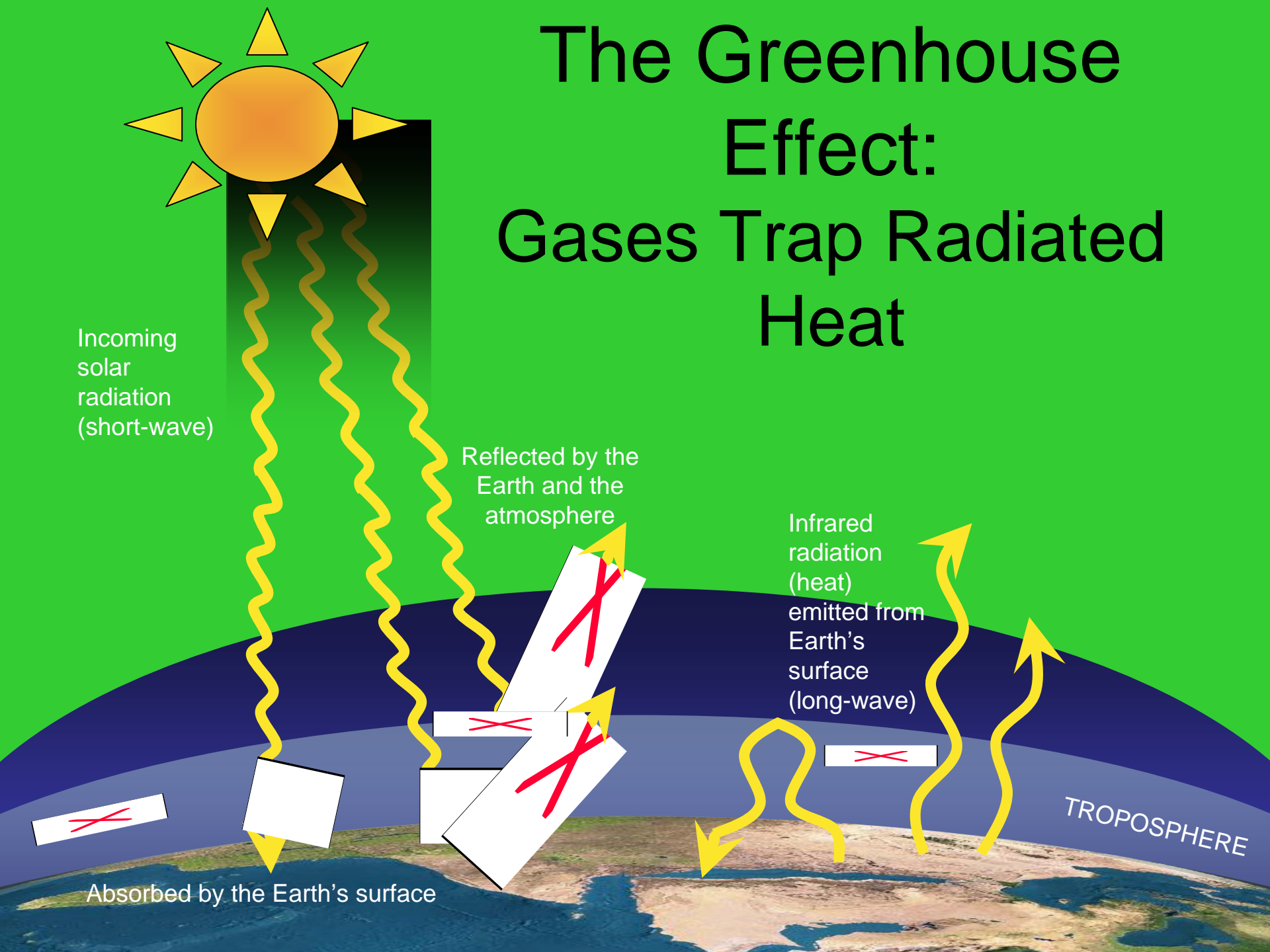
Incoming solar radiation (short-wave)

Reflected by the Earth and the atmosphere

Infrared radiation (heat) emitted from Earth's surface (long-wave)

Absorbed by the Earth's surface

TROPOSPHERE



NYSDEC SEQR POLICY (DRAFT)

Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements

**[Issuing Authority: NYSDEC Office of Air, Energy and
Climate]**

- A guide for NYSDEC Staff when:
 - NYSDEC is lead agency; and
 - Energy Use or GHG emissions are identified as significant in a POS. DEC., or
 - are required to be discussed in EIS as a result of scoping process.
- Does not create any new SEQR requirements; rules for determining scoping and significance remain the same.

NYSDEC SEQR POLICY (DRAFT)

- Limited purpose: How should Staff Treat Energy Use and GHG Emissions in an EIS?
- Not for determining whether or how a project will have climate change impacts [relevance determined on case-by-case basis].
- Designed to guide NYSDEC Staff to work with applicants [modeling tools] to identify energy usage and GHG emissions from the annual sum of:
 - direct and indirect stationary sources,
 - direct and indirect non-stationary/mobile sources,
 - methane production at landfills (if relevant), and
 - project waste generation.

NYSDEC SEQR POLICY (DRAFT)

- Underlying Theme: Energy conservation paired with common sense:
- compare GHG emissions from project alternatives
- to project GHG emissions (w/ mitigation measures)
- Mitigation employed (guidance has 5 examples) as EXIT RAMPS to:
 - increase energy efficiency
 - reduce energy demand,
 - reduce GHG emissions.
- Accomplish SEQR Objective: avoid or minimize significant adverse environmental impacts to maximum extent practicable.

NYSDEC SEQR POLICY (DRAFT)

DRIVERS:

- Science - “The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action.” **Climate Change Facts, Joint National Academies of Science Statement.** June 2005
- Law – Massachusetts v. EPA – confirms CO2 as pollutant
- Legislation – SEQR requires reasonable review of potential impacts
- Policy Objectives - include review of important family of environmental impacts
 - Influence project design to be energy efficient and minimize GHG emissions
 - Provide incentives for low carbon design

* Draft Policy circulated for public comment March 11, 2009 – April 10, 2009.

NYSDEC Staff are reviewing comments, including Business Council’s. Subject to NYSDEC Staff revision, to be finalized in the near future.

