BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

JOINT LEGISLATIVE HEARING
In the Matter of the
2023-2024 EXECUTIVE BUDGET ON
AGRICULTURE/ENVIRONMENTAL CONSERVATION/
ENERGY

Hearing Room B
Legislative Office Building
Albany, New York

February 14, 2023
9:35 a.m.

PRESIDING:

Senator Liz Krueger
Chair, Senate Finance Committee

Assemblywoman Helene E. Weinstein
Chair, Assembly Ways & Means Committee

PRESENT:

Senator Thomas F. O'Mara
Senate Finance Committee (RM)

Assemblyman Edward P. Ra
Assembly Ways & Means Committee (RM)

Senator Pete Harckham
Chair, Senate Committee on
Environmental Conservation

Assemblywoman Deborah J. Glick
Chair, Assembly Committee on
Environmental Conservation

Senator Michelle Hinchey
Chair, Senate Committee on Agriculture

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PRESENT: (Continued)

Assemblywoman Donna A. Lupardo
Chair, Assembly Committee on Agriculture

Senator José M. Serrano
Chair, Senate Committee on Cultural Affairs, Tourism, Arts and Recreation

Assemblyman Daniel J. O'Donnell
Chair, Assembly Committee on Tourism, Parks, Arts and Sports Development

Assemblywoman Didi Barrett
Chair, Assembly Committee on Energy

Assemblyman Harvey Epstein

Assemblywoman Patricia Fahy

Assemblyman Robert Carroll

Senator Dan Stec

Assemblyman Steven Otis

Assemblyman Robert Smullen

Assemblyman Patrick Burke

Senator Peter Oberacker

Assemblywoman Amanda Septimo

Assemblywoman Jennifer Lunsford

Senator Mario R. Mattera

Assemblywoman Jodi Giglio

Senator Rachel May

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Assemblywoman Carrie Woerner

Senator John Liu

Assemblyman Billy Jones

Assemblywoman Marianne Buttenschon

Senator George M. Borrello

Assemblyman Chris Tague

Senator Mark Walczyk

Assemblyman Chris Burdick

Assemblyman John Lemondes

Assemblyman William Conrad

Assemblywoman Jessica González-Rojas

Assemblyman Matthew Simpson

Assemblyman Brian Manktelow

Senator Patricia Canzoneri-Fitzpatrick

Assemblyman Zohran K. Mamdani

Assemblywoman Aileen M. Gunther

Assemblyman Keith P. Brown

Assemblyman José Rivera

Assemblyman Khaleel M. Anderson

Assemblywoman Dr. Anna R. Kelles

Assemblyman Fred W. Thiele, Jr.

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Senator Kristen Gonzalez

Assemblywoman Sarahana Shrestha

Senator Andrew Gounardes

Senator Anthony H. Palumbo

Assemblywoman Dana Levenberg

Senator Julia Salazar

Assemblywoman Grace Lee

Senator Jessica Ramos

Assemblywoman Stefani Zinerman

Assemblywoman Jo Anne Simon

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CHAIRWOMAN KRUEGER: Good morning, everyone. We're about to start, although we're hoping our two first panelists are actually here, our Parks commissioner and our Agriculture commissioner. I know Parks was already here. So come on down. And Richard -- oh, good, Richard Ball is also here. Great.

Good morning. Good morning, everyone. Hi. I am Senator Liz Krueger, chair of the Finance Committee, and I am joined by many legislators and, perhaps most importantly for budget hearings, my friend and colleague Assemblywoman Helene Weinstein, who's the chair of Assembly Ways and Means.

And we get this question all the time. In Senate it's finance, in the Assembly it's Ways and Means, but basically both committees have the same constitutional requirements on them. Somebody just picked different names at some point in history.

All right. We take turns in running these budget hearings, and today's hearing is the seventh of 13 hearings. I just want to

quickly go over a couple of the rules of the road for all our hearings. First, if you're not speaking, please remain quiet. That's legislators and our guests in the audience.

Second, the government representatives will be getting 10 minutes to testify, and then the legislators will be able to ask questions. The chairs of the relevant committees for that panel also get 10 minutes to ask questions; ranking members get five minutes; and all other legislators get three minutes. We go back and forth between the Senate and the Assembly until we complete that particular testifier or panel's questions.

I want to make an opening statement, and then Helene and I will introduce the members with us today.

So again, good morning. Today is the seventh of 13 hearings conducted by the Legislature regarding the Governor's proposed budget for the state fiscal year '23-'24. Today's hearing will cover environmental conservation and related toppings -- topics.

Toppings? Hmm. We'll leave that where that lay.

These hearings are confidential -- are conducted -- the contact lenses didn't go in right this morning, clearly. These hearings are conducted pursuant to the New York State Constitution and Legislative Law. Today the Senate Finance Committee and the Assembly Ways and Means Committee will hear testimony from the Department of Environmental Conservation, the Office of Renewable Energy Siting, the Office of Parks, Recreation & Historic Preservation, the Department of Agriculture & Markets, the Public Service Commission, the New York State Energy Research and Development Authority, usually known as NYSERDA, and the New York State Power Authority, or NYPA.

Following each testimony or panel, there will be some time for questions from the chairs and other legislators who are members of the relevant committee. Unfortunately, people who are not on the relevant committees don't have an opportunity

to ask questions because these hearings aren't allowed to go three weeks each, they can only go one day each.

I will now introduce members of the Senate, and Assemblymember Helene Weinstein, chair of the Assembly Ways and Means Committee, will introduce members from the Assembly.

In addition, Tom O'Mara, ranking member of the Senate Finance Committee, will introduce members of his conference, as well as Assemblyman Ra for the Assembly Republicans.

I just want to highlight that there are quite a few chairs involved with today's hearing, so we have the chair on Environmental Conservation, Senator Pete Harckham; chair on the Committee on Agriculture, Senator Michelle Hinchey; chair of the Committee on Energy and Telecommunication, Senator Kevin Parker -- who I think is still on his way -- chair of the Committee on Cultural Affairs, Tourism, Parks and Recreation, José Serrano. And I'm

just checking who else might be here as a Senate Democrat. Ah, Senator Rachel May is here with us already. And any other Democratic Senators? And Senator John Liu, who is always here. I don't think he ever misses a hearing.

(Laughter.)

CHAIRWOMAN KRUEGER: Well, I mean, he goes home at night. But he's here for the hearings.

(Laughter.)

CHAIRWOMAN KRUEGER: Assemblymember Helene Weinstein.

CHAIRWOMAN WEINSTEIN: Thank you.

We have our chair of our EnCon Committee, Assemblywoman Glick; chair of our Agricultural Committee, Assemblywoman Lupardo; chair of our Energy Committee, Assemblywoman Barrett. And we have Assemblyman Burke, Assemblyman Epstein, Assemblywoman Fahy, Assemblyman Jones, Assemblywoman Kelles, Assemblywoman Lunsford, Assemblyman Mamdani, Assemblyman Otis, Assemblyman Rivera, Assemblywoman Septimo,

Assemblyman Thiele, Assemblywoman Woerner. And I imagine we will, as the day goes on, have other members.

Assemblyman Ra, if you would like to introduce your colleagues.

ASSEMBLYMAN RA: Thank you. Good morning, everybody. We are joined right now by Assemblyman Tague, our ranker on Agriculture; Assemblyman Simpson, our ranker on Environmental Conservation; and Assemblymembers Manktelow and Lemondes.

CHAIRWOMAN KRUEGER: And Senator Tom O'Mara, for the Republicans, please.

SENATOR O'MARA: Thank you. Good morning, everyone. On our side we have Senator George Borrello, our ranking member on the Agriculture Committee; Senator Mario Mattera, ranking member on the Energy Committee; Senator Dan Stec, ranking member on the Environmental Conservation Committee.

We have Senator Peter Oberacker, Senator Mark Walczyk, Senator Patricia Canzoneri-Fitzpatrick. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And before we start with our first panel, I just want to remind everyone of a couple of the rules. I already listed the amount of time everyone gets. But I want to highlight for people, particularly the legislators, when you ask a question and you're looking at your clock, you have to leave time for them to answer during that clock as well.

So sometimes legislators will get overly excited and offer a 2 minute and 45 second question. That means you have 15 seconds to answer, and that's just not very realistic for you on the panel. So we are hoping everybody will understand that clock is for all of us, both the questioner and the answerer.

And very often Helene and I may need to say, to the people on the panel, you know, there's just not enough time for that answer, we hope you will get the answer to us in writing. If you send it to both Helene and I -- this is anybody testifying today -- we will make sure to distribute it to all

members of the committees so that you will have an opportunity to think through your answer and not feel you can answer a seven-minute question with 14 seconds, because probably you can't.

I also want to highlight that because this is a large hearing as far as the number of people testifying, there will be quite a few legislators who want to be here. The chairs on the far right and the far left in the front row have signs on them saying they are for people who need a place to ask their question from and don't have a place with a microphone. So yes, there are members who are welcome to sit there for now, but if somebody needs to ask a question, they may ask you to stand up for them while they take your seat and ask their question with a microphone in front of them.

I also want to just point out there are no PowerPoint presentations, placards or signs permitted in the hearing room. And that's for testifiers, people in the audience, or legislators. Because we try to

keep these hearings moving professionally and with respect for everyone who came here, signed up to testify and are hoping for their opportunity to present.

I think, with that, I've covered the basic rules of the road. Oh, thank you. Helene's pointing out we have a gavel. We can use it. We haven't yet, but we can. And each day we point out -- she thinks we're going to hit the table. I might hit the legislator, I'm just saying.

(Laughter.)

CHAIRWOMAN KRUEGER: So we really do hope that everybody will try to stick with the rules. No, I will not hit the people in the audience, don't worry.

All right. Now, with that, our first panel is the New York State Office of Parks, Recreation & Historic Preservation, Erik Kulleseid, and Richard Ball, New York State Department of Agriculture & Markets commissioner. And I guess we'll start with Erik, if that's all right.

PARKS COMMISSIONER KULLESEID: Thank

you. Is my mic on? Yes. Good morning, Chairmember Krueger, Chairmember Weinstein, Senator Serrano, and members of the State Legislature. Thank you for inviting me to appear today before you.

As you know, I am honored to represent Governor Hochul on behalf of our state park system, which includes 250 state parks, historic sites, golf courses, boat launches, and recreational trails. Your longstanding support for our operational and capital funding has benefited so many New Yorkers. We continue to modernize and improve our facilities and programming in every corner of the state.

And our visitors are noticing what's happening, thanks to your support. We hosted a record 79 million visitors in 2022, reflecting more than a decade of solid attendance growth.

The Governor's proposed budget for the agency will help us welcome these visitors, play a positive role in local economies, and address the challenges of a changing climate.

The proposal includes $200 million in capital funding to invest in enhancing and improving state parks. This substantial level of funding will continue the ongoing transformation of New York's flagship parks, support critical infrastructure projects, and help meet Governor Hochul's overall goal of powering our facilities with 100 percent renewable energy by 2030.

Highlights of stuff that we've done over the past year with these resources:

We opened a new state park in Kingston, Sojourner Truth State Park, our first new state park since 2019.

We completed our first Hudson Eagles Recreation Area project in Coxsackie, enhancing access to the Hudson River.

We transformed Marsha P. Johnson State Park on the East River in Brooklyn.

We improved access and upgraded natural and engineered stormwater management infrastructure at Hempstead Lake State Park on Long Island.

We have rehabilitated 17 miles of the

Genesee Valley Greenway, from Rochester to Avon, with funding from DOT and a foundation.

And we reopened the Philipse Manor Hall State Historic Site following the largest investment in a historic site in our history -- a part of our commitment to more fully tell the story of the diversity of our great state. I was grateful to be joined at the opening by Governor Hochul, Senate Majority Leader Stewart-Cousins, Assembly Parks Committee Chair Danny O'Donnell, Senator Shelley Mayer, and Assemblymembers Gary Pretlow and Nader Sayegh.

More work is in the pipeline going forward, including major investments in Niagara Falls State Park, Denny Farrell Riverbank State Park in Harlem, the Olana State Historic Site in the Hudson Valley, and John Jay Homestead State Historic Site in Westchester County.

It takes a dedicated and committed team to make such work possible, and I am grateful that the new executive proposal enhances our agency workforce to support a

new and expanded Park Police Academy class, the Environmental Bond Act, the Empire State Trail, park administration and site operations. These positions will build on our work to recruit and retain a skilled workforce.

Last year, Governor Hochul increased pay to attract ever-harder-to-find lifeguards, which allowed us to get through last swimming season successfully. And we are also holding our first Park Police Academy -- right now -- since 2018 to ensure that parks can offer a safe and secure experience to our visitors. We added a wage premium to our Park Police working in higher-cost regions downstate, successfully expanded our reimagined Park Ranger program, and increased our seasonal staff pay rates.

The budget proposal protects and enhances our state's historic heritage as well. Over the last decade, the state has approved rehabilitation commercial tax credits for more than 1,200 historic properties, driving almost $15 billion --

$15 billion -- in private investment. Projects spurred by the credit help lift local economies, expand housing, promote sustainability, and preserve the heritage of our communities.

The state share of this tax credit expires after 2024, but the Executive Budget extends it through 2029, giving investors the confidence they need to develop future projects.

Our Historic Preservation staff last year also awarded more than $9 million in historic preservation grants, processed more than 800 applications for homeowner tax credits, and reviewed 95 nominations to the state and national registers for historic places. We also hired our first-ever interpreter of Native American history.

And we launched New York State's Historic Business Preservation Registry -- thank you to Senator Serrano and to Assemblymember O'Donnell -- which allows members of the Legislature to recognize and honor businesses that are 50 years or over.

There are currently 116 businesses listed on the registry, and we are looking at ways to accommodate expansion of that list.

Still, our park system faces significant challenges ahead, including ongoing human-induced climate change, which is causing more extreme weather across New York. This past summer was one of the warmest and driest on record, which helps account for high visitation, but it manifested itself in several ways at state parks -- numerous wildflowers -- wildfires. We have wildflowers too, but we're talking wildfires, and the growth of harmful algal blooms in our lakes and water bodies.

Our facilities experienced 94 beach closures due to HABs, including a summer-long outbreak that closed all swimming areas at Lake Welch at Harriman State Park, a key location for outdoor recreation by metro New York City residents.

Losing the swimming season at Lake Welch underscores how climate change exacerbates unequal access, particularly for

voiceless or marginalized communities, to outdoor recreation and places to cool off. Projections call for this only to become worse.

That is why it was so gratifying to see overwhelming public support for the $4.2 billion Environmental Bond Act, some of which will go towards making our facilities more resilient to climate change and sea-level rise. This is particularly important for Parks, as we are the largest owner of shoreline in the State of New York.

Our staff is deeply involved in an inter-agency working group established by the Governor to identify environmental funding needs across the state for the Bond Act. The group is making great progress developing program logistics, including how projects will be selected and how funds will be delivered through a transparent and collaborative process.

And in between all this, the staff is planning for the upcoming 2024 centennial anniversary of the State Parks Act -- yes,

100 years ago, that legislation forged the New York State Park system. We have another amazing century ahead of us.

Together, and with your support -- which has always been strong -- we will continue these initiatives to make New York's parks, historic sites and other facilities into a system that serves the needs of all of our communities, while protecting our natural environment and historic heritage. I invite you all to come out and see for yourselves what we're doing.

Thank you for your time.

CHAIRWOMAN KRUEGER: Commissioner Ball.

AG & MARKETS COMMISSIONER BALL: Good morning, Chair Krueger and Chair Weinstein, Senator Hinchey, Assemblymember Lupardo, members of the Ag Committees, and elected officials. I'm honored to present my testimony on the fiscal year 2024 Executive Budget for the Department of Agriculture & Markets.

This year's Executive Budget

recommends nearly $297 million for the department, allowing us to continue to work towards our core mission and build exciting new programs that will boost New York agriculture. The proposed budget makes significant investments in the industry by focusing on strengthening the food supply chain and securing food production here in New York State.

This includes the Governor's bold proposals for a refundable investment tax credit to encourage modernization of New York's farms and initiatives to increase demand for New York State foods. The Governor has proposed making the 20 percent Investment Tax Credit for farmers a reimbursable refund for five years. This will provide an incentive for additional on-farm production investment.

Building off the success of initiatives like Farm to School, the 30 percent New York State Initiative, and Nourish New York, the Governor will set a goal to expand institutional and agency

buying of New York State food to 30 percent by 2028. We currently spend almost $4 million a year on New York food. This effort would aim to procure and purchase nearly $400 million worth of food from our farmers.

The Governor also announced a $50 million investment over five years to support "scratch" cooking facilities, with $10 million dedicated this budget year. This will help encourage the use of fresh New York State farm products in meal preparation for K-12 children, help reduce food insecurity, increase market opportunities for New York's producers, and strengthen the resiliency of our state's food system.

Understanding that labor is a critical component of the supply chain, the Governor has pledged to build a strong agricultural workforce and address the food supply workforce shortage. This year's Executive Budget includes $1 million to support ag workforce development. The department will work to identify internships

and apprenticeships for young people and those interested in a second career in agriculture. It will connect our workers, including migrant individuals and asylum-seekers, directly with industry opportunities.

The Governor also proposed providing additional funding in this year's budget to the Urban Farms and Community Gardens Grant Program and the Farmers' Market Resiliency Grant Program. Supporting community growing spaces such as community gardens, school gardens, and urban farms will help make local food accessible to more residents.

Building on last year's budget, the Governor has committed additional funding to bring more opportunities in agriculture to New Yorkers in historically marginalized groups. She has proposed funding for Black Farmers United and the Minorities in Agriculture, Natural Resources and Related Sciences Grant Program to continue to address underrepresentation in the industry. In addition, the Executive Budget includes

$13.5 million for our Agribusiness Child Development Centers, allowing ABCD to expand education, health, and nutrition services to the children of migrant farm families in 13 different centers around the state.

Governor Hochul has proposed $5 million again this year to continue to support the Companion Animal Capital Fund. This program provides animal shelters funding to make critical upgrades that enhance care for our dogs and cats.

The Great New York State Fair will receive a proposed $14 million investment under the Executive Budget. This will support infrastructure projects on the fairgrounds, such as reconstructing the Milk Bar, building out the Greenhouse Educational Center, and more. These improvements will help us to build on the Governor’s goal to make the fair a real showcase of New York agriculture.

Additionally, the Executive Budget includes $2 million in marketing funds for our county fairs.

Further supporting the agricultural industry, the Executive Budget proposes nearly $48 million in local assistance for key programs focused on research, education, and marketing.

The Governor also has pledged her commitment to aggressively tackle climate change and protect the environment. With her proposal of a $400 million investment in the Environmental Protection Fund, we will see the continued funding of several critical programs, including Farmland Protection, Cornell Soil Health, the Soil and Water Conservation Committee, and the Climate Resilient Farming program.

Agriculture is most certainly part of the solution when it comes to combating climate change. These programs will not only help us reach our goals but will also spur growth on our farms.

We have a lot to be proud of when it comes to New York agriculture, yet there is so much more work to be done. We look forward to hearing your priorities and

working with you to strengthen the agricultural community.

So thank you.

CHAIRWOMAN KRUEGER: Thank you. Appreciate it.

Our first witness -- no, excuse me, our first testifier is Chair Michelle Hinchey for Agriculture.

SENATOR HINCHEY: Thank you very much.

And thank you both for being here today and for your testimony and for your work in the State of New York.

I want to take a moment and set the stage a bit for what we're talking about here when we talk about agriculture, especially as it pertains to the environment. We all know that we have a climate crisis and unfortunately, even if we hit the goals of the CLCPA tomorrow, we have still done irreparable damage to our planet. So we are going to continue to see primarily our agricultural states across the state -- Florida under water, California on fire and facing droughts, and the Midwest facing

severe droughts. Which sets up New York and the Northeast, but New York to be the breadbasket of our country once again, the way we were in the founding of our country.

And so protecting our farmland and our agricultural businesses is critically important because if we don't, we are not only going to be in a food crisis here in our state but across our country, which also then in turn turns into a national security risk if we are dependent on an international food supply. So making sure that we have a strong, robust and growing agricultural economy here in our state is critically important.

So my questions, Commissioner Ball, are directed to you. In the Executive Budget there was funding cut for what I think are critical research programs. And as we know, we are going to have to be investing in more agricultural research here in New York.

Would you say that this funding is important for what we do and for the future of agriculture?

AG & MARKETS COMMISSIONER BALL: Well, as I look at our budget for agriculture, you know, the Executive Budget met or exceeded what we had last year. Obviously there was a lot of programs, and that's why we're having these hearings today. We allow the Legislature to take a look at priorities in their districts and their areas, and what they're hearing from their constituents.

So it's definitely a process, and we certainly look forward to engaging with you on that process.

I have to say, you know, the last two years as commissioner of Ag, I've gotten the largest budgets for the Department of Agriculture in the history of New York State. So I think the commitment by the Governor and from all of you is testimony to what we've been able to accomplish together.

I do hear, you know, the needs for research. You know, New York State, we're -- we have great research. We have great capacity here in the state with our SUNY land grant system and with our Cornell cooperative

extensions, best in the country.

The United States led the world in research for decades. We're now number three in the world, you know, behind China and behind Brazil. And that concerns me on a national level, not just the state level.

SENATOR HINCHEY: Thank you.

I want to turn to hemp for a moment, a word that I'm sure instills shudders for many of our farmers across the state. Our farmers are early adopters, as we'll talk about in a moment, but specifically for hemp, this is a commodity that is incredibly exciting. This is a crop that can be put into building materials, it can remove plastics from our world, create truly sustainable paper, and so many more things.

And many of our hemp farmers years ago, when we pushed for hemp in this new exciting market, ended up stuck with millions and millions of dollars of product in their warehouses with nowhere to sell it. Now, through the MRTA, I think we have an exciting opportunity to make that right and to help

many of our hemp farmers. But what we hear is that the lack of processing and manufacturing was a big part of why that industry failed a few years ago.

Can you a talk a little bit about -- would you say that is correct? And can you talk a little bit about the need for processing and manufacturing here in our state.

AG & MARKETS COMMISSIONER BALL: Well, sure. And thank you for that question.

I do continue to feel like hemp has a lot of potential for us in New York State and nationally. As you know, we had kind of amnesia about how to grow it after we banned its use, you know, a long time ago. We had to rediscover the genetics and rediscover all the things that we had learned back then.

Having said that, you know, the Farm Bill opened up an opportunity, a small window for us to kind of put our foot in the door. And I think we did that. And what followed, you correctly indicated, was a -- we had a national crash in the market. There

was just too much production and not enough place for it to go.

I am more optimistic about industrial hemp today because I think we're a more sober agricultural community, more sober expectations. I do agree that having the processing capacity here within the state is important. I think there is a great potential. I think hemp has over 2,000 different uses. You know, it's being used in dashboards on cars, concrete, you know, insulation, on and on. Paper products.

We have an organization -- we've organized, I should say, a group of industrial hemp producers and industry leaders at the department. And I walk in the room with those people and I come out pretty excited, pretty energized.

But I think we need to be sober, we need to be thoughtful, and we need to be careful about how we proceed. But certainly looking for more energy-efficient opportunities in the state broadly, you know, what hemp offers us is pretty significant.

SENATOR HINCHEY: Thank you. Yeah, there are companies -- as you mentioned car dashboards, there are companies in France that are actually making car dashboards out of hemp. And I believe that we should be the leader in that production here in the state before we lose it like we did development of solar panels across the ocean.

Agroforestry and climate-resilient farming. So our farmers are on the frontlines of the climate crisis and are already doing tremendous work in mitigating these impacts and doing even more than just the emissions that they create. Things we've been able to support, healthy soil practices, updating our soil health laws, for the first time since the Dust Bowl of the 1930s, just two years ago. But something that we don't talk that much about broadly is forest management. And many of our farms, as you know, have forests on their land.

Would it be helpful for our farmers to have a program to actually help them pay for and maintain the forests that are on their

land if we're capturing the carbon that those forests provide?

AG & MARKETS COMMISSIONER BALL: Sure, yeah. That's a great thought. I have to say that being a part of the Climate Action Council and chairing the Agriculture and Forestry Workgroup, I was pretty amazed at the opportunities -- I knew the opportunities in agriculture. I was amazed to really get into the details and the opportunities around forestry from our DEC partners.

That was a great workgroup -- 19 individuals, environmentalists, industry people, researchers, academics. And I have to say our partnership with SUNY ESF with that was pretty amazing. I'm going to defer to my colleague from the DEC on the fine details of that, but I do think there are incredible opportunities. Because there's wood lots on almost every farm, and there's a tremendous amount of privately owned forestland in New York State which could be managed to achieve carbon --

SENATOR HINCHEY: And not only would

it help meet our goals, but it would also help our farmers have another income supply to stay in business, right?

AG & MARKETS COMMISSIONER BALL: Yeah, absolutely.

SENATOR HINCHEY: Thank you. Anaerobic digesters. So something -- as I mentioned, our farmers have been early adopters in everything from cover cropping to new technologies and so much more. One of the things we don't talk much about also publicly in our environmental space is food waste and what we do with that food waste. As you know, years ago, even as far back as I believe 2000, farmers were putting in anaerobic digesters, but many of them are actually turning them offline now -- for a host of reasons, but primarily cost, I believe.

Can you talk a little bit about that and what we've done to both encourage use and how we could encourage that more?

AG & MARKETS COMMISSIONER BALL: I think we have to revisit that conversation

pretty heartily after our work over the last several years on the Climate Action Council.

There's a bunch of things kind of coming together; I think planets are aligning a little bit in the sky, perhaps. You know, we've had great commentary in our ag and forestry workgroup to support this thinking. We saw -- we have great examples of digesters on dairy farms in Western New York, utilizing Wegman's green waste in their facilities to help generate electricity.

A few years ago we partnered with DEC and with NYSERDA to help farmers build larger storages so that we weren't spreading manure on frozen ground or saturated ground. There was a great environmental benefit. But now we have an opportunity, as we look at carbon sequestration and energy needs, to look at this differently. So I think we've given new life to the methane digesters that we have. I think a lot of them need to be improved, updated, modernized and find a way to make them more economically viable for our farms.

SENATOR HINCHEY: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Before we go to questions, we've been joined by Assemblyman Anderson, Assemblywoman Giglio, Assemblyman Carroll, Assemblyman Conrad, and Assemblyman O'Donnell, chair of our Tourism Committee.

We go to Assemblywoman Lupardo, chair of our Agricultural Committee.

ASSEMBLYWOMAN LUPARDO: Thank you very much.

Good morning, Commissioners. It's a pleasure to see you both today. As chair of the Committee on Agriculture, I'm going to direct my questions to Commissioner Ball. Nice to see you. You're right, we've got another very good ag budget to work from. Very proud of the work that we've done to really highlight the importance of local food production in New York State. And certainly we've talked about how COVID certainly highlighted the vulnerabilities of our food supply chain. So many of the investments

that we're doing are designed not only to address the climate issues that were recently raised, but also to position New York State to really shore up our supply chain.

The question I have for you to start with has to do with process and capacity for the Department of Ag & Markets, as this is a budget hearing. The budget calls for 26 new FTEs, supposedly 20 going to address the Bond Act, three for urban farms and community gardens, and three to procurement for New York State agricultural producers. So my first question is going to be, is that accurate?

And my second question -- I might as well get them both in -- is last year we stood up 5 million toward meat processing, disadvantaged farmers for 5 million, new farmers for 4 -- or I think it was 4 and then 1 for new farmers. And now we're proposing more grants for scratch kitchens, food access.

So my question is, number one, are those FTEs accurate the way I've described

them? And two, do you have enough people to handle all the rest that we already have in the pipeline and the new suggested programs?

AG & MARKETS COMMISSIONER BALL: Yeah, well, thank you for that question.

Yes. Although they're not attached to the Bond Act, they're attached to the General Fund for us to bring inside.

So there's going to be 14 for programming and implementation of all the climate work that's in front of us in the current budget, but also in the coming Bond Act that we see coming. Six will be in fiscal to help get those things out the door.

I think that as we all know, COVID-19, we still have a bit of a hangover from that. The agency at Ag & Markets certainly suffered from some of the same maladies as the private industry and other agencies. We were -- before we entered into COVID-19, we were down 41 of our full-time equivalents at the agency, and obviously we went through a tough time. We still had to do the work, and we did. But by the end of last year, we were

down a hundred people. And unfortunately, a lot of those people dealt contracts and helped implement programs that you and I and the entire Legislature worked together on. So we've been pretty stretched.

So we obviously, when we're -- now we have the ability to hire, we have a new fill-level target this year and another one for next year. We're going to put those people in categories that best get all the job done, and we've been doing that. So I feel pretty good about where we are. I think it's the right number. It's going to allow us the resources to get the job done that you'd like us to do and we all want to do.

ASSEMBLYWOMAN LUPARDO: So we should have no reluctance in sending you --

AG & MARKETS COMMISSIONER BALL: You should have no reluctance whatsoever.

(Laughter.)

AG & MARKETS COMMISSIONER BALL: Trust me.

ASSEMBLYWOMAN LUPARDO: Noted.

I want to talk about the Diversity and

Racial Equity Task Force report. And last year we put $10 million behind that. Can you give us an update on where things stand relative to that $4 million we were assigning toward economically and socially disadvantaged farmers, and another million to beginning farmers. And there were some other items as well. So where do those funds stand?

And then my question is, you know, how do they all fit together? What do we actually expect to see as a result of these investments?

AG & MARKETS COMMISSIONER BALL: I'm pretty excited about this program, actually. You know, we started it back in 2019, actually. And we were inspired after we saw the last USDA ag statistics come out, which, you know, showed a couple of interesting things about the size of farms, things that we anticipated seeing. And it showed some things that were encouraging -- the number of women on farms going up, mainly because they started counting women on farms. But that

was good news.

But what was disconcerting was the number of minority farmers. You know, this is nationally, not just in New York. So we set about in 2019 to understand that. We held, you know, about a year and a half, two years, listening and talking to farmers. It was really informative.

To update you about that, we continue the listening. Visitations -- I've been to so many farms across the state. We're expanding our network. We're getting more people involved in the discussion.

Funding went to, as you observed, in a number of different areas. We're looking for -- you know, there was a number of issues: Access to land, access to capital, access to education. So many disconnects. And then navigating all of that.

So we've hired a full-time person, an assistant commissioner level, to manage this program. We're working with OGS on prison redevelopment progress to find land. We're working with a newsletter to share with

people everything that's going on. So many people didn't even know there was an idea, a program, a grant that was coming out -- so now they know. We supported a MANRRS program at Cornell University to the tune of $50,000. So there's a lot happening here. It's a bigger network. And we're looking at removing the barriers.

With funding -- and access to markets is the one of the biggest things, and you correctly identified some of that funding. It's been challenging to get it out the door, but the RFPs have been issued, they're out. And look forward to implementing them. There was a few reasons why it took a while. It took a while to find parties that were capable of administering the programs, number one. And if you remember, USDA kind of got stymied early on with their efforts nationally. They put out a program, and it was immediately challenged in court. So our attorneys spent quite a little time figuring out how to word this exactly right so we didn't get stuck. So we learned a lesson

from USDA.

But the programs are out there. We're looking forward to awarding them and getting to work. But I see an awful lot of enthusiasm there. There's a lot of positive signs there. Every day there's more reasons to be optimistic here.

ASSEMBLYWOMAN LUPARDO: Thank you. We're all very focused on workforce development, not just in agriculture but across every discipline that we are working with, especially this year. So there are two things in this budget I have a question about.

One is there's a new small farms appropriation that incorporates the veterans in farming, and there's some other aspects. I'm just curious if you can clarify what the rest of that appropriation would go to. It's a $500,000 piece now. It says small farms, includes veterans.

And there's another million intended to develop new entrants into the agricultural workforce. As this is a high priority for

many of us, if you could just expound on that a little bit.

AG & MARKETS COMMISSIONER BALL: Yeah, there's two different Cornell programs that look like "what's the difference between these two." The -- one is focused entirely on Latin workers, Latin farmers. But the other one, as you observed and talked about, is small farms -- migrants; veterans has been moved into that program. And we've also added asylum-seekers. As you know, it's in the newspapers every day, we've got people coming here from other countries, many of them with agrarian backgrounds. And federally they have some hurdles to go through to get a visa be able to work in the United States of America. But finding avenues to careers in agriculture is so obvious here.

So we've asked the Cornell Small Farms Program to take that on, which is the reason for that increase on that side.

ASSEMBLYWOMAN LUPARDO: So given the fact that this is a hearing on environmental

conservation and also on energy, I'm just going to ask you sort of a question I think I've raised with you once already. Will Ag & Markets be responsible for -- will your Division of Weights and Measures be responsible for assuring that consumers get the value they're expecting from electric charging stations, as they do with gasoline?

AG & MARKETS COMMISSIONER BALL: Yes. Our role there largely is to validate that the equipment that's putting electricity in your electric vehicle is correct, accurate, and dispensing the right amount and you're being charged the right amount and you know what that amount is.

The challenge right now in the United States is that nationally there isn't a standard. It's being worked on, it's being tried to be figured out. New York is actually ahead of most other states in thinking about this and coming up with the equipment to actually test it and measure it.

But we've got so many people jumping into this field of EV charging -- you've got

different chargers, different rates, different methods, fast, slow. Different manufacturers. Nationally, this is a subject that the Weights and Measures national organization, which I talk to -- but I'm happy to say that in New York State our guys are at the front of the table and are leading most of the conversation. We're not quite there yet.

ASSEMBLYWOMAN LUPARDO: So you expect to be -- there will be a seal, like you see on gas pumps, at some point that says, This machine was in fact certified as accurate by the Weights and Measures?

AG & MARKETS COMMISSIONER BALL: You will see some sort of seal indicating that we have evaluated that and what you're getting is what you paid for.

ASSEMBLYWOMAN LUPARDO: Terrific. Thanks a lot.

AG & MARKETS COMMISSIONER BALL: Thank you so much.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Serrano, chair.

SENATOR SERRANO: Thank you, Madam Chair. And it's a pleasure to be here with all of you.

My questions are directed to Commissioner Kulleseid. It's always great to see you. Thank you so much for your testimony.

And many who have heard me speak about parks, I tend to talk about how transformational they are and how they are something that I believe within our state budget, within all budgets, I believe should be treated as something completely foundational because they provide so many benefits, so many opportunities. And they also provide an economic engine throughout the state as well.

And one of the good problems, or one of the interesting things that we've noticed throughout all of the turmoil of the pandemic, was that our parks became our refuge, where they became a place where we've all known and loved them, but we turned to

them as a safe and enjoyable place to be. And it was tremendously beneficial to our physical and mental health. And connecting with parks is something that we all believe is a very important goal.

And with that, we have increased visitorship, we have record-breaking visitorship, which is a wonderful, wonderful situation. And we want -- at least I believe all of us strive to have even more connections to our state parks because they are the finest in the nation. But with that, I can imagine, comes some challenges -- overuse issues. And I just wanted to talk to you a bit about your ideas to help mitigate any potential good problems that come from more park enjoyment. Maybe getting folks to explore other parks of the parks system that are nearby, improving the visitor experience, and also in connecting more and more visitors to stewardship programs so that they can become stewards invested in the parks that they enjoy so much.

I just wanted to hear your thoughts on

that, Commissioner.

PARKS COMMISSIONER KULLESEID: Thank you, Senator. Thank you for that question. It is certainly something we grapple with. You know, record visitation is a huge boon to us, but it also poses challenges.

You know, there's a lot -- and fortunately we have funding to invest right now. To some degree -- you know, we are fortunate to be able to be opening new parks, like our new park in Kingston, which provides new places for people to go. It also means some of our parks are at particular places where we need to manage those bigger crowds better. So there are places at Breakneck, along the Hudson River, and along train stations, transit places, that we ought to be able to increase the capacity of those places to take people in.

We've experimented actually with a reservation system at one of our most desirable, sought-after parks on the Shawangunk Ridge at Sam's Point. We actually have a reservation system there that we're

experimenting with.

But it is something, you know, we can't -- and we also need to make sure that those parks close to our urban areas, and I'm thinking particularly New York City and Harriman, that our facilities there, that we rebuild the facilities there that have been shuttered over the past 10 years -- I'm thinking about Lake Sebago and other places there where we've actually reduced our capacity. And those places need to be accessible to people who otherwise have difficult access.

And then I think, as you know, we've other programs that we are trying to build the next generation of park users, a diverse base of park users like Connect Kids, right? Connect Kids, which provides transportation, you know, subsidizes transportation to our parks. As well as a new program we're beginning to roll out statewide called Ladders to the Outdoors, which has had foundation support, which is all about teaching -- bringing kids, particularly, into

our parks and teaching them outdoor skills so that they build those skills sets and become environmentalists and really support what's happening before this entire committee.

SENATOR SERRANO: And you -- in your comments you answered a couple of the other questions I had, which is great, which is about capital. And it's great to know that in some of these flagship parks there are major capital programs going on. And the issue that you just touched upon as well, diversity in our parks, which is something we all strive for.

And when I think about growing up in the South Bronx in the '70s and '80s, the thing that we wanted to do more than anything was to get to camp, was to be part of something in the great outdoors. And at that time there were -- it seemed to me, anyway, I don't have any hard evidence, but that there were more group camps available for folks from the inner city, for kids from the inner city, to be able to get into the wilderness.

Now, I know that we have great parks

in New York City. But it's a next-level thing to be hiking in the woods and swimming in a lake. And I've noticed that over the years there's been less and less of these camps that draw from kids from the inner city that could really enjoy this and it could have a transformational effect on their lives and their ideas about stewardship and being very well vested in the parks.

What are some of your thoughts on sort of the diminishment of group camps as we knew them in places upstate?

PARKS COMMISSIONER KULLESEID: Thank you again for that question.

So in our -- our group camps are particularly located in Harriman State Park, which is, you know, west of the Hudson north of New York City where we've had scores of them over the years. And you're right, there are not as many. We're sort of in a generational shift a little bit in our group camps. And we are looking to rebuild them. We've had some move out, but we've had some new tenants. We have new group camps moving

in.

By and large, the group camps are run by nonprofits, they're not run by us. But the Fresh Air Fund, obviously, as we know. Camp Junior, they've come on and they've taken over a couple of our former group camps. We have other groups coming in.

We are at that moment, though, when we need to be prepared to make investments to be able to track new group camps and build a new audience. But it is -- it's sort of an -- it's an interesting generational time when we are transitioning to a new set of group camps that can come run programs.

SENATOR SERRANO: And while I have a couple of minutes, you talked about -- you talk quite a bit about Harriman. And what's interesting is in a place like Lake Welch, on any given Saturday to Sunday in the summer, the amount of diverse communities that use that lake from my neighborhoods in the South Bronx and East Harlem is just amazing. And it's historical. It's been going on for generations, and it's really wonderful. And

we want more of that.

I know last year there was some issues with the algal blooms in the water, and you've spoken about that. Climate change and these issues are not going to go away, sadly, in the near future. So what are some of your ways of mitigating the problems that you saw last summer with the water quality?

PARKS COMMISSIONER KULLESEID: So thank you for that opportunity. Thank you for highlighting the problems of Lake Welch. Lake Welch, as you know, on any given week is going to have 20,000 people and it's really all people from the boroughs of New York City.

We're taking both short-term and long-term measures. We are looking at ways to treat the water that's there. There's technology, ultrasonic technology we can put in Lake Welch to help -- if you get it in there early, it can help prevent the development of HABs.

We may do some limited treatment of the water to sort of make sure that that

lake -- it's a manmade lake, it's a manmade lake really just 40 miles, 30 miles from the George Washington Bridge. And so we'll be looking at treatments to keep the place open this year, but we're also looking at long-term treatments. You know, it's been -- when that was built, it was a whole different paradigm for how you did these things. And we need to make sure we're separating stormwater flow from our parking lots, separating treated water from our waste plants and getting that out of -- you know, moving that away and rerouting it so that the lake itself becomes really solely focused on swimming.

SENATOR SERRANO: Well, I appreciate that, Commissioner. I can imagine, with a park system as old as ours, the infrastructure is in constant need of repair and updating. And as new sciences and technologies come online, I can imagine there will be a lot of need for that capital investment to make those changes and improvements.

Madam Chair, I'll yield back the rest of my time. I may have a question on the second round.

PARKS COMMISSIONER KULLESEID: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman O'Donnell, chair of our Tourism Committee.

ASSEMBLYMAN O'DONNELL: Good morning.

Commissioner, I'm sorry I missed your -- to hear you give your testimony, but I have read it so I'm familiar with it and I'm very appreciative of the numerous shout-outs to me joining you in the variety of places.

I have some sort of somewhat off-questions. My first question has to do with the naming of parks and the naming of institutions. Our nation has had a reckoning about what is an appropriate -- who is an appropriate person to be honored. And I know that the most recent one was named after

Sojourner Truth, which made me very happy.

But the question I have for you is how, going forward, A, do you intend to come up with those names; and, B, for those possible names out there that the citizenry of New York no longer feel is appropriate, how will you handle that?

PARKS COMMISSIONER KULLESEID: So I'll just say -- and thank you for raising that question. I think in the past years we are proud to have named a new park in Brooklyn after Shirley Chisholm, and we renamed --

ASSEMBLYMAN O'DONNELL: You know, I wanted to go to the ribbon-cutting but I wasn't invited.

(Laughter.)

ASSEMBLYMAN O'DONNELL: You know that. Go ahead. Yeah. Come on, Erik, you know I'm going to be me, okay, that's just the way it is.

PARKS COMMISSIONER KULLESEID: I expect nothing else --

ASSEMBLYMAN O'DONNELL: It was a different administration then.

(Laughter.)

PARKS COMMISSIONER KULLESEID: I expect nothing else from you, Assemblymember. You're always direct, and I appreciate that.

And Marsha P. Johnson State Park, which we were fortunate to have you at last summer when we rededicated that.

ASSEMBLYMAN O'DONNELL: I was there, yes.

PARKS COMMISSIONER KULLESEID: So we are -- and I'm very proud of Sojourner Truth. And I'm also -- and let me just say I'm also proud of places where, if we've interpreted, you know, European colonial history like Philipse Manor, where now in that place -- we didn't change the name, but we are now fully interpreting the Black history, the Black American history, the Native American history, and the history of indentured service, in that place. So it's a place where anyone can go and find themselves. So that's the kind of thing we're doing in this space.

New parks, you know, Sojourner Truth

made total sense because that's where she started her life journey and that's where she started her journey to freedom. And so it made sense to name her in any case. And obviously we don't get to do this very often, but we're always in these cases looking in the region, looking for who's relevant. And I think we are 100 percent focused on representing more than the white history in this state. We're really representing the diverse history of this state whenever we can.

ASSEMBLYMAN O'DONNELL: I'm very happy to hear that. I recently posted on the World Wide Web somewhere -- I don't even know how that works, but I did. And it was a statue in Ireland that they had put up to thank the Indigenous populations of the Americas who sent food to Ireland during the Great Hunger. And the Great Hunger was not a famine, there was plenty of food being grown in Ireland -- it was just being given to the overlords. Those are not my people, just so you understand.

May I ask you about solar power in parks and if there's any plans to do that?

PARKS COMMISSIONER KULLESEID: So we have been -- we are very mindful -- and thank you for that question. We are very mindful that by 2030, Parks is mandated to rely on 100 percent renewable energy. And so we've actually started this process. Five years ago we would have zero solar energy in our parks, zero renewable energy. We are now at about 16 percent.

We've done that in a variety of ways. We did it on Long Island by taking a piece of a parking lot at Robert Moses State Park and putting in an installation that supplies that park and a number of neighboring parks, Heckscher and Captree as well.

In the Hudson Valley we have put in installations in what we call our Taconic Region, which is East of Hudson. We've installed solar arrays in old fields that are sort of back out of the way, and we've been able to take that entire region off the grid, 100 percent relying on renewable energy.

It is -- we continue to do that. It is not easy in all cases because of the grid. There are grid issues, there are substation issues, there's great capacity issues. But we are really looking forward to taking this on in the next seven years till 2030.

ASSEMBLYMAN O'DONNELL: Okay. My last question is about farmers' markets. I'm old enough that there really weren't farmers' markets when I was a child. I did live on the East End of Long Island, so you could drive to a farm and they had a market there, but that's not quite the same thing as what we have now.

And as you know, when we toured Harriman together, it seems like a huge population of people come to that park on weekends. And so the question I have for you is, do you plan to try to expand the use of parkland in order to enable the people who are coming to the parkland to use -- to purchase fresh food for their homes?

PARKS COMMISSIONER KULLESEID: We do that now. There are farmers' market at

Saratoga Spa, there's one at John Jay. They're sort of sprinkled throughout the state.

Obviously it's something we're very interested in because our parks provide a place where the public is convening and can congregate and can be exposed to and help our agricultural industry. So we're always looking for opportunities in that regard. And we do it, and we'd love to continue to do it.

ASSEMBLYMAN O'DONNELL: Last, a shout-out to your staff, who have been extraordinary in implementing programs that I've invented and in making sure that when I am invited, I'm treated very respectfully, and I do appreciate that, Commissioner. Thank you.

PARKS COMMISSIONER KULLESEID: Thank you, Assemblymember.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Next is Senator Borrello, ranker, five minutes.

SENATOR BORRELLO: Thank you, Madam Chair.

Thank you both for being here.

Just quickly, Commissioner Kulleseid, thank you so much for what you do at Parks & Recreation. You know, we are blessed in my region to have so many great parks -- you know, Letchworth State Park, Allegany State Park. And thank you for making them just real gems for New York State.

Commissioner Ball, thank you very much for being here. I think we are just so blessed to have a real farmer in charge of Ag & Markets, and also a small business owner, someone who truly understands the struggle.

So I want to lead off with what I think is the biggest struggle for our agriculture industry, and that is the overtime threshold. And I think this is probably a foregone conclusion even though we really don't -- in my opinion we don't need the taxpayers to subsidize a system that wasn't broken. But with this tax credit,

what's this going to look like? Because I think that's the biggest concern. One of my big concerns is how many strings will be attached to being able to access this tax credit, this overtime tax credit.

AG & MARKETS COMMISSIONER BALL: Well, we're hopefully going to work together with our partners at Tax, we have worked very well together thus far. I don't anticipate a lot of strings attached. Reporting should be fairly simple. We are going to handle the validation at the Department of Agriculture, and Tax will issue the checks.

It will happen twice a year, one at a midpoint during the year, around July, and a second time at the end of the year to reimburse the farmers at 118 percent of what they have spent on overtime.

SENATOR BORRELLO: You know, it's --- we've -- in my conversations, and Senator Hinchey and I also agree on this, that we'd like to see this be quarterly, because obviously cash flow is a huge issue, especially with our small family farms. Is

there any discussion on instead of, you know, twice a year, of it being actually quarterly?

AG & MARKETS COMMISSIONER BALL: There is. Hopefully we'll get to that point. I think Tax is willing. I think that's been in the back of their minds, and ours, that it be quarterly so it's less burdensome on the agricultural community.

SENATOR BORRELLO: Now, when I say strings attached, my concern is -- and again, this is going to ramp up over the course of several years. You know, I just am concerned about what strings might be attached from special interests to access the overtime credit. Are you going to have to have a labor piece agreement, for example, in order to get the tax credit? Are you going to have to meet certain standards for pay, housing, whatever?

You know, let's keep in mind that our farmers already take very good care of their guest workers. Obviously it's good business, and they're also good human beings and hard workers. So is there any conversations at

all about the type of strings attached that I just mentioned?

AG & MARKETS COMMISSIONER BALL: No. And we'll pay very close attention to this as we go forward. We have a little time to get into the details on this, obviously. But we'll pay very close attention.

I began as a farmworker, so I'm pretty familiar with how it works.

SENATOR BORRELLO: Great. Thank you.

The next question is, you know, with the electrification, so to speak, of our state, natural gas is obviously critical for pretty much every farm, everything from being able to, you know, keep the animals warm to ensuring that your operations are up and running. And the idea that if you want to build a new barn, we'll say, in two years, you're not going to be able to power it with natural gas -- how is that going to be handled? How are we going to help our farmers? There's technology that just doesn't exist in some cases to use anything but natural gas.

So how are we going to help our farmers in this -- what I think this unnecessary transition plan is?

AG & MARKETS COMMISSIONER BALL: At this point, you know, I mentioned the work of the Ag & Forestry Panel on the Scoping Plan, and we exhausted that pretty well. We thought about that. We see farms as an opportunity to be a part of the solution in sequestering carbon but also in making energy. So the ability to make energy on our farms, actually make the thing -- New York State climate better.

I will point out that at this point ag buildings, strictly ag buildings housing equipment, housing shops, housing livestock are exempted from the energy concerns that you have. So those are considered hard-to-electrify operations. So we're going to look very closely at that. I think as we've written the scoping plan -- I invite you to take a look at it -- I think there's enough room in our rural areas and in our language there to help our farms be

solutions, not problems.

SENATOR BORRELLO: Well, eventually we're going to be, you know, forced into electrifying, and I think that that's a concern. I don't think there's a real plan. Certainly I don't think there's an electric tractor that exists. So I'm very concerned about what we're going to do to ensure that we maintain agriculture in New York State. It's nice to say those things, but we actually have to do it, and that's by not trying to put them out of business.

But thank you for all you do.

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Tague, ranker, five minutes.

ASSEMBLYMAN TAGUE: (Mic off.) Good morning, neighbor.

AG & MARKETS COMMISSIONER BALL: Good morning, neighbor, how are you?

ASSEMBLYMAN TAGUE: Good to see you,

Commissioner.

I just want to start off doing a quick little statement. It was mentioned earlier that we aren't the breadbasket anymore in the country or the world, and I disagree with that statement, especially coming from the Schoharie Valley, where we were the breadbasket of the Revolution. And I feel that New York is still the breadbasket of the world and of this country. If not, if people think differently, then it's because of the bad policies that are brought forth from here in Albany.

So with that, I was going to start off, Commissioner, and talk about Farm Labor Wage Board decisions. And I want to ask, the farmworker housing, is that included in the refundable Investment Tax Credit budget proposal?

AG & MARKETS COMMISSIONER BALL: The cost of housing, is that included?

ASSEMBLYMAN TAGUE: Yes.

AG & MARKETS COMMISSIONER BALL: No. It's the number of hours, actual paid

overtime.

ASSEMBLYMAN TAGUE: Let me ask you this. Could it be included?

AG & MARKETS COMMISSIONER BALL: I'll have to look into that for you.

ASSEMBLYMAN TAGUE: Okay. You know, with COVID, overtime and lack of housing are creating needs -- has created needs for additional housing. So it would make sense to allow construction of new farm housing to be included in that tax credit qualified program.

Secondly, why was the full 400,000 that was included in the Farm Workforce Program in the Governor's budget -- why hasn't that been included?

AG & MARKETS COMMISSIONER BALL: I'm not sure I follow the question.

ASSEMBLYMAN TAGUE: They hired two new people to help program local farms on housing and Spanish-language training for farmworkers. There was extra money left over from last year.

AG & MARKETS COMMISSIONER BALL: I'll

have to look into that one for you too. I'm not familiar with that.

I will say that with regards to housing, we did put in a Farmworker Housing Improvement Program. We've had one for many years in the state. It was underfunded. But we doubled the amount of money in that so farmers could borrow money at zero percentages for 10 years to improve farmworker housing. We worked with Farm Credit to implement that program.

ASSEMBLYMAN TAGUE: My next question, Commissioner, do you support NYCAMH and the work that they do?

AG & MARKETS COMMISSIONER BALL: I do, yes. They do excellent work.

ASSEMBLYMAN TAGUE: So do I. I think they're very important, especially in on-site workplace safety. And in today's world I think it's very important. So I would ask that you support a million dollars worth of funding so they continue their on-farm safety programs, especially issues like testing for respirators for our workers.

The Governor's Executive Budget continues to provide $50 million for the Nourish New York program, and you know I've been a big advocate. I'd rather see it at $75 million, but we'll take the 50.

Just wondering, how has the program performed since the inception? And how can we improve it? And if you could point out any strengths or weaknesses. And I appreciate your time.

AG & MARKETS COMMISSIONER BALL: Yeah. Thank you very much, Assemblyman.

To date, Nourish New York has spent $114 million buying New York food, getting it to New York families. I think -- my personal opinion, it's an unqualified success. Certainly appreciate your support and the Legislature's support in making it now a part of the budget.

It originally started with surplus Department of Health funds, $25 million. And I think, you know, year to date, we're somewhere around 25 million pounds of New York food has gone to New York families.

So great collaboration between Ag & Markets and Department of Health and the Governor's office to get that done.

I think it's -- there's an opportunity, when we talk about, you know, the divide between upstate and downstate probably never being quite as stark as it is today -- here's an opportunity to connect the dots, and hopefully a lesson that we all retain. You talked about a breadbasket, you know, Schoharie Valley was the breadbasket of the Revolution. We need here in New York State a breadbasket that's New York's, that's responsive and resilient.

Let's not depend on another region or another part of the world for food if we go through a pandemic again. So let's double down on making sure our breadbasket here in New York is secure.

ASSEMBLYMAN TAGUE: The greatest farmers in the world, and the best quality control right here in New York. Four seasons. And a great ag commissioner.

(Laughter.)

AG & MARKETS COMMISSIONER BALL: Well, thank you, sir.

ASSEMBLYMAN TAGUE: I will just end with this quickly. I'm just wondering if you have an idea in terms of acreage how much productive farmland has been lost to wind or solar involvement in the last five years.

AG & MARKETS COMMISSIONER BALL: I could get you that number. Clearly we don't want to see New York achieve its energy goals on the backs of agriculture. And we have concerns about making sure that our top four tiers of soil are actively farmed, ground is retained in agriculture. There's opportunities in agrivoltaics and there's opportunities to do it right, and I think we need to be thoughtful about how we go forward.

I would add that I've had great conversations with my colleague at NYSERDA, we've written an MOU between the two of us. Agriculture now gets a notice of intent when there's solar projects, we get to weigh in there. So I'm encouraged.

CHAIRWOMAN WEINSTEIN: Thank you, Commissioner.

We go to the Senate, Senator May, three minutes.

SENATOR MAY: Thank you.

And greetings, Commissioner. It's great to see you.

Commissioner Ball, yesterday the Agriculture Committee -- in the committee we passed a bill to create an Office of Urban Agriculture. I'm now the chair of the Cities 2 Committee, which is all the cities outside of New York City, and so I'm excited about this idea. I'm wondering if you are.

And can you outline how Ag & Markets currently supports and encourages food production, community-supported agriculture, closing food deserts in our urban areas?

AG & MARKETS COMMISSIONER BALL: Yeah, it's been a passion of ours, you know, since 2014 for sure.

Couple of things that kind of excite me. One, the number of community gardens in New York State is about 3,000. And about

2,000 of those are in New York City. So clearly a big presence in our urban areas. Number of farms in New York City, 600 -- 600 -- which is just amazing to me.

So the idea of considering urban agriculture is overdue and frankly welcome. Because I don't think our urban areas are ever going to feed their urban areas completely with the food that they're producing on a rooftop or a corner garden, but what an opportunity to connect the dots with people in those neighborhoods with what agriculture is all about, the breadbasket that we have in New York State.

So chair of the Urban Ag Committee, I guess I would offer my congratulations on that.

SENATOR MAY: Not urban ag, but urban -- Cities 2.

The second question I had, I also now represent four Finger Lakes and one Great Lake, and the watershed associations there work very hard to reduce nutrient loading and harmful algal blooms in the lakes. And I

know farmers -- I believe we have some farmers from Cayuga County here today -- want to be part of the solution and not part of the problem. But, you know, best practices are -- some of them are difficult to implement.

How is your agency helping farmers implement those best land management practices so they're not contributing to these programs?

AG & MARKETS COMMISSIONER BALL: Sure, yeah. We dedicate more funds and more energy every year over the last 10 years to do just that. We were doing it for environmental reasons, watershed reasons. Our Ag Non-Point programs, our AEM program, which is targeting good agricultural management with regards to how water and nutrients are applied and used, and also made that a part of our Grown & Certified, our branding program for New York. That's a criteria that you need to be audited by us to do.

I think that we have a pretty good history here in the state with DEC and

Department of Health working together to solve some of these issues, and we need to stay close.

SENATOR MAY: Okay. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Thanks very much. Good to see you both.

I'll start with a couple of questions first for Parks. Obviously you've referred to how many of the individuals have gone to parks, and COVID obviously accelerated that. I'm wondering, there was money for -- at the Adirondacks and for the Catskills on overuse, and that seems to have disappeared.

PARKS COMMISSIONER KULLESEID: Thank you for that question. I will defer to my colleague Commissioner Seggos, because that -- the Adirondacks and Catskills are under DEC's jurisdiction, so I'm just not familiar with the details, I'm sorry.

ASSEMBLYWOMAN GLICK: Okay. We've had a lot of questions about Lake Welch and Harriman. Over the many years that we've had

these, you know, 500-year storms every few years, there's been a fair amount of destruction. Where are we in the rebuilding and restoring of the many parks that were damaged?

PARKS COMMISSIONER KULLESEID: The Lower Hudson Valley certainly took a big hit from storms particularly in the early part of the 'teens -- you know, Tropical Storm Lee and Irene.

We are in the process of planning -- Lake Sebago was closed because of the runoff during that storm, and so we are looking right now, we have started the design and development process to reopen Lake Sebago as a new-beefed facility, but really thinking sustainably about the future.

We also are right now, as I said to Senator Serrano, we are looking at measures to make sure that Lake Welch stays open this year. We have a multiyear investment program coming to there to Bear Mountain, to redo the picnic grounds and to expand the picnic grounds at Bear Mountain, to improve trail

access in the southern part of Harriman Park. So that park in particular is getting a lot of investment right now to sort of put it back on its feet, because it's really been disabled by extreme weather.

ASSEMBLYWOMAN GLICK: Thanks very much.

Quickly, Commissioner Ball, great to see you. How easy is it for retiring farmers to be connected to young farmers who are interested in but can't find land that they can afford or that they're even aware of? How easy is that?

AG & MARKETS COMMISSIONER BALL: It's much harder than it ought to be. You know, we've identified this in our Beginner Farmer Workgroup that, you know, we have farmers -- average age of a farmer, now over 57 in New York. Which is not all bad, because I was able to tell my mom that I'm now over average.

(Laughter.)

AG & MARKETS COMMISSIONER BALL: But it's a serious problem. A farmer has spent

his entire life building up an asset, creating something that's hard for a young farmer to acquire, you know, financially.

So it's something we work on with the Beginner Farmer Group, American Farmland Trust, to try to make those connections much easier. But it needs to be much easier.

ASSEMBLYWOMAN GLICK: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We've been joined by Assemblywoman Levenberg and Assemblyman Lemondes.

Now to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

And our next questioner is Senator Walczyk.

SENATOR WALCZYK: Thanks so much.

Commissioner Kulleseid, how are ya?

PARKS COMMISSIONER KULLESEID: Fine, good to see you.

SENATOR WALCZYK: Good to see you today.

Encouraged by Parks -- the investment in the Academy that the Governor's given here, $3 million. And I'm hearing great

things about your Academy being full up, and I know they've been lagging behind, so I'd like to start off with something positive. I think that's really great. And there's always a lot of things going on positively in parks.

For a second, can we talk about sustainability. So the Governor has increased All Funds $47 million in her budget proposal for Parks. Is that -- are we going to see that in operational mostly, or are we going to see that in capital? We've seen waves in the past where capital spending -- you know, everybody loves to cut a ribbon and get invited to those ribbon cuttings, I got it. But at the same time, protecting that investment really is in those operational costs. Can you just talk for a few seconds about that?

PARKS COMMISSIONER KULLESEID: So thank you for that question, Senator.

And yes, the -- one of the hallmarks of this budget for us is a large increase, and a lot of that will go towards certainly

covering things like the increased wages to lifeguards from last summer, covering union contract increases, covering the rise in minimum wage, covering increases to our pay scales.

But it also will allow us -- we are going to be able to hire 237 more people, which will be police, which will be people to implement the Bond Act, people on the ground. And that is a game-changer for us. It's something we haven't seen in years past, and we are very excited about the ability to expand our capacity and meet the needs of our visitors across the state.

SENATOR WALCZYK: That's great to hear.

You mentioned forest fires right off the bat in your testimony. How much money is allocated in the Governor's budget proposal here that's going to be dedicated to fire breaks or forest fire prevention measures? Is there a dollar amount that's allocated for that?

PARKS COMMISSIONER KULLESEID: I'd

have to get back to you on that specific dollar amount. But I will just say that a lot of that work --

SENATOR WALCZYK: Is it close to zero?

PARKS COMMISSIONER KULLESEID: I would not be able to comment on that.

But I will say that -- but I will say we have staff in place so the fire in Minnewaska last year, fires all over the state are largely met by our existing staff. We have Rangers that are out there a lot. So that is largely the way to meet those things.

SENATOR WALCZYK: Okay, thanks.

Commissioner Ball, good to see you.

AG & MARKETS COMMISSIONER BALL: Great to see you.

SENATOR WALCZYK: Four hundred million dollar local ag products. The Governor has said in an executive order that she's really going to focus $400 million on purchasing those local ag products.

Some feedback from local farmers in my district, the 49th Senate District, they really would prefer, instead of picking

winners and losers in agriculture, that we help agriculture at large, that they want to compete not just in New York State but in the entire United States and on the global market with our neighbors. Any feedback on that?

AG & MARKETS COMMISSIONER BALL: Well, sure. We're not going to -- the state's not going to, you know -- I guess I want to clarify that just a little bit.

We want to make sure that in New York, New York is New York's customer. As a vegetable grower, you know, back in the day I watched Canada target me, target our market with all the things they produce, which is largely what we produce in our marketplace. And let's make sure that we understand that New York growers need to be supplying those foods.

So the target is we're currently spending not a lot of money as an agency, as a state, buying New York products. Let's get New York buying New York food. And we expect that the outcome of that is going to be about $400 million worth of purchasing power by the

state to do just that. It's going to be a process. It's going to be done by executive order to say to OGS, to say to Department of Corrections, to say to all our institutions, buy at least 30 percent of your products from New York growers.

So I think that's a smart investment.

SENATOR WALCZYK: Yup.

AG & MARKETS COMMISSIONER BALL: Secondly, you know, to -- speaking about investment in overall agriculture, I think the 20 percent refundable Investment Tax Credit is something that, as a farmer, really excited me and has in the past when that's been utilized. I'd really double down --

SENATOR WALCZYK: I've got about -- I'm sorry, I appreciate your response, and it's a good one, and that's maybe a further dialogue. I got one more question I want to get out as you've got 30 seconds to respond.

The Governor's proposed a $19.7 million reduction in your All Funds for Ag & Markets. What local grant programs or what local programs should we be the most

concerned about that are on the chopping block this year?

AG & MARKETS COMMISSIONER BALL: Actually, the Governor's Executive Budget is bigger than it was last year. Those funds you're speaking to were legislative adds, things that the Senate and the Assembly added to our budget. So I'm looking forward to working with you on what your priorities are in that regard.

SENATOR WALCZYK: Thanks.

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We've been joined by Assemblywoman Buttenschon, and we go to Assemblywoman Barrett, three minutes.

ASSEMBLYWOMAN BARRETT: (Mic problem.)

Still good to see you both. I have a question for each of you. First, Commissioner Kulleseid, I'm familiar with Olana, obviously the work that's being done there around making sure that sustainability

and our climate goals are incorporated into all the things that are going on there.

What else is being done for the -- particularly the historic buildings and sites in the Parks system to ensure that as we do repairs, as we do work going forward, that we're incorporating climate-smart options, that we're making sure they're sustainable? What's the plan on that?

PARKS COMMISSIONER KULLESEID: So thank you for that question. And thank you in particular, also, for your support for Olana. The SAM grant that you directed to Olana is transformational for that property.

I think in this regard obviously historic buildings are among the most challenging. There's old boilers and a lot of old systems that we have to do. But we will be -- as we -- certainly as we invest in our historic sites, expecting major investments at John Jay, there will be obviously the new building going in at Olana -- in all those cases they will be put in with sustainability in mind.

When we look actually at Olana, as part of Olana, the redo of Olana, we're looking at putting in solar at an inconspicuous place on that property to be able to take Olana off the grid. So there are opportunities on those places, but in many places it's replacing, you know, the equipment, the heating equipment in those buildings with electric and other sources of energy.

ASSEMBLYWOMAN BARRETT: And I know we're working with Olana on a pilot for wooden windows to be able to -- for buildings to keep their integrity but be able to be energy efficient. So thank you for that.

Commissioner Ball, I'm kind of shifting over to one of the other kinds of hats you wear in terms of the federal government and the Farm Bill. What are we doing to ensure that our small and midsized farms -- you know, the real model, the future of agriculture across the country -- that we're getting the subsidies, we're getting the support from the federal government that

we need going forward?

AG & MARKETS COMMISSIONER BALL: Yeah, thanks for that question, very much. And I'm actually going to be meeting with Secretary Vilsack tomorrow afternoon; we're going to talk about that very subject with some of the other secretaries, commissioners and directors of ag around the country.

I feel really good about this because I see a lot of opportunities for our small and midsized family farms in New York State. USDA is very concerned about it as well, and dedicating some significant funding in that direction. There's a regional ag food business incubator program which New York State has applied with, we've included all our regions in the Northeast with us, that I feel pretty optimistic about. And we can talk more about that.

ASSEMBLYWOMAN BARRETT: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We've been joined by Assemblywoman Lee. Now to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Pete Harckham.

SENATOR HARCKHAM: Thank you, Madam Chair.

Thank you both for your testimony. I have -- in my three minutes, I have one question for each of you. We'll first go to Commissioner Ball.

I'd like you to expound on the question that my Assemblymember colleague asked. You know, as we're going to hear in a couple of minutes from the people testifying after you, we are very rapidly going to need to scale up renewables in New York State. And we have two competing interests here. We want to protect farmland and family farms from diminishing, and yet we need to scale up rapidly.

You know, can you tell us what some of the discussions you've had as part of the Climate Action team, and what is your thinking on how we can meet both of those seemingly incompatible goals?

AG & MARKETS COMMISSIONER BALL: Well, thank you for that question. That's a very

important one.

You know, in New York we farm about 7 million acres of land. And a big concern I have, as commissioner of Ag is that about 60 percent of that land is rented land, leased land. And we can't let that be lost to simply a development of some kind.

So in our conversations with NYSERDA -- and they've been welcome conversations, frankly, and gone back and forth -- they completely understand what we're trying to say here: Let's keep that best farmland farming. That's a great lesson we learned in COVID, is that we need that foodshed here, that breadbasket right here in New York.

I'm satisfied with the direction we're heading. We now have agreements that we get noticed and our ag land protection boards get noticed, the Department of Environmental Conservation gets noticed before we entertain a big project going forward.

So I feel like we're heading in the right direction, but I feel like we should

have been there, you know, 10 years ago.

SENATOR HARCKHAM: If I could go quickly, are we proposing financial supports for farmers in some cases?

AG & MARKETS COMMISSIONER BALL: Yes. The philosophy is to avoid, minimize or mitigate. And by "mitigate" we mean if an acre of active farmland needs to be absorbed into some sort of energy project, that an acre needs to be preserved.

SENATOR HARCKHAM: All right, thank you.

A quick question for Parks in 40 seconds: 200 million for capital. Part of that is transforming our parks system to the new parks system, and yet you inherited 50-year-old, hundred-year-old infrastructure -- sewers, failing septics, failing water systems, crumbling asphalt, uninsulated buildings. Is 200 million enough to both do the kind of restorative maintenance that you need to do on many facilities and that transforms in a new era?

PARKS COMMISSIONER KULLESEID: Thank

you for that question. And we are pleased the Governor's allocated $200 million in her proposed budget, and over the next five years as part of a capital plan. And part of that, the most important thing, is having that money going forward.

I should note that on top -- and I'm also grateful to the Legislature for -- and working with the Governor -- to put in 250 million last year. I will say --

CHAIRWOMAN KRUEGER: I'm going to have to cut you off, and you're going to give us all -- one second, okay.

PARKS COMMISSIONER KULLESEID: The Bond Act also will have funding to get a lot of this work done.

SENATOR HARCKHAM: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Woerner for three minutes.

ASSEMBLYWOMAN WOERNER: Thank you both for your testimony today and for the great work that you do all year long.

I have questions for both of you, and

I'm going to start with Commissioner Kulleseid.

So you spoke to the success that we have had with the rehabilitation tax credit to drive private investments in restoring our communities. And yet we still have large buildings, sort of hulking, vacant buildings. We've got one here in Albany, the Central Warehouse; we have the Victory Mill in my district; we've got New York Central Power in Yonkers -- all over the state.

With the $5 million cap on qualified rehabilitation expenditures, those -- our tax credits really don't touch those big projects, and that's probably why, despite our success with this program, they remain big and hulking and vacant on our landscape.

Is it your thought that if we were to create a large project credit similar to how we created a small project credit a couple of years ago, that we would be able to make some headway at getting some of these projects rehabbed and put to a new use?

PARKS COMMISSIONER KULLESEID: First

of all, I'll just say thank you for highlighting -- thank you for the question. Thank you for highlighting really a very robust program of ours.

The extension of the program we view as a great step forward. We look forward to working with you -- we work very closely with our Historic Preservation staff on finding those plans, what are the tweaks, what are the ways we can make those big projects get done? Very much looking forward to continuing to talk to you about how to get that done.

ASSEMBLYWOMAN WOERNER: Thank you very much, Commissioner.

Commissioner Ball, the State Fair, we're putting another 14 million into infrastructure improvements at the State Fair. And yet yesterday I met with the maple producers, and they shared with me that the rent that they are paying on their booth went from $10,000 to $25,000. And yet -- and they are still responsible for doing upgrades to their booth. And I don't imagine that the

terms of their agreement are any different than any of the other producer groups.

And so I'm just wondering, given how much money that we're putting into the State Fair, whether we're pricing our ag groups out of participating in the State Fair with this kind of a rent increase.

AG & MARKETS COMMISSIONER BALL: Well, news to me. I will look into that. Because we're focusing more than ever on making agriculture the center of our fair, with the Governor's support. So they should have seen like a 1.5 percent increase.

But I go there every day and have maple ice cream, so I'm going to chase that one down and I'll get back to you with that.

ASSEMBLYWOMAN WOERNER: All right, thank you very much --

AG & MARKETS COMMISSIONER BALL: Sounds like a --

ASSEMBLYWOMAN WOERNER: No problem.

And in my 20 seconds left, Commissioner Kulleseid, the joint working group on the future of the park police, that

work I understand is either completed or close to being complete. When can we expect to see a report on the future of the Park Police, and specifically an answer to the question of when the Park Police will be separated from the State Police?

PARKS COMMISSIONER KULLESEID: So the joint operations plan is being finalized. It's not final yet. When it gets final, we will be sharing it with you.

And as you say, it speaks to those -- deployment now and rebuilding, and that's what we're --

ASSEMBLYWOMAN WOERNER: Thank you very much.

CHAIRWOMAN WEINSTEIN: Thank you.

I just would ask my Assembly colleagues that if you're on the list and you need to leave for a committee meeting, please let me know so I can just know where you are and whether you're returning.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Our next Senator is Senator Oberacker.

SENATOR OBERACKER: Good morning. And thank you for your testimony today.

My first -- it's more of a statement than a question to Commissioner Kulleseid. I wanted to call out one of your regional directors, Duane Owens, who has done an absolute fantastic job working with our office on the project in the Glimmerglass State Park. And I think it's just a reflection of your department, and it speaks well of your stewardship of that.

So I just wanted to point that out --

PARKS COMMISSIONER KULLESEID: Thank you.

SENATOR OBERACKER: -- and get that out there. It's always good to hear -- sometimes when you hear the good things instead of always the challenging ones.

PARKS COMMISSIONER KULLESEID: Thank you very much.

SENATOR OBERACKER: Commissioner Ball, I have a question for you.

When it comes to processing, I think we all know that there's a huge need for it,

both on, I think, the dairy side and on the meat side. And what I would encourage is a -- or is there a focus that's going to be for that? And the processing not only -- for me, when I was in Ag & Markets, from a retail standpoint, I'd like to see us maybe expand that to allow more of that from, say, the protein side.

And then on-site processing for milk, to be able to pasteurize and process. And I think it also speaks to our challenges or our commitment to climate change when we talk about the ability to potentially take away some of the trucks involved with moving milk around. I would encourage us to look at that.

And I just was wondering if you have a read on that or if you can give me some feedback. Thank you.

AG & MARKETS COMMISSIONER BALL: Yeah, great question, great observation.

You know, another one of those lessons from COVID-19, to be sure. I think we learned that we need to have processing

capacity here in the state not just production. We've been frustrated with meat processing in particular, the USDA, you know, side of it. We reached out to every single custom operator in the state and offered them some of the USDA funding to expand. We reached out to every one of our USDA-already facilities to do the same thing. Workforce, workforce, workforce.

SENATOR OBERACKER: Yup. Yup.

AG & MARKETS COMMISSIONER BALL: We have a great effort in the new year here to work with Empire State Development and have kind an inner council about how we work together to attract more processors of more foods in the family-sized packaging in particular. That would help us in the event we go through something like that.

SENATOR OBERACKER: And, you know, being a former processor, if I can help in any way, shape or form, I'm not only asking the question, I'm extending a hand for help.

AG & MARKETS COMMISSIONER BALL: Yeah. Count on that.

SENATOR OBERACKER: Thank you.

And then lastly, you know, I have seven counties, and I have some of the best fairs in those counties. There's monies that have been kind of held back on getting our fairs their money.

Can we maybe put a considered effort to look and see if we can't get some of that funding out to them? And, you know, with the interest rates and everything that has gone on, some have had to take out loans for that. I think it would do us all well to increase agriculture in New York with that focus.

AG & MARKETS COMMISSIONER BALL: That's a priority for us to get that cleaned up. Thank you for that.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We've been joined by Assemblywoman Simon.

And we go to Assemblyman Otis for three minutes.

ASSEMBLYMAN OTIS: Thank you both for your testimony. And I have three minutes,

and I'm going to hit you with two quick questions.

Commissioner Ball, could you talk a little about where we are in New York State in terms of farmland loss and what the department is doing to try and push back against that threat?

AG & MARKETS COMMISSIONER BALL: Well, I'm going to turn it around just a little bit and say we're now in the top five of land preserved in the country. So we've taken great pains to grow agriculture in New York State, and consistently put in the neighborhood of 18 to $20 million a year towards preserving farmland.

But I would just say that, you know, one of the best ways to preserve farmland is to keep agriculture alive in New York State. So I'd like to think we're pretty aggressive on that front. We did see severe losses, you know, years ago, but I think we've slowed that down quite a lot.

ASSEMBLYMAN OTIS: Very good. Thank you for your good work and the work of the

department.

Commissioner Kulleseid, nice to see you. And wanted to ask about where the office is in terms of EV charging stations at state parks, which is a good place to have EV charging.

PARKS COMMISSIONER KULLESEID: Thank you for that question.

You know, I think -- I view state parks as a great place to model the best role model, the best behavior, kind of. And so whenever we are doing parking lot work, we are putting in EV charging stations. So as we've been transforming the parks system, we always make sure now to incorporate EV parking into every single one we do. Because, you know, what a perfect place. You're in the park for a few hours, perfect place to get your car charged. It's the ideal place for this kind of stuff.

ASSEMBLYMAN OTIS: Tremendous.

Another question. With the increase in visitors to the parks during COVID, and it looks like it's continuing, curious about how

you're handling the additional staffing demand to meet that. And especially the visitors -- they're not all during the summer. I would imagine you're getting growth all year round that was atypical, maybe, a decade ago.

PARKS COMMISSIONER KULLESEID: Certainly COVID was a huge lesson for us in terms of a strain on us because of the season it came in; it came in in March, when we are really relying on our permanent staff and our seasonal staff aren't in place.

I will say that this budget is a game-changer. The hallmark of this budget for us, and obviously it's very strong across the board, is the fact that we now have authorization to increase our fill level by 237 people, and that really allows us to hire and put more people in the field so that we can do this work.

We are also hiring more seasonals and hiring more front-facing, public-facing people, like Park Rangers and others, to sort of supplement and make sure we're giving the

public a great experience.

ASSEMBLYMAN OTIS: Great. Well, thank you both for your good work in your departments. And I will yield back my remaining time.

UNIDENTIFIED PANELIST: Six seconds.

(Laughter.)

CHAIRWOMAN WEINSTEIN: We've been joined by Assemblyman Brown.

Now to the Senate.

CHAIRWOMAN KRUEGER: Thank you. And our next up is Senator Stec.

SENATOR STEC: All right, thank you very much.

Good morning, both. Thanks for being here. And as several of my colleagues have said, thanks for all your hard work for us in the previous year. We appreciate it.

Commissioner Ball, if I could ask you very briefly first. New York spends about $4 million to purchase local farm products, but in this year's Executive Budget the Governor has indicated she'd like to purchase 400 million worth of products. Can you

elaborate on the services and programs that are going to be used to achieve that goal?

AG & MARKETS COMMISSIONER BALL: Yeah, I've got to clarify that just a little bit.

We estimate today that New York State, the agencies across the state, the institutions that are part of the state, spend approximately $4 million purchasing New York products. By executive order, the Governor is going to say to all the agencies, Set a goal of buying 30 percent of your products from New York State.

We estimate that the state spends about a million and a half dollars purchasing food, agricultural products now. And so the $400 million is an extrapolation of what 30 percent would look like. So we're not spending a new $400 million, we're taking money that's being spent and saying: Purchase it locally.

SENATOR STEC: All right, I'm glad I asked. I thought it must have a pretty --

AG & MARKETS COMMISSIONER BALL: Yeah, I would love to have $400 million to go --

SENATOR STEC: Yeah, no. All right, I'm comforted by that, and thank you for clarifying. It didn't jump off the page correctly.

AG & MARKETS COMMISSIONER BALL: We may be on the high side of that estimate, but if we fail and we only buy $200 million worth of New York products, that's going to be a pretty great thing for New York State producers.

SENATOR STEC: And, Commissioner, on Parks and Rec, the Executive Budget contains an $8.1 million appropriation for snowmobile registration fees, a $2 million increase over the previous year. What will the revenue for these fees be utilized for? And if you could, you know, one of my concerns and I think concerns for a lot of people besides how that increase will be used is the timing of the increase. Given the inflationary nature that we're all experiencing in the state and the country right now, if you feel this is the right time to make that increase.

And then associated with all that, if

you could reflect on or state what the current cost to register a snowmobile is and then what it would be.

PARKS COMMISSIONER KULLESEID: So the increase to the snowmobile registration fee is supported by the Snowmobile Association of New York and by many of these local groups. The bulk of that money, all but $10 of those fees, goes towards trail maintenance. It is fed back into communities so they can maintain these trails.

And so it's become -- it's a very robust program. And so I think, you know -- I think -- I mean, I do have the fees in here. I can give you exactly what they are. I don't know off the top of my head. But it's some incremental increase, right? But really all of that incremental increase is really going into trail maintenance. And it's something that's actually been requested of us.

SENATOR STEC: Okay. And again, do you know the current cost to register and what the proposed new registration would be?

PARKS COMMISSIONER KULLESEID: I have it in here. I don't know it off the top of my head. I can get back to you on that.

SENATOR STEC: All right. My time is up. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Good morning. Thank you so much for all the information.

Quick -- a few quick questions. One to Commissioner Kulleseid about the -- specifically about HABs, harmful algal blooms. I am concerned; I think last year we saw over a thousand harmful algal bloom outbreaks in New York State. It's been increasing steadily. I know this sort of is a cross between both of you. But one of my concerns is the lack of monitoring and evaluation that we have that's comprehensive.

I know we put nearly $65 million in it at some point, I think it was through Parks, years ago. I don't know what happened to it.

So I'm curious what you're seeing, the impact on state parks, lakes.

PARKS COMMISSIONER KULLESEID: Thank you for the question.

So I think that obviously some of these places are lakes and reservoirs within our parks where we have -- where we control the entire thing. So those areas, you know, where a lake or a water body is completely on state land, we can do all that work ourselves. We have the water testers, we do that stuff. And that's why we're actually able to very intensively go into a place like Lake Welch and try to address that. It's actually a perfect place for us to attack this.

It's more difficult in our parks that are on Finger Lakes, on ocean beaches, on the big lakes and river ways, because that water is coming from many different places. We are always testing, obviously, in our parks to make sure that our beaches are safe for human --

ASSEMBLYWOMAN KELLES: But only in

those that are fully state parks.

PARKS COMMISSIONER KULLESEID: Correct.

ASSEMBLYWOMAN KELLES: Okay, thank you. Thank you, that's helpful.

And for Commissioner Ball, thank you also so much for being here. Two quick questions.

One -- let me step back for a second. I just want to note I get a lot of heat representing Cornell University, that there's so many individual budget lines for Cornell University in the budget. So I just wanted to acknowledge publicly, since it's on record, that Cornell -- every state in the country was required to have a land grant college. This was the one that was established in New York State. That's why it is the land grant college, and that's why there's individual lines.

So I just wanted to note, concerned about the give-and-take constantly of the buy-backs and the legislative adds. So just hopefully that, moving forward, won't be as

much of a back and forth.

But I was in particular concerned about the $5 million remove of the urban farms and community -- I'm sorry, of the economically and socially disadvantaged farmers and beginning farmers. So that was my one question.

The other one, I just wanted to talk to you about agrivoltaics. We have so much solar, we've got this big rural competition going on between land for solar, land for farmland. Has there been any investment in research into integration of the two?

AG & MARKETS COMMISSIONER BALL: Yes, actually we had a great conversation with the tech team. At your direction, you know, in the last year we put together a farmland preservation group --

CHAIRWOMAN WEINSTEIN: Commissioner --

AG & MARKETS COMMISSIONER BALL: -- for solar and energy production --

CHAIRWOMAN WEINSTEIN: Commissioner Ball --

AG & MARKETS COMMISSIONER BALL: --

and we dove very deep into that, and NYSERDA has taken that piece --

CHAIRWOMAN WEINSTEIN: Commissioner -- Commissioner, I'm sorry. It's not fair to you to not have time to respond. So if you can -- and there are --

ASSEMBLYWOMAN KELLES: I'm sorry. I can add my questions.

CHAIRWOMAN WEINSTEIN: I'm sure there's some other questions. If you can send responses to myself and Senator Krueger, we'll make sure that all the committee members hear that.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Mattera.

SENATOR MATTERA: Three minutes is fast. I just want to wish everybody a happy Valentine's Day, first of all. And thank you, Madam Chair. I hope you love your candies.

This is to Commissioner Kulleseid. I appreciate very much all you've been doing, and especially we have a situation right now

with Nissequogue River State Park property, and we have all the buildings -- I can give you the list, you know all the buildings.

PARKS COMMISSIONER KULLESEID: I do.

SENATOR MATTERA: What are we doing to demo these buildings safety-wise, open space? We need to deal with Smithtown right now to work with the parks to use that property. Right now Smithtown Township would love to do soccer fields, this and that, but we need to knock some of these buildings down. What can we do?

PARKS COMMISSIONER KULLESEID: So thank you for highlighting Nissequogue State Park. I appreciate the question. As you know, we're also in the middle of a master plan process for that park and will be identifying, I think, large swaths of the park for recreation.

You know, at that point, Nissequogue, the work there could be done possibly through the Bond Act. There are possible sources out there to -- it's a restoration project, and it's important for Long Island's watershed,

you know, aquifer recharge.

So we'll be looking at lots of sources of funding to take care of the buildings that do not need to stay up there.

SENATOR MATTERA: Please. It's been a long, long time.

PARKS COMMISSIONER KULLESEID: I know.

SENATOR MATTERA: We need to knock these buildings down. I could go over the numbers.

And I just want to, you know, say Chip Gorman, Long Island regional director, is doing an amazing job. And again, I know Senator Oberacker commended his director. And Chip is just an amazing, amazing guy. We have a meeting, Assemblyman Fitzpatrick and myself.

Quick question also, too, is the project labor agreements that we have with the DEC building with the trades. We have a huge, huge problem right now with unscrupulous contractors that are receiving, you know, construction bids. And you sit there at 20, 30 percent, sometimes higher --

and they're getting these projects. Project labor agreements, Cornell studies show that, in other words, this is all local workers. This is workers that -- prevailing wage, we have local preference with the county. And we do have apprenticeship language.

We need to make sure that we have language on all projects in New York State that make sure that New Yorkers -- local jobs for local people.

PARKS COMMISSIONER KULLESEID: Thank you for highlighting. We love project labor agreements. It's something actually the agency has picked up our expertise in the last, right, just five years. And so whenever we have a project that's eligible, we will go to project labor agreements. They're very powerful tools to sort of bring the unions and prevailing wage together.

SENATOR MATTERA: Please, let's do a better job with that.

And the last question I have for you also, too, is our playgrounds, to make sure New York State is handicapped-accessible for

our disadvantaged children. Very important. Please elaborate on that.

PARKS COMMISSIONER KULLESEID: Obviously we are subject to the ADA, and we embrace that. I mean, we can't --

SENATOR MATTERA: Older ones.

PARKS COMMISSIONER KULLESEID: I'm sorry?

SENATOR MATTERA: Older ones that, in other words, are already built. In other words, you go back --

PARKS COMMISSIONER KULLESEID: Yes, we will be returning to them. Obviously when we're building new ones, we're building completely accessible. We continue to return back to the old ones.

SENATOR MATTERA: Great. Thank you for all your time. Thank you, sir.

PARKS COMMISSIONER KULLESEID: It was very fast.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman

Jodi Giglio. I believe there's a seat in front you can take.

ASSEMBLYWOMAN GIGLIO: Good morning. Thank you for being here today.

So for Commissioner of Parks: The Irving Hulse House at 1368 Sound Avenue, next to Wildwood State Park, is a historic home from 1822. It's on the National Register since 1981 and is in complete disrepair. It has been ignored for many years. I know that there was a plan to put the solar panels behind it to connect it to Wildwood State Park. And I just want to know what you think about the improvement of that property so that that house can be preserved. Or a carveout so that it can be given to a not-for-profit.

PARKS COMMISSIONER KULLESEID: Right now Hulse House is in our capital plan to revisit and return to stabilize that place, because it is obviously a place of great history next to one of our great parks on Long Island, so we're looking at that very carefully. But really intending to focus on

that.

ASSEMBLYWOMAN GIGLIO: Okay, thank you. I appreciate it. Because I know it was in the capital budget last year but it didn't quite make it to the finish line. So I'm hoping that that will help, and the solar will definitely help with all the people that recreate and camp at Wildwood as well.

And then for Commissioner Ball. So the Avian Disease Program is vital, along with dairy, and we've had 200,000 for 10 years. And 500,000 is needed for the program. I'm wondering if we are advocating in the budget for an increase in that funding. Cornell Vet Schools -- we have two in the state, one in Eastport and one in Geneva. You know, we need to support the increased funding in order to do those studies for the bird disease.

AG & MARKETS COMMISSIONER BALL: Yeah, I missed the beginning. Avian influenza?

ASSEMBLYWOMAN GIGLIO: Avian Disease Program.

AG & MARKETS COMMISSIONER BALL: Yes.

Yeah, absolutely. I was actually on Sound Avenue last week and met with Cornell Cooperative Extension, their board of directors, met with Long Island Farm Bureau.

This is, you know, such a dangerous, dangerous problem for New York State. We had it in New York for the first time in a long time last year, and it actually started on Long Island. But we were able to stamp it out. But we really appreciate the relationship we have with Long Island on that.

ASSEMBLYWOMAN GIGLIO: Right. So we need to get additional funding, obviously, for that program.

And then also a big concern, having 60-plus wineries within my district, the spotted lantern fly. You know, we have tried to push back and study it and research it, but we really need eradication at this time. It's here.

So do you support the funding in the budget for the eradication of the spotted lantern fly, to protection our wineries?

AG & MARKETS COMMISSIONER BALL: Yeah, absolutely. It's one of the most dangerous invasive species we've seen in a long time.

Not to drop names, I'm going to be meeting with the head of APHIS, the administrator, Kevin Shea, tomorrow afternoon to talk about spotted lantern fly, avian influenza, and the others down in Washington. So very high on our list.

ASSEMBLYWOMAN GIGLIO: Thank you very much.

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN WEINSTEIN: We've been joined by Assemblywoman Zinerman.

And to the Senate.

CHAIRWOMAN KRUEGER: I'm going to take this as my time, thank you.

Thank you both for being here.

So Commissioner of Parks, you had a number of questions about overuse of parks and the problems that created. So would you support the state or the City of New York reducing its parkland anywhere? Do you think

we have an overabundance of parkland anywhere?

PARKS COMMISSIONER KULLESEID: No, I would not support that.

CHAIRWOMAN KRUEGER: Okay. So do you also agree with our historic -- I guess it's not necessarily a law, but it's certainly precedent in both houses that the only time we allow for parkland alienation is if it's a very good public need, reason, and there's a replacement amount of equivalent or larger. Do you as the Parks commissioner agree with that policy?

PARKS COMMISSIONER KULLESEID: The public trust doctrine in New York goes back a -- there's a long, long history in courts and in the Legislature and it's been a way that New York has prioritized parkland throughout its history.

CHAIRWOMAN KRUEGER: So here's my set-up question. Do you think it would be a good idea for us to allow casinos to take over parkland in New York City?

PARKS COMMISSIONER KULLESEID: I think

the law is pretty clear about replacement land and all those kind of things. And I think any kind of project has to go through that kind of process.

CHAIRWOMAN KRUEGER: Thank you.

Commissioner Ball, nice to see you also.

I know we've talked about this before. So New York, how are we doing on diversifying not just who farms our land but what we're producing in food? Because we now have close to 3 million Hispanic or Latino New Yorkers; we have close to 2 million Asian-American New Yorkers; we have I think over 2.5 million both African-American and Caribbean-American New Yorkers. And at least in the City of New York, where I live, something like 50 percent of us have immediate family or are new Americans ourselves.

And so one of my favorite parts of New York is the diversity of food options. That's why a lot of us actually I think come here and stay here and are tourists here. How are we doing about making sure that our

farmers are actually growing the foods that a disproportionately large percentage -- and growing percentage -- of New Yorkers actually want to go out and buy and cook and use in their restaurants?

AG & MARKETS COMMISSIONER BALL: Yeah. Well, I think we're on the same page there, Senator, for sure. Our Diversity Workgroup is really focused in on that: Let's make sure our agricultural community reflects our population.

I've been able to be at farms in the past couple of years since we started that work in Buffalo, New York, with Bantu Somali farmers; in Saugerties, New York, with farmers from Ghana; on Long Island, with farmers of Korean background. And there's such -- in New York State it's all about the food. And in New York City, it's the most fantastic place to eat. So let's make sure that we can take advantage of those opportunities that we have there.

So many of the new asylum-seekers and people who have come to New York State are

coming from agrarian communities in other parts of the world. They want to have their foods; they want to be able to produce their foods. So we're focusing in with this funding to help those people gain access to land and be able to do just that.

I feel pretty good. I talked about all the initiatives we have around diversity and equity in agriculture. We're heading in the right direction. But they've been largely disconnected to the agricultural community. They don't know Cornell. They don't know our banking system and Farm Credit. They don't know Farm Bureau. They don't know the Department of Agriculture.

So I think our efforts to date are getting us all up to speed and on the same page. And it's a goal of ours. You know, we're going to need younger farmers, new farmers, and more varieties of food in this state to satisfy this marketplace where you live, the most amazing marketplace anywhere in the world.

CHAIRWOMAN KRUEGER: Thank you.

So do you produce somewhere reports or stats on the diversity of the farmers coming into our farms in New York State that we can take a look at and track? I know that we are trying desperately to get new and younger farmers because we have an aging issue among our traditional farmers as well. So is there somewhere that we can actually look on your website to see the growth in the changes in farmers and what they grow in New York?

AG & MARKETS COMMISSIONER BALL: Traditionally that's a role that's done by USDA and National Ag Statistic Service. Actually, they work for the -- all 50 state departments of agriculture. And, you know, fine-tuning those reports to actually help us understand that the number of women on farms is going up, Latinos are going up, what's happening with BIPOC farmers. We're in the middle right now of that census. It was required to be in at the end of January. I filled mine out. We're going to have those results here this year, so I'll be able to

get you some numbers.

But certainly we want to be able to document the efforts that we've undertaken if they're successful -- it's the right thing -- right here in New York State as well.

CHAIRWOMAN KRUEGER: Great. Thank you.

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN KRUEGER: So there's been several questions I think of both of you involving climate change and issues that we need to address both in our parks communities and in our farms.

So over the years we've seen that you were part of a task force on pesticide use in New York. There's growing and constant, I think, attention now to certain chemicals getting into our water system, which then translates to getting into both our agricultural production and, I've learned, the fish that we pull out of our streams and even farms.

So if pollution from certain chemicals

gets into the waters used by our fish farms -- is that the right name? There's another word for it.

AG & MARKETS COMMISSIONER BALL: Aquaculture.

CHAIRWOMAN KRUEGER: Thank you.

-- and into our rivers and streams, that that also translates into getting into our food products.

So do you feel like we're actually making progress in trying to prevent this from happening or identifying it and trying to stop it? Obviously it needs to be in coordination with other agencies as well.

AG & MARKETS COMMISSIONER BALL: Yeah. Absolutely. We're doing a better job farming today than we've ever done in the history of mankind.

And I would point to a couple of things that are in the budget. One is Cornell's IPM program. IPM stands for integrated pest management. What it means for agriculture is common sense: Let's figure out the best way, the most

environmentally secure way to deal with this disease, this pest.

And we've dealt with the funding for that over the last -- this will be the second year. We want to have the best program for integrated pest management in the country. We need to have, because we have such a diverse crop mix here.

But there's so many things about -- you know, 40 years ago you came out with -- if you had a pest, you came out with the hardest-hitting, most toxic chemical you could possibly conceive of to eradicate it. And now we look at trapping it, confusing it, moving the crop -- you know, finding other biological ways to deal with the issue.

So there's a hundred examples of success when we actually dive in and understand the disease or the pest, about how to get to it. Spotted lantern fly is one that we're currently working on with APHIS to figure out are there less harmful to the environment ways to deal with this. Great examples in potatoes, with the Colorado

potato beetle. You know, I was growing potatoes when I was 18 years old and now I don't worry about them because I've figured out the nature of the pest and the way to avoid them.

So I think it's smart for New York State to double down on the research, to look at all the things that are involved with the enemy and their lifestyles and how we can interrupt those lifestyles. So yeah, I feel like we're doing a really good job here. We work very closely with DEC. DEC registers those pesticides, and they do a great job. And they've become willing partners with us on that.

CHAIRWOMAN KRUEGER: My final question for you. So we know how important our butterfly and our bee populations are to making sure that we can continue to successfully grow our crops. And there has been real problems around the world with both of those issues. Are we making progress? Are these populations growing, stable, or reducing in New York? Do we know?

AG & MARKETS COMMISSIONER BALL: Well, you can feel pretty proud as a legislature that you have the best pollinator plan in the country. It was a lot of work, but we brought in all the parties -- the environmental community, the farm community, and our agencies. We cochaired it with DEC. And we came up with the best management practices for landowners, for beekeepers, for farmers, for fruit growers, and for applicators.

We have a very good plan. We've been able to dramatically increase survivability of our pollinator -- our captive pollinator population. And currently DEC is working with us to help figure out the wild bee population and a better way.

But I would point to the tech team and the research that we partnered with Cornell. There's a half a million dollars in the budget to do that again this year. And they're just coming up with the right answers. So we've been able to dramatically increase the survivability of our bee

population in New York State.

CHAIRWOMAN KRUEGER: And butterflies, are we doing okay with them?

AG & MARKETS COMMISSIONER BALL: They go along with that, yeah.

CHAIRWOMAN KRUEGER: They go along with the bees.

AG & MARKETS COMMISSIONER BALL: They're also helping. Yeah, birds and the bees, butterflies and bees.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you very much.

AG & MARKETS COMMISSIONER BALL: Thank you. Great question.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Anderson, three minutes.

ASSEMBLYMAN ANDERSON: Thank you, Madam Chair.

And to the commissioners who are here with us this morning, good morning. Good to see you all. Happy Day of Love.

So the first question I have is for

Commissioner Ball. Commissioner Ball, do you have a census of how many Black farmers there are in the State of New York?

AG & MARKETS COMMISSIONER BALL: We have just an approximate number, because traditionally on the USDA Census data they didn't ask about the race. But now they are, and we've been able to accumulate the numbers by county.

ASSEMBLYMAN ANDERSON: And what is that number, Commissioner?

AG & MARKETS COMMISSIONER BALL: It's in the hundreds. But it's not in the thousands, where it belongs.

ASSEMBLYMAN ANDERSON: Okay. And as it relates to resources for that specific demographic, how has your agency been able to assist with some of the issues that those farmers have? Whether it's lending, whether it's crop shares and things of that nature, what has your agency done specifically for that group?

AG & MARKETS COMMISSIONER BALL: Well, we started in 2019 listening to the farmers

themselves: What are the challenges -- access to hand, access to capital, access to training -- and then how to navigate the system. So we've made some progress in that. We had some funding in the budget last year that you folks helped us with, and again this year.

The first thing was to listen, listen to the issues. But access to capital, Farm Credit. They don't know who Farm Credit is. They didn't know who Cornell was. They didn't know who we were at the department --

ASSEMBLYMAN ANDERSON: But I guess what I'm trying to get at, Commissioner, is I do see that legislative add in the budget for Black farmers. It was enacted in 2022-2023.

AG & MARKETS COMMISSIONER BALL: Yes, last year.

ASSEMBLYMAN ANDERSON: And we added an additional $200,000 for that specific group of farmers.

How quickly has your agency been able to get those resources out the door, and how much is left?

AG & MARKETS COMMISSIONER BALL: Most of it's left. The RFPs have gone out the door. We don't have --

ASSEMBLYMAN ANDERSON: But most of it is left still?

AG & MARKETS COMMISSIONER BALL: Yes.

ASSEMBLYMAN ANDERSON: So you guys haven't spent down on it.

AG & MARKETS COMMISSIONER BALL: Not nearly as much as we wanted. Partially --

ASSEMBLYMAN ANDERSON: Is there a request -- sorry, Commissioner, really quickly, I just have a limited time so I've got to get these questions in.

AG & MARKETS COMMISSIONER BALL: Sure, yeah.

ASSEMBLYMAN ANDERSON: Is there a request to the Legislature for additional resources for Black farmers?

AG & MARKETS COMMISSIONER BALL: Those RFPs just went out in January. And we want to keep it going for next year. Getting in in the network, expanding the network has been our goal. Hiring somebody full-time, an

associate commissioner to do that. The newsletters and attaching them to all the programs that we have has been the priority.

ASSEMBLYMAN ANDERSON: So do you know when you'll have that program up and running?

AG & MARKETS COMMISSIONER BALL: We expect the RFPs are due the end of this month.

ASSEMBLYMAN ANDERSON: Thank you, Commissioner. And I have one more question.

The Urban Farms and Community Gardens Grant Program, I see another request here for that program. I just want to know if you can assess how well that program is doing in achieving its goals to address the issues of food insecurity.

CHAIRWOMAN WEINSTEIN: And you'll have an opportunity to send that answer to all of the -- to Senator Krueger and myself, and we'll circulate it to all of the members.

ASSEMBLYMAN ANDERSON: Thank you, Commissioner. Thank you, Madam Chair.

AG & MARKETS COMMISSIONER BALL: Thank you for the questions.

CHAIRWOMAN WEINSTEIN: To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Chair Michelle Hinchey for three minutes, second round.

SENATOR HINCHEY: Thank you very much.

I will jump right in. First, Commissioner Kulleseid, thank you for all of the talk of the new Sojourner Truth Park in Kingston. We are thrilled about that. And still more work to do, but thank you.

I've got a couple more questions for Commissioner Ball, and two quick comments. You know, we talk about solar on farmland and while I appreciate the comments of "while we take one, we save one," that still inevitably gets us to half, you know, kind of best-case scenario. So I think we need to do a lot more in protection of our farmland from solar developments.

And as we talk a lot here on this panel about the next generation of farming, I'll say farmers are -- they're family farmers here in New York. And these are often farms that have been in the same family

for decades, generations, if not hundreds of years. And that next generation today is concerned about taking over the farm because of the lack of economic opportunity in our agricultural markets.

And so while we need to be doing more to bring in new and diverse and younger farmers, I will say there is a generation of young farmers who have the opportunity to take these farms, but they don't want to because they don't know what the future's going to hold. And that's where we as a legislature need to make sure that these are viable, thriving businesses.

I want to take my last minute to talk about in the budget last year the Senate put in the Clean Fuel Standard. That was in our one-house, but it was not reflected in other budgets and therefore obviously not adopted.

Can you talk about what that would mean for our dairy industry and agriculture at large?

AG & MARKETS COMMISSIONER BALL: Sure. Thank you for the question and your

observation. We're on the same page there about the next generation of ag.

Clean Fuel Standard, it's going to come up. As you saw, there was unveiled in the budget cap-and-invest. There's a few interesting positives about "invest" as opposed to cap-and-trade.

So the commissioner at DEC and NYSERDA and I will be sitting down this summer as they begin to figure out what that looks like. I think a clean fuel has obviously got to be part of that conversation as we look to invest in those new energy technologies and clean up the use of fossil fuels in New York State.

I know the commissioner at DEC is hoping by midsummer to have -- to put some guardrails and some rules around that. But we will be at the table with them fully at Agriculture, and that was his invitation and guarantee to me.

SENATOR HINCHEY: Thank you. I'm happy to hear that that might be part of that conversation, because we don't have a lot of

details about the cap-and-invest program. So that's the first time we've heard that. So thank you.

Recognizing I have 16 more seconds, I will yield them back. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much, Senator.

Assembly.

CHAIRWOMAN WEINSTEIN: Yes, we go to Assemblyman Lemon-dones.

ASSEMBLYMAN LEMONDES: Le-MON-deez.

CHAIRWOMAN WEINSTEIN: Lemondes. One day I'll get it right.

(Laughter; off the record.)

ASSEMBLYMAN LEMONDES: Thank you.

My remarks are more a request for comment to Commissioner Ball. I want to first recognize the success that you have personally achieved for agriculture in New York State and all of the things your efforts have produced.

Additionally, though, as I look down the list of agricultural local assistance programming -- and there has been peripheral

reference to this, but I want to pull out some things precisely. Cornell concord grape research, 50K detriment. Cornell animal health surveillance, 481K detriment. Cornell pro-dairy program, 17 percent detriment. Maple research, one-third detriment. Onion research hit as well. Maple producers, 33 percent. Sheep producers zeroed out. Johne's zeroed out.

This concerns me greatly. I'm hoping that you would commit to using your influence in helping us restore our infrastructure here. With respect to the opening comments that you made, we have now ceded our space in research to number three. And so as we detriment our infrastructure, we hurt ourselves even further. Wondering if you would comment on your --

AG & MARKETS COMMISSIONER BALL: Sure. I look forward to working with you on all those subjects.

You know, the Executive Budget is her chance to put out her priorities for the year and obviously try to balance a budget going

forward for New York. All the items you mentioned were legislative adds last year that the Assembly and the Senate put together, which really underlines the importance of the budget process, that it include the Senate, that it include the Assembly.

So very much interested in hearing your priorities: Are they enough, are they too much. So we look forward to working with you on that for sure.

ASSEMBLYMAN LEMONDES: And just another comment. If you could, it seems that when we zero out the sheep producers, for example -- and one of my colleagues had mentioned this with respect to -- I think it was Carrie Woerner, with respect to the State Fair -- that's an incredible hit. That hurts all of New York, because that research, the benefits of that research, the interaction with the public and the people that do that for a living is impacted significantly.

And I just want to say that -- and

hope you would concur -- that as we talk about the proliferation of solar panels, every panel that's in place, whether people recognize it or not, requires more sheep. Unless we're going to use fossil fuel to clean under those panels.

AG & MARKETS COMMISSIONER BALL: By the way, great project underway at the State Fair for a new sheep and wool center, fiber center there. So we get it.

I do think the opportunity for agrivoltaics in New York is a big one. We have to really look at that very hard. And sheep obviously fit into that topic area pretty well.

ASSEMBLYMAN LEMONDES: Thank you.

AG & MARKETS COMMISSIONER BALL: And if there's a local sheep farm I can visit again, let me know.

ASSEMBLYMAN LEMONDES: Of course.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you. And I think to close for the Senate, Senator

Serrano, three-minute second round.

SENATOR SERRANO: Thank you, Madam Chair.

Commissioner Kulleseid, just very quickly. I know my colleague Senator Walczyk mentioned about operational funding and new hires and the need for additional staff. So, you know, with the great news of more and more park visitorship obviously the need for services within the parks continues to grow, and having staff.

So I just wanted to drill down a little bit on some of the details on how potentially new staff would be deployed. Would it be trails, concessions, at the beaches? And, you know, also thinking about cultural competency and how the new staff sort of are set up in regards to visitor experience.

PARKS COMMISSIONER KULLESEID: So the great news about the additional -- the increase in our fill level is a lot of those positions will be out in the field. It's a huge opportunity for us to put people in the

parks, front facing, sort of public-facing positions.

Obviously it's hard to generalize. You know, each region has got different gaps and sort of we'll be putting people really where they're needed, right, to be in the field.

And as you know, I think we are always trying to make sure to recruit more staff from diverse communities because, you know, unless our staff looks like the communities that are visiting, there's a disconnect there.

So it's something we are prioritizing, recruiting -- changing our recruiting practices, systematizing just to make sure we are attracting a diverse workforce.

SENATOR SERRANO: Thank you very much, Commissioner.

Madam Chair, I yield my time back.

CHAIRWOMAN KRUEGER: Thank you, Senator.

Assembly.

CHAIRWOMAN WEINSTEIN: We have a

number of Assemblymembers. We'll start first with Assemblywoman Septimo.

ASSEMBLYWOMAN SEPTIMO: Thank you so much for your testimony. These questions are for Commissioner Ball.

That is a remarkable statistic about 2,000 urban farms in New York City. I represent the South Bronx, and I'm deeply proud of all of the work that so many of our great urban farms are doing.

So we have a lot of great urban farms, but we also have a substantive amount of environmental issues. And I'm wondering how you imagine the intersection between urban farms and growing the capacity with respect to resilience, storm preparedness, et cetera, especially as you all have decided to up the funding for urban farms and community gardens in the Executive Budget.

AG & MARKETS COMMISSIONER BALL: Well, the community gardens are an important start. You know, your neighborhood I know pretty well. You've got the highest rate of juvenile diabetes and childhood obesity in

the country, and the worst air quality. So we need to work on that.

You also don't have grocery stores or farm markets. So I think there's an incredible intersection there. We're working right now on building a New York Grown & Certified food hub in the South Bronx. It should be on -- hopefully we'll be putting something in there this fall. It's been a great project and taken decades, but I see that as a great connecting point.

The community gardens are a great way to make that connection between agriculture. As you know, in your neighborhood you've got the largest terminal market in the country -- ironically, with no access for people to get the food. We're looking at a rebuild of that market to make it more efficient, to make it more accessible. And for growers as well; it's been a challenge for farmers to get into that market.

So I think, unfortunately, you are the poster child for some of the things that we need to fix in connecting, you know, an

amazing marketplace and a huge population. You have 31,000 people per square mile in the South Bronx. I have 30,000 people in my whole county. There's an obvious opportunity there.

ASSEMBLYWOMAN SEPTIMO: If you give us any more South Bronx stats, I might wonder whether you live there.

(Laughter.)

AG & MARKETS COMMISSIONER BALL: I've felt like I live there.

(Laughter.)

ASSEMBLYWOMAN SEPTIMO: I do appreciate you mentioning the Hunts Point Produce Market's redevelopment, because that's certainly a priority for us as well. And I'd encourage you to come visit the South Bronx. We have a really incredible program happening at one of our urban farms that is really focused on integrating storm preparedness, solar, energy generation, and really creating a resiliency hub for the community.

And again, thank you for your

testimony, and we invite you out soon.

AG & MARKETS COMMISSIONER BALL: We will take you up on that.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Thank you.

Thank you all for being here and answering our questions.

And just to add to what Assemblymember Septimo -- I have 53 community gardens in my district that really could use some state support. So I'd love you to come down to Lower Manhattan and meet with some of our gardenators. We have a coalition {unintelligible} of all the community gardens, and it would be great to be more engaged on garden issues and kind of the impact it has on quality of life. And, you know, we talk about urban farming; there's a lot of that going on in the Lower East Side, and we'd love to have to come talk about it.

AG & MARKETS COMMISSIONER BALL: Sure.

ASSEMBLYMAN EPSTEIN: Just -- Commissioner, I want to talk about parkland

and opportunities for composting on parkland. You know, obviously one of the big issues we're having around environmental degradation is not really using -- taking our food waste and our compostable park waste and composting.

I'm wondering what you're thinking about moving forward, how -- you know, under the CLCPA how we're going to expand the opportunities for composting, either of what we have in our parks or what can be brought into our parks for compostables.

PARKS COMMISSIONER KULLESEID: So obviously we -- there's a lot of parks and a whole variety of ways that food comes in and goes out, right. Some of it happens through concessions, right; we have vendors of food and we also -- an awful lot of it that comes in with people on their own, right?

ASSEMBLYMAN EPSTEIN: Right.

PARKS COMMISSIONER KULLESEID: And so, you know, one of the things we're doing is looking at how do we -- how we gather that in our parks and provide places in parks for

that to be distributed.

ASSEMBLYMAN EPSTEIN: So right now we're not doing a good job on composting in our park space, in my experience and what I've talked to. And I'd really like to figure out -- you know, one of the top three causes of greenhouse gases is throwing away food waste. And not ensuring that our leaves and our trees and our other compostables are composting. And I'd love to figure out how we can use our parkland to do that in a smart and thoughtful way and encourage -- I would love to have a conversation offline to talk more about that.

PARKS COMMISSIONER KULLESEID: Look forward to it. That'd be great.

ASSEMBLYMAN EPSTEIN: The other thing is around charging infrastructure. I'm wondering kind of what percentage of our parks now have charging infrastructure available and are we going to make sure that's in every state park that we have.

PARKS COMMISSIONER KULLESEID: So I'd have to look into -- I'd have to give you

that statistic --

ASSEMBLYMAN EPSTEIN: I would love that, actually.

PARKS COMMISSIONER KULLESEID: -- and we can take a look at it.

Obviously, as I said earlier, anytime we actually do capital work in our parks we are putting in EV charging stations because, as I said earlier, it's -- we have an opportunity to do that because people spend time in our parks, so you can charge and you go have -- be healthy in the park.

So we're rolling that out. Don't know what the statistics are, but we can get that.

ASSEMBLYMAN EPSTEIN: And what we can be doing to support more of it. If there's something that you need from us, we'd love -- I'd love to hear about it, because --

PARKS COMMISSIONER KULLESEID: I think the Bond Act is obviously a huge opportunity in that regard.

ASSEMBLYMAN EPSTEIN: And federal funding as well. But if there are other infrastructure problems that are going on.

And just on the regulations of charging fees, I'm wondering -- you know, I know we're going to regulate the volume. I'm wondering about regulating the price and if there's going to be a regulation or a tax related to the -- for charging fees for people who are charging on government land.

PARKS COMMISSIONER KULLESEID: Right now we don't charge in our --

ASSEMBLYMAN EPSTEIN: No, for the charging infrastructure.

PARKS COMMISSIONER KULLESEID: Oh --

CHAIRWOMAN WEINSTEIN: Thank you.

PARKS COMMISSIONER KULLESEID: Okay, we'll follow up.

CHAIRWOMAN WEINSTEIN: You've got to leave time. We still have a really long hearing after this one -- after these witnesses.

Assemblyman Brown, three minutes.

ASSEMBLYMAN KEITH BROWN: Thank you, Chairwoman.

Commissioner, great to see you again. I want to start out by thanking you for

Chip Gorman. He's a real asset to your agency, and we thank him for all his hard work down on Long Island.

In particular, number-wise, the Executive Budget proposes 202 million, 50 million less than last year. We know that for every dollar spent on the parks we gain back another $5. Parks is one of the few agencies in New York State that actually is a money-maker. So can you speak about the fact that there's money out of the budget that possibly should be there?

PARKS COMMISSIONER KULLESEID: So the proposal for 200 million in the budget is consistent with the Governor's proposal last year. It matches her proposal for last year. And I think this year, in addition, we have the opportunity to spend money through the Bond Act, and in fact the Sojourner Truth -- the buildout of Sojourner Truth State Park is proposed to be done through the Bond Act.

But really look forward to working with you all in terms of how to make sure that money continues to be well-spent and is

robust going into the future.

ASSEMBLYMAN KEITH BROWN: Yes, and we know that because of COVID and people using state parks in record numbers that we haven't seen.

PARKS COMMISSIONER KULLESEID: Yes. Yeah. Long Island and most particularly -- I mean, our parks are Long Island, right? It's hard to differentiate the two.

ASSEMBLYMAN KEITH BROWN: Yes. Yes.

The second thing about the parks, how do we make the parks more environmentally friendly in terms of food services' use of plastics? The reduction or elimination of use of plastics on parkland.

PARKS COMMISSIONER KULLESEID: So we've taken measures in that regard, and we've actually imposed things like -- we have no single-use plastics, things like that, that we can impose on our concessionaires. A lot of that -- obviously, a lot of the food service happens through private companies that are coming into our parks and doing that. But we do mandate those things.

And we are -- as much as the rest of the state is -- in charge of reducing our waste by incremental amounts over the next 10 years, and we will be looking at every opportunity to reduce waste. Some of it comes in -- it's complicated, right, because some of it comes through vendors, some of it comes through people arriving in the parks with their own stuff. So it's complicated, but we look forward to taking that on.

ASSEMBLYMAN KEITH BROWN: Great. Thank you. And I will yield back my whole minute.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you.

And this is for Commissioner Kulleseid. Do I have that right? I hope I haven't butchered the pronunciation of your name.

You know, I want to start off by first thanking you for having as one of your vendors Spectrum Industries, which is a not-for-profit corporation that provides

employment for people with disabilities. And they are providing some of the items in your gift shops. And I just think that it's terrific that you're doing this. It's a great example to the state.

My question actually goes to maintaining facilities, both the trails as well as, you know, the visitor centers. And, you know, can you provide us a sense of the statewide cost to update and maintain trails, especially climate change having a significant adverse impact due to rates of thawing and freezing and increased precipitation?

And, you know, how you do that. Do you do a condition assessment of the trails? Do you do a condition assessment of your visitor centers and then that factors into your capital plan? If you could just share that with us.

PARKS COMMISSIONER KULLESEID: Obviously we're an operations agency, right, so we have capital staff, we have maintenance staff. And so there's a constant effort to

be in there, you know, checking the status.

Facilities are a little bit different. Facilities obviously -- when you talk about buildings, those are obviously, you know, complex structures, often, so we get some of that done through outside vendors. But it's something we're always watching.

Our trails, I will say, you know, we have thousands and thousands of miles of trails in New York. I will say we benefit from the robust effort of volunteer groups. We do a lot ourselves, but we have the Trail Conference and other great huge trail groups that actually have volunteer crews that are out there weekends. They can handle a lot of that trail maintenance. And then we do quite a bit through capital projects.

And it's particularly in those places we talked about overuse earlier. We're trying to make sure that those trails are robust and --

ASSEMBLYMAN BURDICK: And excuse me, sorry to interrupt. But cost, do you have any sense of that?

PARKS COMMISSIONER KULLESEID: We have a budget for it. Every year we're spending money on trails. I can get you -- you know, I can give you a sense of --

ASSEMBLYMAN BURDICK: That would be wonderful if you could.

PARKS COMMISSIONER KULLESEID: Yup.

ASSEMBLYMAN BURDICK: Thank you so much.

PARKS COMMISSIONER KULLESEID: Yup.

ASSEMBLYMAN BURDICK: And so do you do a scoring system, a condition assessment for our trails in conjunction with those volunteer agencies?

PARKS COMMISSIONER KULLESEID: There's constant -- I mean, I'm not sure what you mean by -- a scoring system per se? Constant assessments. Constant assessments. Constant assessments of where are we putting volunteer trail crews, how we're putting people out there to make sure that the trails are in great shape, yeah.

ASSEMBLYMAN BURDICK: Super. Well thank you so much. You do great work. My

wife and I love your trails.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Thank you. We go to Assemblywoman Zinerman. Is she here? She may have had to go to a -- okay, so we'll go to Assemblyman Jones, three minutes.

ASSEMBLYMAN JONES: Her loss is my good luck, I guess.

Thank you, Commissioners, for being here. And thank you, Commissioner Ball, for all your hard work in agriculture. There's no part of the state, I don't think, that you don't get to, and it is appreciated and seen.

I -- we're going through the budget here and, you know, we see some line items that are X'd out, and we'll do that budget dance like we do every year with the Legislature. Northern New York Agriculture Development Program -- excellent program, by the way, have to put my plug in there.

But I guess in going along with some of what my colleagues here said, every year I come back and I ask a question about how we get -- or what are the best programs to get

fresh food to our population centers. And my colleagues come to the North Country and they go all over the state, and we grow excellent, excellent food here -- I believe the best in all of the United States -- but we continue to have that issue on where and why we're not getting our products into these population centers. And it irks me to no bound that we have out-of-state and out-of-country products -- when we grow them right here in New York -- that are being sold in our population centers.

So my question to you is, do we need a new program, do we need another program, and what programs work to get our fresh foods from our New York farmers into the population centers here in New York State? That's all you.

AG & MARKETS COMMISSIONER BALL: Yeah, thank you. Right down the middle of the plate. I love it.

(Laughter.)

AG & MARKETS COMMISSIONER BALL: Well, you know, we last year just concluded a

Procurement Workgroup report. We basically brought in the stakeholders and said, What do we got to do differently? That report is on our website right now, and that workgroup is continuing to work.

How in New York State, where we rank in the top 10 on over 30 commodities and have great resources, great assets in our agricultural community, how do we get ourselves into those markets in a bigger way? So the work of that Procurement Workgroup is ongoing, along with OGS as a big partner, because they buy an awful lot of that food. Our Farm-To-School Program obviously has to be underlined there.

But I think also the 30 percent initiative that the Governor outlined -- not to spend $400 million buying stuff but to actually take and by executive order have our state agencies purchase 30 percent of their products, like we say to our schools, buy 30 percent of your products --

ASSEMBLYMAN JONES: And I don't mean to interrupt, I have 15 seconds left. But is

it a bureaucratic issue that we're not getting -- I mean, we talk about procurement, we talk about these issues. What in particular is the issue on getting our fresh products in the population centers?

AG & MARKETS COMMISSIONER BALL: I think it's largely a marketing issue. I think it's largely a marketing issue, as a farmer, as a vegetable grower. And I think our New York Grown & Certified program will help address that, and our history with Nourish New York.

ASSEMBLYMAN JONES: Thank you, sir.

AG & MARKETS COMMISSIONER BALL: Thank you for the question.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Zinerman, three minutes.

ASSEMBLYWOMAN ZINERMAN: Good afternoon, officially, Commissioner. How are you?

AG & MARKETS COMMISSIONER BALL: Great.

ASSEMBLYWOMAN ZINERMAN: I just want

to start out by thanking you for all of the work that you all are doing to support school-based programming and agriculture programming. You know that we are applying to be the first Future Farmers of America chapter in Central Brooklyn, so we're really excited about that work.

I also want to just applaud the work, you know, that the Legislature and you worked on last year to provide a million dollars to the BIPOC agriculture community, specifically $200,000 to the Black Farmers United Fund.

If you could talk a little bit about the success of that program, what outcomes. And in particular, I see that there wasn't an investment this year in particular for that fund. Wanted to find out what was the reason for that. And what type of support do you think that they still need in order to run their own farms and be able to afford the equipment necessary to provide the state with fresh foods and produce?

AG & MARKETS COMMISSIONER BALL: Yeah. Well, thank you for that. Appreciate the

comments. And, you know, on Friday we're going to be highlighting, I think, four new FFA chapters in the metropolitan New York area. So our goal was to add a hundred chapters around the state. But adding them in your neighborhood is so wonderful.

The Black farmers and the minority farmers, socially disadvantaged farmers, the work is -- the work is being done. As you know, we started in 2019 trying to figure out this challenge, putting the funding in there and getting it to work. The funding part and having that money go to work for us is about to begin. But the groundwork has been done and I think continues to be done: Visitations on farms, visitations to communities, expanding the network. And it's so important to have the market access as well.

So we've got funding from the state, we've got funding for USDA now with the Local Food Procurement Act that's going to all contribute here. Getting the network, getting everyone on the same page, knowing

what the opportunities are has really been the first hurdle and the one that we're going over right now. So I'm excited about it. We're not done. We have a permanent person at the department just to focus on this issue completely -- Damali Wynters, just doing an awesome job.

ASSEMBLYWOMAN ZINERMAN: Can you talk about how many people are actually in the program? So this group that you're working on, how many farmers are actually connected and are eligible to receive these funds?

AG & MARKETS COMMISSIONER BALL: Well, we're finding people every day, because they were under the radar screen almost everywhere around the state. But I have been able to visit, you know, farms -- Somali Bantu, from Ghana, from all over the place. And I'm excited about the initiatives that we have in the State of the State and excited about the Nourish program and the LFPA that's going to reach us. It's a little bit different, so.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Lee.

AG & MARKETS COMMISSIONER BALL: We'll follow up on that.

ASSEMBLYWOMAN ZINERMAN: Thank you.

CHAIRWOMAN WEINSTEIN: Three minutes.

ASSEMBLYWOMAN LEE: Good afternoon.

This is for Commissioner Kulleseid. You noted earlier that there's a lot of parkland in the city. But the important issue, I believe, is that the distribution is not equally distributed throughout the city, and parkland is particularly scarce in lower-income neighborhoods.

I represent a district in Lower Manhattan which includes Chinatown and the Lower East Side that is deeply dense and diverse in population at 64 percent BIPOC, but shamefully starved of park infrastructure while overburdened with transportation infrastructure.

How do you and could you address this lack of equitable funding disbursement and support neighborhoods like these?

PARKS COMMISSIONER KULLESEID: Thank you for the question. You identified, yes,

something that's a big challenge for Parks. Obviously in urban areas they're very difficult.

You know, we've been lucky enough in the past five years to open a new park at Shirley Chisholm State Park in East New York, right, which we actually had to think outside the box, right, and took a former landfill and it's now a 400-acre state park on Jamaica Bay.

You know, it's important to look at those opportunities -- you know, vest-pocket parks, all those opportunities to sort of expand Parks' base in those areas. And very much a passionate believer in those places for what they provide to local communities.

ASSEMBLYWOMAN LEE: Great. We are currently working on a project under the Brooklyn Bridge called Gotham Park, and would love to have you come and visit.

PARKS COMMISSIONER KULLESEID: Great. Love to see it.

ASSEMBLYWOMAN LEE: But it would create essential and very important, you

know, essential parkland for the community. So we welcome you anytime.

PARKS COMMISSIONER KULLESEID: Love to come see it.

ASSEMBLYWOMAN LEE: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Fahy, three minutes.

ASSEMBLYWOMAN FAHY: Thank you. And a pleasure to have you here. Appreciate all the work that both of you are doing, and I think our state benefits as a result, especially via tourism.

With regard to our Parks commissioner, Commissioner Kulleseid, I want to say I was able to pass the Trails Plan, the master plan, about three or four years ago. You promptly followed up and published that, and I know you're working on some updates. So I truly look forward to that.

As well as I've had a number of businesses get that Historic Business designation, so we're just thrilled to see it, and they're absolutely thrilled to recognize the businesses.

I'm going to save a couple of questions, though, for Commissioner Ball. Thanks for all you're doing on the craft food and beverages. Two questions; one I hope is a very brief one.

The Cornell Diagnostic Lab. If I'm reading it right, I think the budget calls for a $500 million decrease. That's the surveillance forensic lab. And not clear on if -- why that's proposed. My understanding is that's the investigative pathology lab on animals, testing for abuse and also any type of human transfer of diseases. So we see a huge cut proposed; wondered if you can clarify or address that.

And then with regard -- switching gears, separately, a separate question is the School Lunch Program. I know we've made some real inroads on that. We all want better food for all our families, right, let alone our school lunches. Can you talk about what we're doing to -- or what percentage we're at in terms of currently the resourced food from local farms?

And I know some areas have had a difficult time reaching that 30 percent threshold. Is there more that we should be doing?

AG & MARKETS COMMISSIONER BALL: Yeah, I think we're hitting that pretty good. The -- it's 481,000. That's different. The diagnostic lab is funded in the Executive Budget at the same level it was last year. The additional funding came from the Legislature. So we'll look forward to talking with you about that.

That was the quick one, I think.

ASSEMBLYWOMAN FAHY: That was a quick one. So the 500 million --

AG & MARKETS COMMISSIONER BALL: Not 500 million, it's 500 --

ASSEMBLYWOMAN FAHY: -- came from the Legislature?

AG & MARKETS COMMISSIONER BALL: Yeah, the additional funding.

ASSEMBLYWOMAN FAHY: Okay. All right, we'll work with you again on that.

Go ahead on the food, please.

AG & MARKETS COMMISSIONER BALL: We look forward to working with you about that.

As far as school food, that's still a passion of ours. The Farm-to-School Program, the New York 30 percent, No Student Goes Hungry initiative, is still important to us. COVID-19 did nothing but just signify how important that really is.

ASSEMBLYWOMAN FAHY: Yes.

AG & MARKETS COMMISSIONER BALL: New in the budget this year from the Governor is $50 million for scratch cooking kitchens. This is, you know, looking at a kitchen, ramping up a kitchen in a school district, like a BOCES like we have here in the Capital District, so that it can purchase food, you know, during the season -- the peppers, the tomatoes, the sweet corn -- process them, freeze them, and have them available for the whole region. I think that's a great, great way to get New York food into New York school districts year round.

CHAIRWOMAN WEINSTEIN: Thank you.

ASSEMBLYWOMAN FAHY: Thank you, Chair.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Lupardo, second round, three minutes.

ASSEMBLYWOMAN LUPARDO: Thank you very much.

Commissioner Ball, I just have one question. Something recently came to my attention. A local farmer who's involved with the cannabis industry was denied a loan from our Regional Economic Development Council, and he let me know that, quote, The state will not allow state funds to be loaned to businesses associated with adult-use cannabis.

Were you aware of this?

AG & MARKETS COMMISSIONER BALL: I was not.

ASSEMBLYWOMAN LUPARDO: Okay.

AG & MARKETS COMMISSIONER BALL: But I will look into that. The commissioner and I talk pretty often. I'll find out what's going on there.

ASSEMBLYWOMAN LUPARDO: I'd appreciate

that. Because we've obviously had a lot of success with our industrial hemp interactions with our regional councils, but something doesn't --

AG & MARKETS COMMISSIONER BALL: This was for adult-use cannabis?

ASSEMBLYWOMAN LUPARDO: Correct. Yeah, he wanted a loan for a piece of equipment from someone in my county, and I just learned that they were looking for clarification since July and just learned -- they were going to in fact support it and vote on it this Friday, and it turns out that according to the farmer, they won't allow these types of funds to be loaned for cannabis.

AG & MARKETS COMMISSIONER BALL: Let's talk about the details of that, and we'll see what we can learn --

ASSEMBLYWOMAN LUPARDO: Appreciate it. Just wanted to get that on the record. Thanks a lot.

AG & MARKETS COMMISSIONER BALL: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you. So there are -- unfortunately there are several Assemblymembers but they're at committee meetings, so we -- fortunately for you, there are no further questions from the Assembly.

So back to Senator Krueger.

CHAIRWOMAN KRUEGER: And there are no further questions from the Senate. So we want to thank both of you gentlemen for being with us this morning and clearly having a great deal of interest in the work that both of you are doing. We will now excuse you.

If anybody needs to speak to them, please take it outside so that we can move quickly to the next panel.

And while the next panel is coming down -- which is the Northeast Organic Farming Association, Katie Baildon, and the American Farmland Trust, Mikaela Perry -- please note that this is going to be a very long hearing because we have two additional government panels -- and you saw how much time was spent on these two government representatives. So just for planning

purposes, the public participation realistically probably isn't going to start for a good five hours, based on past experience.

So, one, pace yourself. Plan for food, which closes down in this building quite early. And two, if there's anyone who knows that they are not going to be able to stay as late as they would realistically be called, please let one of the staff members know over here (pointing) and we will just remove you from the testifier list. Please be aware everyone who has submitted testimony, whether testifying or not, will have their testimony online for all legislators and the public to read.

So we knew this was going to be a long hearing. I think we didn't quite realize how long that "long" could really mean. And again, just for people to understand, I think 80 people beyond the government asked to testify today. We narrowed that list down to about 30 out of 80. But again, it will be a long, long day and evening for you all and

for us. So just for planning purposes, I thought I would bring people up to date.

And also, before you start to testify, let me just point out that Panel C, which names Basil Seggos from DEC and Doreen Harris from NYSERDA, also will include Justin Driscoll from the New York Power Authority. He was accidentally placed in Panel D when he should have been in Panel C. So to use all the knowledge I have of football, I'm calling an audible on myself because I made that mistake. And I think that's the right use of that reference.

So good afternoon, ladies, and thank you for being with us today. And why don't we start with Katie and then go on to Mikaela.

MS. BAILDON: Great, thank you so much. Good afternoon. Happy Valentine's Day. Chairwoman Krueger, Chairwoman Weinstein, members of the Legislature, thank you so much for this opportunity to speak about NOFA's priorities for the budget.

Since the early '80s, NOFA-NY has been

committed to growing a strong organic agriculture movement in the state by offering educational programming and assistance to farmers, connecting consumers with local and organic products, and advocating for a sustainable and fair farming and food system. We also provide USDA-accredited organic certification services to nearly 1100 of New York's farms and businesses.

The newly released USDA Organic Census shows that New York continues to be a leader in organic agriculture, ranking third in the nation for the number of organic farms, and leading the nation in terms of acres of organic field crops. We are also home to more organic livestock and poultry farms and organic dairies than any other state in the nation.

Organic agriculture systems like those utilized by New York's over 1900 certified organic operations contribute to healthy ecosystems and resilient local food systems, both fundamental to our fight against the climate crisis. The organic agriculture

community is already a leader in both adopting and demonstrating climate-friendly practices. A report last year from the Organic Farming and Research Foundation found that organic farmers lead the nation in adoption of resource and climate stewardship practices, and also demonstrate enhanced resilience, carbon sequestration and greenhouse gas mitigation.

With this in mind, NOFA-NY applauds Governor Hochul's commitment to combating climate change, reducing food scarcity and --

CHAIRWOMAN KRUEGER: I'm so sorry. Excuse me. We're on nongovernmental, so these two get three minutes each. I'm sorry.

(Reaction from audience.)

CHAIRWOMAN KRUEGER: So let's give you two minutes back.

MS. BAILDON: Yay! Okay, I'll just start over that section.

So NOFA-NY applauds Governor Hochul's commitment to combating climate change, reducing food scarcity, and supporting the state's agriculture industry in her budget.

We're especially encouraged to see the $400 million for the Environmental Protection Fund. As the state's ambitious and much needed Climate Scoping Plan identifies, New York State's agriculture can reduce emissions through improved livestock and nutrient management and improved soil health, while also sequestering carbon and providing numerous ecosystem services.

The Soil and Water Conservation Districts and the Climate Resilient Farming program are foundational for meeting these strategies in the Scoping Plan, and these programs are essential for supporting farmers in planning and executing more climate-friendly systems of farming and for building on-farm resilience.

NOFA-NY encourages the committee members to maintain the $16 million for Soil and Water Conservation Districts in the Executive Budget and maintain last year's final budget level of $16.75 million for the Climate Resilient Farming Program.

Also with prior support from the state

budget, NOFA has developed interactive technology for both organic farmers and consumers looking to purchase local New York State organic products. The NOFA-NY certification portal, called the Clover Portal, was launched this winter, and farmers are trialing it now with enthusiastic support.

State Budget funding has also aided in development of an Organic Price Index and Organic Food and Farm Guide tools that assist farmers in marketing their products and consumers in accessing local organic options.

To build on these successes, NOFA is requesting $200,000 from this year's budget to launch a project to improve the accessibility of these certification materials and communications, and we urge the committee members to include that funding in the final budget.

Thank you for your time.

CHAIRWOMAN KRUEGER: Thank you very much. Next?

MS. PERRY: Okay. Thank you,

Chairwoman Krueger and Chairwoman Weinstein, for the opportunity to be here today, and to all of you for still being here. My name is Mikaela Perry, and I am the New York policy manager at the American Farmland Trust.

As we heard today, New York has over 9 million acres of some of the best farmland in the country. And it's also the most threatened. I'd like to thank you for funding programs which have increased the rate of farmland protection. As of this past year, by our calculations, we have protected permanently over 100,000 acres of farmland across the state. But this amounts to only 4 percent of our total farmland. At the same time, over a third of our state's farmers are ready to retire, meaning that roughly 2 million acres of farms will change hands in the near term. And these are at risk of residential and solar development.

According to our most recent Farms Under Threat report, we stand to lose 300,000 acres in less than 20 years if we do not permanently protect more farmland.

Governor Hochul included $21 million for farmland protection in her proposed budget, and we ask the Legislature to meet the increasing demand by increasing this amount to $25 million as part of an EPF of at least $400 million.

I'd also like to thank several members of the Legislature for championing and funding the Farmland for a New Generation New York program in years past. This program is designed to help the intergenerational transfer of farmland to a new, more diverse generation of farmers. This year we celebrated over 100 matches -- 127, to be exact -- which includes over 8,000 acres of land that will stay in farming.

We have also expanded our programs to reach Spanish-speaking farmers, and we will need continued support from the state to ensure that this program can increase equity in farmland access.

We ask the Legislature to restore funding of at least $500,000 for Farmland for a New Generation New York in Aid to

Localities, and to consider an increase in funding that would accelerate opportunities to address barriers met by historically resilient farmers.

Farmer viability is also crucial. New York State has two nation-leading programs that incentivize schools to increase their purchasing of New York products and provides the resources to help them get there, working together to grow the economy and improve public health. But barriers still remain in these programs. To increase schools' purchasing of New York food products and improve student health, we recommend expanding the 30 percent incentive program to include all school meals, with an increased reimbursement for school breakfast; increasing the Farm-to-School grants program to $3 million split between agriculture and education budgets; and to fully support the Governor's proposed changes to the state's small purchase threshold to match the federal level at $250,000, so that schools can more easily purchase food directly from farmers.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Our first questioner will be Senator Michelle Hinchey.

SENATOR HINCHEY: Thank you very much.

Mikaela, we've heard a lot today about how we're doing well in, you know, keeping farms farming and protecting some of that land. But did I hear you correctly when you said we are the most threatened, have some of the most threatened farmland?

MS. PERRY: I don't know if we're the most threatened in the nation, but we have some of the most threatened farmland in the nation, yes.

We have around 50 percent of our farmland across the state is nationally significant. And we've called New York the breadbasket a lot this morning, and I think that that's true. And we need to work harder to increase the rate of farmland protection. Because even though we're doing well, especially in comparison to other states, we're third in the nation for farmland

protection. There is more that can be done and that needs to be done.

SENATOR HINCHEY: Thank you for that. I want to say I think the programs that you run are incredibly important. And can you talk a little bit about the need for the increase in funding for Farmland for a New Generation and how many farmers you think that that could help. And possibly kind of a hard number to get to, but how much farmland do you think that would save?

MS. PERRY: Sure. I don't have those numbers. Now I would love to pull them up. But with -- you know, in the near term, if we were able to increase funding for the Farmland for a New Generation program, we already have a bilingual specialist who came on recently -- he's new -- who is working on our Farmlink website to translate those resources so that Spanish-speaking farmers can access them.

We are having a lot of internal conversations about language justice. Beyond just translating and interpreting our events

into Spanish, we need more languages represented. I don't know how many farmers this could affect, but there is growing demand from both farmland owners who are looking for younger farmers to transition their land to, and vice versa.

So I'd love to look into those impacts. But there would be an impact.

SENATOR HINCHEY: Thank you very much.

And a question for NOFA. You know, the Climate Resilient Farming grants are really important, and we've been putting money -- I think arguably we should be putting more money into that program. Can you speak to how that money is getting out the door? Are you seeing that make an impact because of the timeliness it's working? Or is it difficult to get?

MS. BAILDON: I'm not sure exactly how to answer that question.

I think there's been six rounds of funding since the beginning of the program. Since I think last year, we've seen Round 6 get out the door, and I think they're just

about to release Round 7. So I'm not so sure about how the timeliness might be able to be improved on that program.

But I think it is, like you said, an essential program for getting support in-district to the farmers that are trying to make some changes to their operations.

SENATOR HINCHEY: But the money is making it to the farmers.

MS. BAILDON: As far as I know, yeah.

SENATOR HINCHEY: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Glick, three minutes.

ASSEMBLYWOMAN GLICK: Thanks very much.

A quick question, Ms. Baildon. I would assume that farmers are -- organic farmers are using seeds that have not been treated with pesticide, is that correct?

MS. BAILDON: Correct, yes.

ASSEMBLYWOMAN GLICK: Where do they source those seeds? Since what I've heard is that it's very difficult to obtain untreated seeds.

MS. BAILDON: Well, I -- so I'm not sure. I'm going to have to look into that for you. Are there any particular types of seeds you're thinking of?

ASSEMBLYWOMAN GLICK: Well, the ones that are primarily discussed are corn, wheat, soy bean.

MS. BAILDON: Right.

ASSEMBLYWOMAN GLICK: And so the issue becomes if you want to have crops that are not treated so that, you know -- I mean, they -- the pesticide is imbued in the plant. And so any insect, whether it's one you want to target or one that is not a pest that you want to target, are going to be impacted.

So the question is, how can we ensure that farmers across the state, whether they're actually looking to be organic-certified or simply don't want to have pesticides unnecessarily in their fields, that they can actually access untreated seeds?

MS. BAILDON: Yeah. Well, like I mentioned, the -- New York is one of the top

states in terms of acreage of field crops, organic field crops. And so we are actually a leader in the nation in producing organic field crops. And so I think that kind of goes to show that there is availability of seed for organic producers.

And I'd have to look into more specifics around that, but I'm happy to follow up.

ASSEMBLYWOMAN GLICK: I appreciate that. You know, you can contact my office and we can talk more about how we can be certain that farmers who don't want to use treated seeds can have the availability.

Thanks.

CHAIRWOMAN WEINSTEIN: We go to Senator Borrello.

SENATOR BORRELLO: Thank you.

Thank you both for being here. Mikaela, it's good to see you again.

You know, I want to talk about a topic I think you and I are both passionate about, and that is solar speculation. You know, we talk about preserving farmland, but yet the

easiest thing for these solar speculators to do is to come in and take over farmland. It's just easier for them, you know. And these people, they're really not in the energy business, they're in the government subsidy business. And their objective is to maximize their profits. So rather than doing things like going to brownfields or closed landfills, which is where we really should be siting these things, we're going to fertile farmland so these guys can turn a profit and get out of town.

What efforts are being made and what support are you getting from New York State government to ensure that this is not happening?

MS. PERRY: Thank you for this question. I'm flipping back to my testimony from a couple of weeks ago, because my answer has not changed very much.

We appreciate the recent bill which takes mitigation fees from solar developers and puts it back into farmland protection -- thank you, Senator Hinchey, for that. There

is another bill that you have introduced for agrivoltaic research, and this is very important.

So we have solutions being made right now for more research for agrivoltaics, which is very important, so that we can have both renewable energy and a thriving food system. But as I said a few weeks ago, number one is we want to avoid solar development on prime farmland. And in order to do that we are calling on NYSERDA to increase mitigation fees for solar developers who are looking to place projects on prime agricultural farmland, for the reasons that you already mentioned.

SENATOR BORRELLO: Well, yeah. And I think the bottom line is that, you know, these people have the mistaken I guess idea that these people are here for the long term. They're not. They're in, they're putting up the panels -- from China, I might add. There's no New York green economy. That's just a farce. Everything's coming from overseas. And they're going to make profit.

And the long-term is we're not going to have anything left.

And when you start talking about the end -- mitigation at the end, you know, when these things no longer have a useful life, it doesn't include things like removing the cement foundations and actually, you know, turning that back into tillable land.

So this is really an issue that again -- this is virtue signaling that we're somehow going to replace our energy system, you know, with these Chinese-made solar panels that don't last as long as they should. So I really hope that we can push and get some moderation in this, because farmland is far more important, you know, than these solar panels.

But thank you for your time and thank you for your continued efforts.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Wonderful. Thank you for both of you being here.

Mikaela, I have two questions for you.

And normally I just ask them, but my brain is not fully here, so I'm just going to read from my notes. Farmland for a New Generation has achieved 126 matches of farmers to land and is now working with 33 organizations -- these are data that I've collected -- to provide assistance to thousands of farmers across the state. So that's the preamble.

But my concern is that 2 million acres of farmland are currently in the hands of farmers 65 and older that we don't want to lose. And how could an increase in funding to the Farmland for a New Generation program grow to meet the accelerating need for intergenerational transition of farmland in particular?

MS. PERRY: Thank you for this question.

So I already talked about language justice and Spanish for Spanish-speaking farmers, so I won't repeat that. But I will add that the funding from the state through the Farmland for a New Generation New York program goes directly to grants to what we

call regional navigators. And these are organizations working across the state.

With more funding into the program, we would be able to bring more organizations who are doing critical work to aid in intergenerational transfer between older, retiring farmers and younger farmers who are searching for land. So we'd be able to provide more grant funding and particularly to BIPOC-led organizations.

ASSEMBLYWOMAN KELLES: And we've had conversation the last two years that I've been here. And the funding needs have been very -- we need a lot more in that particular budget line. Where are we now, and what do you think that we need to really do?

MS. PERRY: Right now -- well, right now Governor Hochul did not put it in her budget. So we are calling on the Legislature to please add this back into the enacted budget.

But last year we had $500,000. We've had $1.8 million over the past four years allocate to this program. I think that we

could make significant changes if we were able to raise that up to $1 million. Because we are operating on a shoestring budget with a small staff.

ASSEMBLYWOMAN KELLES: Okay. And then my second question for you, you have stated that it is important for the 30 percent reimbursement to expand to include all school meals and increase reimbursement for school breakfasts, for schools to achieve this milestone.

Why exactly is it necessary to also increase the reimbursement schools would receive for breakfast that includes local foods? What is that distinction, and how is it difficult for schools if they don't have that?

MS. PERRY: Yeah, thank you.

So the number-one barrier to schools in accessing the 30 percent incentive program, from our research, is that they are unable to separate their purchases, their local purchases, between lunch and the other school meals that they provide.

Some schools are -- many schools are serving breakfast, and some schools are also serving after-school meals as well. And these are really important meals for our kids. So it is very difficult, especially for small rural schools --

(Timer chiming.)

CHAIRWOMAN WEINSTEIN: Thank you.

Senate.

CHAIRWOMAN KRUEGER: Senator Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

Thank you both so much for your insightful testimony.

Katie, if I could start with you, I'd like to follow-up on the line of questioning from Chair Glick around tainted seeds. You know, last year we passed a bill that would ban that. And, you know, the detractors, you know, you would have thought we were inviting plague, pestilence and famine by banning that. And yet organic farmers do it every day without pesticides, without chemicals. We know it's better for the soil, for the

water, for public health, for people who farm.

So what can with we do in this budget to help organizations like yours or to help farmers who may want to convert to organic farming -- because we know there is a process and there is a cost. What can we better do in this budget to assist you in those efforts?

MS. BAILDON: Yeah, that's a really good question. Thank you.

So NOFA is participating in the Transition to Organic Partnership Program through the USDA. So we are going to be supporting farms in making a transition to organic. And that includes, you know, beginning farmers who want to start out as organic as well.

And so we do have a transitions program that's currently in Long Island that's helping farmers there to transition to organic, and we're hoping to expand that program through the TOPP partnership.

One thing that we have asked for in

the budget is funding for supporting our certification office to make their materials more accessible. And that will really help with new and beginning farmers and with farmers transitioning to organic to be able to understand the regulations, the USDA regulations around organic certification --

SENATOR HARCKHAM: And just quickly let me interject. You said you want support for the certification office. Has the Governor provided that in the budget?

MS. BAILDON: It was not in the Governor's budget, no.

SENATOR HARCKHAM: How much are you looking for?

MS. BAILDON: Two hundred thousand.

SENATOR HARCKHAM: Okay, thank you. I didn't mean to cut you off, but in my limited time you've got to go right to the ask.

MS. BAILDON: Thank you.

SENATOR HARCKHAM: Continue, please.

MS. BAILDON: Yeah, so that funding will help our certification staff to make their materials more accessible and would

really help us to be a part of that partnership.

And it's a regional partnership, so we'll be working with other certification offices also in making sure that the materials are available and that the transition services and technical assistance that farmers need in order to make that transition are available. So the state support for our work on that would be greatly appreciated. Thank you.

SENATOR HARCKHAM: All right, thank you.

And just a message to people who testify in the future: Get that ask in early.

(Laughter.)

CHAIRWOMAN KRUEGER: Don't give them help. No, I'm sorry, I'm just teasing.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Lupardo.

ASSEMBLYWOMAN LUPARDO: Thank you. If we could continue on that topic, can you

remind us which how much NOFA had in the budget? Last year it was a legislative add which we were helping you to develop the Clover Portal, correct?

MS. BAILDON: Yeah. It was 150,000.

ASSEMBLYWOMAN LUPARDO: So we're looking for a new appropriation of $200,000, to follow up, to help with accessibility of these materials. What does that look like? What will that pay for?

MS. BAILDON: Well, yeah, the first step will be really looking at a needs assessment. So what is actually needed, whether there's some language justice work that we need to be doing, whether there are sort of other accessibility opportunities.

A lot of the materials that are used in the certification process are sort of very technical and heavy on terminology, so just making sure that the materials are really more accessible to someone that may be new to the program.

ASSEMBLYWOMAN LUPARDO: Okay, thanks.

And a question for Farmland Trust. If

you could just discuss how the regional navigators are addressing our historically underserved farmers. Because as you know, we're putting more resources behind this group. It's a very -- there's big interest right now with that group. So I was hoping you could enlighten my colleagues as to what you're doing to target that group.

MS. PERRY: Sure. So our regional navigators receive grants so that they can continue the work that they are already doing with these populations. So we also provide technical assistance for them. We provide trainings. We do one-on-one work with their farmers. We provide trainings for these organizations that receive the grants.

And we have brought on in the past year three additional BIPOC-led organizations, and they are serving these farmers directly.

We've had some great success with farmers who are -- maybe they're coming from New York City for -- this is one example -- and they purchase farmland a little bit

upstate and then they grow food for mutual aid in boroughs like the Bronx. And that has been really amazing to see. So we'd like to continue that work.

ASSEMBLYWOMAN LUPARDO: What were the three BIPOC organizations that you referred to?

MS. PERRY: I don't have their names on me, but I will get them.

ASSEMBLYWOMAN LUPARDO: Okay. That would be super-helpful. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Walczyk.

SENATOR WALCZYK: Thank you both for your testimony today.

Mikaela, so if I heard right, 50 percent of New York's farmland is nationally significant, 4 percent of our farmland is currently protected, farmers are retiring. The Governor has proposed $21 million in her Executive Budget. You're asking for $25 million.

What is the biggest threat to prime farmland in New York State currently?

MS. PERRY: That is a difficult question to answer. But off of the top of my head, I would say that transfer of farmland from retiring farmers to the next generation and transition planning is a huge threat to farmland.

I would also say that low-density rural housing, or low-density residential development, is another threat that we are concerned about. And that is outlined in our most recent Farms Under Threat report.

SENATOR WALCZYK: Thanks so much. I think you've left off what I view as the biggest threat, at least in consideration for a representative democracy. We're here working as a Legislature to comment on the Governor's executive proposal, which has fallen short in many of the ways that we've displayed so far today. And as I go through the list -- and we're disappointed, you know, in many of the local agriculture programs being zeroed out by the Executive. And we hear the commissioner of Agriculture say, "Well, those are legislative adds," which

means the Legislature needs to negotiate them back into the budget because they've been zeroed out by the Governor.

And then I go through the testimony list today, and I'm very glad that you both are here, because you are the only voices for agriculture. We've got private citizens, Citizens Campaign for the Environment, Earthjustice, Conservation Voters, Nature Conservancy, Riverkeepers and Mountainkeepers, Clean Power, Alliance for Clean Energy, geothermal energy folks, Beyond Plastics, Natural Waste and -- I mean, the list goes on. This is going to be a very long hearing today.

And you, I'm very disappointed to say -- well, your testimony was phenomenal, and I have no disappointment in you. You are the sole voice for agriculture today as far as the Legislature is going to hear in this budget process. This is the Agriculture, Environmental Conservation and Energy -- and there is a lot more emphasis by the testimony that's laid out in our schedule today on the

latter part and not on agriculture.

And if we want to survive as a human species, we need to have food in our future. Mikaela, that is the critical mission of your organization. But I'm sorry that you two have to stand up for the entire agriculture community today, because we should have the New York Farm Bureau on a panel today. We should have Cornell and Cornell Cooperative Extension on a panel today. We should have other partners, actual farmers that we're hearing from, dairy producers and maple producers and livestock folks that we're hearing from today as a Legislature, before we answer what the Governor has zeroed in this budget.

I yield with no time left, Madam Chair.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Before I call on an Assemblymember I just wanted to make note that once we get -- the governmental

witnesses are invited to speak; the nongovernment witnesses must make a request to speak. So we appreciate that you both have made that request to speak here.

We go to Assemblywoman González-Rojas.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Okay, thank you so much. Thank you both for being here. My question's for Ms. Perry.

You talked about the breakfast and lunch meals for schools, you talked about the 30 percent program. Can you tell us directly how this impacts and supports New York's farmers and agricultural industry?

MS. PERRY: Yes, absolutely. It incentivizes schools to purchase at least 30 percent of their food budget from New York farmers or producers.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: And what does that mean in terms of the economics of the state and the industry?

MS. PERRY: Yeah, I mean, if we include breakfast in the 30 percent program, we have the potential to bolster the agricultural economy by half a billion

dollars. That means that schools who would reach the 30 threshold, 30 percent of all school meals, total food budget, purchased from local sources would create half a billion dollars of economic impact across the state.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: I'm a champion, as well as many of my colleagues, actually a bipartisan fight to ensure that every school has both free breakfast and lunch for our children.

Does that go beyond the half a billion dollar economy boost to the agriculture industry if we actually get full universal breakfast and lunch?

MS. PERRY: I cannot speak to what universal breakfast and lunch would do for the agricultural economy of New York because it is up to school food authorities of where they would then purchase those meals, even if those meals are provided by the state.

So this program specifically incentivizes those schools to make sure that they are purchasing New York products. And

as it stands right now, the universal meals proposal supports Farm-to-School and we work closely together, but it doesn't incentivize that 30 percent local procurement.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Got it. What would be helpful to do so?

MS. PERRY: It might be helpful to do so.

It would be helpful to expand on the program that exists as well, right now, and improve it so that more schools can access the fund. Right now the fund is set at 10 million per year. We've only ever used half of that funding. We leave $5 million reappropriated every single year because schools cannot actually participate in the 30 percent. We've stagnated in the program.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: And I just want to thank you for that. I know my son eats apples from New York and other products from around the state. So as a public school parent, thank you for your advocacy.

CHAIRWOMAN KRUEGER: Thank you.

I think I'm the last Senator. And I don't really have a question, I'd just like to respond to my colleague.

We didn't turn down any other farm groups who asked to testify in person today. Some of them have submitted written testimony, and we encourage everyone to do so. But, Senator, we didn't turn anyone down.

And for the record, those groups you named shockingly all give a damn about what happens in farming in New York because they are representing, as different groups, concerns about the future of our environment. And I think that all the farmers in New York State would agree with my statement that unless we take care of protecting the stewardship of the planet, they don't survive to farm and feed us. So I don't think any of us are in disagreement on these issues.

Thank you. And unless there's -- more Assembly?

CHAIRWOMAN WEINSTEIN: Yes.

CHAIRWOMAN KRUEGER: More Assembly,

please.

CHAIRWOMAN WEINSTEIN: Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you very much.

Mikaela, my question is for you, following up on the questions that my colleague Anna Kelles and Jessica González-Rojas had.

So speaking to the challenges that are causing the stagnation, if you could reflect a little bit on sort of what is the procurement issues that are causing us to have $5 million left on the table. And how can a proposal which includes both breakfast and lunch address that stagnation and open it up for more schools to participate?

MS. PERRY: Sure. So the problem is administrative. Schools who are underresourced especially have difficulty separating out the costs that they're spending on New York foods products for lunch versus the costs for breakfast and other school meals.

They have to track -- they have to physically separate out their milk cartons. And if you are an underresourced school, that is incredibly difficult. They are counting milk cartons.

And so with this change to all school meals or breakfast and lunch -- that's a start -- they wouldn't have to count milk cartons anymore. And what we're hearing from schools is that it's even gone so far that they will purchase New York milk, dairy products and vegetables and fruits for lunch, and they will purchase dairy products for breakfast from Pennsylvania. We need that money in our dairy industry here in New York. And so that is the problem we're talking about.

Why would we need to increase the reimbursement to account for breakfast is because then they're spending more to reach that 30 percent threshold if it's including all school meals.

ASSEMBLYWOMAN WOERNER: So let me make sure that I'm understanding correctly. So

today if you spend a hundred dollars on lunch, right, 30 percent is $30. If we say you have to do 30 percent of all of your food budget on breakfast and lunch, presumably that is $200, so that would be $60 worth of local purchasing. But we're only providing an incentive on the lunch, so it doesn't -- so now the negative is off.

So we have to do both. We have to cover breakfast and lunch in the calculation. Because if you buy a bushel of apples, you don't separate out how many are for breakfast, how many are for lunch. But then we also need to be able to provide an additional reimbursement on breakfast and lunch to balance the incentive out.

Is this a good summation?

MS. PERRY: Yes.

ASSEMBLYWOMAN WOERNER: Thank you very much. I appreciate that.

CHAIRWOMAN WEINSTEIN: We go to the Senate.

CHAIRWOMAN KRUEGER: I think Senate is done. We'll just continue with the Assembly.

CHAIRWOMAN WEINSTEIN: Then we have just one more Assemblymember. Is Assemblyman Manktelow here? Yes. Jodi, can you --

ASSEMBLYMAN MANKTELOW: Good afternoon.

Mikaela, back to the Farmland Trust. Are you guys tracking anything of where the land in New York State is going? The farmland that's being sold now isn't always being sold or turned over to the next generation. Are you tracking where that farmland goes?

MS. PERRY: I'm so sorry, can you repeat the question? I'm having trouble hearing you.

ASSEMBLYMAN MANKTELOW: Can you hear me now?

MS. PERRY: Yes.

ASSEMBLYMAN MANKTELOW: I apologize.

I know in New York State a lot of our young farmers are coming up through the system, but a lot are not. And as farmers decide to get rid of their property, are we tracking where that property goes? Whether

it's for solar power or anyplace else, are we doing any sort of tracking of that?

MS. PERRY: I am not sure. I do not believe our New York office is tracking that, and I would have to check in with the agencies.

ASSEMBLYMAN MANKTELOW: Do you feel that we should be doing that?

MS. PERRY: Yes.

ASSEMBLYMAN MANKTELOW: For what reason?

MS. PERRY: I think it would be important to know, especially when we talk about a threat to farmland, what exactly is the highest threat, back to the former question.

So if we know that this farm got sold to a solar developer but this farm went to a new farmer or this parcel of land went to a new farmer, it would be helpful to track that.

ASSEMBLYMAN MANKTELOW: So if we were able to provide funding, that's something your agency could do for us?

MS. PERRY: I don't know. I'm not sure. I'd have to consult with my team. I don't know if we have capacity in our organization to do that. But we could circle back with you on that.

ASSEMBLYMAN MANKTELOW: Yeah, if you weren't the one, who would be the one?

MS. PERRY: Again, I'd have to circle back. Excellent questions, though.

ASSEMBLYMAN MANKTELOW: All right. I appreciate your answers. I just wanted to get that out there just so it's on the radar. Because I think there is concern there, especially with what's going on across the country and across the world. So -- all right. Thank you both for your time.

Thank you, Madam Chair.

CHAIRWOMAN WEINSTEIN: Thank you.

Senator Krueger?

CHAIRWOMAN KRUEGER: Well, then, I think we've completed all the people who wish to ask questions of you both.

I want to thank you both for your hard work on behalf of farms and farmers in

New York State. And I'm going to ask you whether you can excuse yourselves.

Anyone who needs to grab either of these ladies please take it outside so that we can have the next panel start.

Again, for people who are keeping track, this is now going to be Panel C, a government panel again: New York State Department of Environmental Conservation, Basil Seggos; Doreen Harris of NYSERDA; and Justin Driscoll of the New York Power Authority. If you came in late, Mr. Driscoll was incorrectly put on Panel D but is being moved to Panel C.

(Off the record.)

CHAIRWOMAN KRUEGER: Good afternoon, everyone. Nice to see you.

So, all right, I just want to make sure. So this is a government panel, so each of our government presenters will get 10 minutes to present. Again, if you have long testimony, really prioritizing your key points rather than reading testimony is usually a better approach.

And then after each of you have testified, we will then start to take questions from the legislators. The chairs get 10 minutes for the panel. The rankers get five minutes. Everyone else gets 3 minutes.

And because some people understand this perfectly and some don't, my colleague and friend legislators, when you see you have X number of minutes on the clock that's both for you to ask and our guests to answer. So please don't ask a two and a half minute question when you have three minutes on the clock and expect that you will get a coherent, full answer in the remaining 30 seconds.

Sometimes there is not enough time to answer and we will then ask the panelists to please respond in writing to both Helene and I, and we will make sure to share that with all the members of the committees. But our goal is to actually leave you enough time to answer questions when you are asked them. So it's a skill set on our part to not

necessarily make a speech, but rather to ask a question. And I know we're in the speech-giving business.

So with that, I'm going to ask Basil Seggos to kick us off, from DEC. Thank you.

COMMISSIONER SEGGOS: Good afternoon, Chair Krueger, Chair Weinstein, distinguished members of the fiscal, environmental conservation, and other legislative committees. It's an honor to be with you today, along with Doreen Harris and Justin Driscoll, and certainly to discuss the very exciting Governor's priorities for the coming year.

And to echo Senator Mattera, happy Valentine's Day to you all.

Just briefly, on 2022, it was a momentous year for DEC. The Climate Action Council, that I cochair with Doreen Harris, delivered its Scoping Plan on time at the end of the calendar year. It was a culmination of three years of extraordinary work, hundreds of meetings, and the dedication of

more than 300 of our staff.

There was robust public engagement as well. We had 35,000 New Yorkers comment on the draft Scoping Plan. We did 11 public hearings around the state. And what came out of it was a blueprint which will help us build the green energy economy and combat climate change.

We also, of course, were able to see the $4.2 billion Bond Act approved by the voters at 68 percent, which is an astounding and powerful statement about the state's and the public's support for the environment. Now we have a generational opportunity to truly make the state sustainable and resilient for the long haul.

And we've been hard at work on an interagency working group, at the direction of the Governor, to create the infrastructure behind the act, and we look forward to engaging the public and you all in the coming months.

We took major actions to protect air and water. We launched the nation's

first-ever statewide community air monitoring program in 10 disadvantaged communities around the state that are home to an estimated 5 million New Yorkers. We adopted the Advanced Clean Cars Rule to put New York on a path to 100 percent electric vehicles by 2035. We adopted methane reduction regulations for oil and gas.

We delivered a record $1.1 billion in water infrastructure grants -- that was about nearly zero back in 2015 -- and a record $1.6 billion in water loans from the Environmental Facilities Corporation. And the Governor directed funds to some places that have needed it the most, most particularly in Mount Vernon, where we delivered $150 million to help get that disadvantaged community and its badly outdated system back on its feet.

In the Brownfields Cleanup Program, which again was reauthorized in the budget last year, 84 new projects came in, 53 certificates of completion were issued.

On public protection, which we are

proud to have as a core part of our mission, our Environmental Conservation Officers responded to an astounding 26,000 calls for help and issued over 13,000 tickets on issues such as deer poaching, solid waste dumping, illegal mining and emissions violations.

Our Rangers responded to calls for help, rescuing 359 people in the woods, and helped extinguish 162 wildfires around the state, including in Minnewaska State Park.

We also held our 23rd Basic School and graduated 38 new Rangers and 18 ECOs. That's my fourth academy as commissioner; I'm proud of the work that we did on that.

We also conducted an astounding 230,000 boat inspections to look at invasive species, primarily in the Catskills, but not only in the Catskills. We managed increased usage. Just as the Parks commissioner talks about increased usage, we certainly have it as well in the Catskills and Adirondacks. We created the new Office of Indian Nations Affairs at DEC and oversaw the largest-ever land transfer to an Indigenous nation in

state history. And we appointed our first-ever deputy commissioner for equity and justice.

So on to the coming fiscal year, 2023-'24. The Governor's Executive Budget builds on these milestones and maintains New York's national leadership on many important issues regarding the environment.

On climate, the Governor proposed a economy-wide cap-and-invest program that would set a declining cap on emissions with the revenue to invest in the transition to the economy of the future, guided by five important principles: Affordability, linkability with other states, creating jobs and protecting competitiveness, investing in disadvantaged communities, and funding a sustainable future.

We'll create this program through regulation, and we'll work with you on the creation of a Climate Action Fund to ensure affordability, which will put money back in New Yorkers' pockets, and work to create an industrial small business climate action

account to help mitigate some of the impacts on small industrial operations. And we'll be doing this over the course of the next few months, as was mentioned this morning, with very robust stakeholder engagement.

The Governor's also proposing another $400 million Environmental Protection Fund. And I thank the Legislature for its extraordinary support of this important program over the years. And by the same token, a $500 million investment in clean water. That's $5 billion since 2017. Another $90 million for NY Works, which helps to fund our open spaces and our infrastructure. And a Clean Up Forever Chemicals initiative, which is a $60 million commitment to combat -- per year, to combat emerging contaminants at the local level. You think about PFAS and 1,4-dioxane impacting our water supplies.

There's also an important Waste Reduction and Recycling Infrastructure Act to address the waste crisis by shifting the burden of waste management from consumers and

municipalities to producers. This program will increase recycling rates, save local governments money, and protect the environment.

DEC's budget also recommends state operations funding of $560.2 million. That's a $66 million increase over last year. The total capital budget from all sources, including Bond Act and water, of 9.7 billion. A record staffing increase of 231 staff to now 3,322, which would make it the highest level in well more than a decade. And that's on top of another 52 staff next year.

All of this will support our core mission, our cap-and-invest program, the Bond Act, and the Waste Reduction Act.

So in closing, the Governor's Executive Budget prioritizes the environment as never before. It recognizes the urgency of the climate crisis, our infrastructure needs, and the added protections for water, air, and natural resources. And it positions our state to maximize federal investments as well.

I'm grateful to the Governor for her extraordinary support for DEC and for the environment, and grateful to the Legislature for its extraordinary support over the years as well.

So thank you for the chance to provide testimony today. I look forward to your questions.

CHAIRWOMAN KRUEGER: Thank you.

Next?

NYSERDA PRESIDENT HARRIS: Good afternoon, Chair Krueger, Chair Weinstein, and members of the committees. Thank you for the opportunity to testify before you today.

I'm Doreen Harris; I'm the president and CEO of the New York State Energy Research and Development Authority, or NYSERDA. And I too am pleased to be here today to discuss the many critical climate and energy issues facing our state and our nation.

And as you just heard, and certainly as you know, the Climate Leadership and Community Protection Act established the Climate Action Council and charged the

council with developing a Scoping Plan. And as cochair of the council, with Commissioner Seggos, I am proud to say that after a robust comment period, including 11 public hearings across the state and more than 35,000 public comments, the council achieved a key milestone in December, on time, by adopting a final Scoping Plan.

The Scoping Plan lays out a comprehensive strategy to achieve some of the aggressive climate and clean energy goals in the nation, while ensuring a brighter, more just future for all New Yorkers. The plan includes approaches that help build community engagement, create job pathways for New York's existing and future workforce, and ensures that the transition to a low-carbon, clean energy economy addresses environmental and energy burdens that have disproportionately impacted our most underserved communities.

And as you heard, building on the Scoping Plan, the Governor has now directed NYSERDA and DEC to advance an economy-wide

cap-and-invest program that establishes a declining cap on greenhouse gas emissions to fund a sustainable and affordable future for all New Yorkers. Our program here in New York will prioritize five core principles the Governor laid out in her State of the State: Affordability; investing in disadvantaged communities; creating jobs and preserving competitiveness; funding a sustainable future; and continuing our climate leadership.

Consistent with the Governor's core principles, the cap-and-invest proposal in the budget would establish the Climate Action Fund, which would be designed to directly defray the costs of the program to New Yorkers every year, and New York's program will be designed to launch new investments in industries and technologies that can lift up entire communities.

Governor Hochul has taken bold steps on climate to protect the health and safety of our communities, and that includes tackling buildings, which account for more

than 30 percent of our state's greenhouse gas emissions. The Governor's Executive Budget includes a three-part strategy for the building sector. First, advancing zero-emission new construction, with no on-site fossil fuel combustion, by 2025 for residential and low-rise multifamily buildings and by 2028 for commercial and larger multifamily buildings. Highly efficient, zero-emission buildings will provide residents with safer, healthier, and more comfortable homes.

Second, for existing buildings, the proposal calls for a phaseout of the sale and installation of new fossil fuel space and water heating equipment by 2030 for residential and low-rise multifamily buildings and 2035 for commercial and larger multifamily buildings. To be clear, these proposals will not ban existing gas cooking equipment and will include an allowance for exemptions for commercial kitchens, hospitals, healthcare facilities and certain other areas.

Finally, to help target investments and equip building owners with the data they need to reduce energy costs, the proposal includes a grading system for large buildings statewide based on their energy usage. Making available accurate, actionable data and information is proven to help building managers make informed choices to reduce bills and emissions at the same time.

Another of the Governor's proposals, focused on helping consumers, is the launch of a first-of-its-kind $200 million EmPower Plus home retrofit program, which will help 20,000 low-income families retrofit their homes by adding insulation, installing energy efficient appliances, and switching from inefficient fossil fuel heating systems to clean, efficient, electric alternatives or preparing the home to do so.

And as we look ahead, advances in renewable energy, energy storage, and clean transportation will provide new opportunities to fulfill New York's ambitious clean energy and jobs agenda.

To achieve the state's 70 percent by 2030 renewable energy goal, NYSERDA is rapidly advancing our work through the development of 9,000 megawatts of offshore wind, 3,000 megawatts of energy storage, and an increased goal of 10,000 megawatts of distributed solar.

And as we work to transform the way we power our homes and businesses, New York State is currently managing a portfolio of 120 large-scale solar, onshore, and offshore wind projects -- as well as new transmission projects -- totaling more than 14,200 megawatts, that will be capable of powering 66 percent of the state's electricity grid once operational and directly supporting over 23,000 jobs.

In addition, NYSERDA and the Department of Public Service submitted a new framework to the Public Service Commission last December to achieve 6 gigawatts of energy storage by 2030, which represents nearly 20 percent of the peak electricity load of New York State. And last month,

NYSERDA received a robust response to our third offshore wind solicitation, with more than 100 total proposals for eight new projects from six offshore wind energy developers -- a record-setting level of competition among East Coast states.

And this progress will be bolstered by at least another 2,000 megawatts of land-based renewables that will result from our sixth annual procurement for large-scale renewable energy projects, which is also underway.

Transportation accounts for more than three-quarters of the petroleum used and nearly 30 percent of the greenhouse gas emissions generated in New York State. Therefore, with the adoption of the Advanced Clean Car regulations, all new passenger cars and trucks sold in the state must be zero-emission by 2035.

And to further support 100 percent zero-emission vehicles, the Governor recently announced more than $12 million in additional funding for the Drive Clean Rebate program to

help consumers save on the purchase of electric vehicles. There are now more than 127,000 electric vehicles on the road, up from 24,000 just five years ago, and more than 11,000 EV charging stations installed statewide. And with the passage of the Bond Act, $500 million will be provided to school districts to ensure their buses are all-electric by 2035.

And to ensure there are union labor opportunities, support for existing and new energy workers, and hiring in disadvantaged communities embedded within our green economy scale-up, the Governor's budget will establish the Office of Just Energy Transition. New York stands to see hundreds of thousands of jobs created through the implementation of the Climate Act, but we cannot reach our clean-energy goals without the trained professional workforce required to translate these goals into action.

So our efforts are centered on career pathway programs that provide education, training, and services to help place new

workers in clean-energy occupations where demand for workers is growing across all sectors of our economy.

This concludes my opening remarks, and I will turn it back to the chairs.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Mr. Driscoll.

NYPA ACTING PRESIDENT DRISCOLL: Good afternoon. Good afternoon, Chair Weinstein, Chair Krueger, and other distinguished members of the committees. My name is Justin Driscoll, and I'm the acting president and CEO of the New York Power Authority.

Thank you for the opportunity to appear here today to discuss the Governor's Executive Budget proposal and specifically legislation in the Executive Budget that would enhance NYPA's ability to help our state achieve the goals in the Climate Leadership and Community Protection Act and advance other state priorities.

We are guided by the strong leadership of Governor Hochul and the Legislature, and

the Power Authority is proud to be playing a critical role in advancing the state's clean energy, environmental and social policies that are embodied in this and other 2023 landmark legislative initiatives.

I will now spend a few moments to describe what NYPA does and how we are already contributing to the state's clean energy transition, and I will then address the budget legislation.

Specifically, there are three broad components of the Power Authority's work. First, NYPA is an experienced owner and operator of energy infrastructure. The authority owns and operates 16 generating facilities throughout New York State, generating nearly 25 percent of all power produced in the state. More than 80 percent of that electricity we produce is clean, renewable hydropower.

Additionally, the Power Authority owns, operates, and maintains approximately one-third, or 1,400 circuit miles, of the high-voltage transmission lines in New York

State. These assets help form the backbone of the statewide energy grid for electric power transmission, and they are critical to integrating existing and new renewable energy throughout New York State.

Second, NYPA is an experienced supplier of energy and energy services. The authority has more than 1,000 customers enabled by federal and state statutes. They include local and state governmental entities, municipal and rural cooperative electric systems, and economic development customers.

Our economic development power programs have supported the creation and retention of more than 440,000 jobs and nearly $32 billion in capital investment by businesses throughout New York State from the inception of these programs.

Third, NYPA is already helping to lead in the state's clean energy transition. NYPA has invested more than $3.6 billion in energy-efficiency projects at publicly owned facilities throughout New York State. Our

energy services programs have resulted in more than $266 million in annual taxpayer savings. These programs have reduced energy consumption in the state by 275 megawatts and prevented the emission of approximately 922,000 metric tons of greenhouse gas.

Through our solar advisory services, the authority has enabled over 61 megawatts of solar, 21 megawatts of which has come online since I became acting president and CEO in October 2021.

In addition, through both our EVolve NY program and our electric vehicle charger installations at customer sites, NYPA has facilitated the development of 669 electric vehicle charging stations at government and NYPA customer facilities throughout the state. We are continuing to work with our customers to expand EV charging at their locations.

Finally, NYPA is playing a fundamental role in the upgrade of the high-voltage transmission system in the state. We currently have four major projects -- two in

construction, two others in engineering and approval. One of these projects, Clean Path New York, a joint venture between NYPA, Invenergy, and EnergRE, will deliver more than 7.5 million megawatt-hours of emissions-free energy into New York City every year.

Clean Path is just one example of the authority partnering with the private sector to leverage our expertise and resources to maximize benefits for New York State. Through our transmission and customer businesses, the Power Authority has established a long track record of collaborating with the private sector to bring public benefit.

I will turn now to the Governor's budget legislation. The Governor's Executive Budget proposal, Part XX of the Transportation, Economic Development and Environmental Conservation Budget Bill, gives NYPA the authority and the tools to take on an even greater role in the state's clean energy transition, leveraging our strengths

and enabling us to further collaborate with the private sector when it makes sense to do so.

To summarize, the budget bill would, one, enhance NYPA's authority to develop new renewable energy projects that will help New York achieve its climate goals; two, establish a Renewable Energy Access Community Health program, or REACH, to provide renewable based electricity discounts to disadvantaged New Yorkers to reduce their energy costs; three, publish a plan in two years for decarbonizing NYPA's peaker plants by 2035, subject to adequate reliability determinations; four, authorize the authority to make up to $25 million annually available to fund training programs for employment in the renewable energy field.

These new provisions will provide the Power Authority with the tools we need to implement any expanded authority in legally and fiscally responsible ways that also preserves the judgment of NYPA's board of trustees. The proposal strikes the

appropriate balance on this issue and other important energy initiatives.

Finally, I would like to highlight a very significant change in the renewable landscape: the federal Inflation Reduction Act is now law. NYPA expects to be able access new and existing federal tax credits provided by the IRA to lower the costs of certain renewable energy projects that it would undertake under the Governor's legislation.

While the Power Authority pays no federal income tax, the IRA-facilitated tax credits, such as the investment tax credit and the production tax credit, are directly payable now to governmental and other nontaxable entities like NYPA. These tax credits add new financial resources to NYPA's ability to expand the state's renewable generation fleet.

Thank you for the opportunity to provide testimony here today. I look forward to answering your questions. Thank you.

CHAIRWOMAN KRUEGER: Thank you all

very much.

Before we start questions, I just want to announce that we have been joined by Senator Gonzalez, Senator Ramos, Senator Gounardes, and Senator Salazar.

Any other Republican Senators new?

SENATOR O'MARA: The same people are here.

CHAIRWOMAN KRUEGER: The same are here, fine.

Do you have any new Assemblymembers to announce before I roll it out? Anyone want to wave that they didn't get announced?

CHAIRWOMAN WEINSTEIN: Okay. Some were here earlier. But Assemblyman Mamdani and Assemblywoman Shrestha. And I think everybody else was here at the beginning.

So back to the Senate.

CHAIRWOMAN KRUEGER: Okay, thank you.

So we're going to start with the chair of EnCon, Senator Pete Harckham.

SENATOR HARCKHAM: (Mic off.) Good afternoon, everyone. Thank you so much. Is this mic working? We've been having issues

with it. All right, we'll go ahead without the mic. That's okay, I have a loud voice.

Thank you all for your testimony. Really appreciate it. I want to thank you and congratulate your teams on the incredible work.

(Discussion off the record.)

SENATOR HARCKHAM: Can we go back to 10 minutes on the clock? Time is valuable. Thank you.

First, I want to thank you all for your testimony. Also thanks to you and your teams for incredible work on the Scoping Plan. It was just amazing work. There are going to be a lot of questions about climate, about energy today.

But given my portfolio, I think I'm going to focus on some other things, maybe come back to it if there's time. So nothing personal, but I think we'll go directly to Commissioner Seggos on a bunch of issues. We'll kind of do this like a lightning round and we'll jump around, if that's okay.

DEC COMMISSIONER SEGGOS: Deal.

SENATOR HARCKHAM: First on the Environmental Protection Fund. Some folks think we're kind of back-sliding into an old bad habit of charging staff to the Environmental Protection Fund. How many FTEs are we proposing to charge to the Environmental Protection Fund, and what is the cost?

DEC COMMISSIONER SEGGOS: Senator, thanks for the question. It's not a large number. I can get you the exact number offline. If my staff can dig it up, I'm happy to share it with you during the hearing.

But as you know, the staff of course would be working on EPF purposes.

SENATOR HARCKHAM: All righty. And then some of the lines have been increased, some have been decreased. Can you get us information on that? For instance, solid waste increases, but environmental justice decreases. You know, I'm sure those are programmatic things, but they're not really spelled out in the budget. If you can get us

details on that, that would be appreciate.

COMMISSIONER SEGGOS: Sure. Certainly happy to. And obviously there's so many lines in the EPF that we make adjustments to every year in coordination with you during negotiations, so it is a bit of an accordion. But we try to put the monies where the resources are most needed, taking into account outside resources.

For example, last year we didn't have the Bond Act, right? Now we do. We have a $90 million NY Works as well, which is helping to allow us to make adjustments in where we direct those dollars. So you mentioned solid waste, for example. We have a huge backlog in solid waste projects that we need to fund around the state -- through grants, largely.

Environmental justice, we anticipate directing an enormous amount of money into environmental justice, consistent with the CLCPA's 35 minimum, 40 percent goal mandate. So that will receive -- the environmental justice projects will receive an enormous

amount of funding through other funding sources outside the EPF.

SENATOR HARCKHAM: All right, perfect.

DEC COMMISSIONER SEGGOS: So it is that accordion.

SENATOR HARCKHAM: Yeah, no, that gives us a sense. We've got seven minutes more and 20 minutes' worth of questions.

(Laughter.)

SENATOR HARCKHAM: On the Bond Act, obviously your team is promulgating the rules. When can the public expect those rules out for comment? We're getting a lot of questions about that.

DEC COMMISSIONER SEGGOS: To give you the heart of the answer, we'll likely be putting criteria out for public comment in April/May.

So the Bond Act passed, right, approved by the voters, the Governor convened all of us. We've been working, all the state agencies, to establish some of that criteria, which we expect to launch in the spring and then get it out for public comment over the

summer.

SENATOR HARCKHAM: All right, thank you.

Those of us in suburban and rural districts are hearing a lot about the earth and dam replacements, that they're under consent order to rebuild or replace. Is there going to be money in the Bond Act for municipalities to access for this purpose?

COMMISSIONER SEGGOS: Likely so. We would need to work through procurement rules, right, who would be receiving the funds for the earth and dam replacement. We would obviously have to abide by those types of rules.

But our intent is to, with dams, certainly whether it's NY Works or Bond Act, is to shore up a lot of these dams around the state that we manage. And a number of them, as you probably know, are quite old and need that investment.

SENATOR HARCKHAM: Agreed. And many of them are under consent order from us. So it's an expense they don't have. But we'll

continue that conversation. Thank you.

The $60 million program for communities to identify and remediate emerging contaminants. The language in it is very vague and gives DEC really the option to take chemicals off that list. Can you give us a little more detail about that?

DEC COMMISSIONER SEGGOS: Well, I think we wanted to build some flexibility into that language so that we had the ability to either add or remove chemicals as needed.

The intent of the program is to get $60 million a year to the localities that have been bearing the burden of problems they largely didn't know that they were creating, whether it's fire training centers or landfills that are now sources of PFAS or 1,4-dioxane. So that's $60 million a year out of a variety of funds. You know, our intent is to fix problems, not to remove our ability to go after things that we might see over time.

SENATOR HARCKHAM: All right. Is this primarily for public water sources, municipal

water sources? Or will there be an ability to address private wells as well?

COMMISSIONER SEGGOS: I believe we would want it -- the authority to be as broad as possible so that we weren't limiting it just to drinking water sources. If we saw plumes that might be contributing to environmental degradation we'd want to help municipalities address those problems as well.

But as you know, issues of private wells are often adjacent to public wells. So you find a plume that may stretch from a pollution source, it may impact a number of different private and public sources.

SENATOR HARCKHAM: All right. Let's hop over to waste now.

I'm pleased to see a good waste proposal. There are also two very strong waste proposals in the Legislature. The difference is the two in the Legislature both deal with toxins in packaging and the administration's does not. What is the reason for that, and what is the

administration's position on dealing with toxins in packaging?

COMMISSIONER SEGGOS: Well, we don't support toxins in packaging.

(Laughter.)

SENATOR HARCKHAM: That's a good start. We're in agreement.

DEC COMMISSIONER SEGGOS: Right up front, want to make sure that's clear.

(Laughter.)

DEC COMMISSIONER SEGGOS: I mean, our objective is to start as aggressively as possible with packaging writ large. So not to carve out any particular type of chemical used in packaging, but to approach the problem of paper and plastic packaging, period.

So we've written it somewhat broadly in that sense, like we did with the chemicals -- like we discussed with chemicals in the carpet, EPR. We don't support the chemical recycling of carpets, we don't support the chemical recycling of paper and plastic packaging waste. So we're trying to

approach it in a uniform way.

SENATOR HARCKHAM: All right, let me slip in a local question while we're here.

At the last Indian Point decommissioning oversight board meeting, it was the position of both DEC and the PSC that New York has no authority to regulate radiological discharges into the Hudson River. Is that still the administration's position? And from your seat, is there anything we can do legislatively to empower New York State to have that authority?

DEC COMMISSIONER SEGGOS: Good question. The federal law is fairly clear that radiological discharges are the purview of the federal government -- EPA, the Department of Energy, NRC -- whereas the state will handle everything else through its discharge permitting. So our SPDES permit for the plant handles everything but for tritium discharges.

We certainly can do more in a coordinated fashion with the federal

government. I mean, I have reached out directly to the EPA regional administrator about this very issue, to gauge their position on this, how may they come down on the proposal of discharge or store that wastewater.

But I think we'd be doing it together. And I'm not sure what the Legislature could do to override federal law on this.

SENATOR HARCKHAM: I know Massachusetts does have that in statute. So we'll explore that more with --

COMMISSIONER SEGGOS: It's worth looking into.

SENATOR HARCKHAM: -- with counsel. Exactly.

All right, let's go to the Environmental Facilities Fund, the Environmental Facilities Corporation in the budget. I really like hearing about the community assistance teams. That sounds very much like the ombudsman program that we discussed a year ago. Could you tell us how that would work?

DEC COMMISSIONER SEGGOS: Sure. Well, we know that local government often isn't skilled or resourced enough to pursue some of these grants or loans. We've been talking about that for several years. We've exchanged this in multiple meetings. And EFC intends to roll this out shortly so that this year we have teams that can go around the state and actually help municipalities get through these sometimes onerous processes, take advantage of the funds that the Legislature's made available. And it's been an extraordinary run. We want to begin getting to those communities that are a little bit less resourced to achieve these dollars.

SENATOR HARCKHAM: Great. I'm excited to hear that.

Forest Rangers. We're going to hear from your colleagues later on today. I'm sure they will tell us that they are overworked and understaffed. Do you have plans for a new class? Do you think we're at a sufficient number? Would you like to see

more? What's the administration's position?

COMMISSIONER SEGGOS: They are extraordinarily worked. I mean, they are very busy. They're all over the place. You know, I call them the state's Swiss Army knife, because they really do everything, along with our ECOs.

So we did have -- the most recent academy was the largest academy ever for the Forest Rangers. And we're now in the early stages of preparing for the next one. We had a record turnout for the exam that we just held.

So I expect to begin replenishing the ranks of both the Forest Rangers and the Environmental Conservation Police over the coming year.

SENATOR HARCKHAM: Thanks. Last 17 seconds. Back to Environmental Protection Fund. We've heard from land preservation groups they've been having trouble getting the money that they've been promised. They laid out money, they're having financial hardship. What is the cause of that

bottleneck, and can we get that opened up?

DEC COMMISSIONER SEGGOS: I'd have to look into the cause of the bottleneck. At the same time, I'd be happy to get that to you all offline.

SENATOR HARCKHAM: All right, thanks. Pretty good for 10 minutes.

(Laughter.)

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you, gentlemen.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to our chair of EnCon, Assemblywoman Glick, 10 minutes.

ASSEMBLYWOMAN GLICK: My counterpart set a standard. I'm going to have to do like a Federal Express kind of lightning round.

On the EPF, if you look at what has been appropriated over the years and what has been disbursed, there are some gaps there. I'm just wondering if we're expanding the fund, will we be able to get the money out the door? That's, you know, the case in many

areas. But what do you think is the likelihood that we will catch up to what hasn't been disbursed and what we will in fact be able to get out the door?

COMMISSIONER SEGGOS: Thank you for asking that. We have recognized the need to get the money out the door more quickly. And I will tell you that's exactly why the Governor is coming to us with more resources. You know, we are getting an additional 321 staff this year -- really unprecedented -- to those increases.

That recognizes that we have a backlog of a core mission, including the EPF disbursements, and also taking on new responsibilities as we have over the last few years, most notably Bond Act and CLCPA. So my hope is that -- I think I said 321 -- 231. My hope is that we can get those dollars out more quickly because we are going to spread that increase across some of the divisions that have been working with less.

ASSEMBLYWOMAN GLICK: In that vein, there have been, under the water

infrastructure -- CWIA, I think -- there have been -- there are several program lines in that. And we I don't think have a handle on comprehensive accounting of how the funding has been used and whether or not individual applicants feel that the money gets to them. So is that the same issue?

COMMISSIONER SEGGOS: I believe we're getting at that issue. You know, we started this in 2017, and then during COVID we had kind of a lull and hiring freeze and spending was more challenging. But this year we had a record year of getting money out the door, almost over a billion dollars of grants made.

So I would say that we are beginning to address the issues that you flag. And I think the proof is in some of the releases that we did this year and the fact that it got out quickly enough to communities. Is the demand still there? Yes, absolutely. And we expect this year to be another big year for water funding.

ASSEMBLYWOMAN GLICK: Not to be too repetitive, we got some new federal dollars,

which we love, for lead service line replacement and the removal of certain contaminants like PFAS. And applications went out last summer. And I don't know that there have been any awards yet. Do you have a timeline on that?

DEC COMMISSIONER SEGGOS: I can't speak as much to the timeline on lead service line grants. That's handled by Department of Health. It's a bit of a weird split between DOH and DEC. Unlike EPA, which has it all under one roof.

ASSEMBLYWOMAN GLICK: Okay, we'll follow up with them.

Are there any regulations planned or in place to deal with testing for PFAS that's getting discharged by industry? So obviously we have concerns. It's -- you know, these forever chemicals are everywhere. They're not only forever, they're ubiquitous. So are there plans for testing for specific discharges from industry? Because we of course want polluters to pay for cleanup.

DEC COMMISSIONER SEGGOS: There are

plans. We have some technical guidance out there already that requires certain testing of PFAS from dischargers. There are drinking water quality standards that we've worked only with the Department of Health. And we do ambient water quality testing as well to gauge the presence of PFAS in places where people are drinking or swimming.

We are also, of course, doing testing of fish. That came up this morning, I think, in some of the Q&A. We've been doing that for several years, actually, since 2016, been doing testing of fish. And that's more broadly done now at a nationwide level.

So the answer is yes, we are starting to do it. And we envision certainly making wider controls over the releases of PFAS and helping to marry that up with some of the water funding that we have. Which, you know, we don't want to strain the already cash-strapped publicly owned treatment works, for example, if we can get them some additional resources for -- to prevent those kinds of discharges. That's certainly within

the state's long-term horizon.

ASSEMBLYWOMAN GLICK: A little bit of a shift. You know, COVID made everybody more aware of the outdoors, and there's a tremendous amount in the Catskills and the Adirondacks for use of the recreational activities. Not so much skiing this winter. But we're wondering why there was -- since the overuse is likely to continue, why there was an elimination of specific overuse dollars in this budget.

COMMISSIONER SEGGOS: You're right, we are seeing record numbers, whether it's Erik's parks or our Catskills and Adirondacks. And it's a good thing, but we've recognized that the use needs to be done in a sustainable way. We have the Catskills and High Peaks advisory groups that have prepared reports for us to begin controlling some of that for channeling our resources into both parks to reduce the impacts.

The EPF, again, was $300 million last year. Now it's 400 million, and we expect to

increase our spending in both those places. And I think like every year there's often an exchange of visions about whether or not we need to have -- align with carveouts or if we need to have those carveouts. But our commitment to the Catskills or the Adirondacks has only increased, dollar by dollar, every single year since I've been in this office.

ASSEMBLYWOMAN GLICK: And you envision that to also be money that will come out of the Bond Act for those purposes?

COMMISSIONER SEGGOS: Absolutely. The Bond Act has many broad categories. Again, we're going to be putting the criteria together on that. But even some of the categories that don't require criteria, there is already some thinking, some early thinking about places where we could direct some of those dollars to help address some of the trail and trailhead issues that we've seen over the years.

ASSEMBLYWOMAN GLICK: With waste reduction, the timelines seem to be fairly

long, a long time horizon. Do you think there's a way of moving those up?

COMMISSIONER SEGGOS: Well, we're always looking at the best way to effectuate the rollout of a big program like this. I mean, we are proposing a fairly significant change to the way in which we would manage waste here in New York State.

So what we've proposed is -- we believe to be ambitious but also achievable in a way that wouldn't impact prices for New Yorkers. We've seen four other states do this, Maine and some Western Coast states. They've done it in a way that didn't impact prices. We certainly want to do that also, while helping us achieve all of the things that we've been dealing with over the years -- too many trucks on the road because the packages are too big, too much waste in landfills, not enough money to handle all the recycling, the market crashes.

And I think taking all that into account, you know, creating a bit of a flight path to success was the reason behind our --

the dates that we put in motion. But we're going to be talking with you, I know, throughout the course of the next two months as we refine that proposal.

ASSEMBLYWOMAN GLICK: I'd be remiss if I didn't say we need more Environmental Conservation Officers in New York City. And you have a plan?

COMMISSIONER SEGGOS: We do, actually. We're starting that already. This year we made a change to the pay structure so that our ECOs that live downstate can get a pay increase because of the cost of living downstate. So it's sort of mid-Hudson south.

That's part of it. We also are intending to launch the next academy within the next 12 to 18 months, which is going to increase the size of that force. And as is always the case, they start downstate. We'd like them, if they want to, to be able to afford to live downstate, and that's really behind the -- the reason behind the geo-pay, you know, we did.

ASSEMBLYWOMAN GLICK: I see my time is

eroding. Let me just do a quick NYSERDA question or two.

How can we make it easier for consumers to determine what renewable systems are best for them? How -- you know, if we want people to do the right thing, we want to make it easy. What plans do you have for that?

NYSERDA PRESIDENT HARRIS: Well, we certainly do need to increase awareness of options that are available to New Yorkers, we completely agree. And in fact awareness is a major aspect of the Climate Plan's implementation in the first instance.

But one new initiative that we are actually just launching and just awarded last year is our clean energy hubs, which are actually going to be 12 locations around the state embedded within communities, intended really to be on the ground and resources available to navigate what is admittedly a complex ecosystem of not only resources but technologies that can be brought to bear.

So in addition to broader activities

that we have underway, the hubs I think are a great way to be in the communities directly.

ASSEMBLYWOMAN GLICK: I yield back my eight seconds.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Good example.

CHAIRWOMAN KRUEGER: Chair Michelle Hinchey. She's chair of Agriculture, but apparently that has something to do with the environment, so she has other interests.

SENATOR HINCHEY: Wow. This was a gift that I didn't see coming. So thank you.

First and foremost, thank you all for being here and for the work that you do in these incredibly important subject areas.

My first question -- and I guess I'll say yes, I think we all are in agreement now, and many have been, but especially now that agriculture and the environment go hand in hand. They are not enemies, they are not antithetical to each other. We have to be working in partnership to make sure that we are protecting our environment and that we

have a planet to live on in the future, but also so that we have a robust and thriving food supply and also farms that can help sequester our carbon, which we know is a core component of the CLCPA and the Scoping Plan. So thank you all for your work in this partnership.

My first question is for President Harris. Is it true, would you say it's true that the state and NYSERDA and all relevant agencies are not incentivizing solar development on farmland?

NYSERDA PRESIDENT HARRIS: I would say -- thank you for the question. I appreciate it. I would say, and as someone who has worked in this industry for decades at this point, this has been an evolution, an evolution of both recognition of the impacts, potential impacts of solar on farmland, but specifically the ways that we can avoid, minimize, and mitigate those impacts.

You heard Commissioner Ball note the fact that one of my very first stops was at his farm, where we spoke in depth about solar

issues and siting issues and in fact have put into place a number of activities that are progressing over time to not only I would say build the frameworks that will be necessary to avoid in the first instance -- and that includes new and expanded provisions within our solicitations that are taking shape -- but also the ways in which, building on the Climate Action Council's work, we can better be aware of issues of farmland protection and agricultural issues in general.

So we are active participants in every working group that the commissioner has formed, and really have seen the developers respond. Because what we have learned is that not only does our buying power but our commitment to responsible development yield results, it takes some amount of time. And I would say it remains an area of top focus.

SENATOR HINCHEY: Thank you.

You know, I think the commissioner, who was here just before you, said, you know, for every one acre of farmland that is being built on, we're saving one. I would argue

that is woefully too few. Because that still means we are having the amount of farmland that we have.

And in the Build Ready program, that is an incentive program for solar development. Currently farmland is included in that program. If we're not working to incentivize farmland for development, why is farmland still in that program?

And I will say we have a bill that we passed in this Legislature -- nearly, I think, unanimously -- and it was vetoed. And it's a little bit confusing to me if we're not incentivizing farmland, why are we keeping farmland in an incentivization program? So can you speak to that?

NYSERDA PRESIDENT HARRIS: Certainly.

So the Build Ready program is really focused on siting in underutilized land. Every project that we are advancing thus far is consistent with that framework. We don't have projects that are advancing in protected farmlands as a -- in the first instance. And really it remains a top priority of ours to

work on brownfields, industrial sites and other underutilized land.

SENATOR HINCHEY: For the second time, I would argue that part of that is just not happening. I mean, I've got communities that are losing over 10 percent of their land with very few sited projects on them. We are losing farmland at a clip. And I met with a dairy farmer yesterday who has been approached not once, not twice, but eight times by a solar developer to buy his land. And now, because of the challenges -- both federally but also here in the state -- he's actually giving in and selling it, and he threw them off his land the first few times.

So I think we have a much bigger role to play in the state, your agency included, to make sure that the words that we're saying about protecting farmland is actually what's happening in the execution.

I'm going to move over to Commissioner Seggos.

I appreciate the comments on the technical assistance for our small

communities. I represent 56 communities that are very small, often rural, and they just cannot access the grants. They cannot access the money that we have allocated for them.

And while I am excited to hear about more technical assistance, that will be helpful specifically as it pertains to water infrastructure. You know, many of these communities need not a one-time grant, but they need dedicated funding because their infrastructure is so old and in desperate need of repair and maintenance.

Would you say that a dedicated funding stream to our municipalities to help make sure that we can guarantee water infrastructure, clean water infrastructure and sewer infrastructure, would be helpful?

DEC COMMISSIONER SEGGOS: Yes. But I would point you to the fact that we did that with you. We did the Clean Water Infrastructure Act back in 2017, and it's been really an annual event when we get to -- the Governor's this year announcing another $500 million towards that -- so now a

$5 billion fund. Which, again, never existed.

And I think the issue really prior to 2017 is so many of these systems decayed because there was no money available and the great grant program that we had was inaccessible because of the inability to pay off the debt service of those types of loans. Now we really have something. Now we have a grant program that matches up very well with a loan program, and we're spending at a record clip.

So I would say that, you know, as we try to get these dollars out the door as quickly as possible to the Assemblywoman's question earlier, that if communities that you know of are having issues getting through that program, please let us know. Because you've given us the dollars; now we need to get them through the system.

SENATOR HINCHEY: I'll tell you, the loan program we hear rave reviews about. I think that's important.

But the grants are -- it's still not

working. And I would encourage you, before you leave today, whatever hour that might be, to talk to our folks who are in the breezeway between the Capitol and the LOB. What they believe is needed, and I do too, is a CHIPS-like funding program to our municipalities to actually get them reliable money to fix our water infrastructure. And there's a great display out there; I encourage everyone to go talk to them and see it.

DEC COMMISSIONER SEGGOS: I did see it, actually. They yelled at me to take it back.

SENATOR HINCHEY: Go visit them, because I think they would say some of the grant structure is not actually working for our communities, and there's a lot we still have to do there.

Switching gears to the EPF and to agroforestry, this is something, as we know, we've cited farmers are now a critical component of sequestering carbon. And on much of our farmland we have forests. And

one thing we don't talk that much about is selective cutting and forest maintenance so that we can actually sequester more carbon and have this land be working land for carbon sequestration.

Do you think putting something like that in the EPF would be beneficial to both supporting our farmers for the long run, dedicated funding, and also for our climate goals?

DEC COMMISSIONER SEGGOS: You know, we approached this issue a few years ago through the tax -- I'm forgetting the actual number. But it was a tax credit program designed to help the owners of these small forests, right, which is -- the majority of the forestry in the state is owned by small private owners -- to provide the types of incentives to get those -- the rates of cutting in a sustainable manner and also preserve that land from being taken up.

I think we are willing to talk about any funding streams or any policies that ultimately would help to keep those forests

as forests, working forests, because they serve so many purposes for our logging industry, for sequestration purposes, and for the preservation of the outdoors. So I think we're fairly well aligned on that point and willing to talk about how best to effectuate it.

SENATOR HINCHEY: Thank you. Yeah, the tax credit is great -- or the tax revenue is great, but I don't think it's enough. And I know they have some changes to it, in addition, that have come out of the Scoping Plan, actually, some things that we're reviewing.

But a dedicated fund to actually pay our farmers for ecosystem management for that work I think is an important component of what we're all doing here for the future.

DEC COMMISSIONER SEGGOS: I will just also note that the Clean Water Infrastructure Act also has as eligible funds to go to farms for farmland preservation for those important buffer areas. Source water protection.

SENATOR HINCHEY: Thank you.

Protecting the -- that's a good point, because our farms are protecting a lot of our water supply and making sure we don't need filtration systems. Specifically for many of my colleagues in the city, your water comes from our community and our farmlands are keeping it clean.

With my 50 seconds left, I want to quickly shift to the $60 million that my colleague Chair Harckham mentioned for landfills. Is that -- we have a small community that has a toxic landfill that is on the list for closure. However, they're so small they can't afford the funds up front to pay for that, even though they're going to get reimbursed in 10 years.

Is this a fund that they'd be able to access to help push that forward now?

DEC COMMISSIONER SEGGOS: Possibly. If the landfill itself was creating a condition that would jeopardize drinking water supplies or other really important environmental sensitive resources.

So yeah, I think the question -- the

answer is probably yes. There's 1900 of these landfills that are inactive that are waiting for closure. And we've been doing an enormous amount of testing around the state to find out which ones are posing that risk. So perhaps we should try to compare the Venn diagram of what you're seeing and ultimately what the threats are and how we can best fund them.

SENATOR HINCHEY: That would be great. We have a couple I've love to talk to you about that.

DEC COMMISSIONER SEGGOS: Great. We'll talk.

SENATOR HINCHEY: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Barrett, chair of our Energy Committee.

ASSEMBLYWOMAN BARRETT: Thank you. Thank you, Chairs.

And thank you for being here and for all your great leadership work.

I'm going to start with what I hope is

a brief question with the commissioner that's related to what my colleague talked about, because we represent the same communities. And it's really the -- a different angle. It's the Clean Water State Revolving Fund, which we have found, in an overwhelming number of my rural communities, they are not eligible for because they don't have anything to improve. They don't have any infrastructure.

And we need a funding stream that really will address -- and these are multiple communities. When they did, you know, the -- went through the process, they basically didn't make the cut to be eligible, while lots of big cities and other parts of the state did.

And so it seems to me that's probably a flaw in the system. But if you have some other suggestion or some input, I'd love to hear it before I go on to other questions.

DEC COMMISSIONER SEGGOS: So you've raised the loan program, right, which as we saw for many years was -- had an enormous

amount of money that was underutilized, untapped. That's why we created the Clean Water Infrastructure Act.

So there are several pots of money through that. We also have one that DEC controls called the Water Quality Improvement Program, which is helping to dedicate resources to problems in small communities.

So I would say that if communities are experiencing issues trying to address the -- tap into those funds, that they should reach out to us and/or wait for the EFC announcement about its community task force that they're going to be doing around the state. Because what we're trying to do is marry up the large amount of resources that we have with the communities that most need them. And we've just seen that delta being so big, and that's why the Governor's put a priority on doing that this year.

ASSEMBLYWOMAN BARRETT: Okay, we will follow up with you and have our communities -- because it's, you know, a dozen or more --

DEC COMMISSIONER SEGGOS: Please.

ASSEMBLYWOMAN BARRETT: -- just in my district.

DEC COMMISSIONER SEGGOS: Yup. Happy to do that.

ASSEMBLYWOMAN BARRETT: Okay, thank you.

All right, shifting gears to the CLCPA -- and again, thank you for your leadership, both of you, on this. You know, affordability is such an important piece of this. You know, we've talked about this. I'm wondering whether -- and I'm going to let either of you decide who wants to answer this. But have we created additional challenges for ourselves by not counting biofuels and bridge fuels in the process of helping us get to these very ambitious -- everybody calls them ambitious, you know, and nation-leading goals -- while other states are moving along without these being hamstrung and getting other things done.

NYSERDA PRESIDENT HARRIS: Well, certainly -- and thank you for the question.

This has been a multiyear process, as described, and certainly through that process we have all -- not only the members of the council, but also the public at large have begun to better understand and articulate really what it takes to achieve these outcomes. That was our job, to not decide the end points but to decide how to achieve them, practically speaking.

And I would say certainly one of the Governor's primary objectives in laying out our cap-and-invest program and a core principle within it, is not only the principle of affordability but the principle of linkage -- i.e., linking to other jurisdictions and beyond really through the effectuation of this program.

And we in New York are certainly operating in a different, to your question, accounting framework than many jurisdictions -- actually, any jurisdiction, Western states, Eastern states, and globally. Certainly a different accounting framework than they utilize in their programs.

So over the coming months through this robust regulatory process, we will be advancing this cap-and-invest program in ways that fulfill the Governor's request, which is to say let's look at these differences and let's look at how that impacts the effectuation of this cap-and-invest program.

It's certainly the case that the Climate Law established very specific rules with respect to renewable energy eligibility by removing these biofuels as eligible renewable resources. We do see applications of renewable natural gas, as an example, in hard-to-electrify applications, industrial applications, perhaps medium/heavy-duty transport, and other sectors for sure.

But with respect to power generation these projects, because of the climate law's rules, are not eligible for renewable energy programs.

ASSEMBLYWOMAN BARRETT: And then sometimes people are then selling their credits to other states -- California, the New England states. Is that a good

development?

NYSERDA PRESIDENT HARRIS: Well, it is certainly true that these are markets. These are markets in which the private sector, as we've discussed throughout the day, will respond to the market forces that are present.

And in this instance we do see a shift, really -- NYSERDA certainly supported for decades, actually, digester programs for power generation, electricity production over many programs. Now we do see a shifting of those farms in particular to deliver renewable natural gas via credit to other markets because of those differences.

ASSEMBLYWOMAN BARRETT: Thank you.

So we have heard from a lot of our colleagues, rural as well as urban, suburban, their concerns. I mean, I -- we all understand that the rumor mill about gas stoves is, you know, largely unfounded. Yes, we're talking about new construction, we're talking specifically.

But I think there's a lot of concern

by all of our constituents about how they are going to be able to meet these goals in their own lives. And, you know, we -- these are the people we represent. They -- the people who lived through the big storms in Buffalo turned to their gas fireplaces, to their gas stoves. Generators most of us have are -- run on propane. People who live in old buildings know that basically they can't plug in their hairdryer and their coffee maker at the same time. And that's -- you know, we want to electrify everything.

So what are we doing here? How are we getting to the goals? What are we telling people, and what's the plan for being able to bring everyone along with us? Because if we don't bring everyone along with us, we're not going to reach our goals.

NYSERDA PRESIDENT HARRIS: Thank you for that question. There's a lot that I could lay out as to answers.

But I think the fundamental framework that we as a council had deliberated on for this period of years is one of recognizing,

number one, we have to tackle buildings. They are the largest contributor to greenhouse gas emissions in our state. We have a very diverse and complex building stock, 7 million households, and I bet every one of you has a different story around what the homes look like in your communities that you represent.

So ultimately what we know we need to do is not only invest in our housing stock but also to create futures for all New Yorkers that are more sustainable, more comfortable, more durable with respect to resiliency and beyond. So what you see today I would say is a rational -- rational and safe and well-thought-out approach to begin the process of addressing our buildings.

First, by starting with the buildings that are not yet constructed. We need to start there because we know they can be built in many cases at the same price or very nominally above the price of a new home that is using fossil fuels. But we also need to really catch these buildings when there are

investments being made in the replacement. So that's the fossil fuel heating equipment proposal, which is looking at when the equipment has reached the end of its useful life, we will have programs and investments ready to help make that transition for New Yorkers.

And at the end of the day we are going to be relying much more significantly on our grid. We know this. I'm sure we'll be talking about this throughout this afternoon because it is the primary resource we'll be using, is electricity. But that's not to say that -- through these processes, and through the regulatory process specifically, we will be looking at exemptions. We recognize that it is not always possible to electrify or create zero-emission futures for every circumstance, and that's really part of the framework that we've proposed, is appropriate exemptions that will be necessary as well.

ASSEMBLYWOMAN BARRETT: Thank you.

What about energy storage? What are the primary impediments you see to getting

the storage infrastructure in place?

NYSERDA PRESIDENT HARRIS: Well, energy storage remains a critical aspect of creating that grid of the future, certainly from the perspective of the resilience and reliability that we know it will need to have.

As I described in my testimony, we are in the process -- we've proposed an expansion to our energy storage goal to the Public Service Commission up to 6 gigawatts. That's a good step. That's about 20 percent of the peak need in the target year of that program.

In reality, we need to scale up storage not only with respect to short-duration storage but longer-duration storage, so that we can sustain periods of time where the wind doesn't blow and the sun doesn't shine, or during periods of power outages which, despite the rigorous design processes that we employ, will happen from time to time.

So really when we think about storage, it's scale-up, it's expansion of duration,

and it's ultimately good siting for safety and reliability purposes.

ASSEMBLYWOMAN BARRETT: Perfect. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair.

Thank you all for being here. My time is a little short, so I'd like to start with Commissioner Seggos.

First of all, thank you very much for your great partnership, you know, with Richard Ball on the Great Lakes Cheese project. You guys really worked together to make sure that that happened, so I want to thank you for that.

I have a question. You know, I represent a lot of Native territories. We have a lot of Native territories throughout New York State. In 2021 the New York State Legislature unanimously passed protections for hunting and fishing rights of Native Americans in New York State. The

Governor subsequently vetoed that bill, and in her veto message she said that she would work with DEC to ensure that those rights are protected.

So what is being done to ensure those rights are being protected?

DEC COMMISSIONER SEGGOS: Thank you for asking that.

Well, as you know, as I mentioned in my opening remarks, we initiated the agency's first-ever Office of Indian Nation Affairs, which is helping to guide some of the thinking that we're doing on this. Which had traditionally been done after the fact, right, after someone had gone and perhaps run afoul of the law. So we're trying to get more proactive on it.

We've engaged all the nations, all the nations here in New York State. All of them have different approaches to hunting and fishing. But the point that we're making about it is we need to do a better job of respecting the Indigenous approach to conservation while working with them to help

them understand conservation necessity on our end, whether it might be certain species that need to be protected for certain reasons.

It's all coming together largely now, in a series of conversations that we've been having with some of the leaders within the confederacy. And I would expect that this year we'll be making a more broad statement about how the long-term relationship between the State of New York and the various nations will be done in a compatible way when it comes to managing both fish and wildlife.

So it's been productive.

SENATOR BORRELLO: Well, I'm glad to hear that, because obviously, you know, this is essentially a violation of a federal treaty, to infringe on their rights. So I'm glad to hear this cooperation going on, and hopefully sooner than later.

You know, you speak about protecting endangered species and so forth, which brings me to a concern that I have. You know, the Office of Renewable Energy Siting, ORES, seems to be able to, at will, trample on DEC

regulations when they are -- in an effort to speed up these things.

I'll give you an example. You know, when -- DEC is very careful about habitats, natural habitats, and yet when they put up the Arkwright wind project -- or, excuse me, the Cassadaga project, there was concern about bat habitats. And they said, Well, we sent a bat expert in there, he didn't see any bats in the trees, so we cut the trees down.

How is ORES -- how are you balancing ORES's push to -- you know, to expedite these renewable energy sitings with the need to protect our environment?

DEC COMMISSIONER SEGGOS: Well, I would say, you know, since the Legislature created the ORES several years ago, we've been improving our relationship with ORES. I mean, we have shared on a regular basis our expert staff to work with them on specific issues. They have, of course, their own experts as well that are helping to process permits and process applications.

It's a symbiotic relationship that we

have between the two agencies, and for that matter NYSERDA and DPS as well, as we take into account all the various impacts to the built and natural environment with the need to build out renewables as well -- in particular, as you mention, onshore wind.

So for us, you know, we have been able to manage these. It's a relatively small number of applications that have come through ORES thus far, so it hasn't created a burden on our staff to keep up with some of the challenges posed by the applications.

SENATOR BORRELLO: But in the end, they have the right to override what you do, and that's really concerning for me. Because there's this foolish notion that we can -- that we have to destroy the environment in order to save the planet, which I don't subscribe to, and unfortunately that's what we're seeing as they clear-cut forests that are naturally sequestering carbon as they, you know, really slaughter endangered species. This is really a problem. And you've got former environmental organizations

that used to be concerned about protecting that are -- now have sold out to these energy companies. So I hope that DEC can push back.

You know, and just in general -- and my time is really short here -- just a -- my concern for both NYSERDA and the New York Power Authority is the importing of power. New York State is importing more power than it ever has, from dirty, old-fashioned coal plants. How is that meeting your energy goals?

NYSERDA PRESIDENT HARRIS: Well, we certainly do track all of our imports and report on this regularly. I would say our imports from Pennsylvania, the PJM system, have actually been relatively flat. But I'd be glad to send you that data.

SENATOR BORRELLO: Please. I apologize for not giving you enough time. Sorry.

CHAIRWOMAN KRUEGER: Sorry, no more time. Maybe you can follow up to all of us afterwards. Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Yes, we go to our ranker on EnCon, Assemblyman Simpson.

ASSEMBLYMAN SIMPSON: Thank you, Madam Chair.

Thank you all for being here and enlightening us today. And I'm going to speak fast because I've got a lot of questions and very little time.

So the stewardship funding, the $8 million that was in the EPF last year, is not in there this year. But amongst that funding there were a lot of partners that really bring this program to where it is in the Adirondacks and the Catskills. So without this funding, could you let me know, could you tell us how you're going to accomplish this same program without that $8 million in funding?

DEC COMMISSIONER SEGGOS: It's a good question. So I expect to have an increased level of support for the Adirondacks and our stewardship obligations. I mean, the EPF is again still $400 million. We still intend to spend the money at the same clip for the same

purpose as we did last year.

But of course this year we have the Bond Act, right, and the criteria that we're going to be explaining on that in the coming months. And I think that will give us some parallel tools to hit at some of the same purposes that we had articulated through the EPF last year.

ASSEMBLYMAN SIMPSON: So a lot of the Bond Act money, then, is going to supplant other funding that was in the budget prior?

DEC COMMISSIONER SEGGOS: I think that we -- we need to look at opportunities to put certain projects on the Bond Act and perhaps there's certain things that won't be eligible for the Bond Act that we need to keep within the EPF or over with NY Works.

So it's assessing all of our tools and finding out how best to achieve the outcomes by virtue of the tools that you've given us.

ASSEMBLYMAN SIMPSON: Okay. I'm going to switch gears quickly to EFC funding.

A lot of the communities in my district that I've spoken with that have had

these issues qualifying, one of the big issues is the fact that most of my communities in the district have a large population of second-home owners, where their assessed values, you know, the measurement of wealth in a community, is really decided by -- it could be upwards of two-thirds of the population that is seasonal, lives on a lake, doesn't have water infrastructure, but the district that has to pay for the water infrastructure are those residents that are in the hamlets and the smaller, lesser-valued properties.

So I think from speaking with most of my representatives in my counties, they think there's a flaw in that formula, that we really need to look at it in a different way. You know, we all know, you know, the lakefront value in the last few years has more than doubled, and it's affecting the ratios or these formulas that we use to establish wealth.

DEC COMMISSIONER SEGGOS: It's a great point, Assemblyman. I'd be happy to think

with my team offline and engage with you directly on that --

ASSEMBLYMAN SIMPSON: Okay.

DEC COMMISSIONER SEGGOS: -- and how we can address that issue. But that's a good point.

ASSEMBLYMAN SIMPSON: Yeah, I just want to say that our hamlets are deteriorating while those lakefront properties are appreciating. And we need that required infrastructure for economic development, affordable housing. If we had the proper infrastructure there, we could help with this situation.

DEC COMMISSIONER SEGGOS: Well, I would say the EFC community assistance teams can be perhaps helpful in this regard, right? When we're trying to push not loans to water districts that then fall on the ratepayers disproportionately because there's certain seasonals and not -- that we can encourage some of these smaller towns to get into the grant programs. Right? Which just takes that obligation right off the top and reduces

the burden on all ratepayers.

ASSEMBLYMAN SIMPSON: Okay. So I'm going to rush through this, I'm going to --

DEC COMMISSIONER SEGGOS: Okay.

ASSEMBLYMAN SIMPSON: How successful or unsuccessful was the Youth Hunting program pilot?

DEC COMMISSIONER SEGGOS: Good question. It was very successful. We saw a 29 percent increase in junior license sales over the preceding period.

It was also very safe. We had zero incidents, and every single junior hunter age 13 or 14 went out with a mentor. And we knew that would be the best way for them to learn.

ASSEMBLYMAN SIMPSON: Okay. And is there a possibility to having a pilot program for the crossbow? You know, there's been legislation that's been proposed to expand that opportunity. And, you know, would the department consider a pilot program for that as well?

DEC COMMISSIONER SEGGOS: Well, we're

certainly amenable to it. It would need to be worked out, of course, with the Legislature. But we're amenable to a program that helps, you know, older or perhaps difficultly-abled hunters getting into the field. You know, it's hard to pull a bow when you get past a certain age, I've heard.

(Laughter.)

DEC COMMISSIONER SEGGOS: But the crossbow is an important hunting tool. And to the extent that we can help to expand that in New York, I think it will help the industry writ large.

ASSEMBLYMAN SIMPSON: Well, thank you, Commissioner. I've got three seconds left. I will conclude.

CHAIRWOMAN WEINSTEIN: To the Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

Okay, Senator Gonzalez is next on the list. If somebody would give her their seat. Thank you so much.

SENATOR GONZALEZ: Hi. Thank you all so much for being here today.

I am Senator Gonzalez. I represent District 59, which as you probably know produces the lion's share of the city's energy, with Ravenswood, as well as is a site for Hydro-Québec, and has generations of residents that have been deeply affected by the fossil fuel industry, from breathing poisoned air to those down in Brooklyn, you know, Newtown Creek, that have generations of people who have passed away because of the largest underground oil spill in the country.

So I say all of this to say that this is a priority for my district, and that's why I've been a long-term supporter of the Build Public Renewables Act. And so I do want to ask today, because you mentioned in your speech about NYPA, that you are interested in the federal Inflation Reduction Act. The IRA's direct-pay provision will give NYPA a competitive advantage for the next 10 years over the private sector, as NYPA will not need to include a tax equity investor to take advantage of the ITC, which is the investment tax credit, and PTC, production tax credit.

In the Senate and Assembly's BPRA, the sourcing and bonuses could add value to these -- of these credits. The labor standards in BPRA ensure the fulfillment of these, giving NYPA an even greater advantage over the private developers.

So why would the Governor's plan take out that labor provision? And why would NYPA, in the Governor's proposal, merely be seen as a partner in a public-private partnership with tax equity investors, instead of leading themselves in order to obtain the greatest federal funds? For me, this really means leaving potentially billions of dollars in federal money on the table and handouts to corporate actors. So why wouldn't NYPA do it themselves?

ACTING NYPA PRESIDENT DRISCOLL: Thank you for the question. Appreciate it.

So one of the things I think that we have to keep in mind is that NYPA, as a public entity, all of our work is public work, whether work that we do with partners or work that we do on our own -- or, in the

Governor's proposal, even a subsidiary that we created, that work would be public work as well.

So the labor protections start with what's in current law in Labor Section 220, so we start from there. Certainly any additional labor protections that we could attach to projects -- some of these are on a project-by-project basis. For instance, our Clean Path NY project, that is the DC cable that comes down into Queens also, with the Hydro-Québec line, has a PLA associated with it. So those types of labor provisions could be done on a case-by-case basis.

With respect to the Inflation Reduction Act, I think it is a game-changer for the public power sector. We fought for it for 10 years. We're the largest state-owned public power entity. We work very closely with all the public power organizations around the country. And I can tell you that we've been lobbying for it in Washington for the last 10 years. So it's an exciting opportunity for us, and we look

forward to taking full advantage of it.

SENATOR GONZALEZ: For BPRA or the --

ACTING NYPA PRESIDENT DRISCOLL: For --

SENATOR GONZALEZ: I'm sorry.

CHAIRWOMAN KRUEGER: No follow-up question right now. You can chat afterwards.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Manktelow, who will be five minutes, the ranker for this hearing.

ASSEMBLYMAN MANKTELOW: Thank you, Chairwoman.

President Driscoll, I didn't want to leave you out. I've got a couple of questions for you.

Earlier on you talked about the project Clear Path NY transmission lines coming into New York City, 7.5 million megawatts per year. Is that correct?

ACTING NYPA PRESIDENT DRISCOLL: Correct.

ASSEMBLYMAN MANKTELOW: So where will that power be coming from?

ACTING NYPA PRESIDENT DRISCOLL: The power is coming from upstate wind and solar.

ASSEMBLYMAN MANKTELOW: All of it's from wind and solar.

ACTING NYPA PRESIDENT DRISCOLL: Correct.

ASSEMBLYMAN MANKTELOW: And when will those projects be online to provide that much power?

ACTING NYPA PRESIDENT DRISCOLL: So some of the projects are already in existence; some of them are already owned by Invenergy and will feed into the line. Others are in development, and they would all essentially feed into this DC cable that would run in our right-of-way for 100 miles and then run in primarily state rights-of-way into Queens.

And also utilize our Blenheim-Gilboa facility in Schoharie County as a balancing mechanism, utilize that pumped storage plant that we own and operate in Schoharie County.

ASSEMBLYMAN MANKTELOW: Of the 7.5 million megawatts, how much is being

produced today?

ACTING NYPA PRESIDENT DRISCOLL: I'd have to get back to you with a number on that. It would have to -- it would have to calculate the number of existing facilities that will be contributed to the project through Invenergy's existing projects. I'd be happy to get you that.

ASSEMBLYMAN MANKTELOW: Okay. So really no ballpark figure at all right now?

ACTING NYPA PRESIDENT DRISCOLL: I don't have a ballpark figure. I think they're -- their generation is over 2,000 megawatts of renewable generation that's going to be fed into the line. Some percentage of that is already -- are already plants that are in existence.

ASSEMBLYMAN MANKTELOW: Okay, thank you. Thank you for your answers.

President Harris. Is that the correct -- president?

NYSERDA PRESIDENT HARRIS: Correct, thank you.

ASSEMBLYMAN MANKTELOW: All right.

Sounds good, right?

NYSERDA PRESIDENT HARRIS: Sure does.

ASSEMBLYMAN MANKTELOW: In my district now, and in my former district prior to redistricting, I had several nuclear power plants in my district. And I just want to know what NYSERDA's position is. Do you see phasing out nuclear power in New York State?

NYSERDA PRESIDENT HARRIS: Thank you for that very timely question.

We as a council have spent a good amount of the last number of years looking at what we call the integration analysis. And that's really the -- I'd say the framework upon which many of these policies are based, with is really what does it take to achieve these goals. And really one critical finding of our integration analysis was the continued operation, the continued safe operation of the upstate nuclear fleet. The facilities that are operating remain central to the achievement of our goals certainly as we head into the coming decades.

So that was a precondition, really a

foundational aspect of our analysis. I'd say it also was the case that during the work of the Climate Action Council we had, as we've heard today, major federal leverage become available through the Inflation Reduction Act and other policies that required us really to take another look at some of our technologies that we may be considering into the future.

And as such, we did run some sensitivities that looked at new nuclear technologies that, if made available, what the impacts would be of them in the achievement of our goals. And I would say we look to the federal government's investment to really move forward advanced nuclear technologies. But our findings were quite compelling that certainly those technologies could be brought forward in ways that were cost-reducing and still facilitating a significant renewable buildout across our state.

ASSEMBLYMAN MANKTELOW: I'm glad to hear that you're looking at new technologies because I believe they still have to be part

of the whole operation long-term. So I'm glad to hear you say that.

My second question -- I only got a minute -- earlier you outlined some exemptions for gas: Commercial, kitchens, stuff like that. Are agricultural companies, businesses exempt as well?

NYSERDA PRESIDENT HARRIS: Yes. Thank you for asking that question. I've been wanting to make sure that this is clear.

So this is referring to the buildings legislation that is part of the Governor's budget. And this is focusing on residential, multifamily and commercial buildings that are covered by our Energy Code and our codes across the state. So as such, agricultural buildings, agricultural operations are not covered by this bill.

ASSEMBLYMAN MANKTELOW: Okay. That includes corn dryers and that includes distilleries, people that distill product?

NYSERDA PRESIDENT HARRIS: Correct. Correct.

ASSEMBLYMAN MANKTELOW: Okay. I'm out

of time, but I thank you all for your time. Thank you for your service, Commissioner.

DEC COMMISSIONER SEGGOS: Thanks.

NYSERDA PRESIDENT HARRIS: Thank you.

ACTING NYPA PRESIDENT DRISCOLL: Thank you.

CHAIRWOMAN KRUEGER: Rachel May.

SENATOR MAY: Thank you, Madam Chair, everyone.

Commissioner Seggos, I have a few questions for you. One of them is about our abundant freshwater resources upstate. We know they're attractive to industries like semiconductors and cryptomining that are very water-intensive. We also expect a lot of people to move to our region because water's drying up around the country and around the world.

So I don't think we can leave it to volunteer watershed associations to protect our watersheds. So I'm wondering if we have a larger vision and personnel and the policies we need to protect our freshwater from the big threats -- contamination,

thermal pollution, overuse, privatization.

Tell me what you think, quickly, and then I have a couple of other questions too.

DEC COMMISSIONER SEGGOS: Yeah, two minutes. So we have obviously the funding, right? We've talked a bit about that, record funding for water protection, which is super-important to keep clean water and drinking water, the two different buckets of infrastructure, well-funded.

We have a very robust pollution enforcement program. Right? The permitting programs that we have at DEC are among the best and the most stringent in the nation. And we've been going after, as you know, in concert with the Legislature, going after some of these emerging contaminants that have been threatening water supplies.

In terms of now looking locally -- I think one of your questions was really a locally focused question -- lake associations, things like that, groups that would like to protect water but otherwise can't because of the inability to apply for

funds, we're hoping that this EFC community assistance team can help to find the lake associations partnerships with municipalities that would be willing to make those investments jointly together. Ultimately protecting one of the state's greatest resources, which is our water.

SENATOR MAY: Great. Good to know.

This is -- I just need to know why on earth the funding is zeroed out in the EPF for the Climate and Applied Forest Research Institute at SUNY ESF and Cornell.

DEC COMMISSIONER SEGGOS: Well, I know that was a legislative add, I think last year or the year before. Again, it's a fully funded EPF. We'll work with the Legislature on the exact funding buckets.

SENATOR MAY: Okay. And then finally, the Governor vetoed a very key environmental justice bill of mine to prevent the siting of schools next to major highways. Do you have a plan for protecting our most vulnerable young people from the dangers of highways?

DEC COMMISSIONER SEGGOS: Well, we

certainly do, Senator. I mean, when you look at the CLCPA, the Scoping Plan recognizes the threats posed by transportation emissions on sensitive populations, most of those being in disadvantaged communities.

So the path that the Legislature set us on with creating the Scoping Plan and now funding a long-term, actual solution to operationalize -- I know over time, once we reduce pollution through transportation investments, stringent -- more stringent emissions reductions for transportation, as well as the investments in disadvantaged communities, that will result in healthier schools.

SENATOR MAY: Okay, let's hope so. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Thank you, Ms. Chair.

Thank you for your testimony today.

Commissioner Seggos, thank you so much for meeting with me recently about the issues

around the Gowanus Canal. As you know, the EPA has required more intense and comprehensive cleanup. We have 74 brownfield sites, which are clearly your department. And robust stakeholder engagement, in your testimony, was music to my ears because we have not felt that we've gotten that from the state. And this is so critical to protecting the health and safety of the community.

Can you tell me what the DEC is doing to clean up to the intermediate level of the aquifer so as to achieve the proper standards of cleanups on the brownfields? And how are you really forcing National Grid to do that?

DEC COMMISSIONER SEGGOS: It's a great question. And we were able to move the public hearing from tonight after the public outcry on that.

So we're working very closely with EPA on this, right? We both have joint objectives in cleaning up the Gowanus Canal. And we have the benefit of having a very robust brownfields and a very robust Superfund program that have, while they're

different tools, they have the same cleanup objectives in mind.

We intend to hold National Grid and any of the polluters within the Gowanus Canal watershed to the highest level of accountability so that we can get the most robust cleanup, ultimately, and get the site back into -- the whole creek, the canal, back into productive use.

We're also, as you know, making incredible investments in water infrastructure and directing the City DEP to reduce discharges into the canal. So it is a -- we're using literally, in this case, every single tool at our disposal on this small canal to address some pretty major problems.

ASSEMBLYWOMAN SIMON: It's a small canal, but it's got big problems, as you know.

A couple of other questions that are related to this, if I can. One is a concern that National Grid may not properly characterize all the contamination in the

water. We have lots of forever chemicals. And also holding them to report to all of the relevant New York State agencies, because there are a bunch of them, to really communicate that clearly. And also the Bond Lorraine sewer is cracked, and we really want to focus DEC's attention to enforcing that sewer repair.

DEC COMMISSIONER SEGGOS: Okay, thank you for raising that. I wasn't aware of the crack. I'm sure my staff is aware. But I will get together with them.

And just as an update, I also spoke to the regional administrator of the EPA about our need to better coordinate on Gowanus issues. And I'm happy to report that we have a really good alignment with them now.

ASSEMBLYWOMAN SIMON: Thank you. Because that sewer capacity affects the capacity for air and water in the whole area, and it's going to blow up if we don't fix it. So thank you.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN WEINSTEIN: We go to

Senator Stec.

SENATOR STEC: Thank you, Madam Chair.

Good afternoon, all three. Thanks for being here today and for your efforts on behalf of our state.

The first question, I guess, for Presidents Harris and Driscoll. A couple of weeks ago here in this room we had a hearing on the Climate Action Council Scoping Plan, and one of the analyses that came up in testimony came out that there's a $272 billion price estimate on the cost to fully implement that.

Do you agree with that figure? Does that figure seem reasonable or accurate to you?

NYSERDA PRESIDENT HARRIS: So certainly, as I had indicated earlier in an answer, we did assess costs and benefits as part of our integration analysis that led to the publication of the Scoping Plan. And really, on balance, that's where we have concluded that there are far more benefits than there are costs in executing on this

program. The headline for the sort of net benefits is over $100 billion in benefits.

And so those benefits reside in the categories of health benefits, I want to mention $150 billion in health benefits that we can recognize as a state as well as not even counting the hundreds of thousands of jobs that we will see forward. So we see this as an investment, but an investment that is very much worth it.

SENATOR STEC: All right. But you do agree with the price tag --

NYSERDA PRESIDENT HARRIS: I will check. I have the other number right here. I'll double-check that while I --

SENATOR STEC: All right, I'll move on, because I've got five minutes.

Last year we closed Indian Point. It was also reported last year the summer capacity downstate was 92 percent fossil fuels compared to 30 percent in upstate. DEC adopted a rule that more stringently limits nitrogen oxides. As a result, a couple of peak power plants were not allowed to renew

their permits and move forward, and that's going to take a lot of power off the grid.

My concern, Commissioner Seggos, is, you know, are we following in the footsteps of Germany? Their goal for 2030 is 600 terawatts, and they're only at 250 terawatts now. So do you think -- where is this capacity going to come from as we're closing down other options to us? I know that we've got a hydro line that's going to be coming our way. But, you know, are we making a mistake in limiting our options as to where this capacity for energy's coming from?

DEC COMMISSIONER SEGGOS: Senator, with your indulgence, I might defer to my energy colleague.

SENATOR STEC: Fair enough.

NYSERDA PRESIDENT HARRIS: Certainly. And I can confirm the cost range from the integration analysis is $270 billion to $295 billion. So I just want to make sure that I put that in the record as well.

SENATOR STEC: Fair enough.

NYSERDA PRESIDENT HARRIS: With respect to New York City, certainly this is one of the greatest challenges we have in decarbonizing our grid. We are fully aware as to both the challenge and I would say the opportunity that it creates for us to really create those health benefits that I just described.

And in fact when one looks at the projects that we are advancing -- offshore wind, solar, two major transmission projects, the Clean Path NY project and the Champlain Hudson Power Express project, we're talking about 80 percent reduction in the greenhouse gas emissions serving New York City when those projects are constructed. So we know this is one of our biggest needs and one that we've set out to achieve.

SENATOR STEC: All right. And again, I'm looking at our grid and our system holistically. So, you know, I question our ultimate capacity to meet demand.

But assuming that we get through all the land acquisition, eminent domain, design,

supply chain, construction, eventually we're going to build out a distribution system and work our way all the way down to urban areas in like New York City. So I'm thinking about electric vehicle charging stations in densely populated areas. So in New York City, eventually all cars are going to be electric-powered. I'm wondering what our plan for the electric vehicle charging station infrastructure is going to look like.

Right now New York City's currently installing 120 charging ports across five boroughs. And their goal for 2030 is 10,000 charging points. And yet there's 3 million parking spaces on streets. And that's a third of 1 percent by 2030.

You know, I mean, I noticed a lot of places have a hard time striping parking spaces, let alone running electrical infrastructure to them. Is this all achievable? And what is the plan for EV charging in urban areas?

NYSERDA PRESIDENT HARRIS: Certainly. It is the case that it is a particular

challenge in New York City, I agree with you, because parking is a particular challenge in New York City. And as a result, when we think about the solutions that are brought to bear in these urban environments, they may differ, certainly, than those -- as an example, the $175 million of federal money we're using for our highways, as a great example of the urban pathways.

We at NYSERDA have a program, Charge Ready NY, that is really focused on multi-unit dwellings, urban areas and the like. And I could send you those details for sure.

SENATOR STEC: Thank you.

CHAIRWOMAN KRUEGER: Send us all the details. Thank you very much.

NYSERDA PRESIDENT HARRIS: Yup.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Septimo.

ASSEMBLYWOMAN SEPTIMO: Thank you all for being here. I'm going to sort of rapid-fire as much as I can in these three

minutes.

First, does the Executive Budget adhere to the mandate that at least 35 percent of clean energy spending be to the benefit of environmental justice and disadvantaged communities? That's probably just a yes or no.

DEC COMMISSIONER SEGGOS: Yes, it does.

ASSEMBLYWOMAN SEPTIMO: And now the cap-and-invest proposal outlined in the Climate Scoping Plan discussed the need to build safeguards for disadvantaged communities to avoid pollution hotspots. Wondering what measures will be included to sort of act as these safeguards, and specifically, would offsets and allowance trading be prohibited?

DEC COMMISSIONER SEGGOS: So we're in the early stages of designing this program. As I mentioned in my opening remarks, we will be rolling this out over the course of this entire year. We have started our initial outreach to the environmental justice

community as well as the regulated community too, to begin establishing that framework.

When it comes to the environmental justice issues, we look right back at what the Governor told us, that the program that we design must result in a decrease in emissions within disadvantaged communities. So that's exactly where we will land, and I can't tell you exactly what it will look like at that point, but it certainly will not allow trading inside and outside of disadvantaged communities.

ASSEMBLYWOMAN SEPTIMO: Okay, great. Want to make sure we keep that as the North Star, especially representing the South Bronx.

I'm going to sneak one more quick question in. The recently approved Bond Act includes $500 million for electric school buses and charging infrastructure. Can you tell us a little bit about the formula that will go into divvying up that money?

NYSERDA PRESIDENT HARRIS: So this is an area where we at NYSERDA will have a

particular role in really expanding and I would say centralizing our work with school systems. It is one that is a work in progress as to the frameworks that we'll employ, but suffice it to say it will involve not only robust engagement but the Education Department as well, in ways in which we can not only roll these out but provide the tools and resources to be successful in doing so.

ASSEMBLYWOMAN SEPTIMO: Great. And so representing the South Bronx, I just want to plug that we have front-line communities that have been at the front line of impact of environmental abuse for years. We want to make sure that we're at the front of the line of receiving these benefits when they come to be.

And then the final question, NYSERDA's cost-benefit study said that the state needed at least $10 billion a year to fund all the policies necessary to meet our climate goals. Even if cap-and-invest happens to its maximum, you're not getting to 10 billion. So are there other funding streams created in

this budget to help meet those goals?

NYSERDA PRESIDENT HARRIS: So certainly there will -- cap-and-invest, as the commissioner described, is going to be a process that will take a period of time to really reconcile as to the ultimate revenues it may raise for the purposes of investing.

And that's the reason really that we're excited and committed to advancing additional policies necessary to achieve the level of investment necessary to realize this transition, not only through investments in our grid and our buildings -- we just talked about transportation --

ASSEMBLYWOMAN SEPTIMO: I'm now out of time, so I'm going to say thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYWOMAN SEPTIMO: But want to make sure that we're hitting goals that are realistic as we're setting them. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator John Liu.

SENATOR LIU: Thank you, Madam Chair.

And thanks for joining us this

afternoon in this hearing.

First question for Commissioner Seggos. Good to see you.

DEC COMMISSIONER SEGGOS: Good to see you.

SENATOR LIU: Thanks for your continuing great work.

DEC COMMISSIONER SEGGOS: Thank you.

SENATOR LIU: Last year I believe your agency denied a permit for one cryptomining facility, and then later the Governor at long last signed the bill that we passed last year to have a two-year moratorium on new fossil fuel burning plants that would be for cryptomining purposes.

DEC COMMISSIONER SEGGOS: Yes.

SENATOR LIU: Do you think those policies are consistent with each other? And if so, is a two-year moratorium sufficient to keep us in line with the Climate Leadership and Community Protection Act?

DEC COMMISSIONER SEGGOS: I believe it is, Senator. It is consistent with our climate obligations as well as our

recognition of our need to process permits quickly. Right? Now we have a two-year moratorium to look at the entire industry. It is a relatively narrow slice of it, right, those operations that are powered by fossil fuels. But we are shortly going to release an RFP for the consultant that will be doing the environmental impact statement on the industry, which will help then guide our future actions.

SENATOR LIU: All right. So during this two-year moratorium you think that your agency will be able to provide those guidelines so that when we emerge from the two-year moratorium then potentially these cryptomining companies will know exactly what they need to do in order to stay compliant with the Climate --

DEC COMMISSIONER SEGGOS: CLCPA.

SENATOR LIU: -- Leadership and Community Protection Act?

DEC COMMISSIONER SEGGOS: Yes, I do believe so. And I do believe it's enough time for us to create a sufficient

environmental impact statement that can then inform future action.

SENATOR LIU: Okay, great, thank you. I don't get a lot of time.

I was just wondering, from NYSERDA or from NYPA, what if anything do either of your agencies expect from President Biden's Infrastructure Act? Because you did make reference to it before.

ACTING NYPA PRESIDENT DRISCOLL: One component would be the NEVI funding on the EV charging to fill in gaps in the heavily traveled corridors. We're working with the State Department of Transportation to try to secure as much NEVI funding as we can. That's in the IIJA.

SENATOR LIU: And how much do you think that could be?

NYSERDA PRESIDENT HARRIS: That's $175 million.

SENATOR LIU: And you have a clear plan for how to invest that $175 million?

NYSERDA PRESIDENT HARRIS: Yes. Our plan was actually approved last year, and

we're moving quickly to establish investments in some areas of our state that really need --

SENATOR LIU: So the plan was approved. Does that mean that money is forthcoming?

NYSERDA PRESIDENT HARRIS: Yes.

SENATOR LIU: Okay, thank you.

Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you all.

And I'm going to pick up where my colleague Senator Liu left off.

So the NEVI funding. My understanding is that that requires that on the major transportation corridors there be four charging stations for every 50 miles. So at a rest stop plaza there would be four fast-charging stations so that you could concurrently charge four vehicles.

I read a report recently that

suggested that under those parameters, that a -- you would need, in 2030 we would need to have transmission capability equivalent to 5 megawatts, which is equivalent to a small sports stadium, the power required. And that when you get out to 2040, based on the volume of anticipated EVs, we're talking about each plaza needing power equivalent to 20 megawatts, which is basically a small town's worth of power.

So given the amount of time it takes to permit transmission, have you got a plan in place already that specifies the amount of capacity needed to be delivered at each of the charging stations or charging locations 50 miles apart on the major corridors?

And I'm going to just expand that to say, by the way, school bus garages, which also need a lot of fast charging all at once, so that we know that we have the ability to deliver the capacity at the time the demand is there.

NYSERDA PRESIDENT HARRIS: Yes, thank you, Assemblymember. That is a very critical

question for the entire aspect of the change that we are effectuating.

And I'm sure Chair Christian in the next panel will have more to say in this respect.

However, this is very much part of our planning, not only for the bulk -- part of our integration analysis says our electric load will double in the coming decade, so we're planning in the bulk system, from the perspective of generation and transmission in major corridors -- but also with respect to specific utility investments within the distribution system. Notably, a great example is the work that we've done with National Grid to look at just this buildout that you are describing among the major corridors, but also with respect to the housing stock within the communities as well.

So yes, we know where we are heading. We have a number of commission proceedings that will help us invest in this way, including a number of items that are still underway with utility investments and beyond.

ASSEMBLYWOMAN WOERNER: Thank you.

And in my last 20 seconds, Commissioner Seggos, aerosolized PFAS, are we still waiting on the EPA to create a standard that you can use in your air permitting so that we can, as you're doing new air permitting, take into account aerosolized PFAS?

DEC COMMISSIONER SEGGOS: I believe we are. Let me double-check and get back to the body and let you all know where we are on that.

ASSEMBLYWOMAN WOERNER: Thank you very much.

DEC COMMISSIONER SEGGOS: Okay, thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Mattera.

SENATOR MATTERA: Thank you, Madam Chair.

And thank you to the panel. Thank you so much for your testimonies today. Very

serious for our future.

And I would like you to elaborate, President Harris, about what Senator Stec was saying about electric vehicles in dense areas: Parking spots, the city, Long Island -- we do have dense areas -- and how, by 2030, this -- again, people are frightened right now in what they're hearing. So please, can you elaborate what the question was that Senator Stec posed?

NYSERDA PRESIDENT HARRIS: Certainly.

So when we look at urban areas, it is the case that we need to be offering creative solutions to electric vehicle charging in those urban areas for sure. I'd mentioned the Charge Ready NY program as a great example of ways in which we at NYSERDA are making direct investments in those manners -- in that manner.

I would also say, though, and the work of our Climate Action Council revealed broader mobility needs that extend beyond electric vehicle charging. I would say one of the major reasons we had so many health

benefits is that people will actually be walking more and finding other ways of transporting themselves from place to place.

So one other area we're wondering on at NYSERDA is sort of these last-mile issues, how does one get from one's residence to a train station, as an example of other types of electrification that we may pursue.

SENATOR MATTERA: You're still not answering the question, though.

NYSERDA PRESIDENT HARRIS: Sure.

SENATOR MATTERA: I'm sorry, is this feasible by 2030 that this is going to be done? Because all New Yorkers need to know this question. They are frightened because anybody that I speak to, especially they're going to be shutting the gas off and you're not going to be able to go and purchase a gas stove, a boiler, to replace. Everybody's like, This can't be happening.

What are we doing to get this out to people to say, Guess what, we want you to be confident that we, NYSERDA, that we are here for you and then this is going to happen,

this mandate is going to happen?

NYSERDA PRESIDENT HARRIS: Thank you for clarifying your question.

Certainly when we look at 2030, the goals in the Climate Law for 2030, we do see them as feasible. And we see them as a way, you're correct, in ensuring that we are communicating accurately with New Yorkers across the state.

As an example, we are not taking away gas stoves, as one example of perhaps misinformation that we need to correct. But also the fact that we are going about this in a measured and deliberate way that does not create cliffs or specific reasons for alarm. This is a very rational, thought-out plan.

SENATOR MATTERA: But there is an alarm. I do have -- I am a ranker. Don't I have a little bit more than three minutes?

I was wondering also, too, the -- to President Driscoll, approximately 50 percent of our energy is produced from other states, approximately. My question is, what are we doing -- and I mentioned this, I actually was

at the other hearing, the CAC hearing -- what are we doing that -- these are fossil fuel plants. What are we doing to take these transmission lines offline by 2030?

CHAIRWOMAN KRUEGER: Senator Mattera, you should have had five and you got three, so keep going.

SENATOR MATTERA: Oh, thank you so much.

CHAIRWOMAN KRUEGER: Two more.

SENATOR MATTERA: Thank you so much, Senator Krueger.

ACTING NYPA PRESIDENT DRISCOLL: Thank you for the question, Senator.

I think, you know, it's a complex question but I think what we're looking to do in this transition, of course, is to build out a new grid, a decentralized grid with a lot of behind-the-meter solutions, a lot of what they call virtual power plants, vehicle-to-grid power, fleet electrification. All this is going to come together to take the place of whatever the -- with the generation you're referring to.

We're also building out substantial wind and solar. And, as we've testified, these two DC cables that are going to be coming into the New York City area, another source of baseload generation that will be available to the system.

So I think it's a combination of behind-the-meter decentralized grid coupled with more renewable buildout.

SENATOR MATTERA: Great. And this could cost -- just so everybody knows this, and I'm going to ask both questions; someone can answer this. This could cost up to each homeowner by 2030, $50,000 per home to retrofit their home. And my question is, who is going to pay for this?

And I would like to know too, we talked about $270 billion -- which that number, I'm sorry, I don't know where that came from, because that's probably going to be quadruple -- ten times more the amount, especially this to just do New York City.

But my question is, who will be paying for this retrofit? Who is going to be paying

for the grid? Which again, I'm going to say this, I am for renewable energy -- but who is going to be paying for this?

NYSERDA PRESIDENT HARRIS: So this is one of the reasons that when we think about the -- specifically the equipment transition that we're talking about for heating, we're looking to capture people when they're replacing their existing equipment. Because that's one major reason. We're not wanting this to occur out of cycle, if you will. So that's one key part of this.

I'd say the second part of it is with respect to cost issues. We are very committed not only to helping all New Yorkers with their costs, but the federal government -- and in fact at NYSERDA we have $300 million coming in, plus, just this year to help invest in that transition as well.

SENATOR MATTERA: Okay. The federal government, that's -- please, we can't rely on that.

CHAIRWOMAN KRUEGER: Thank you, Senator Mattera.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Brown. Is he here?

ASSEMBLYMAN KEITH BROWN: Hello, everyone. How are you? I'll start with Commissioner Seggos. How are you today?

DEC COMMISSIONER SEGGOS: Good, sir.

ASSEMBLYMAN KEITH BROWN: So my question, the first one, relates to the DEC plans to help manage Long Island solid waste. With Brookhaven Landfill closing in less than two years, is there a regional plan in place to handle the solid waste that we have on Long Island?

DEC COMMISSIONER SEGGOS: Well, we're working very closely with all the municipalities on the island who have been managing their waste over the years. And now with the shrinking number of destinations for them, there is a buildout of waste by rail facilities, as you are probably aware, around the island to get that waste off the island.

But we know that's never going to be enough. I mean, that's really the impetus

behind the EPR work that we're doing, the Waste Reduction Act. We need to reduce the amount of waste that we create. The recycling market's been in shambles for several years. So we need to find ways to reduce waste and ultimately get what we do recycle to market quickly.

ASSEMBLYMAN KEITH BROWN: So I'll skip to EPR.

DEC COMMISSIONER SEGGOS: Okay.

ASSEMBLYMAN KEITH BROWN: So in the proposal in the budget for EPR is there any part of it that calls for advanced recycling? And if not, why not?

DEC COMMISSIONER SEGGOS: If you're talking about chemical recycling, there is not. We don't believe that such recycling exists in a way that's sustainable right now. But there may well be advanced recycling in the future that would work. So perhaps we need to revisit that in the future.

ASSEMBLYMAN KEITH BROWN: It's my understanding there's about 18 -- 21 states, including Pennsylvania, Virginia, that have

promoted the manufacturing of advanced recycling in order to reduce the streams that we're talking about.

DEC COMMISSIONER SEGGOS: Right.

ASSEMBLYMAN KEITH BROWN: So it's something that I'd like to work on with you and discuss with you in the future.

DEC COMMISSIONER SEGGOS: Be happy to talk more about it with you. Thank you.

ASSEMBLYMAN KEITH BROWN: And then I also want to ask you about the state's allocated 150 million for septic replacement programs. How much of that has been spent?

DEC COMMISSIONER SEGGOS: I'll have to get you the exact breakdown of it. I mean, we spent it statewide, but the bulk of it on Long Island, as you know, with a significant percentage up in Lake George. Let me not speculate but get you the actual figures.

ASSEMBLYMAN KEITH BROWN: I would appreciate that.

DEC COMMISSIONER SEGGOS: Thank you.

ASSEMBLYMAN KEITH BROWN: And I just want to skip over to the president of NYPA,

if I could.

With respect to the electric production from gas-fired peaker plants, I notice that we have until 2035. I have the Northport Power Plant within my Assembly district. So the question is, you know, how we're going to achieve that mark. And particularly because we have such large substations next to most of the peaker plants on Long Island, and those being valuable assets for our host communities.

And a second part of my question -- I ran out. If you could answer the question.

ACTING NYPA PRESIDENT DRISCOLL: With respect --

CHAIRWOMAN KRUEGER: Sorry. You've used up your time. There's no answer time.

ASSEMBLYMAN KEITH BROWN: All right.

CHAIRWOMAN KRUEGER: But they can get back to you afterward.

ACTING NYPA PRESIDENT DRISCOLL: I'd be happy to provide that information to you.

CHAIRWOMAN KRUEGER: They can get back to you in writing. If you'd please -- you'll

have a long list of things to get back to us on, so add it to the list to send to Helene and I, and we'll make sure all the members of the committees get everything.

ACTING NYPA PRESIDENT DRISCOLL: Sure.

CHAIRWOMAN KRUEGER: Thank you.

Oh, now back to the Senate, and we are up to Senator Ramos.

SENATOR RAMOS: Awesome. All right, good afternoon, everyone.

So my questions are for Ms. Harris. I want to start by talking about the cap-and-invest proposal that's in the Executive Budget. Glad you're familiar. I am wondering -- well, I'm assuming that part of this money is going to be to incentivize projects and programs related to the CLCPA. Are there going to be any labor standards attached? And will they be similar to what the Climate Action Council has been recommending?

NYSERDA PRESIDENT HARRIS: Yes, thank you for that question, Senator.

And certainly the investments will be

consistent with the CLCPA. That I can assure you. We'll be investing across all sectors of our economy to achieve the outcomes of the act. And as such, I will say that it will be a variety of investments. Certainly we'll be talking about that in the coming months.

And throughout I would say that the Governor has been clear that supporting our state's workforce and really building this just and reasonable future for our workforce is really central --

SENATOR RAMOS: It's a value statement that we don't really see carry out throughout the budget. But I appreciate your answer.

I have another question, something that you won't know about but is important. So on January 28th, six Central and South American workers died in a crash in Louisville, New York, Senator Stec's district, while on their way to work for a company called LBFNY. It's a solar farm in St. Lawrence County. I'm wondering if NYSERDA provided any funding for that project, if it's a NYSERDA project, and

whether you guys would do an investigation into the death of these men.

NYSERDA PRESIDENT HARRIS: Certainly. I did see the news of the accident, and I'm so sorry to hear it. In fact, I have a son who's up at college up there, and I had seen the news.

We can certainly look into it. I do not know as to the background.

SENATOR RAMOS: All right, please do. Obviously this is of great concern. We don't want to see our migrants and newly arrived New Yorkers to be trafficked or taken advantage of on any project whatsoever.

And since I have a little bit of time, wondering in terms of decarbonization why there is not a more definitive plan in the budget as to how we're going to move forward with retrofitting and decarbonizing.

NYSERDA PRESIDENT HARRIS: Well, the Governor's budget does include a critical aspect of this with the equipment phase-out for fossil fuel heating equipment.

In addition, the budget includes

$200 million for an expansion of our EmPower program, which is really focusing on --

SENATOR RAMOS: Some of -- you know, Ms. Harris, some of our own public buildings and campuses are probably the largest emitters. Are there specific plans for those?

NYSERDA PRESIDENT HARRIS: So certainly -- well, NYPA could speak to that as well as some of the investments that are relevant within the Bond Act.

ACTING NYPA PRESIDENT DRISCOLL: We're doing work for our governmental customers such as the entities you mentioned, to try to help them on their decarbonization journey.

SENATOR RAMOS: Okay. Thank you. Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Jen Lunsford.

ASSEMBLYWOMAN LUNSFORD: Thank you very much.

I'm going to piggyback off of Assemblymember Septimo's questions from

earlier. This is for NYSERDA.

For the $500 million for the electric school buses, how many electric school buses -- assuming we could get them, would $500 million buy?

NYSERDA PRESIDENT HARRIS: I will have to get back to you on the actual -- the numbers themselves.

ASSEMBLYWOMAN LUNSFORD: A conservative estimate, because I do a lot of work on this in my district -- I love the electric school buses, my districts are excited about it -- it's less than a thousand. Which is less than 2 percent of the total school buses in our state.

Is there a plan moving forward over the next 10-plus years to continue to help offset this cost for our districts? Who are, again, excited about this, but it would be, you know, an enormous load on the school taxpayers.

NYSERDA PRESIDENT HARRIS: Yes, certainly. I can recognize that, and understand it. We have a lot of details to

dig into, including capacity within the school districts themselves.

ASSEMBLYWOMAN LUNSFORD: And of course, you know, the issues around actually sourcing some of these buses is a great concern to my district, some of whom have said "We'd buy them if we can get them."

RGRTA -- we're talking about public buses -- right now has the largest electric fleet in the state, and they are ready to buy more, they're ready to expand, but they're just not there.

Is there anything we can do to help with supply chain issues, particularly given some of the technologies that are emerging in our state?

NYSERDA PRESIDENT HARRIS: Well, certainly on my mind is the fact that we actually have a burgeoning supply chain here in the State of New York, notably within Northern New York, where we see this ecosystem of transportation electrification really taking shape.

And so as such, when we think about

our investments, we always think about it in the context not only of Buy American provisions, but also benefits to New York and the companies within it.

ASSEMBLYWOMAN LUNSFORD: All right, thank you very much. I'm going to move to Commissioner Seggos.

I see here there's a $575,000 cut to municipal recycling programs. Can you explain that cut and what the DEC is either currently doing or can do to support recycling programs as the market for recyclables changes?

DEC COMMISSIONER SEGGOS: Well, we are aiming to hit recycling head-on through the Waste Reduction Act, and that's the heart of it. Right? We need to obviously help to the greatest extent possible the municipalities with their recycling burden.

We have recognized that the only way to do this is to reduce the amount of waste we generate in the first place. And otherwise we'll just keep spending out of the EPF to fix a problem that's frankly just

broken at this point nationally, not just here in New York. So by reducing this waste, cutting the waste streams significantly over the next five to seven years, we're going to save municipalities millions of dollars that they're spending right now to manage a waste stream that's impossible at this stage.

ASSEMBLYWOMAN LUNSFORD: Thank you very much. I'll cede my time.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Gounardes.

SENATOR GOUNARDES: Okay, thank you.

Good afternoon. My questions are for DEC. Good afternoon, Commissioner.

DEC COMMISSIONER SEGGOS: Good afternoon.

SENATOR GOUNARDES: I newly represent the neighborhood of Gowanus. And as I'm sure you know, there has been a great deal of consternation at DEC's involvement in the Gowanus cleanup and how that affects and implicates the future development plan for that site. I know we were supposed to have a

community meeting tonight with the elected officials; I'm glad we postponed that because we are obviously all up here, talking to you here and not back home.

So my first question is, what is DEC doing right now to clean up in this area, especially the intermediate level of the aquifer in that region?

And then, secondly, do you have enough resources? Do you have enough -- I mean, I feel like every time I hear from folks, it's like DEC is not responsive enough, they're not at the table, they're not getting back to us, they're not here. Do you have the resources you need to complete this job?

DEC COMMISSIONER SEGGOS: So the Gowanus, as you know, is one of the more complicated cleanups in the state, if not the country, given the intensity of toxicity in the soil, in the water, groundwater, and the number of properties that we're dealing with and potential responsible parties.

So we're working in concert with the EPA. The relationship is a strong one. As I

mentioned earlier, I've been in direct communication with the EPA regional administrator about our need to improve communications writ large on this cleanup.

We are employing both our State Superfund Program, $100 million a year average, as well as our Brownfields Program, when somebody owns these properties, to fix those problems.

We're going to hold the polluters to the highest standard, period. We want the site to get back to productive use. We understand that there's incredible interest in that area. And ultimately we want to make sure whatever gets there is going to be protective of human health.

SENATOR GOUNARDES: Sure. I appreciate that. I'll just tell you, as a new representative in this community, the number-one thing I hear from people has been, you know -- obviously it's complicated; there's multiple agencies. The lack of communication and responsiveness from DEC has been probably the single greatest thing I've

heard. Which then makes it harder to kind of figure out how we move forward.

And so I know it's challenging. I really hope we can work on improving that and really bringing that up to standard, because a lot of folks, that's their number-one issue, is the lack of responsiveness or communication from DEC.

My other question for you is, you know, we are -- New York City is projecting a nearly 67 percent increase in the volume of truck traffic, mostly from overnight deliveries, because they've exploded throughout the pandemic. What role does DEC have in allowing last-mile warehouses to be opened? And how can we strengthen oversight over whatever process does currently exist?

DEC COMMISSIONER SEGGOS: Well, I'll tell you, Senator, we don't really have a role. We don't have jurisdiction on determining the last mile. It's an issue --

SENATOR GOUNARDES: But they do get permitting, is that correct? Don't they get permitted by DEC?

DEC COMMISSIONER SEGGOS: To some -- to some degree. But we aren't making judgments about the -- we're not allowed to make judgments about what goes in at the end of the line.

If it's a water permit they need, they need to come to us. If it's an air permit, they need to come to us. But if it's merely the creation of a facility to move large amounts of product, then we currently don't have a role.

SENATOR GOUNARDES: All right, I'll have to talk to you more about that, because it's a problem in a lot of EJ communities that are bearing that burden. Thank you.

DEC COMMISSIONER SEGGOS: Yup.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Smullen.

ASSEMBLYMAN SMULLEN: Well, thank you very much. I've got a lightning round of questions for each of you, as I am usually here to do.

I want to start with President Harris first. You finally admitted a number in public, 270-some billion dollars for the cost. When will the cost/benefit analysis next be updated? Because this is an evolving process, as we see. And it's been very troublesome to know what the cost is to weigh it off against the benefits, because, you know, someone's going to pay for this -- you know, this plan.

NYSERDA PRESIDENT HARRIS: Well, certainly there's a couple of next steps that we'll be taking, through which additional analyses around cost will be advanced. I think the State Energy Plan will be next aspect of our work, in which we are advancing additional efforts to plan around this transition.

ASSEMBLYMAN SMULLEN: Okay --

NYSERDA PRESIDENT HARRIS: The Climate Action Council's work will also be subject to periodic reviews. Five years?

DEC COMMISSIONER SEGGOS: Five years.

NYSERDA PRESIDENT HARRIS: So more to

come, certainly, in specific initiatives in the meantime. Which will all be subject to robust scrutiny.

ASSEMBLYMAN SMULLEN: So you're committing to public release of not only the plan but all of the underlying analysis that goes with that plan. I appreciate that very much.

Commissioner Seggos, we were talking about the cap-and-invest taxing scheme that we're going to do to pay for this clean energy transition. You know, we're going to double our electricity consumption. New York already has -- it's one of the highest states in the United States for electricity rates. It's about 19 cents per kilowatt hour average. Only some -- you know, some other high-tax states are even higher.

How will -- you as a regulator are going to be responsible to develop a plan, instead of it being where it typically is, whether it's at the federal level or at other states, to actually be legislated where there's some accountability. How are you

going to go about that regulation?

DEC COMMISSIONER SEGGOS: Well, as you know, Senator -- Assemblyman --

ASSEMBLYMAN SMULLEN: Thanks for the promotion.

(Laughter.)

DEC COMMISSIONER SEGGOS: Yes, congratulations on that. Well done.

(Laughter.)

DEC COMMISSIONER SEGGOS: The Legislature passed the CLCPA in 2019 that required us to promulgate regulations by the end of this calendar year on an economy-wide program. And we looked at all of the economy-wide programs and landed on cap-and-invest because it's the one that enables us to hit affordability, reducing emissions in environmental justice communities, promoting linkages -- you know, all of the things that I said off my original testimony.

It will be incumbent upon us, over the next few months, to even get to the start of proposing draft regulations in a way that

protects New York businesses and consumers. The Governor's given us marching orders on this. And the program will not go forward unless we can find a program that works.

ASSEMBLYMAN SMULLEN: Thanks. We'll be really interested in what those marching orders are, because President Driscoll, you've been handed a monumental task, which is to build out renewables, which no other state has been successful in doing to the level of actually increasing our energy supply.

Are you going to be able to do that at or above the current cost per kilowatt hour. You know exactly what NYPA produces at what level. How are you going to do that?

ACTING NYPA PRESIDENT DRISCOLL: I think, you know, you're absolutely right, we are facing a great challenge. NYPA's always been an entity that's been able to step up and face those challenges. And we're going to be looking to do it in the most economic way possible.

I'm sorry that I'm not able to

complete the answer.

ASSEMBLYMAN SMULLEN: I understand.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Walczyk.

SENATOR WALCZYK: Commissioner Seggos. Well, congratulations for making it through so far today. I know it's been a long day, guys.

Don't close Hamilton County's campgrounds early. That would be my one request to you. You don't need to respond. I would just want to, me to you, tell you that that's very important to the community that I represent.

DEC COMMISSIONER SEGGOS: If we can avoid it, we won't.

SENATOR WALCZYK: Thank you.

President Harris, you mentioned affordability is one of the Governor's five core principles, which I appreciate. When should residents be able to opt out of the systems benefit charges?

NYSERDA PRESIDENT HARRIS: Can you phrase the question in any other way? You know --

SENATOR WALCZYK: Currently on every electrical bill residents are paying a systems benefit charge that goes to your organization. When should they be able to not pay a systems benefit charge anymore? Is it 2035?

NYSERDA PRESIDENT HARRIS: Well, there's existing programs that are authorized by the Public Service Commission, and those programs establish charges that appear on utility bills that are subject to the contracts that we sign. So there are programs that are approved that pay against these programs for the coming number of decades, in some instances.

SENATOR WALCZYK: Okay. The Governor's proposal to ban natural gas exempts hospitals, commercial kitchens, stoves, et cetera, as you mentioned. Will residents currently paying service charges be able to drop those if they disconnect from

natural gas, or will they continue to pay those service charges?

NYSERDA PRESIDENT HARRIS: So is there a specific service charge you're referring to?

SENATOR WALCZYK: Yeah, service charges for natural gas if they drop natural gas.

NYSERDA PRESIDENT HARRIS: So if you're not paying for gas service, you don't pay for gas service charges.

SENATOR WALCZYK: So they'll be able to drop those service charges if they disconnect their natural gas?

NYSERDA PRESIDENT HARRIS: To my understanding, yes.

SENATOR WALCZYK: So why would we want to put natural gas charges on hospitals, restaurants and the few residents that are still connected just for their stoves? Wouldn't we suggest, then, that a fewer and fewer -- a smaller group is not going to be able to afford natural gas in New York State?

NYSERDA PRESIDENT HARRIS: Thank you

for clarifying the reason for your question.

So certainly these issues were those that we talked about a lot as a council and really as part of this gas system transition. Which is what remaining gas system do we need, and how do we pay for it? The Public Service Commission has a number of proceedings moving forward which really grapple and deal with this question, knowing that there are critical facilities that would require gas service. And to your point, this would occur over many decades, this transition.

SENATOR WALCZYK: We've got a lot of single-family-home residents that are concerned about what they've seen and read, and rightly so, about the affordability. And I'm glad that that's one of the core values.

When is the Governor going to fully electrify her single-family home down the street here?

ACTING NYPA PRESIDENT DRISCOLL: I can tell you that we're working closely with OGS on greening up the residence, looking at --

it may be off-site generation, but looking at solutions that can green up the residence.

CHAIRWOMAN KRUEGER: Thank you.

Next up is Assemblymember Shrestha. Pardon me if I got you wrong.

ASSEMBLYWOMAN SHRESTHA: Shrestha, you got it.

Hi. My first question is for Acting President Driscoll. So the Governor's proposal leaves to the discretion of the trustees which projects you would build and how many and so on. So effectively there's no mandate. And I know that's been something that you have been advocating for, is to get that discretion.

As the acting president of NYPA, do you think you can guarantee that NYPA will build the amount of public renewables that's needed when we see that there's a shortcoming from the private sector?

ACTING NYPA PRESIDENT DRISCOLL: Thank you for the question. I think, you know, this question of the board of trustees is so important to our operations, because it's

what the -- what our bondholders signed up for and rely upon, it's what the rating agencies rely upon. And the good governance that the trustees provide to our decision-making is essential.

I can tell you that we will make prudent financial decisions that will help us accelerate our progress toward achieving the state's clean energy goals in whatever way NYPA is well-positioned to do.

ASSEMBLYWOMAN SHRESTHA: But do you think you will be prioritizing meeting that goal? Will that be the intention?

ACTING NYPA PRESIDENT DRISCOLL: Yes.

ASSEMBLYWOMAN SHRESTHA: Okay. And also, similarly, there is discretion in the annual review. So it says that, you know, there will be periodic review, but it doesn't say how many and so on. Do you think that an annual review is a reasonable bare minimum frequency for that? This is to review if there's a shortage in the state's progress on the renewable energy.

ACTING NYPA PRESIDENT DRISCOLL: Are

you referring to the confer provision, where we confer with our sister agencies?

ASSEMBLYWOMAN SHRESTHA: Yes.

ACTING NYPA PRESIDENT DRISCOLL: Yes. So I think that that's also essential, because NYSERDA will have a much better perspective and visibility into the pipeline and the projects, what projects are having difficulty, where NYPA might be well-positioned to step in. So yes.

ASSEMBLYWOMAN SHRESTHA: But do you think that annual review is a reasonable frequency?

ACTING NYPA PRESIDENT DRISCOLL: At -- I can -- I'm sure we could live with an annual review.

ASSEMBLYWOMAN SHRESTHA: Because we only have seven years to get to I think 70 percent of renewable energy by 2030. So to me, annual review sounds like the bare minimum we should be doing.

And I also have a question for Doreen. Are there projects right now that are stuck in litigation that are in your queue perhaps,

in your purview?

NYSERDA PRESIDENT HARRIS: I would not be able to describe the actual projects, but certainly --

ASSEMBLYWOMAN SHRESTHA: Okay.

NYSERDA PRESIDENT HARRIS: -- many projects have, well, particular challenges, and I'm sure among them is litigation.

ASSEMBLYWOMAN SHRESTHA: And how many projects do you think from your queue have dropped out, private projects, from being unprofitable?

NYSERDA PRESIDENT HARRIS: Thank you.

So NYSERDA's project queue is quite robust and quite durable. We've seen very limited projects withdraw, on the order of a handful at this point.

ASSEMBLYWOMAN SHRESTHA: All right, thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

Senator Salazar.

SENATOR SALAZAR: Thank you.

And thank you, all three of you, for your testimony.

I wanted to ask for either the commissioner or President Harris about the Governor's proposal in the Executive Budget regarding transitioning to -- eventually to all-electric buildings. Why -- could either of you just talk about perhaps why it is important for us to tackle emissions in the building sector, particularly important?

NYSERDA PRESIDENT HARRIS: Certainly, yes, this has been -- thank you for that question. I would say it is of critical importance for our state to address our building stock. We learned that buildings are the largest source of greenhouse gas emissions in our state. And what we see today is a series of proposals that starts us on the path to address those buildings.

For clarity, the proposal is a zero-emissions building for new construction. So it would retain optionality for alternative fuels to heat and power the home, if needed.

However, it is also the case that we need to address our existing buildings, and

certainly in starting this, the proposal is to advance zero-emissions heating equipment for the existing buildings when they have the equipment that needs to be replaced. So that is a goal for 2030 for low-rise and 2035 for higher-rise buildings, really capturing those existing buildings when those investments will naturally be made.

SENATOR SALAZAR: So the proposal in the Executive Budget to prohibit fossil fuel burning equipment in newly constructed apartment buildings, it seems that it's three stories or less by essentially 2026, the deadline being December. But not to -- just to say this differs from, say, the proposal in the All-Electric Buildings Act, which is five stories by, you know, the same deadline.

Is there a rationale for three stories instead of five in the Executive Budget proposal?

NYSERDA PRESIDENT HARRIS: Yes. So this was designed to align with the ways in which our code is constructed in our state. Really for these multifamily buildings, that

three-story cutoff is approached differently in our code. So that's the very specific reason that we're advancing it in that manner.

SENATOR SALAZAR: Are you concerned that failing to capture buildings that are taller than three stories in the ban until 2029 would mean that new construction under the Governor's housing development proposal would be adding quite a lot of fossil-fuel-burning buildings to our state's housing stock in the meantime?

NYSERDA PRESIDENT HARRIS: Yes, that's a great question. And we are working to really move those new buildings forward as a model, as a model to the extent that we possibly can even in the meantime.

SENATOR SALAZAR: Thank you. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember Harvey Epstein.

ASSEMBLYMAN EPSTEIN: Hi, President Harris. How are you doing today?

NYSERDA PRESIDENT HARRIS: Hello.

ASSEMBLYMAN EPSTEIN: Hello.

So you have 11,000 EV charging stations in New York State. How many of them are publicly available so anyone in New York can just drive up and plug their car in any of the 11,000?

NYSERDA PRESIDENT HARRIS: So the breakdown is approximately 2,000 to 3,000 are publicly available and --

ASSEMBLYMAN EPSTEIN: And that like means like on the street or in a mall, that they can just pull up --

NYSERDA PRESIDENT HARRIS: Correct.

ASSEMBLYMAN EPSTEIN: -- without a paywall?

NYSERDA PRESIDENT HARRIS: Oh, well, I mean accessible to your --

ASSEMBLYMAN EPSTEIN: Like not in a garage where you have to pay $600 a month to go -- it's like on the street and accessible. So 20 percent are publicly available out of your 11,000?

NYSERDA PRESIDENT HARRIS: Correct.

ASSEMBLYMAN EPSTEIN: And so obviously

if we want people to move by 2035 to have EV vehicles, we're going to need them to be able to charge their vehicles. I live in Manhattan, and it's impossible to get one that's not behind a paywall. I really encourage you to be thinking about more opportunities -- and you said the freeways earlier -- but across our state real opportunities to be able to plug in, because people aren't going to buy electric vehicles if they can't charge them, you know, on our streets in this state.

NYSERDA PRESIDENT HARRIS: Thank you for that. And your valuable input is helping us to better the programs like those that I described.

ASSEMBLYMAN EPSTEIN: So how would anyone know that there's a EV charger available? Because on the -- there's no -- on the state website, it just lists all the chargers but not where ones are publicly available. Where can someone go to look for publicly available charging?

NYSERDA PRESIDENT HARRIS: Well,

there's a variety of tools and resources. Certainly me, as a new EV owner, I'm learning all of these various apps and the like. But there are a variety --

ASSEMBLYMAN EPSTEIN: Well, there aren't, because there's like ChargePoint and EV Connect and all these other places, but they don't say if they're publicly available, they just say there's a charger there.

So I really have been asking the state to make sure that there's a point person to say, We need to make sure that these are publicly available for New Yorkers. And I encourage you to either create a system or an app or have your website really dictate that --

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYMAN EPSTEIN: -- because it's now impossible for people.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYMAN EPSTEIN: Commissioner, Basil, I just wanted to talk to you about composting the food donations. Great that we've got food scraps, in the law that we

passed, 1.5 million pounds. But like even in this building, no one can compost. Like there's -- like we -- like we're not being leaders here, and the third contributing cause to climate change is food waste going into our garbage system.

DEC COMMISSIONER SEGGOS: Yes.

ASSEMBLYMAN EPSTEIN: So, you know, what -- I know I only have 40 seconds, but like we need a better plan, and OGS has got to be part of the plan. But OGS has no plan for composting. I'm wondering how we get them to move forward on the Climate Action Council report to get them to -- you know, anaerobic digesters or local composters, so like -- we have no infrastructure.

DEC COMMISSIONER SEGGOS: It's a great question. And the Governor signed Executive Order 22 directing DEC, NYSERDA, OGS actually to coordinate on many points, including this one, organic waste.

ASSEMBLYMAN EPSTEIN: You know, I know you're having a meeting at the end of March. I'd really love to have the public more

involved, to like send out notices about those meetings. I know it's quarterly. I would love to get an email knowing about it because I can -- I'd be happy to be involved in that process going forward.

DEC COMMISSIONER SEGGOS: Excellent.

ASSEMBLYMAN EPSTEIN: Three seconds, two seconds is Riis Houses and Con Ed, I'd love to follow up and talk to you about that kind of --

DEC COMMISSIONER SEGGOS: I'll see you down in the district on that.

ASSEMBLYMAN EPSTEIN: Thank you.

DEC COMMISSIONER SEGGOS: Okay, thanks.

CHAIRWOMAN KRUEGER: Thank you.

Senator Canzoneri-Fitzpatrick.

SENATOR CANZONERI-FITZPATRICK: Thank you, Chairman.

Thank you to the panelists. I know you've been here on the hot seat for quite a while, so thank you for your endurance.

I have a couple of questions, President Harris, about your report. On

page 2 you talk about advancing the state's 70 percent by 2030 renewable electricity goal through the development of 9,000 megawatts of offshore wind -- which will be in my district, the 9th Senate District, which includes Island Park and Long Beach -- and 3,000 megawatts of energy storage. But on the next page you talk about the goal of having 20 percent of peak electricity storage, or 6 gigawatts, by 2030.

And I'm wondering if you could explain the differences between those two statements.

NYSERDA PRESIDENT HARRIS: Certainly.

So our goal, actually part of the Climate Leadership and Community Protection Act, for offshore wind is 9 gigawatts by 2035. Our energy storage goal is currently 3 gigawatts, but we have proposed to the Public Service Commission, consistent with the direction from the Governor, an expansion of that goal to 6 gigawatts.

So I think I might have tied out your figures, and that 6 gigawatts is really what ties to that 20 percent reference that you

made.

SENATOR CANZONERI-FITZPATRICK: So if the Equinor project is delayed, that's going to affect your ability to have that storage goal met, is that correct?

NYSERDA PRESIDENT HARRIS: The two are separable. The Equinor project is offshore wind generation, and energy storage projects are often advanced separately.

SENATOR CANZONERI-FITZPATRICK: Okay. And the goal of only 20 percent of storage, is that -- how does that make the rest of us feel comfortable if we only have 20 percent? To me that's not really sufficient, but I'm not in your business. So I'm asking a question regarding that 20 percent having storage. Is that going to give us enough backup?

NYSERDA PRESIDENT HARRIS: Certainly.

So this is really speaking to the ways in which we serve our peak load in the state, as well as the ways in which we have power generation sources that have flexibility to accommodate the intermittency of renewables.

And so as we move forward, that 20 percent will need to be a larger and larger number as we transition to a more renewable grid. This is one step in many.

SENATOR CANZONERI-FITZPATRICK: Okay.

The New York Independent System Operator issued a report that said that, you know, to consider the future needs of the electric grid, along with the state's climate goals in mind, and the report indicated a need for significant deployment of emission-free resources to meet not only the state's generation needs but the necessary distribution of generation for grid reliability.

As this technology is still developing, does the Governor's budget include anything to address this?

NYSERDA PRESIDENT HARRIS: Well, certainly one aspect of the Governor's budget really focuses on the topic of innovation, and that's a work near and dear to NYSERDA's heart. We are advancing a number of resources, including long-duration energy

storage, consistent with that objective.

SENATOR CANZONERI-FITZPATRICK: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you all. And thank you all for your good work at your various agencies.

You know, one thing that we've heard today is a lot about the rollout of the Climate Action Plan, and we have the regulations and there's a lot of eager expectation about the new programs that come from that or the Bond Act. And so keep up the good work in getting the word out and involving people in that.

Here's some quick ones I'll mention, and then people can comment. EV buses. We need the state agencies, OGS and NYSERDA, to reach out to school districts and give them a helping hand on their infrastructure needs. Very important because they're sort of lost

out there and they're looking for help.

Solar farmland, bad. What might be good, and I've mentioned it to Justin and to our transportation agencies, solar on the sides of highways. Other states are doing it, New York is doing it. It's an opportunity to get more solar in a way that doesn't take away farmland.

Environmental justice. In addition to our dollar percentages -- and we heard great comments from all of you and some of my colleagues -- we should really try and have your rollout of environmental justice -- climate change programs in environmental justice communities first so that we're remediating issues in those areas, those census tracts that were revealed as part of the Climate Action Plan. That would be great.

And my last one, and then beep, you can comment on whatever you want to comment on, is clean water. We have 500 million, which is great, best in the nation. But we really actually need more. And so I think

what I would like to ask is between Bond Act money and federal money, if we could pump up the amount of money we spend annually on clean water. I think that that is matched by the interest and need out there.

So I used up more of my time than I really like to, but have at it with anything that excited you.

DEC COMMISSIONER SEGGOS: Maybe we'll go backwards. On water, absolutely. We would seek to match all the $500 million that we're posing there with a billion dollars-plus a year of loans with the Bond Act now, which has several water categories, and of course on the federal money that's coming our way.

A lot of that's underway. Actually we made an announcement just a couple of days ago about some of that federal/state spending for water, including right here in Albany.

ASSEMBLYMAN OTIS: Great.

NYSERDA PRESIDENT HARRIS: I don't know where to start, but I would say I do agree on your points with respect to solar in

particular, as we really need to get more creative with our solar options. And certainly smart solar siting is central to that as well.

ACTING NYPA PRESIDENT DRISCOLL: On the school bus front, as we discussed, we're looking at programs, hopefully a statewide school bus electrification, some type of model that we can use.

ASSEMBLYMAN OTIS: That's great. And, Justin, I give you credit, you've been down with some of the school districts in our area, hands on, to try and help them with some of their getting greener goals.

ACTING NYPA PRESIDENT DRISCOLL: Thank you.

ASSEMBLYMAN OTIS: So thank you all.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate.

CHAIRWOMAN KRUEGER: Senator Oberacker.

SENATOR OBERACKER: Good afternoon, everybody. And again, you're champions for

pushing through today. So I appreciate that.

My first -- not so much a question, but just some information. You know, I'm a former school bus driver. I think with being with 50 kids to my back and traversing school buses actually gave me great training to be a Senator.

(Laughter.)

SENATOR OBERACKER: With that being said, the thing that I'm the most concerned about when it comes to electrified buses is the added weight that a battery bank would offer to that. Fifty schoolkids on the back -- and I'm talking about, in my very rural area, you know, hills, valleys and, more importantly, bridges that may not be weight-appropriate for that.

So it's something to be considered when we're talking infrastructure. I'm the ranker on Transportation. There are other infrastructure areas that I'm a little bit concerned about. And again, the ruralistic nature of my district offers, I think, some specific challenges. So I'm just offering

that as something to think about and hopefully to help us get to that point, instead of just throwing things out there.

So with that being said, my next question becomes to Commissioner Seggos. And I want to thank you actually for the great job that you did through ORDA with our university games. I think it was a fabulous success, to be honest with you.

DEC COMMISSIONER SEGGOS: It was.

SENATOR OBERACKER: So great job there. It's always good to hear a little good news, as we say.

You know, having -- myself and Senator Hinchey actually have one of the more premier, if you will, I think, ski resorts in our area, which is Belleayre.

DEC COMMISSIONER SEGGOS: I love Belleayre.

SENATOR OBERACKER: And if you notice its location and its closeness, if you will, to the city, I think it's going to be an absolute pearl and/or gem in that area.

I'm very excited about the economic

side of it, to enhance that. So I will be, of course, advocating and pushing, if you will, for any type of monies that we could use to just get that to be that pearl and to be that gem in that area. And we will not be disappointed with the way that I think we'll receive the economic benefit on that.

So I have 48 seconds, and you can -- again, you can expand upon anything else that you care to do that. But thank you.

DEC COMMISSIONER SEGGOS: Well, I'll tell you, completely agree on Belleayre. It's a real gem. And love skiing there myself. We put quite a bit of money in there the last few years. It's a different Belleayre than it was 20 years ago.

But we need to get it ready for the future, and snow-making capacity is part of that as well. As you can tell, it hasn't been very good to us this year. Thank you.

NYSERDA PRESIDENT HARRIS: I'm a big fan of Belleayre too.

With that said, this is the reason why this 500 million that we're going to be

investing, we need to really think about it carefully as to the balance of which -- how much goes into buses versus how much goes into your point, the training, the charging, the education necessary to be successful.

I've looked into this bridge issue. I'd like to follow up as I -- I'm understanding electric school buses to not cause those issues, and I want to make sure that we're on solid ground together on that.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Lemdes -- did I get any of that?

ASSEMBLYMAN LEMONDES: Le-MON-deez.

CHAIRWOMAN WEINSTEIN: Lemondes.

ASSEMBLYMAN LEMONDES: Thank you for that, Madam Chair.

CHAIRWOMAN WEINSTEIN: Sure.

ASSEMBLYMAN LEMONDES: My first question is for Commissioner Seggos. How are you?

DEC COMMISSIONER SEGGOS: Good to see you.

ASSEMBLYMAN LEMONDES: Good to see you.

Recognizing the legislative ban on fracking in the 2021 budget, are there any circumstances under which DEC would reevaluate its position?

DEC COMMISSIONER SEGGOS: No. No, we don't see a future for fracking in New York State.

ASSEMBLYMAN LEMONDES: Even where it's been demonstrated to be safe, efficient, effective?

DEC COMMISSIONER SEGGOS: I think our decision from 2014, prior to my time, was prescient in some ways -- look at the damage to the landscape, water supplies, what Pennsylvania, New Mexico, other states are now dealing with in terms of the impacts on those resources. So I think it -- look, we're -- we have those resources; they're probably best kept in the ground here. But we'll look at all the energy mixes moving forward.

ASSEMBLYMAN LEMONDES: Recognizing

your point and acknowledging it, the extractive nature of rare-earth mining to achieve the CLCPA goals, does that bother any of you? And with respect to -- even if it's been asked before, in the social aspects of the impacts on the children that are doing this mining.

DEC COMMISSIONER SEGGOS: Yes. I mean, yes, of course. When you look at cobalt mining -- and Assemblyman Palmesano's raised that a few times with us -- yes, there's significant impacts with cobalt mining. And it's extraordinary what the folks in the Congo are dealing with there.

And my reaction is, well, we have to improve that as well. But it's really looking at the scale of impact, the environmental impact across the board, the petroleum extractive industries versus -- and spills -- versus cobalt and other rare metals. It's really dwarfed by the scale of impact.

ASSEMBLYMAN LEMONDES: Thank you.

President Harris, the NYSERDA CLCPA

cost/benefit analysis conducted by A3 Consulting, have those results been made available yet?

NYSERDA PRESIDENT HARRIS: Oh, yes. Yes. This is publicly available. It was part of our deliberations, and it's available on our climate.ny.gov website.

ASSEMBLYMAN LEMONDES: Thank you.

Madam Chair, no further questions.

CHAIRWOMAN WEINSTEIN: Thank you. To the Senate.

CHAIRWOMAN KRUEGER: Senator Tom O'Mara.

SENATOR O'MARA: Thank you.

Good afternoon.

President Driscoll, I have a question for you on your testimony. It seems that you've pretty much done an about-face from your testimony in July before the Assembly hearing. And albeit there's been changes to that proposal that's -- in the way it's presented in the budget now. But back in July, you were down on this because of pretty much the lack of capacity of the Power

Authority with manpower and expertise, that you have to go out and contract for all of these things anyways. And that because you weren't eligible for the tax credits, that you wouldn't be able to do it cheaper than the private sector anyways.

Now you testified today that there's a change in those tax credits where you can get those. So now is the Power Authority going to have a competitive advantage that will disadvantage the private sector on their implementation and buildout of the renewables that we're going to need in this state? If you can address that, please.

ACTING NYPA PRESIDENT DRISCOLL: Thank you, Senator.

First of all, you're right, the IRA was a game-changer for the public power sector and for NYPA. So certainly part of the equation, if you will, from that point to today.

You know, I'd also say that our focus, as you know from your experience -- you know, we serve largely governmental customers. Our

focus has historically been with our own governmental customers and trying to find solutions, clean energy solutions for them. The IRA of course will enable us to better serve those governmental customers.

As you probably know, in the old paradigm when we served a governmental customer with a project, there would be the customer, the developer and then NYPA, because the developer would have to be in the middle to get the tax credits.

Now, under this law, we can directly work with our governmental customers. That won't be true in every situation. But, you know, this is an incredible challenge we're all facing, and so to the extent that we can enable these customers to be able to, you know, make this clean energy transition with the benefit of more economic projects, we're all for it.

SENATOR O'MARA: But are you going to create an economic advantage the Power Authority has over the private sector? And that -- and what will the effect of

discouraging private-sector investment because of that be?

ACTING NYPA PRESIDENT DRISCOLL: Yeah, and I think that -- again, there's so much -- there's a lot of activity on the private developer side. As you probably know, we're looking to partner with the private sector wherever we can. We have four large transmission projects in flight currently. All are with partners. We have exclusive jurisdiction on the transmission side. We haven't crowded out anybody on the transmission side. Just looking for the same opportunity to play a role on the generation side, like we do on the transmission side.

SENATOR O'MARA: Okay, let me just switch gears a second over to the Climate Action Plan with Doreen or Basil, whoever wants to address it.

You know, we're I think all very supportive of cleaning up our emissions in this state and have worked towards that. The state has done an unbelievable job over the last couple of decades in doing that. But I

just can't help but feel we've got the cart before the horse on a lot of these initiatives right now. And we really have nothing but targets, and then the plan says DEC will fill in how we're going to do it.

No mention of how much it's going to cost the ratepayers. And since the -- talk about the cart before the horse. Since the closure of Indian Point, right before the really cold weekend we had two weeks ago the EPA came out with their annual CO2 emissions report, and the emissions in New York State of carbon dioxide are up 28 percent since the closure of Indian Point. Yet now during that time the peaker plants are burning oil at apparently a record rate.

The ISO does not break out their category, the fuel diversity of natural gas and oil. Is that something that the ISO should be breaking out so we know what's oil and what's gas? And oil's certainly dirtier than gas. And without making some interim improvements, we're going to just be using more oil in those communities that are

disadvantaged by these. So why are we not taking other actions in the interim that would help not using those oil plants with cleaner-burning natural gas?

DEC COMMISSIONER SEGGOS: Well, I see the buzzer is about to ring --

SENATOR O'MARA: Lucky you.

(Laughter.)

DEC COMMISSIONER SEGGOS: But it's a conversation we relish having with you.

SENATOR O'MARA: Yeah, sure.

DEC COMMISSIONER SEGGOS: Yup.

SENATOR O'MARA: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Thank you, Chair.

Good afternoon. Acting President Driscoll, I was very happy to see that in the Governor's budget she has proposed broad and sweeping authorities for NYPA to own, build and operate renewable energy. You and I have talked about this subject a great deal.

I have a couple of quick questions, the first being if this is to come into law, how quickly will NYPA be able to act to start building its own renewable energy? Will it build on its own, or will it immediately go to partner with other developers? And finally, you said that you cannot -- we cannot put a mandate on NYPA to build if we are not meeting our CLCPA goals. As you confer with your colleagues, why is that? I don't see why we could not put in very specific language that understands that you have certain obligations to your bondholders and other contracts, and as long as you're not in violation of that, NYPA should and will act.

ACTING NYPA PRESIDENT DRISCOLL: So on the latter point, I think you hit it on the head when you mentioned the caveats that we would want to attach to any such language. You could certainly mandate that we build renewables as long as we have some kind of discretion over where and when and with whom and for how much so that our trustees can

exercise the fiduciary obligation that the Public Authorities Accountability Act requires them to exercise. So I think we're saying the same thing --

ASSEMBLYMAN CARROLL: So you agree with mandates as long as we make sure that you don't break contracts that NYPA has previously entered into.

ACTING NYPA PRESIDENT DRISCOLL: Yeah, I think it's a question of semantics, mandates versus, you know, subject to discretion of the trustees. I think, you know, subject to the language, you know, we could meet in the middle.

ASSEMBLYMAN CARROLL: Understood. I've got a minute. How quickly is NYPA ready to act to build public renewables?

ACTING NYPA PRESIDENT DRISCOLL: So as soon as -- if the Governor's proposal becomes law, we will begin to identify sites that can be utilized for projects. Those projects could take all shapes and sizes.

ASSEMBLYMAN CARROLL: Will you act on your own, or will you immediately go to

partner? Or both?

ACTING NYPA PRESIDENT DRISCOLL: It will depend on the size of the project. Larger projects are more susceptible to partner relationships so that we can leverage NYPA's dollars and build more and do more.

ASSEMBLYMAN CARROLL: Thank you so much, Mr. Driscoll.

Commissioner Seggos, very quickly. Trailheads in the Adirondacks, I know we need more. We need more money. I support that. And I also support -- I know a future novel that's in your head that you're going to write.

I'll yield back the rest of my time.

(Laughter.)

DEC COMMISSIONER SEGGOS: Thank you. It involves budget hearings.

(Laughter; overtalk.)

CHAIRWOMAN KRUEGER: Thank you. I think we're up to me. So just starting out quickly, I believe that it will be for Mr. Seggos, Commissioner Seggos.

So quite a few of my colleagues keep

referencing that New York State has to import 50 percent of its electricity. But the Independent Systems Operator says we only import 18 percent. Which number is correct?

Yes, you can turn to your colleagues.

NYSERDA PRESIDENT HARRIS: Certainly. I will need to double-check the energy versus electricity metrics. With respect to electricity, it is definitely not 50 percent. So I say that I would imagine that we're using different units of measure. That would be my expectation, Senator. But we can confirm.

CHAIRWOMAN KRUEGER: Thank you.

Okay, on to cap-and-invest. So the Governor lays out the cap-and-invest program. What does the Legislature actually have to vote on versus what is being done through regulation? I'm still confused about that.

DEC COMMISSIONER SEGGOS: So we have broad authority right now to create the cap-and-invest program. If you think about the RGGI program, for example, we were able to create that without legislative

involvement, largely. And most of the states fell in the same bucket.

We expect the same here when it comes to the affordability component that the Governor's laid out. We would expect to be engaging with the Legislature on that to be able to create the mechanism to put those dollars, the affordability account, back into the pockets of New Yorkers.

CHAIRWOMAN KRUEGER: So also in that section of the budget it appears the Governor is trying to establish that the Legislature just provides authority for you, through regulation, to have free allocation of pollution allowances in perpetuity and in some class of industry that you'll be defining as energy-intensive and trade-exposed.

I'm -- look, I support this effort, but I'm a little confused about what we're actually signing off on, particularly in perpetuity. That generally makes me nervous as a legislator. So what does that all really mean? Those are not words -- the

energy-intensive and trade-exposed entities, I need help to understand that.

DEC COMMISSIONER SEGGOS: So the -- I will tell you this. The program itself is conceptual in nature now. Right? We are in the middle of a give-and-take with the regulated industry, with the business community, with the environmental justice community, to create what will then become the regulations.

So it is premature for me to speculate as to what that will exactly look like. But you can look at what other states have done. And the challenges -- or the successes they've had in terms of pursuing similar models.

For us, when we talk about the allowances, right, setting a cap on emissions and then using that cap effectively to create the auction place where allowances will be purchased and some allowances would then be provided at no cost in order to protect the issue of leakage.

Energy-intensive and trade-exposed

industries, you think about the, you know, steel mills or, you know, semiconductor manufacturers that would otherwise leave the state but for some sort of forbearance within the regulations that allows them to stay.

So you're putting the issue of allowances toward those type of industries and the revenue being generated largely from industries and fuel suppliers that aren't in that definition.

But I will tell you, Senator, it is early on this. We will be coming back to the public at a very aggressive rate over the coming five months before we even get into the regulatory phase.

CHAIRWOMAN KRUEGER: So some people have raised the concern that the language in the budget isn't as stringent as what we actually mandated in CLCPA. So are we trying to weaken the standards that were in CLCPA? Or would you agree that they would need to be as strict as in order to not violate that law?

DEC COMMISSIONER SEGGOS: We have --

we have to hit our emissions reduction targets. I mean, those are the critical numbers within the CLCPA, enshrined in law. We worked on this, Doreen and I and our counterparts in the CAC for three years to devise the path forward. The cap-and-invest program is part of that, arguably a large part of that, because it is an economy-wide program required by the law.

So when it comes to creating this program, it has to comply with the law. So I would say that when we put this on the street for public consumption, the public will see that it is in conformance with the CLCPA.

CHAIRWOMAN KRUEGER: So does creating a cap-and-invest program in any way interact with our moving forward with a clean transportation standard as another possibility? And would they be duplicative in some way or funnel money away from each other?

DEC COMMISSIONER SEGGOS: Well, it -- I think it's premature to know exactly how they would interact. We discussed the clean

transportation standard during the Climate Action Council process that -- the many meetings that we had. Ultimately the Governor decided what made the most sense at this time was to advance a cap-and-invest program.

And as we go through that, we will look for ways in which to synchronize this program with either existing or proposed concepts that may be available to us, the clean transportation standard being one of those. But at this point, it's cap-and-invest.

CHAIRWOMAN KRUEGER: And earlier -- maybe it was yesterday. Were we here that long yet? No. But earlier in your discussion -- sorry --

(Laughter.)

DEC COMMISSIONER SEGGOS: Is it tomorrow yet?

CHAIRWOMAN KRUEGER: -- you seemed to answer a question, and I don't remember whose question, implying that Bond Act money would count as outside funding that could justify

cuts in on-budget funding.

I don't think that's what we told the voters. I think we told the voters the Bond Act money would be for new and different things that we need to do. So I just wanted to make sure I didn't misunderstand.

DEC COMMISSIONER SEGGOS: That is true, but we have -- for example, we have the hatchery system, right, and there's the Bond Act -- the fish hatchery system. Not aquaculture, but hatcheries. We envision that a portion of the Bond Act funds would go into restoring our hatchery system.

I mean, those are obviously existing programs that now would be, instead of shifting through -- being paid for on-budget through NY Works, that would be shifted over to the Bond Act. So that's an example of how we would seek to utilize both on-budget and off-budget resources. Within the financial plan.

CHAIRWOMAN KRUEGER: Got it.

So Mr. Driscoll, I think I'm following up on two different discussions with the role

of NYPA with the new plants. So it is true that the NYPA proposal now is different than it was earlier, and different than the legislation some of my colleagues and I carry. But there's confusion, I think, about -- because of the new federal law allowing the use of tax credits even for government entities such as yourself.

Is the proposal as described in the Governor's budget going to allow us to draw down the federal funds? Or because it's a public-private partnership tax equity investor kind of deal, that we're not going to be able to get the tax exemptions that we could get now if it was a specifically state-funded project?

ACTING NYPA PRESIDENT DRISCOLL: Thank you for the question.

NYPA, as a state public power authority, is eligible for the IRA tax credits. So we would be an eligible, you know, applicant on any project that we owned. And so I don't think that -- if the question is does there need to be state money rather

than NYPA money --

CHAIRWOMAN KRUEGER: Or does it need to be state NYPA money versus private investor money?

ACTING NYPA PRESIDENT DRISCOLL: Yeah, I mean, I think that the credit -- and I'll be happy to research this further and come back to you. But I think that the credit would apply to the extent that the Power Authority had money in the project.

CHAIRWOMAN KRUEGER: I would appreciate that. I think some of us would, because we're a little, you know -- even though we're supporting the expansion, we're a little confused about which model's going to actually net us --

ACTING NYPA PRESIDENT DRISCOLL: Understood.

CHAIRWOMAN KRUEGER: -- the most federal money as matching money for what we're doing.

Because I won't speak for everyone here, perhaps not Tom O'Mara, but I think we want new renewable energy built as quickly as

possible -- yes, we do. Sorry, yes, we agree with Tom O'Mara, we all want it done as quickly as possible. But we also want as much federal money as possible --

ACTING NYPA PRESIDENT DRISCOLL: Understood.

CHAIRWOMAN KRUEGER: -- to move into these projects, because that's obviously a win/win for us.

And just a last, quickly. So the Governor set timelines for the electric buildings, but she jumped them an extra year later because she starts them like the last day of December in each year for the larger and the smaller. So doesn't that just keep putting us farther back from where we want to be?

NYSERDA PRESIDENT HARRIS: Well, the timeline -- yeah, thank you for asking that question. The timeline that is in the budget proposal allows us to align these new construction -- zero-emission new construction proposals with code cycles. This is -- this is really sort of a practical

and unexciting aspect of this, but we ultimately need to employ this through cycles that are established primarily on the national level.

So we'll seek to institute these programs earlier, but that is the outside date according to the code cycles.

CHAIRWOMAN KRUEGER: Okay, so my time is up. Thank you very much.

CHAIRWOMAN WEINSTEIN: Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you.

And this is for Commissioner Seggos. And, you know, I first want to thank you for the great job that your department does. I've worked closely with your team, both in my prior capacity as supervisor of the Town of Bedford, and more recently with working on grant opportunities and so forth. And they've been fabulous, and I want to thank you for that.

I also was very pleased to hear about the community outreach that is being planned. I think it's absolutely what's needed,

particularly for communities that may not have the bandwidth to get through the process.

You know, I want to mention that I too am concerned -- I think it was Senator Harckham who had mentioned, and I think others have said about -- concerned about getting money out the door, and particularly with so much money coming in, you know, further. And also I wanted you to address, if you could, what I see as what I think really needs to be reconciled, which is the objectives of the housing compact with some of the laws and regulations that have been in place for decades to protect water quality.

As -- one of the key examples is the New York City watershed, where there's virtually veto power on the part of New York City on any new wastewater treatment plant or, for that matter, you know, an expansion and a request for a SPDES permit based on an expansion of an existing one. And this will really run into direct conflict for the

ability of municipalities to expand their infrastructure.

So if you could address that in the one minute and 15 seconds I have left.

DEC COMMISSIONER SEGGOS: We'll try. Thank you.

So as to your first point about bandwidth and getting money out the door, I mean, I'll go back to what I said in the beginning. That's exactly why the Governor's going to give us, working with you, additional resources.

ASSEMBLYMAN BURDICK: Right. Which I fully support.

DEC COMMISSIONER SEGGOS: We need staff resources. So that's really at the heart of it.

As to the housing compact, I'm going to take that to mean the Governor's proposal to increase housing over the next 10 years.

We believe that the environmental objectives and the housing objectives are very much collaborative and coordinated in nature. Focus on rebuilding in the

builds-environment downtowns, transit-oriented development, smart growth principles in mind. That was really what we talked about during the Climate Action Council. So now to have a housing push that's smart-growth sensitive for us is a real winner.

I take your point about the watershed. We also watch that very carefully, right? We want to avoid filtration and avoid what would be a 5 to 10 billion dollar filtration --

ASSEMBLYMAN BURDICK: But if I may interrupt you for one second in my last 10 seconds, because I brought this up as well with Commissioner Visnauskas. I really think it's important to talk to the City of New York and to figure out how you're going to reconcile those. That's what I would request.

Thank you so much.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

We have a second round for Chair Pete Harckham, three minutes.

SENATOR HARCKHAM: Thank you, Madam Chair. I can't believe we're on Round 2 already.

(Laughter.)

SENATOR HARCKHAM: It's like Groundhog Day.

(Laughter.)

SENATOR HARCKHAM: Just want to follow up on what Chair Krueger was saying about what it is we're voting on for cap-and-invest. And we know it's something that's talked about in the plan, it's something we need to do to finance what we want to get done. But if we look at it from a separation-of-powers issue, you know, I can't -- I can't see a -- the details are scant as to -- you know, it says 35 percent go to environmental justice communities. And then it's really kind of unspoken as to what the rest of the -- what happens with the rest of the money and that it just goes to the General Fund.

And so I'm just saying practically speaking -- nothing against this Governor or this administration -- I don't see a legislature voting to give an administration the authority to raise and spend that much money without guardrails, parameters, and a plan. And in a sense, that's kind of what we're looking at doing right now, because there's not a great deal of specificity in there.

DEC COMMISSIONER SEGGOS: Okay, so maybe I'll start and then pass it to Doreen to fill in.

SENATOR HARCKHAM: Please do.

DEC COMMISSIONER SEGGOS: So what we're proposing -- what we envision, because we believe we already have the authority to do so, is to create the actual cap side of the program. Right? Establish what the emissions level is in New York, how that will decline over time, create the infrastructure for providing allowances, auctioning allowances. All of that we have, I would say, already. And it would be quite

redundant for the Legislature to take that up.

But the invest side we have discussed quite openly that we need to discuss that with the Legislature: What does the Climate Action Fund look like, the billion dollars the Governor talked about, how does that then get out to the pockets of New Yorkers to defray some of the costs of the program. The small business fund as well, same concept.

So maybe, Doreen, if you want to fill in any parts of that.

NYSERDA PRESIDENT HARRIS: Certainly. So you've covered the principles of the Climate Action Fund. And really the way this is laid out is after those funds are allocated according to the commissioner's point, we would be at NYSERDA investing the remainder, the 67 percent or so, consistent with the Climate Act, and consistent with the Scoping Plan, in sectors of our economy that very much need investment in order to achieve its outcomes.

I think the RGGI model is a good

example of the ways in which we have responsibly invested those funds that have been raised for over a decade, focusing on the electric sector. This would allow us to reach greater audiences but also different scopes of investment, including the myriad ways that our Scoping Plan lays out.

SENATOR HARCKHAM: Again, I would just say that -- again, not coming from a hostile place, because many of us are sympathetic to this. But seeing that in writing, as opposed to just hearing about this in testimony, I think will go a long way.

Thank you.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Fahy.

ASSEMBLYWOMAN FAHY: Thank you. I feel like I'm playing musical chairs here.

(Laughter.)

ASSEMBLYWOMAN FAHY: But I'm here now.

Sorry, I had to step out and I

apologize if you've addressed a couple of these things. But I just want to make a couple of comments, and then I have a question for NYSERDA in this race of three minutes.

Thank you for your comments previously when I was here with regard to the Scoping Plan as well as all the work that each of you have done on the Climate Action Council. I find it exciting. Yes, it's challenging, but I think with the right investments and with your work and the energy of a lot of folks here, we can get there. And I also couldn't be more pleased with the Bond Act.

A couple of comments. The clean water infrastructure, I know that came up earlier. We just can't get enough of it, so thank you. And I know you're trying to address small communities. I think Senator Hinchey mentioned that. Commissioner Seggos, I think that's really important. As well as addressing the needs of small farmers. Everybody thinks of me as an urban district

because I live here in Albany, but I also represent Guilderland and New Scotland, as you know.

Albany Port, thank you for the air monitoring. And thank you to NYSERDA and more in terms of the Albany Port with the jobs. We're very excited about the wind -- the wind manufacturing that we hope will get out there. Get out there shortly, that we know will get out there.

Question. Lots has come up about heat pumps. I am cosponsor of the All-Electric Bill, but I also carry my own bill, last year called the Gas Transition Bill, this year called the HEAT Bill, which is the Home Energy Assistance -- Home Energy Affordability Transition Bill.

There's been a lot of concerns, maybe started by some of the back-and-forth on the stoves at the federal level, gas or electric stoves. But can you please talk about the need for -- Doreen, please, Doreen Harris -- talk about how the reliability, especially up here in colder-weather climates, whether

you're -- I guess I've left you 55 seconds. But the sustainability and the savings, but the reliability, especially after that wicked last snowstorm we had in Buffalo.

NYSERDA PRESIDENT HARRIS: Okay, you've given me a challenge.

ASSEMBLYWOMAN FAHY: Affordability, reliability, and sustainability.

NYSERDA PRESIDENT HARRIS: Certainly.

So heat pumps will be a primary resource that we use to heat and cool our homes into the future, and they are deployed increasingly -- in fact, they outsold furnaces on a nationwide basis in 2022. So we're getting there, certainly.

And I was very pleased to see performance of these units even in the recent cold snaps, because it is true that we need efficient homes to be paired with these heat-pump technologies to work well in cold climates, full stop.

With respect to reliability, if that's your next question, I think when we think about heat pump technology, we do need

electricity to operate those heat pumps. So we think about backup sources of heat. Certainly.

ASSEMBLYWOMAN FAHY: Thank you. Thank you. And I carry that bill with Senator Krueger, so I should have noted that.

Thank you, Chair.

CHAIRWOMAN WEINSTEIN: We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Three-minute second round for Chair Michelle Hinchey.

SENATOR HINCHEY: Thank you very much.

I have a couple of quick questions. Last year in the budget we were able to -- we talk about affordability, right, and making it available for regular people, everyone in our community, to be able to actually afford this transition. Last year in the budget we were able to secure some rebates and some funding for heat pumps and geothermal, but we were not able to come to an agreement on reupping the solar panel credit.

How much of that is reflected in this

budget? And if not, is that something that we need to be doing to make this affordable and accessible for people living across our state?

NYSERDA PRESIDENT HARRIS: Well, I'd say that certainly in the last year a game-changer for renewables in general, Senator, has been the Inflation Reduction Act. For us as a state, we already had a thriving solar industry. In fact, we're the number -- we remain the number-one community solar market in the nation, and very highly ranked in other ways as well.

But when we think about that durability of that industry at scale, the Inflation Reduction Act provides tax credit treatment for these projects for the foreseeable future, such that we really see that --

SENATOR HINCHEY: So you're saying that it's handled by the federal government, we don't necessarily need that at the state.

NYSERDA PRESIDENT HARRIS: We have a thriving market here. We have a thriving

market here. We're focusing on underserved communities in the first instance. If there were an area to be really accelerating, it would be our continued work in that respect.

SENATOR HINCHEY: Okay. I think there's still -- we can still be helping and making it extra-affordable, but I appreciate the work, especially for underserved communities.

I want to echo what was said by my colleague Chair Harckham on seeing some details around cap-and-invest. I think his comments are accurate. It's hard from our place of responsibility to green-light an entire program without really understanding -- even if we all believe kind of deeply in the foundational points of it, to really understand where that's going to go, because historically we have lost lots of money that way. So we want to make sure we're tracking and it's actually going to the places that it needs to.

I'll close with a local question, I think for Commissioner Seggos. We have -- in

two different parts in my district we have proposed expansions of fossil fuel infrastructure, specifically substations that I know are going through the process right now. Why would we be continuing to both invest money but also resources and time from our agencies if we're working to shift away from that? Why would we increase and expand when our communities are trying to shift elsewhere?

DEC COMMISSIONER SEGGOS: Well, Senator, you know, we are required to process permits, applications as they come to us. The one you're referring to happened to go through the federal process as well, it was awarded at the federal level, I think if you're referring to Iroquois.

And it is under consideration now, the public comment period I think ends at the end of this month, the 27th. So we'll process the permit and, you know, subject it to the same scrutiny that we have on every application that's come in front of us over the last few years.

SENATOR HINCHEY: I wonder if we should relook at that. Thank you.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: Thank you.

My question is for New York State DEC Commissioner Seggos.

So the Brookhaven Town Landfill is expected to close in 2024, and the concern is that C&D that has residue, that can't be recycled, that it's going to end up in our waterways, our wetlands, our open space, and we're not going to be able to get this garbage off of Long Island without having to have municipalities charge more in the taxes to the residents in order to truck it off of Long Island, which is going to have wear and tear on our roads and bridges.

And I'm just wondering if there's any funding in the DEC budget or that you would support to beef up code enforcement on

Long Island and to also pay for more code enforcement -- code enforcement, trucking, whatever it's going to take to help relieve the burden of one of the two landfills in Long Island closing in 2024. We don't have anything else online yet, so -- is there a comprehensive plan for that closure?

DEC COMMISSIONER SEGGOS: So much of that waste, the C&D waste, will be moving by rail once the landfill closes -- I mean, there are four rail stations -- as well as the trucks that will then bring it to permanent landfills, largely upstate and some out of state.

One of the things that we've been focusing on Long Island really since 2017 is the problem, as you note, of illegal dumping. And it's happening at dozens of locations. We have had undercover officers performing these details and actually going so far as to make arrests and seizures of the trucks and equipment. It's a big problem that the housing boom in New York City, the building boom in New York City has resulted in a lot

of this finding its way out to Long Island.

So we need those long-term mechanisms to continue our enforcement. We don't do local code enforcement, but we can certainly do Environmental Conservation Law --

ASSEMBLYWOMAN GIGLIO: Right.

DEC COMMISSIONER SEGGOS: -- state enforcement.

ASSEMBLYWOMAN GIGLIO: Excuse me, I'm sorry. My time is limited.

DEC COMMISSIONER SEGGOS: Yes.

ASSEMBLYWOMAN GIGLIO: But I know that there is money in the budget for more enforcement of DEC. So I'm hoping that that will be geared towards and beefed up on Long Island because of these closures.

And also to have enforcement enforce the beaches and the fishing locations, because that is also a very big problem where we are -- people are violating the law all over the state on Long Island -- I mean, all the state laws on Long Island with the fisheries.

And if you could just answer that, if

you'll beef up the enforcement. And then what rail are you talking about that's ready to go now to remove C&D from Long Island?

DEC COMMISSIONER SEGGOS: On that, I believe there's four locations of this rail transportation that are either in permitting or have been permitted that are --

ASSEMBLYWOMAN GIGLIO: They're in permitting.

DEC COMMISSIONER SEGGOS: In permitting, right, that are moving -- proposing to move material off-island.

ASSEMBLYWOMAN GIGLIO: Yeah, but we're closing the landfill in 2024. So they haven't even broken ground yet.

DEC COMMISSIONER SEGGOS: Right. So -- right. So we're talking about reducing waste, that's why we talked about advancing the Governor's Waste Reduction Act, helping to reduce the burden on municipalities. I mean, it's all-encompassing in that respect.

On enforcement, we are 100 percent in agreement with you. We need to be doing everything we can, in concert with local

authorities, to prevent people from dumping and illegally fishing.

ASSEMBLYWOMAN GIGLIO: And protecting our groundwater. Thank you.

DEC COMMISSIONER SEGGOS: Exactly. Thank you.

CHAIRWOMAN WEINSTEIN: So since there are no more Senators, we have still several Assemblymembers.

We go to Assemblywoman Lee.

ASSEMBLYWOMAN LEE: Good afternoon.

My question is for Commissioner Seggos, as he could probably guess.

So I'm one of the mothers with children who attend school across from the brownfield cleanup at 250 Water Street due to contamination from a former thermometer factory in Lower Manhattan. And over the last several years, we as concerned parents organized and asked the DEC to work with us.

And as a result, you gave us extra public participation meetings very early on in the process and throughout the cleanup. We secured funding for a community

consultant, and you worked with the consultant to adapt the process to best protect our children.

The effort really mattered, and it helped the community understand the process and made people feel safe. But we were lucky. It's not common for BCP sites to exist in communities with the resources to engage with the DEC in the way that our community and the financial district did.

So my question is, will you work with me to figure out, whether legislatively or otherwise, how we can take what we learned from the work that we did together on this site and make sure that other communities can benefit from what we learned?

DEC COMMISSIONER SEGGOS: Thanks for the question. Absolutely yes. Love to work with you on that to tell that story.

And I think honestly the lift on this on other sites needn't be extraordinary. I mean, in a way it's making sure that we're working with local leaders to understand problems, walk people through the process of

the Brownfields Cleanup Program, and make sure they have a voice ultimately in the outcomes.

We're doing it in Tonawanda -- Tonawanda Coke Corporation, former brownfields site. We're doing it in Niagara -- I mean, we just had a meeting about this yesterday -- the old American Axle site in Buffalo.

So it is something that we as an agency want to do right, because it's a really important program for the state and we're lucky to have it, in consultation with you. But to tell the specific story of 250 Water Street, which I know was a very significant matter for your community for many years, I'd be happy to work with you on that to get that out there.

ASSEMBLYWOMAN LEE: Great. I will follow up with your staff.

DEC COMMISSIONER SEGGOS: Excellent.

ASSEMBLYWOMAN LEE: Thank you.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN WEINSTEIN: We go to

Assemblyman Mamdani.

ASSEMBLYMAN MAMDANI: Acting President Driscoll, I would like to follow up on Senator Gonzalez's line of questioning.

So the Legislature's version of the Build Public Renewables Act includes labor language around project labor agreements, prevailing wage applying to both contractors and subcontractors, and a just transition fund. This was language that was described by the IBEW 1049 rep Pat Guidice as the best protections he'd ever seen on labor. His only concern was if such language was -- could ever be preserved and what a diluted bill would mean for labor.

The proposal by the Governor -- what I and many others would characterize as BPRA light -- does exactly what he feared, stripping this language from the legislative text.

Why has that language been removed? And how do these omissions better position the state to unionize and expand the workforce needed to meet the goals of the

CLCPA?

ACTING NYPA PRESIDENT DRISCOLL: Thank you. Thank you for the question.

And as I mentioned earlier in the prior answer, we do -- we do a lot of work, we do a lot of -- obviously all of our work is public work under the Labor Law. And so we don't do a project that doesn't pay prevailing wage. We're open to PLAs on projects. I don't see what's missing. I think that when you couple what is in the Governor's proposal with the funding, the $25 million set-aside for labor training that was not in the BPRA, I think that on balance it advances the position of labor and --

ASSEMBLYMAN MAMDANI: So with all due respect, and just because of time, I would fully disagree about the $25 million being an adequate amount of money to make up for a requirement such as the gold standard of language that we had in the original text.

I just have a follow-up question. Did NYPA or the Governor speak to labor before drafting this version of the Build Public

Renewables Act?

ACTING NYPA PRESIDENT DRISCOLL: Yeah, I can't speak for the Executive.

ASSEMBLYMAN MAMDANI: But for NYPA?

ACTING NYPA PRESIDENT DRISCOLL: I don't -- I did not personally. I can't speak for my staff.

ASSEMBLYMAN MAMDANI: Okay. But did you?

ACTING NYPA PRESIDENT DRISCOLL: I did not.

ASSEMBLYMAN MAMDANI: Okay. Thank you.

And then I just wanted to clarify. In some of the questioning from my colleagues, specifically Assemblymember Carroll drilling down on the question of mandate, Assemblymember Shrestha around annual review -- if I understand correctly, you're fine with an annual review to see whether or not we are on track for our CLCPA mandates. You're fine with a mandate to build as long as there's discretion so that NYPA is not violating any existing contracts.

Why should we then pursue a version of the bill that has none of these things when we have a version of the bill that has passed the Senate, is being considered by the Assembly, and is being called the gold standard by labor representatives?

ACTING NYPA PRESIDENT DRISCOLL: Understood. And I think, you know, I think that the Governor's proposal is consistent with the themes of the prior legislation. And I would just say I think that the one piece you left out was the board of trustees' role, which we think is very important in the Governor's proposal.

ASSEMBLYMAN MAMDANI: Thank you.

ACTING NYPA PRESIDENT DRISCOLL: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblywoman González-Rojas.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank you so much for your testimony.

For the NYSERDA commissioner, I'm curious what barriers that you have in your agency to run a public education campaign

that ensures that every New Yorker understands what the climate plan means for them, how to access those resources, and why New York State needs to lead.

DEC COMMISSIONER SEGGOS: Maybe I'll start, DEC and then NYSERDA? Okay.

Well, communication is going to be everything when it comes to implementing an effective plan. I mean, we spent three years building the plan; now we have a Scoping Plan out there for the public. But really the next phase is launching all of the initiatives under that plan.

So we have a robust planning process for those communications, ultimately engaging the public in a statewide capacity at the ground level, engaging the Legislature to make sure that leadership is involved as well. And drilling down to making it easy for kids to understand and be a part of, within school curriculum, so --

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Is there multilingual resources available to --

DEC COMMISSIONER SEGGOS: Yes. We

have been -- we have been striving, through the process of the CLCPA, through the Scoping Plan, to make sure that we have as much as possible multilanguage assets available for anyone who's interested. And translators, during the hearings.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: That's great, thank you.

How much is being spent in New York on climate change in directly impacted communities, our disadvantaged, economic justice communities?

DEC COMMISSIONER SEGGOS: I don't know that I have a number to give you, but I know that we are holding ourselves to the minimum 35 percent goal in the CLCPA, with the target of 40 percent. That's where we're holding ourselves. We're holding ourselves to that, by the way, in the Bond Act as well as water spending that we're doing.

So perhaps Doreen has some high-level numbers on climate spending, but we're abiding by the CLCPA, at a minimum.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Do we

have more specifics on just investments in disadvantaged communities? I represent a community that's hard-hit by climate change, Astoria, Jackson Heights, East Elmhurst, Corona, Queens. So I'd love to hear a little bit more in my 50 seconds left.

NYSERDA PRESIDENT HARRIS: Certainly.

Well, specific to NYSERDA, the investments that we are making through the Regional Greenhouse Gas Emission program, as well as through the Clean Energy Fund, exceed the CLCPA requirements for these place-based investments. I'd be glad to send you our regular reporting which reflects that, as well as the places within your district that are invested within.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Great. And I'll just maybe make more of a statement.

But with increasing funding on budget for climate, is it not time to ensure transparency and accountability across the portfolio by having a clear system for climate spending and economic development, as we have for environmental conservation

programs? Would you all agree?

NYSERDA PRESIDENT HARRIS: Well, certainly we see and are building out tools that can be used to report not only on our progress but on our spending and our investments. Totally agree, and that's central to the Climate Law.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank you all so much.

DEC COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Good afternoon now. Thank you so much for being here. Spitfire, like everybody else.

The first thing, the landfill and D&C, I am just going to plead for you to not extend the Seneca Meadows Landfill permit. The Texas-owned company already has a 28-story, equal-to-a-building-sized landfill. They want four more acres. They want seven more stories on that landfill. And we cannot afford that in our area, so I'm just putting that plug in.

And then diving in, devil in the details, in the cap-and-invest proposal there's language that diverges pretty dramatically from existing law, specifically to allow for pre-allowances in perpetuity for the energy-intensive and trade-exposed entities under the program. Existing law allows for the department to create a program to address these types of facilities, as we know, but it has many, many safeguards and standards.

You announced in December, I think, of last year that you'll not exercise the authority granted in law to enact an alternative compliance mechanism. I'm assuming it was waiting for this to come out.

So why was that decision made, and how will this new concept ensure the protection and safeguards we agreed to in the CLCPA, or will this weaken the CLCPA?

DEC COMMISSIONER SEGGOS: Okay, I will -- I mean, I had trouble hearing a couple of parts of your question. But as to the issue of allowances, again, this is a

program that we're going to create through regulation over time. And we don't have the definitions ready to describe what -- exactly what will look like for the --

ASSEMBLYWOMAN KELLES: But it will meet the standards that we already have in the CLCPA?

DEC COMMISSIONER SEGGOS: It will meet the standards in the CLCPA, yes.

ASSEMBLYWOMAN KELLES: Excellent.

And then another question that I have is the Executive Budget includes a provision that changes the CLCPA and requires that during its rule-making process DEC, quote, consider the aggregate cost of the program when applying the carbon dioxide equivalent and statewide greenhouse gas emission limits as defined in the current law, essentially allowing us to consider the cost and use the international greenhouse gas and carbon dioxide equivalents.

But the CLCPA standard is intentionally more protective -- for example, using the 20-year limit for methane instead

of the 100-year limit. So I just want to hear your thoughts on that. Wouldn't this weaken our Climate Law and efforts?

DEC COMMISSIONER SEGGOS: So when it comes to just an analysis of the various accounting systems that are in place, it's incumbent upon us to understand, you know, linkages. Right? We need to create a program that the Governor told us to build and link it with other states. None of the other states use the kind of mechanism we do. How do we -- how does one create a program given that?

Also, some federal funding streams rely on different funding assumptions; you see the EPA talking about the 100 years. So if we're going to take advantage of federal funding streams, we need to take into account the differences in accounting methodologies.

So that's really behind that, yup.

ASSEMBLYWOMAN KELLES: Perfect.

One last question. I mean, if you can't answer, we'll talk about it after. Do you support the inclusion of line-item

allocation for each of the WIIA 13 programs in the state budget?

CHAIRWOMAN WEINSTEIN: So you'll be able to respond in writing to the respective chairs.

DEC COMMISSIONER SEGGOS: Can you give me the question again? I sort of missed it.

ASSEMBLYWOMAN KELLES: Just whether or not you would line-item the 13 programs in WIIA.

DEC COMMISSIONER SEGGOS: Okay. We'll talk after.

CHAIRWOMAN WEINSTEIN: Excuse me. Assemblymember Ed Ra, five minutes, ranker.

ASSEMBLYMAN RA: Thank you.

Good afternoon, all. Thank you very much for your testimony today.

Commissioner Seggos, if I can go back to -- apologize, I had to confer with somebody -- but if I could go back to EPR, which my colleague brought up earlier.

So the 100 percent reimbursement that we're envisioning for the municipalities, how do we come up with what that cost is going to

be as part of this proposal? Do we have an amount that we -- a ballpark number?

DEC COMMISSIONER SEGGOS: We don't yet. Again, we're still in early phases of creating the Waste Reduction Act and what ultimately that will look like.

In creating the producer responsibility organizations and then making it incumbent upon them to fund municipalities if the municipalities continue to or wish to conduct recycling programs, they need -- it needs to be fully funded. So we imagine by the time we get to crafting the rules around that, the PRO would be on the hook for the continued program.

If the municipal isn't interested in doing it or is interested in scaling back, we need to make sure that they're not actually losing -- or reducing services for individuals.

ASSEMBLYMAN RA: So that was the next piece of this. Because, you know, I think that there's been estimates that it's about 30 percent of waste is packaging materials.

So it seems to me that there would still need to be a recycling program and how we would apportion that all out to what these, you know, producers are responsible for versus other things. Because obviously we would not want a municipality to say, okay, we're just going to recycle the things that are covered by this program and, you know, throw out the other stuff.

DEC COMMISSIONER SEGGOS: Exactly. We need to continue recycling. And this program aims to reduce the cost of it and ultimately reduce the amount of waste in the stream.

ASSEMBLYMAN RA: Sure. And then just, you know, just thinking about whether there's a model out there. I know a number of states have passed this. I don't know that anybody's, you know, at the finish line of implementing it yet. But, you know, internally to our state, I know a few years back you were tasked with, you know, the paint stewardship program.

So is this time frame envisioned here realistic, given the experience of the agency

in the past? And does the agency have the personnel and resources it's going to need for this proposal?

DEC COMMISSIONER SEGGOS: I believe it is consistent with that. I mean, this is a bit bigger than paint for sure. And there's far more involved than just the paint stream.

So we do need to get it right, and we're talking about, you know, addressing a wider segment of the economy as well as a wider segment of New York State. It took time to get paint done. Thankfully we got it done with you, and it's working pretty well now. I mean, they're not at 100 percent yet. But this is a whole new scheme, and we certainly would need to work very carefully with the counties and municipalities as well as we craft this.

ASSEMBLYMAN RA: Okay, thank you.

If I can shift to NYPA, President Driscoll. So I know you talked about public/private partnerships in terms of, you know, siting, building these renewables. But am I correct this language

is broader than that? It really envisions a possibility of NYPA building things completely on their own, correct?

ACTING NYPA PRESIDENT DRISCOLL: NYPA could build on its own under the Governor's proposal, yes. I think that our intention would be to partner on larger projects. There could be smaller projects where we would build on our own, potentially for a governmental customer.

There also is a provision regarding the build credits for disadvantaged communities. Those projects would likely be built by NYPA on their own, on its own.

ASSEMBLYMAN RA: So you would envision that would only probably be the case in smaller projects, that you would go completely on your own?

ACTING NYPA PRESIDENT DRISCOLL: I mean, the larger projects for us would be where we're limited by our balance sheet, right, we can only do so much. So I think with the larger projects, they're more susceptible to partnership relationships.

ASSEMBLYMAN RA: And in those smaller instances, would the cost be, you know, just completely borne by those ratepayers?

ACTING NYPA PRESIDENT DRISCOLL: In a smaller project, typically the governmental customer, you know, would pay. If we had a governmental off-taker for a project, it would be paid for by the customer.

ASSEMBLYMAN RA: Okay.

ACTING NYPA PRESIDENT DRISCOLL: Utility-scale projects, it would add an off-taker. It would have to be, you know, sold into the market.

ASSEMBLYMAN RA: Okay. Thank you.

CHAIRWOMAN WEINSTEIN: So I have a few questions. Hard to believe there's something left to ask.

(Laughter.)

CHAIRWOMAN WEINSTEIN: But first from a colleague who couldn't be here today, to follow up on the Climate Action Fund to help defray costs to disadvantaged communities. The question is, can you provide -- I know you've -- there's been some comments on this.

Can you provide what that looks like and what steps NYSERDA and DEC are taking -- are doing to make this a reality?

DEC COMMISSIONER SEGGOS: Let me take a stab at that. So I think the question is about what the fund would look like, effectively?

CHAIRWOMAN WEINSTEIN: Yes. Yeah.

DEC COMMISSIONER SEGGOS: Okay. So as the Governor explained in the State of the State and in the budget, you know, we expect sort of a minimum amount of proceeds from the sale of allowances under cap-and-invest to generate a billion dollars, which would then be used to send into the pockets of New Yorkers to help defray some of the costs of the program.

Now, that's informed by basic analysis that DEC and NYSERDA have done as to the kinds of programs that are in play around the country right now and what those programs generate in terms of revenues. So again, a minimum amount, again, to get at the affordability principle that the Governor

laid out.

And maybe I'll transfer it over to you for details.

NYSERDA PRESIDENT HARRIS: Yeah, as the process ensues, there's going to be a tremendous amount of engagement but also analysis that will refine that benchmark that was based, actually, on some programs that are in place in the Western states at this point.

And so the principle is money in the pockets of New Yorkers. The exact ratio by New Yorker is also subject to that process. As we know, we need a lot of input as to the right ways in which to disburse those funds.

CHAIRWOMAN WEINSTEIN: And then to NYPA, can you explain what the expanded authority under these subsidiary entities such as LLCs and not-for-profits will be?

ACTING NYPA PRESIDENT DRISCOLL: So -- thank you for the question.

CHAIRWOMAN WEINSTEIN: And will any of the impact be felt by ratepayers, importantly?

ACTING NYPA PRESIDENT DRISCOLL: Yeah. So the idea behind the subsidiaries -- and it's similar to what ESD does, for instance, and what's common in the private sector, to sort of isolate projects from the balance sheet of the sort of parent entity.

So these subsidiaries would be formed, they'd be project-specific entities that would be created for a particular project so that, like I said, the risk would be isolated from the Power Authority's balance sheet and wouldn't be hits against our credit metrics and so forth, and wouldn't -- it would be not treated unfavorably by the rated agencies. So that would be the idea there.

CHAIRWOMAN WEINSTEIN: Thank you.

And Commissioner Seggos, every year we go through where things are in some of the bond acts. In particular, if you could give an update on the status of the various programs in the Clean Water Infrastructure Act of 2017.

DEC COMMISSIONER SEGGOS: Sure, I would be happy to. I think I gave a

high-level summary at the beginning on spending, again, over a billion dollars a year. This year, 2022, in grants the WIIA, the WIIA program, $564 million. In the municipal, $43 million. Emerging contaminants, $241 million. Clean Water Infrastructure Act, 246. And our DEC program, which is the WQIP program, 272 million.

So again, a record year for water spending. We can get you a table, as we always did, and make it super-accurate --

CHAIRWOMAN WEINSTEIN: I was going to say --

DEC COMMISSIONER SEGGOS: -- because I, you know --

CHAIRWOMAN WEINSTEIN: You don't need to read off everything, but if you could --

DEC COMMISSIONER SEGGOS: Be happy to give you all those dollars --

CHAIRWOMAN WEINSTEIN: -- provide a table or the details.

DEC COMMISSIONER SEGGOS: -- and make sure it's accurate. You'll see every penny.

CHAIRWOMAN WEINSTEIN: Definitely that would be helpful.

DEC COMMISSIONER SEGGOS: Great.

CHAIRWOMAN WEINSTEIN: And I know there's been discussion -- there's been a number of discussions about the Bond Act. So the capital plan shows 800 million in bond financing over the next five years, growing to 200 million annually.

And you may have mentioned this when I was in the middle of some of the administrative tasks here. When do you expect the Bond Act to be substantially completed?

DEC COMMISSIONER SEGGOS: Well, we -- look, we expect to begin soliciting grant opportunities this calendar year, that we will have gotten through the process of establishing the criteria for the majority of the buckets that need criteria. And then going out into the public around the state, in a road-show-type setting, and actually describing the Bond Act and also soliciting input for projects.

So, you know, we expect Year 1 to be on the bottom end of the curve. As Years 2 and 3 and 4 progress, we expect the spending to pick up on that. I don't know what the outside date is for spending but, you know, we know that the voters spoke and they understand just how important this is -- they're experiencing flooding, they're experiencing hotter cities, they're experiencing lack of park space and deteriorated infrastructure.

We need to respond to the voters and be quick and accountable and transparent. And that's why we've spent quite a bit of time behind the scenes actually building the infrastructure and then getting ready to communicate that out to the public.

CHAIRWOMAN WEINSTEIN: Great, thank you.

And for NYSERDA, so as we know, your programs are mostly funded through the assessments which this year is approximated to generate 1 billion in this coming fiscal year. At least that's what our staff, I

believe, and the budget indicates, which also includes the zero-emission credit program and the utility surcharge assessments.

So the questions I have is, how much does this cost the average residential taxpayer on their monthly utility bills? And are the assessments billed at the same rate to everyone regardless of the amount of electricity they use, or do higher users of electricity pay a higher rate?

NYSERDA PRESIDENT HARRIS: Certainly, yes. So NYSERDA's primary source of funding for our investments is through collections via ratepayer collections. We do have a small amount of funding that comes through the state's Executive Budget as well as a number of other sources.

But with respect to the programs that are driven by these charges, it is a situation in which it somewhat depends on the program. NYSERDA's Clean Energy Fund is funded by the distribution utilities according to a collections schedule established by the Public Service Commission.

The programs that are building renewables across our state -- our offshore wind, our land-based renewables, our Tier 4 program and beyond -- are funded by the suppliers of electricity, and that is on a pro rata basis such that our costs are spread pro rata across the suppliers of electricity and ultimately recovered through the charges they provide to their customers. So a larger user -- the rate is the same, but a user, a higher user of electricity will pay more, nominally.

CHAIRWOMAN WEINSTEIN: Okay, thank you. That's all the questions I have. But we have second round for -- no, not so quick, Senator. We have second round for our chairs. Three minutes for second round for Assemblymember Glick.

ASSEMBLYWOMAN GLICK: Thank you very much.

For NYSERDA, we've talked to some small municipalities and they have, on all possible buildings -- highway department sheds and whatever -- tried to use renewable

energy. I'm wondering where we are from the state's perspective in proceeding with that.

And in some of the buildings that are now unusable, or where we have strip malls or actually some rather large malls that are, you know, pretty empty, are you working with any of those developers to deck over parking lots and so forth? Is there any plan around that?

NYSERDA PRESIDENT HARRIS: Yes, there certainly is -- there certainly is a plan.

One team that we have at NYSERDA is actually focused on directly working with host communities, including municipalities themselves, around these issues of not only the resources that we can bring to bear but also the ways in which they may be best equipped to site renewables in their communities as well.

The Build Ready Program is a great example of that, focusing on underutilized properties. So we love landfills, we love brownfields, parking lots, et cetera, because these are areas in which they're untapped

potential, really, for solar siting.

I think when we look at these communities it's really part of engaging in a smart planning process, so the Climate Smart Communities and the Clean Energy Communities programs are designed to help communities have tools in their toolbox for effective planning and siting.

ASSEMBLYWOMAN GLICK: And that leads to the question of accessibility of transmission and upgrades to the grid. Where are we, and what's the plan?

NYSERDA PRESIDENT HARRIS: Certainly. I can imagine the next panel that will be a topic of discussion. But ultimately I would say there are, through your work in advancing the Accelerated Renewable Energy Growth and Community Benefit Act, there's a large number of investments going on across our state by the utilities to, first, identify upgrades that are needed for reliability in the first instance, but also upgrades that are needed to site more renewables and to accommodate the level of electrification that we've been

talking about today.

And there's good progress in that respect, but I will allow the chair to describe it in detail.

ASSEMBLYWOMAN GLICK: Thank you.

CHAIRWOMAN WEINSTEIN: We actually have one more member. Assemblywoman Levenberg, three minutes.

ASSEMBLYWOMAN LEVENBERG: Thank you, Madam Chair. I appreciate it.

I just wanted to ask quickly -- and you may have already answered this question, I'm sorry, I had to leave and come back -- where microgrids fit into the picture. Have you already spoken about that?

NYSERDA PRESIDENT HARRIS: No, no. I'd be happy to.

We at NYSERDA have supported a number of programs over the years on the topic of microgrids. Certainly our microgrids of the future focus on energy storage technologies rather than combustion, given the Climate Law and really how we would think about those microgrids best functioning.

We have a number of studies that have been undertaken in the past in that respect. And sort of looking forward, we see this as a really significant play for resilience and have a number of programs, through our Innovation Program in particular, focusing on the applications of these technologies in those means -- through those means.

ASSEMBLYWOMAN LEVENBERG: And to the question of resilience, one of the things that we sometimes notice is not all of our agencies seem to be on board, not just with resilience but also with some of these -- you know, these improvements, whether it's, you know, green lawn equipment for our DOT or the trucks and machines that they use, or the carbon-free concrete or things of that nature.

Where does that -- any of those pieces fit into the plan? Can you talk about that briefly?

DEC COMMISSIONER SEGGOS: Again, one thing I talked about earlier was Executive Order 22 that the Governor signed

to unify all the sustainability objectives of all the various agencies that have a role in managing the landscape and operations.

That's very much underway, and it unified other executive orders that -- where we had made some significant progress. EO 22 really sets us on that path and supercharges our efforts on the way we build, the way we move around the state, the way we operate. And that's primarily what we will be guided by.

ASSEMBLYWOMAN LEVENBERG: Okay, great.

And then just very quickly, I just wanted to second some of the comments from Senate Chair Harckham the concerns about Indian Point decommissioning and the water, the tritiated water that could potentially get put into the Hudson. I know you talked a little bit about what -- about fluorocarbons, PFAS and all those sorts of things, how they get into the air, into the water. And I know that we don't regulate the radioactivity, but a lot of the regulations that the federal government has set in place were based on,

you know, a 30-year-old man in protective gear.

And so, you know, having drinking water that young women or pregnant women are going to be drinking -- or young men, for that matter -- since we have, I think, seven communities along the Hudson that rely on the Hudson for drinking water, I think it behooves us as a state to intercept whatever that might be since we do not have all the answers.

DEC COMMISSIONER SEGGOS: Thank you for raising that. And I will certainly be following up on that point. Thank you.

CHAIRWOMAN WEINSTEIN: The Assembly is closed.

CHAIRWOMAN KRUEGER: All right. And the Senate has been closed.

So I want to thank all of you for your participation in this hearing today. And I think there were some questions where you were --

(Applause.)

CHAIRWOMAN KRUEGER: Oh, you got

applause. Wow.

DEC COMMISSIONER SEGGOS: Happy Valentine's Day.

NYSERDA PRESIDENT HARRIS: Thank you all.

(Laughter; overtalk.)

CHAIRWOMAN KRUEGER: I'm not sure who you got applause from, but please make sure to follow up with us in writing on any questions that you told us you needed a little more time on.

So thank you all very much.

And we're going to call up -- so people who want to talk to our guests, like Steve Otis, should take it out in the hall.

(Laughter.)

CHAIRWOMAN KRUEGER: The next group is applauding because they want to get in here.

Okay. So Steve Otis, Anna Kelles, move to the outside to continue your conversations. Just walk them out. Chat with them in the hallway.

We are going to call up the New York State Public Service Commission, Rory

Christian, and the New York State Office of Renewable Energy Siting, Houtan Moaveni.

(Discussion off the record.)

CHAIRWOMAN KRUEGER: Okay. I warned everyone it was going to be a long one. So this is our lives.

So I want to thank you both -- or all four of you -- for being here with us. And why don't we start with the Public Service Commission. You have 10 minutes, each of you. Thank you.

PSC CHAIR CHRISTIAN: Thank you. And happy Valentine's Day to everyone.

Good afternoon, or good evening, Chair Krueger, Chair Weinstein, and other distinguished legislative members. My name is Rory Christian, and I am the chief executive officer of the Department of Public Service and the chair of the Public Service Commission.

The commission's regulatory jurisdiction extends over investor-owned utilities, including six major electric and gas utilities, five major gas-only utilities,

two major water companies as well. We also have jurisdiction over certified telecommunications corporations operating in New York, hundreds of small water companies, nearly 40 municipal utilities, as well as cable companies, power generators and energy service companies, also known as ESCOs.

The department also provides regulatory oversight of electric utility operations on Long Island.

In fiscal year '23-'24, Governor Hochul set out an ambitious agenda to continue implementing the Climate Leadership and Community Protection Act, and doing so in a manner that's cost-effective, equitable, stimulates job creation, and focuses on energy system reliability and affordability.

Guided by some of the nation's most aggressive climate and clean energy initiatives, New York is on a path to achieving a zero-emission electric grid by 2040, including 70 percent renewable energy by 2030 and economy-wide carbon neutrality by mid-century.

The commission is proud to play a central role in creating a more equitable energy system, one that provides consumers with clean sources of energy and improved air quality while also meeting our traditional role of ensuring safe, affordable and reliable utility service.

During the transition to a clean energy future, our commitment to affordability remains steadfast. Due to the COVID-19 pandemic, many households fell behind on their utility bills, and an unprecedented level of arrears accrued across the state. This, combined with the rising energy costs spurred by a global conflict and an economy opening up from pandemic restrictions, put many consumers in the impossible position of having to choose between paying their utility bills or other basic expenses, like groceries.

Last year's budget provided the commission with $250 million to reduce consumer utility arrears. The commission then leveraged this appropriation to provide

a total $567 million to roughly 330,000 low-income residents in arrears. Most importantly, we moved the appropriation to residents within four months of budget adoption, quickly providing the needs to many.

On January 19th of this year, the commission approved a second phase of the COVID relief program, providing an additional $672 million to 480,000 families and over 50,000 small businesses for past-due utility bills. The initiative was determined to cost less to ratepayers than doing nothing, since the bad debt would ultimately eventually become recoverable from all ratepayers.

More structural change is needed to improve energy affordability. Governor Hochul has proposed 200 million to expand our monthly discount to more than 800,000 households making under $75,000 a year -- households who are currently ineligible for this current program.

Further, Governor Hochul proposed an additional 200 million for the EmPower Plus

program to help 20,000 low-income families retrofit their homes -- adding insulation, installing energy-efficient appliances and, where eligible, switching from fossil fuel heating to clean electric alternatives. Homes that participate in this program and fully electrify will be eligible for the energy affordability guarantee, a pilot program that ensures these consumers never pay more than 6 percent of their incomes on electricity.

These programs will support the development of cleaner, more efficient buildings and prevent economic hardship in our state's communities by assisting consumers proactively with effectively managing their energy bills.

The commission has supported the development of renewable energy resources, advanced green technologies, and made significant progress in advancing improvements in transmission and distribution infrastructure, to cost-effectively accommodate the increase in renewable energy

generation coming online. And we've done this while maintaining the reliability and improving the resiliency of our energy systems.

Under the Governor's leadership, utilities will invest more than a billion dollars in support of vehicle electrification, primarily for the development of electric vehicle charging infrastructure for passenger vehicles. We will also build upon this success with a new proceeding to advance the charging infrastructure needed to electrify medium- and heavy-duty vehicles. Pollution from these vehicles impacts disadvantaged communities where air quality is a public health issue. And through this proceeding the department will seek to encourage proactive investments, especially in disadvantaged communities and Clean Air Act non-attainment areas.

The commission will continue implementing solutions to reduce greenhouse gas emissions and address some of the

inequities of the past, including in utility rate cases. In the last two years the commission has decided three major electric and gas utility rate cases, and I'm proud to say that our rate-case decisions reduced initial requests dramatically, saving ratepayers hundreds of millions of dollars annually. And we intend to judiciously review rate cases that are currently pending before the commission.

Turning to broadband, last summer the commission released a first-of-its-kind interactive broadband map, the goal of which was to provide the most detailed depiction of broadband infrastructure in New York to date. The map, which will be updated annually, is already being used as a guide for future broadband investment and has attracted interest from other state utility commissions wanting to follow our lead.

The commission will continue its longstanding commitment to transparency, particularly with its regulatory process. Last year we held 98 public statement

hearings, attended by thousands of New Yorkers. Additionally, we received over 20,000 comments in over 2,000 proceedings. These comments played a key role in our decision-making process. We fielded more than 250,000 customer calls and another 70,000 inquiries and complaints. Together, these activities ensure that the companies we regulate are responsive to the needs and concerns of consumers.

In sum, we are well-positioned to deliver our core mission and meet the Governor's ambitious agenda, and we are grateful for the Legislature's support.

This concludes my remarks. Thank you.

CHAIRWOMAN KRUEGER: Thank you. Hi. Energy Siting.

ORES EX. DIRECTOR MOAVENI: Sure.

Good afternoon, Chair Krueger, Chair Weinstein, and other members of the New York State Legislature. My name is Houtan Moaveni, and I'm the executive director of the Office of Renewable Energy Siting. Thank you for the opportunity to

appear before you today to discuss the important work and accomplishments of ORES in the past year and the matters the office expects to focus on during the state fiscal year 2023-2024.

To begin, I would like to thank staff at ORES and other partner state agencies for their dedication and commitment to New York State's renewable energy mission and protection of the state's environment.

ORES has built an exceptional team of subject matter experts to undertake a coordinated and timely review of major renewable energy facilities needed to meet CLCPA. The challenges of implementing the nation's first state office devoted exclusively to renewable energy siting have been met with the professionalism and integrity envisioned by Executive Law 94-c. Through the diligence and dedication of staff, ORES has met or exceeded all its statutory deadlines.

I am pleased to report the following to the members of the New York State

Legislature. To help the State meet its nation-leading clean energy goals under the Climate Leadership and Community Protection Act, ORES has developed and implemented a permitting process that's comprehensive, transparent, and fair. This fact-based decision-making process stands as a regulatory model to efficiently and effectively enable the state's clean energy transition, while ensuring protection of our natural resources and consideration of all pertinent social, economic, and environmental factors, with input from host communities and local governments.

Starting on Executive Law 94-c's effective date of April 3, 2020, the office immediately began working with prospective applicants on all new applications for major renewable energy facilities, including transfer applications from the Public Service Law Article 10 process. To date, the office has issued 11 final siting permits totaling over 1.7 gigawatts of renewable energy capacity. As demonstrated by the records of

decision on the final siting permits issued to date, the office conducted detailed, transparent site- and project-specific environmental reviews for these 11 siting permits, with robust public participation, including consideration of nearly 1,500 public and municipal comments, to ensure that the proposed facilities meet or exceed the requirements of Executive Law 94-c and its implementing regulations.

Most of these facilities were approved within six months from the date on which applications were deemed complete, marking the most rapid pace of major renewable energy facility approvals in the state's history.

For a majority of the 11 permitted facilities, host municipalities, applicants, and ORES took a collaborative, consent-based approach that resolved local concerns without the need for a full administrative hearing process. Local agencies and community groups had access to over $1.7 million of funding to facilitate their participation in the permitting process. These facilities are

expected to provide over $200 million of benefits to the host communities and create more than 3,000 full-time-equivalent jobs during construction and operation.

As these projects proceed, ORES will continue to work collaboratively with the host municipalities and community stakeholders throughout the construction phase.

At this time, the office has issued its first notice to proceed with construction, and site preparation is expected to begin this month. Final decisions are pending on four complete siting permit applications, which must be made by the office within one year from the date they received their completeness determinations. Additionally, the office has received two permit applications that are currently under review for completeness. Collectively, these six facilities have a proposed renewable energy capacity of 771 megawatts.

The 2023-2024 Executive Budget proposes $26 million in new appropriation

authority to support the office and its work. The office expects significant application activity to continue this fiscal year as the pipeline of projects matures into full applications in the coming months. This pipeline consists of 62 projects, totaling approximately 9 gigawatts of proposed renewable energy capacity, that are in an applicant-driven due diligence phase or are proceeding through pre-application procedures in consultation with ORES, other New York State agencies, local governments, and community members.

The $26 million is needed to ensure ORES has adequate resources to accomplish its mission; namely, the coordinated and timely review of proposed major renewable energy facilities.

Under the leadership of Governor Kathy Hochul, ORES stands ready to confront the most pressing existential challenge of our time -- the threat of climate change. The state's commitment to a successful and equitable transition away from the legacy of

polluting fossil fuel generation is dependent on a responsible major renewable energy facility siting process. ORES is well-positioned to help the state meet the clean energy goals of the CLCPA.

I want to thank you for your critical partnership in supporting this office as we work to reduce greenhouse gas emissions, protect our natural resources, and provide long-term economic development opportunities for the state. We look forward to continuing to work hand-in-hand with all stakeholders as these facilities are developed and constructed.

CHAIRWOMAN KRUEGER: {Mic off.} All right. Thank you both very much for your testimony. And we're going to go -- you'd think I could learn how to use this microphone. Thank you, Helene.

We're going to start with Chair Pete Harckham, 10 minutes.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

Thank you both very much for your

testimony, and thank all of your teams for their outstanding service.

I want to start with you, Chair Christian. There's a small item in the budget that could have strong implications, and it doesn't have much explanation in the budget. There's a line for DPS to place a cap on residential consumers' energy usage. Now, fertile imaginations could conjure things up with something like that. So could you give us some information on what that is and how that would be -- that policy would be developed and why that's necessary?

PSC CHAIR CHRISTIAN: So thank you for that question, Senator Harckham. I believe the item in question that you're thinking about is likely related to the affordability guarantee that we're attempting to move forward.

As you know, the work that we do as a commission, we try to make sure rates are just and reasonable, and we acknowledge and recognize that that does not always mean affordable. So I believe the funding you're

referring to is a pilot program that we're developing in part of the energy affordability guarantee that will help offset the costs of energy to low-income New Yorkers making under a certain amount.

But -- I'd have to double-check and look at the line item in question, but I believe that's what you're referring to.

SENATOR HARCKHAM: But am I accurate in the description that even if it's a pilot, it would be a pilot based on capping the amount of energy an individual customer could use? Is that an accurate characterization?

PSC CHAIR CHRISTIAN: I would have to look at the program. I know the program is in development, so I can't speak to the specifics of it. But that is a potential option that would be available. Again, it's in its early stages.

SENATOR HARCKHAM: And that's just a pilot, or is that -- is that thought of as being something to be deployed statewide?

PSC CHAIR CHRISTIAN: Again, at this time it is a pilot. The goal would be to

test -- make sure it's effective, achieving the policy goals that we want to achieve as a result. And if effective, we could deploy it statewide. That is my understanding.

SENATOR HARCKHAM: All right, thank you. I would just -- I would just caution, you know, again the vacuum of information could lead I think fertile minds to extrapolating on what that could mean to individuals and to the marketplace.

So, you know, if there's more information that can be provided to the Senate, I think that would be helpful.

And I think in -- my next question I think would go to Mr. Moaveni. I remember last year at this hearing my predecessor in this chair, Senator Kaminsky, asked you some questions about a perceived backlog at the time. Are we -- are projects flowing through the pipeline? Do we have any backlog that you would consider a backlog? Have we cleared out what he was discussing last year?

ORES EX. DIRECTOR MOAVENI: Thanks for the question. As I indicated in my written

testimony, the office has met or exceeded all statutory deadlines -- or the office is current with respect to all applications filed to date. And we're well-positioned to continue the same approach for expected applications to come.

I'm not aware of anything as such as like a backlog for the Office of Renewable Energy Siting. As I indicated, the office is current with all applications.

SENATOR HARCKHAM: All right, terrific. Thank you.

I will yield my time for now. I may or may not come back for the other three. Thank you.

CHAIRWOMAN KRUEGER: Okay. Thank you, Senator Harckham.

Next is Assemblywoman Didi Barrett, chair.

ASSEMBLYWOMAN BARRETT: Thank you.

Thank you for hanging in there with us. I'm going to start with Chair Christian. I've got a couple of questions here.

We've talked about, earlier today, the

transmission challenges, the grid, and obviously the goal of new electric housing being built, and the huge need that we have in order to meet housing needs. Can you talk a little bit about whether we're really set up to be able to do this in the timetable that we're talking about?

PSC CHAIR CHRISTIAN: Absolutely. And I'm happy you asked that question.

So we are actively and aggressively working on all the infrastructure needed to ensure that we are poised to meet our 2030 goals. I believe earlier President Harris mentioned the renewable energy rollout that's currently underway. She probably spoke to the offshore wind contracts, the onshore land-based solar and wind as well as the battery storage and various rooftop solar goals that we have in the state. Those are all moving apace.

And I believe, as of the data I have most recently available, what we have in operation, under contract, under construction would be sufficient to meet 66 percent of our

energy needs with renewable energy by 2030 when it all comes online.

So given we have another couple of years till 2030, and we are continuously contracting new generation, I believe we're well-poised to meet the 70 percent target for renewable energy by 2030 that we have set for ourselves.

In addition to the renewable energy, we also have a significant transmission need. And many of you are aware of transmission buildouts going on throughout the state. Much of our transmission buildout has traditionally been for reliability needs, through an Order 1000 process. My co-colleague at NYPA could talk to many of those transmission projects.

But we currently have, I'd say, roughly four or five Order 1000 -- three or four Order 1000 projects currently underway. These are traditional bread-and-butter transmission that we've been doing for almost a century.

Through the Accelerated Renewable

Energy Growth Act, the Legislature directed the commission to study the transmission needs that would be needed for the state to meet the goals of the CLCPA. And as a result of that we moved forward, issued a power-gen study, and that power-gen study identified a myriad of needs, both for, again, land-based generation and offshore wind.

And we have moved forward with addressing much of that in many ways. Again, President Harris mentioned our Tier 4 efforts, which is a significant amount of renewable energy generation and transmission, which will be bringing generation from areas where it's available to the downstate region.

In addition to that, we're also moving forward with a variety of near-term transmission needs through what we're calling our Phase 1 and Phase 2 transmission effort, Phase 1 being focused on near-term reliability needs that should happen as quickly as possible.

Most of our investments, as I'm sure you all know, typically happen through rate

cases. Rate cases occur in a three to four, sometimes five-year cycle, and oftentimes that does not allow us to capture the best benefit of investments. And thus this body allowed us to move forward and advance the needs for transmission, and we did that through our Phase 1 investments, which was done early -- I want to say June last year.

Earlier this year we moved forward with our Phase 2 transmission investments, which are focused on transmission needs that will actually allow us to put in more renewable generation. We realize that in certain parts of the state generators have concerns and issues connecting new assets to the existing grid, and the plans that we have in place through Phase 1 will provide enough transmission to allow that generation to connect.

So from every front on the supply side, both from generation and transmission and related infrastructure, we have a plan in place, we have a line of sight for 2030, and we're on target to meet it.

ASSEMBLYWOMAN BARRETT: Okay. Sounds good. I'm going to shift to a little bit more local issue.

Many of my constituents have had record high utility bills, particularly with Central Hudson. Lots of explanations that are national disruptions, the supply chain, population issues, estimated billing. If you had to pinpoint the major issues for this overwhelming increase for -- you know, in utility bills, what would you say? And do you think that this estimated billing is a key piece or are there other parts that we should be also looking to rectify?

PSC CHAIR CHRISTIAN: So I'm going to -- thank you. And this is a really good question that I actually get asked quite often, so I'm going to have to parse the answer into two and treat them as discrete entities. Because it's difficult to talk about one and the other without some obfuscation.

So first I'll speak to the impacts of what has been impacting our energy prices,

and then I'll speak to the billing issues specific to Central Hudson, as you just identified.

So the primary driver of the energy issues that we've recently experienced have largely been driven by geopolitical issues around the world, particularly the invasion of Ukraine by Russia that sent a huge supply disruption throughout the world and created significantly higher energy prices -- not just here in New York and the United States, but worldwide. In many ways the impacts we see here have paled in comparison to what some of our European partners and others in the rest of the world have experienced. So that is one of the significant drivers.

The second -- keep in mind a lot of this happened as we were coming out of the pandemic-era restrictions. So as our economy was opening, as supply was -- as demand for products was growing once again, that caught us off-guard and there was a disconnect in terms of availability of supply to meet that demand. And again, compounding factors

created a significant increase in energy which we felt in 2021, feeling again in 2022, and we felt a little bit of that now and likely will for a little while to come.

So that is one of -- in my opinion, the significant driver of the recent energy prices that we have seen.

Now, speaking specifically to the billing issues, we've had a number of reports of billing issues. And I'm sure you're all aware of the investigation the Department of Public Service conducted into the billing practices of Central Hudson. We found evidence suggesting -- suggesting a number of problems with how they rolled out the billing issue -- the billing system that they recently installed. We've had a number of public hearings. We've heard from constituents throughout the state. And we are currently in a process of working with them to, first, remedy the issue and ensure that their billing system works -- because more than anything else, we want to ensure that that connection to the customer is

something customers can trust and rely upon.

And upon repairing that, we can go further. And the results of our investigation are currently ongoing. We'll see where that goes and take whatever action we deem necessary based on our findings.

ASSEMBLYWOMAN BARRETT: Thank you.

I'm going to shift to Director Moaveni.

You talked about the pieces in the pipeline, the projects in the pipeline. Have you actually rejected any projects at all in this process?

ORES EX. DIRECTOR MOAVENI: To date, no, the office has not rejected any applicants.

ASSEMBLYWOMAN BARRETT: No rejections, okay.

You know, my district has had a lot of issues and I've heard from a lot of constituents who want some questions answered, so I'm going to kind of go through some of those here.

Do you -- are you concerned about some

of the fast-tracking really putting agricultural land at risk and your opportunity to override those kinds of things? Are you seeing that happening or is that part of what concerns you in this, going forward?

ORES EX. DIRECTOR MOAVENI: So the office, as I indicated, conducts a very detailed and transparent --

ASSEMBLYWOMAN BARRETT: Could you move closer to your mic, please?

ORES EX. DIRECTOR MOAVENI: I'm a loud speaker, so I don't want to --

So the office conducted a very detailed and transparent review, environmental review, for the proposed viability of the facility. As a part of that, among multiple factors, the office must make sure these facilities essentially comply with all of applicable local laws. At the same time, all the potential significant adverse environmental impacts are avoided, minimized, mitigated to the maximum extent practicable.

So as a part of the environmental review, with respect to agriculture, the office recognizes the value and importance of agricultural lands in New York State, and the office essentially takes the position that agricultural and renewable energy projects are compatible uses and they can coexist and both can and should maintain economic viability. The office is taking a holistic approach on the premise that we can and we must scale renewable energy projects in New York State to meet CLCPA in ways that, first, impacts to active and prime farmlands are avoided to the maximum extent practicable. Two, agricultural lands are preserved for the next 30, 35 years. And finally, these facilities are decommissioned at the end of their lifetime.

In close collaboration with my colleagues from the Department of Ag & Markets, the office has conducted case-by-case site and project-specific reviews so far on the applications in front of us. And we look forward to continued

efforts with all stakeholders to make sure that we find the right balance to scale up renewable energy projects in New York State while we are protecting farmland and farmers.

ASSEMBLYWOMAN BARRETT: Okay. I have some more questions; I'll come back afterwards. Thank you, though.

CHAIRWOMAN WEINSTEIN: To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Our next questioner is Senator Salazar.

SENATOR SALAZAR: Thanks. I thank you both for testifying.

I want to ask you, Chair -- so among other neighborhoods, I represent Williamsburg and Bushwick in the Senate, including a long stretch of Newtown Creek and Cooper Park Houses. You probably know where I'm going with this. Thank you for coming to the hearing at Cooper Park regarding National Grid's LNG vaporizers, which I am vehemently opposed to, along with the other -- all of the elected officials in the area and the community living there.

A report commissioned by the PSC actually concluded that the LNG vaporizers were essentially unnecessary. Why does the PSC continue to approve fracked gas expansion and rate hikes to pay for that fracked gas expansion, such as the North Brooklyn Pipeline, and the use of these LNG vaporizers?

PSC CHAIR CHRISTIAN: Thank you. You're talking about my favorite topic.

So the Greenpoint vaporizers were identified as a needed project several years ago. And at that time -- sorry. In determining whether a need is there, we look a number of different factors. Primary among them is the load growth forecast for that region. And when this project was initially proposed, at that time the load growth suggested there would be a need in the very near term.

Now, as the report you're alluding to, the independent third-party consultant report that we had as a result of wanting to make sure that this project was having a second

set of eyes -- and this is something agreed to be National Grid and the Public Service Commission -- found that the project would not be needed in the timeline originally planned. And so as a result, they recommend that the project not move forward in the current timeline.

So to clarify, no one has said the project is not needed, they've simply said the project is not needed as originally planned. So I want to make sure that distinction is clear.

Now, that said, that's specific to that project. But in general, you know, we have a system, a number of energy systems in place -- steam system, natural gas system, electric system. All of these systems need to be maintained in order to operate safely. And key among the priorities of the commission is the provision of safe and reliable service. We must maintain investments in the system to ensure that that service is reliable and available when needed.

If we deem a project is needed for the system, we will invest in that project for the system. And that is longstanding practice that we are doing.

Now, in terms of recognizing the needs of the CLCPA and the needs to keep rates in mind, we have a number of steps to ensure that the decisions we are making in terms of investments are vetted as thoroughly as possible. You're likely aware of a program we have in place called Non-Pipeline Alternatives, which is specifically designed to allow for investments in alternatives to traditional utility investments, specifically investments like the Greenpoint vaporizers.

So -- yeah.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Thank you.

To sort of follow up a little bit, what is the PSC's view of the lifespan of street gas conduit? Is that something that

the gas pipes in the street last 20 years, 50 years?

PSC CHAIR CHRISTIAN: That is a really good question.

So I can tell you we have infrastructure -- the life and age of infrastructure vary significantly based on use, condition, areas. You can imagine a steel pipe underground near the ocean, exposed to saltwater, would probably erode a lot quicker than a similar steel pipe in upstate New York.

So a lot of these factors come into play when deciding what type of equipment to be installed, where it's needed, how it's going to be operated. And also operating conditions have an impact as well. Typically when we are looking at the useful life of equipment, that's something that's determined in individual rate cases. And as the examples you've illustrated, 20, 50 years -- those are numbers that are often thrown out.

But the pipeline, the time varies.

ASSEMBLYWOMAN GLICK: I ask this

because we are wondering what, you know, your role is in making determinations about when Con Ed, for example, is going to put in, you know, 50 miles of new gas lines in New York City, where maybe we're thinking those lines last 50 years and we are really hoping we're going to be off of those in 20 years. And yet the ratepayers will be paying for that capital investment that, over time, is, you know, just going to be lying fallow -- unless they're reused for, if it's at all possible, for underground transmission lines.

But that's the question. Like what's the thinking and what's the planning?

PSC CHAIR CHRISTIAN: So we currently have a number of different proceedings underway to look at the future of the gas system. And I believe President Harris mentioned one of them, the gas planning proceeding which is currently underway.

That is specifically looking at the use and condition of the gas system today and what it will look like 10, 20 and 30 years from now, and how we will take steps to get

us from where we are today to where we need to be tomorrow. So that is an active proceeding, currently engaging, and we are getting comments and feedback from parties in terms of recommendations.

Now, that said, I mentioned earlier in response to Senator Salazar one of the many things that we're currently doing, to find alternatives to past practices. And as you can imagine, in the past our gas system was one that was growing tremendously, particularly if you consider the 1970s, '80s and '90s. Tremendous growth in gas assets.

Recognizing that that is likely not to continue, we years ago, prior to my joining the commission, instituted non-pipeline alternative policies, with the goal of finding alternatives to using pipelines in the ground or making those new investments that you referred to. These are largely energy-efficiency measures.

And one other thing I'd like to point out, the Utility Thermal Energy Network is one additional vehicle that the Legislature

put forward requesting that the commission direct the utilities to find alternatives to heating with natural gas. We're currently reviewing those pilots now and examining what to do with them, as alternatives to existing infrastructure.

So we have a number of plans in place to look at what we can do and what our options are.

ASSEMBLYWOMAN GLICK: Thanks very much. On to siting.

When -- I guess the first question is, are you looking at or are you involved in only the large-scale siting? Or are you also part of looking at siting at defunct environments? So whether it's a factory that's gone belly-up 20 years ago and has been lying fallow and has a large area around it. Or some of the malls that are empty or almost empty, or where there are malls where there's still some commerce but the possibility of decking over the parking lot.

Are those the type of programs that you might look at, projects you might look

at? Or is that completely somebody else's shop?

ORES EX. DIRECTOR MOAVENI: So the Office of Renewable Energy Siting has authority to review and issue permits for major renewable energy facilities. And the definition of major renewable energy facilities would be any renewable energy project with generation nameplate capacity of 25 megawatts and larger.

Projects between 20 to 25 megawatts can also opt into the state siting process pursuant to Executive Law 94-c, but generally speaking we're talking about large-scale solar and wind projects.

ASSEMBLYWOMAN GLICK: Okay. So if it's 5 acres a megawatt, then --

ORES EX. DIRECTOR MOAVENI: Please don't hold me accountable to that. But I will just say a rule of thumb, I would say like, you know, for every megawatt you need somewhere around like 7 acres.

ASSEMBLYWOMAN GLICK: Okay. So you're looking at primarily open fields somewhere.

The -- there was the statement that it's not incompatible with farmland. In what way do you see that is not being incompatible? Are there certain ways in which the project is configured that makes it compatible? Are you using standing arrays as opposed to a field of flat arrays? Could you expand on that?

ORES EX. DIRECTOR MOAVENI: So the fact of the matter is that we cannot meet our CLCPA goals without integration of multiple uses. And in this case the office's position has been that -- as I mentioned, that farmland and renewable energy projects are compatible uses. And we are looking at the most innovative approaches, how we can specifically integrate solar projects with agriculture and farming activities.

In New York State we have a new industry growing -- I think earlier this morning the name was mentioned a couple of times, agrivoltaics. There are different types and kinds of agrivoltaics that these days are being developed. So essentially the

office's position is, you know, rather than other types of development, even like the conventional generation facilities that when you develop them, that would be a permanent damage to the agricultural land, if it's done properly -- and I emphasize on that -- if it's done properly, there are ways that we can make sure that we can preserve the land for the next 30 to 35 years.

We do not want it to be prescriptive in our regulations, and we want to allow innovation. As I mentioned, this is a topic that these days, just beyond our great state and across the nation -- worldwide, countries are working on it, as like what's the best way to integrate solar with agricultural uses.

ASSEMBLYWOMAN GLICK: There are parts of the country that are divided, as the Midwest flyway, we are on the North Atlantic flyway. So when you are looking at and planning for offshore wind, what are the processes that you go through and with whom do you interact when you're permitting things

that are offshore wind -- which we think is a good thing, but we don't want to do it in a way that is -- devastates migratory birds, which are clearly important to all of us eating.

ORES EX. DIRECTOR MOAVENI: The office does not have authority over -- I think, if I'm not mistaken, you're talking about the offshore wind project down in southern Long Island. The office does not have statutory authority with respect to that project.

With respect to the transmission side of it, I think the chair can address that.

PSC CHAIR CHRISTIAN: Hi. Yes. So the offshore wind projects were approved some time ago, and as part of the approval process there were a variety of environmental impact studies conducted to determine the feasibility of the various areas being done. And that's part of any kind of particular infrastructure project like that.

ASSEMBLYWOMAN GLICK: The impact study -- sometimes the impact studies are

actually done by agencies that aren't necessarily focused on the environment. So who would have been doing those?

PSC CHAIR CHRISTIAN: So I can get back to you with that information. I'm happy to give you an overview of the process from start to finish.

ASSEMBLYWOMAN GLICK: Okay, appreciate that. Thank you.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

We have Senator Stec.

SENATOR STEC: Thank you.

Good afternoon. My first question is for Director Moaveni.

NYISO estimates about 39,000 megawatts of capacity is going to need to be sourced from grid-connected solar in order to meet the CLCPA goal of 100 percent renewable electricity by 2040. The largest operating solar facility in New York right now is on Long Island, which generates 32 megawatts and covers about 200 acres. So if you extrapolate those numbers it would take about

245,000 acres of land to reach the needed solar capacity.

Does that logic or extrapolation seem accurate?

ORES EX. DIRECTOR MOAVENI: I would have to get back to you on the numbers exactly.

SENATOR STEC: All right. I know that there's several large ones in the pipeline. I've got one in the new part of my Senate district in St. Lawrence County in the town of Canton, 240 megawatts, 1700 acres. A lot of controversy or local disagreement or dissatisfaction with the process, that there's not local control on siting.

How are you planning to balance energy needs with local opposition? And as we get closer to the deadlines, does that mean that we can expect that your organization will be deciding it will be more inclined to approve these projects despite local opposition?

ORES EX. DIRECTOR MOAVENI: From my perspective, the key to a successful siting process is prepared local governments and

well-informed communities. Building local support for these projects is just as crucial as getting, from our perspective, ORES approval.

Executive Law 94-c and its implemented regulations at Part 900 provide local governments and communities with multiple opportunities to meaningfully participate in the permitting process. And applicants are required to conduct sufficient and meaningful engagement with local governments.

In the interests of time, let me just outline a few for you. First, the office will not deem any application complete without the proof of consultation with local government and community groups.

Two, local governments and communities are provided with funding in order to facilitate their participation in the process.

Three, I believe that transparency improves outcome. All the application materials, all the office decisions are posted and are accessible on our website.

Four is all the office decisions would be subject to public comment, both written and also we conduct, in every single case, an actual public comment hearing where the host municipality is proposed.

I can continue to go through the other opportunities. From my perspective, as I indicated before, it's a critical part of the 94-c and Part 100 to make sure that local governments and communities have meaningful opportunities to express their point of view on these important projects.

SENATOR STEC: I appreciate that. My time is limited.

Just so that I'm clear, though, so does a local government ultimately have the ability to approve or disapprove? Or do they just provide input but the decision is not theirs?

ORES EX. DIRECTOR MOAVENI: So essentially the way it works is the office is required to -- in my response to Assemblywoman Barrett, that before issuing a final siting permit, the office is required

to make a finding that the proposed facility would comply with all applicable local laws and regulations.

In making that determination, the office may elect not to apply, in whole or in part, any local law or provision if the office makes a finding that that specific local law or provision is unreasonably burdensome in light of the CLCPA targets and environmental benefits of the facility. This is a decision that has to be made on a case-by-case basis based on the specific project, based on the record containing specific facts and circumstances.

SENATOR STEC: All right, thank you.

Chair Christian, if I could ask you, what is the current load capacity of our electric grid, and what do you estimate that that capacity will need to be by the time we transition to net-zero emissions in 2050?

PSC CHAIR CHRISTIAN: I do not have the exact numbers with me right now, but I'm happy to go over NYISO reports that document both the summer peak and the winter peak and

describe those in detail.

SENATOR STEC: I'd appreciate it if you could send that to us.

You're aware we've talked earlier today and a couple of weeks ago at the Scoping Plan hearing that there's been a dollar amount put on upgrading the electric -- the cost of upgrading to all-electric in the neighborhood of 275 to 290 billion dollars. Is that number accurate, in your opinion?

And do you have any concerns about the resiliency of our grid in extreme weather conditions like the extreme cold that we had in my district a couple of weeks ago or the snow and ice storms that we're prone to get?

PSC CHAIR CHRISTIAN: It is literally my job to be concerned about the integrity of the grid. We focus on its safety and reliability at all times. And during the event in -- over Christmas, my staff and I were on call 24 hours a day, working with emergency services to manage responsiveness.

And in terms of --

SENATOR STEC: The buzzer cut you off.

PSC CHAIR CHRISTIAN: I'll follow up with you.

SENATOR STEC: Appreciate that. Thank you.

PSC CHAIR CHRISTIAN: No problem.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Shrestha.

ASSEMBLYWOMAN SHRESTHA: Hi.

My first question is for the chair.

So we all know about the Central Hudson billing issue. I just had a few questions. Have you had a chance to talk to the new CEO for Central Hudson?

PSC CHAIR CHRISTIAN: I have, yes.

ASSEMBLYWOMAN SHRESTHA: You have. And do you find that he is more willing to accept responsibility for the billing issues compared to the last CEO?

PSC CHAIR CHRISTIAN: I'm reluctant to speak for anyone who is barely 48 hours in a new position.

(Laughter.)

PSC CHAIR CHRISTIAN: But I know -- I can say when we learned the news of Freni's resignation, Chris and I spoke, I would say within a few minutes. We had a very good conversation. We talked openly and clearly about the ongoing issues and the goal of resolution. And I feel confident that we will work together to ensure that the billing problems are addressed. That's the priority of this commission and I believe that will be the priority of Central Hudson as well.

ASSEMBLYWOMAN SHRESTHA: And I know that you are still working on determining what the actions should be. But do you think that they have been held sufficiently accountable?

PSC CHAIR CHRISTIAN: I can't really say that right now. We've conducted our investigation. We've received feedback from Central Hudson. And right now we're going to look through that, look through our evidence, compile our information, and at some point we will, as a commission, make a decision on

what we feel is appropriate if it comes to that.

But right now I won't be able to speak to specifics, as it's an ongoing matter. But it is something that is top of mind and we're looking to resolve as quickly as possible.

ASSEMBLYWOMAN SHRESTHA: And was there a reason it took around a year to do the investigation? I'm just curious what would have helped the investigation start earlier.

PSC CHAIR CHRISTIAN: We only have one minute, so I will do this as quickly as I can.

ASSEMBLYWOMAN SHRESTHA: Yes.

PSC CHAIR CHRISTIAN: Our first priority, when we realized there were billing issues, was addressing the billing issues. And we worked with Central Hudson as best as we could to address those and ensure that customers' needs were being met.

As things evolved over time and complaints continued to rise, we of course began investigating, realizing this was not a simple, trivial matter.

And as a result, we have this report, we have our findings, we're waiting for feedback from Central Hudson on their view of our findings, and that will all be taken into consideration in determining next steps.

ASSEMBLYWOMAN SHRESTHA: Okay. And I have also heard that other utilities are looking into adopting the same billing system. Are you aware if that's true or if they're being advised not to do that?

PSC CHAIR CHRISTIAN: Well, we have been in conversation with all our utilities a lot more in light of just the ongoing matters with higher energy prices. We have a few other utilities that have experienced some degree of billing issues as well, and we've had a few public hearings on that. We're looking into what we can do in terms of ensuring that future transitions are done more seamlessly. And we're taking steps to incorporate --

ASSEMBLYWOMAN SHRESTHA: Sorry, I just want to use my last second to say please don't increase the rate for Hudson Valley

Water Company.

CHAIRWOMAN KRUEGER: Thank you.

Michelle Hinchey, chair.

SENATOR HINCHEY: Thank you very much.

And thank you both for being here and for your testimony and for your work in the very important subject areas that you oversee.

My first questions are for Chairman -- Chair Christian. Speaking about costs, we talk a lot about cost as it pertains to a renewable energy transition. Yes or no, are fossil fuels a finite resource?

PSC CHAIR CHRISTIAN: Yes.

SENATOR HINCHEY: So if we are staying dependent -- if we were to stay dependent on fossil fuels, no matter what, cost of that choice would increase both for the state and for residents because it's a finite resource.

PSC CHAIR CHRISTIAN: I can't answer that as a yes exactly. And part of that is I am not a Ph.D. economist, and I have several Ph.D. economists who would yell at me tomorrow morning if I answered that with a

straight yes.

It's a very complicated issue, and I'll use a point to highlight why. So at some point in the '60s, '70s, there was a gas shortage in the United States. In fact there was a significant push to stop using natural gas because of how severe the shortage was. We as a country were considering importing natural gas. I want you to take a moment and think about that: We were going to import natural gas. This is long before the advent of shale, shale gas and fracking.

And with that, we are now among the leading exporters of LNG, natural gas, in the world. That happened in less than 50 years. That was a massive technological change. No one expected that.

We can't predict these -- what some call Black Swan events, the unexpected. But generally speaking, if we look at what's happening with oil, I -- as a young man I remember $20 a barrel was the going number. Please don't date me with that number. Today we're very much away from that number, and I

don't imagine that ever returning.

So we do see, as we -- as you extract the resources that are easily available, what becomes available becomes the harder to get resources, and the cost to get that next resource is more expensive than the resource you previously got. If we continue along the path of relying on fossil fuels, we are locking ourselves into paying higher and higher prices as those resources that are readily available become more difficult to get.

The catch is, every now and then we come up with some really interesting technologies that turn that on its head. But generally speaking, prices have been going up as resources have become more difficult to find.

SENATOR HINCHEY: And you agree that people -- we will be saving money in the long term if we do a shift to renewable energy and we do the investments that we need to get there sooner than later.

PSC CHAIR CHRISTIAN: I have every

reason to believe so. And I say this based on looking at past projects that were at one point -- past renewable energy projects that at one point were viewed as uneconomical. And I look at the prices that we were not willing to pay then, and what we are paying today, and I think people would change their mind if they would understand where we were.

So with renewable energy prices you have a lot more certainty, you have a lot more stability. And there again, that's not even including the environmental attributes that you get as a result of this change.

So I do see us living in a much more stable energy world if we're able to produce our own energy domestically and not rely on extractive resources from elsewhere.

SENATOR HINCHEY: Thank you.

And it's important to note that we need renewable energy, we needed to be creating more of it 50 years ago. We are now in a crunch time to do that. However, we can't replace a climate crisis with a food crisis. And so my next set of questions are

for you, Mr. Moaveni.

You know, we've heard a lot today already about community input, and yet my understanding of the 94-c program is to do exactly the opposite, it's to make it so that we can site renewable energy faster, specifically solar developments, faster without that much public input because that's how it goes through the process faster.

ORES EX. DIRECTOR MOAVENI: I respectfully disagree with that characterization. And if the number of approved decisions by this office to date -- if we take that as an indicator, we can conclude that in a majority of the cases host towns actually have worked collaboratively with applicants and ORES office staff and have addressed issues without the need to go through the formal public comment hearing process.

We have considered over 1500 public comments. We have reviewed and addressed those comments no matter where they were posted.

SENATOR HINCHEY: For the sake of time -- I have more questions -- I appreciate that. I'll tell you, I represent 56 towns, municipalities, and a lot of our communities are being sited for solar. And I will tell you, every single one of those communities feels differently. They feel like their voices are not heard, they feel like there is not a process for them. And that when they do communicate, similar to my colleague Senator Stec's comments, when they do communicate, it doesn't actually matter in the next steps of siting, it's just a nice -- something for them to send to you but doesn't actually factor into the final decision.

You know, I know that there's a general feeling, from our projection from our agencies, that we are not actively siting on farmland. We had a bill, I had a bill with Assemblymember Barrett to remove farmland siting from the incentive program, the Build Ready program. And when asked why we would keep farmland in an incentive program if we are actively not incentivizing, I had

no good answer from anyone from the second floor or from our agencies.

So I'm curious as to your thoughts on that, because I will also say I -- as one of my 56 towns, there are two solar projects sited in one town. There are many others, but specifically these two take up over 10 percent of the land of that one community.

And so is there also someone in your organization that is looking at regional impacts while these things are being sited? Because we haven't seen that.

ORES EX. DIRECTOR MOAVENI: You mentioned a lot, so I have to unpack them one by one.

So the first point, as I indicated last year to your question, the two projects that you are referencing were not permitted pursuant to Executive Law 94-c and Part 900. So I really -- I cannot comment on that one way or the other.

The second point is the office makes every effort to provide local government and communities to basically have meaningful and

fair opportunities so they can be heard. And the office, you know, wants to make sure any possible ways we can have those comments and concerns incorporated into the final decision-making.

Having said that, it's just the office also faces some challenges -- I'll just give you a few examples. One, we don't have any express executive authority if an application, a full application is not being submitted in front of the office.

Two is the office cannot address a community concern if the community or like local government refuses to participate in the process.

And three is the fact that if the office essentially in some cases has to disagree with a position of the host town or a community group, in no way, shape or form that means that essentially the office is ignoring the comment. The office, similar to applicants, similar to towns, has to meet certain statutory and regulatory legal standards.

So that's really, I think, as I said, like we've addressed like the second point about the public participation. And three is just with respect to that the -- as you mentioned, like on the ag and the cumulative impact, yes, the office is monitoring, tracking cumulatively the impacts of major renewable energy development on farmland. And that's something, again, we do in the context of each specific case one by one.

SENATOR HINCHEY: But do you have a running -- you can share that publicly with us on how you're tracking that?

ORES EX. DIRECTOR MOAVENI: Absolutely. I mean, to the extent that we have the information available, absolutely, why not.

SENATOR HINCHEY: I would hope you have the information because that would mean you'd be tracking it holistically.

ORES EX. DIRECTOR MOAVENI: Yup.

SENATOR HINCHEY: If not, then I think that answers the question.

You know, in a hearing that we had

just a couple of weeks ago on the Scoping Plan of the CLCPA, we know that solar companies are specifically siting on farmland. I asked specifically what they were doing, and while they say they're not siting on farmland, they will then say there is nowhere else to site but farmland because we're constrained with wetlands and other areas, and so there is no other land.

That in turn says proactively they are siting on farmland. And so I just want to make you aware of that, because it's something that we need to address.

And in closing, the comments about agrivoltaics, we know that the technology for real large-scale developments for agrivoltaics doesn't exist yet. That's why this body has legislation for pilot programs and others. There's some work in Europe, but it's not happening here. The dual use that's happening is much lower to the ground and not actual really kind of large-scale farming, big-equipment farming. And so that just doesn't exist.

And so wouldn't it make sense to as we're looking for dual-use -- because I agree with you, I think that is the future -- wouldn't it make sense to hold off on siting on farmland until we have the technology to be able to actually effectively do dual-use the way that we all want it to work?

ORES EX. DIRECTOR MOAVENI: This is a very important question, and we have seven seconds to answer that.

So the approach that we are taking is like multiphase in our final permits to date. So --

SENATOR HINCHEY: We'll follow up separately. Because the multiphase, once you put agri -- once you put solar panels on it, we know it's going to take many years to actually take that off, and the farmland has to be worked to get back into actual farmland, so --

CHAIRWOMAN KRUEGER: Thank you.

SENATOR HINCHEY: Thank you.

CHAIRWOMAN KRUEGER: Thank you, Senator Hinchey.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Giglio, three minutes.

ASSEMBLYWOMAN GIGLIO: Thank you, Chair.

So I have a couple of questions and I want to follow up on what Senator Hinchey said, where we need to really study the regional impacts of these projects.

In my district there are 600 acres that recently went into solar. Some of them went right through the state process and never came on the local level. Now we have people lining up for hours before town boards because they don't want battery energy storage systems near them.

So I want to know if there's any plan -- because there's moratoriums going in place against these battery energy storage systems -- if the state plans to override those local governments and demand that they put those battery energy storage systems within their towns. That's my first question.

And, you know, so that's on that. And then when we talk about PSC rates, we are talking about how PSC slashed rates in Buffalo, but I've seen on Long Island where the rates have increased 4.4 percent, and they seem to be continually rising. And these renewable energy projects are expensive. It's a good goal, and I agree with them. However, I think that there needs to be a separate line item on the utility bill letting ratepayers know how much of their utility bill is going towards these renewable projects. As we get utility companies that are coming and going, We need more -- we need more in delivery charges, we need more in supply charges.

And I think where we have oversaturation -- and we do have farmland that's taken out of production for these solar arrays -- that when we have the demand for production, that the ratepayers within that area and that region get a benefit of those delivery charges and service charges. So that is just a comment for you to both

consider.

And then in 2020, when the Accelerated Renewable Energy Growth and Community Benefit Act was passed, in late 2020 the PSC issued an order designating those criteria that NYPA would be using to take on priority transmission projects, transmission projects designed to speed up integration and interconnection of renewables. What additional transmission siting, construction and ownership authority is NYPA granted under the Part 20 language? What drives the need for that additional authority? And is there anything under the existing AREGCBA law or under the New York ISO's existing public policy transmission needs process that's insufficient to develop the transition needed to meet the state's energy goals?

PSC CHAIR CHRISTIAN: That was a very meaty question.

ASSEMBLYWOMAN GIGLIO: Yes. I have it written down for you.

PSC CHAIR CHRISTIAN: And I'll do the best I can to answer it first. So --

CHAIRWOMAN WEINSTEIN: Twenty seconds.

PSC CHAIR CHRISTIAN: Twenty seconds, okay.

So the NYPA powers, I'm unfortunately not the best person to ask that question. I don't know the answers to what additional powers they have.

The public policy transmission process that's currently in place by the New York ISO has worked well. But in the view of the Legislature, additional steps were viewed as necessary. And that is why, as I mentioned before, Phase 1, Phase 2, and other efforts are currently underway to deploy transmission.

ASSEMBLYWOMAN GIGLIO: I'll follow up with you --

(Overtalk.)

CHAIRWOMAN WEINSTEIN: Thank you.

To the Senate.

ASSEMBLYWOMAN GIGLIO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Excuse me. Senator O'Mara.

SENATOR O'MARA: Thank you.

Good evening. Thank you for your testimony.

With regards to the 6 percent of income for utility payments, Chairman Christian, can you elaborate on that a little more? How many people is that going to be, how many households is that going to be, and who's doing the calculation of 6 percent?

PSC CHAIR CHRISTIAN: Okay, that's a great question. So the 6 percent threshold was established some years ago, prior to my joining the commission. And it was established at a time when it was recognized that our efforts to achieve safe, reliable, just and reasonable rates did not necessarily always translate to affordable.

So the commission set for itself a target of something called an energy burden where you effectively look at a person's income and you say that 6 percent of that income should be dedicated towards energy -- no more than 6 percent of that income should go towards energy.

Research for years suggests that

anything above that creates undue pressure on families. And as you can imagine, low-income New Yorkers in many cases pay --

SENATOR O'MARA: I'm not asking about the rationale for doing it, I'm asking about how -- who's determining the 6 percent, based on what, and how many households in New York State does that impact.

PSC CHAIR CHRISTIAN: Okay. So the 6 percent was determined through commission action. We set that number, we set that rate.

In terms of the number of households, I believe --

SENATOR O'MARA: Who determines the income and whether 6 percent of their household income is --

PSC CHAIR CHRISTIAN: Oh, I see.

SENATOR O'MARA: -- subject to this subsidy?

PSC CHAIR CHRISTIAN: Oh, gotcha, right. So as we develop the pilot, we'll have a better understanding of how we will identify these things.

One of the lessons learned through developing the arrears program, which helped reduce the past-due bills on many New Yorkers, particularly low-income New Yorkers and those making less than $75,000 -- we worked very closely with our fellow state agencies in determining, developing and identifying processes to collect information where we could identify those who actually have the need. So --

SENATOR O'MARA: How many households in the state do you expect that to impact?

PSC CHAIR CHRISTIAN: I believe the number is upwards of half a million. I can get you a more precise number. I don't remember offhand exactly what that number would be.

SENATOR O'MARA: You know, affordability is a major concern of mine and a lot of my colleagues going forward with this Climate Plan. We're not opposed to the initiatives moving towards cleaner, greener renewable energy, we're concerned about the feasibility and the pace of it and how much

it's going to cost.

Can you tell us today how much it's going to cost ratepayers, how much it's going to cost businesses, how much of the cost is going to be passed on to everyday New Yorkers through higher costs of goods resulting from these extra charges? I mean, what -- what's the overall cost going to be to the average New Yorker of this whole plan?

PSC CHAIR CHRISTIAN: Well, President Harris mentioned earlier a $275 billion number overall. That is the total cost. Exactly how that is going to be parsed out is yet to be determined.

As mentioned earlier, the cap-and-invest plan I believe is going to be one of the many vehicles used to offset and pay some of those costs. And as Commissioner Seggos mentioned, that's in development as well.

Up until now, the majority of the costs for all climate efforts have been borne by ratepayers. That upstate New York's grid is roughly 90 percent renewable energy, clean

energy, is largely because of ratepayers. And if we continue, that will be the case going forward. But this cap-and-invest --

SENATOR O'MARA: Do you have an estimate of what it's going to cost New Yorkers?

PSC CHAIR CHRISTIAN: Excuse me?

SENATOR O'MARA: Do you have any idea how you can tell an average family in New York State what the ultimate impact of this is going to be? There's really been no cost/benefit analysis throughout this whole process.

PSC CHAIR CHRISTIAN: Well, I respectfully disagree, sir. In the Climate Scoping Plan, a cost/benefit analysis has been put forth.

Part of it is I think a disconnect in how I want -- how I feel appropriate responding to your question. We can talk about things in the perspective of rate impacts to customers. And as we do each order, we have impacts documented on what that would be in terms of individual rates.

SENATOR O'MARA: What's the impact to the ratepayer from the Clean Path transmission line?

PSC CHAIR CHRISTIAN: I do not have that information handy at this moment.

SENATOR O'MARA: Does anybody know that?

PSC CHAIR CHRISTIAN: Some of that information I believe was in the filing, and we can definitely go over that with you at another time.

SENATOR O'MARA: Is that information available what it's going to cost the ratepayer for the Champlain Hudson Line?

PSC CHAIR CHRISTIAN: Similarly, yes.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Manktelow for five minutes, ranker.

ASSEMBLYMAN MANKTELOW: Thank you, Madam Chair.

Mr. Moaveni, a couple of questions back to the siting. Some of the Senators have made mention of it already. How many

projects have you looked at so far?

ORES EX. DIRECTOR MOAVENI: To date, the office has issued a final permit on 11 applications. We have deemed four other applications complete and we must issue a final decision within one year like of the date that {unintelligible} those applications were deemed complete. And we have two essentially complete applications, full applications that they have been deemed complete yet.

So in total, it would be 17.

ASSEMBLYMAN MANKTELOW: Seventeen total?

ORES EX. DIRECTOR MOAVENI: Seventeen.

ASSEMBLYMAN MANKTELOW: And of those 17, have any of those been stopped by local government disapproval?

ORES EX. DIRECTOR MOAVENI: Not -- not to -- I can speak to the 11 because the other like six are still going through the process. I cannot comment on those.

No, not with respect to the 11.

ASSEMBLYMAN MANKTELOW: And back to

the question about farmland. Do you feel that farmers are being targeted to use their land for solar --

ORES EX. DIRECTOR MOAVENI: Can you please repeat the question.

ASSEMBLYMAN MANKTELOW: Going back to farmland, I know in my district there are two projects: One's 3,000 acres and one is 2200 acres. That's 5200 acres of prime ag land that's being asked to come off the agricultural rolls to produce electricity, only because the 245 high-power lines are running through our district, which makes it easier for the producers to fasten to those power lines to send that energy.

So our farmers, a lot of them have been asked over and over and over, multiple times. Why is that?

ORES EX. DIRECTOR MOAVENI: Why does -- like those farms are like in appropriate locations?

ASSEMBLYMAN MANKTELOW: No, no, no. Why are they -- if a farmer -- if I tell you, no, I don't want your solar projects on my

property, why are they constantly being hammered again and again and again to get them to sell the land or rent the land?

ORES EX. DIRECTOR MOAVENI: I mean, that's something that's just -- at least -- as I mentioned before, this is like some of the limitations that we have. It's like out of -- it's like out of the state's control or specifically office control.

But what we can do is like when there is actually a full complete application in front of the office, what we are going to do is just we want to make sure we are not placing these projects on active and prime farmlands to the maximum extent practicable.

ASSEMBLYMAN MANKTELOW: To the maximum --

ORES EX. DIRECTOR MOAVENI: The maximum extent practicable.

ASSEMBLYMAN MANKTELOW: And what does that mean?

ORES EX. DIRECTOR MOAVENI: Essentially an applicant has to demonstrate that to the best of their ability they cannot

fully avoid an impact. And if they can demonstrate that, then we look at minimization and mitigation options.

ASSEMBLYMAN MANKTELOW: Okay. I thank you for your answers.

Chairman Christian, I got a question. You had made mention earlier on about cap and a pilot program for that. Can you explain to me a little more what that is?

PSC CHAIR CHRISTIAN: So -- excuse me. So one of the things we're trying to do as a state is establish an affordability guarantee pilot for -- to ensure that low-income New Yorkers are not inadvertently burdened by high energy costs.

We want to set that cap at 6 percent of their income. So if you have a household making $10,000 a year, their energy costs should not exceed that 6 percent threshold.

We're setting that up at this time to figure out how to deploy it, how to enroll, how to provide the fundings. And that's in development as we speak.

ASSEMBLYMAN MANKTELOW: So if it goes

above 6 percent -- so say it goes to 8 percent, who covers the 2 percent?

ORES EX. DIRECTOR MOAVENI: That would be covered through collections, at this point either through ratepayers or taxpayers or through the cap-and-invest program.

ASSEMBLYMAN MANKTELOW: So basically it would be subsidized -- subsidy from all the other users to offset their costs of electricity.

PSC CHAIR CHRISTIAN: Right. And again, the goal is to ensure affordability. Going back earlier, we want to prioritize affordability as best as we can, recognizing the impacts that are currently at play with many of our consumers and many of our ratepayers.

So by setting this up, we create a vehicle through which in the future, should there be other unexpected energy spikes -- through geopolitical action or what have you -- we have a mechanism in place to protect the neediest of the needy New Yorkers.

ASSEMBLYMAN MANKTELOW: Are we looking at a cap or an effective cost for all the rest of the payers?

PSC CHAIR CHRISTIAN: I'm sorry, at -- where we are in the stage, I can't answer that question. Again, it's very much in early stages of development. We know the 6 percent energy burden cap is kind of our target, in part because of prior commission actions. But beyond that, I can't speak to any additional specifics at this time.

ASSEMBLYMAN MANKTELOW: Is the low -- the 6 percent, is that going to be considered for senior citizen as well?

PSC CHAIR CHRISTIAN: Oh absolutely, yes. I don't -- I don't -- I can't imagine there being an age restriction against --

ASSEMBLYMAN MANKTELOW: So it's not just low-income, it could be -- oh, my time is up.

PSC CHAIR CHRISTIAN: I could imagine that, yeah.

ASSEMBLYMAN MANKTELOW: Get back to me on that one, would you, please? Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate.

CHAIRWOMAN KRUEGER: You'll have to get back to him with -- like all other guests, if you haven't had a chance to completely answer the question that was asked of you, if you would please put it in writing and send it to Helene and myself and then we will make sure everybody on the committees gets your answer. Thank you.

And next I'm turning it over to Senator Kristen Gonzalez.

SENATOR GONZALEZ: Hi. Can you hear me? Yup, that's on -- oh, nope. Hi. Better.

Hi, it's so good to see you again, Commissioner.

PSC CHAIR CHRISTIAN: Likewise.

SENATOR GONZALEZ: I want to thank you both for coming, and actually wanted to continue the questioning from Senator Hinchey.

This is a thing we talked about in committee as well, but -- I may not be a

Ph.D. in, you know, economics, but I have a sneaking suspicion that as the price of fossil fuels continue to skyrocket, so will our bills. And so as you stated, you know, it's likely that we're locking ourselves into paying higher and higher prices as long as we are relying on fossil fuels.

So what I'd like to understand today is whether the PSC is considering the economic impacts of these rate hikes on consumers currently.

So, you know, I want to commend my colleague Senator Leroy Comrie in passing a bill through committee last month which requires the PSC to consider the economic impact on especially marginalized communities.

So can you answer, you know, to what extent you are already considering economic factors of rate hikes?

PSC CHAIR CHRISTIAN: So that's a great question. And at the core of what we do is try to understand what the economic impact of our rates will be on our consumers.

That is a central component of the rate cases and the rate case process and all the investments gone through as a result of commission action.

To describe the rate case process, it's a very fact-based approach where we look at the information that's available through the record. The record is developed through conversations with the utility, public stakeholders and others. We look at what is actually needed to ensure reliability and safety, and we ensure that those are the projects that are moving forward in a timely manner.

SENATOR GONZALEZ: I'm sorry to interrupt, but just in the interests of time, I am curious, it's not just how the rate hikes are approved or what the process is, but what the -- if you consider the economic impact on communities that are already strapped and especially have, for example, recent utility arrears in an area before approving.

PSC CHAIR CHRISTIAN: Right. And yes,

what I was building to -- forgive me, forgive the long runway on that, but it -- and I find it interesting that we keep returning to the affordability guarantee conversation, because that is where I'd like to take you, is that discussion. In part because, again, longstanding practice with the commission is about safety, reliability, and just and reasonable rates. And I want to reinforce that. Just and reasonable is what do we need to keep the lights on. What do we need to keep the gas flowing, the steam moving. That's just and reasonable.

Just and reasonable may not translate to affordable. So prior to me arriving, the commission recognized that a 6 percent energy burden was appropriate. And this is something in the literature. I'm happy to share some documents with you, after the fact to talk about this.

But with that in place, we need to work towards making that not just a target, but a goal. How do we ensure that that 6 percent threshold is something that's

achievable for all New Yorkers? And that's what this commission is working towards achieving right now.

SENATOR GONZALEZ: And is it fair to say that PSC also formally considers the profit of the utility company?

PSC CHAIR CHRISTIAN: I'm so sorry, I didn't hear. Could you repeat that, please?

SENATOR GONZALEZ: So you're also considering the profit for the utility companies as well.

PSC CHAIR CHRISTIAN: Yes. It's -- it is a balance.

SENATOR GONZALEZ: Well, we can dig more into it offline. But appreciate it. And would definitely encourage that we look more to the economic impact on people and not consider the profitability, simply, for each of the companies.

CHAIRWOMAN KRUEGER: Thank you. Thank you, Senator.

Assemblymember.

CHAIRWOMAN WEINSTEIN: Yes, we go to Assemblyman Lemondes.

ASSEMBLYMAN LEMONDES: (Mic off.) Thank you, Chair.

My question is for Commissioner Christian.

So recognizing that New York State has captured the title for the highest out-migrating state in the union two consecutive years in a row now, and our population is fleeing, our businesses are fleeing, does the burden on the average homeowner increase, stay the same, or decrease with respect to the electrification process that we've been talking about all day here?

PSC CHAIR CHRISTIAN: I'm pausing in part because I'm not sure I agree with the facts about people migrating out of New York. Assuming that is in fact the case, we're losing businesses and we're losing people, part of how rates are set, they are socialized and that cost is evenly distributed around the individuals upon which those rates were set.

So if you have a population of -- I'm

going to use some hypothetical numbers -- a million people, and that population were to drop to 900,000, yes, those 900,000 are paying for what was originally meant to be a system to maintain 1 million people.

ASSEMBLYMAN LEMONDES: And do you -- thank you. And do you think that that would exacerbate the outmigration, one of the many factors that are forcing people to leave our state? Do you think that would help exacerbate that outmigration flow?

PSC CHAIR CHRISTIAN: So unmanaged, uncontrolled, and uncoordinated, it could very well lead to that. But in many ways and in every way, this commission and those that preceded me and Houtan as well, were all working to ensure that it is a coordinated transition.

All the work that we talked about earlier with respect to the transition planning, this is in anticipation of what we know is coming into the future. So all of this is preemptive, with the goal of ensuring that the system works, that the system is

effective, safe, reliable, affordable and available to those that need it -- and to minimize the occurrences and the worst-case scenario that you described.

ASSEMBLYMAN LEMONDES: Perfect.

For the record, I disagree, that the facts that we have demonstrate that New York State has captured the number-one out-migrating state two consecutive years in a row.

My last question, we've heard a lot from colleagues today about the electrification, and it is -- I am assuming it's not okay to extract fossil fuels for use, but it is okay to extract rare earths for use in battery-powered anything.

Is that -- is that the fact?

PSC CHAIR CHRISTIAN: I disagree with that, in part because I think what we are trying to do is create a more sustainable society overall. I don't -- we need to look at the costs, the benefits of everything that we do. And for --

ASSEMBLYMAN LEMONDES: How about

children being maimed and killed in Africa to do this?

PSC CHAIR CHRISTIAN: I have asthma. I lived near a power plant for many years. I don't want my child to grow up that way.

ASSEMBLYMAN LEMONDES: I agree, I have asthma as well.

But thank you, Madam Chair.

CHAIRWOMAN WEINSTEIN: Thank you.

Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Walczyk.

SENATOR WALCZYK: Chairman, thanks so much for reminding us consistently of your mission statement at the Public Service Commission. Really appreciate it, especially you honing in on the conflicts between affordability and just and reasonable rates.

Is it important to consider preserving existing production facilities in the state until we're able to get enough renewable energy facilities to make up for their production?

PSC CHAIR CHRISTIAN: So thank you for

pointing out the mandate of the Public Service Commission, and that is maintaining the reliability of the system.

Our goal, in doing our work with respect to the CLCPA, is to put us in a position where we can transition to a renewable energy future as effectively, as smoothly and in as coordinated a manner as possible.

Things happen. The unexpected. Ultimately, we need to be in a position where we can ensure reliability. And should our plans derail or be delayed, we will have to ensure that reliability is maintained. And that may mean looking at our plans differently.

But as of now, I have every reason to believe we are on target towards hitting our goals. We've made the right steps, proactively, with sufficient time. And I have every reason to believe we'll achieve what we set out to do by 2030.

SENATOR WALCZYK: And I appreciate that. I've listened to the dialogue about

the peaker plants in New York City, and I know that you're looking out for the ratepayers in the State of New York, and ensuring their reliability but also that we've got just rates.

As you know -- and we've had good conversations, and I appreciate your willingness to stay open about a 60 megawatt biomass facility at Fort Drum in my district. Should the Legislature be considering biomass facilities as part of the renewable energy portfolio moving forward?

PSC CHAIR CHRISTIAN: I would leave that to the Legislature to decide. The CLCPA specifically carved out biomass as being not a renewable energy fuel when it was passed. Prior --

SENATOR WALCZYK: Was that a mistake?

PSC CHAIR CHRISTIAN: I'm not in a position to say that, sir, to be honest with you. But --

SENATOR WALCZYK: I am. I believe it was a mistake. But I thank you, I thank you, Chairman.

So my last couple of questions are to Mr. Moaveni.

So you've got 62 projects in the pipeline for next year. The Governor has given your -- the Office of Renewable Energy Siting $26 million to see those come through. How many of those are nuclear facilities and how many of those are biomass facilities?

ORES EX. DIRECTOR MOAVENI: None.

SENATOR WALCZYK: Zero. Out of 62 projects that you plan to site in the next year, zero are biomass and zero are nuclear?

ORES EX. DIRECTOR MOAVENI: Correct.

SENATOR WALCZYK: Thank you. I'll yield the last 12 seconds of my time, Madam Chair.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Thank you. Thank you, Madam Chair.

And thank you. I represent the Gowanus Canal area and its uplands, which is a Superfund site and 47 brownfields, for which National Grid is the responsible party,

because their operations going back 150 years really contaminated the land.

They've applied for rate hikes multiple times and stated in their submissions that their need to pay for the cleanup's demands entitles them to a rate hike. I tend to disagree. I wanted to know what the Public Service Commission has done in the past, and what can you do in the future to hold not only their feet to the fire, but also the rates down?

And then just as a follow-up, I know that -- I want to know whether any of New York's regulated gas and electric utilities have applied for the Infrastructure Investment and Jobs Act or the Inflation Reduction Act funds, which might be something they could use to support some of these operations.

PSC CHAIR CHRISTIAN: So great questions.

And to number two, the recent availability of federal funding has been a transformative and affirming event in our

efforts here in New York State. We're working with our utilities. We've had a number of informal and formal discussions with them about their efforts to move forward with applying and obtaining funds.

And we're looking into how best to manage that process to ensure that New York gets its rightful share of the pie. That's an ongoing process. Some of the funding is still being defined by the various federal entities that have that funding available, specifically Department of Energy and the EPA. So we're working with them to coordinate those actions and make sure we put our best foot forward and that New York can benefit.

One of the key things that I've noted in my review that makes me feel confident in our ability to capture as much funding as possible is the fact that we've already laid the groundwork for what we want to do and what our options are, whereas some of our counterpart states have not taken that same first step.

So when I consider ourselves with respect to some other states, we are well-positioned to capture that fund, and we're going to ensure that we work with our utilities to get as much of it as possible.

Now for your first question regarding the rates, I will have to get back to you on that, in part because I'm not entirely clear on past practices with respect to the Gowanus cleanup, and that's something I'll have to investigate with my team.

ASSEMBLYWOMAN SIMON: Well, thank you, because this is going to be ongoing for quite some time. And they are really planning to just charge this to the ratepayers, and that seems to be extremely unfair and very burdensome.

So thank you very much. I appreciate it. And if you could also let us know how you're going to track the receipt of federal funding, for example, when that happens.

PSC CHAIR CHRISTIAN: Of course.

ASSEMBLYWOMAN SIMON: Thank you.

PSC CHAIR CHRISTIAN: Thank you.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Senator Mattera.

SENATOR MATTERA: And great, I got five minutes, right, Senator?

CHAIRWOMAN KRUEGER: As ranker, yes.

SENATOR MATTERA: Thank you so much.

And I just thank you, Chairman Christian and Director Moaveni. I thank you so much for your testimony today, and it was great seeing you at the Energy Committee. You're gentlemen, and I -- you know, I appreciate all you're doing.

But, you know, hopefully we're going to meet in April. And, you know, we spoke about hydrogen for our future of green hydrogen, and you were open-minded and you were so open-minded that you said you would accept the field trip that we're going to have, hopefully everybody, the Assembly and the Senate, to go out to Stony Brook University and Brookhaven National Lab to say -- you know, because we do need other clean energy for our future.

PSC CHAIR CHRISTIAN: Absolutely,

yeah.

SENATOR MATTERA: So did you ever look into anything with hydrogen?

PSC CHAIR CHRISTIAN: We've done a great deal of looking into hydrogen, working with President Harris of NYSERDA. I'm sure you're aware of the Hydrogen Hub that's in development where New York State is playing a key and essential role. We meet with them regularly to talk about the process, coordination, various activities and how we can work as partners to put forward the most effective application possible to, again, ensure that New York gets its share of federal money for work that we're already doing.

So I look forward to seeing how that will develop over time.

SENATOR MATTERA: Right. Right now we have infrastructure that's being put in place -- you know, the old steel pipes and everything like that, we have obviously plastic piping that's being installed. Can that be used with hydrogen?

PSC CHAIR CHRISTIAN: So great question. And this is an ongoing debate amongst everyone in the energy sector right now.

Yes, hydrogen can be used in some existing pipes. There's a concern with certain steel pipes due to a process known as embrittlement, which would essentially cause them to break and potentially leak. So we know through the literature, scientific studies done by universities in New York and elsewhere, that hydrogen can be mixed safely up to percentages of 20 percent in natural gas pipes.

But that said, there remains a number of unknowns. As I'm sure you're all aware, our pipes -- we have an ongoing issue, our pipes are aged and many of them leak, and we have an ongoing leak-prone-pipe replacement plan with many of our utilities that many of you have probably experienced in your own communities.

So as we move forward with addressing that, there remains a concern that hydrogen

may still leak from even the best pipes. We're looking into working with the American Gas Association, who interestingly enough recently released a report on that, which we'll be reviewing. And we want to understand what we can do and what our options are with hydrogen, to the best of our ability.

Now, one thing I want to close with that I would be remiss not to mention, the draft -- the final Scoping Plan had some clear positions on the ways in which hydrogen could be utilized and explicit recommendations that hydrogen use should be limited specifically to industrial applications in energy-intensive trade industries, those industries that use a lot of natural gas or high-energy applications where alternatives to natural gas might not be as viable.

SENATOR MATTERA: Great. Thank you for that.

You know, we just had a situation -- for some reason we follow suit with

California in a lot of ways. What is your feeling on what just happened this past summer with the situation with the governor speaking to the public to say, You cannot charge your cars, please, because we do not have the energy to charge cars and charge air-conditioning units and everything like that.

So what are we doing -- is this -- are we going to be following suit? Because we follow suit with California everywhere we -- everything pretty much we do.

PSC CHAIR CHRISTIAN: Well, I thank you for bringing that up, and I want to double down and add Texas to that list. Those are just two examples of areas where the weather essentially took control of events and limited the ability of the local energy infrastructure to respond. In Texas it was severe cold; in the instance you're speaking about in California it was prolonged heat and drought.

Both of those instances are examples of the extreme weather events that many of us

have experienced -- in the world have experienced. In New York what we're experiencing is a lot more rain, a lot more snow, a lot more hurricanes.

But ultimately the work that we are doing is to reinforce the grid to ensure that we are protected from the worst impacts of these extreme weather events. And by integrating renewable energy as much as we can, we create a system through which we can better not only withstand the worst of these events, but recover more quickly and adapt.

And one -- with the final few seconds, for those of you from Long Island who remember Hurricane Gloria, some people were out of power for 30 days. Hurricane Sandy, two weeks. Hurricane Isaias, eight days. And I'll finish really quickly, sorry. That is a sign of the progress our utilities are making in being able to recover more quickly after --

SENATOR MATTERA: Right, and that's why we need to make sure that we have generators that are propane-gas-generated.

That's very, very important that we keep that going.

CHAIRWOMAN KRUEGER: Thank you. Thank you, Senator. Your time is up.

SENATOR MATTERA: Thank you.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Brown.

ASSEMBLYMAN KEITH BROWN: Thank you.

And I'm actually going to segue right from that point, so thank you, Senator Mattera.

So I have the Northport Power Plant in my district, and this question is really for both of you. I'd like to get your opinion. At the time it was built, 1968, largest power plant in North America, 1400 megawatts. It provides a huge subsidy to our school districts and our towns.

So what is the future -- and I'm actually looking at page 21 of the Scoping Plan that talks about a gas system transition. We have a huge substation, as do most power plants, most peaker plants, and

the host communities have -- it's a valuable asset that can be used in the future, either for siting -- and I'm just curious, what say both of you in terms of the redevelopment of existing power plants and substations with this -- if we're going to be a net-zero economy in 2050? How are we going to reuse those assets?

ORES EX. DIRECTOR MOAVENI: So as a matter of policy, the state in the context of the siting process encourages this type of development, and specifically if any major renewable energy facility is going to be located -- generally speaking on the utilized site, as you described it, the office is required to issue a permit within six months.

So technically we have one year to issue the permit. In this case we're ordered to, as a matter of like policy to encourage this type of development, the office has to like make that decision in a shorter pace.

The office is not -- really it doesn't have any role with respect to project selection or site selection. That's

something that has to be done in the context of either like a program at, you know, PSC level, or NYSERDA, to pursue a specific program to have like specific development.

Which I think the state is already doing something like that, with the Build Ready Program that I think Doreen was talking about. That's something that certainly can be looked into from NYSERDA's side.

ASSEMBLYMAN KEITH BROWN: Chair Christian?

PSC CHAIR CHRISTIAN: So in terms of new generation, I can't speak much to that beyond what Houtan just shared.

I know through our efforts we're looking to do a variety of other things outside of the traditional efforts, non-pipe alternatives, non-wires alternatives. Should those projects and that type of effort be viable in the community, it could certainly be deployed. But again, I think it will be dependent on the developers, the owners, what kind of needs are in that region and the economics behind it.

ASSEMBLYMAN KEITH BROWN: Yeah, because we're using that for gas now with the plant. We haven't used oil in quite some time.

But it seems to me that this is a huge asset that in terms of what we have now, providing -- the coldest winter day, the hottest summer day, the plant is going -- all four burners are going at all times. So it needs to be part of this plan as we transition. And it's identified, actually, in the Scoping Plan.

So what we do with these assets is really fundamentally important to these host communities. Thank you.

PSC CHAIR CHRISTIAN: Thank you.

ASSEMBLYMAN KEITH BROWN: I yield my last three seconds, by the way.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you. I believe I'm the last Senator to go.

So in last year's budget the Governor seemed to put in a proposal that matched, relatively, a bill I have that I'm calling

the New York HEAT Act, which would align Public Service Law to meet CLCPA mandates. Specifically, it would remove the hundred-foot rule that forces ratepayers to pay hundreds of millions of dollars every year to subsidize the expansion of the gas system. Several of my colleagues have already complained about this issue during today's hearing.

And it would reform the obligation to serve that currently allows a single gas customer to stand in the way of neighborhood-scale transition to thermal energy networks and other solutions.

So last year she included it in her Executive Budget, but this year she did not. What's your opinion of the necessity of the change in policy of PSC so that your policies aren't inconsistent with the goals of the CLCPA?

PSC CHAIR CHRISTIAN: I will be careful not to share my opinion. But what I can share is the view of what you just said in terms of what the impact is on the

regulation.

The hundred-foot rule, to your point, is an existing rule in Public Service Law that essentially allows all existing gas customers to subsidize the cost up to 100 feet of a new service connection. So if you build a home and you want gas service, ultimately you get a hundred feet free in every incremental foot you pay for it yourself.

That's been on the books for as long as I can remember as an energy practitioner in New York State. That is, in essence, a de facto incentive to continue the installation and use of natural gas in the state. And that does appear to not line up perfectly with the ongoing policy initiative of the CLCPA.

However, the question would -- at this time I think is, you know, what are the alternatives to gas right now? We in the State of New York, we are aggressively promoting electrification. We have a 2 million homes initiative where we want to

have 2 million homes, 1 million electrified and another million electrification-ready, by 2030. And we're putting forward a plan with that in mind through the New York State Energy Research and Development Authority.

This in addition to what the Governor announced in her State of the State recently regarding the availability of affordable homes.

So these efforts, in conjunction, will in many ways help accelerate the transition towards cleaner, more efficient heating through heat pumps, ground-source heat pumps, air-source heat pumps, or through utility thermal energy networks -- something that this Legislature is keenly interested in.

So we have viable options and alternatives, and we at the commission are promoting those as much as possible.

CHAIRWOMAN KRUEGER: Would you agree with my analysis that this is actually costing -- the continuation of this rule is costing the consumers of the State of New York hundreds of millions of dollars a

year?

PSC CHAIR CHRISTIAN: I do not know exactly what the cost of continuing the rule would be, but yes, there is a cost to it. I'd have to look to my staff and do an analysis to figure out what that would be.

CHAIRWOMAN KRUEGER: I'd appreciate that, because I don't quite understand why the Governor shifted her position between last year and this year, because last year's was a better position. Thank you.

I think it's following along with several of my colleagues' argument that shifting to renewable energy is going to cost consumers more money than they're currently spending on energy. And yet when I look at my energy bills, my colleagues' bills, my constituents' bills, the rate of cost of energy is just breathtakingly high in comparison to even a couple of years ago. So the concept that if we keep the status quo, we're keeping energy affordable, seems to me to be patently absurd. And out of our control, because of course we're dependent on

international countries' positions to drive what our energy costs are.

So one of the issues that was brought up was the cost of continuing gas and allowing the expansion and I guess modernization of the gas lines, when I believe that the scoping document talked about it costing $150 billion to upgrade the existing gas system if we chose to go down that road.

One, wouldn't that dramatically increase our utility costs? And two, under our existing laws, wouldn't we be having everybody put money into this that would be, quote, sunk assets in a relatively short period of time? Because our laws won't allow us to continue to use gas the way we've been using it.

So wouldn't that also be an exceptionally questionable use of the ratepayers' hard-earned dollars?

PSC CHAIR CHRISTIAN: So there's no way for me to answer that question appropriately in four minutes and 38 seconds.

What I can say is this. The transition that we are under did not start today. It won't end tomorrow. And I'm hopeful to see it in 2050. This has been an ongoing process and New York has been a long leader in moving us towards this particular direction. My predecessors, in particular, enacting various things from the Clean Energy Standard, Clean Energy Fund, New Energy New York and a variety of other incentive mechanisms. We pushed energy efficiency as a first vehicle towards moving us towards electrification because we wanted to have as efficient a building and energy portfolio as possible, and that was a fundamental part of that, efficiency first.

Next you see things like demand response, which is something many New York industries are participating in and benefit from on a regular basis, and that actually helps maintain the health and well-being of the grid while providing these industries with a financial benefit.

So we have a lot of things that we

have been implementing throughout the years to position our grid for this renewable energy future that we envision. And there's a recognition -- I want to say this was Chair Zibelman who first really eloquently pointed this out many years ago at the beginning of the REV proceeding. A point that she made which I found very compelling at the time was a recognition that our energy system as a whole is getting quite old. We will need to repair it, and to repair it there will be a cost.

So the question she had posed April 14, 2014, do we spend that 150 billion to keep the gas system up in perfect condition and spend another 258 billion, according to the CLCPA, on the electric grid? Or do we find a way to find some degree of efficiencies while managing one energy asset and building up another to a greater purpose?

And when you look at the policies that this Legislature has put forward, it has been with the goal of building up the energy system to do far more than it's ever done in

the past while giving us benefits to this day. The facts I mentioned earlier about the reduced time in restoring of service, that's not just utilities being better at restoring, that's also better infrastructure that we have been putting into place in anticipation of this future.

The renewable energy that will help stabilize the costs of our energy, that is increasing in its share of our overall energy portfolio, which will provide further stabilizing effects over time.

All of these things are part of a transition that will take decades. And as a result, it will be a slow transition at times. But we have the resources in place to get there, we have the plans, we have been proactive, and we have been doing what we can with that goal in mind.

All of which is a part of being thoughtful, a part of being forward-thinking, and also efficient in the use of our limited funds, recognizing that every dollar we spend on one project is a dollar not spent

elsewhere.

So we are doing everything we can as a commission to prioritize our investments, investments that will be benefiting us for a long term. But we also recognize there's a need to make investments to maintain the system as it is today. Those are necessary for reliability and safety. These are, frankly, what we need to do as a commission. And we will continue on that mission because we need to keep the lights on and we need to keep our houses warm.

CHAIRWOMAN KRUEGER: Thank you very much. And just one follow-up question, slightly different topic.

So I believe in this country within the last week there have been two major explosions involving gas and trains and -- one was in Ohio and I'm sorry that I don't remember where the other one was. What would we be doing in New York to prevent these same types of incidents from happening, or what would we need to do if they -- if something like that did happen?

PSC CHAIR CHRISTIAN: So you're going to have to forgive me, I'm not sure of the incidents in question. I've been preparing for a big meeting I had today.

But if we're talking about what we're doing to maintain the safety and integrity of the system, we have what I would characterize as an elite gas safety team here in New York State. We work very closely with our federal counterparts at the Pipeline and Hazardous Materials Safety Administration. And we train with them regularly and we have taken steps not just to improve our ability to monitor and trace and track issues with pipeline, but also removing leak-prone pipe, as I mentioned before.

The rate of incidents as a result of our efforts has dropped significantly, and we have data to back that up which I'm happy to provide.

CHAIRWOMAN KRUEGER: The train derailment was in Ohio, and I'm trying to find out -- I'm online, and there are photos of a giant gas explosion somewhere else in

the country but I'm not sure where.

So it's just I suppose in factoring in how we modernize our access to energy we obviously always need to think about safety as well. And at least it's my understanding that most of the forms of renewable energy we're exploring also have far less risk of extreme danger than some of the systems we're using now. Is that a fair analysis?

PSC CHAIR CHRISTIAN: Yes.

CHAIRWOMAN KRUEGER: Okay. I'm out of time. Thank you very much.

PSC CHAIR CHRISTIAN: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Thank you all for being here.

And I just want to talk about charging infrastructure for vehicles and making sure that we're moving to using public dollars for publicly available charging infrastructure. Are we now, through the Public Service Commission, giving out government dollars for non-publicly available charging things where

it's in a garage or there's a paywall?

PSC CHAIR CHRISTIAN: So we have -- we have a Make Ready EV program where we provide subsidy for the availability of EV charging.

I will have to check on the paywall question. I'm not --

ASSEMBLYMAN EPSTEIN: This is an issue that we've talked about before, that we're using government dollars and then putting them in garages where someone has to spend $700 a month to be able to charge their vehicle. That exists in my district, where we spent government dollars for 20 charging stations.

But if we want people who are not really wealthy to be able to move to EV vehicles, we need to take -- we need to ensure that our government dollars are going to publicly available charging stations.

PSC CHAIR CHRISTIAN: Right. And what I was going to add is much of what we've done in this Make Ready effort is to specifically tailor it to deploy these EV charging stations in those disadvantaged communities.

So we have a tiered incentive approach to this.

ASSEMBLYMAN EPSTEIN: Yeah, but wait, it's within a mile for a disadvantaged community. So a mile for a disadvantaged community in New York City is basically all of New York City.

Like so we put these in -- like part of my district is lower-income, part of my district is middle-income. So we put 20 charging stations in StuyTown, which is a very middle-income neighborhood, and they said they're a mile from a disadvantaged community.

So the reality is we're using government dollars to subsidize a private market so someone can spend $700 a month to put their vehicle in a garage and get charging. I don't know why we would continue to use government dollars to support private industry when government dollars should be going exactly to the public to make sure they're available to the public. Because we want people to move to use EVs, but we can't

do that if there are no charging stations that are affordable for them.

PSC CHAIR CHRISTIAN: Well, again, we're doing everything we can to ensure that publicly accessible charging stations are incentivized and installed. We're working in collaboration with the City DOT and had a meeting with Senator Chu a couple of days ago to reinforce that point and talk about some of the charging stations in her district.

But at the end of the day, what we are -- we're taking multiple steps to get there. We recognize this is a nascent industry and the potential for growth is significant. And we want to have the charging stations available in as many places as possible so that as people deploy and use their EVs, they have options outside of the charging stations at --

ASSEMBLYMAN EPSTEIN: I hear you. But it's going to be in a garage where there's a paywall to get into the garage, and then you've got to pay for charging. That's not accessible for most New Yorkers. And I would

encourage us to stop using government dollars to do that.

PSC CHAIR CHRISTIAN: We'll definitely take that under advisement as we go through the midpoint review. So thank you for that feedback.

CHAIRWOMAN WEINSTEIN: Senate, are you --

CHAIRWOMAN KRUEGER: The Senate is done. We're just going to flow with the Assembly.

CHAIRWOMAN WEINSTEIN: Okay. So we go -- let's see, we go next to Assemblyman Mamdani.

ASSEMBLYMAN MAMDANI: Thank you.

Thank you, Chair Christian.

So one out of every four constituent cases that I have in my office in Northwest Queens is about utility debt or utility unaffordability. I'm trying to untangle the contradictions of our state's relationship to energy rates.

On the one hand, we have a mechanism by which corporations like Con Ed can engage

in rate cases every few years; right now they're engaged in one of which I'm a party, so I will not go into the details of which, because I understand the confidentiality.

PSC CHAIR CHRISTIAN: Appreciate that, thank you.

ASSEMBLYMAN MAMDANI: And these kinds of cases are mechanisms, for those who don't know, by which the state approves raising rates.

On the other hand, it's almost an annual tradition for the Legislature to allocate hundreds of millions of dollars to resolve the crisis of utility debt.

Do you not see this as us inflicting a wound on the working class of New York State every few years and then applying an annual Band-Aid?

PSC CHAIR CHRISTIAN: So I'm not familiar with past efforts with Band-Aids.

I would characterize our most recent efforts with arrears through our Phase 1 approach, which was focused on arrears for low- and moderate-income individuals, and our

Phase 2 approach, which was for individuals earning less than $75,000 a year. I would characterize that as a major bandage to a gaping wound.

The effects of COVID-19 were unlike anything we had ever experienced before, and it increased the level of arrears in the state by a -- to a degree that's unprecedented. So action was not only prudent but necessary, especially because --

ASSEMBLYMAN MAMDANI: I would just jump in, I apologize, just because of the time limitations.

By my understanding as of September of last year, 1.2 million residential customers in New York State were facing utility debt; 128,000 small businesses were facing utility debt -- for a total combined of 1.95 billion. And if I understand you correctly, the most recent initiative that the Governor announced was $672 million in utility relief, which still leaves more than 1.3 billion still unaddressed.

And so while I would say yes, it is a

significant move, that gaping wound continues. And something that I struggle with is -- you know, in your testimony you said, quote, more structural change is needed to improve energy affordability. That's something I deeply agree with, because I see this tradition of us imposing higher rates, New Yorkers being unable to pay it, and then us putting a significant amount towards their arrears, but still having a majority of them behind on the bill. It just seems like a recipe for more and more people to be priced out of our state.

PSC CHAIR CHRISTIAN: Well, I agree something needs to be done, my words. Again, we are doing something. And again, that goes back to past actions by the commission to establish that 6 percent energy burden threshold as a goal, and now subsequent action in which to establish an affordability guarantee.

ASSEMBLYMAN MAMDANI: Thank you.

PSC CHAIR CHRISTIAN: No problem.

CHAIRWOMAN WEINSTEIN: Assemblywoman

Kelles.

ASSEMBLYWOMAN KELLES: Can you hear me? Sorry, it's a little bit muffled.

The first question, in November the Governor vetoed legislation to collect data from public water utilities, and this was about how many shutoffs they conduct. You collect the number of customers behind on their water bills, other issues. And the reason given was that you didn't have the staffing.

So can you talk a little bit about this budget? Do you have the staffing now? Would you be able to move forward with some of this work?

PSC CHAIR CHRISTIAN: I regret that I'm actually unequipped to answer that question today. I'm not familiar with the legislation that you're referring to.

ASSEMBLYWOMAN KELLES: So this is with respect to water utility data.

PSC CHAIR CHRISTIAN: I'm sorry, could you say that again, please?

ASSEMBLYWOMAN KELLES: This is with

respect to water utility data.

PSC CHAIR CHRISTIAN: Yeah, I'm -- unfortunately, I'm sorry, I'm not familiar with it at this time. I'd have to refresh my memory.

ASSEMBLYWOMAN KELLES: Okay. And just really quickly with respect to, you know, moving forward on the water utility, do you know how many public water utilities that have recommenced shutoffs and liens now that New York -- the New York utility shutoff moratorium has expired?

PSC CHAIR CHRISTIAN: I'm sorry, how many utilities --

ASSEMBLYWOMAN KELLES: How many utilities that have recommenced shutoffs and liens now that New York's utility shutoff moratorium has expired.

PSC CHAIR CHRISTIAN: Okay. So we have a general moratorium during the winter months where utility users keep heating, for heating, are not shut off until April --

ASSEMBLYWOMAN KELLES: Including water?

PSC CHAIR CHRISTIAN: Yeah, that's a -- so we don't regulate most of the public -- we don't regulate the public water authorities. That's why it's a little difficult to speak to that. Sorry.

ASSEMBLYWOMAN KELLES: No, no, no, my apologies, I thought that that was in your context.

So just shifting gears, can you share how many households benefited from the Phase 1 bill relief program and how many residential/small businesses will benefit from the Phase 2 bill relief credits?

PSC CHAIR CHRISTIAN: So the exact numbers I'd have to look up.

But I'm going to say I believe we were able to help somewhere in the ballpark of 50,000 to 60,000 small businesses and several hundred thousand -- 500,000 and up low-income New Yorkers through the arrears program.

ASSEMBLYWOMAN KELLES: What percentage is this of the total need?

PSC CHAIR CHRISTIAN: I'm sorry, say

that again?

ASSEMBLYWOMAN KELLES: I'm just curious what percentage of the total need this included.

And the reason I'm asking is because I'm trying to get a sense of how many households and small businesses will be left that will still have debt that's accumulated after Phase 2.

PSC CHAIR CHRISTIAN: That's -- that's something I can definitely get you. I don't know exactly how many are left over after.

But the prime goal of Phase 1 was to pay down as -- all the arrears incurred during COVID. With Phase 2 it was to pay down as much as possible, and in some cases 75 percent. Some arrears were left behind, and that could be rolled into a deferred payment agreement.

ASSEMBLYWOMAN KELLES: I'd love that data. I'll follow up with you.

PSC CHAIR CHRISTIAN: Yeah. Yeah.

CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

ASSEMBLYMAN RA: Thank you.

So I want to start somewhat where Senator Krueger was, her second-to-last question, just in terms of how the PSC is balancing the resources approved for regulated utilities required to implement the energy transition to meet our CLCPA goals with the investment in the existing energy infrastructure that we have.

PSC CHAIR CHRISTIAN: So how we're managing that process?

ASSEMBLYMAN RA: Just balancing those two things to ensure reliability right now while we're building for the future.

PSC CHAIR CHRISTIAN: Gotcha. No, that's a great question. We discuss this, if not daily, hourly throughout our various day-to-day discussions.

Again, integral to everything we do, every project we evaluate and approve, are the core functions of reliability, resiliency, so on and so forth. So we ensure that the projects, whether they be transmission, rate case projects through utility rate cases, all of them are examined

through a thorough engineering analysis to make sure that the needs identified by the utility are actually there and can be met through the proposed project.

One of the things we want to make sure of is every project can be used and useful. So we don't to gold-plate a system, put in projects that might not necessarily be necessary or serve a singular purpose. We want to be as efficient in our deployment of assets as possible.

And we have a team of engineers, economists, accountants, a wide array of other professions that evaluate everything from top to bottom on every rate case that comes across our desks. And in doing that review, we come up with a package of projects that we feel not only serve to continue the reliability of the system as it is, but ensure that its continued operation can move smoothly without interruption. So that's inherent in all the decisions we make.

ASSEMBLYMAN RA: Okay. And as more of these renewable projects come online and

connect to the grid, is the grid capable of handling these new loads?

PSC CHAIR CHRISTIAN: It will be.

So part of what we're doing with our Phase 2 transmission -- I think I mentioned this earlier -- we recognize that in certain parts of the state there are bottlenecks in existing renewable energy resources. So there are some solar and wind installations, they can generate more power and provide that to the grid, but the limitations on the grid limit their ability to do so.

So by building out these new transmission infrastructure, we unbottle these resources and we can get the full benefit of the investments that we are making. Not only do we get more out of what we have, we also open up the potential for more resources and we make it cheaper for those future resources to come online. Because the way these generators earn revenue is based on the amount of energy sold. Every kilowatt hour sold is a dollar or whatever in their pocket.

So these constraints on the grid limit what they can produce. If those constraints are well-publicized and everyone's aware of it, they factor that in and charge more for whatever energy is left so they can capitalize all their costs -- amortize all their capitalized costs.

So by doing this transmission, not only do we open up access to existing renewables, but we give new renewables new opportunities to connect, and we lower the cost for them to do so.

ASSEMBLYMAN RA: And, you know, a couple of years ago there was a law enacted that required regulated utilities to submit a climate change vulnerability study to the commission. And I know there's ongoing work implemented in these plans. But as we know, extreme weather continues.

So how are we working with the regulated utilities, you know, on those plans that they've submitted on implementing those measures?

PSC CHAIR CHRISTIAN: So, first, all

utilities, including phone and cable, have to develop an emergency response plan. This is something that's a requirement, period.

But in addition, our gas and electric utilities, to your point, have to develop a climate vulnerability study which assesses their unique geographic and climate-based risks caused by climate change. And then they also have to develop a risk mitigation plan to address the risks identified in that.

And that plan is reviewed by the commission and adjusted regularly and updated periodically to take into account any changing conditions and needs.

So this is an ongoing process that we have established, and we are monitoring utility submissions and keeping track of what's needed.

ASSEMBLYMAN RA: Okay. And then one last quick thing from my colleague who ran out of time. And I don't know if you have an answer to this now or could provide one later. But on the Scoping Plan, on page 5, there's something that says "The net direct

costs are estimated to be up to 0.6 percent of New York State's economy in 2030 and 1.3 percent in 2050."

If there's any information available as to how that figure was arrived at, I'd appreciate if you could share it with us.

Thank you.

CHAIRWOMAN WEINSTEIN: Before we go to a second round, I just had a quick question.

There's been a lot of discussion and questions regarding the assistance for utility arrears. And you've given the gross number. Do you have a breakdown by zip codes, by something other than this singular number, or two numbers?

PSC CHAIR CHRISTIAN: We do have a more detailed breakdown than what I'm able to provide right now. I can definitely work with my staff to see to what degree of detail we can provide that.

I can say we do know there are differences regionally in terms of the amount of arrears provided. I'm not entirely sure we can break it down by zip code. There may

be some privacy concerns with that, of course.

CHAIRWOMAN WEINSTEIN: Sure. What -- however you can break it down so we can get a sense as legislators whether our constituents have been adequately taking advantage of the program and what more we can do going forward.

PSC CHAIR CHRISTIAN: Okay.

CHAIRWOMAN WEINSTEIN: And now I just want to go to Assemblywoman Barrett for three minutes, her second round.

ASSEMBLYWOMAN BARRETT: Thank you.

To finish our conversation here. How many people are currently on ORES's staff? What's your full staffing level and where are you?

ORES EX. DIRECTOR MOAVENI: 36.

ASSEMBLYWOMAN BARRETT: 36. And is that going to be the full staffing level?

ORES EX. DIRECTOR MOAVENI: No. We are continuing the recruitment process, and we anticipate to continue the recruitment in the next fiscal year.

ASSEMBLYWOMAN BARRETT: To -- I didn't hear the last part of what you said.

ORES EX. DIRECTOR MOAVENI: We will continue like with the recruitment process in the next fiscal year.

ASSEMBLYWOMAN BARRETT: And how much revenue have you generated from fees so far?

ORES EX. DIRECTOR MOAVENI: Over $1.7 million. I can get you the exact number. 1.7.

ASSEMBLYWOMAN BARRETT: 1.7 million?

ORES EX. DIRECTOR MOAVENI: Yes.

ASSEMBLYWOMAN BARRETT: Uh-huh, okay. Thank you.

And does -- do you have the authority to extend a notice of incomplete application deadline without a public comment window?

ORES EX. DIRECTOR MOAVENI: Can you elaborate on the question?

ASSEMBLYWOMAN BARRETT: This is one from the community that we can reach back out and see if we can --

ORES EX. DIRECTOR MOAVENI: Please do. I'm not --

ASSEMBLYWOMAN BARRETT: Okay, we'll do that.

ORES EX. DIRECTOR MOAVENI: -- not following the question.

ASSEMBLYWOMAN BARRETT: Sure.

And then also just clarity. Is a completed siting application automatically approved after 60 days if a decision is not made in that time frame?

ORES EX. DIRECTOR MOAVENI: Yes. Essentially if the question is if the office within the 60-day statutory timeline fails to review or issue the complete or incomplete determination, the answer is yes, that application will be deemed complete.

But as I stated before, the office to date has met all statutory deadlines.

ASSEMBLYWOMAN BARRETT: Got it. Okay. Thank you. Thank you. I think that addresses it.

And then just one more for Chair Christian. When am I going to be able to drive from here to my district office in Hudson, throughout my district, without

losing cellphone service and internet? It's impossible, in 2023, not to be able to travel around my own Assembly district without losing phone and, you know, not being able to stay on a Zoom.

PSC CHAIR CHRISTIAN: Well, I --

(Laughter.)

PSC CHAIR CHRISTIAN: I too struggle with access at times. And I understand your plight. It's a common occurrence.

I will -- I'll spare you the discussion on broadband. We've attempted to work with the utilities to expand broadband throughout. Sadly, cellphone service is not something under our purview. With the FCC, they essentially control all of that and manage that process. We're happy to help and coordinate as needed. But our powers are somewhat limited in what we can do in terms of cell service in the State of New York.

ASSEMBLYWOMAN BARRETT: Well, let's -- yeah, if you can advise, let's work together. because this is crazy. It feels like we're -- you know, the great State of

New York in 2023 and you can't even finish a call.

Thank you. Thank you all for being here today.

PSC CHAIR CHRISTIAN: Thank you.

CHAIRWOMAN KRUEGER: I believe that completes the questioners of you this evening. Thank you both, gentlemen, for participating. We're going to let you go free --

(Applause; laughter.)

CHAIRWOMAN KRUEGER: And again, anyone who wants to grab them, so to speak, please take it out to either hallway so that I can call up our next panel: Environmental Advocates New York; Citizens Campaign for the Environment; National Resource Defense Center; Earthjustice; New York League of Conservation Voters.

And again, now that we're done with the government reps, the rules of the panels are you each get three minutes to present --

UNIDENTIFIED PANELIST: Oh, God.

CHAIRWOMAN KRUEGER: -- so you -- we

all have your full testimony, and so we want you to just highlight your key bullet points.

And then all members of the Legislature, it doesn't matter whether you're a chair or a ranker, we're all down to three minutes also.

So first off, thank you for staying here all day -- although some of you might have been clever enough to realize you weren't getting called earlier in the morning. So now that it is quarter to 7:00, good evening.

And why don't we start from my left, your right, and just go down. And introduce yourself as you start.

MR. SCHRADER: If I can get this on. Is it on now?

CHAIRWOMAN KRUEGER: Yes.

MR. SCHRADER: Thank you.

And do you want me to go right into my testimony?

CHAIRWOMAN KRUEGER: You don't need to read your testimony. You have your three minutes to say what you wish.

MR. SCHRADER: I've got my three minutes. Richard Schrader.

And thank you, Chair Krueger and Chair Glick -- still here -- and Senators and Assemblymembers. I'm Rich Schrader, I'm the policy and legislative director for the Natural Resources Defense Council. And I'll run through this very quickly.

First and foremost, I think what we have to do in New York is keep our landmark Climate Act law first and clear. Let's move forward, let's hit all the targets. We can't move backward. Naysayers are not looking at this in terms of the broad not only national but global impact this landmark law has created. And some of these requirements are hitting us pretty closely. 2030, we need to get 70 percent renewable energy on all of our power sector, and also in 2030 we have to reduce greenhouse gas emissions by 40 percent. So let's keep moving forward on that.

Secondly, we applaud the Governor's $400 million proposal for the EPF. She

brought up 100 million from last year, and excellent we keep it for this year.

On a couple of legislative items that we support. We look forward again to working with the Governor and the Legislature on waste reduction, the EPR. We also want to move forward on legislation that we're calling, all of us who are part of this bill effort, the Stop Climate Polluter Handouts. New York State gives about a billion and a half dollars in tax breaks, credits and grants to the fossil fuel industry, totally misaligned with the Climate Act, unnecessary -- by the way, utterly unnecessary given the profits that industry had this year.

This bill would surgically look at 330-some-odd-million of those dollars of the most egregious greenhouse-gas-emitting and polluting of these fuels, including bunker fuel and aviation fuel. If the aviation industry were a country, it would be the sixth largest greenhouse gas emitter in the world.

Also NY HEAT, which has been discussed before, but the 100-foot rule is a $200 million a year ratepayer subsidy for the gas utilities to expand their gas infrastructure. We're talking about the 6 percent cap for low-income consumers, but we provide this industry with extraordinary and complex and multivaried handouts every year, when we have a law that tells us we have to move away from the use of gas, the use of fossil fuels generally.

We also support the All-Electric Bill, which has also been discussed. We support the Governor's version of that. We'd love to move that forward quickly.

We support the Fashion Act. I see Assemblywoman Kelles is just outside. The Fashion Act would begin finally the effort to regulate one of the most polluting industries and unregulated industries in the world, and it does it in an extraordinarily strong, you know, effort in terms of analysis and making it in alignment with the climate law as well.

We also support the Birds and Bees

Protection Act, which would prohibit the continued use of neonicotinoid pesticide coated seeds for corn, wheat and soybean. We know beyond dispute, with scientific study after scientific study for the last decade, that this has had an extraordinary negative impact on bees, on pollinators generally, on birds as well, and has public health impacts as well.

CHAIRWOMAN KRUEGER: Thank you, Rich, we have to cut you off. Thank you.

Liz, good evening.

MS. MORAN: Good evening. My name is Liz Moran. I'm the New York policy advocate with Earthjustice.

Thank you all so much for the opportunity to testify today on the energy and environment sections of the proposed budget.

So this budget's a really important one. It marks the first one following the state's finalization of the Climate Scoping Plan. Not only that; we're on the convergence of a number of other

environmental crises, from PFAS contamination, childhood lead poisoning, aging water infrastructure, and more. So this is going to be really important to address these things.

We commend the Governor. She's proposed a number of policies which are a good start. But we really feel the Legislature can do a lot to bulk these up, to add additional funding in critical areas, and to tighten language. So we detail a lot of this in our written testimony. I obviously won't have time to get into it all.

So I'll touch upon a few areas, starting with all-electric new construction. We're pleased the Governor's opened the door yet again on this proposal.

Starting with new construction is a low-hanging fruit, and we want to emphasize that our ideal model for this is in the Senator Kavanagh/Assemblymember Gallagher All-Electric Building Act legislation. We really feel the Legislature should include that in their one-house budgets and that

should be on the negotiating table and be in the final budget. It has the right timeline, it has the right details regarding building size and more. So we think that would be the strongest way forward.

We know that this will save New Yorkers money. New construction of all-electric new buildings will save New Yorkers, on average, around $900 per year on their energy bills. And it's popular -- 66 percent of New Yorkers support a policy like that.

The grid has capacity. We detail that in our testimony as well. I'll also add we're strongly supportive of the NY HEAT Act being part of the budget. This is another important policy that will help New Yorkers electrify their homes, save them money on their bills, and more.

And in conclusion, I'll summarize some of our other points. So we really feel the budget should be bulked up when it comes to climate funding. Cap-and-invest has a lot of potential. For lack of a better expression

at the moment, the devil is in the details, and we do have some more recommendations to make sure that cap-and-invest really aligns with our climate law.

We also want to see increased funding for water infrastructure. You've heard from others today we have an aging water infrastructure crisis in New York. The Clean Water Infrastructure Act is phenomenal. It funds a number of water policies, and can't keep up with demand. So we would love to see that become a $1 billion program this year.

And I will wrap it up there. Thank you all so much.

CHAIRWOMAN KRUEGER: Thank you.

Hello, Adrienne.

MS. ESPOSITO: Good evening, Senator Krueger and the other members of the Assembly and Senate. I do want to extend a very heartfelt thank you to those of you who have stayed to hear the advocates. We actually sincerely appreciate that. Thank you again.

I'm going to keep my testimony short

since I only have three minutes. The first thing we'd like is to express our strong, strong support for keeping in the context of the budget a Packaging Waste Reduction and Recycling Infrastructure Act. Thank you to the Governor for including this important act in her proposed budget, and thank you, Senator Harckham, for championing this in the Senate.

This is not a luxury item. This is a necessity. Waste, believe it or not, makes up 11 to 12 percent of our greenhouse gas emissions. Electricity is 13 percent. We have lots of plans to deal with the 13 percent of greenhouse gas emissions generated by electricity, but not so much to deal with the 11 percent generated by improper waste disposal.

What can we do? I'm glad you asked. The one thing that we all agree on is we can reduce waste and increase recycling. That's what this bill does. It reduces paper and plastic -- a very important thing -- and also it will increase recycling and, to boot, it

will save taxpayers' money. Where could we go wrong? We like that.

New York would not be the first state to do this; there are four other states -- California, Colorado, Oregon and also Maine. Also, this program exists in British Columbia. They instituted it in 2014, and they have 1,100 producers and manufacturers in their program. They are now taking out 75 percent of the waste stream, a sure success. If they could do it, we could do it.

This will be the first time ever we would have a plan and craft a plan that would incentivize manufacturers to finally use less waste in all those boxes and less contraband cardboard and less plastic, and at the same time whatever they do use, to make it more recyclable so it can be recycled.

Also, the bill allows for a clear funding structure, something that's critical, that identifies the flow of money that goes from the program back to the local municipalities to offset the cost of waste

management and increased recycling infrastructure. That is a key component, and the bill must contain that component.

So we really need this done in the context of the budget. You may hear testimony that says we don't need to do this in the budget. That is wrong. In the Governor's budget alone, she identifies eight DEC staff that are needed to regulate this program. We want it regulated. We need it regulated and done effectively. That's the role of the DEC as a regulatory agency. It must be done in the context of the budget.

Thank you.

CHAIRWOMAN KRUEGER: Good evening.

MR. McCLELLAN: Hello. Thank you. My name is Patrick McClellan. I'm the policy director for the New York League of Conservation Voters. Thank you for the opportunity to testify.

State agencies that protect the environment and fight climate change have been asked to do more with less for many years, so we're thrilled that there are

hundreds of new positions at critical state agencies proposed in this year's budget. We're also happy that the Environmental Protection Fund is proposed to be supported at $400 million again. However, we strongly oppose the proposal to offload funds from the EPF to be allowed to pay for staffing. We think that you need to have a fully funded EPF and also these new staff, and don't mix up the two.

We strongly support Part WW of TED, that's the proposed law to phase out on-site greenhouse gas emissions from new construction as well as phasing out from existing buildings at the end of their useful lifespan. We think that along with that, Senator Krueger's New York HEAT bill should be included in this year's budget.

There's also a tremendous opportunity for the state to lead the way on both green buildings and green jobs. We're advocating for the elimination of on-site fossil fuel combustion at all state-owned facilities by 2040. These decarbonization projects should

have robust labor standards, including project labor agreements, direct-entry pre-apprenticeship programs, training programs for existing workers, and a commitment to direct at least 40 percent of our overall investments and benefits, including jobs, to disadvantaged communities.

A just transition requires creating green jobs for workers who are currently employed in the fossil fuel industry today, rather than making promises about the jobs that will be available 15 years down the line.

We're conceptually supportive of cap-and-invest, but we think that there is plenty of room in the final budget for more clarity on equity, certainty of emission reductions and how the funds would be spent.

On transportation, we urge you to include a Clean Fuel Standard in the final budget. We believe that that can work side by side with cap-and-invest. It's been successfully implemented in other states. And I'll note in California, where the

program originates, the California Air Resources Board does not believe that the Advanced Clean Car Rule or the Advanced Clean Truck Rule, which New York has also adopted, are achievable without their low-carbon fuel standard in place. I think that that's something to keep in mind in New York.

And we also think that we should enact the CLCPA's transportation emission recommendation of expanding direct sales of zero-emission vehicles.

I will second all of Adrienne's points on the Waste Reduction and Recycling Infrastructure Act.

And then finally, on housing, I want to touch on that briefly. We are broadly conceptually supportive of the Housing Compact goals that the Governor has laid out. Obviously the details matter here. I'm not an expert on housing policy, so I can't vouch for every last clause of those budget bills. But broadly speaking, rezonings that emphasize smart growth and transit-oriented development are

climate-smart, and we urge you to include them in the final budget.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

MR. BAMBRICK: Good evening. I'm Conor Bambrick, director of policy for Environmental Advocates NY. And thank you for the opportunity to testify.

Funding implementation of the Climate Law remains one of our top priorities. We're encouraged that the Governor has advanced an economy-wide cap-and-invest program, but the details are important. In addition to providing energy cost relief, a successful emissions cap-and-invest structure must include equity and environmental justice provisions, including the following: Safeguards to avoid hotspots in disadvantaged communities, additional source-specific caps that prevent increased greenhouse gas emissions and co-pollutants from sources in or proximate to disadvantaged communities, a prohibition on offsets, and very limited trading.

Even if the development of a cap-and-invest program goes smoothly, we are likely looking at 18 months to two years before we see funds materialize. New Yorkers cannot afford to wait that long. We urge the Legislature to include dedicated funding for the Climate Law in the State Budget through the establishment of a Climate and Community Protection Fund, in order to build the infrastructure necessary for the clean energy economy and immediately start delivering resources to help communities and the state's workforce transition off fossil fuels.

Turning to water, New York's water infrastructure is aging and crumbling. DEC and DOH have estimated that $80 billion is needed to fix our pipes -- and that's a conservative estimate. We appreciated the Governor's proposal of $500 million in new funding for the Clean Water Infrastructure Act, but the demonstrated need from local governments dwarfs that figure. Investing $1 billion for the Clean Water Infrastructure Act with a line item for each CWIA program

funded, like lead pipe replacement, could be put to immediate use in protecting public health and creating thousands of union jobs across the state.

Every New Yorker needs affordable water as well as clean water. We urge you to include policies and funding in the budget to, for the first time, collect statewide data on water affordability. It's shocking that we don't know how many water shutoffs occur, or how many New Yorkers are behind on their water bills and how much they owe.

We know enough, however, to know that water affordability is a major crisis. New York City residents alone owe 1.2 billion in water debt. We support more funding for the Low-Income Household Water Assistance Program to help eliminate water debt from economically struggling New Yorkers.

And then just one other piece I'll touch on, on buildings. We are supportive of the zero-emission new construction building standard. We think the timeline has to be faster than what the Governor proposed. The

definition in that proposal only applies to fossil fuels, it seems. So we want to make sure we're not combusting other fuels in buildings as we move forward. And we think a complementary policy to all-electric new construction would also be the enactment of the New York HEAT Act.

And thank you very much for the opportunity.

CHAIRWOMAN KRUEGER: Thank you very much.

Senator Pete Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

And thank all of you for staying late. I know the hour is late. We really appreciate you staying.

Mindful of we only have 2 minutes 50 seconds for all of you to respond to this question. We'll start with Conor and work our way this way. The one thing that is not in the Governor's budget that you would like to see in the Governor's budget, or our budgets.

Conor, we'll start with you.

MR. BAMBRICK: I think the funding necessary to implement the Climate Law immediately.

SENATOR HARCKHAM: I'm sorry, what was that?

MR. BAMBRICK: The funding necessary to implement the Climate Law immediately, like through a climate community protection fund.

SENATOR HARCKHAM: Got it. Got it.

MR. McCLELLAN: Clean Fuel Standard and New York HEAT.

MS. ESPOSITO: More funding for wastewater infrastructure, septic replacement programs, and also grants to municipalities for filtering out 1,4-dioxane and PFAS.

MS. MORAN: More climate funding and the NY HEAT Act.

MR. SCHRADER: New York HEAT.

SENATOR HARCKHAM: Terrific, thank you.

MS. ESPOSITO: It's like the lightning round.

(Laughter.)

SENATOR HARCKHAM: That was great, thank you.

I yield my time, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you very much.

Assemblymembers?

CHAIRWOMAN WEINSTEIN: Assemblyman Ra at the moment.

ASSEMBLYMAN RA: Thank you. That was very impressive. You guys should like team up on a game show. That was great.

(Laughter.)

ASSEMBLYMAN RA: Just had a quick question, and if you're not super-familiar with this, please feel free to tell me that's the case. But I did want to ask about the EPR. Obviously we're trying to put this together. There are states that are starting to put this together, but it's been done in other countries.

And I just wanted to ask if anybody has any thoughts about the exclusion for advanced recycling. I know that that is part

of the situation in some other places that have implemented it. It seems to be utilized to produce kind of products we interact with every day. But obviously there are people who think it's great and there are people who say it's not part of the solution.

MS. ESPOSITO: Well, I'll just say this. We've had multiple lengthy, rigorous discussions about this topic over the last three years. We've centered on the definition that's used in the carpet recycling bill that was just passed and signed in December. It's a consensus, you know, language and we believe it works. And we would like to go forward with that, in the interest of getting a bill passed and building up consensus around it.

ASSEMBLYMAN RA: Okay. All right, thank you, that's all I had. Thank you guys for your patience today and for your advocacy.

CHAIRWOMAN WEINSTEIN: Senator Mattera.

SENATOR MATTERA: It's great seeing

you guys, and I thank you so much for all of your hard work, and I do mean that, because the number-one thing, you care about the environment.

And Adrienne, what can I say about you. You're just -- you're just a pleasure, you're my friend, and you're a voice. And you're --

MS. ESPOSITO: Thank you, Senator.

SENATOR MATTERA: Not just a voice just for Long Island, you're a voice for the whole New York State, and you should be commended for that.

MS. ESPOSITO: Thank you.

SENATOR MATTERA: You know, you worked so hard and we had the $4.2 billion Bond Act. It was very, very important. You're out there, we're advocating for it, how important it is. I'm very, very nervous that Long Island is not going to receive their fair share.

I know this is a hard question. This isn't really a question for you, but I know you're going to be a fighter with this to

make sure that we do. Do you feel that we should have had a committee put together that -- in other words, that each district received a fair share for New York State.

MS. ESPOSITO: Well, I think the more stakeholder input into how the $4.2 billion is spent, I think the better off we're going to be. I find, to be honest with you, the public knows what they want and what they need. And since the public voted yes 67 percent -- and 67 percent of the public rarely agree on anything, I think that it would be a wise thing. I was happy to hear testimony this morning from the DEC commissioner saying that they will put out for public comment kind of the draft idea of how the Bond Act will be spent. I was very encouraged by that. And they're anticipating that will happen, I think they said by late spring. Which I think will be productive and constructive.

So yes, I think there should be lots of rigorous input into the allocation of those funds. And yes, we will be fighting

for our fair share on Long Island as well, my hometown.

SENATOR MATTERA: And you know that -- I think I do get five minutes, by the way, Senator. Hopefully I do, because I am the ranker on Energy and this is about energy.

How do you feel also, too -- this is a Long Island question -- about the electrification for the North Shore -- obviously from Huntington to Port Jefferson, right?

MS. ESPOSITO: Yes.

SENATOR MATTERA: So it's a quick question. We had the MTA here with CEO Lieber, and he said he's going to be doing a feasibility study. But he said, pretty much, We're looking into this, but a $10 billion investment may not be feasible.

I disagree with that. All-diesel trains for a lot of the reasons, for our commuters. In other words, they do not have to, you know, get off the train to go -- you know, at Huntington, to go into Penn Station. But the biggest thing is since 1980 we've

been talking about this. What are your thoughts about this too?

MS. ESPOSITO: Well, I think that it's fair to say it would be an upgrade to our transportation system to go from diesel to electrification. We of course have been advocating that and supporting that for, you know, maybe two decades now.

So we understand it's pricey, we understand there are priorities, but we have to get into the queue. And that's important.

SENATOR MATTERA: Right. This is an investment that's a very necessary investment.

MS. ESPOSITO: Yes. Yes, Senator.

SENATOR MATTERA: Great. And thank you again to the whole panel for working hard for all New Yorkers and caring about us. Thank you.

SEVERAL PANELISTS: Thank you, Senator.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblyman Brown.

ASSEMBLYMAN KEITH BROWN: Thank you.

Adrienne, I'll start with you. I appreciate so much your advocacy on this issue, and I echo the words by Senator Mattera.

MS. ESPOSITO: Thank you, Assemblyman.

ASSEMBLYMAN KEITH BROWN: I want to go back to EPR. And do you see -- I understand that we're in a position to get EPR over the finish line, and you've been fighting for that for so long. But do you see a role for advanced recycling relative to, you know, EPR at some point?

MS. ESPOSITO: Well, I'll tell you honestly, we would like to -- you know, in this we differ from some of our other colleagues on this issue. And that's good, because sometimes people think all environmental groups share one brain, and we don't. Sometimes we see things a little differently.

But we think in the future -- we'd like to leave the door open because in the future, if we can get plastics to become plastics, that might be a good idea. You

know, we want to reduce plastics, first and foremost. That we would like to do, get away from plastics. But I don't know if society's going to do that in the next 10 or 20 years. Right? That's going to be a process, as everything else is a process.

So -- but I think for the most part we've agreed on some language. We can revisit that in the future if we need to. And I think that the language is written in a way that allows that to happen currently.

ASSEMBLYMAN KEITH BROWN: And just so you know, I've been advocating that we should also expand the Bottle Bill, which has been widely successful. It was adopted back when I was an intern in the Senate way back in the '90s.

But could I just switch to Conor -- oh, I'm sorry, the gentleman in the middle.

MS. ESPOSITO: Patrick. It's Patrick.

ASSEMBLYMAN KEITH BROWN: Patrick, I'm sorry.

You talked about the Housing Compact. And I understand when it comes from --

relates to transferring to development. However, if you take a deeper dive into the Housing Compact that's being proposed, it is a complete assault on home rule. And it will have impacts on our local environment, particularly on our waterways, without having infrastructure for the sewers and whatnot.

Because it's basically widespread. I'm hearing from mayors in villages that I haven't heard from -- my four villages in my district. So they're -- people are concerned, right, that this is going to just kind of be a sledgehammer to kill a fly approach, rather than a smart-growth approach that puts the housing where it really belongs.

Do you have any opinion on that?

MR. McCLELLAN: Yeah, I think that the bill as proposed automatically considers wetlands, parks, rivers and streams, coastal erosion hazard areas, protected forests and the 100-year flood plain to be non-buildable land.

I think that there is room in the

final budget for that category of non-buildable lands to be expanded, to consider what other lands either need to be exempted from this requirement entirely or to have a heightened level of environmental review on them.

I will say, too, that the bills, at least as I read them, do still allow local governments to reject new housing when there is not sufficient drinking water or sewerage to serve them, and that's something that we support.

ASSEMBLYMAN KEITH BROWN: But your problem is usurping power to a superior zoning board up in the Albany. That's the real problem.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senator Walczyk.

SENATOR WALCZYK: Thanks, Madam Chair.

So some refrigerants have been banned by the EPA. Most refrigerants that are used in air-source heat pumps have between a 400 and 2,000 times global warming potential than

CO2 has. So should New York be outlawing or banning certain types of these global warming potential and also sometimes ozone depleting gases from our air-source heat pumps?

MS. ESPOSITO: That's you, Rich.

(Laughter.)

MR. SCHRADER: I think that we're seeing a process where heat pumps, as an item that's being a consumer product, more and more information is coming out about it.

NRDC, as you know, has got a long history as far as working against refrigerants. We were involved in some of the early treaties and early work on this back in the '80s. I wasn't; I wasn't there yet but. But certainly some of the work we did in the early aughts I was involved with that as well.

We're going to know more about heat pumps as they become more part of the market. I think we have to take all the protections and precautions in terms of not only greenhouse gas but pollutants as well.

On the other hand, we do know the

pollutants that are being caused by existing fossil fuel use and the greenhouse gas emissions, not only CO2 but methane as well. And we also know that many of these fuels have other types of pollutants, you know. And those are issues that we've talked about earlier. We have to see a strong effort to make sure that this not only is done as far as careful calculations for localities, but also looking at the overall impacts on the environment.

But I will tell you, you know, what we're seeing so far with heat pumps is that they are a very clear alternative and a strong one in terms of the existing gas heating systems.

SENATOR WALCZYK: I've heard that consistently throughout the Climate Action Council Draft Scoping Plan hearing and also here today. Many lean on ductless mini-splits or air-source heat pumps as the solution to a lot of these things.

So the current plan, I mean, could include anywhere from 30 to 40 pounds of

refrigerant per household in New York State. When you consider, you know, the dangerousness to the planet that a lot of these gases that we would be installing in each home in New York State -- should they at least be manufactured in New York so that we know that they're responsibly manufactured and held. Or should we continue to buy these refrigerants from --

MR. SCHRADER: NRDC has long supported bringing manufacturing to the State of New York, not just for these heat pumps, of course, but for solar as well as wind turbines and the like.

I think that what we do know is that as we see increasingly the effort to have building decarbonization in new construction, we can see this over time in the new construction that takes place in '27, '28 --

SENATOR WALCZYK: I know we keep saying decarbonization, which I know -- when something has 2,000 times more global warming potential than CO2, that's why it's a drastic concern to me. When we say that that gas is

part of the solution, the lowering our amount of something that has 2,000 times less global warming potential, well --

(Overtalk.)

MR. SCHRADER: We're out of time, Senator.

SENATOR WALCZYK: -- we're out of time.

MR. SCHRADER: But one thing to keep in mind with CO2 is it lasts for a long, long time. And the impact really is that the way it lasts for so long is something that has to be more effectively dealt with in the short term.

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Just a couple of quick questions, because I think -- Patrick, I don't know whether you had opened the door on anything around housing, but -- and since we're talking about local issues, New York City has an FAR, a floor area ratio, so that we're not building way out of scale.

The Governor's budget includes a

lifting of the cap on FAR 12. If there was some guarantee that it would all be affordable housing, I might be convinced. But under the current cap, we've seen Hudson Yards built, we've seen plans again, inexplicably, on the East River, huge buildings going up. So while it is something that the league has included as something in its -- I guess its position in support of some of the Governor's things, I would hope that you would all go back and think about that as a real problem.

I don't know that we have ways to make these huge buildings reasonably green. And if we're taking off a cap that has allowed enormous development already in New York, I'm not sure why we would continue to have giveaways to developers.

MR. McCLELLAN: Chair Glick, with respect to {inaudible} -- after the conversation that we had in your district office about this issue several weeks ago, I did not actually include it among the parts of the ELFA Article VII legislation that we

support, did not include the provisions specifically about lifting the FAR.

It's a concept that we think is still worth considering, but I do not affirmatively have it in my budget testimony today.

ASSEMBLYWOMAN GLICK: I will tell you I don't think it's worth considering.

Anyway, the last thing is I know there's been some discussion today about the sort of -- whether it's a bridge fuel or not, there are some exemptions on farms and the like for certain kind of equipment continuing to use biomass, which was not included in the CLCPA. I'm just wondering if you have any thought on that in 20 seconds.

MR. McCLELLAN: I think that when you get to the 2050 sort of end point of the CLCPA Scoping Plan, it is possible that we are not going to have zero-emission technology for every single use that we're currently using fossil fuels for. In those cases, I think that our responsibility under the CLCPA is to find the best option available that minimizes emissions.

ASSEMBLYWOMAN GLICK: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to the Senate, Senator Canzoneri-Fitzpatrick.

SENATOR CANZONERI-FITZPATRICK: Thank you. I appreciate everybody being here. Thank you for your input.

I wanted to ask Adrienne about your written proposal that had some significant discussion about the South Shore Estuary Reserve.

MS. ESPOSITO: Thank you, Senator.

SENATOR CANZONERI-FITZPATRICK: You are in my district with that, so I wanted to know if you could expand and explain why the next -- the funding is needed for that project.

MS. ESPOSITO: Oh, my God. Thank you, Senator. You had to be just reading my mind. I thought I had five minutes, and that's why I had -- I didn't include it.

But yes -- thank you -- the South Shore Estuary Reserve is one of the five estuaries in New York State, but this is a

state estuary program. It's funded in the EPF, it is an estuary that is 120 miles long. It generates millions and billions of dollars into the local/regional economy. I could go on, but I won't.

It has been stuck at a funding level for 29 years, at 900,000. Last year it got a wonderful bump up to a million. But the New York State Department of State, with stakeholders, spent the last five years rigorously working on a new management plan to restore and protect the estuary. It's done, we had a big, you know, to-do about it and a press conference a couple of months ago. We can't implement that plan with $1 million. I'm sorry -- we like the 1 million, thank you, but this is a major estuary that needs $5 million per year at least.

So some people don't like to change the categories in the EPF, and I understand that. But that would leave the SSER stuck forever at an inadequate funding level. It's an estuary that has more state, county and

town parks out of any estuary in New York State. It has more public access. And yet the public has access to polluted waters -- bacteria, harmful algal blooms, brown tide, mahogany tide, rust tide, and now we have a new pink tide from an invasive species from Japan. So it needs some help.

SENATOR CANZONERI-FITZPATRICK: Okay. If I could ask a few questions about recycling. The advanced recycling for plastics, is that giving off more carbon emissions? I mean, what are we dealing with as far as the advanced recycling? Are we doing more damage to the environment by recycling plastics?

MS. ESPOSITO: Well, I think that's the question, that you've asked the, as they used to say, $64,000 question. And it's one where right now the technology's not good to make plastics into plastics. And that's why we're not happy with it.

Could it be in the future? I don't know. Maybe. But right now it's not good technology.

SENATOR CANZONERI-FITZPATRICK: Do local municipalities currently have to comply with recycling rates or is there anything -- because I have 14 I think incorporated villages in my district. And I know Malverne, where I came from, we do have a recycling plan. Is it not out there for everybody?

Well, all right. Thank you.

MS. ESPOSITO: The answer's no.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Thank you.

Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: Thank you, Chair.

So thank you all for your advocacy and for your passion on saving the climate and saving the environment. I do appreciate it. I think it's steps to get there, so I appreciate listening to you and all of your advice on how to get there.

And Adrienne, you have been a staunch advocate. We're talking about estuaries, the Peconic Estuary has come a long way with your

help, and the EPA. Which brings me to the point of the water problems that we have in Manorville with the Grumman plume and the 1,4-dioxanes and the PFOS and the PFAS and how the federal government has been very generous in giving funding to extend the water to Suffolk County Water Authority, but we're still not there. We still don't have the money. And I don't feel like the state is doing their part in making sure that people have clean water, especially in that scenario.

Do you have any input or advice or something that I should be doing in order to make sure that those people in Manorville have clean water?

MS. ESPOSITO: Yes, and thank you for the question, Assemblywoman. And we know you've been very involved in that issue, and thank you for that.

Yes, I reached out to the DEC and unfortunately -- fortunately, we do have a Zoom meeting with the deputy commissioner, Sean Mahar. We will be inviting your office,

and Senator Palumbo's office agreed to participate, to see what funding is available to -- and this is something I think is important in the state budget. For communities that are drinking from private wells that are polluted, what do they do to get funding to hook up to the public water supply, which is only down the block but is costing millions of dollars?

Senator Schumer championed getting $5.5 million to this community, and the state has ponied up zero.

So we need to help them. We don't want them drinking PFAS-laden water. So thank you for the question. We do need to work to get a grant to them to get us the full funding so they can have clean water.

ASSEMBLYWOMAN GIGLIO: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Senator Hinchey.

SENATOR HINCHEY: Thank you.

And I saw a couple of other people wanting to chime in on the biofuels comment, so I just wanted to provide some space for

that. You had answered that, but I saw others leaning forwards.

MS. ESPOSITO: I think they were backing away from the comment.

(Laughter.)

SENATOR HINCHEY: Well, I'm opening the door, so --

MR. SCHRADER: Senator, to keep the door open a little bit, I think Patrick's point was exactly right.

We're going to see this is a process, a transitional process. As time goes on, there will be certain kinds of technologies and certain types of materials that we'll see may not be what we need in terms of a hundred percent clean, by the definition. In 2050 we're going to have 85 percent reductions of greenhouse gas emissions, not 100 percent.

But it's a process over time. We'll see where biomass is. There's a lot of new technologies even in the last five years on that. And I do -- and thank you for asking the question.

And I also want to thank you for the

Good Food Procurement Act, which NRDC is working on, which will provide abilities to create some value systems in terms of procurement for municipalities, including environmental sustainability. It's a very important bill, and I'm happy to get to mention it.

SENATOR HINCHEY: Thank you.

And kind of on that question, we talked about food waste and my apologies that I had to step out for a moment. But one of the ways that we've seen food waste is this big carbon emitter that we don't totally have the solution to right now. However, anaerobic digesters, the technology started in 2000. That technology has gone very far, though, to today. And I've seen it working on farms really well, especially partnering with Wegman's specifically to take not only food waste from the local landfill but also expired products off the shelves. And instead of ending up in the landfills, ending up in an anaerobic digester.

Do you think that that could be --

whether it's an indefinite solution, but at least a "now" solution -- something that we should be investing in to help cut those carbon emissions and make sure that we're investing significantly so that the technology and the anaerobic digesters on farms are as up-to-date as possible so that we're stopping the leakage?

MR. SCHRADER: Senator, a major arc of the policy discussion when we passed the food waste recycling bill back in 2019 was a contribution combination of making sure that the larger generators of food waste would go to composting facilities as opposed to putting them in landfills, or to digesters.

And I think that we're seeing more and more that there's sophistication and a growing ability of some of those digesters that do very well in terms of making sure the methane is contained. But there's still more work to do on that. But this is of great importance.

MS. ESPOSITO: I just wanted to chime in also. The answer to your question is yes.

Citizens Committee for the Environment are big supporters of anaerobic digesters. They have to be properly sited. If they're going to be in a community, they have to have the negative air pressure building so that the odors are contained.

But they are the wave of the future. You can make renewable energy from them, you can make clean compost from them. And actually, believe it or not, you can take the liquid nitrogen from them and use them for farmers. Farmers right now are buying that liquid nitrogen from Indiana. They could buy it locally from here in New York.

We think it's a great technology that needs to advance.

SENATOR HINCHEY: Thank you. I think --

MR. McCLELLAN: Seconded.

SENATOR HINCHEY: No, please, I want to hear from you. Oh, you seconded.

MR. McCLELLAN: I agree with everything that Adrienne just said.

SENATOR HINCHEY: Great. I would say

I do too. And I think that's important. I think we have a bigger role in the state to make sure that we're actually putting up the money to invest in it, and working with the PSC on the rates so that that energy actually works here in New York.

MS. ESPOSITO: Yes.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you all. Thank you all, all five of you, for your great advocacy over many, many years and your advocacy over many, many hours tonight.

So I don't know that this requires a comment, but just follow-up on Deborah Glick's comment, small comment on the housing piece. It also proposes sidestepping SEQR, which is -- I think should be of concern to all of us, because that is not just a luxury, that is a protection in terms of the environment for us.

So no comment necessary. Love you all. Thank you.

MR. SCHRADER: Well, you know NRDC

would fight to the death to protect SEQRA. That's one of the reasons why we existed.

So all of this needs to be, of course, part of a broad process and something that's, you know, thought out throughout all the SEQRA principles that are engaged in it.

MS. ESPOSITO: And Citizens Campaign for the Environment is not supporting anything that does away with SEQRA.

Also, in regards to the housing bill, we need infrastructure. We don't -- you know, where I live on Long Island, we're not even treating our current level of wastewater. Our drinking water's polluted. So we need to look at this holistically. And we don't want to attempt to solve one problem but yet create and exacerbate other problems.

ASSEMBLYMAN OTIS: Thank you. I'd say to Patrick's comment, though, smart growth is a good thing, and we like smart growth principles. So -- but we can do it in an environmentally sound way.

MR. McCLELLAN: I'll just chime in, if I can, actually to follow up on Adrienne's

point, since there's a minute and a half left, that the Suffolk County Water Quality Restoration Act that's included in the Executive Budget -- we're conceptually supportive of it, but it differs in important ways from what Suffolk County actually needs and wants. And we think that if you're going to have a program like that that helps with advancing sewering, that provides that important infrastructure, it's important to follow the local county government's lead in understanding their needs to make this work.

So, you know, we urge you to defer to the county on including that in the final budget.

ASSEMBLYMAN OTIS: Okay. Thank you all.

MS. ESPOSITO: I ditto what he just said.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Thank you.

I believe our final questioner is Assemblyman Manktelow.

ASSEMBLYMAN MANKTELOW: Can you hear

me? No? There we go. Sorry about that.

And thank you for being here at such a late hour. So being a former town supervisor, county legislator, and also a farmer, we all prioritize where dollars go. And I've heard from some of you on this panel just now, and throughout the day, there's only so many dollars to go around. Does it go to water? Does it go to electricity? Does it go to the sewer? Where do we prioritize where that money goes?

If you were in charge, if you were the governor, would it go to water or would it go to electricity?

MS. MORAN: I'll take a stab at this.

ASSEMBLYMAN MANKTELOW: Sure.

MS. ESPOSITO: Governor?

MS. MORAN: Yes, Governor Moran here.

(Laughter.)

ASSEMBLYMAN MANKTELOW: Okay.

MS. MORAN: I think it's a false choice. I think we have to prioritize in our budget the items that are going to protect public health and the environment first and

foremost.

You know, in our testimony -- and I'm sure many of our colleagues' -- we do propose policies that either save the state some money or help generate revenue in some cases. But we shouldn't be placing New Yorkers with choices like this because we know we need to fund to get off of fossil fuels, to have a more renewable grid, and we have to protect our drinking water. It's essential to human life.

ASSEMBLYMAN MANKTELOW: Well, what we're hearing out there from our constituents, at least in my area, is we are moving forward with the electrification of New York. We are taking steps, maybe not as fast as some people want. But at the same time, we are also trying to address infrastructure: Lead in the water, making sure we have good public water, we have wells. I have a lot of lake frontage along Lake Ontario -- those are always huge concerns as well.

We -- in my opinion, we can slow down

electricity, we can slow down that and move faster with the water than we can the electric, because to us, you can live without electric. You can't live without water. And that's really the question. What do we want to push? And I welcome any input.

MR. McCLELLAN: Well, I would offer that, you know, there needs to be direct state investment in order to achieve our climate goals across the board in every one of these categories.

However, you can also leverage price signals in the market to sort of move things in the right direction. So, for instance, with the cap-and-invest proposal that's in the Executive Budget, if you implement it correctly -- and as I've already said, the devil is in the details -- you know, that's something that would spur the development of more renewable energy without necessarily requiring further subsidy from the state.

And, you know, to the extent that you don't need further subsidy there, it maybe frees up money to do something else.

So I think pairing the direct state investment with those market signals is kind of the most cost-efficient way to move forward with some of this.

ASSEMBLYMAN MANKTELOW: That's one of the best answers I've heard all day.

So thank you very much, and thank you all for being here this evening.

MS. ESPOSITO: Just call him Governor Patrick.

(Laughter.)

MR. McCLELLAN: Please don't.

CHAIRWOMAN WEINSTEIN: Thank you.

There are no further questions for this panel.

MS. ESPOSITO: Thank you so much.

ALL PANELISTS: Thank you.

CHAIRWOMAN KRUEGER: Thank you all for being here tonight. Really appreciate it.

(Applause.)

CHAIRWOMAN KRUEGER: Yeah, let's give everybody a big hand of applause.

(Applause.)

CHAIRWOMAN KRUEGER: All right.

Panel F: The New York State Forest Rangers Benevolent Association, the New York State Environmental Conservation Police Officers Benevolent Association, and WE ACT for Environmental Justice.

And then in order to move people closer to when they're going to be on the panel, if you look and see that you're on the next panel, which will be Panel G, maybe you'll come closer to the front so you have less of a hike when you are coming to the panel.

And is WE ACT here as well? Anybody coming down the stairs for WE ACT? So it's possible --

CHAIRWOMAN WEINSTEIN: Going, going, gone.

CHAIRWOMAN KRUEGER: I think so. Perhaps they needed to get the train back to New York City.

So looking to my left, your right, if we would start with you and you'd introduce yourself.

DIRECTOR PERRYMAN: Actually, I'd go

with --

CHAIRWOMAN KRUEGER: You prefer the other? Fine. Whatever you prefer.

DIRECTOR PERRYMAN: Thanks.

CHAIRWOMAN KRUEGER: Hi.

DIRECTOR KRUG: Good evening, Madam Chairwoman and respected members of the panel. My name is Matt Krug, and I'm the director of Environmental Conservation Officers and serve on the board of directors of the Police Benevolent Association of New York State.

In 2023 the need for Environmental Conservation Officers has never been stronger. In 2022 we completed over 25,000 calls for endangered species, nuisance bears, spills, air and water pollution. We are the ones enforcing all of our environmental laws and any future laws.

Above all else, we are police officers and first responders. Responding to floods, hurricanes, snowstorms, protests, manhunts, and even 9/11 are within our mission parameters. Most recently, my fellow

officers responded to the Buffalo blizzard over the holidays.

Our number-one priority is protecting public health, as evidenced by our officers running COVID testing and vaccination sites during the pandemic.

The Climate Leadership and Community Protection Act's transition to clean energy is expected to cost $35 billion, with 40 percent of that dedicated to climate justice areas. These areas are overwhelmingly populated by minority and lower socioeconomic individuals whose children have an asthma rate of one out of every three. Vehicle emissions are the top source of air pollution that causes asthma. The fastest and most cost-effective way to immediately reduce pollution in climate justice communities is to hire more conservation officers.

We need our 60 vacancies filled, and adding another 90 officers to the most vulnerable areas would only cost 13.6 million. Last April, the Legislature

expanded the protection of 1 million acres of wetlands but did not increase funding for more officers. The last time enforcement personnel items were added was in 2013 when the Bottle Bill legislation was enhanced and two new investigator items were added in New York City. Those items are currently vacant.

Environmental Conservation Officer ranks at full capacity would be 342. However, our staffing is at 284. And I'm sad to say that only 7 percent of our officers are female, and less than 1 percent ethnically diverse. To hire a more diverse workforce, we need to enhance pension and paid benefits to attract more qualified candidates.

Specifically, we need to attract candidates from New York City and other climate justice areas. Pension parity is number one on the list of benefit improvements that would help attract diverse candidates.

The Legislature has stood with us for

the past three years, passing legislation to include the conservation officers and forest rangers in a 20-year pension, putting us in line with the other 96 percent of police and firefighters in our state. Your 20-year pension legislation has now been vetoed twice by Governor Hochul.

We are asking that the Legislature please add the provision into your legislative budget proposals and force the issue during the budget negotiations. Besides the pension legislation, we need equipment so that we can respond to your communities when disaster hits.

Thank you for this opportunity --

CHAIRWOMAN KRUEGER: I'm sorry, I have to cut you off. But we all have your testimony and will read the full testimony.

And I will now turn it to your fellow panelist. Thank you.

DIRECTOR PERRYMAN: Thank you. My name is Art Perryman. I'm the director of the New York State Forest Rangers Benevolent Association, also part of the PBA of New York

State.

I've been a state Forest Ranger for 21 years, and I'm currently stationed in Warren County, in southern Region 5. We protect state lands and the people who use them, through law enforcement and education. We fight wildland fires here in New York State and across the nation. We also respond to hundreds of search-and-rescue missions in New York State each year.

With an increase in staffing, Forest Rangers need to continue deploying to out-of-state wildfires. The program is essential to maintain wildfire qualifications and expertise here at home. Forest Rangers desperately need more funding to replace insufficient and outdated equipment. And sadly, Forest Rangers are still buying their own gear to perform winter rescues.

As you're aware, only 4 percent of New York State law enforcement officers in the Police and Fire Retirement System do not receive a 20-year retirement benefit. Forest rangers do a job that combines police duties

with wildland firefighting and emergency response. In other words, we are required to work in both worlds and be exposed to risk from both worlds.

In order to become a Forest Ranger, only select science-based degree programs qualify for taking the civil service exam.

A Forest Ranger exits the academy after 28 weeks of training with all DCJS police requirements as well as the specialized training needed to be a Forest Ranger. Rangers often need to be lowered from helicopters, use chainsaws, stay interior for days at a time, set up communication relays, manage multiple resources, use advanced land navigation, and search in extreme terrain. If you find yourself lost or seriously injured, there is no substitute for a well-trained, equipped and experienced Forest Ranger.

The people of New York State deserve Forest Rangers chosen from the very best we have to offer. In order to do that, the state must at least offer the industry

standard in police and fire retirement. Forest Rangers are never required or compensated to be on-call, but always rally to handle these incidents, coming in from days off and leaving family functions to serve our mission.

This all takes a toll on Forest Rangers. Tragically, Forest Ranger Captain Chris Kostoss took his life this past year. Chris struggled with mental illness issues in a job that doesn't help those things. He needed and wanted to retire. Unfortunately, Chris had to keep working, and retirement with 22 years on the job was not an option. Had Chris been able to walk away and take care of himself, he might still be here with us today.

We have met with many of you to explain these critical issues. We have made it our career and calling to help people in their hour of need. Today we are asking for your help. In this budget, please include a 20-year retirement for the members of the PBA of New York State.

CHAIRWOMAN KRUEGER: Thank you very much, both of you.

Our first questioner from the Senate is Michelle Hinchey.

SENATOR HINCHEY: Thank you very much. I didn't know I was going to be first.

Thank you both for being here but, more importantly, for what you do. In the communities that I represent, a good portion of the Catskills Park, just really thank you. Almost every week, I think, I'm reading about another life saved, another rescue in our park.

We have seen increased usage dramatically over -- throughout the pandemic, and yet a limited number of Forest Rangers. However, that doesn't stop the dedicated individuals from being there every day, all day, at any hour, making sure not only are they educating people who come to our community who have maybe never gone hiking before, who have never traversed down the side of a mountain to get to a swimming hole, like in Greene County, or whatever it may be,

educating people and making sure that they have the resources they need to be safe and enjoy the outdoors, because that's what we love. So thank you for that.

I want to put on the record I fully support including the 20-year retirement bill. I think we need to, and we'll be fighting for that.

I wanted to ask Director Krug, you had -- in the beginning of your testimony, I just missed it. Can you mention the $13 million that you had referenced?

DIRECTOR KRUG: The 13.5 million would be to hire more officers for environmental justice communities, specifically downstate, New York City, Yonkers, Nassau and Suffolk counties. Our lowest-income areas usually have a lot of industry and some of it's lawful, sometimes it's not, and there's a lot more pollution in those communities. Our officers are on the front lines combating that in those communities, and we need to hire more. We haven't hired -- increased our numbers really since -- I don't know when.

Our numbers have stayed stagnant since like the 1970s.

SENATOR HINCHEY: That's unbelievable. And I know -- of course I don't represent the city, but I know the idling laws that are there now require many more of your members to actually be able to enforce that. It's something I know this body cares a lot about, but we need to make sure that we have the resources and the people to be able to protect our air quality, because you all are protecting our natural resources. So everything that we're talking about here requires more of you to be able to do.

So thank you for being here, and I yield back my 40 seconds.

CHAIRWOMAN KRUEGER: Thank you very much.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Good to see you again, Matt.

DIRECTOR KRUG: You too.

ASSEMBLYWOMAN GLICK: A quick question on the 13.5. How many staff would that account for, do you think?

DIRECTOR KRUG: That would be about approximately 90 more officers than what we're allocated right now. Currently we are allocated 342. We are at 284, so we still have over 60 vacancies. So we would like to increase that above the 342 to 412, would be a start in those communities, to really start putting some boots on the ground.

ASSEMBLYWOMAN GLICK: Great. Just wanted to clarify that. We will be -- when we do a letter to our Speaker, we like to be clear about exactly what we're asking for.

When you were -- Arthur, when you were talking about you purchase your own gear, we had at one point asked the department about the fact that many of the uniforms were cotton, which was not the appropriate material for people who were out either in, you know, in the heat and needing things that wick better and stuff, and that you could have climbers with a lot better material than

you have.

So they have told us that they have been providing -- and phasing out cotton. Is that accurate?

DIRECTOR PERRYMAN: Yes, the uniforms are -- we're doing well with the uniforms. We've got excellent new uniforms.

But in terms of equipment, we're just not quite there yet. There's a lot of --

ASSEMBLYWOMAN GLICK: And when you say equipment, what kind of equipment? Are they --

DIRECTOR PERRYMAN: For instance, like for alpine rescue, a down jacket to offer to somebody that we're assisting, or for ourselves. Those things are still slow in coming, and so we're still looking for more in the budget for that kind of equipment.

ASSEMBLYWOMAN GLICK: Do you have a particular number that you think would be required to cover your officers or --

DIRECTOR PERRYMAN: Probably, yeah -- a number in terms of monetary? I'm not sure. I'd have to look into that.

ASSEMBLYWOMAN GLICK: Okay.

DIRECTOR PERRYMAN: Thank you.

ASSEMBLYWOMAN GLICK: Appreciate it. Thanks very much. And again, people from my part of the world want to go out and recreate, and they're not always properly attired. You know, flip flops are usually not the best footwear.

So thank you for carrying them off the mountain.

DIRECTOR PERRYMAN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Walczyk.

SENATOR WALCZYK: Good evening.

Director Krug, how badly do we need an academy, and why?

DIRECTOR KRUG: Our last academy graduated in December. We had 18 officers. Just to go through the hiring process --

SENATOR WALCZYK: You said 18, one-eight?

DIRECTOR KRUG: Eighteen new officers.

SENATOR WALCZYK: Okay.

DIRECTOR KRUG: That did really

nothing to help all our vacancies throughout the state.

We've been told by Commissioner Seggos that we should have an academy coming in early 2024. We need to hire before then. I push my management to see about canvassing our civil service lists for anybody that's a police officer already, but Civil Service hasn't called us back in a year.

So we could take laterals from NYPD and other agencies -- that we had dozens and dozens of NYPD take our tests -- and put them through a bridge academy and have them out by fall. But under the current hiring way with Civil Service, it won't be until 2024, and they won't be done with their training till the end of 2024.

SENATOR WALCZYK: And how many are you short now?

DIRECTOR KRUG: We're short 60. And we're going to have further retirements before that academy graduates. And these guys are guys on with -- and gals -- with 30-plus years on that are retiring.

SENATOR WALCZYK: Okay.

Director Perryman, I hear you loud and clear and fully support 20-year retirement. Thanks for bringing that up today.

I want to bring up, with the remaining time, you know, we've talked a lot in this hearing today about the planet warming, the climate changing. Thinking about our unmanaged growth, our Forever Wild growth, all of the hard stand that we have in this state -- which is a lot -- that we're in charge of managing, and just reflecting on in 2021 we had 137 fires and forestlands in New York State burning 550 acres, I think that's what you do in a climate like ours that's relatively wet.

If our hard stand is drying out and the climate is changing, what do we need to be thinking about as far as forest management and forever wild areas, fire breaks, that kind of thing to, you know -- where in other areas of the country they're used to fires -- what do we need to be thinking about as policymakers coming down the pike?

DIRECTOR PERRYMAN: We're just on a different cycle in New York State as far as large-scale wildland fires. And we do have areas where that's reoccurring every few years.

But there will come a time where we will see large-scale wildfires in the Adirondack region again, and see thousands of acres burned. We need to be ready for that. And the emissions, the amount of carbon released in those wildfires is massive.

So I think that we need to continue to send Forest Rangers out of state. I was in California two years ago. And we need to just continue that program and be ready for that when it comes around.

SENATOR WALCZYK: Thanks, gentlemen.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We have Assemblyman Lemondes.

ASSEMBLYMAN LEMONDES: Thank you, Madam Chair.

Gentlemen, thank you for being here so

late.

First I want to say, to the down jackets, in the first half of my military career we had a field jacket which I called the hypothermia sack. It was neither waterproof nor resistant to anything. It was absolutely useless.

The fact that you guys don't have down jackets for what you do is -- I can't -- I'm having trouble with that. So we have to get you down jackets, it makes absolutely no sense at all, and whatever other equipment that you need.

Twenty-year retirement, for the record, I can't believe we are even having to debate that or even having to bring that up. It -- as a retired military officer myself, you work hard for that, 20 years is a very long time. You could lose your life at any point during that 20 years. The fact that our state doesn't recognize that again surprises me. And we have to do everything possible to change that.

And last, I just want to say thank

you. And to Director Krug, the work that you guys do, that you officers do for people in my community, for example, that have illegal dumping happening all over the place -- there aren't enough of you to find these people that are doing this. I mean, there's a travesty of huge scale to our environment right there.

And if that was the only thing that we targeted by equipping you, manning you properly, that would be a step in the right direction. So you have nothing by my support; I'm sure everyone here would support that. And I just wanted to say thank you for what you do. And in my community, this particular incident I'm talking about, which occurred last year, it was 200 tires, you know, overnight. You wake up, this poor woman, elderly woman, 200 tires in her yard.

So thank you, gentlemen, to both of you. We'll do everything possible to help you.

DIRECTOR PERRYMAN: Thank you.

DIRECTOR KRUG: Thanks.

ASSEMBLYMAN LEMONDES: I'll yield the balance of my time, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Any other Assemblymembers or Senators? Okay --

CHAIRWOMAN WEINSTEIN: Oh, wait, I'm sorry.

CHAIRWOMAN KRUEGER: You always have to ask.

CHAIRWOMAN WEINSTEIN: Assemblyman Manktelow.

ASSEMBLYMAN MANKTELOW: Thank you, Chairwoman.

Thank you for all that you do.

Back to the wildfire training. So where do you go for wildfire training?

DIRECTOR PERRYMAN: We use federally -- you know, federal wildfire training. And we do that here in New York State and around the region.

And we also work on wildfires out of state, Western fire -- like I said, I was in California two years ago. And that's a big part of the training. It's -- you know, that

expertise and experience level is actually required to move up the chain in terms of leadership in the wildfire community. So that's a big part of the training, is getting to other states where they have large fires every year and working there.

ASSEMBLYMAN MANKTELOW: And I know the Adirondacks -- I hope this never happens, but if there was a significant fire, you're the first responders to be there?

DIRECTOR PERRYMAN: Yes.

ASSEMBLYMAN MANKTELOW: And if it's big enough, who do you call for assistance?

DIRECTOR PERRYMAN: We'd probably call in federal partners. And the Northeast Compact. That's other states in the area that are also partners with us in wildland firefighting. And, you know, we'd call in resources there.

But the fact is we don't have a lot of Forest Rangers in the state, so our resources are pretty low in that area.

ASSEMBLYMAN MANKTELOW: Well, like some of my colleagues said, you have our full

support. And like my colleague next to me said, I cannot believe we're not in 20 years for you guys. As an Army veteran and -- I just don't understand that.

So thank you for all you do, and you will have our -- my full support as well. So thank you again.

DIRECTOR PERRYMAN: Appreciate it. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

We have Senator Mattera to close.

SENATOR MATTERA: Hi, guys. I thank -- again, I thank you so much for keeping us from harm's way every day.

Just quick, you know, 20-year retirement, I am a hundred percent for that. I really appreciate what you guys do to put yourself in harm's way.

Battery fires with car fires, can you explain what you have to do, God forbid, if a car goes on fire that is an electric car?

DIRECTOR KRUG: I don't really deal with too many electric car fires just in my neighborhood. I work in rural Washington

County, so electric vehicles and charging stations aren't prevalent. Most of my car fires dealt with during Hurricane Sandy when everything got flooded.

But from what I hear, it's a lot of water.

DIRECTOR PERRYMAN: Yeah, that's more the structural firefighting world.

SENATOR MATTERA: Well, again, I was just wondering about the -- if there was a, you know, electric car that got in the woods and stuff like that, what would you guys -- you know, what could you do? Because I think everybody needs to understand, in other words, it needs to be submerged in water to be put out. Or you just got to let it burn to the ground.

DIRECTOR KRUG: I know how other fires are when we have large-scale tire burnings and other solid waste sites that are normally illegal that light on fire.

All that water that is dumped is contaminated after the fact and has to be collected or somehow treated or brought up

from the ground, the ground scoop. So it's not just the immediate area but anyplace that water touches usually needs to be remediated. And that I'm sure is going to be large scale.

SENATOR MATTERA: Thank you so much.

CHAIRWOMAN KRUEGER: Great. I think we are done. Thank you so much for staying so late with us tonight.

(Several thank-yous, applause.)

CHAIRWOMAN KRUEGER: As long as we're here, we all applaud each other. That's lovely.

UNIDENTIFIED LEGISLATOR: No, we're applauding them, not each other.

CHAIRWOMAN KRUEGER: Okay, fine. Whatever.

(Laughter.)

CHAIRWOMAN KRUEGER: Our next panel, Panel G: Save the Sound, The Nature Conservancy, the National Audubon Society, and Riverkeeper.

And for people who are following the record this evening, Public Utility Law Project, New Yorkers for Clean Power, and

Alliance for Clean Energy might want to make their way down closer to the front. Oh, good, they've already done that. Excellent.

Hi, everybody. Why don't we start with my left, your right, and just go down the line.

MR. CHERSON: Sure.

My name is Jeremy Cherson. I'm the senior manager of government affairs for Riverkeeper. We protect the Hudson River and all of its tributaries.

I want to thank all of you for sticking it out this Valentine's Day. It really shows that you love New York's environment, and we appreciate that.

(Laughter.)

MR. CHERSON: You know, a lot of New Yorkers right now, probably tonight, were walking with their loved ones along a waterway connecting with the river, either with their loved ones, their families. And, you know, whether it's the Hudson or another waterway, that's a major way that people connect with nature, is by just taking that

walk down to a park, down to the water, zoning out for a minute, enjoying the quiet, the birds.

And that all takes funding to make it all happen. And, you know, we're still trying to clean up a lot of sewage that still flows into waterways across New York State. Just as an example -- and not to pick on New York City -- but 20 billion gallons of raw sewage every single year. And to put that into volume, that's around 72 Empire State Buildings full of sewage every year, into the waters around New York City.

And the need for communities across the whole state just in the intended use plans that communities have applied for to upgrade their infrastructure is around $5.7 billion -- $5.7 billion just for a year's worth of projects that need to get off the ground.

So I think we're grateful that there's another 500 million for the Clean Water Infrastructure Act in the Governor's proposal. We'd like to see a billion because

there's just such great need. The EPF, a $400 million investment -- thank you for bringing it up from 300 to 400 in the last budget. We need to stop the offload for staffing.

An important program for Riverkeeper and the Hudson Valley and New York City is the Hudson River Estuary Program. Let's continue funding it at $7.5 million. There's over 1600 dams on the Hudson River that stop fish passage. We are in a crisis around the globe with biodiversity, but we have our own biodiverse hotspot right here in New York, the Hudson River. It's like our own little Serengeti.

A fish coming from the ocean all the way from Bermuda, up the Hudson River -- and what do they hit? They hit dams. And they can't get to their spawning grounds. We have fish that are just like salmon that need to get to their headwaters.

And we struggle in New York getting federal funds to remove dams because we are just not competitive with other Northeastern

states. And so the estuary program is one of the only ways that we can get funding to remove these barriers for fish in the region. And we've removed a couple of dams in Senator Harckham's district, and we are about to do, later this year, the largest dam, 25 feet, in his district, which will be excellent.

And I know I have to stop now. Thanks.

CHAIRWOMAN KRUEGER: Thank you very much. Evening.

MS. McGRATH: Good evening. And thank you for granting me the opportunity to testify. I'm Erin McGrath. I'm the senior policy manager for the National Audubon Society's New York State Office. And we lead a network of 96,000 members, 27 affiliated chapters, seven centers and sanctuaries, and thousands of volunteers across New York State.

Our mission is to protect birds and the places that they need to survive. And we've been very lucky because we've had a longstanding and productive partnership with

all of you and with the New York State Legislature. And we're looking forward to working with you to move priorities through the budget again this year.

We want to start off by commending New York State for its commitment to providing robust environmental funding -- 400 million for the Environmental Protection Fund, funding for clean water infrastructure, and critical capital dollars for our state agencies.

The EPF supports many important conservation priorities. And within the EPF, we're asking the Legislature to support the Regenerate New York program, increase funding for the Ocean and Great Lakes program, and also provide full funding for the ZBGA program. That's very important to us at Audubon because that provides operational support for our centers and sanctuaries across New York State. And without that funding, we would have to significantly reduce the programs that we provide, including many of our teen conservation

programs.

We were disappointed to see this year that the EPF contains a proposal to offload funding for staff salaries. We do agree that adequate staffing is critically important at all of our agencies, especially with all of the new responsibilities that have been placed on them. But as one of the organizations that relies on the EPF for funding, we don't think it's appropriate for that to come at the expense of that dedicated capital. So we hope we can rely on you again to reject it, as you have in the past.

We're also really glad to see the continuation of the EPF programs and other policies that support the health of our forests. They provide habitat for many declining woodland birds, and for that reason we strongly support the Regenerate New York program and we're encouraging the Legislature to provide full funding for that once again.

This program provides financial incentives to private forest owners who improve the health of their forests through

sustainable management activities. And in addition to improving their forests, it can also provide for the creation of critical bird habitat and also improve our forests' ability to store carbon.

Along those lines, we're also very supportive of the Governor's proposal to make the Youth Deer Hunting pilot program permanent. Research has shown that where deer densities are very high, bird populations decrease, largely due to the loss of critical understory habitat. And as a science-based organization, we support evidence-based wildlife management strategies that utilize hunting as a successful management strategy. So that's why we support the Governor's proposal and also urge you to do so as well.

And last but not least, scientists have determined that climate change is one of the greatest threats to birds, so we believe that we need to move forward in addressing it as quickly as possible and reduce our emissions. For that reason, we support the

Governor's proposal to establish a cap-and-invest program which will help move us towards carbon neutrality by 2050.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Good evening.

MS. OTTNEY MAHAR: Hi, there.

I'm Jessica Ottney Mahar. I'm the policy and strategy director for The Nature Conservancy in New York. We're the world's largest conservation organization, founded right here in New York and still proudly working here.

I'm really thrilled to be here today. Thank you for the opportunity. I also want to thank you for setting the stage for the passage of the largest bond act in state history this November for the environment, $4.2 billion. We're thrilled. We were excited to work on that campaign and really appreciate the questions that were asked earlier today by a number of you about the state's plans for moving those programs forward.

You know, likewise, we're very excited to see that funding flow out into communities, and really excited about what the commissioner said regarding the public transparent process that they'll be setting up to move that forward. And likewise, supportive of the staffing that's included to move those programs through the state budget. So thank you for supporting that.

We're also celebrating; today we had about 120 friends here in Albany. Thank you to Chairwoman Glick for sponsoring our Environmental Protection Fund Day. It's the 30th anniversary of the EPF this year, and it is an incredible program. It's something you should all be very proud of. It's something that's been supported in a bipartisan way for three decades now and has put important work on the ground in every single county of the state, every single borough of the city.

And so we're really excited to be back in Albany with you all, celebrating the good that that program has done and supporting the $400 million EPF proposal in the Governor's

budget. We do, like my colleagues mentioned, have strong concerns and opposition to the proposal to offload staffing costs into the EPF and ask you to once again reject that proposal.

My testimony covers a lot of issues, a few that were already mentioned, so I'm going to skip a few things, like clean water funding. We love it. Please read the testimony. Thank you.

Two things that haven't come up as much on this panel yet. One is the legislation that creates a Suffolk County Water Quality Restoration Act.

The Nature Conservancy strongly supports moving a program like this forward. We've been working very hard with partners at the county level -- labor partners, environmental partners, construction trades, civic organizations -- to get the nitrogen out of Suffolk County's water. It's killing our bays and harbors, it's preventing our shellfish from coming back. We've tried; it's not going to work till the pollution

gets cut out.

This would create a local funding mechanism to leverage state dollars from the Bond Act and other funding sources like the federal Bipartisan Infrastructure Act to get more pollution out of Long Island's water. It needs amendments to be effective. My testimony elaborates on that.

And also the housing proposal. I understand we're here about TED. This is an ELFA, but I've got to say this. Look, this was going to be potentially a really incredible opportunity for us to build the communities we need to sustain our people. The proposal falls short. It's not focused enough on making sure that communities are resilient to climate change, and it throws out a lot of environmental protections that will protect health and safety. Again, my testimony elaborates on that further.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Yes, David.

MR. ANSEL: Thank you. Thank you for

the opportunity to testify today.

My name is David Ansel. I'm the regional director of water protection for Save the Sound, an environmental action organization with a 50-year record of protecting, restoring and transforming the health of the Long Island Sound and the surrounding communities in New York City, Westchester County, and Long Island.

The frequency and severity of major storms and intense rain events overwhelm our stormwater and sanitary sewer infrastructure. Flash floods sweep over paved roads and sidewalks, across yards, picking up lawn fertilizer and harmful pathogens, and carrying those contaminants into rivers and streams that feed Long Island Sound.

As we outlined in our latest Long Island Sound Report Card, issued just a few months ago, nitrogen pollution remains a significant challenge, especially for the Western Sound. Warmer temperatures and wetter conditions can exacerbate water quality problems, and the water temperatures

in the western sound are rising at a rate of 1.4 degrees Fahrenheit per decade.

So Save the Sound -- many of these are aligned with my colleagues here -- encourages the Legislature to include in the budget for fiscal year 2024 a $1 billion investment in the Clean Water Infrastructure Act, which would enable our communities to reduce water pollution and become better prepared for the flooding and devastation of the inevitable next big storm.

This includes the upgrade and expansion of wastewater and stormwater treatment facilities as well as funding nature-based solutions, such as living shorelines, that provide critical flood protection and enhanced coastal resilience. It also includes the New York State Septic Replacement Program, which has benefited Suffolk County. This program should continue there and be expanded from there.

We also recommend that the budget provide for adequate staffing to ensure a swift, smooth and transparent implementation

of the $4.2 billion Environmental Bond Act, continuation of the record funding for the Environmental Protection Fund -- with no offloads -- significant funding for the Department of Environmental Conservation, which is understaffed for the critical services it provides.

And we also support Governor Hochul's proposed cap-and-invest policy, which would reduce emissions and prioritize health, and the Governor's plan to electrify more than 1 million New York homes by 2030. Electrification would ensure greener, healthier homes and is intertwined with strengthening community resilience across the state -- and the Long Island region, of course.

Thank you very much.

CHAIRWOMAN KRUEGER: Thank you very much. All right, Senator Hinchey had the first hand up, so to speak.

SENATOR HINCHEY: Okay, thank you.

Thank you all for being here. Happy Valentine's Day to all of us.

What is so exciting or what's so special about my district -- there are many things, but one is it's really built around the Hudson River. And so my questions are for Riverkeeper.

First, do you think it's important, talking about the importance of water and water infrastructure -- thank you to you and Riverkeeper for being such tremendous advocates. Do you think it would be helpful and beneficial and important for municipalities, in order to better access water infrastructure funding, to have a CHIPS-like funding model to be able to have dedicated funding streams for their water infrastructure?

MR. CHERSON: Yes. And thank you for your compliment of Riverkeeper.

I think your SWAP legislation would be very helpful for many municipalities to do ongoing operations and maintenance. That's one of the hardest things for wastewater treatment plants and systems to keep up with.

And the other thing we see with water

infrastructure funding specifically is that those who are in consent orders, who are violating the clean water act, being forced to upgrade their system -- when they apply, they get bumped up in the scoring. And so they get access to funding, but they're not necessarily the ones who are doing the operations and maintenance.

So the communities that are keeping up with it are getting penalized sometimes and not getting the funding. So if we made that available, we could have less system failures and we could hopefully get everybody on an equal playing field when applying for other, you know, competitive grants.

SENATOR HINCHEY: Thank you. I could talk to you on that topic all day. But for the sake of time, I want to switch gears.

We I think are all watching with bated breath the train wreck in Ohio. And something that concerns me deeply is the CSX rail lines along the Hudson River. Many of those small bridges, as we've seen with Riverkeeper, are held together with what

looks like duct tape and wood. Can you talk a little -- and we all know if something were to happen that falls into the Hudson River, we have a problem.

Can you talk a little bit about that issue in the remaining seconds? And if there's any funding that could be allocated from the state to really make sure that we ought to have better inspectors or whatever it could be.

MR. CHERSON: Well, this is great, because I wrote my master's thesis on toxic train cars.

(Laughter.)

MR. CHERSON: So yes, the vinyl chloride accident in Ohio is a big deal. And environmentalists have been saying that the tank cars that carry these toxic chemicals are glorified Pepsi cans. And that is still the case. There was DOT regulations, but those have been rolled back. And so we still, in Kingston every day, we see these train cars going over that massive spider bridge on the Rondout Creek.

And I know I have to stop. But there's very little the state can do specifically on the train cars. They can do enforcement sweeps on the rail bridges. That is something --

CHAIRWOMAN KRUEGER: Okay, we're going to have to cut you off there, sorry.

MR. CHERSON: -- on the state purview.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Hi, all. Nice to see you. Thanks for sticking around.

Jeremy, you talked about 1600 dams, which I can't quite imagine, you know, from the city to Albany. Are they -- would you recommend that they all be removed? I don't know what the threshold for making a change would be. And is it based on where there are specific spawning grounds?

MR. CHERSON: Yeah, so these are mostly legacy dams from -- a lot of them are old industrial sites, some of them from the

Industrial Revolution, some thereafter. And so you could take -- you know, right across the river here there's Mill Creek and some of the dams are used for recreation, so they'll back up and fill a pond, people have homes around them. Or there's a park. Those are most likely dams that are not going to be taken down or be considered for being taken down.

We're mostly talking about barriers that are right along the river that don't have a public reservoir, serve no purpose. Perhaps the ownership is unclear. We often find dams where nobody knows who the owner is. We do some digging, we find the owner, we inform the owner that they have a dam and that in fact they are liable if there is a superstorm and the dam bursts and that water comes downstream. That is a huge shock to that dam owner.

And so we have to then convince them to take down the dam. And so it's based on availability of funds, willing dam owners who will agree to take their dams down, and also

priorities for habitat. So where do the shad and herring want to go?

One of the first removals specifically for fish happened right across the river here in Troy, and the herring came back a week later after the dam was removed. After 85 years, they biologically knew that that cold water was where they wanted to go.

So the restoration happens extremely fast after dams are removed.

ASSEMBLYWOMAN GLICK: Do you all have a list of priority dams?

MR. CHERSON: We have a list of priority dams that we are working on. And we also work with the Cornell Cooperative Extension as well as the Hudson River Estuary program to map not only dams but culverts that cross roads and bridges that, to a fish, a culvert is just as bad as a dam if it's not maintained correctly.

ASSEMBLYWOMAN GLICK: Maybe you'll all send that on.

MR. CHERSON: Would love to. Thank you.

ASSEMBLYWOMAN GLICK: Thanks.

CHAIRWOMAN KRUEGER: Thank you.

Senator Pete Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair. And Jeremy, to your point, there's no one I would rather spend Valentine's Day evening with than Senator John Liu, just for the record.

(Laughter.)

SENATOR HARCKHAM: If I could get all four of you to weigh in on this. We'll start with David and work our way over.

The Governor's $60 million plan for addressing emerging contaminants. Sufficient? Not sufficient? Enough money? Not enough money? Strong enough language, strong enough enforcement? We'll start with David and we'll work our way down.

MR. ANSEL: I'll confess that I would have to confer with my policy team about the language. But I am personally extremely concerned about PFAS, as is our organization. And I think that that needs to be addressed in a more robust way.

MS. OTTNEY MAHAR: Yeah, our expertise is more on nutrient pollution. So I don't want to speak to toxics because it's not our expertise. But suffice it to say, given the amount of the stuff we're finding in our waterways, it needs to be a priority.

MS. McGRATH: Yeah, I would see this more as a down payment on what we need to do in the future. PFAS is so prevalent in surface waters, and our colleagues in Buffalo-Niagara Waterkeeper have actually done a lot of work documenting that.

So just based on the scale of the problem and the fact that it only seems to be growing bigger, this is something where we need to have a coordinated plan.

MR. CHERSON: So $20 million of the 60 million that's proposed in Part QQ of the Article VII TED legislation comes from the '96 Clean Water, Clean Air Bond Act.

The 40 million, not quite sure where that is going to come from. I think the Legislature has a role to item out where that 40 million is coming from and to make sure

that it's not coming at the expense of any other existing programs.

And then my colleague Anne Rabe from NYPIRG I believe submitted testimony today -- I don't think she can be here -- that there are some outstanding questions about how that legislation -- the funding and the accompanying legislation could impact state Superfund sites. And also the liability of polluters if you create a state fund to then clean up those sites, what happens to the strict liability of the companies, whether they were negligent or it was on purpose, for doing that contamination?

So I think you should look into Anne's testimony for how to look into those legal questions.

SENATOR HARCKHAM: Terrific. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you all. You

know, you each represent a certain kind of resource, although we understand, you know, you all sort of are representing all of the environment. But we have a river, an estuary, birds and nature generally.

So I'd ask each of you, could you share what you think are the resource that you and your organization are defending, what is the most worrisome impending environmental harm that we too should be worrying about?

I'll start with Jeremy and go across.

MR. CHERSON: I would say -- you know, the biggest improvement that we could make to the health of waters around the state would be those Empire State Buildings full of sewage that are flowing every single year.

Because those create a cascade of problems, whether it's depleting oxygen -- because you need dissolved oxygen for wildlife and fish, especially to live -- and algal growth and bacterial growth can take away from that oxygen. You also -- you know, it prevents people from being able to enjoy the waterways.

So one, you would get a huge biological benefit to massively reducing CSOs. And two, you'd get a huge economic and climate health benefit. As New York warms up and people need to cool down, wouldn't it be nice if everyone could safely head down to their waterways to jump in without worrying about whether they're going to get a flesh-eating bacteria or not.

ASSEMBLYMAN OTIS: Good answer.

Erin?

MS. McGRATH: I would say that the biggest problem facing birds and other wildlife at this point is the biodiversity crisis, which is really being driven by climate change and loss of habitat. And those are both things that humans can make better choices about and lessen impacts from.

We can do a lot to mitigate climate change and also to adapt to the changes we're seeing, and we can also make sure that our development in the future is sustainable.

ASSEMBLYMAN OTIS: Thank you.

Jessica?

MS. OTTNEY MAHAR: Yeah, like I would echo Erin. The Nature Conservancy is really focused worldwide on kind of the converging crises of climate change and biodiversity. And we just had two COP proceedings where international -- you know, world leaders came together with stakeholders -- in fact, one of them for the first time, environmental justice organizations really in the mix.

And we really need to solve these things concurrently to save ourselves, not just the planet. The planet's going to be fine. It's us we're worried about, right? Really. So we need to attack these two problems at the same time.

ASSEMBLYMAN OTIS: We need both.

David?

MR. ANSEL: Hard to argue with any of those. But with my Save the Sound hat on, I agree with Jeremy that sewage and nutrients in the water, but also augment that with climate change because the combination is a killer combo for reducing oxygen in the water and getting back to -- we don't want to get

back to the state of affairs we had in the Long Island Sound in the 1980s where essentially half the sound was dying or dead.

ASSEMBLYMAN OTIS: Thank you all very much.

CHAIRWOMAN KRUEGER: Thank you.

Senator John Liu.

SENATOR LIU: Well, thank you, Madam Chair.

I don't know what to say. First let me thank the panelists for offering their comments. And I do appreciate all of your comments. I take advantage as much as I can of the various venues that you've spoken about.

I do want to give a special shout out to Riverkeeper, because Riverkeeper does conduct a fair number of operations year-round in my hometown of Flushing in the Flushing River.

I have long pledged that I will, in my lifetime, not only boat in the Flushing River, but swim in the Flushing River. And as ridiculous as it may

sound right now, when I was a teen, it would have been ridiculous for anybody to suggest that they could swim or even boat in the Hudson River off of Manhattan. And yet people are doing that. So if it can be achieved in the Hudson River, I have every confidence, with all of your collective support and with our assistance, that we can return the Flushing River to public use in a good way. So thank you for those efforts.

No thanks to you, Jeremy, for pointing out that we have no loved ones. You even made Senator Harckham step up in a big way to profess his fondness for me, which he never would otherwise.

(Laughter.)

SENATOR LIU: Thank you, Madam Chair.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you for rejoining us, Senator Liu.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Hopefully you

guys will be able to hear me through my mask.

Thank you for talking about biodiversity. I am kind of horrified by how little we talk about it. But there is upwards of 2,000 species lost every single year on the planet -- 2,000.

Just for anybody who's still left in the room, the fact that the last estimate I read was 30 percent of all pollinators species are gone -- gone. That means they're gone permanently.

So when we're talking about climate change and having to make very uncomfortable large changes, I'm not saying that they are uncomfortable with all of you. But I'm just agreeing. I just needed to say it, because thank you so much.

And a couple of questions. One, a follow-up on the bomb trains. With everything you said, very quickly, do you have a recommendation that you would give to us to reduce our risk in New York State to have -- to prevent an experience like what happened in Ohio?

MR. CHERSON: We need more track inspectors. And we need bridge inspectors. That's the one thing that New York State has the authority to do, is to make sure that the bridges are safe and sound. Senator Hinchey has been out to see some of the crumbling bridges along the Hudson. There are more. And the state underfunds inspectors. There's only one -- last I checked, there's only one federal bridge inspector for the Northeast.

ASSEMBLYWOMAN KELLES: Great. That's a great answer. Thank you.

Second thing, we tried to protect Class C trout streams, Class C streams last year. Can you talk a little bit of what the impact is of that bill being vetoed?

MR. CHERSON: Well, it means -- I mean, especially when -- you know, we're always looking towards potentially more sprawl in a housing boom. You know, of course we talked about how smart growth principles are the best way to move forward so we're not putting housing right next to stream banks.

And so the impact of a bill like the Class C streams bill being vetoed is that we have more waterways that don't have their beds and banks protected from disturbance. And it's not that the DEC would say, no, you can't do anything here. You're applying for a permit. So it gives DEC a look at what you plan to do and gives them a chance to comment on your activities. And if they say you need to improve your design, then that's what you have to do. But you can largely still move forward with what you're planning.

ASSEMBLYWOMAN KELLES: One last question, and maybe this is not in the area of expertise. But we have put WIIA funding in every single year, but we have not seen it necessarily being distributed. And I'm curious if you guys have any thoughts on how much we should be putting in, and distribution. That might not be in your area, although it is water in general.

MS. OTTNEY MAHAR: I need you to repeat the question. You were a bit muffled.

ASSEMBLYWOMAN KELLES: I'm so sorry --

MR. CHERSON: I think I heard. You're asking about WIIA funding getting disbursed.

Well, we need more funding, and I think the Governor's proposal for additional staff to handle the Bond Act is going to really supercharge implementation.

CHAIRWOMAN KRUEGER: Thank you. Thank you. Sorry.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Yes. Senator Mattera.

SENATOR MATTERA: Thank you, Madam Chair.

And I thank you guys for all you do. I really -- you're saving our planet and it means a lot to me, especially waterways.

One thing that was so -- you know, becoming -- my district is mid-town and all of Huntington. So, you know, I have my sound and everything. And, you know, I went and I visited an oyster farm -- a couple of them, actually. And I was just so impressed that -- I never realized that one oyster cleans 50 gallons of water a day. And, you

know, what you -- what are we doing, any funding, anything that we know of, anything in the budget with that?

MR. ANSEL: We at Save the Sound just signed up to get involved with a counsel at the DEC and working groups for a New York State shellfish restoration plan.

And so we are going to be working -- it's the Pew Institute, I believe, is -- this funding is a transitional thing, and then we will be looking for money from the Bond Act to continue as we move forward. But with the goal of eventually having both recreational and commercial shellfishing again in Westchester and other parts of New York sailing waters and the Sound.

MS. OTTNEY MAHAR: If I can just add to that.

So The Nature Conservancy, we actually did our first underwater land deal here in New York. It was the Bluepoints property in the Great South Bay. And we were working for years to restore the hard-shell clam population there. And we actually paused

that work because what we found was we could not restore that population because of the high nitrogen pollution in our water on Long Island.

Which is what drove us to shift our work entirely into focusing on water quality on Long Island. Obviously we want clean water for all the purposes, but The Nature Conservancy initially got into it to restore that clam population.

And we're also doing a lot of work through partnerships, especially since the pandemic, to restore oysters with restaurant folks who weren't serving the oysters in their restaurants. It's been really interesting.

But we can't do that work unless we have clean water for these things to live in. They can take pollution out of the water, but not so much that they can fix the problem we have now.

So that's why this emphasis on clean water. In particular, some of these local measures to leverage that state and federal

funding are going to be so critical for Long Island.

SENATOR MATTERA: That's great.

And the last I just have is the sewage treatment plants moving forward. I want to make sure, in other words, that we are replenishing our aquifer and we're not dumping out to the Sound. So that's something that's very important to me moving forward, especially Suffolk County not being sewered. It's not the most sexiest topic, but it's a very important topic.

So that's my goal, is to make sure we're going to replenish our aquifer and we're not going to be dumping out to the Sound or to the ocean.

MS. OTTNEY MAHAR: Yeah, and making sure that what we're putting back in, either through advanced septic systems or through smaller-scale community sewer systems, is clean. Yeah.

SENATOR MATTERA: Great. Great job, guys. Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you.

And sorry I'm here late, but I've read testimony. And earlier today, one of the things that we had asked Commissioner Seggos about -- actually, several, both on the Senate and the Assembly side -- was that we're concerned about money getting out the door. And I'm wondering if you might address your thoughts on how we can better do that.

I mean, I can tell you that there's a lot of frustration among members that the way in which money is getting out the door through the grant process, which can be cumbersome and which can be very discouraging to municipalities. But I'm wondering if you have thoughts on what might be tried.

MS. OTTNEY MAHAR: If it's okay, I'll start. Thanks.

So a couple of things. You know, the Bond Act is a really great opportunity to think a little differently. And we're really enthusiastic about the public listening

sessions the state is talking about doing. They just put together a new Bond Act website that talks about the fact that they're going to go out and, you know, educate people about what these new funds could be used for, but also take input.

And it's not just tell us all the state things you want funded. They can do that. But, you know, when we were running the campaign to pass the Bond Act we heard a lot from organizations, local governments, environmental justice organizations and others, who were having a lot of trouble accessing funding. And this is a really great opportunity for the state to think about how we can structure programming to work better for communities and organizations --

ASSEMBLYMAN BURDICK: So can you be specific? You know, what would you do? I mean, some have said, you know, maybe it should be done by formula, the way like CHIPS funding is done. I'm not sure that that would really work, to tell you the truth.

But, you know, what would you suggest? You have ideas.

MS. OTTNEY MAHAR: Yes, some financial mechanisms that could be built in, things like bridge loans for organizations that can't take, you know, a large grant that's on a reimbursement basis, is one idea.

There's a lot of conversations with rural communities about how they can partner to get to the appropriate level of population that can spread the costs of an investment across a large enough district.

Then there's this program function. You know, my organization is holding millions and millions of dollars of land for New York State, as are other land trusts across New York State. And it's a big deal to hold millions of dollars of land financially. So there are program improvements that are also needed, and a lot of Environmental Protection Fund programs and going into the Bond Act, to make sure there's a greater efficiency in how the state works with NGOs and local governments to complete these projects so

that, frankly, we're not left holding the bag. Because there are huge ramifications for us financially.

ASSEMBLYMAN BURDICK: Erin? Go ahead, please.

MS. McGRATH: I would say the other thing that would be really helpful is to have more grants assistance at the state level. Navigating the grant process is really difficult. In a lot of small villages, or even in the case of private landowners, they don't have the ability to navigate the grants gateway and know every document that they need to pull.

So having folks even just that they can call up, someone they can partner with who can help walk them through that process is going to make sure that people who need funds and need those resources can get access.

ASSEMBLYMAN BURDICK: Great. Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

And to close for the Senate, Senator

Walczyk.

SENATOR WALCZYK: Ms. McGrath, how are you?

MS. McGRATH: Good. How are you?

SENATOR WALCZYK: You left off right after cap-and-invest in your testimony. What else did you want to say on behalf of the birds before we consider the Governor's budget bill?

(Laughter.)

MS. McGRATH: Thank you, sir.

I want to say that we are very excited about the program. We want to see how the details are going to work out. But some of the most important things to us are that we make sure that the proposal maintains provisions that are going to provide economic relief to families that are already dealing with financial distress caused by the pandemic.

And also that we strongly support provisions that are going to provide at least 35 percent, if not more, to disadvantaged communities.

And we'd also like to encourage the Legislature and the Governor's office to keep working with disadvantaged communities, be they upstate, be they downstate. We want to make sure there's no unintended consequences of this program.

And last but not least, we talk a lot about investing in climate mitigation, and that is critically important. But we also want to see investments in natural climate solutions. So making sure that our forests are sequestering as much carbon as possible, protecting our wetlands, which make our communities more resilient and sequester carbon themselves.

So we're really excited about the proposal and we're looking forward to working with NYSERDA and the DEC about it, but we're going to have to work really hard to get it right.

SENATOR WALCZYK: Thanks very much.

I'll yield back the rest of my time.

CHAIRWOMAN KRUEGER: There were a few members making bird sounds during that --

(Laughter.)

CHAIRWOMAN KRUEGER: Just saying.

I think that is it. Oh, excuse me, one additional Assemblymember. If you'd introduce yourself, sorry.

ASSEMBLYMAN LEMONDES: Thank you, Madam Chair.

This is Assemblyman Lemondes, 126th Assembly District, Central New York. Finger Lakes, water quality, very near and dear to all of our hearts.

I just want to ask a simple question to all four of you. Do you work with and integrate Ducks Unlimited?

MS. McGRATH: Yes.

MS. OTTNEY MAHAR: Yes.

MS. McGRATH: Very important to all of our organizations.

ASSEMBLYMAN LEMONDES: Wonderful. I just wanted to make sure because I would have loved to have heard from them today as well.

MS. McGRATH: Yeah, I believe they submitted written testimony. But you may know their government affairs

representatives, based in DC.

But they're really strong partners of ours. We love to work on wetlands conservation with them. And especially for Audubon, you know, we have just as many members who are hunters as bird watchers. So they're a perfect ally for us in our efforts.

ASSEMBLYMAN LEMONDES: Perfect. Thank you. Madam Chair.

CHAIRWOMAN KRUEGER: (Mic off.) Thank you all for your presentations tonight {inaudible}. And we're going to let you go home. {Inaudible.}

And there's a little confusion, we had two Panel G's, a mistake in the alphabet here. The second Panel G is Public Utility Project, New Yorkers for Clean Power, Alliance for Clean Energy.

And then for those who are keeping track, after that, if people want to come up towards the front, we will have a New York State resident, the Geothermal Energy Organization, and the New York Battery and Energy Storage Technology Consortium.

Good evening, ladies.

PANEL MEMBERS: Good evening.

CHAIRWOMAN KRUEGER: How about we start on my left, your right {inaudible}. I'm sorry, I didn't put this on. Yes, my left, your right. Hello.

MS. MARSHALL: Thank you, Senator Krueger. My name is Lisa Marshall, and I'm the director of organizing and advocacy for New Yorkers for Clean Power.

I previously served as the director of HeatSmart Tompkins, which was the original community-based organization promoting the adoption of heat pumps. So I'm not just an advocate, I'm also an implementer.

So HeatSmart Tompkins was a community nonprofit that led the charge for building electrification in New York State. Before anybody else had heard of a heat pump, we were out there hawking heat pumps. We have served thousands of consumer customers or residents in Tompkins County and the surrounding areas and helped hundreds of them to put in heat pumps in their homes. So we

have years and years of experience with heat pumps.

Every day in my job at HeatSmart I talked to folks seeking advice on installing heat pumps because of the cost savings that many of them could get, the confident comfort, the convenience and the climate benefits. People like Katie, who went from spending over $4,000 a year on propane to spending $400 a year to run her geothermal heat pump system. And people like Tom, who's an elderly gentleman who'd been heating with wood for 40 years but getting older now, finding that wood management is too burdensome and a heat pump was going to allow him and his wife to stay in their home for an additional decade or two.

So my current organization, New Yorkers for Clean Power, we are part of the Renewable Heat Now campaign -- which also HeatSmart was -- and the Better Buildings New York Coalition, and we respectfully request that you include the following bills in the budget: The NY HEAT Act, Senator

Krueger's bill, our topmost priority, as well as the All-Electric Building Act, the Energy Efficiency, Equity, and Jobs Act, and, very importantly, a green affordable pre-electrification or GAP Fund that will help folks whose homes can't qualify for current energy efficiency programs because of deferred maintenance of various sorts.

So key elements of NY HEAT were in the Governor's budget last year and, as Senator Krueger said, are unfortunately missing this year. And we urge the Legislature to put back both the -- some of those fundamental changes to New York's Public Service Law that are really going to be the foundation that we need in order to move our good climate plan forward. We're very excited about the electrification plan in the final Scoping Plan, by the way.

So these are policies also -- not only do they benefit our climate, they make our homes safer, healthier, more comfortable. They will expand our workforce by nearly 200,000 workers by 2040, with well-paying

jobs. Matt Dennis, who's a heat pump implementer in my area, he was not called to testify but he sold $4.5 million of heat pumps in one year, and he works on commission.

So I'll just conclude by saying that other countries and states and cities are leading on this and are already showing that it's possible.

Thank you so much for the opportunity to testify today.

CHAIRWOMAN KRUEGER: Thank you very much. Next?

MS. WHEELOCK: Good evening. My name is Laurie Wheelock. I go by she/hers pronouns. I'm the executive director of the Public Utility Law Project. We go by PULP for short.

Our organization is the only nonprofit that focuses on low-income utility customers. We do direct services. So just like Legal Aid, if you have a constituent who is facing termination for falling behind on their National Grid bill, we actually step

in, we provide them assistance and walk them through the process. We learn from those experiences and use them in policy proceedings and rate cases before the Department of Public Service.

And our call and intake volume has just increased significantly during the pandemic, but especially from September of 2022 when it was announced that home heating prices would be up high again this winter. We were bracing for it. And usually we get contacted by low-income individuals, but we had small businesses, we had farmers, we had, you know, senior citizens. We had people from all across the state, small businesses, wondering what they could do.

Our testimony goes into energy affordability and all the different aspects, as well as amendments and bills that we think would be helpful. But essentially I'm going to respond to four items today, briefly.

The first is that we can strengthen the already existing energy affordability program. Chair Christian mentioned this

earlier. New York State has had a goal since 2016 that no low-income family should be spending more than 6 percent of their monthly income on their energy bills. The way that works is each utility, be it NYSEG or Central Hudson, gives them a credit. They do a calculation, the credit hits their bill, and that is how you get to that 6 percent energy burden.

Unfortunately, our estimates show that the program is under-enrolled by about 1.1 million households. And households that are in the program may not be getting the exact credit they need to get to that 6 percent. So we are supportive of Senator Parker's bill that requires the Office of Temporary and Disability Assistance to data-match with the utilities. We also support amendments to allow the utilities to talk to each other, because some of them overlap. National Grid, Con Edison and New York City could talk to each other and say, We have this many low-income families, they should be in this program.

The second aspect I'll flag is that the Governor heard us and heard the public about energy affordability. And so in her budget proposal she seeks to expand the income eligibility to not just low income, to moderate. PULP is extremely thankful, and we support that. Our amendment would be to use NYSERDA's definition of moderate, because it takes state median income and area median income and compares them. And that's very helpful for whichever region of the state you might be in. If you're in New York City, SMI may not work as well as some other part of the state.

So we like it, and we also like the consistency. Having DPS and the NYSERDA programs flow together with the same income eligibilities could be tremendously helpful to getting control over your bill now and reaching our clean energy goals.

So there's much more detail in here. I'm happy to take questions. But thank you again for the opportunity to be here tonight, and I'm going to pass it along to Anne.

CHAIRWOMAN KRUEGER: Great. Thank you.

MS. REYNOLDS: Thanks so much. This is on, yes? So thanks so much for the opportunity to speak.

My name is Anne Reynolds. I'm with the Alliance for Clean Energy New York. Many of the environmental groups you've heard from already are members of ACE, but the majority of our members are private companies that are pursuing clean energy projects in New York as business opportunities.

So a couple of things to mention about the budget proposal. One, ACE supports the development of the cap-and-invest program, as it's the next logical step for the DEC to develop the regulations to enforce the emissions cap that's in the CLCPA.

Second, ACE New York also supports the transition to all-electric buildings and building benchmarking as it is included in the Executive Budget. Buildings are the biggest source of greenhouse gas emissions in New York.

Third, there's important actions to reduce emissions from transportation that were left out of the Governor's Executive Budget proposal. We respectfully request that the Legislature reconsider three key policies on transportation -- the Clean Fuel Standard, allowing the direct sales of electric vehicles without going through dealerships, and exempting new and used electric vehicles from sales tax for a few years.

To meet the climate goals we really have to jump-start the sales of electric vehicles, and we think that these are three important policies to do that.

Fourth, ACE New York opposes expanding the authority of NYPA as proposed in Part XX of the Executive Budget. The proposal would broaden NYPA's authority to develop, own, finance, operate renewable energy projects. And our main concern with the proposal is the un-level playing field that it will create. One state agency will be competing with private companies to win a contract from

another state agency. NYPA will be able to develop projects to connect to their own transmission system, giving their projects a leg up.

Presently, private companies take on the risk of developing renewable energy projects. The expanded powers of NYPA to finance and develop projects will fully place the costs and risks of project development on NYPA customers but will also allow them to undercut the bids of private developers.

For these reasons, we believe that instead of increasing renewables construction, this proposal has the real potential to chill and delay private renewable development in New York.

We also don't think NYPA projects will necessarily be completed any faster than independent renewable projects, since they both need to go through the same permitting and regulatory approvals.

In short, NYPA's role should not be in competition with the private sector, but to help reduce the hurdles facing renewable

development, like a lack of transmission capacity, which is what we would like NYPA to focus on.

Yes, we want renewables development to happen faster. There's about 16 utility-scale wind and solar projects under construction in 2022, and we need to get to a point where there's about 25 construction starts each year from now until 2028 in order to achieve 70 percent by 2030.

CHAIRWOMAN KRUEGER: Thank you.

Okay. First Senator? Any Senator? Oh, I see many Senators. Okay, I'm just going to start at the far end with John Liu, and then we'll head back this way.

SENATOR LIU: Thanks for starting with the far end.

I just want to thank this panel for bringing us their ideas and knowledge. And I do, Madam Chair, want to underscore the effectiveness of heat pumps. I got one for my own home, and it was -- you know, I had to replace my furnace, which would have cost something like $25,000. And instead, I paid

2500 for a heat pump for the entire house.

And, you know, sometimes you have to have a little bit of patience, but on an ongoing basis, it works terrific. Thank you.

(Overtalk.)

MS. MARSHALL: I want to know where you got a $2500 heat pump.

(Laughter.)

CHAIRWOMAN KRUEGER: Sorry, I didn't mean to speak over you.

MS. MARSHALL: Oh, no, I'm sorry, I was just saying that's a pretty good deal on a heat pump. So I would love to know who installed that.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: First, I just wanted to acknowledge that Assemblywoman Gunther came -- has been at the hearing for quite a while with us.

And we go to Assemblywoman Simon for a question.

ASSEMBLYWOMAN SIMON: So Ms. Reynolds,

my question is will you please tell my husband that we should get a heat pump.

MS. REYNOLDS: Me?

ASSEMBLYWOMAN SIMON: You, yes. I'm sorry, maybe --

MS. MARSHALL: I'll tell your husband too, though. We'll both -- we'll both -- we'll send him a valentine.

ASSEMBLYWOMAN SIMON: Thank you, okay. I just wanted to get that on the record, because I'm working on that.

And then the other thing is, you know, Laurie, the work that PULP does is so helpful to us because you've really helped constituents but also there's a level of technical assistance that you've been able to provide legislators that I'm really profoundly grateful for, because sometimes the utility stuff can get kind of difficult to understand. And it's hard for us to explain it even to constituents sometimes. So I wanted to thank you.

And also I know you've testified about particular things, but is there some way that

we can help you guys provide better, you know, technical assistance to legislators and staffs in a way that wouldn't overtax your organizations but would be really, really helpful for us as we plow through this stuff.

MS. WHEELOCK: Yeah, and thank you so much. And again, thank you all for the support, you know, to our organization and on energy affordability. Last year, when $250 million was put in the budget, that was monumental. And we're going to keep building off of it.

For PULP, you know, one of our priorities for this session is to talk about intervenor funding. The Legislature passed the bill last year, and it was vetoed in December by the Governor. But the veto message is really important. It goes through, it raises some good questions, and we are ready to talk.

We need to have a more small-group -- especially local groups from your districts. Like Communities for Local Power is such a powerful organization, and having them in

rate cases is invaluable. But we don't have the time or the money or the resources to compete against these corporations. We don't have the attorneys and the capacity. And so that we would love to be able to talk about and potentially discuss with one house.

When it comes to, you know, just education, we have 25 events between September and December with different members. And if you're interested, reach out to us and help spread the word. Because we want to connect with more community-based organizations. And your offices are extremely helpful with that. So many groups have grown or changed or diversified because of the pandemic, and we'd love to work with them so they can take the information about what financial assistance programs there are, or how do I read my bill -- and it just snowballs.

So we'd love to keep in touch with you all on both legislative priorities and then the constituent aspect, which is so tremendously important. So thank you.

ASSEMBLYWOMAN SIMON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Hinchey. No? No, you don't have to.

SENATOR HINCHEY: No, I do.

(Laughter.)

SENATOR HINCHEY: I do. Thank you.

CHAIRWOMAN KRUEGER: Senator Hinchey.

SENATOR HINCHEY: Thank you.

And thank you all so much for being here, and for your work.

My questions are for Executive Director Wheelock. First, thank you for your work following up on the last question. You have been in my district a lot. Thank you. We've been a hotbed of challenges lately -- thank you for the hearings you've hosted with us in regards to Central Hudson. Thank you for the hearings you hosted with us in regards to the Hudson Valley Water Company. And that's actually where my question lies today.

We've had a lot of conversation today about clean water and clean water

infrastructure. But one of the missing holes are small, private water companies. And I would love to hear from you what the state could be and should be doing better as it pertains to these small water companies, both I guess legislatively and funding-wise in the budget.

I know we've worked on some things that would require money, but curious to what your thoughts are now.

MS. WHEELOCK: Yeah, and thank you, Senator. Whenever your office calls us, we brace, because you all have a lot of utility issues happening right now (laughing).

SENATOR HINCHEY: We're sorry.

MS. WHEELOCK: No, no, no, no. We are glad to help, believe me.

SENATOR HINCHEY: We thank you.

MS. WHEELOCK: Yes. No, we -- we really appreciate it. And the things we've learned from your district and others is really, really important.

There are so many small water companies. I mean, the Senator has one water

company that the infrastructure keeps failing and it's always over holidays. So it will be Christmas or Easter, we get calls on Sundays, where people don't have water and they don't have water for two weeks at a time.

We had another small water company in Westchester that I think had 23 customers. And so it's not these large, private water companies. There are a lot of small water companies that were family-run, and the grandparents passed it down to their children, and their children want to pass it down to their children -- but the infrastructure is failing, and so they can't compete, they can't keep up with it.

And so the Senator has a bill, and we thank you -- it's actually going to create an authority that would allow the authority to step in and take over these small private water companies if the families or the private owners don't want to do it anymore because they can't keep up with the maintenance. The authority would take them over and help, through bonding, to bring up

the up -- infrastructure upgrades. It's been a long day. And long night.

And then we could decide, as a state, do we sell it to one of the municipalities or hand it over. And so it's a really important discussion piece and one that I think fits very well with the discussion we had today. Because they're out there, they're all over New York State, and we have to make a decision on how to help them, because that's ultimately what's going to help the customers who are struggling.

So thank you, Senator.

SENATOR HINCHEY: Thank you very much. And appreciate your help on that. I'll say your leadership, yours and your organization's, has helped us get to some of these solutions. So thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you.

And great testimony from all three of

you. Thank you for your good work.

I have a question for Anne Reynolds. Curious about your comments related to NYPA and going in a different direction from a lot of the testimony we heard today.

But in the NYPA testimony question-and-answer earlier today, it seemed as if one of the tools NYPA might use for renewable projects would be partnerships with private companies. So does that -- how does that factor into the thrust of your testimony sort of seeing them as two totally separate things? Maybe it's an opportunity for some of the folks in your association.

MS. REYNOLDS: Yeah. I would say that we would prefer it if they were partnering with the private sector, but the bill does not require them to do that, or steer them in that direction.

ASSEMBLYMAN OTIS: But the bill does not -- well, let's say the --

MS. REYNOLDS: It doesn't preclude it either.

ASSEMBLYMAN OTIS: It doesn't preclude

it. Or the Governor's version that's in the budget doesn't preclude it.

MS. REYNOLDS: Right.

ASSEMBLYMAN OTIS: Okay. Thank you very much.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Pete Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

Thank you, all three, for your very informative testimony.

My question is for Lisa and for Anne, regarding the incentive structure in New York State. You know, if the goal is to convert as rapidly as we can, a lot of that -- you know, as John was talking about, was personal conversion. Do we have a robust enough incentive structure in New York State to incentivize people to switch to clean energy?

MS. MARSHALL: So I'll take a crack at that. Thanks for the question, Senator Harckham.

In our short time, HeatSmart Tompkins

and then New Yorkers for Clean Power, when we started, there were no incentives for heat pumps. Then there were incentives, and they were mostly accessible by the sort of wealthier early adopter population. And just in my time at HeatSmart, which is just since 2020 -- or 2019, I can't remember -- we've seen a dramatic shift to a lot more money available for low-to-moderate-income households to electrify with heat pumps.

You're probably aware that the New York State Clean Heat program made the incentives -- which was part of the energy efficiency order from the Public Service Commission -- made the incentive structure for heat pumps go from NYSERDA to the utilities. And I guess I could say there's been some growing pains with working through that. Especially those of you in Con Ed territory might have heard a few rumors to that effect.

And now we're about to get the IRA incentives and there's probably a lot of people scurrying around at NYSERDA to try to

figure out how to make the current incentive systems that we have in place meld with what's going to come down from the IRA --

SENATOR HARCKHAM: Sorry to interrupt you --

MS. MARSHALL: Oh, sorry.

SENATOR HARCKHAM: -- less than a minute, want to get your colleague's perspective.

MS. MARSHALL: Okay, I'll just wrap up to say that, you know, people definitely need incentives still, especially our low-to-moderate-income households to electrify, and we do need gap funding. I would love to see more budget money going for incentives than ratepayer money, which is --

SENATOR HARCKHAM: I'm sorry --

MS. MARSHALL: -- so regressive. Okay, I'm done.

SENATOR HARCKHAM: I want to give your colleague some time; we've got 30 seconds.

MS. MARSHALL: Okay, go ahead. Sorry, Anne. Go ahead.

SENATOR HARCKHAM: Thank you. I'm

sorry.

MS. REYNOLDS: Very quickly, there's incentive structure and then there's a consistent and adequate revenue source to fund it. I think NYSERDA can solve those issues, but we need a source of funds. And there's the IRA, which is super-fantastic, but the cap-and-invest is the other source of funds for the building electrification work that the climate plan puts forward.

Or it has to be -- or the money has to come from somewhere else.

SENATOR HARCKHAM: Thank you. I yield my two seconds.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Kelles will take them.

ASSEMBLYWOMAN KELLES: A couple of questions.

So, Lisa, you mentioned the GAP funding. Just to make sure everybody is aware what that means -- you've talked to me briefly about it, but if you could explain

the barrier that people have to accessing the incentives that we have.

MS. MARSHALL: Thank you so much for that question.

So this is actually something that was recommended in the Scoping Plan specifically, and it's partly addressed by the one bill that I mentioned, the Energy Efficiency, Equity, and Jobs Act.

So basically we have monies from the federal government, from NYSERDA, from the utilities, from OTDA, that help people with these home energy retrofitting barriers. However, you're probably all aware we have the oldest housing stock in the nation in New York. Buffalo is the city in the whole United States with the oldest housing stock -- I'll be really quick. So there's a lot of problems with existing homes that prevent people from taking advantage of these funds and these programs, like mold, lead, asbestos, old wiring, structural problems, roof leaks, foundations crumbling, et cetera.

So a lot of times people can't move

forward, and that's why we're looking to make available a fund that would fill that gap and allow people to have a better, safer, healthier home that could be made efficient and eventually, someday, electrify.

Thanks.

ASSEMBLYWOMAN KELLES: Thank you.

And another question for anyone who wants to answer. But specifically, we hear a lot about geothermal air-source heat pumps specifically not being efficient in very cold weather. But my reading of the technology is that it can go up to negative 30 at this point, some of the units. Am I reading that correctly?

MS. MARSHALL: So geothermal or ground-source heat pumps are efficient at any temperature because the temperature of the ground doesn't change no matter what is happening with the weather outside.

Air-source heat pumps, we have much better air-source heat pumps. They are not efficient in negative temperatures. They will keep your house warm, but they will not

do so efficiently during those very, very cold periods.

However, on average, over the course of a typical year, they are more than twice as efficient as baseboard electric heat, for example.

ASSEMBLYWOMAN KELLES: But if you upsize the scale of it, you can get the heating of a home in the winter months, is that right? Is that correct?

MS. MARSHALL: It's not exactly correct. Actually, rightsizing is much better than oversizing. And it's actually a pretty tricky thing to do. One reason that, you know, our HVAC companies are adjusting to learn how to do a good heat pump design and install.

So it isn't just a matter of making it bigger, it's actually a matter of just smart and efficient design. If that makes sense. And just choosing the heat pumps that are the ones that are correct for cold climates is very important. Just because something is listed on the NEEP list doesn't mean it's the

right one for Albany or Ithaca, where it can be very cold.

ASSEMBLYWOMAN KELLES: I think I lost my time for you to answer the last question --

MS. MARSHALL: I'm sorry.

ASSEMBLYWOMAN KELLES: -- but I'll catch you after.

Thank you.

CHAIRWOMAN WEINSTEIN: Senate?

CHAIRWOMAN KRUEGER: Thank you.

Senator Walczyk.

SENATOR WALCZYK: Wal-zik. Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: I'm sorry.

SENATOR WALCZYK: You were getting it right all day.

CHAIRWOMAN KRUEGER: I know, all day. You're right.

SENATOR WALCZYK: Appreciate the myth bust on the air-source heat pumps and oversizing there.

I heat primarily with an air-source heat pump. It was negative 31 degrees in

Watertown, New York. And you can't get any heat out of the air when it's negative 31 degrees, no matter how big your air-source heat pump is. There is just no heat to take out of the air when it's that cold. So thank you very much for being honest about the technology.

Ms. Marshall, appreciate your expertise that you brought today. How much would it cost a homeowner to install a geothermal heat pump in the middle of the winter?

MS. MARSHALL: The installation cost doesn't really -- isn't weather-dependent. I mean, they either can -- either the weather allows them to do the install or it doesn't. And we see most of the time in my area installs happening all winter long, and the price doesn't vary.

How much is always the question people ask me. And it's just -- I can't answer it because it depends. It depends what incentives you qualify for, it depends what the existing heat distribution in your house

is, it depends whether you're having a horizontal loop field or a vertical loop field. We're very excited about the potential of the thermal energy networks as well for more densely populated areas.

So I will tell you that for some homes you see a very cost-competitive install for ground-source heat pumps. And especially if they're converting from propane or oil, they can pay for themselves -- even a $50,000 install could pay for itself in less than 10 years, which is pretty exciting.

So it really does depend. There's a lot of variables. I wish I had a more direct question -- answer for your, Senator.

SENATOR WALCZYK: Does it take longer to install a ground-source heat pump for a home in the dead of winter than it would in the summer?

MS. MARSHALL: It's really not -- no, not necessarily.

SENATOR WALCZYK: Okay. So in Part WW of the Governor's TED bill, she's proposing that we don't allow any fossil-fuel-based

systems to be replaced after 2020 -- 2030, I'm sorry. The day is getting long.

MS. MARSHALL: Yes, and that's in the Climate Scoping Plan, that's the recommendation.

SENATOR WALCZYK: So if someone's furnace goes out and it's negative 30 degree outside, how long would it take a company like the one that you worked for to replace someone who is using gas to keep their family alive -- how long would it take them to install a geothermal heat system for that home?

MS. MARSHALL: Yeah, I -- just to be clear, I don't install heat pumps. I just assist the community with connecting with qualified installers and finding out what all the incentives are.

So what the companies do that install heat pumps in a no-heat emergency situation, it's --

SENATOR WALCZYK: Would it be longer than a day?

MS. MARSHALL: They generally provide

large space heaters to the homeowners, whether -- no matter what's happening, so that they can get the equipment and put it in.

So yes, it's usually longer than a day, and that is something that is definitely being addressed. I mean, most people in a no-heat --

SENATOR WALCZYK: Longer than a week?

MS. MARSHALL: It -- you're going to try to trap me into an answer that I can't give you.

SENATOR WALCZYK: I'm just looking for an answer.

MS. MARSHALL: It's just going to depend on supply chain and all kinds of things. But companies that do no-heat replacements have a plan for no heat to make sure customers don't suffer while they wait for their heat pump to be installed.

CHAIRWOMAN KRUEGER: Thank you. Thank you.

CHAIRWOMAN WEINSTEIN: Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Yes, and thank you for your testimony.

You know, earlier today we heard that NYPA might be possibly in the business of providing renewable power -- which is certainly welcome to hear that that's possible -- and that one of the purchasers of that power might be community choice aggregation programs.

And I'm wondering if any of you can comment -- and I might have missed it, but I don't think I saw any reference to CCA, which actually is something that's fairly widespread now in Westchester County, my county. And if you could address that, I'd be interested in your thoughts.

MS. WHEELOCK: Anne, how about you?

MS. REYNOLDS: Yeah, I'll give it a try.

So as I mentioned, we are not supportive of the Governor's proposal with respect to NYPA. But I will also say that NYPA can sell power to CCAs now.

MS. WHEELOCK: And I'm happy to add.

I mean, PULP is supportive of looking into NYPA. We attended the hearing over the summer about the Build Public Renewables Act. The CCA is a very important aspect. We know that there's been some issues and some struggles. But the Department of Public Service does have an ongoing proceeding right now. We're not actively a part of it, I'll be very honest, because we're stretched so thin right now, but we are monitoring it. And so they are looking at ways to make the program stronger.

And I'd be happy to get you that case number.

ASSEMBLYMAN BURDICK: I'm wondering if -- not at this point, but if any of you might offer any suggestions in terms of where you might see the Department of Public Service regulations may need to be looked at in order to try to further promote CCAs.

Thank you.

MS. WHEELOCK: We'd be happy to.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Thank you.

And Senator Mattera to close for the Senate.

SENATOR MATTERA: Thank you.

Thank you, ladies, very, very much.

Lisa, I just want to know, do you feel that New York State is doing a good job advertising enough to let all New Yorkers know that by 2025 -- 2030, that there will be no natural gas, propane, no longer being used in their homes and businesses?

MS. MARSHALL: That's not accurate, actually, Senator.

What is accurate is that at that point if your fossil fuel system comes to the end of its life, then the replacement system that you will be able to put in will not any longer be propane or natural gas. It's not true that they won't be available anymore.

SENATOR MATTERA: As soon as your boiler goes -- I'm in the plumbing business, and we're talking about geothermal and we're talking about --

MS. MARSHALL: Yup.

SENATOR MATTERA: So I'm in the

plumbing business. The boiler goes out. Guess what? The next day, over 2030, boiler goes out.

MS. MARSHALL: That's right.

SENATOR MATTERA: What do I do?

MS. MARSHALL: You call an HVAC guy and ask him what he recommends and then --

SENATOR MATTERA: No, no, you have to go electric.

MS. MARSHALL: Right. But the HVAC companies do the electric.

SENATOR MATTERA: And my other question is, what do we do with these people that can't even afford -- they're lucky enough to afford their fuel bills as it is. What do we do with these people that have 60-amp service, 100-amp service -- because we do, back on Long Island, we still have that. What are we supposed to do with that? Do you feel that New York is going to be doing the job with any kind of incentives for these people so they can --

MS. MARSHALL: Yes. And we have great incentives already in place. And the

Governor has proposed the EmPower Plus, which I hope will be passed in this year's budget, because that's where a lot of that money -- we also have OTDA money going to that, HEAP money and utility money. And all of those monies can be bundled.

So for example, I see people often in like a manufactured home, for example, who get $20,000 to $30,000 worth of insulation, heating, other health and safety, all for no cost through those existing programs.

And of course we do need to improve and expand those programs. As I discussed, we need GAP funding, et cetera. They are a little bit cumbersome. We do have these wonderful Clean Energy Hubs that are there to advertise, assist and help the communities learn about the programs and navigate them. That's the purpose of the hubs.

SENATOR MATTERA: So you think the public realizes this, what's going on? I don't feel that we're doing enough, in other words -- that we have to be out there.

Just quick, all three of you guys, if

you don't mind, what kind of heat do you have in your homes right now?

MS. MARSHALL: I have an ancient gas boiler.

SENATOR MATTERA: Thank you. Next?

MS. WHEELOCK: We moved in August, and we have a Frankenstein house. It's half electric, half natural gas.

MS. REYNOLDS: Heat pumps, wood fire, and some --

SENATOR MATTERA: And cars, what kind of cars do you guys drive?

MS. MARSHALL: I have an EV, I have a plug-in hybrid, and I have a small SUV. I have three kids.

SENATOR MATTERA: If you don't mind. I was just -- I was just wondering because I --

MS. WHEELOCK: I also have three children, so I have a Pontiac Vibe they don't fit in and a Ford Transit Connect.

MS. REYNOLDS: I also have three children --

(Overtalk; laughter.)

SENATOR MATTERA: I know, I have two children.

MS. REYNOLDS: A plug-in hybrid and a family van.

SENATOR MATTERA: Okay, great, thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Mamdani.

ASSEMBLYMAN MAMDANI: Thank you.

This is a question first for PULP. I have a couple of questions. The first question, Laurie, is can you explain how intervenor funding would help groups like PULP?

MS. WHEELOCK: So we discussed this just briefly a little bit ago. But essentially it would be a program through the Department of Public Service for any stakeholder, any small group that assists residential or small business customers.

You could get involved with a proceeding like a rate case or, again,

they're doing a lot on the CLCPA right now, gas transition, and you could apply. You could say, here are expenses, here is the amount of time that we put into this proceeding, and they would look at it and decide whether or not to reimburse you for those expenses.

So we think it would be tremendously helpful to groups like us, but also to a lot of other small local groups throughout the state.

ASSEMBLYMAN MAMDANI: Thank you.

And another question is, are there any other proposals that PULP would like to discuss that would help achieve the goal of energy affordability?

MS. WHEELOCK: Thank you. So we would love to come back to the Legislature and just talk about rate structures, which I'm sure (gesturing) your eyes are going to go "What?" But fixed charges, ROE, there's a lot in there that I think we can unpack as a state and talk about affordability.

Other states do things called PIPPs,

percentage income payment plans, and we'd love to explore that. Take someone's income, take their energy usage and have it tracked, working with NYSERDA, working with the utilities, so that they can, again, keep their energy low, keep their costs low, but protect them from that termination. We don't want to see that happen.

On top of all that, late payment charges. Utilities were not allowed to charge late payment fees during the pandemic, and they've started again. I was assisting a woman in Queens two weeks ago; she had a $4,000 bill and every month she's getting $60 in late fees. She had no idea. She had no idea she's getting hit with late fees. It's supposed to be a penalty to encourage people to pay, but people are struggling to even read their bills.

So I'd love to discuss what we can do when it comes to things that are regressive like fixed charges and late payment fees.

ASSEMBLYMAN MAMDANI: And just to double down a little bit on the late payment

fees, what would your proposal be with regards to that? Should they be abolished?

MS. WHEELOCK: I would love to start at zero, absolutely.

ASSEMBLYMAN MAMDANI: Thank you.

And just briefly, for the Alliance for Clean Energy, would just like to get a sense of what percentage of your members' projects come to fruition.

MS. MARSHALL: Are you talking to me?

ASSEMBLYMAN MAMDANI: Yes, sorry.

MS. MARSHALL: New Yorkers for Clean Power. And I was with HeatSmart, so I think you're asking about the HeatSmart program.

About 30 percent of the people who came to us for assistance ended up with energy-efficiency measures installed, whether it be a heat pump, a ground-source or air-source heat pump, and/or weatherization. Sometimes just a heat pump water heater.

But mostly we put in -- we oversaw helping people get -- over a thousand people get heat pumps in the last three years.

ASSEMBLYMAN MAMDANI: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRWOMAN WEINSTEIN: Assemblyman Anderson to close for the Assembly.

ASSEMBLYMAN ANDERSON: Thank you, Madam Chair.

And thank you to this panel, first for your resilience and also for being here to share with us the important things around energy.

I just had two quick questions. I think the first one is for PULP. I know of the amazing work that you guys do in helping assist individuals who are struggling with utility bills. In the Executive proposal I believe there's a Restore program that assists individuals with purchasing equipment, sort of like HEAP, sort of like weatherization.

So I just wanted to get your comments on that program as it relates to your constituent base work.

MS. WHEELOCK: Yeah, thank you. So I believe you're talking about the EmPower Plus

program --

ASSEMBLYMAN ANDERSON: EmPower Plus, I'm sorry.

MS. WHEELOCK: -- plus the energy affordability guarantee. And we really do like it. We think it pairs housing and energy efficiency and energy affordability all together.

We do make some recommendations in our testimony because we just want it to be a successful program. One thing is that the amount that's been appropriated is $200 million. We just worry that that's not enough to deal with the need out there.

And then with the success of the program, we would love to see it be in Article VII language. We don't want this just to be a pilot. We think EmPower has been a tremendous success throughout the state with helping low-income families. This is a sister program to that --

ASSEMBLYMAN ANDERSON: These are homeowners. Sorry to cut you off. These are homeowners that can now have access to

upgraded equipment.

MS. WHEELOCK: Yes, insulation --

ASSEMBLYMAN ANDERSON: How about to the grants?

MS. WHEELOCK: I believe the -- and I'll check to get back to you about EmPower itself. I'm not sure about EmPower Plus, if the -- that's one of our questions, is just what, you know, the grants are, the eligibility, all that.

But at least with the EmPower program itself, I believe it's up to 10,000. But I will check and I will get to your office.

ASSEMBLYMAN ANDERSON: Thank you so much.

And then I have one other question, and this is for any of the panelists. I'm not sure if it fits within the scope. A lot of the power companies mention that a bulk of the bills are fees. Do you -- can you all comment on what you're seeing in terms of the bills that customers, consumers, constituents are receiving? Is it true that most of them are fees and taxes?

MS. WHEELOCK: So there are a lot of different parts of a bill. And, you know, I'm happy to follow up with you in the office.

But essentially everyone has a delivery side and everyone has a supply side. You have the cost per, you know, energy usage, but then there are different fees involved. Earlier today there was a system benefits charge, you know, that appears on there; that goes to fund a lot of NYSERDA programming. And so there's many of those different fees as well.

The delivery side is the regulated side. That's what we fight for in the rate cases, is when Con Ed wants to raise rates, it's on that delivery side. The supply side is what's been so volatile recently. And so that's what's been --

ASSEMBLYMAN ANDERSON: My concern with the -- as we close out, is that what we're seeing with the utility companies is a profit margin that's impacting the ability for folks to be able to keep up with their bills. So

you have the supply, the delivery, but you also have a piece where greedy utility companies are trying to pad their pockets. And that's important to acknowledge.

MS. WHEELOCK: I'm happy to follow up with you more.

ASSEMBLYMAN ANDERSON: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

I think both houses are closed.

CHAIRWOMAN WEINSTEIN: Correct.

CHAIRWOMAN KRUEGER: Then I want to thank you three for coming and testifying before us tonight. Very informative, thank you.

MS. WHEELOCK: Thank you.

MS. MARSHALL: Thank you so much for all your questions.

CHAIRWOMAN KRUEGER: For everyone, applause.

(Applause.)

MS. MARSHALL: No matter what they say, you deserve those pay raises.

(Laughter; overtalk.)

CHAIRWOMAN KRUEGER: I'm going to call up Margaret Reilly, professional engineer; the Geothermal Energy Organization; and the New York Battery and Energy Storage Technology Consortium. No. 28 had to leave, so we're not calling them.

Okay, good evening, everyone. We're going to start from my left, your right. If you'll just introduce yourself and go for three minutes. Thank you.

MS. REILLY: Thank you for this opportunity to testify. My name's Maggie Reilly, and I'm a professional engineer who usually works in the watershed resiliency. But my testimony tonight is going to focus on heat pumps as a viable alternative to electrify New York.

Constructing buildings with either air- or ground-source heat pumps eliminates health risks, saves energy and money. I'm here to tell you the story of how my husband and I transitioned our large Central New York home off fossil fuels. We installed an all-electric solution using rooftop solar.

We drive electric vehicles. And we use only electric outdoor and indoor appliances. We replaced a gas boiler and hot water heater with cold climate air-source heat pumps and a heat pump water heater.

Our grassroots effort makes a difference, and we want to help others do the same. That is why we made a YouTube video explaining our process, with a virtual tour of our home.

Many people question the use of air-source heat pumps in cold climates. During a recent cold snap of minus 18 degrees, we were able to keep our home at a comfortable temperature without backup heat. This is a testament to the efficacy of air-source heat pumps in New York State's cold climate areas.

In 2022 we experienced 14 overnight lows of below zero, with the lowest temperature minus 14 degrees -- again, maintaining comfortable, consistent room temperature. Our heat pumps are rated for minus 14 degrees. That does not mean that at

that temperature they will turn off. It means while at that temperature, they're performing at about 74 percent efficiency.

So on to the budget. All New Yorkers deserve clean, safe and affordable energy, including low-to-moderate-income households. So I specifically recommend the following be included in the budget.

That GAP fund for low-to-moderate-income households, to address pre-electrification items such as asbestos and mold remediation, structural upgrades and upgrading outdated electrical wiring.

Second, NYSERDA's Green Jobs, Green New York program to establish affordable financing. NYSERDA's temporary offering of a zero-percent loan in 2020 is what convinced us to electrify our home, and others should have that same opportunity.

I recommend the All-Electric Building Act be included in the budget, with the years designated in the Scoping Plan, so we build new homes with only clean energy. We personally went from producing an estimated

15 tons to 1.5 tons of carbon per year. If we get 1.5 million homes to do the same, that would be over 20 million tons of carbon not going into the air.

If our ancestors could transition from coal to oil and then natural gas, we can transition to cleaner, more efficient alternatives such as heat pumps --

CHAIRWOMAN KRUEGER: Thank you. I have to cut you off, I'm sorry.

MS. REILLY: Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Good evening.

MR. CIOVACCO: Good evening. My name is John Ciovacco. I am with Aztech Geothermal in the Capital District, and we do design and build of heat-pump systems. We have hundreds of customers, about 550 in the area.

I'm a board member of the New York Geothermal Energy Organization, and we run a conference every year. I'm a mechanical engineer by training, and I'm a certified geothermal designer.

So I'm here to talk on behalf on behalf of New York Geo just in support of three pieces of legislation. So, one, the All-Electric Buildings Act, which has been discussed throughout the day, I mostly want to say that it's new construction and in new construction we already have a contractor base that can do these installations. It's very achievable to enact something like that, and it's a good stepping-stone.

It's a transition we have to make. It's something we can't do across the board all at once, but that's a good place to start.

The NY HEAT, terrific. My organization thinks about -- if we get rid of the 100-foot rule, maybe we need to replace it with something else. So we do a lot of work on alternatives to the expansion of natural gas. And by using utility thermal networks and things like that -- it's a big focus of the work that I do and a number of our members do as well.

I also want to support something that

I don't think's come up yet, and it's the geothermal sales tax exemption that Rivera has introduced. There's been parity with solar in terms of the New York State tax credit that just came through for geothermal recently in New York, but the sales tax exemption exists for PV solar or solar technologies but not for geothermal. So we'd just like to see if we could bring that up to parity.

On the federal level, a lot of parity occurred through the IRA, so that was nice.

Another just comment I wanted to make is that it's very common for us to do a 500-foot borehole in geothermals. So -- and that's about a 50-story building, but straight down, and we just have a couple of tubes in there. That's just -- it's just a plastic pipe. There's really no mechanical systems down there. Once it's installed, it's permanent energy infrastructure; it will last as long as the foundation.

And it yields about the equivalent of about a thousand gallons of propane in terms

of BTUs a year, every year, without having to be refilled. And so when you do a larger project, you're doing a number of those. But it's permanent energy infrastructure and the renewable component really is very significant when added together.

I'm also involved in a lot of utility projects, and I think that's a good place where we can just stub to the wall after we install a much larger system, so that those winter conversions and things are readily available because the pipe's already through the wall. Just like the natural gas infrastructure that's been installed over the course of many years.

That is that. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Evening.

MS. SHEEHAN: Good evening. Thank you for the opportunity to present testimony this evening.

My name is Denise Sheehan. I'm a senior advisor to the New York Battery and

Energy Storage Technology Consortium, which is a mouthful, so we say NY-BEST, keeping it simple. I've worked with them for the past 11 years. I previously worked for the DEC, where I sat in this seat like the previous commissioner earlier today.

NY-BEST is a nonprofit consortium created in 2010 to position New York State as a global leader in energy storage technology, including R&D and applications in transportation, grid storage, and power electronics. We have more than 175 organizational members, which includes manufacturers, project developers, our major academic institutions here in New York State, our utilities, developers, startups, engineering firms, the list goes on.

Most of our members are New York State-based entities that are interested in growing and investing in New York State.

Energy storage is an essential technology to achieve the state's climate goals, including 70 percent renewable energy by 2030 and a zero-emission grid by 2040.

New York State has recognized the essential need for energy storage on the electric grid and has proposed a new roadmap for energy storage, to increase the energy storage goal from 3 gigawatts to 6 gigawatts by 2030. Recent studies conducted on behalf of the New York ISO indicate that the state will need up to -- or actually more than 15 gigawatts of storage by 2040.

Simply stated, energy storage is needed for when the wind isn't blowing and when the sun isn't shining. But it's also needed to help replace our fossil fuel generation, peaker plants that are primarily located in disadvantaged communities. Energy storage can also help reduce emissions from buildings and maximize the benefits of electrified transportation.

The cost, however, of residential and commercial energy storage systems is extremely high. All energy storage systems deployed in New York State undergo rigorous testing, and that's expensive. In addition, the industry has faced supply chain issues

and has worked hard to address responsible sourcing of materials, which has also increased costs.

As a result, NY-BEST is respectfully seeking your support for legislation to exempt energy storage technologies from state sales and use taxes for residential and commercial energy storage projects. We thank Senator Parker for introducing the bill, S4547, this year.

This sales tax exemption is afforded to other similar clean energy technologies, and we are looking for that same treatment for energy storage.

Thank you very much for this opportunity.

CHAIRWOMAN KRUEGER: Our first questioner is Senator Pete Harckham.

SENATOR HARCKHAM: Thank you very much for staying. I know it's late, and we really do appreciate you staying and sharing your insights with us.

Denise, can you continue to expound upon this? Because this is the one part of

the equation that never gets talked about. Here we are talking about it at 10 o'clock at night. And without storage, the whole thing falls apart. That's right, on John's Valentine's Day.

(Laughter.)

SENATOR HARCKHAM: And thank you for talking about Senator Parker's bill.

Is the state doing enough for us to create the storage goals that we realistically need to make this whole thing work? And what more can we do, and are there things that we as a Legislature can do on top of Senator Parker's bill, to really jump-start the industry in the way that we know we need to?

MS. SHEEHAN: Thank you very much for the question.

We're very excited about the roadmap that's been introduced by NYSERDA and the Department of Public Service. It will put us on a path to 6 gigawatts, which is what we need. We are interested, since you asked, in embodying that 6 gigawatt goal in statute.

That would be helpful. You know, right now it's 3 gigawatts, and we know that's not enough. It's widely recognized that 3 gigawatts is not enough.

So those programs are going to be very important for us. The sales tax exemption, it's a small amount, but it adds up. And all this adds up with these projects. You know, it will -- an as-of-right exemption will go a long way for our -- for the development community.

I would be remiss if I didn't also mention the language in the budget, the Governor's budget, around NYPA. You know, we echo ACE-NY's concerns about the expanded authority for NYPA, primarily because of the competition for NYSERDA dollar, which are discrete. So a private sector, you know, competing for government funds with a government entity does not create a level playing field and sends the wrong message to the industry.

SENATOR HARCKHAM: Thank you.

MS. SHEEHAN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: (Mic off.) So you're Margaret, right?

MS. REILLY: Yes.

ASSEMBLYWOMAN KELLES: (Mic off.) So a question -- I hope I'm -- you can hear me, correct?

MS. REILLY: Yes.

ASSEMBLYWOMAN KELLES: (Mic off.) Okay. So following up on conversations with the previous panel, my understanding is that it is the case that gas furnaces, gas boilers, they all also rely on electric, so electricity doesn't (inaudible) gas system or an air-source heat pump, is that correct?

MS. REILLY: Yes. Whether it be gas or oil or heat pump, they all rely on electricity.

ASSEMBLYWOMAN KELLES: Okay. That, to me, is really important that we are all on the same page with.

MS. REILLY: Right.

ASSEMBLYWOMAN KELLES: And the other thing that I think is also really important is the fact that if you are in a very cold environment, let's say negative 14, negative 20, even up to negative 30, yes, it would struggle to reach the temperatures of like absolutely comfort, but it isn't that they would go down. You might have 68 degrees in your house rather than 70, correct?

MS. REILLY: Correct.

I can't speak to minus 30, because I have not experienced minus 30 --

ASSEMBLYWOMAN KELLES: Minus 20.

MS. REILLY: -- but we did experience minus 18 on a day that was extremely windy when a house is harder to heat normally.

So yes, the house still stayed warm. But, you know, if I was up in the North Country where my mother used to live -- and it gets down -- close to Messina, probably the coldest place in the state, when I lived up there we had wood-burning stove as a

backup. I would tell if my mother were alive now, I'd say get yourself a geothermal, because that system will save you money overall, it is more efficient than her oil burner was. But I would not tell her to get rid of her wood-burning stove. I would tell her to keep it.

ASSEMBLYWOMAN KELLES: But with either system, whether it be gas or electric --

MS. REILLY: All of them --

ASSEMBLYWOMAN KELLES: -- under zero degrees they're all going to struggle.

MS. REILLY: Yes. Our gas boiler, we used to have to crank it up to 74 just to keep that house at a temperature. But it was not as consistent as our air-source heat pumps are.

I just wanted to answer a question that someone asked earlier today --

ASSEMBLYWOMAN KELLES: Wait, I'm going to --

(Unintelligible overtalk.)

MS. REILLY: Oh, go ahead.

ASSEMBLYWOMAN KELLES: I'm sorry.

Another question on the pricing of geothermal right now. Can you give me just a little bit of detail on, with the incentives, compared to air-source heat pumps and other heating systems?

MR. CIOVACCO: Yeah, so it's a big "it depends." So if it's new construction, right now with the federal tax credit and with the rebates, it can be just around cost-neutral. It might be maybe $10,000 more expensive at most, because the ground loop is paid for by the federal tax credit and by the utility rebates.

If you get into an older home that needs a new distribution system because it's got steam radiators or something like that, then both air-source and ground-source are an expensive conversion. So I do think that there's a lot we need to address in terms of pre-electrification to get homes prepared for electrification through heat pumps.

ASSEMBLYWOMAN KELLES: Existing infrastructure, yes. Thank you.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Mattera.

SENATOR MATTERA: Great. Great to see you guys. Thank you so much.

Just to answer the question also, in my district is so -- if, God forbid, your electric did go out, we have backup generators that are run on propane, natural gas or even gas generators to take care of that problem. So we have the transfer switch and you switch it right over, and it's been wonderful that we have that. So that would answer that question.

I'm in the plumbing industry, John, and I think geothermal is something very, very important for another renewable energy. I have a 5,000-square-foot house, big home. We have people in my district that have 1500-square-foot homes, a thousand to whatever. My 5,000-square-foot house, how much would that cost to convert that to geothermal? Would you have any idea?

MR. CIOVACCO: Do I have any idea.

SENATOR MATTERA: Yeah, would you --

MR. CIOVACCO: Hmm.

(Laughter.)

SENATOR MATTERA: But do you have any idea? I'm -- you know, because I would love to -- me being in the plumbing business, I would love to see if that's possible.

MR. CIOVACCO: Yeah, it would be extremely expensive to do that. It would be extremely -- to go to air-source heat pumps as well.

SENATOR MATTERA: So what size home would be a perfect-sized home for geothermal?

MR. CIOVACCO: There is no per -- I mean, you can do that -- any building, this building could be a geothermal building.

SENATOR MATTERA: Okay, but you didn't give me a cost, how much it would cost me to do my -- you wouldn't have any idea what that --

MR. CIOVACCO: Where are you located?

SENATOR MATTERA: No, again, because I know you have to drill -- no, I'm being honest because I'm, you know, curious, being in the plumbing business, because there's a

lot of plumbers that get put to work.

I live in Smithtown. Smithtown, Long Island.

MR. CIOVACCO: So you would -- your system would probably be in the $100,000 range.

SENATOR MATTERA: Hundred thousand dollars range.

MR. CIOVACCO: Before the 30 percent federal tax credit and before the rebates, so --

SENATOR MATTERA: Okay. Thank you.

And Denise -- and I thank you very, very much. Battery storage, just quick, how long can solar power be stored in batteries?

MS. SHEEHAN: Well, it depends on the type of battery. So it's not a simple answer. And it's also the battery -- it's also the battery size. So sort of like comparing what your laptop can do with your phone. You know, it's the battery composition, the chemistry of the battery. There's multiple different types.

So it can -- you know, the average

system, you know, generally speaking, that's considered like a --

SENATOR MATTERA: So, okay, I have here between four and six hours. Right?

MS. SHEEHAN: So that's your average, you know, lithium-ion system, yes.

SENATOR MATTERA: Are you concerned about the amount of cloud covering during the winter months and the short duration by which a battery can store power? Now we have Buffalo that has 54 sunny days a year. Rochester, 61 sunny days a year. Syracuse, 63. And Albany, 69. Now we have Los Angeles, 284 days, and Phoenix is 300 days a year. And look what just happened with California where they're telling people, please, do not use -- do not charge your cars, do not charge anything --

CHAIRWOMAN KRUEGER: Thank you, Senator. We heard that example earlier. But I have to cut you because it's --

SENATOR MATTERA: No, no, no -- but everybody has a different answer.

CHAIRWOMAN KRUEGER: No, I'm sorry,

the three minutes are up.

SENATOR MATTERA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Two quick questions.

John, the proposal for all-electric buildings, which could include doing a geothermal heat pump, are focused on new construction to begin with. So is there like a dramatic difference? And are those -- would you have to be using -- I would assume you would need a ductwork system of some kind for the distribution.

MR. CIOVACCO: The distribution systems aren't fundamentally different than, say, a gas furnace. You know, a gas furnace and air-conditioner is what it would replace. So it would just be one thing, and you would put in the infrastructure as a part of the construction project.

As Doreen Harris was saying, it's a time when you're making a new investment, and

that investment in the new house is a good time to do it. Just like on replacement on existing buildings. Plus you get the tax credit and any rebate that you have from the utility. So it's an excellent time to do it.

ASSEMBLYWOMAN GLICK: Well, I guess the point I was making was that if you were looking at new construction, you would be looking for buildings that were already prepared for geothermal.

MR. CIOVACCO: Almost all new construction, certainly up in the Capital District, is air distribution systems. It would be a furnace and an air-conditioner. There's no particular preparation. New construction is prepared for heat pumps and certainly prepared for geothermal. There's no adjustment that needs to be made to the building code in terms of the building envelope or anything like that, or the electric panel upgrades. You would have everything that you need to do it.

ASSEMBLYWOMAN GLICK: Thank you.

Denise, the type of battery storage,

you're talking about battery storage for major systems or you're talking about distributed, you know, for somebody who has solar or community solar that they might have a separate battery storage for to weather the three-day outage or something?

MS. SHEEHAN: We're talking about both. So what's referred to as large-scale, utility-scale. You know, like large -- there's large-scale storage, which is, you know, 100, 200-megawatt systems. Which are still pretty -- you know, they're not huge. You know, it's a -- would love to take you to a site and we'll show you what they look like.

And then there's also what's referred to as distributed storage or retail storage, which is smaller systems that are usually, you know, either behind the meter or, you know, in conjunction with the building. And then there's residential.

Some -- the residential ones are often paired with solar. Not all of the systems are paired with solar. But a lot of the

distributed ones are, just because they can maximize the tariff benefits that are provided under the state's VDER tariff by being combined.

ASSEMBLYWOMAN GLICK: Thank you.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Sorry, excuse me. Checking. Senator May.

SENATOR MAY: Thank you.

And Maggie, I essentially want to say great to see you. But thank you all for your testimony.

Maggie, I especially wanted to thank you for giving specific examples from your personal experience of living with this system. And I wanted to ask about some aspects of it that don't often get talked about.

So you talked about the temperature level. But what about the noise level, the air quality, the distribution of the heat? Like are there pockets of cold and warm? Can you describe like what it's like living with a heat pump?

MS. REILLY: So the heat system we had before was gas boiler with hot-water baseboard, which was very loud, pinging and extremely -- you know, a much different -- not as consistent.

The air-source heat pumps that we have, we have mini-split -- ductless mini-splits, and they are extremely quiet. You don't even know that they're running. We have one right over our bed, and they run extremely quiet.

And the air quality is much better. And also it's extremely consistent temperature throughout the house. It really depends on if you get a good contractor that really knows where to place them, and we went through three or four different ideas of where to place those mini-splits before we did it. And so I can't tell you how much better the air-source heat pump heat in the house -- consistency, comfortable.

And the hot water heater is much more consistent. We do not have cold showers. That is always hot water.

So we are extremely pleased with it.

SENATOR MAY: That's great. Thank you. I will say I toured a small industrial facility in Syracuse, and the air quality was incredible. And they were saying, in terms of the cleanliness of the air, the -- so much less dust and that sort of thing too.

MS. REILLY: Yes.

SENATOR MAY: So I appreciate that. Thank you.

MS. REILLY: You're welcome. Nice to see you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you, Madam Chair.

I think this question will be for John and I think Denise. And, you know, what I'm hearing, and it's consistent with, you know, what I've heard from other sources, is that conversion for any kind of heat pump system, any kind of geothermal is really expensive.

And even for new construction it's expensive.

And I guess the question is, you know, what is your thinking about the market over time bringing the costs down, and that -- this being more available to the general public. Because, you know, yes, subsidies will help a lot. But it's a heavy lift for the average family to undertake.

So I'd be interested in your thoughts.

MR. CIOVACCO: Sure. I think it's a transition. So we need to start where it's most cost-effective. I would say about half of our customers are new construction and about half are existing.

The existing, if they have oil or propane, if they're delivery fuels, their pay-backs are excellent. Natural gas, not so much. Natural gas is just, you know, is almost cost-neutral with electricity when you share-shift them out, even a geothermal system.

So what I'm looking to do is try to figure out where does it fit best. And a lot of the projects I'm working on are

utility-scale projects where we go into natural gas environments but we try to match up buildings with similar -- with different load profiles to minimize the amount of infrastructure and increase the efficiency.

ASSEMBLYMAN BURDICK: If I can interrupt, do you see advances in technology on the horizon that will bring down costs?

MR. CIOVACCO: I see mostly the advances in volume. Right now it's a niche technology. The heat pumps are made in, you know, tens of thousands, not in millions, like furnaces and air-conditioners are. So I think that will go down considerably.

Also, it's niche contractors. Right now we -- you know, there's companies like mine. But every contractor can install heat pumps. We just need to get them in the mode of doing that, and then the costs will go down. It's really -- an air-source heat pump is an air conditioner.

ASSEMBLYMAN BURDICK: If I could stop you there.

Any thoughts on this?

MS. SHEEHAN: I would just echo that as you get to scale, you know, scaling actually does help reduce costs. And the majority of, you know, economic prognosticators are -- you know, estimate that costs will go down.

I think the challenge in some of these cases is, you know, the increasing demand at the same time for -- in many cases it's, you know, limited raw materials. So there has to be efficiencies in that process. I think that's part of this.

But I would also say, especially in the battery sector, you know, new batteries are being developed all the time. And they're being developed here in New York State, which we're really proud of.

CHAIRWOMAN WEINSTEIN: Thank you.

ASSEMBLYMAN BURDICK: Thanks so much.

CHAIRWOMAN KRUEGER: And I believe Senator Walczyk to close.

SENATOR WALCZYK: Thank you, Madam Chair.

Ms. Reilly, thanks for testifying

today and also for clueing me in that you've got a YouTube. I looked you up while we were sitting here.

So you've got two Mitsubishi 2.5-ton air-source heat pumps, is that right?

MS. REILLY: Correct.

SENATOR WALCZYK: And those, by their spec sheet, you're outside the operational range if it's negative 14 degrees outside. Were you aware of that?

MS. REILLY: Yes. And I talked -- before I came, talked to our contractor and I asked him if he had any more experience with it. And he said they're going down into the minus twenties, he said, even though they're rated for just minus 14.

SENATOR WALCZYK: How much did those cost?

MS. REILLY: Our entire system for -- we have six mini-splits, we have the two 2.5-ton air-source heat pumps --

SENATOR WALCZYK: Meaning six inverters. You've got two 2.5-ton air-source heat pumps, but you've got six inverters, six

heads in your home.

MS. REILLY: Yeah, the six indoor units. The ductless mini-splits, we have six of those.

And we have the two air-source heat pumps and then all the system that goes with that. That -- our original cost was around $30,000. But the cost, after incentives, was closer to 20.

SENATOR WALCZYK: They each -- they each require a 40-amp dedicated circuit. Did you have to upgrade your panel to your home and also --

MS. REILLY: That was included in that --

SENATOR WALCZYK: Included in that cost.

MS. REILLY: That was the entire cost of the system.

SENATOR WALCZYK: Okay, and you're in Central New York. Did National Grid have to come out and upgrade the wire to your home?

MS. REILLY: No.

SENATOR WALCZYK: Okay. So you must

have already been rated for -- what do you have, 200-amp service at the home, 400-amp service?

MS. REILLY: We probably do. I don't know my electrical as well as my civil. But yes.

SENATOR WALCZYK: I mean, you mentioned that there was a cold snap also.

MS. REILLY: Yes.

SENATOR WALCZYK: You also heat with supplemental baseboard heat.

MS. REILLY: No. We do not have any backup. The day they said they want to take out the gas boiler was like: Okay.

But yes, the gas boiler's gone and the only thing we heat with is those two air-source heat pumps.

SENATOR WALCZYK: Well, the articles about you are wrong, then. You don't have any electrical baseboard heat in your home.

MS. REILLY: We have a couple of electric baseboard, but we do not use them, no.

SENATOR WALCZYK: If the air-source

heat pumps are sufficient to heat your home by themselves, why do you have supplemental heat by baseboard?

MS. REILLY: In our basement.

SENATOR WALCZYK: It's just for your basement?

MS. REILLY: It's just for the basement, yes.

SENATOR WALCZYK: Okay.

Denise, how many homes can you heat when it's cold out with 200 megawatts of storage?

MS. SHEEHAN: It's -- in terms of electricity? Like by generating electricity?

SENATOR WALCZYK: Sure.

MS. SHEEHAN: Well, again, it would depend on the type of battery and, you know, that tells you how long. But -- so can you ask the question again? I'm sorry. How many homes?

SENATOR WALCZYK: I can ask it again, but we're not going to have any time to answer it here today.

(Laughter; overtalk.)

MS. SHEEHAN: I'll respond to you, then.

SENATOR WALCZYK: Thank you for your time. Sure.

CHAIRWOMAN KRUEGER: Of course you can follow up with the Senator after the hearing.

MS. SHEEHAN: Sure.

CHAIRWOMAN KRUEGER: And I'm sure he will be delighted to talk to you about it more. Right?

SENATOR WALCZYK: Of course.

CHAIRWOMAN KRUEGER: Of course.

Thank you. I believe that is -- the Assembly's also done. Then I'm going to thank all three of you so much for coming.

(Applause.)

CHAIRWOMAN KRUEGER: And I'm going to call up Panel 5: The American Forest & Paper Association; the Empire State Forest Products Association; Beyond Plastics; and the National Waste & Recycling Association.

Good evening, everyone.

MR. BARTOW: Good evening.

CHAIRWOMAN KRUEGER: Thank you for

joining us so late. I'm going to start with my left, your right, and just go down. Okay?

MR. BARTOW: Okay.

CHAIRWOMAN KRUEGER: Great.

MR. BARTOW: So my name is John Bartow. I'm the executive director of the Empire State Forest Products Association.

I'm going to hit on one appropriation element and three Article VII bills that are outlined in the budget.

On the appropriation side, we're very interested in the $400 million Environmental Protection Fund, particularly its support for the Wood Products Development Council, the Regenerate NY cost-share to private landowners, and the Easement for Land Trusts program that's in there. We think these programs, however, have been woefully underfunded over the past few years, and we'd like to see some consideration going forward that we beef them up if we expect to get our sequestration goals out of our forests going forward.

The Governor did not include two parts

of the EPF that have been funded in the past, the first being the Climate and Applied Forestry Research Institute at the College of Environmental Science and Forestry and the College of Agriculture and Life Sciences, and the Community Forests Program. Those have been funded in the past, and we'd like to see them both reinstated by the Legislature at a million dollars for the Climate and Applied Forestry Research Institute, and at least $500,000 for the Community Forests.

Turning to the Article VII bills, the Waste Reduction and Recycling Infrastructure Act is one of three very broad, major EPR-type proposals that are before the Legislature right now. And a couple of things. We really just want to make sure that consideration of the uniqueness of paper and packaging as well as paper printed products be recognized and dealt with as we go forward with each one of these.

And the second is that we could have significant unintended consequences with some of our paper manufacturers if we don't get

this right. So we're really worried about that going forward. But happy to talk more about that when we have more time.

Under the "Make New York Buildings More Sustainable," we want to ensure that the energy and building consideration for industrial process equipment stays the way it is today in statute, and that those are handled on an individual basis or excluded from the all-electrification piece.

We also think, when we're going to amend our codes, we're really missing an opportunity to deal with embodied carbon, and that would be the use of more wood or cellulosic materials and building materials going forward. We just haven't even paid any attention to that side of embodied carbon in our buildings.

And then the third one I want to mention is the cap-and-invest program. We're very interested in working on an economy-wide solution for financing. We just really want to make sure that consideration is given to energy-intensive and trade-exposed

industries. The allowance provisions that are being included in the Governor's proposals or any other proposals we look at, they need to be sensitive to that or we could have a tremendous amount of leakage.

And then we also want to make sure we support the alignment of New York's program with other state programs, the federal program, and the Intergovernmental Panel on Climate Change, so that we're not putting our businesses and manufacturers at a competitive disadvantage.

So that's all I have, and my time remaining I'll yield.

CHAIRWOMAN KRUEGER: Thank you.

Good evening.

MS. SZTEIN: Good evening. I'm Abigail Sztein, with the American Forest & Paper Association. My comments will focus on EPR and cap-and-invest.

In New York the forest products industry employs more than 26,000 individuals and communities, including Rochester, Ticonderoga, Syracuse and even Staten Island,

among many others. We urge the Legislature to take on EPR in a stand-alone bill that will allow sufficient consideration of this issue which will touch nearly every part of the state economy, rather than in the time-limited state budget process.

New York should take a more solution-oriented approach focused on problematic materials in the commingled residential collection stream. Paper recycling has enjoyed decades of success because of the industry's investments, consumer education, and the wide availability of recycling programs.

For 2021, the paper recovery rate was 68 percent, and our industry's recovery rate has met or exceeded 63 percent annually since 2009. 88.9 percent of New Yorkers have curbside access to recycling for paper. recycling is integrated into our businesses. Our members own 114 MRFs around the country, including one in New York, and 80 percent of paper mills use some amount of recycled fiber.

The paper industry is also looking to the future and has planned or announced around $5 billion in manufacturing infrastructure investments by the end of 2024, resulting in an over 8 million ton increase in available capacity in the U.S.

Our industry is committed to a circular economy, but we are concerned that EPR could lead to highly effective products subsidizing the improvements for the less-effective systems of some of our direct competitors. Printed paper products should not be included with the packaging.

Talking points about everyone belongs in the bin can be a distraction from whether paper is contributing to the concerns that are to be addressed by EPR, or if it can become sustainable as a result of EPR being in place. And the answer is no to both. The market is shrinking, and the vast majority of printed paper products are 100 percent recyclable and easily recycled.

On cap-and-invest, AF&PA members are both large consumers of electricity and, in

some cases, generators of the electricity used -- for the most part, for their industrial operations, including manufacturing facilities in New York.

AF&PA appreciates that EITEs are to be given an allocation of allowances for the covered emissions under the proposed program at no cost. This is consistent nationally and neither RGGI nor California's cap-and-trade program require allowances for emissions from eligible bio-energy.

The criteria for structuring the cost of allowances and allocations for EITEs will be extremely important for our industry, and so we look forward to some of those clarifications down the road for how this will function. We encourage this body to avoid measures that might penalize the forest products industry, and we look forward to continuing our work with the State of New York.

CHAIRWOMAN KRUEGER: Thank you. Appreciate it.

Again, everybody knows that all the

testimony in full is on the websites of the Senate and the Assembly, and so we know it's impossible for you to get through pages of testimony in three minutes.

So again, for everyone else left tonight, just remember, try to hit your bullet points.

Sir.

MR. DUBUQUE: Good evening. I'm Lew Dubuque, and I'm here representing the New York chapter of the National Waste & Recycling Association. I'd like to discuss EPR tonight.

There are currently three different proposals, EPR proposals, floating around Albany today, and they all differ in significant ways. And no single proposal fully captures all the elements necessary for the implementation of a successful EPR program.

Harmonizing the concepts reflected in the three legislative proposals will likely be a difficult task given the complexities and economics of New York's recycling

programs and the conflicting priorities of the stakeholders whose interests will be impacted by the implementation of a statewide EPR program.

However, we feel there is a simple alternative to help increase recycling rates and support local end markets. Instead of establishing an EPR program run by producers, a simple, more effective solution would be setting post-consumer content standards for materials, including plastics and paper packaging and containers. Such standards will create more robust markets for materials recovered through existing recycling programs, thereby supporting their use for manufacturing into new products and packaging.

For many years legislative bodies have adopted bans on the sale of certain materials and set recycling and reuse goals, but very little has been done to create markets for recycling materials. As a result, producers have little incentive to purchase and use recycled materials in their products when

virgin materials cost less.

Strengthening end markets for recycled materials is vital to making recycling sustainable. Recognizing this reality, last year New Jersey governor Phil Murphy signed into law a bill establishing post-consumer recycled content requirements for plastic, glass and paper. If New York were to adopt guidelines similar to New Jersey's, it could stabilize demand for recycled materials throughout the region and could ultimately inspire nationwide recycled content and circular design standards.

This approach could ultimately be much less disruptive to existing New York recycling programs, including curbside collection, and do more to foster sustainable recycling programs throughout the state.

I have a lot more in my written comments, and I hope you'll all take a moment to look at that. And I want to thank you for your time today. Thirty-eight seconds left.

CHAIRWOMAN KRUEGER: Thank you very much.

Judith, last in the panel.

MS. ENCK: Good evening. I'm Judith Enck. I'm the president of Beyond Plastics. I'm a professor at Bennington College and a former EPA regional administrator.

First, thank you for the refillable water containers. We can do these hearings without single-use plastic water bottles.

Second, Senator Hinchey, this hearing is approaching a Maurice Hinchey-style epic hearing. I sat in this seat before your father many, many times at this hour. He would be proud of you.

I want to speak very specifically in support of Senator Rachel May and Senator Harckham's extended producer responsibility bill, which I call the Packaging Reduction and Recycling Act. I agree that it should not be included in the budget. This is not dealing with current state spending for this fiscal year, and it's a complex policy issue.

So it's a rare moment when I'm asking you not to do something. I'm asking you, do not put this bill in the budget. Instead,

let's get together, let's have some very detailed conversations and figure out a strong bill for the rest of the session.

Why do we need a strong bill, the bill before you from two of your colleagues in the Senate? I've been very involved in the past week in the Ohio train derailment, which happened on February 3rd. I'm a former federal regulator, I've been asked a lot of questions, I've been providing some guidance. I was supposed to be on CNN tonight at 10 o'clock. I had a feeling I wouldn't get there by 10, so I'm with you instead.

And I want to point out that this derailment included liquid vinyl chloride. This is the polymer of making No. 3 plastic, polyvinyl chloride, or PVC, to use for plastic packaging, for one thing, for toys, for other plastic products. We definitely need more train inspections, but we need less toxic chemicals crisscrossing the country, to make plastic.

Second, I just returned from Louisiana. I toured an area called

"Cancer Alley," where there's a concentration of plastics in oil refineries. People are suffering with illness and very diminished air quality to make plastic, and we know there are alternatives.

Page 2 of my testimony includes a chart which summarizes the Harckham bill, the Rachel May bill, the Governor's proposal. Not only does the Governor's proposal not belong in the budget, but it's a very weak proposal. I appreciate the efforts, but 15 percent reduction in plastics is not going to solve the plastics crisis that we're facing.

I look forward to working with all of you on this issue. There is immense public interest. Scientists tell us that within the next seven years or so, there will be three pounds of fish in the ocean, one pound of plastic. We need to change that.

CHAIRWOMAN KRUEGER: Thank you.

Senator Pete Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

Thank you all so much for your testimony.

Just very quickly, John, if there are legislative members left -- or member items that were left out of the budget this year, if you would email those to my office tomorrow morning, we'll be sure we'll get those on the list.

MR. BARTOW: Okay.

SENATOR HARCKHAM: All right, thanks. I'll give you a card right afterwards.

MR. BARTOW: Yup.

SENATOR HARCKHAM: Thank you.

I have some questions for Lewis. You're -- it's rare in Albany when we get a couple of legislative bills and the Governor all kind of rowing in the same direction. As Judith said, there are differences in the bills, but we're rowing in the same direction.

Four or five other states have gone in the direction of EPR, and now you are suggesting something to the contrary. Why is what you're suggesting better than what five

states have done with EPR?

MR. DUBUQUE: It's not in a -- it's not exactly suggesting something different. New Jersey just signed a PCR bill into law last year. I was just in New Jersey two weeks ago telling Senator Smith, "It's a great bill, you passed that, it got signed into law. Why don't you let that take some time to have the regulations take effect and then see where we are?"

SENATOR HARCKHAM: Well, I suppose what's the fear of a more expansive bill? And I'm not trying to be a jerk here. But I would assume your members charge by the ton.

MR. DUBUQUE: Right.

SENATOR HARCKHAM: And if we're reducing the amount of tons, that's less they're charging. Is that part of the calculus of your position?

MR. DUBUQUE: Oh, our calculus is focusing on strengthening the recycling markets. That's what I was talking about here today.

An EPR program down the road might be

a better idea. Right now, focus on PCR, needs assessment, and strengthening the recycling markets. That's where we're coming from right now.

SENATOR HARCKHAM: All right. Does that model save municipalities the kind of money that EPR does? I mean, we're talking in New York State --

MR. DUBUQUE: Do we know that EPR --

SENATOR HARCKHAM: -- New York City and upstate, $240 million.

MR. DUBUQUE: Do we know that? That's the numbers that are being bandied around, but do we know that it's going to save us that much money?

SENATOR HARCKHAM: The New York State Association of Counties, NYCOM, New York City have all weighed in with the calculation.

Again, I'm not trying to be a jerk, I'm just trying to -- I'm just trying to say like, you know, that's a big part of this calculation, saving taxpayer money. And, you know, if your plan does that, I'd love to see the figures.

MR. DUBUQUE: Okay. Okay. We can talk about that.

SENATOR HARCKHAM: All right. Thank you.

MR. DUBUQUE: Great. Thanks, Senator.

SENATOR HARCKHAM: Thanks, Madam Chair.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: So everybody on the panel, thank you for still being here.

Agree that this does not belong in the budget. There is universal agreement that this is a policy matter that should be taken up after the budget.

(Agreement from panelists.)

ASSEMBLYWOMAN GLICK: Most of the discussion about whether or not there would be less or more recycled content required after the fact, is that in one way -- when you're going to have packaging and reduce packaging and then any additional recovery -- there's the issue of recovering, so that you

create a complete cycle, a recovery cycle. Are there differences in how you view how much recycled content should be part of that recovery cycle?

MR. BARTOW: We have a difference in view as to the way paper should be handled with that. Because -- a couple of things, and it's the unique circumstances with paper. The first thing is every time you pulp -- re-pulp paper, you lose 14 percent of the fiber. So you constantly need an inflow of new, younger fibers. Every time you re-pulp it, you use it for a lesser quality material that's going on out there.

So if you don't have a means of bringing new, younger fibers into the process, you don't do that.

The second thing is we also have strong markets, even though they're declining markets, for high-quality paper that's used in a variety of products -- not packaging, I'm just speaking on the paper side -- that you will never get the quality of paper you need if you're only -- if you're mandating a

recycled content in it. You just won't be able to do certain things with it.

It's the only covered product that you have those limitations with, unlike metal, glass and plastics.

MS. ENCK: We can't recycle our way out of the plastic pollution crisis. We only have a 5 to 6 percent plastics recycling rate -- typically, only No. 1 and No. 2 plastic.

I strongly support recycling. I started my town's recycling program. Keep recycling metal, paper, glass, cardboard. But we need to be honest with the public that by the very material, recycling doesn't -- plastics don't lend themselves to recycling.

So that's why a strong EPR bill focuses on reduction. You can throw a lot of money at plastics recycling; we're still not going to get even to double digits.

So the Harckham and May bill has a 50 percent reduction requirement over the next 10 or 12 years, depending upon the bill. That's where the action is. That's where the

taxpayer savings will come in.

ASSEMBLYWOMAN GLICK: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator May.

SENATOR MAY: Hi, everybody. Thanks for your testimony.

So I do carry one of the EPR bills. I also carry the Bottle Bill that we want to expand to really pull a lot more material out of the waste stream. And I think of that as a model for how you reduce waste, create jobs, bring in money, create a lifeline for some people who are at the real margins of society, and wondering to what extent EPR holds a promise for any of those kinds of impacts as well. Job creation, for example.

MR. DUBUQUE: Directed at me?

(Laughter.)

MR. DUBUQUE: I haven't taken a look at the Bottle Bill yet that you've put together, but I will.

SENATOR MAY: We want to expand it to a lot more, you know, many, many more beverages and include glass -- for example,

wine bottles.

So single-stream recycling has been a problem, and it seems to me that much less paper is recoverable when it's in that system. So are you interested in going back to more dual-stream recycling?

MS. SZTEIN: We would love that. We -- it might have been me, in some cases, or certainly many of my colleagues, we have been firmly opposed to single-stream programs in almost every case. We consider that to have been a major step backwards in paper recovery because there is so much more contamination that happens.

Now, much of our technology has advanced, and we have been able to do a lot more with some of that contamination. But that doesn't change the fact that, you know, even in some of these EPR bills there's a reference to convenience as one of the standards for an EPR program's measurement of success. And if convenience includes single-stream, that is going to lead to continued contamination, which is a major

factor for us.

We're at 68 percent recovery rate, but our utilization rate, the amount that we can actually use, can be a different number. Because you can't use all of it when it has other things in it -- glass shards or, you know, things that can mess up the systems. In some cases, a giant bale of paper that's got a couch in the middle of it. You know, these are a problem and something that we consider a barrier because we want to use recovered fiber. In some cases it makes the product more valuable.

SENATOR MAY: Just real quick, are there places in New York that use dual-stream recycling still? Or is it all single-stream?

MR. BARTOW: Very, very few.

MS. ENCK: Well, in New York City they never quite got around to single-stream, which was a good thing to be slow.

(Laughter.)

MS. ENCK: So New York City, as you know, separate.

SENATOR MAY: Thanks.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

ASSEMBLYMAN RA: Thank you.

Ms. Enck, you may have been here earlier. I had asked some questions about advanced recycling or chemical recycling. So I see in your testimony -- let me start with this. I agree in the end a huge part of this is changing behavior. Right? So I get that part of it in terms of the overall reductions that we're after here.

But, you know, does a technique like that -- not that it's the full solution, but not have a place -- does it not reduce the use of the so-called virgin resources?

MS. ENCK: I think chemical recycling is a real mistake. One problem is it doesn't work. The industry has been trying it for decades, and because there are so many different types of plastics, so many different toxic chemicals in it, you can't recycle -- you can't chemically recycle a lot of that material together.

It's a false solution. It's also a major source of greenhouse gas emissions, air toxins, water pollution. There are only eight facilities in the whole country -- seven of them are sited in low-income communities of color. I think it's a distraction.

I'm strongly opposed to Senator Mannion's bill that would exempt chemical recycling from the state's solid waste and recycling laws. If it's so clean, why do you have to exempt it from our state laws?

I strongly suggest that in EPR bills you don't count chemical recycling or advanced recycling as recycling. It's not advanced, and it's not recycling. It's turning mixed plastic into fossil fuel, mostly -- that last thing we need.

ASSEMBLYMAN RA: So -- but when you say it doesn't work, I mean, there are products that are made from it and they're -- they -- and you can correct me if I'm wrong, but my understanding, a lot of fast-food

chains are using it to make drink containers, for eyeglasses, power tools, Tupperware containers, containers for personal care products.

So it may not be a solution that you can recycle everything, but again, is that not a way that you're reducing the use of virgin resources?

MS. ENCK: No. I mean, those are very slick marketing approaches by the chemical industry. The vast majority of old waste plastic in these few facilities is turned into fossil fuel. So do we want to turn plastic into fossil fuel? I don't. I don't want to make the greenhouse gas problem worse.

Eastman Chemical -- I just testified on this in the U.S. Senate, and I looked at old congressional testimony. In the 1980s, Eastman Chemical said they were going to turn old plastic bottles into new plastic bottles. They never did that. That's from the 1980s.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Hinchey.

SENATOR HINCHEY: Thank you very much. And thank you all for being here.

Not surprising, my questions are for John Bartow. Thank you for the conversations that we've had over the last couple of weeks. As you know, we've talked a lot today about agroforestry and what that looks like and how that can help specifically our agricultural community, but really specifically, the goal is everyone who has forest land on their property, to help make them actually working forests to help capture and sequester that carbon.

Can you -- obviously this number will scale depending on size of woodlands. But can you talk about the -- kind of an average cost of selective cutting and forest maintenance, what that costs an average person?

MR. BARTOW: Oh, it's going to vary incredibly depending on the type of forest that you have there, the age of the forest that you're doing.

So if you're going in and doing a selective harvest and trying to get it out and you've got really high-quality trees, you could make money off of the deal. But oftentimes you're going into a really damaged, perhaps high-graded forest, and you may well be paying someone to come in and thin that forest out to allow some of the higher-quality trees to get enough light to continue grow out. And then eventually you'll have a profitable harvest that's out there.

But it could be -- and again, it depends on the size of your lot that you're trying to do. So I'd be really guessing to give you a set number on it. But I know we talked to your staff earlier this week about what would it be, trying to get at that 1.4 million acres of just agricultural forestlands. And that would -- you know, it would be a task in the millions of dollars, $20 million to $30 million. You know, touching it and just getting onto it.

And then the other side of the

agroforestry, I hope we don't just limit it to those forests that are on farms. But there's a lot of forestland owners who don't currently have farms that may well want to get into agroforestry down the road. It's a great, viable use in our forestland.

SENATOR HINCHEY: Right. And, you know, I think there's an important place to -- you've got to somewhere, though, in that, right?

MR. BARTOW: Yes, you do.

SENATOR HINCHEY: And so would you say that it would be a beneficial thing for the state to do to have funding within the EPF in a bolstered way --

MR. BARTOW: Absolutely.

SENATOR HINCHEY: -- to help support communities --

MR. BARTOW: Absolutely. I mean, we do a little bit of it in Regenerate NY. That's it. You know, $500,000 a year doesn't get you very far.

We talked about, in the climate smart agricultural sections of the EPF, of an

additional close to $24 million that might be a huge stimulus to get that going.

SENATOR HINCHEY: Thank you.

MR. BARTOW: Yup.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: I want to thank you all.

You know, this seems like it could be a lot simpler. I am looking at -- and having followed this legislation for a few years, I now pay tremendous attention to anything packaged that comes into our home. And so the trend I'm seeing is that a higher percentage, a majority of the stuff that gets sent to us, is all cardboard, is all cardboard and paper.

I'm not -- and so what I'm seeing is some people in the industry are saying, well, we can do this. Without the rules, we're doing it. So why is it so hard -- it shouldn't be so hard. Why can't we just pass

a law that says paper, cardboard, none of any of this other stuff, we're done?

Am I -- is it -- why is it more complex than that?

MS. SZTEIN: Well, I mean, first I'll say that, you know, I'm here to talk positively about paper as opposed to banning any other material.

But, you know, I think that sometimes when we are talking about, you know, ways of tackling waste streams, conversations can get into lightweighting, can get into, you know, other ways of making our materials more efficient or taking up less space. And so when you get into that, you can start looking at other materials that might be -- you know, have other values to it.

You know, cardboard specifically or OCC, as we call it, is actually at a 91.5 percent recovery rate, so that's even higher than the broader 68 percent. And so it's something we're really proud of. But, you know, I think that there are still opportunities for growth and improvement.

ASSEMBLYMAN OTIS: I'd like to hear from others on this.

MR. BARTOW: I also think what you're talking about with the paper, your cardboard in particular, is the Russian doll syndrome, where you've got a box in a box in a box in a box. You know -- and yes, there could be packaging that --

ASSEMBLYMAN OTIS: Every piece of that goes into our recycling as opposed to --

MR. BARTOW: It goes into your recycling bin and --

ASSEMBLYMAN OTIS: As opposed to when people send us stuff with plastic or other kinds of packaging and I say, Why am I getting this? I'm just saying it doesn't seem that hard.

So Judith, do you want to weigh in?

MS. ENCK: Yeah. If you're talking about getting rid of single-use plastic packaging, I am all in. And that is going to save tax dollars because communities can't find markets for anything except No. 1 and No. 2 plastic.

So over 90 percent of plastics don't get recycled. It's a climate issue, it's an ocean issue, it's an environmental justice issue. So if you want to isolate plastic, I think that makes sense --

ASSEMBLYMAN OTIS: But I'm just -- my perception is if a lot of people are doing this on their own now, doing the right thing, it can't actually be that hard.

MS. ENCK: But most companies are not. That's why we need EPR.

ASSEMBLYMAN OTIS: Okay. Well, I'm for the -- I'm for the law. But it shouldn't be so hard.

CHAIRWOMAN KRUEGER: Thank you.

Senator John Liu.

SENATOR LIU: Thank you, Madam Chair.

I don't have much to say other than to thank this panel and to especially thank Judith Enck. This is one awesome person, really, Madam Chair. She has -- throughout all these years, she's never strayed from her conviction and her commitment. It's gotten her in trouble with the powers that be, and

she's still at it.

Thank you, Judith, for everything you've done for New York and our planet.

MS. ENCK: Thank you, Senator. Good trouble.

(Laughter.)

CHAIRWOMAN KRUEGER: Thank you, Senator Liu.

Assembly.

CHAIRWOMAN WEINSTEIN: We're done.

CHAIRWOMAN KRUEGER: Okay, Assembly -- Assembly? How about Senator Walczyk.

SENATOR WALCZYK: Sure.

Mr. Bartow, good evening.

MR. BARTOW: Good evening.

SENATOR WALCZYK: Should biomass be considered renewable?

MR. BARTOW: So biomass is considered renewable, and it is even considered renewable in New York for everything -- every purpose other than generation of power that supports the grid.

So it is renewable, it's classified renewable by every other government and

standard that we can find. It's just when it comes to the generation of electricity in support of the grid, New York chose to leave it out of the definition in the Public Service Law.

SENATOR WALCZYK: Do you think as this legislative body deliberates on such things it should fix that in the future?

MR. BARTOW: I think there's a role for biomass in an energy arena. We do use it, and it is considered renewable, and we use it in our manufacturing processes to generate power and heat that's used in there. It's a great use of our residuals.

I think there will potentially come a time when we might need to consider it as like a combined heat and power system that can be a dispatchable system. But the legislative body in 2019 did not think that.

SENATOR WALCZYK: Thanks.

The Forest Rangers testified a little bit earlier -- I don't know if you heard, but our conversation was about forest fires, which I'm sure is terrifying to your

industry.

MR. BARTOW: Yes.

SENATOR WALCZYK: What do you think New York State should be doing to ready itself for climate change? And perhaps older stand and forest products, if they aren't considered renewable in the future, could be more strewn about and even more kindling for a potential forest fire? What should we be concerned about?

MR. BARTOW: Well, we find that left alone, forests tend to have a lot more debris. That's what you see in California that's left in the above-ground forest, dead and downed materials that are there, as well as dead and standing timber. That, in general, can create a much greater fire risk than if you're managing that forest, you are eliminating a lot of that and taking care of it before it becomes a problem.

So I think yes, good forest management that's going to yield less debris, reduces the amount. If climate change is going in the direction -- I mean, New York has

relatively asbestos types of forest because there's a lot of moisture. But as our climate changes and that changes, we could become a lot more like California and other Western states where this stuff just becomes a strong tinderbox.

SENATOR WALCZYK: Thanks very much. I'll yield the last 30 seconds, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Senator Palumbo waited 12 and a half hours to join us, so I know he must have a very important question.

(Laughter; overtalk.)

SENATOR PALUMBO: I was here a little earlier. I was here a little earlier. And I've been watching in the comfort of my office. No offense.

Thank you, Madam Chair. It's good to see you all.

And I just had -- and, Ms. Enck, you actually -- you made a few comments earlier I just wanted to follow up on, because I found some of it somewhat interesting regarding advanced recycling. And it sounded like --

were you suggesting that advanced recycling is not an option? I understand we need to get rid of plastics. And I know that your position is pretty much all plastics should be gone forever --

MS. ENCK: No, not all plastics. No.

SENATOR PALUMBO: Okay, go ahead. Elaborate on that, if you can.

MS. ENCK: Yeah. No, I am -- there is a role for plastics in certain applications -- medical, car bumpers, making cars more efficient.

But so much of plastic generation, which has an enormous health and environmental impact, is for single-use plastic packaging. And chemical recycling is primarily -- not entirely, but primarily taking all different types of waste plastic and trying to turn it into a small amount of fossil fuel, low-grade fossil fuel that causes air pollution.

So I view chemical recycling as just the latest marketing scheme by the plastics industry. For years they told us, don't

worry about the single-use plastics, you can just recycle it. Turned out that's not true, they knew that. We only have a 5 to 6 percent recycling rate, as compared to paper, metal, glass.

So now the industry, mostly led by fossil fuel companies and chemical companies, is telling us, We don't necessarily have to reduce plastic, you can continue to do really modest plastic recycling and then send the rest to chemical recycling facilities. Twenty-one states have exempted these operations from bedrock environmental laws. And you have to ask yourself --

SENATOR PALUMBO: And I believe -- and I have a little bit of time, so I need to cut in. They recognize it as manufacturing, correct? That's the distinction you're making, 21 states and most recently Governor Whitmer did as well, and that's not necessarily a red state. They're pretty advanced with this stuff.

MS. ENCK: That was a lame --

SENATOR PALUMBO: So how do you

reconcile that?

MS. ENCK: That was a lame-duck session in Michigan, and it was attached to a bigger pro-recycling bill.

SENATOR PALUMBO: You're saying it's wrong, that she --

MS. ENCK: Yeah.

SENATOR PALUMBO: -- shouldn't have done that?

MS. ENCK: Absolutely.

SENATOR PALUMBO: Governor Whitmer, of all people?

MS. ENCK: I love Governor Whitmer, but she had a bill before her that was to improve recycling -- and what often happens is chemical recycling is attached almost like a zebra mussel, and governors like Governor Whitmer have to decide do you sacrifice all the other good things in the bill in order to get chemical recycling.

I'm hoping that the Democrats in the Michigan state legislature will reverse that one provision of the law.

SENATOR PALUMBO: Understood.

And in 15 seconds left, with regard to advanced recycling, is there any combustion or incineration involved in that process? Because I think that's been a misnomer. And just my own information, my understanding is there is not.

MS. ENCK: Well, the definition is whether or not there's oxygen in the chamber, and sometimes there is and sometimes there isn't.

SENATOR PALUMBO: Okay, thank you.

CHAIRWOMAN KRUEGER: Thank you very much. I believe that we are now closed on this panel. Thank you all so much, we appreciate it.

(Applause.)

CHAIRWOMAN KRUEGER: And I for one got the zebra mussel reference, Judith. Thank you for that.

(Laughter.)

CHAIRWOMAN KRUEGER: The next and final panel for the evening -- all right, everyone, I know -- control yourselves. Just three more -- we're setting up three more

important panelists --

SENATOR HINCHEY: -- so nice of you --

CHAIRWOMAN KRUEGER: I'm doing a job here, Michelle.

(Laughter.)

CHAIRWOMAN KRUEGER: Excuse us, everyone. It's been 13 hours up here.

Parks and Trails New York, Adirondack Mountain Club, and Catskill Mountainkeeper. Okay, I'm going to use this (gaveling). Come on. We're not hitting midnight, John Liu. Sit down. John Liu, sit down.

(Laughter.)

CHAIRWOMAN KRUEGER: (Unintelligible.) I apologize to you all. Okay. Good aft -- good eve -- afternoon? Oh, my God. Good evening. We'll start with my left, your right, and just go down the row.

MS. NADEAU: Wonderful, thank you.

So my name is Katherine Nadeau, and I'm the deputy director for Catskill Mountainkeeper. Thanks for sticking around, and thanks for hearing our testimony tonight.

This evening I'd like to focus on

three main issues in the Governor's proposed budget. My written testimony covers a bunch of other things, but I thought I'd use this time to dive in here. First, investing in the Catskills, then supporting staff at DEC, and then finally enacting Climate Jobs and Justice here in New York State.

So first for some context. The Catskill Park and Forest Preserve is a New York State treasure. The park saw more visitors in 2021 than the Grand Canyon, Yosemite, and Yellowstone combined. And though we refer to it as a park, the Catskill Park is so much more. It's part of a watershed system that provides more than 9 million New Yorkers with clean, healthy drinking water. It's a wildland recreation area, an ecological and scenic preserve. The lands are public, they're private, they're a mix of constitutionally protected Forest Preserve, state lands protected by New York City to safeguard its water supply, and then there's of course our bustling towns and villages.

So for all of these reasons, it's so critically important for New York State to support and invest in the Catskills. We're within driving distance for more than 20 million Americans. And in this year's budget there's specific items we're asking the Legislature to lift up.

First of all, Forest Preserve funding in the $400 million Environmental Protection Fund. Please restore the Adirondack and Catskill Visitor Safety and Wilderness Protection line and fund it at $10 million. This is a dedicated funding line where the Legislature is directing the Department of Environmental Conservation to invest in the Catskills and the Adirondacks. This type of direction is exactly what the agency needs to do the work. So please restore that line.

Second, please fund trail stewards at Mountainkeeper and at the Catskill Center. Our trail stewards are out there greeting people, working hand in glove with the state Rangers, with the ECOs and with the DEC to make everybody's time in the Catskills safe

and enjoyable.

Fund science. Fund the Cary Institute and the Cornell Hemlock Wooly Adelgid Lab, both of which are parts of the Environmental Protection Fund.

And then of course the climate crisis is impacting the Catskills. The Governor's budget has some big climate proposals, including cap-and-invest. There's been a lot of discussion on that today. I want to call your attention to the spending, or the "invest" side of cap-and-invest. This is your year to make a huge difference in how New York State is going to fund the climate fight and fund climate justice.

The Governor's language is vague. What we need is a transparent, a clear and equitable system to move money throughout the state to fund the projects that are going to get us where we need to go to protect and preserve New Yorkers.

So we're asking the Legislature to include in its budget a climate and community protection fund, a concept modeled on the EPF

that is a special-purpose fund to direct the spending. And I'd love to talk more if anybody has questions about that.

CHAIRWOMAN KRUEGER: Great, thank you.

Next?

MS. PEDLER: Thank you. Thanks for the opportunity to speak. And I've learned a lot today from all of you and all the other panelists, so I really appreciate it. I'm Cathy Pedler. I'm the director of advocacy for the Adirondack Mountain Club.

And in the Executive Budget proposal we're really pleased, of course, to see the 400 million EPF and that the State Land Stewardship line in the EPF was at the same level as last year. But we were extremely disappointed that the dedicated line for the Adirondack and Catskill parks, Forest Preserve parks, was not retained.

And we urge you to restore the dedicated funding with 10 million under State Land Stewardship of the EPF's Park and Recreation account, and this funding would be part of and not in addition to the

48.7 million for State Land Stewardship in the Executive Budget proposal.

Last fall, 32 organizations and municipalities from the Adirondacks and Catskills signed a letter to the Governor highlighting retention of this dedicated stewardship funding as their highest priority. The letter signed by the groups also highlighted the importance of visitor centers, which are vital for high-quality visitor experiences and resource protection. And we were really happy to see an additional funding for the Catskill Visitor Center, bringing that up to 200,000.

But we were really disappointed not to see funding for Adirondack Mountain Club, ADK's High Peaks Information Center at the busiest trailhead in the state, or increases for Paul Smith's and SUNY ESF Interpretive Centers in the Adirondacks. Funding the High Peaks Information Center at 100,000 is a priority for ADK.

We're really pleased about the increase in DEC staff and that many of the

additions will be used to get the Bond Act funding out the door and working. But it's critical to have more staff in DEC's Division of Lands and Forests, which manages the Forest Preserve and conservation easements in the Adirondack and Catskill parks and across the state, as well as the climate and invasive species forest health programs.

The DEC Division of Operations also needs support to ensure that trails and recreation facilities are maintained and that DEC campgrounds in the Adirondacks and Catskills can remain open as long as possible, since autumn is now even more popular than summer and keeping campgrounds open helps regional economies and communities thrive.

We also support hiring more real property staff at DEC, Office of Parks, and the Attorney General's office, and streamlining the land acquisition process in New York so more land is protected for climate mitigation, biodiversity, habitat and public use.

Continuing to support the Forest Rangers and the Environmental Conservation Police is also very important, and they need funding in the budget for their academies. And we also support the 20-year pension legislation that was mentioned earlier by the Rangers.

Wrapping up, please restore the dedicated line for the Adirondack and Catskill parks under State Land Stewardship in the EPF at 10 million. Please increase funding for the Forest Preserve visitor centers, including $100,000 for the High Peaks Information Center, and continue to urge the Governor to support and add staff to DEC Divisions of Lands and Forests --

CHAIRWOMAN KRUEGER: Thank you. Sorry, we have to cut you off.

MS. PEDLER: -- and so forth.

CHAIRWOMAN KRUEGER: Thank you.

And our final presenter.

MR. COTÉ: The final one of the night -- what an honor.

My name is Will Coté. I am the parks

director for Parks & Trails New York. Since 1985, Parks & Trails New York has been improving New Yorkers' health, economy and quality of life through the use and enjoyment of our green spaces, our state parks, our historic sites, our public lands, and our greenways.

I'm going to be incredibly succinct, or as best as I can. First and foremost, I'd like to encourage you all to support the $400 million Environmental Protection Fund without any raids on that program. It's really important that the program funds remain for programming.

The one program I'd like to highlight there is the Park & Trail Partnership Grant Program, which we administer in conjunction, in partnership with OPRHP. And that goes to funding the nonprofit grassroots Friends groups that champion our state parks and public lands. In the first seven rounds of the program, we've provided 167 grants to those groups, totaling $4.2 million, and leveraged over $2 million in private funding.

I'd like to rather focus on two other topics we haven't talked about in about six hours or so. The first is I'd really encourage the Legislature to champion the State Parks capital budget by maintaining it at the $250 million level as it was last year, as opposed to the $200 million that it's currently being proposed at. It's really critical to create new opportunities for folks to be able to access the outdoors and to update and repair infrastructure and amenities that will continue to welcome more and more visitors each year -- last year, just shy of 80 million visitors.

As more locations within the Parks system move to green energy technologies, it's really going to be important to maintain that higher level of funding. As we all know, green technology can cost a bit more to maintain and repair over time. So that is the objective when you maintain that funding there.

And last but not least, a plug for the centennial celebration. In 2024 it is the

100th anniversary of the Parks system. So now is a perfect time to maintain that level of investment for public lands so that all New Yorkers can access them.

Last but not least, I just wanted to encourage the Legislature to support the Governor's proposal to increase State Parks' operating appropriation, allowing for the hire of 237 FTEs. This capacity is going to be particularly important to not only improve the visitor experience but also effectively address the other initiatives that are being put forward, either through the Bond Act or through capital projects. If we want to make progress, we need to ensure that there's staffing to execute them.

And last, with 19 seconds to go, just a small plug for the Adventure New York funding, the 90 million for DEC's capital projects -- another key investment into ensuring that there is outdoor recreation opportunities for everyone.

And lastly, if you have any interest in coming out and seeing any of the amazing

things happening in our public lands, please reach out. We'd love to give you a tour.

CHAIRWOMAN KRUEGER: Thank you very much. Appreciate it.

Pete Harckham has some questions.

SENATOR HARCKHAM: Thank you very much. (Mic issues.) Is that working? There we go, thank you.

Thank you. You stuck it out. Thank you. So we really do appreciate your advocacy and your enthusiasm, and what you have to say is crucial.

Question to Cathy and Katherine -- not really a question, a request. You've both mentioned items that had been either legislative adds that had been removed or some things had been moved around in an unsatisfactory way. Can you get us those details in an email tomorrow morning?

We're trying to like get the clear picture on what the Governor removed and moved around so we -- you know, first we play defense, let's restore, and then we think about the other stuff. So we have everyone's

testimony, but it's a lot to wade through. So if you can get us just those specific points, that would be very helpful.

And, Will, the same with you. Thanks.

MS. NADEAU: Certainly.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Assemblywoman Glick.

ASSEMBLYWOMAN GLICK: Thanks very much for your work and advocacy.

Ditto to what the Senator said. Because I do think that you had an increase in the Catskill Center, but there wasn't -- there was something in the Adirondack that was not included.

MS. NADEAU: The visitor centers, perhaps.

MS. PEDLER: Right, in the visitor centers.

So we had requested 100,000 for the High Peaks Information Center. This is new; this wasn't there last year.

The increases that did not happen were

for the Paul Smith's and SUNY ESF Interpretive Centers.

ASSEMBLYWOMAN GLICK: Yeah, I think those are very helpful and useful for people who are visiting.

And then there was the 8 million was like cut?

MS. NADEAU: Yes.

ASSEMBLYWOMAN GLICK: And you're asking for 10.

MS. NADEAU: Absolutely. And so to -- and to be clear, the account that the 8 million was in has been maintained pretty close to the same as last year's appropriation in the Executive Budget.

The difference here is it's just not lined out. And so the benefit of lining it out is that it's the Legislature directing the Department of Environmental Conservation to invest in the Adirondacks and the Catskills.

Adirondacks and Catskills, like I said, even though we call them parks, they aren't parks, they don't get Parks funding,

we're not managed by the Parks Department. So to get the stewardship money specifically directed toward the DEC to use in this manner allows us to do on-the-ground projects throughout both Forest Preserves.

So that's why that's so incredibly important, to make sure that specific funding is there.

ASSEMBLYWOMAN GLICK: Include that detail.

MS. NADEAU: I will.

ASSEMBLYWOMAN GLICK: So that it's clear to us exactly what we should be making the point about.

And at one time the steward program has been in Aid to Localities?

MS. NADEAU: Yes, that's right. That was a legislative add through the Aid to Localities budget for the last two years.

ASSEMBLYWOMAN GLICK: And that's where it still would be residing. But you need it to be in there.

MS. NADEAU: Yes. Please.

ASSEMBLYWOMAN GLICK: Thank you. And

thanks for everything you do.

CHAIRWOMAN KRUEGER: Thank you.

Senator Michelle. Hinchey.

SENATOR HINCHEY: Thank you. I'll just go by Senator Michelle.

(Laughter; inaudible comment.)

SENATOR HINCHEY: We can do that too.

Thank you for being here. Congratulations and -- for our final panel. Appreciate you all. Katherine, great orange jacket.

MS. NADEAU: Thank you.

SENATOR HINCHEY: My questions are to you.

MS. NADEAU: Okay.

SENATOR HINCHEY: First -- I have a comment for everybody, but first, fully support what you're asking for on the restorations. Obviously it's important to the Adirondacks too. But speaking as a Catskills Senator, the funding for the Catskills -- and really the first time we got that, just two years ago -- has been critical.

MS. NADEAU: Yes.

SENATOR HINCHEY: So thank you for your advocacy and work in this, and I look forward to making sure that that continues.

MS. NADEAU: Thank you for your advocacy and work in this.

SENATOR HINCHEY: Thank you.

I want to switch a quick second, and you've been really helpful -- something that came up earlier today was toxic dumping. And that's been an issue that I know there have been hearings in this room from back in the '80s about that issue.

Do you see needed state resources to help get a handle on that? Of our communities.

MS. NADEAU: Yeah, I mean, there -- the Catskill Mountainkeeper has worked on a number of different specific sites throughout the Catskills where there was illegal dumping, and this was just bad actors acting badly. So, you know, that's hard to legislate.

What the Legislature can do, though,

is provide the resources at the Department of Environmental Conservation to make sure we've got the staff on the ground, both the ECOs and the folks in the office reviewing materials, to be able to, when bad actors act, come after them with the full force of the law and make sure that they're not allowed to continue.

SENATOR HINCHEY: So on our side, requesting increased funding for actual staff to be able to deal with this --

MS. NADEAU: Yes. Yes.

SENATOR HINCHEY: -- when you or we bring these cases to them.

MS. NADEAU: Absolutely. And the Governor's executive proposal calls for a significant staffing increase at DEC, which we wholeheartedly support. It's directed specifically on Bond Act, which we wholeheartedly support. And also this is an underfunded agency that's been dealing for decades with low staff numbers, and now with attrition it's getting worse.

So it would be great to see more staff

at DEC to deal with these types of issues -- water quality, dumping, all sorts of things.

SENATOR HINCHEY: Thank you. And in my last 38 seconds, if you do want to talk a little bit about the Climate Leadership and Community Protection Fund outlined.

MS. NADEAU: Yeah, absolutely.

So real quick here, I mean, again, the concept is modeled on the Environmental Protection Fund. So put into law an on-budget, a set of accounts that's going to push money out throughout agencies and throughout the state. Right now the Governor's proposal keeps any funding that's going through cap-and-invest basically at NYSERDA and at DEC. There are a lot of other ways that the Legislature could approach this.

And again, the EPF is a great model. It provides more transparency. It provides more accountability. And it provides more ways to get the funding out throughout the state.

So wholeheartedly asking you to

consider this as you look at any "invest" program.

SENATOR HINCHEY: Thank you.

MS. NADEAU: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRWOMAN WEINSTEIN: Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you.

And I join my colleagues in thanking you folks for your perseverance and hanging out there.

And first I do want to echo what Senator Harckham had requested. I also am interested in seeing especially those capital items. But other items that you feel, you know, have to go back in.

And a few hours ago, you know, I had asked the SHPO commissioner about their capital plans for maintaining the trail system, and the reply was, Well, we have a lot of volunteer partners and we're very fortunate about that.

And, you know, what do you see as what

ought to be done in terms of maintaining our trail system, particularly in light of climate change and, you know, the increased rainfall and thawing and such that really beat up the trails? What should it be? Should there be condition assessments done on the trails? How should it all be done?

Who'd like to take that one on?

MS. PEDLER: Yeah, I can start.

Well, I think, you know, what we have in the Adirondacks, we have some areas like the High Peaks that are very popular, and the trails are in really bad shape. And when the trails were first laid out, they weren't laid out as sustainable trails. It's pretty much, you know, what's the shortest way to where we want to go. And so that has just made the problem worse. And then, you know, over the past 30 years there's been a doubling in use and --

ASSEMBLYMAN BURDICK: Just one quick question. Do they do any kind of regular condition assessment? Do you know whether SHPO does any of that? You know, where they

do some kind of survey of all their trail system and then just say, okay, we've got to take care of that one, then we'll do that one?

MS. PEDLER: Well, I know that, you know, the foresters on the ground are, you know, monitoring the trail conditions and trying to fix, you know, the worst of the worst and, you know, keep that process going.

But there's just not enough staff, there's not enough funding. I mean, I think that's the most important thing, is getting more staff and funding. And this 10 million in the State Land Stewardship is really going a long ways to beginning to address that issue. So, you know, that's -- I think that's the first step.

ASSEMBLYMAN BURDICK: But nothing systematic, to your knowledge?

MS. NADEAU: The one thing I would add is both -- Mountainkeeper served on the Catskills Strategic Planning Advisory Group, as did ADK and others. And one of the things that we came to is we need what they call a

visitor use management framework, which is a long boring name for ongoing assessment, to understand what are the needs of both the water, the lands, and also the people coming in.

So this has been done piecemeal. And one of the recommendations from this group is this can't be done piecemeal anymore, we've got to be doing this on a holistic level. And I think that's what you're driving at.

ASSEMBLYMAN BURDICK: Right. Thanks so much.

CHAIRWOMAN WEINSTEIN: Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Walczyk to close.

SENATOR WALCZYK: Oh, wow, what an honor. It's been a great day. Thanks, Madam Chair.

So All Funds EPF were not reduced. There's $10 million that you're looking for the Legislature to line out in State Land Stewardship. That's what I'm getting.

MS. PEDLER: Correct.

SENATOR WALCZYK: Okay, perfect.

Director Pedler, the 100K that you've asked for for the High Peaks Information Center -- now, that's the one at Cascade? Is that the new one?

MS. PEDLER: This is the one that's right back at the trailhead, right back at Heart Lake.

SENATOR WALCZYK: Okay.

MS. PEDLER: Yeah. So, you know, that area sees -- that information center serves 100,000 a year. And, you know, they're providing -- they're interacting with people before they go out on their trip, providing them -- you know, helping them assess if they're ready for the trip that they want to take. There's gear for rental or purchase if they don't have what they need.

Our education staff has skills workshops, can get them, you know, to the level that they need to take the adventure that they have. Or we can send them to a different place, you know, for the time being.

SENATOR WALCZYK: Sure.

MS. PEDLER: And it also serves as the search-and-rescue base for the rangers when that unfortunately has to happen, which is usually on a regular basis in the High Peaks.

SENATOR WALCZYK: It's a beautiful facility that's seen some serious upgrades. I noticed the last time I went, parking has expanded greatly, which was needed for a long time, probably still going to be an issue, especially on the busiest days. It's great that we've seen continued use and great that we've seen that investment.

What does this 100,000 specifically go to?

MS. PEDLER: This is going to be for operation. It's for -- we have seven staff there, three year-round and four seasonally. We also run volunteer programs in the parking lot to -- you know, if people aren't coming to the visitor center, we go out and talk to them directly.

So that's what the 100,000 would be for.

SENATOR WALCZYK: That's great. And

then thank you for your time.

Chair, thanks for the time. And I would also add that that $10 million for State Land Stewardship officially has bipartisan support. I'm a big believer in all that you're doing. Thank you for your stewardship.

MS. PEDLER: Thank you.

CHAIRWOMAN KRUEGER: Great. That's the first time that we got that sentence out in like all the hearings.

(Laughter.)

CHAIRWOMAN KRUEGER: So you did it. You did it, the last panel, the last -- all right, seriously.

Thank you very much for being here and testifying and sticking it out all day and night.

(Applause.)

CHAIRWOMAN KRUEGER: And despite at least one of my colleague's goal to get us here past midnight, we're not going to. No, Senator Liu doesn't want to talk.

(Laughter; overtalk.)

SENATOR LIU: No, I have a question. I was wondering if I could have 80 minutes for this.

(Laughter.)

CHAIRWOMAN KRUEGER: No, Senator Liu, you may not be recognized.

SENATOR LIU: Thank you to the --

CHAIRWOMAN KRUEGER: We are going to go home, and we are going to start again tomorrow morning at 9:30 with the Local Governments hearing. And thank you very much, everyone, for sticking with us.

Thank you.

(Whereupon, at 10:52 p.m., the budget hearing concluded.)