

Legislators Applaud Gov's Power Plant Siting Bill

BY JOHN TOSCANO

Governor Eliot Spitzer's efforts to create a new power plant siting law which includes enhanced environmental, public health and community protections were applauded last week by Assemblymember Michael Gianaris and his upstate colleague, Assemblymember Kevin Cahill.

In a letter to the governor, Gianaris and Cahill pointed out that "under the previous administration, New York consistently took a hands-off approach when it came to energy issues, resulting in skyrocketing costs for consumers and irreparable damage to our environment and public health".

Gianaris (D-Astoria), who has sponsored laws aimed at producing cleaner power, stated: "By moving to put in place an effective power plant siting law in New York, Governor Spitzer is filling a larger vacuum left by George Pataki." Pataki, the three-term Republican governor, was succeeded by Spitzer.

Gianaris noted, "As the issue of power plant siting is finally addressed, it is critical that the resulting law contain important protections for communities already burdened with an excessive number of power plants, as well as improved air quality and diminish our reliance on foreign oil by encouraging repowering projects and the development of alternate energy sources."

Gianaris' Astoria/Long Island City district includes some 10 power plants that



Assemblymember Michael Gianaris

produce about half of New York City's electrical power. The laws he authored provide for retooling older plants to generate cleaner and cheaper power.

For more than four years, New York state has been without an energy planning and power plant siting law, the lawmakers pointed out. They said the governor has put forth his Clean Energy Power Supply Act that seeks to balance the state's needs for newer, cleaner and more efficient power generation while also addressing the potential health and environmental impacts on the communities where new



Governor Eliot Spitzer

plants are proposed.

The governor's legislation, they said, would protect the environment and public health by excluding damaging sources of pollution from the expedited siting process, requiring a cumulative assessment of the pollution impact on surrounding areas where a new project is proposed and providing critical funding to pay for legal services for community groups interested in participating in the siting proceedings.

However, Gianaris and Cahill said, there are still some outstanding issues that

must be addressed. These include:

- Considering how many power plants already exist in a particular community.
 - Requiring an environmental justice analysis to protect low-income communities that are traditionally burdened with industrial facilities.
 - Use of 100 percent local pollution offsets to mitigate the impact of new repowered facilities.
 - Increasing intervenor funds to reflect the actual costs of hiring experts to help communities engage in the siting process.
 - Creating a standardized public participation process, rather than allowing the power companies to define the level of public involvement.
 - Requiring full disclosure of all agency consultations with power companies prior to the official review process.
 - Imposing a sunset provision that would allow for an assessment of the effectiveness of the new law and the inclusion of provisions that reflect the advancement and availability of new techniques.
- The lawmakers concluded their letter to Spitzer by saying: "We believe that reforming Article X [the present process] presents a unique opportunity for New York to advance an energy policy that promotes affordability and efficiency while at the same time protecting the environment and public health and positioning our state as the leader in clean, renewable power."

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