

DRAFT

Article X Issues

June 15, 2004

- Non-major plants would no longer go through SEQRA; projects below 50 MW would go through SEQRA.
 - New definition of non-major plants 50-80 MW; major plants would stay at 80 MW and above
 - New application/ intervenor fees for repowering projects and for non-major facilities
 - For a non-major facility or for a repowering project that increases net generating output by 50-80 MW, intervenor fund capped at \$40,000 to include a pre-application fee of \$20,000
 - For a repowering project which increases net generating output by 80 MW or more, intervenor fund capped at \$300,000 to include a pre-application fee of \$50,000
 - New streamlined siting process for non-major facilities and for repowering projects
 - Decision on repowering and non-major projects within 30 days of close of hearings; two three month extensions allowed
 - 45 day written comment period for repowering and non-major projects; public statement hearing would be required; within 60 days of application being deemed complete, decide on option for evidentiary hearing to review any relevant and material issues of fact
- Preserves state override of local zoning laws
- No sunset date; grandfathers existing applications and plants under construction
- Bill would apply to NYPA and LIPA
- Predictable health impacts to be considered
- Predictable, significant and adverse disproportionate environmental justice impacts from the construction/ operation of facilities to be considered under regulations to be established by DEC; until those regulations are established, existing DEC policies/ guidelines would apply
- Review of cumulative effects of air emissions from existing electric generating facilities and from facilities which have a certificate to construct
- Requires an electric interconnection study including a system reliability impact study
- In selecting ad-hoc members of the Siting Board, Governor shall consider recommendations from local officials
- Applies to all types of fuel sources, except waste-to-energy, nuclear and hydro. Nuclear and hydro have joint jurisdiction with the Federal Government, and under expired law, could agree to have parallel review process. Waste-to-energy would have to go through SEQRA.
- Unused intervenor funds to be returned to applicant 45 days after decision
- If project is determined as non-eligible for shorter process for repowering projects and non-major plants, info from rejected application would be used for a new application under regular process; would not need to start over
- State Energy Plan would include a report by transmission and distribution companies on electric resource portfolio procurement.