

Summary/Description of new Article 10 PSA

New Energy Siting Law

An important element of increasing the availability of new power generation is enacting a simplified regulatory process to site new power plants. Power NY would reestablish the siting process under Public Service Law Article X, which expired on January 1, 2003. Under the expired siting law, facilities sized 80 MW or larger were handled by a multi-agency siting board that included public representatives. Currently, developers must deal with multiple levels of government, the jurisdiction of multiple agencies, and various protocols.

Since the expiration of Article X there have been various efforts to enact a power plant siting law. The new version of Article X reinvigorates and streamlines the licensing process for the siting of energy sources 25 megawatts or larger in a manner that will meet the energy and reliability needs of the state's energy consumers. The revised law would provide for enhanced community input in siting decisions and provide additional studies related to environmental justice. It would also provide for the collection of more information than the prior-version of Article X while maintaining the 12-month application review period that existed under the prior law. The law would require that any new facility meet all applicable air emission requirements, and provides the department of environmental conservation with explicit authority to adopt regulations to target reductions in carbon dioxide. A new 6-month application review is possible for modified or repowered facilities that reduce total annual emissions on-site.

Many parties would be entitled as of right to participate in the Article X site selection review process, including the applicant, several involved state agencies, the municipality where the facility is to be sited and other municipalities that may have an interest in the proceeding, any individual resident in such municipality, any not-for-profit organizations, including those that represent commercial and industrial groups, that are devoted to a number of interests, including protection of the environment and human health, and promotion of consumer interests. The new law, moreover, would provide a significant funding mechanism for local interested parties residing in the community that may want to participate in the proceeding but lack sufficient funds.

In sum, the new Article X would provide greater certainty to the regulated community by providing a time-certain review process by a multi-agency board capable of granting all necessary permits, and would provide more meaningful input from those impacted by the siting of a facility.