

# STATE OF NEW YORK

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4566

2023-2024 Regular Sessions

## IN SENATE

February 10, 2023

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Introduced by Sens. PARKER, HELMING -- read twice and ordered printed,  
and when printed to be committed to the Committee on Energy and Tele-  
communications

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

The People of the State of New York, represented in Senate and Assem-  
bly, 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;

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

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1 In addition to the environmental benefits of biomass that have been  
2 repeatedly proven since the establishment of the RPS in 2004, New York's  
3 single biomass facility located within a military installation provides  
4 100% of Fort Drum's electricity, providing energy security and resiliency.  
5 It sells its excess electricity to the grid, supports more than 300  
6 direct and indirect jobs, and has annual spending of over \$25 million  
7 annually; and

8 Finally, the overlying intent of this act is to allow for the continued  
9 operation of New York's last remaining utility-scale biomass facility,  
10 which is located within a military installation, through the extension  
11 of the existing REC contract until November 30, 2034 or until other  
12 compensation for the attributes associated with electricity generation  
13 via biomass is available.

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

31 § 3. This act shall take effect immediately.