

Summarized details are as follows, segmented by [brackets], with emphasis added:

Transportation, Economic Development and Environmental Conservation (TED) Bill - Part JJJ

§ 1. This act shall be known as the “**Accelerated Renewable Energy Growth and Community Benefit Act.**”

§ 2. Legislative findings and statement of purpose.

[Article 10 and Renewables Project Permitting – new Article 23]

§ 3. Amends Public Service Law (PSL) § 162 of Article 10 (adds new subdivision (4)(e)) **to allow those with pending Article 10 certificate applications as of the effective date of the bill to elect into a newly established Article 23 of the Economic Development Law (EDL).**

§ 4. Amends NYS Urban Development Corporation Act § 1 (adds new § 16-bb) **to establish a “Green Energy Siting” office which shall to work collaboratively with NYSERDA, DEC, and DPS in the location, identification, assessment, acquisition, development, marketing and disposition of sites that appear suitable for renewable energy, including “build-ready” sites; to enter into any contract necessary to effectuate this section;** to receive assistance from other state agencies to support the administration of its activities; and “to talk to” [assume typo, should be “to take”] all other actions necessary to implement the purpose of § 16-bb.

§ 5. Amends EDL – COM § 100 of Article 4 (adds new subdivision (46-a)) to authorize the Department of Economic Development to conduct hearings and proceedings; issue permits; and adopt rules, regulations and procedures to effectuate Article 23.

§ 6. Amends EDL – COM (adds new Article 23) **to establish the “Major Renewable Energy Development Program.”**

§ 451. Purpose. To consolidate the environmental review and permitting of renewable energy facilities and coordinate timely review **within the Department of Economic Development.**

§ 453. Definitions.

7. **“Major Renewable Energy Facility” means any renewable energy system as defined by the Climate Leadership and Community Protection Act (CLCPA) that is ≥ 25 MW, and any co-located storage, including transmission facilities of any capacity or length to provide access to load and integrate the facility into the state’s bulk transmission system.**

§ 455. **Office of Renewable Energy Siting;** responsibilities.

1. Shall be created to accept applications for evaluating, issuing, amending, approving the assignment and/or transfer of, and enforcing siting permits.
2. **Establish uniform standards and conditions that are common for particular classes and categories of renewable facilities.**
3. Uniform standards and conditions shall be established to avoid or minimize adverse environmental impacts in consultation with relevant state agencies.
4. **Site-specific permit terms and conditions may be drafted in consideration of site-specific environmental impacts which may provide for an applicant’s payment**

[amount specified by DEC] in lieu of physical mitigation, deposited into the Endangered and Threatened Species Mitigation Bank Fund [see below].

5. Regulations may be promulgated to implement this section.
6. All other state agencies are authorized to provide support.

§ 457. Applicability.

1. **As of effective date, no person shall commence site preparation, begin construction, or increase capacity of existing facility without an Article 23 permit.**
2. Siting permits may be transferred or assigned, subject to Office approval.
3. Siting permits may be amended by the Office.
4. Hearing and proceedings may be conducted or delegated by the Office.
5. **Shall not apply to facilities over which the Federal government has jurisdiction; normal repairs or modifications to facilities; or to facilities with Article 10 permits or with pending applications choosing to remain subject to Article 10.**
6. **Facilities already in relevant permitting processes (Article 10) that elect into Article 23 shall undergo an expedited permitting process to account for matters and issues already presented.**
7. **Any renewable system as defined by the CLCPA that is ≥ 10 MW and < 25 MW may elect into the Article 23 permitting process.**

§ 459. Application and Review.

1. Until standard conditions are established, projects must conform substantially to the form and content of an Article 10 application.
2. The Office has 60 days to determine if a received application is complete and to notify the applicant of any deficiencies, or the application is automatically deemed complete after 60 days.
3. a) Draft permit conditions must be published within 60 days of an application being deemed complete, followed by a minimum 60-day public comment period.
b) Municipalities must inform the Office within 60 days following receipt of application whether the proposed facility is designed to operate in compliance with local laws and regulations.
4. General public comments in opposition to renewable facilities shall not be considered substantive or significant.
5. Following public comment period, the Office shall promptly issue a final siting permit, and may elect not to apply any local law or ordinance that it deems "unreasonably burdensome."
6. **Within 12 months of application being deemed complete, or 6 months for sites on existing or abandoned commercial use, the Office shall make a final permitting decision, or the facility is automatically granted a siting permit.**
7. Article 78 of the Civil Practice Law may be used as recourse by aggrieved parties by filing a petition within 30 days of the issuance or denial of siting permit.

§ 461. Powers.

1. No other state agency or municipality can require additional permitting.
2. Article 23 shall not impair or abrogate any federal, state or local labor laws.

§ 463. Fees.

1. **\$1,000/MW capacity, to be disbursed for the participation of local agencies in public comment periods or related hearings and proceedings.**
2. NYSERDA funds are subject to audit.

3. **For those with an Article 10 application, amounts held in intervenor accounts shall be reimbursed and intervenor funds already disbursed shall be addressed by the Office for appropriate treatment in the taking of Article 23 fees.**
4. Additional fees may be assessed by the Office.

[PILOTs and Tax Assessments]

§ 7. Amends Real Property Tax Law (RPT) § 487 (adds language to subdivision (7)) to allow tax assessment exemptions pursuant to newly established § 575-b [see below].

§ 8. Amends RPT § 487 (strikes language from subdivision (9)(a) and adds (9)(c)) to *remove* the requirement for any municipality (county, city, town, village, or school district) with intent to enter into a payment in lieu of taxes (PILOT) contract for solar or wind energy systems to notify the system owner or developer of such intent, and *instead to require the municipality to consult with NYSERDA in determining the annual PILOT payments prior to execution of any such contract.*

§ 9. Amends RPT (adds new § 575-b) **to require the assessed value of solar or wind energy systems be determined by an income capitalization or discounted flow approach that includes: 1) a NYSERDA appraisal model, and 2) a discount rate published annually by NYSERDA.**

[IDAs]

§ 10. Amends General Municipal Law (GMU) § 852 (adds language to undesignated third paragraph) to **declare it the policy of the State's Industrial Development Agencies (IDAs) to promote the development of renewable energy projects.**

§ 11. Amends GMU § 854 (adds language to subdivision (4)) to include renewable energy project in IDA project definitions.

§ 12. Amends GMU § 854 (adds new subdivision (21)) to define "renewable energy project" as set forth in § 487 of RPT [see above], or, as defined by CLCPA.

§ 13. Amends GMU § 858 (adds language to opening paragraph) to include renewable energy in the types of projects that NYS IDAs shall purposefully promote.

§ 14. Amends GMU § 859-a (adds language to subdivision (5)(b)) to add to the cost-benefit analysis of IDAs' pre-requisites for funding, a project's contribution to NYS renewable energy goals and emission targets as defined in the CLCPA.

§ 15. Amends GMU § 859-a (adds new subdivision (7)) **to require IDAs to consult with NYSERDA in calculating PILOTs for renewable energy projects.**

[NYSERDA Structure]

§ 16. Amends Public Authorities Law (PBA) § 1852 (adds language to subdivision (2)) to add to the NYSERDA Board 1) the chair of NYS Urban Development Corporation, and 2) an expert in renewable

energy facilities who is not employed by a generator and has not been employed by a generator for three years preceding, to be appointed by the governor and confirmed by the Senate.

§ 17. Amends PBA § 1854 (adds language to opening paragraph) to require NYSERDA to work with the Department of Economic Development and NYS Urban Development Corporation to develop and invest in new energy technologies and projects.

[NYSERDA Site Procurement]

§ 18. Amends PBA of Article 8 (adds new title 9-b) **to establish a “Clean Energy Resources Development and Incentives Program.”**

§ 1900. Legislative intent.

1. Expedite siting major projects to meet the CLCPA goals;
2. Incentivize re-use of previously developed sites; and
3. Support host community benefits.

§ 1901. Definitions.

6. Major Renewable Energy Facility: as defined by subdivision (6) [assume typo – should be subdivision (7)] of § 453 of the EDL and facilities intending or anticipating being considered as major renewable energy facilities pursuant to subdivision (5) of § 457 of the EDL. [see above]
8. **Build-Ready Site: NYSERDA has secured – permits, property interest, agreements necessary to offer site for further development, and construction and operation.**

§ 1902. Power and Duties. NYSERDA to work with the NYS Urban Development Corporation to:

1. **a) Locate, identify and asses suitable sites for renewable energy including “build-ready sites”** in consideration of i) natural conditions, ii) current land use, iii) environmental conditions, iv) transmission availability/constraints, v) storage development potential, vi) impact to disadvantaged communities, vii) commercial site interest.
b) Give priority to existing or abandoned commercial uses.
2. **Enter into agreements to secure rights and interests for favorable sites.**
3. **Establish procedures and protocols for “build-ready sites.”**
4. **Secure permits to establish “build-ready sites” for transfer to developers.**
5. **Establish program for competitive process to transfer development rights for “build-ready sites,” including host community benefits negotiated by NYSERDA.**
6. **Establish program(s) for host community incentives, which may include negotiation of PILOT agreements by NYSERDA.**
7. **Procure services of consultants, engineers and attorneys.**
8. **Establish job training programs in the local area of “build-ready sites” with special attention to disadvantaged communities.**
9. Allocate and spend monies to further this program.
10. Offer financing or other incentives to eligible developers, when beneficial.
11. Receive assistance from other state agencies to further this program.
12. Exercise powers and take all actions deemed necessary to further this program.

§ 1903. Eligibility. NYSERDA may establish eligibility and evaluation criteria.

§ 1904. Funding. NYSEDA may seek funding and petition the PSC to further this program.

[Transmission Study and Upgrades/Investments]

§ 19. Unconsolidated Law to establish the “State Power Grid Study and Program.”

1. Definitions.
 - d) “Distribution upgrade” means new distribution facility or modification to distribution level power grid in a utility service territory.
 - e) “Local transmission upgrade” means new transmission (Tx) facility, upgrade to Tx facility as defined by NYISO, or modification to Tx facility in a utility service territory.
 - f) “Bulk transmission investment” means a new Tx facility or modification to state’s bulk Tx grid, including alternating current, high voltage direct current, **and submarine Tx facilities.**
2. **“Power Grid Study” shall address distribution and local upgrades for each utility service area, and separately, bulk Tx investments necessary to meet CLCPA goals. Undertaken by DPS in consultation with NYSEDA, NYPA, LIPA, NYISO, and utilities, with an initial report of findings and recommendations within 270 days of effective date of this section.**
3. DPS shall commence a proceeding within 30 days of initial findings to **establish a “State Distribution and Local Transmission Upgrade Program”** (capital plan) for each utility, with a prioritized schedule. LIPA shall establish a concurrent capital program.
4. DPS shall commence a proceeding within 30 days of initial findings to **establish a “State Bulk Transmission Investment Plan,”** identifying projects which shall be completed expeditiously. The plan shall be periodically reviewed and updated. The plan shall be submitted to the NYISO to be incorporated into the NYISO’s studies and plans.
5. **The legislature finds it is appropriate for NYPA, subject to trustee approval, by itself or in collaboration with other parties, to develop bulk Tx improvements identified by study.**
6. For distribution and local program, upgrade implementation shall be pursuant to existing processes under PSL. **DPS shall make recommendations to LIPA for upgrades.**
7. No later than January 1, 2023, and every 4 years after, issue a comprehensive review of actions taken pursuant to this section.
8. NYPA and NYSEDA are authorized to contribute to cost of Power Grid Study.
9. NYPA is authorized to use existing rights-of-way when undertaking investments.
10. Nothing in this section intended to limit existing authority of NYPA.

[Community Benefit Programs]

§ 20. Unconsolidated Law to establish “Host Community Benefits.”

1. Definitions.
 - a. “Renewable owner” means owner of renewable energy facility constructed after the effective date of this section, for which NYSEDA has executed a REC agreement after the effective date of this section.
2. **PSC shall commence proceeding within 60 days of effective date of this section under which renewable owners would fund a program to provide a discount or credit on utility bills of customers in host community, or a compensatory or environmental benefit to such customer. LIPA shall establish a similar program.**

[PSC Transmission Determination Parameters]

§ 21. Amends PSL § 123 of Article 7 (strikes language from subdivision (3) and adds new subdivision (3)(a)(b)&(c)) to remove the 6-month requirement for final determination of a transmission certificate application in Lewis County, and instead requires determination within 12 months, with provisions allowing for extensions. The PSC shall also establish an expedited process (determination within 9 months) for transmission constructed within existing rights-of-way.

§ 22. Amends PSL § 126 of Article 7 (rewords subdivision (1)(c)&(d) and adds new subdivision (h)) to change the PSC's determination for an Article 7 certificate that requires a facility "represents the minimum" to instead require a facility "minimizes to the extent practicable any significant" adverse environmental impacts or adverse impacts on active farming operations. Also, to allow for expeditious determination of NYPA bulk Tx investments as identified in the State Bulk Transmission Investment Plan.

[State land purchasing]

§ 23. Unconsolidated Law notwithstanding PSL § 2879-a and § 2897 to allow NYPA, LIPA and NYSERDA to negotiate and enter into agreements for real property.

[DEC Species mitigation]

§ 24. Amends Environmental Conservation Law (adds news § 11-0535-c) **to establish the "Endangered and Threatened Species Mitigation Bank Fund."**

1. Authorizes DEC to utilize funds to achieve a "net conservation benefit" to species impacted by renewable energy facilities or other jurisdictional activities.
2. **Fund shall consist of contributions, at levels determined by DEC, deposited by applicants seeking permits or already given approval for renewable projects which may impact species.**
3. DEC may enter in contracts for services and/or allow a nonprofit to administer grants in administering these services.
4. Nothing in this section intended to limit existing authority of DEC.
5. Regulations may be promulgated by DEC to implement this section.

§ 25. Amends State Finance Law (adds new § 99-hh) to establish an Endangered and Threatened Species Mitigation Bank Fund in the joint custody of the State Comptroller and Commissioner of Taxation and Finance, with contribution levels established by DEC.

§ 26. Severability.

§ 27. Takes effect immediately.