

STATE OF NEW YORK

9127

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Energy

AN ACT to maintain the continued viability of the state's existing biomass facility which is located within a military installation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds and determines that:

3 Since the inception of New York's renewable energy policy, beginning
4 with the Public Service Commission's order approving the Renewable Port-
5 folio Standard (RPS) in 2004, biomass has been considered a renewable
6 resource and has been helping New York advance towards its renewable
7 energy targets for nearly two decades;

8 To date, New York's renewable energy programs have supported two biom-
9 ass projects totaling 69.3 megawatts;

10 To further promote and incentivize the development of renewable ener-
11 gy, New York state recently adopted the Climate Leadership and Community
12 Protection Act (CLCPA), which, among other things, mandates that, by
13 2030, 70% of electricity consumed in the state will come from renewable
14 energy systems and 100% of such electricity be zero-emitting by 2040;

15 Unlike the state's previous programs, the CLCPA excluded bioenergy
16 from the definition of "renewable energy systems," thus eliminating
17 financial program support for biomass facilities upon expiration of
18 existing contracts;

19 Today, while the Climate Action Council, as established by the CLCPA,
20 continues to debate the role of bioenergy in New York's policies, New
21 York's last remaining utility-scale biomass facility, located within a
22 military installation, faces closure in 2023 upon expiration of the
23 current Renewable Energy Credit (REC) contract with the New York State
24 Energy Research and Development Authority;

25 In addition to the environmental benefits of biomass that have been
26 repeatedly proven since the establishment of the RPS in 2004, New York's
27 single biomass facility located within a military installation provides
28 100% of Fort Drum's electricity, providing energy security and resilien-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 cy. It sells its excess electricity to the grid, supports more than 300
2 direct and indirect jobs, and has annual spending of over \$25 million
3 annually; and

4 Finally, the overlying intent of this act is to allow for the contin-
5 ued operation of New York's last remaining utility-scale biomass facili-
6 ty, which is located within a military installation, through the exten-
7 sion of the existing REC contract until November 30, 2034 or until other
8 compensation for the attributes associated with electricity generation
9 via biomass is available.

10 § 2. Notwithstanding any other law, rule, regulation or order to the
11 contrary, any existing electric generating facility located within a
12 military installation and that utilizes untreated, uncontaminated, and
13 source-separated biomass that is woody or herbaceous matter grown for
14 the purpose of being consumed as an energy feedstock and that is
15 harvested using sustainable forest management practices and guidelines
16 as outlined by the department of environmental conservation shall be
17 deemed a renewable energy system within the renewable energy program as
18 established by the public service commission by its order adopting or
19 modifying the clean energy standard; provided that such designation
20 shall be in effect until November 30, 2034 or until there is available
21 other compensation for the attributes associated with the electricity
22 generation of an existing biomass facility located within a military
23 installation sufficient to ensure continued operation of such facility;
24 and further provided that any existing renewable energy credit contract
25 currently in force between the New York state energy research and devel-
26 opment authority and such a facility shall be extended until such date.

27 § 3. This act shall take effect immediately.