STATE OF NEW YORK

4566

2023-2024 Regular Sessions

IN SENATE

February 10, 2023

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

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:

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

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

To date, New York's renewable energy programs have supported two biomass projects totaling 69.3 megawatts;

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

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

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

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

LBD07855-01-3

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

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

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

§ 3. This act shall take effect immediately.