

1 BEFORE THE NEW YORK STATE SENATE FINANCE
2 AND ASSEMBLY WAYS AND MEANS COMMITTEES
3 -----

4 JOINT LEGISLATIVE HEARING
5 In the Matter of the
6 2023-2024 EXECUTIVE BUDGET ON
7 AGRICULTURE/ENVIRONMENTAL CONSERVATION/
8 ENERGY
9 -----

10 Hearing Room B
11 Legislative Office Building
12 Albany, New York

13 February 14, 2023
14 9:35 a.m.

15 PRESIDING:

16 Senator Liz Krueger
17 Chair, Senate Finance Committee

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

20 PRESENT:

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

23 Assemblyman Edward P. Ra
24 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

1 2023-2024 Executive Budget
Agriculture/Environmental Conservation/Energy
2 2-14-23

3 PRESENT: (Continued)

4 Assemblywoman Donna A. Lupardo
Chair, Assembly Committee on Agriculture

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

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

10 Assemblywoman Didi Barrett
11 Chair, Assembly Committee on Energy

12 Assemblyman Harvey Epstein

13 Assemblywoman Patricia Fahy

14 Assemblyman Robert Carroll

15 Senator Dan Stec

16 Assemblyman Steven Otis

17 Assemblyman Robert Smullen

18 Assemblyman Patrick Burke

19 Senator Peter Oberacker

20 Assemblywoman Amanda Septimo

21 Assemblywoman Jennifer Lunsford

22 Senator Mario R. Mattera

23 Assemblywoman Jodi Giglio

24 Senator Rachel May

1 2023-2024 Executive Budget
Agriculture/Environmental Conservation/Energy
2 2-14-23

3 PRESENT: (Continued)

4 Assemblywoman Carrie Woerner

5 Senator John Liu

6 Assemblyman Billy Jones

7 Assemblywoman Marianne Buttenschon

8 Senator George M. Borrello

9 Assemblyman Chris Tague

10 Senator Mark Walczyk

11 Assemblyman Chris Burdick

12 Assemblyman John Lemondes

13 Assemblyman William Conrad

14 Assemblywoman Jessica González-Rojas

15 Assemblyman Matthew Simpson

16 Assemblyman Brian Manktelow

17 Senator Patricia Canzoneri-Fitzpatrick

18 Assemblyman Zohran K. Mamdani

19 Assemblywoman Aileen M. Gunther

20 Assemblyman Keith P. Brown

21 Assemblyman José Rivera

22 Assemblyman Khaleel M. Anderson

23 Assemblywoman Dr. Anna R. Kelles

24 Assemblyman Fred W. Thiele, Jr.

1 2023-2024 Executive Budget
2 Agriculture/Environmental Conservation/Energy
2-14-23

3 PRESENT: (Continued)

4 Senator Kristen Gonzalez

5 Assemblywoman Sarahana Shrestha

6 Senator Andrew Gounardes

7 Senator Anthony H. Palumbo

8 Assemblywoman Dana Levenberg

9 Senator Julia Salazar

10 Assemblywoman Grace Lee

11 Senator Jessica Ramos

12 Assemblywoman Stefani Zinerman

13 Assemblywoman Jo Anne Simon

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1 2023-2024 Executive Budget
 2 Agriculture/Environmental Conservation/Energy
 2-14-23

3 LIST OF SPEAKERS

4		STATEMENT	QUESTIONS
5	Erik Kulleseid		
6	Commissioner		
7	NYS Office of Parks, Recreation		
8	and Historic Preservation		
9	-and-		
10	Richard A. Ball		
11	Commissioner		
12	NYS Department of Agriculture		
13	and Markets	19	32
14	Katie Baildon		
15	Policy Coordinator		
16	Northeast Organic Farming		
17	Association of New York		
18	(NOFA-NY)		
19	-and-		
20	Mikaela Perry		
21	New York Policy Manager		
22	American Farmland Trust	184	192
23	Basil Seggos		
24	Commissioner		
	NYS Department of		
	Environmental Conservation		
	-and-		
	Doreen M. Harris		
	President & CEO		
	NYSERDA		
	-and-		
	Justin Driscoll		
	Acting President and CEO		
	New York Power Authority		
	(NYPA)	226	248

1 2023-2024 Executive Budget
 2 Agriculture/Environmental Conservation/Energy
 2-14-23

3 LIST OF SPEAKERS, Cont.

4 STATEMENT QUESTIONS

5 Rory Christian
 6 CEO
 6 Department of Public Service
 Chair
 7 NYS Public Service Commission
 -and-

8 Houtan Moaveni
 Executive Director
 9 NYS Office of Renewable
 Energy Siting (ORES)

466

479

10 Rich Schrader
 11 Policy & Legislative Director
 National Resources Defense
 12 Council (NRDC)
 -and-

13 Liz Moran
 New York Policy Advocate
 14 Earthjustice
 -and-

15 Adrienne Esposito
 Executive Director
 16 Citizens Campaign for
 the Environment
 17 -and-

Patrick McClellan
 18 Policy Director
 New York League of
 19 Conservation Voters
 -and-

20 Conor Bambrick
 Director of Policy
 21 Environmental Advocates NY

601

618

22

23

24

1 2023-2024 Executive Budget
 2 Agriculture/Environmental Conservation/Energy
 2-14-23

3 LIST OF SPEAKERS, Cont.

4 STATEMENT QUESTIONS

5 Matthew Krug
 6 Director
 6 NYS Environmental Conservation
 7 Police Officers Benevolent
 7 Association
 8 (PBA of New York State)

8 -and-

9 Art Perryman
 9 Director
 10 NYS Forest Rangers Benevolent
 10 Association
 11 (PBA of New York State)

654 661

11 Jeremy Cherson
 12 Senior Manager of
 12 Government Affairs
 13 Riverkeeper
 13 -and-

14 Erin McGrath
 14 Senior Policy Manager
 15 National Audubon Society
 15 -and-

16 Jessica Ottney Mahar
 16 NY Policy and Strategy Director
 17 The Nature Conservancy in
 17 New York

18 -and-

18 David P. Ansel
 19 Regional Director of Water
 19 Protection

20 Save the Sound

677 690

21

22

23

24

1 2023-2024 Executive Budget
 2 Agriculture/Environmental Conservation/Energy
 2-14-23

3 LIST OF SPEAKERS, Cont.

4 STATEMENT QUESTIONS

5 Lisa Marshall
 6 Director of Organizing
 6 and Advocacy
 7 New Yorkers for Clean Power
 7 -and-
 8 Laurie Wheelock
 8 Executive Director
 9 and Counsel
 9 Public Utility Law Project
 of New York

10 -and-

11 Anne Reynolds
 11 Executive Director
 12 Alliance for Clean Energy

720

730

13 Margaret Reilly, P.E.
 13 New York State Resident
 -and-

14 John Ciovacco
 14 Board Member
 15 New York Geothermal Energy
 15 Organization

16 -and-

17 Denise Sheehan
 17 Senior Advisor
 18 New York Battery and Energy
 18 Storage Technology Consortium

767

776

19

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1 2023-2024 Executive Budget
 2 Agriculture/Environmental Conservation/Energy
 2-14-23

3 LIST OF SPEAKERS, Cont.

4 STATEMENT QUESTIONS

5 John Bartow
 6 Executive Director
 6 Empire State Forest Products
 Association

7 -and-

8 Abigail Sztein
 8 Director, Government Affairs
 9 American Forest & Paper
 Association

-and-

10 Lewis Dubuque
 11 Vice President, Northeast
 Region
 12 National Waste & Recycling
 Association (NY Chapter)

-and-

13 Judith Enck
 14 President

Beyond Plastics

800

813

15 Katherine Nadeau
 16 Deputy Director
 Catskill Mountainkeeper
 -and-

17 Cathy Pedler
 18 Director of Advocacy
 Adirondack Mountain Club
 -and-

19 Will Côté
 20 Parks Program Director
 Parks & Trails New York

841

852

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (Laughter.)

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

11 (Laughter.)

12 CHAIRWOMAN KRUEGER: Assemblymember
13 Helene Weinstein.

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 We have our chair of our EnCon
16 Committee, Assemblywoman Glick; chair of our
17 Agricultural Committee, Assemblywoman
18 Lupardo; chair of our Energy Committee,
19 Assemblywoman Barrett. And we have
20 Assemblyman Burke, Assemblyman Epstein,
21 Assemblywoman Fahy, Assemblyman Jones,
22 Assemblywoman Kelles, Assemblywoman Lunsford,
23 Assemblyman Mamdani, Assemblyman Otis,
24 Assemblyman Rivera, Assemblywoman Septimo,

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

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

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

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

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

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

24 CHAIRWOMAN KRUEGER: Thank you.

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

10 So sometimes legislators will get
11 overly excited and offer a 2 minute and
12 45 second question. That means you have
13 15 seconds to answer, and that's just not
14 very realistic for you on the panel. So we
15 are hoping everybody will understand that
16 clock is for all of us, both the questioner
17 and the answerer.

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

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

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

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

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

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

12 (Laughter.)

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

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

24 PARKS COMMISSIONER KULLESEID: Thank

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

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

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

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

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

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

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

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

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

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

24 We have rehabilitated 17 miles of the

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

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

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

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

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

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

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

1 \$15 billion -- in private investment.
2 Projects spurred by the credit help lift
3 local economies, expand housing, promote
4 sustainability, and preserve the heritage of
5 our communities.

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

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

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

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

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

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

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

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

5 That is why it was so gratifying to
6 see overwhelming public support for the
7 \$4.2 billion Environmental Bond Act, some of
8 which will go towards making our facilities
9 more resilient to climate change and
10 sea-level rise. This is particularly
11 important for Parks, as we are the largest
12 owner of shoreline in the State of New York.

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

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

1 100 years ago, that legislation forged the
2 New York State Park system. We have another
3 amazing century ahead of us.

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

13 Thank you for your time.

14 CHAIRWOMAN KRUEGER: Commissioner
15 Ball.

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

24 This year's Executive Budget

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

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

20 Building off the success of
21 initiatives like Farm to School, the
22 30 percent New York State Initiative, and
23 Nourish New York, the Governor will set a
24 goal to expand institutional and agency

1 buying of New York State food to 30 percent
2 by 2028. We currently spend almost
3 \$4 million a year on New York food. This
4 effort would aim to procure and purchase
5 nearly \$400 million worth of food from our
6 farmers.

7 The Governor also announced a
8 \$50 million investment over five years to
9 support "scratch" cooking facilities, with
10 \$10 million dedicated this budget year. This
11 will help encourage the use of fresh New York
12 State farm products in meal preparation for
13 K-12 children, help reduce food insecurity,
14 increase market opportunities for New York's
15 producers, and strengthen the resiliency of
16 our state's food system.

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

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

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

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

1 \$13.5 million for our Agribusiness Child
2 Development Centers, allowing ABCD to expand
3 education, health, and nutrition services to
4 the children of migrant farm families in
5 13 different centers around the state.

6 Governor Hochul has proposed
7 \$5 million again this year to continue to
8 support the Companion Animal Capital Fund.
9 This program provides animal shelters funding
10 to make critical upgrades that enhance care
11 for our dogs and cats.

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

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

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

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

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

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

1 working with you to strengthen the
2 agricultural community.

3 So thank you.

4 CHAIRWOMAN KRUEGER: Thank you.
5 Appreciate it.

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

9 SENATOR HINCHEY: Thank you very much.

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

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

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

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

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

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

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

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

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

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

1 extensions, best in the country.

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

7 SENATOR HINCHEY: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 SENATOR HINCHEY: And not only would

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

4 AG & MARKETS COMMISSIONER BALL: Yeah,
5 absolutely.

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

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

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

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

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

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

24 SENATOR HINCHEY: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.
2 Assembly.

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

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

11 ASSEMBLYWOMAN LUPARDO: Thank you very
12 much.

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

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

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

15 And my second question -- I might as
16 well get them both in -- is last year we
17 stood up 5 million toward meat processing,
18 disadvantaged farmers for 5 million, new
19 farmers for 4 -- or I think it was 4 and then
20 1 for new farmers. And now we're proposing
21 more grants for scratch kitchens, food
22 access.

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

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

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

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

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

15 I think that as we all know, COVID-19,
16 we still have a bit of a hangover from that.
17 The agency at Ag & Markets certainly suffered
18 from some of the same maladies as the private
19 industry and other agencies. We were --
20 before we entered into COVID-19, we were down
21 41 of our full-time equivalents at the
22 agency, and obviously we went through a tough
23 time. We still had to do the work, and we
24 did. But by the end of last year, we were

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

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

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

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

20 (Laughter.)

21 AG & MARKETS COMMISSIONER BALL: Trust
22 me.

23 ASSEMBLYWOMAN LUPARDO: Noted.

24 I want to talk about the Diversity and

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

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

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

1 was good news.

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

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

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

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

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

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

1 from USDA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ASSEMBLYWOMAN LUPARDO: Terrific.
20 Thanks a lot.

21 AG & MARKETS COMMISSIONER BALL: Thank
22 you so much.

23 CHAIRWOMAN WEINSTEIN: Senate?

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senator Serrano, chair.

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

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

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

19 And one of the good problems, or one
20 of the interesting things that we've noticed
21 throughout all of the turmoil of the
22 pandemic, was that our parks became our
23 refuge, where they became a place where we've
24 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

1 that, Commissioner.

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

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

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

1 experimenting with.

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

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

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

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

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

24 Now, I know that we have great parks

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

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

13 PARKS COMMISSIONER KULLESEID: Thank
14 you again for that question.

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

1 in.

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

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

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

1 we want more of that.

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

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

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

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

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

16 SENATOR SERRANO: Well, I appreciate
17 that, Commissioner. I can imagine, with a
18 park system as old as ours, the
19 infrastructure is in constant need of repair
20 and updating. And as new sciences and
21 technologies come online, I can imagine there
22 will be a lot of need for that capital
23 investment to make those changes and
24 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

1 Sojourner Truth, which made me very happy.

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

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

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

16 (Laughter.)

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

21 PARKS COMMISSIONER KULLESEID: I
22 expect nothing else --

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

1 (Laughter.)

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

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

8 ASSEMBLYMAN O'DONNELL: I was there,
9 yes.

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

24 New parks, you know, Sojourner Truth

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

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

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

3 PARKS COMMISSIONER KULLESEID: So we
4 have been -- we are very mindful -- and thank
5 you for that question. We are very mindful
6 that by 2030, Parks is mandated to rely on
7 100 percent renewable energy. And so we've
8 actually started this process. Five years
9 ago we would have zero solar energy in our
10 parks, zero renewable energy. We are now at
11 about 16 percent.

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

18 In the Hudson Valley we have put in
19 installations in what we call our Taconic
20 Region, which is East of Hudson. We've
21 installed solar arrays in old fields that are
22 sort of back out of the way, and we've been
23 able to take that entire region off the grid,
24 100 percent relying on renewable energy.

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

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

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

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

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

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

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

19 PARKS COMMISSIONER KULLESEID: Thank
20 you, Assemblymember.

21 CHAIRWOMAN WEINSTEIN: Senate?

22 CHAIRWOMAN KRUEGER: Thank you.

23 Next is Senator Borrello, ranker, five
24 minutes.

Thank you both for being here.

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,

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

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

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

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

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

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

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

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

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

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

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

10 SENATOR BORRELLO: Great. Thank you.

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

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

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

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

1 solutions, not problems.

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

13 But thank you for all you do.

14 AG & MARKETS COMMISSIONER BALL: Thank
15 you.

16 CHAIRWOMAN KRUEGER: Thank you.
17 Assembly.

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

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

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

24 ASSEMBLYMAN TAGUE: Good to see you,

1 Commissioner.

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

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

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

22 ASSEMBLYMAN TAGUE: Yes.

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

1 overtime.

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

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

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

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

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

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

24 AG & MARKETS COMMISSIONER BALL: I'll

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

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

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

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

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

1 The Governor's Executive Budget
2 continues to provide \$50 million for the
3 Nourish New York program, and you know I've
4 been a big advocate. I'd rather see it at
5 \$75 million, but we'll take the 50.

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

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

13 To date, Nourish New York has spent
14 \$114 million buying New York food, getting it
15 to New York families. I think -- my personal
16 opinion, it's an unqualified success.
17 Certainly appreciate your support and the
18 Legislature's support in making it now a part
19 of the budget.

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

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

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

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

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

24 (Laughter.)

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

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

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

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

1 CHAIRWOMAN WEINSTEIN: Thank you,
2 Commissioner.

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

5 SENATOR MAY: Thank you.

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

8 Commissioner Ball, yesterday the
9 Agriculture Committee -- in the committee we
10 passed a bill to create an Office of Urban
11 Agriculture. I'm now the chair of the Cities
12 2 Committee, which is all the cities outside
13 of New York City, and so I'm excited about
14 this idea. I'm wondering if you are.

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

19 AG & MARKETS COMMISSIONER BALL: Yeah,
20 it's been a passion of ours, you know, since
21 2014 for sure.

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

1 2,000 of those are in New York City. So
2 clearly a big presence in our urban areas.
3 Number of farms in New York City, 600 --
4 600 -- which is just amazing to me.

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

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

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

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

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

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

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

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

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

4 SENATOR MAY: Okay. Thank you.

5 CHAIRWOMAN WEINSTEIN: Thank you.

6 We go to Assemblywoman Glick.

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

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

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

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

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

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

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

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

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

6 ASSEMBLYWOMAN GLICK: Thanks very
7 much.

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

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

22 (Laughter.)

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

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

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

8 ASSEMBLYWOMAN GLICK: Thank you.

9 CHAIRWOMAN WEINSTEIN: Thank you.

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

12 Now to the Senate.

13 CHAIRWOMAN KRUEGER: Thank you.

14 And our next questioner is
15 Senator Walczyk.

16 SENATOR WALCZYK: Thanks so much.

17 Commissioner Kulleseid, how are ya?

18 PARKS COMMISSIONER KULLESEID: Fine,
19 good to see you.

20 SENATOR WALCZYK: Good to see you
21 today.

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

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

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

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

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

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

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

15 SENATOR WALCZYK: That's great to
16 hear.

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

24 PARKS COMMISSIONER KULLESEID: I'd

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

4 SENATOR WALCZYK: Is it close to zero?

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

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

13 SENATOR WALCZYK: Okay, thanks.

14 Commissioner Ball, good to see you.

15 AG & MARKETS COMMISSIONER BALL: Great
16 to see you.

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

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

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

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

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

19 So the target is we're currently
20 spending not a lot of money as an agency, as
21 a state, buying New York products. Let's get
22 New York buying New York food. And we expect
23 that the outcome of that is going to be about
24 \$400 million worth of purchasing power by the

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

7 So I think that's a smart investment.

8 SENATOR WALCZYK: Yup.

9 AG & MARKETS COMMISSIONER BALL:

10 Secondly, you know, to -- speaking about
11 investment in overall agriculture, I think
12 the 20 percent refundable Investment Tax
13 Credit is something that, as a farmer, really
14 excited me and has in the past when that's
15 been utilized. I'd really double down --

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

21 The Governor's proposed a
22 \$19.7 million reduction in your All Funds for
23 Ag & Markets. What local grant programs or
24 what local programs should we be the most

1 concerned about that are on the chopping
2 block this year?

3 AG & MARKETS COMMISSIONER BALL:

4 Actually, the Governor's Executive Budget is
5 bigger than it was last year. Those funds
6 you're speaking to were legislative adds,
7 things that the Senate and the Assembly added
8 to our budget. So I'm looking forward to
9 working with you on what your priorities are
10 in that regard.

11 SENATOR WALCZYK: Thanks.

12 AG & MARKETS COMMISSIONER BALL: Thank
13 you.

14 CHAIRWOMAN KRUEGER: Thank you.
15 Assembly.

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

19 ASSEMBLYWOMAN BARRETT: (Mic problem.)

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

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

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

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

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

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

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

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

1 we need going forward?

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

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

20 ASSEMBLYWOMAN BARRETT: Thank you.

21 CHAIRWOMAN WEINSTEIN: Thank you.

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

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senator Pete Harckham.

2 SENATOR HARCKHAM: Thank you,
3 Madam Chair.

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

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

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

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

1 important one.

2 You know, in New York we farm about
3 7 million acres of land. And a big concern I
4 have, as commissioner of Ag is that about
5 60 percent of that land is rented land,
6 leased land. And we can't let that be lost
7 to simply a development of some kind.

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

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

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

1 have been there, you know, 10 years ago.

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

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

11 SENATOR HARCKHAM: All right, thank
12 you.

13 A quick question for Parks in
14 40 seconds: 200 million for capital. Part
15 of that is transforming our parks system to
16 the new parks system, and yet you inherited
17 50-year-old, hundred-year-old
18 infrastructure -- sewers, failing septic,
19 failing water systems, crumbling asphalt,
20 uninsulated buildings. Is 200 million enough
21 to both do the kind of restorative
22 maintenance that you need to do on many
23 facilities and that transforms in a new era?

24 PARKS COMMISSIONER KULLESEID: Thank

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

7 I should note that on top -- and I'm
8 also grateful to the Legislature for -- and
9 working with the Governor -- to put in
10 250 million last year. I will say --

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

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

17 SENATOR HARCKHAM: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

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

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

24 I have questions for both of you, and

1 I'm going to start with Commissioner
2 Kulleseid.

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

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

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

24 PARKS COMMISSIONER KULLESEID: First

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

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

14 ASSEMBLYWOMAN WOERNER: Thank you very
15 much, Commissioner.

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

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

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

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

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

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

19 AG & MARKETS COMMISSIONER BALL:
20 Sounds like a --

21 ASSEMBLYWOMAN WOERNER: No problem.

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

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

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

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

14 ASSEMBLYWOMAN WOERNER: Thank you very
15 much.

16 CHAIRWOMAN WEINSTEIN: Thank you.

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

22 To the Senate.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Our next Senator is Senator Oberacker.

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

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

12 So I just wanted to point that out --

13 PARKS COMMISSIONER KULLESEID: Thank
14 you.

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

19 PARKS COMMISSIONER KULLESEID: Thank
20 you very much.

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

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

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

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

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

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

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

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

10 SENATOR OBERACKER: Yup. Yup.

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

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

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

1 SENATOR OBERACKER: Thank you.

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

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

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

17 CHAIRWOMAN KRUEGER: Thank you.
18 Assembly.

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

21 And we go to Assemblyman Otis for
22 three minutes.

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

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

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

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

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

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

1 department.

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

7 PARKS COMMISSIONER KULLESEID: Thank
8 you for that question.

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

21 ASSEMBLYMAN OTIS: Tremendous.

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

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

7 PARKS COMMISSIONER KULLESEID:

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

13 I will say that this budget is a
14 game-changer. The hallmark of this budget
15 for us, and obviously it's very strong across
16 the board, is the fact that we now have
17 authorization to increase our fill level by
18 237 people, and that really allows us to hire
19 and put more people in the field so that we
20 can do this work.

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

1 public a great experience.

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

6 UNIDENTIFIED PANELIST: Six seconds.
7 (Laughter.)

8 CHAIRWOMAN WEINSTEIN: We've been
9 joined by Assemblyman Brown.
10 Now to the Senate.

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

13 SENATOR STEC: All right, thank you
14 very much.

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

19 Commissioner Ball, if I could ask you
20 very briefly first. New York spends about
21 \$4 million to purchase local farm products,
22 but in this year's Executive Budget the
23 Governor has indicated she'd like to purchase
24 400 million worth of products. Can you

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

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

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

13 We estimate that the state spends
14 about a million and a half dollars purchasing
15 food, agricultural products now. And so the
16 \$400 million is an extrapolation of what
17 30 percent would look like. So we're not
18 spending a new \$400 million, we're taking
19 money that's being spent and saying:
20 Purchase it locally.

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

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

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

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

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

24 And then associated with all that, if

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

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

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

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

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

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

6 CHAIRWOMAN KRUEGER: Thank you.
7 Assembly.

8 CHAIRWOMAN WEINSTEIN: Assemblywoman
9 Kelles.

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

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

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

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

3 PARKS COMMISSIONER KULLESEID: Thank
4 you for the question.

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

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

24 ASSEMBLYWOMAN KELLES: But only in

1 those that are fully state parks.

2 PARKS COMMISSIONER KULLESEID:

3 Correct.

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

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

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

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

1 much of a back and forth.

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

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

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

19 CHAIRWOMAN WEINSTEIN: Commissioner --

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

22 CHAIRWOMAN WEINSTEIN: Commissioner
23 Ball --

24 AG & MARKETS COMMISSIONER BALL: --

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

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

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

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

14 To the Senate.

15 CHAIRWOMAN KRUEGER: Thank you.
16 Senator Mattera.

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

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

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

4 PARKS COMMISSIONER KULLESEID: I do.

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

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

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

1 you know, aquifer recharge.

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

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

7 PARKS COMMISSIONER KULLESEID: I know.

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

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

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

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

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

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

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

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

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

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

6 SENATOR MATTERA: Older ones.

7 PARKS COMMISSIONER KULLESEID: I'm
8 sorry?

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

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

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

19 PARKS COMMISSIONER KULLESEID: It was
20 very fast.

21 (Laughter.)

22 CHAIRWOMAN KRUEGER: Thank you.
23 Assembly.

24 CHAIRWOMAN WEINSTEIN: Assemblywoman

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

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

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

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

1 that.

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

9 And then for Commissioner Ball. So
10 the Avian Disease Program is vital, along
11 with dairy, and we've had 200,000 for
12 10 years. And 500,000 is needed for the
13 program. I'm wondering if we are advocating
14 in the budget for an increase in that
15 funding. Cornell Vet Schools -- we have two
16 in the state, one in Eastport and one in
17 Geneva. You know, we need to support the
18 increased funding in order to do those
19 studies for the bird disease.

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

22 ASSEMBLYWOMAN GIGLIO: Avian Disease
23 Program.

24 AG & MARKETS COMMISSIONER BALL: Yes.

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

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

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

16 And then also a big concern, having
17 60-plus wineries within my district, the
18 spotted lantern fly. You know, we have tried
19 to push back and study it and research it,
20 but we really need eradication at this time.
21 It's here.

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

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

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

10 ASSEMBLYWOMAN GIGLIO: Thank you very
11 much.

12 AG & MARKETS COMMISSIONER BALL: Thank
13 you.

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

16 And to the Senate.

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

19 Thank you both for being here.

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

1 we have an overabundance of parkland
2 anywhere?

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

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

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

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

24 PARKS COMMISSIONER KULLESEID: I think

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

5 CHAIRWOMAN KRUEGER: Thank you.

6 Commissioner Ball, nice to see you
7 also.

8 I know we've talked about this before.
9 So New York, how are we doing on diversifying
10 not just who farms our land but what we're
11 producing in food? Because we now have close
12 to 3 million Hispanic or Latino New Yorkers;
13 we have close to 2 million Asian-American
14 New Yorkers; we have I think over 2.5 million
15 both African-American and Caribbean-American
16 New Yorkers. And at least in the City of
17 New York, where I live, something like
18 50 percent of us have immediate family or are
19 new Americans ourselves.

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

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

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

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

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

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

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

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

1 CHAIRWOMAN KRUEGER: Thank you.

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

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

1 get you some numbers.

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

6 CHAIRWOMAN KRUEGER: Great. Thank
7 you.

8 AG & MARKETS COMMISSIONER BALL: Thank
9 you.

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

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

24 So if pollution from certain chemicals

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

4 AG & MARKETS COMMISSIONER BALL:
5 Aquaculture.

6 CHAIRWOMAN KRUEGER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 population in New York State.

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

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

6 CHAIRWOMAN KRUEGER: They go along
7 with the bees.

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

11 (Laughter.)

12 CHAIRWOMAN KRUEGER: Thank you very
13 much.

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

16 CHAIRWOMAN KRUEGER: Assembly.

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

19 ASSEMBLYMAN ANDERSON: Thank you,
20 Madam Chair.

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

24 So the first question I have is for

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

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

10 ASSEMBLYMAN ANDERSON: And what is
11 that number, Commissioner?

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

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

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

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

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

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

17 AG & MARKETS COMMISSIONER BALL: Yes,
18 last year.

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

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

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

4 ASSEMBLYMAN ANDERSON: But most of it
5 is left still?

6 AG & MARKETS COMMISSIONER BALL: Yes.

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

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

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

15 AG & MARKETS COMMISSIONER BALL: Sure,
16 yeah.

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

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

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

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

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

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

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

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

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

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

1 CHAIRWOMAN WEINSTEIN: To the Senate.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Chair Michelle Hinchey for three
4 minutes, second round.

5 SENATOR HINCHEY: Thank you very much.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 CHAIRWOMAN KRUEGER: Thank you very
7 much, Senator.

8 Assembly.

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

11 ASSEMBLYMAN LEMONDES: Le-MON-deez.

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

14 (Laughter; off the record.)

15 ASSEMBLYMAN LEMONDES: Thank you.

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

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

1 reference to this, but I want to pull out
2 some things precisely. Cornell concord grape
3 research, 50K detriment. Cornell animal
4 health surveillance, 481K detriment. Cornell
5 pro-dairy program, 17 percent detriment.
6 Maple research, one-third detriment. Onion
7 research hit as well. Maple producers,
8 33 percent. Sheep producers zeroed out.
9 Johne's zeroed out.

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

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

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

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

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

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

24 And I just want to say that -- and

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

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

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

16 ASSEMBLYMAN LEMONDES: Thank you.

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

20 ASSEMBLYMAN LEMONDES: Of course.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 To the Senate.

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

1 Serrano, three-minute second round.

2 SENATOR SERRANO: Thank you,
3 Madam Chair.

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

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

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

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

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

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

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

18 SENATOR SERRANO: Thank you very much,
19 Commissioner.

20 Madam Chair, I yield my time back.

21 CHAIRWOMAN KRUEGER: Thank you,
22 Senator.

23 Assembly.

24 CHAIRWOMAN WEINSTEIN: We have a

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

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

6 That is a remarkable statistic about
7 2,000 urban farms in New York City. I
8 represent the South Bronx, and I'm deeply
9 proud of all of the work that so many of our
10 great urban farms are doing.

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

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

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

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

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

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

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

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

9 (Laughter.)

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

12 (Laughter.)

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

24 And again, thank you for your

1 testimony, and we invite you out soon.

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

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 We go to Assemblyman Epstein.

6 ASSEMBLYMAN EPSTEIN: Thank you.

7 Thank you all for being here and
8 answering our questions.

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

22 AG & MARKETS COMMISSIONER BALL: Sure.

23 ASSEMBLYMAN EPSTEIN: Just --

24 Commissioner, I want to talk about parkland

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

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

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

20 ASSEMBLYMAN EPSTEIN: Right.

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

1 that to be distributed.

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

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

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

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

1 that statistic --

2 ASSEMBLYMAN EPSTEIN: I would love
3 that, actually.

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

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

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

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

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

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

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

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

10 ASSEMBLYMAN EPSTEIN: No, for the
11 charging infrastructure.

12 PARKS COMMISSIONER KULLESEID: Oh --

13 CHAIRWOMAN WEINSTEIN: Thank you.

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

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

20 Assemblyman Brown, three minutes.

21 ASSEMBLYMAN KEITH BROWN: Thank you,
22 Chairwoman.

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

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

4 In particular, number-wise, the
5 Executive Budget proposes 202 million,
6 50 million less than last year. We know that
7 for every dollar spent on the parks we gain
8 back another \$5. Parks is one of the few
9 agencies in New York State that actually is a
10 money-maker. So can you speak about the fact
11 that there's money out of the budget that
12 possibly should be there?

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

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

1 robust going into the future.

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

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

10 ASSEMBLYMAN KEITH BROWN: Yes. Yes.
11 The second thing about the parks, how
12 do we make the parks more environmentally
13 friendly in terms of food services' use of
14 plastics? The reduction or elimination of
15 use of plastics on parkland.

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

1 And we are -- as much as the rest of
2 the state is -- in charge of reducing our
3 waste by incremental amounts over the next
4 10 years, and we will be looking at every
5 opportunity to reduce waste. Some of it
6 comes in -- it's complicated, right, because
7 some of it comes through vendors, some of it
8 comes through people arriving in the parks
9 with their own stuff. So it's complicated,
10 but we look forward to taking that on.

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

14 CHAIRWOMAN WEINSTEIN: Thank you.

15 We go to Assemblyman Burdick.

16 ASSEMBLYMAN BURDICK: Thank you.

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

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

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

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

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

21 PARKS COMMISSIONER KULLESEID:

22 Obviously we're an operations agency, right,
23 so we have capital staff, we have maintenance
24 staff. And so there's a constant effort to

1 be in there, you know, checking the status.

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

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

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

22 ASSEMBLYMAN BURDICK: And excuse me,
23 sorry to interrupt. But cost, do you have
24 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

1 wife and I love your trails.

2 (Laughter.)

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

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

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

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

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

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

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

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

22 (Laughter.)

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

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

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

16 But I think also the 30 percent
17 initiative that the Governor outlined -- not
18 to spend \$400 million buying stuff but to
19 actually take and by executive order have our
20 state agencies purchase 30 percent of their
21 products, like we say to our schools, buy
22 30 percent of your products --

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

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

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

13 ASSEMBLYMAN JONES: Thank you, sir.

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

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 We go to Assemblywoman Zinerman, three
18 minutes.

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

22 AG & MARKETS COMMISSIONER BALL:
23 Great.

24 ASSEMBLYWOMAN ZINERMAN: I just want

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

8 I also want to just applaud the work,
9 you know, that the Legislature and you worked
10 on last year to provide a million dollars to
11 the BIPOC agriculture community, specifically
12 \$200,000 to the Black Farmers United Fund.

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

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

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

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

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

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

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

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

23 CHAIRWOMAN WEINSTEIN: Thank you.

24 Assemblywoman Lee.

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

3 ASSEMBLYWOMAN ZINERMAN: Thank you.

4 CHAIRWOMAN WEINSTEIN: Three minutes.

5 ASSEMBLYWOMAN LEE: Good afternoon.

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

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

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

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

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

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

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

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

21 PARKS COMMISSIONER KULLESEID: Great.
22 Love to see it.

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

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

3 PARKS COMMISSIONER KULLESEID: Love to
4 come see it.

5 ASSEMBLYWOMAN LEE: Thank you.

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

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

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

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

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

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

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

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

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

13 That was the quick one, I think.

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

16 AG & MARKETS COMMISSIONER BALL: Not
17 500 million, it's 500 --

18 ASSEMBLYWOMAN FAHY: -- came from the
19 Legislature?

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

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

24 Go ahead on the food, please.

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

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

9 ASSEMBLYWOMAN FAHY: Yes.

10 AG & MARKETS COMMISSIONER BALL: New
11 in the budget this year from the Governor is
12 \$50 million for scratch cooking kitchens.
13 This is, you know, looking at a kitchen,
14 ramping up a kitchen in a school district,
15 like a BOCES like we have here in the
16 Capital District, so that it can purchase
17 food, you know, during the season -- the
18 peppers, the tomatoes, the sweet corn --
19 process them, freeze them, and have them
20 available for the whole region. I think
21 that's a great, great way to get New York
22 food into New York school districts year
23 round.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 ASSEMBLYWOMAN FAHY: Thank you, Chair.

2 CHAIRWOMAN WEINSTEIN: Thank you.

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

5 ASSEMBLYWOMAN LUPARDO: Thank you very
6 much.

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

16 Were you aware of this?

17 AG & MARKETS COMMISSIONER BALL: I was
18 not.

19 ASSEMBLYWOMAN LUPARDO: Okay.

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

24 ASSEMBLYWOMAN LUPARDO: I'd appreciate

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

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

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

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

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

23 AG & MARKETS COMMISSIONER BALL: Thank
24 you.

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

6 So back to Senator Krueger.

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

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

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

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

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

17 So we knew this was going to be a long
18 hearing. I think we didn't quite realize how
19 long that "long" could really mean. And
20 again, just for people to understand, I think
21 80 people beyond the government asked to
22 testify today. We narrowed that list down to
23 about 30 out of 80. But again, it will be a
24 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

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

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

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

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

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

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

16 (Reaction from audience.)

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

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

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

1 We're especially encouraged to see the
2 \$400 million for the Environmental Protection
3 Fund. As the state's ambitious and much
4 needed Climate Scoping Plan identifies,
5 New York State's agriculture can reduce
6 emissions through improved livestock and
7 nutrient management and improved soil health,
8 while also sequestering carbon and providing
9 numerous ecosystem services.

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

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

24 Also with prior support from the state

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

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

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

21 Thank you for your time.

22 CHAIRWOMAN KRUEGER: Thank you very
23 much. Next?

24 MS. PERRY: Okay. Thank you,

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

6 As we heard today, New York has over
7 9 million acres of some of the best farmland
8 in the country. And it's also the most
9 threatened. I'd like to thank you for
10 funding programs which have increased the
11 rate of farmland protection. As of this past
12 year, by our calculations, we have protected
13 permanently over 100,000 acres of farmland
14 across the state. But this amounts to only
15 4 percent of our total farmland. At the same
16 time, over a third of our state's farmers are
17 ready to retire, meaning that roughly
18 2 million acres of farms will change hands in
19 the near term. And these are at risk of
20 residential and solar development.

21 According to our most recent Farms
22 Under Threat report, we stand to lose
23 300,000 acres in less than 20 years if we do
24 not permanently protect more farmland.

1 Governor Hochul included \$21 million for
2 farmland protection in her proposed budget,
3 and we ask the Legislature to meet the
4 increasing demand by increasing this amount
5 to \$25 million as part of an EPF of at least
6 \$400 million.

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

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

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

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

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

1 Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Our first questioner will be Senator
4 Michelle Hinchey.

5 SENATOR HINCHEY: Thank you very much.

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

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

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

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

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

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

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

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

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

9 SENATOR HINCHEY: Thank you very much.

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

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

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

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

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

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

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

11 SENATOR HINCHEY: Thank you.

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

14 ASSEMBLYWOMAN GLICK: Thanks very
15 much.

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

20 MS. BAILDON: Correct, yes.

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

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

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

8 MS. BAILDON: Right.

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

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

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

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

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

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

15 Thanks.

16 CHAIRWOMAN WEINSTEIN: We go to
17 Senator Borrello.

18 SENATOR BORRELLO: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 CHAIRWOMAN WEINSTEIN: We go to
21 Assemblywoman Kelles.

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

24 Mikaela, I have two questions for you.

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

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

17 MS. PERRY: Thank you for this
18 question.

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

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

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

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

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

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

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

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

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

18 MS. PERRY: Yeah, thank you.

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

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

7 (Timer chiming.)

8 CHAIRWOMAN WEINSTEIN: Thank you.
9 Senate.

10 CHAIRWOMAN KRUEGER: Senator Harckham.

11 SENATOR HARCKHAM: Thank you very
12 much, Madam Chair.

13 Thank you both so much for your
14 insightful testimony.

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

1 water, for public health, for people who
2 farm.

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

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

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

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

24 One thing that we have asked for in

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

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

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

14 SENATOR HARCKHAM: How much are you
15 looking for?

16 MS. BAILDON: Two hundred thousand.

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

20 MS. BAILDON: Thank you.

21 SENATOR HARCKHAM: Continue, please.

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

1 really help us to be a part of that
2 partnership.

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

12 SENATOR HARCKHAM: All right, thank
13 you.

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

17 (Laughter.)

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

21 CHAIRWOMAN WEINSTEIN: Assemblywoman
22 Lupardo.

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

1 remind us which how much NOFA had in the
2 budget? Last year it was a legislative add
3 which we were helping you to develop the
4 Clover Portal, correct?

5 MS. BAILDON: Yeah. It was 150,000.

6 ASSEMBLYWOMAN LUPARDO: So we're
7 looking for a new appropriation of \$200,000,
8 to follow up, to help with accessibility of
9 these materials. What does that look like?
10 What will that pay for?

11 MS. BAILDON: Well, yeah, the first
12 step will be really looking at a needs
13 assessment. So what is actually needed,
14 whether there's some language justice work
15 that we need to be doing, whether there are
16 sort of other accessibility opportunities.

17 A lot of the materials that are used
18 in the certification process are sort of very
19 technical and heavy on terminology, so just
20 making sure that the materials are really
21 more accessible to someone that may be new to
22 the program.

23 ASSEMBLYWOMAN LUPARDO: Okay, thanks.

24 And a question for Farmland Trust. If

1 you could just discuss how the regional
2 navigators are addressing our historically
3 underserved farmers. Because as you know,
4 we're putting more resources behind this
5 group. It's a very -- there's big interest
6 right now with that group. So I was hoping
7 you could enlighten my colleagues as to what
8 you're doing to target that group.

9 MS. PERRY: Sure. So our regional
10 navigators receive grants so that they can
11 continue the work that they are already doing
12 with these populations. So we also provide
13 technical assistance for them. We provide
14 trainings. We do one-on-one work with their
15 farmers. We provide trainings for these
16 organizations that receive the grants.

17 And we have brought on in the past
18 year three additional BIPOC-led
19 organizations, and they are serving these
20 farmers directly.

21 We've had some great success with
22 farmers who are -- maybe they're coming from
23 New York City for -- this is one example --
24 and they purchase farmland a little bit

1 upstate and then they grow food for mutual
2 aid in boroughs like the Bronx. And that has
3 been really amazing to see. So we'd like to
4 continue that work.

5 ASSEMBLYWOMAN LUPARDO: What were the
6 three BIPOC organizations that you referred
7 to?

8 MS. PERRY: I don't have their names
9 on me, but I will get them.

10 ASSEMBLYWOMAN LUPARDO: Okay. That
11 would be super-helpful. Thank you very much.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator Walczyk.

14 SENATOR WALCZYK: Thank you both for
15 your testimony today.

16 Mikaela, so if I heard right,
17 50 percent of New York's farmland is
18 nationally significant, 4 percent of our
19 farmland is currently protected, farmers are
20 retiring. The Governor has proposed
21 \$21 million in her Executive Budget. You're
22 asking for \$25 million.

23 What is the biggest threat to prime
24 farmland in New York State currently?

1 MS. PERRY: That is a difficult
2 question to answer. But off of the top of my
3 head, I would say that transfer of farmland
4 from retiring farmers to the next generation
5 and transition planning is a huge threat to
6 farmland.

7 I would also say that low-density
8 rural housing, or low-density residential
9 development, is another threat that we are
10 concerned about. And that is outlined in our
11 most recent Farms Under Threat report.

12 SENATOR WALCZYK: Thanks so much. I
13 think you've left off what I view as the
14 biggest threat, at least in consideration for
15 a representative democracy. We're here
16 working as a Legislature to comment on the
17 Governor's executive proposal, which has
18 fallen short in many of the ways that we've
19 displayed so far today. And as I go through
20 the list -- and we're disappointed, you know,
21 in many of the local agriculture programs
22 being zeroed out by the Executive. And we
23 hear the commissioner of Agriculture say,
24 "Well, those are legislative adds," which

1 means the Legislature needs to negotiate them
2 back into the budget because they've been
3 zeroed out by the Governor.

4 And then I go through the testimony
5 list today, and I'm very glad that you both
6 are here, because you are the only voices for
7 agriculture. We've got private citizens,
8 Citizens Campaign for the Environment,
9 Earthjustice, Conservation Voters, Nature
10 Conservancy, Riverkeepers and
11 Mountainkeepers, Clean Power, Alliance for
12 Clean Energy, geothermal energy folks, Beyond
13 Plastics, Natural Waste and -- I mean, the
14 list goes on. This is going to be a very
15 long hearing today.

16 And you, I'm very disappointed to
17 say -- well, your testimony was phenomenal,
18 and I have no disappointment in you. You are
19 the sole voice for agriculture today as far
20 as the Legislature is going to hear in this
21 budget process. This is the Agriculture,
22 Environmental Conservation and Energy -- and
23 there is a lot more emphasis by the testimony
24 that's laid out in our schedule today on the

1 latter part and not on agriculture.

2 And if we want to survive as a human
3 species, we need to have food in our future.
4 Mikaela, that is the critical mission of your
5 organization. But I'm sorry that you two
6 have to stand up for the entire agriculture
7 community today, because we should have the
8 New York Farm Bureau on a panel today. We
9 should have Cornell and Cornell Cooperative
10 Extension on a panel today. We should have
11 other partners, actual farmers that we're
12 hearing from, dairy producers and maple
13 producers and livestock folks that we're
14 hearing from today as a Legislature, before
15 we answer what the Governor has zeroed in
16 this budget.

17 I yield with no time left,
18 Madam Chair.

19 (Laughter.)

20 CHAIRWOMAN KRUEGER: Thank you.
21 Assembly.

22 CHAIRWOMAN WEINSTEIN: Before I call
23 on an Assemblymember I just wanted to make
24 note that once we get -- the governmental

1 witnesses are invited to speak; the
2 nongovernment witnesses must make a request
3 to speak. So we appreciate that you both
4 have made that request to speak here.

5 We go to Assemblywoman González-Rojas.

6 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Okay,
7 thank you so much. Thank you both for being
8 here. My question's for Ms. Perry.

9 You talked about the breakfast and
10 lunch meals for schools, you talked about the
11 30 percent program. Can you tell us directly
12 how this impacts and supports New York's
13 farmers and agricultural industry?

14 MS. PERRY: Yes, absolutely. It
15 incentivizes schools to purchase at least
16 30 percent of their food budget from New York
17 farmers or producers.

18 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: And
19 what does that mean in terms of the economics
20 of the state and the industry?

21 MS. PERRY: Yeah, I mean, if we
22 include breakfast in the 30 percent program,
23 we have the potential to bolster the
24 agricultural economy by half a billion

1 dollars. That means that schools who would
2 reach the 30 threshold, 30 percent of all
3 school meals, total food budget, purchased
4 from local sources would create half a
5 billion dollars of economic impact across the
6 state.

7 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: I'm a
8 champion, as well as many of my colleagues,
9 actually a bipartisan fight to ensure that
10 every school has both free breakfast and
11 lunch for our children.

12 Does that go beyond the half a billion
13 dollar economy boost to the agriculture
14 industry if we actually get full universal
15 breakfast and lunch?

16 MS. PERRY: I cannot speak to what
17 universal breakfast and lunch would do for
18 the agricultural economy of New York because
19 it is up to school food authorities of where
20 they would then purchase those meals, even if
21 those meals are provided by the state.

22 So this program specifically
23 incentivizes those schools to make sure that
24 they are purchasing New York products. And

1 as it stands right now, the universal meals
2 proposal supports Farm-to-School and we work
3 closely together, but it doesn't incentivize
4 that 30 percent local procurement.

5 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Got it.
6 What would be helpful to do so?

7 MS. PERRY: It might be helpful to do
8 so.

9 It would be helpful to expand on the
10 program that exists as well, right now, and
11 improve it so that more schools can access
12 the fund. Right now the fund is set at
13 10 million per year. We've only ever used
14 half of that funding. We leave \$5 million
15 reappropriated every single year because
16 schools cannot actually participate in the
17 30 percent. We've stagnated in the program.

18 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: And I
19 just want to thank you for that. I know my
20 son eats apples from New York and other
21 products from around the state. So as a
22 public school parent, thank you for your
23 advocacy.

24 CHAIRWOMAN KRUEGER: Thank you.

1 I think I'm the last Senator. And I
2 don't really have a question, I'd just like
3 to respond to my colleague.

4 We didn't turn down any other farm
5 groups who asked to testify in person today.
6 Some of them have submitted written
7 testimony, and we encourage everyone to do
8 so. But, Senator, we didn't turn anyone
9 down.

10 And for the record, those groups you
11 named shockingly all give a damn about what
12 happens in farming in New York because they
13 are representing, as different groups,
14 concerns about the future of our environment.
15 And I think that all the farmers in New York
16 State would agree with my statement that
17 unless we take care of protecting the
18 stewardship of the planet, they don't survive
19 to farm and feed us. So I don't think any of
20 us are in disagreement on these issues.

21 Thank you. And unless there's -- more
22 Assembly?

23 CHAIRWOMAN WEINSTEIN: Yes.

24 CHAIRWOMAN KRUEGER: More Assembly,

1 please.

2 CHAIRWOMAN WEINSTEIN: Assemblywoman
3 Woerner.

4 ASSEMBLYWOMAN WOERNER: Thank you very
5 much.

6 Mikaela, my question is for you,
7 following up on the questions that my
8 colleague Anna Kelles and Jessica
9 González-Rojas had.

10 So speaking to the challenges that are
11 causing the stagnation, if you could reflect
12 a little bit on sort of what is the
13 procurement issues that are causing us to
14 have \$5 million left on the table. And how
15 can a proposal which includes both breakfast
16 and lunch address that stagnation and open it
17 up for more schools to participate?

18 MS. PERRY: Sure. So the problem is
19 administrative. Schools who are
20 underresourced especially have difficulty
21 separating out the costs that they're
22 spending on New York foods products for lunch
23 versus the costs for breakfast and other
24 school meals.

1 They have to track -- they have to
2 physically separate out their milk cartons.
3 And if you are an underresourced school, that
4 is incredibly difficult. They are counting
5 milk cartons.

6 And so with this change to all school
7 meals or breakfast and lunch -- that's a
8 start -- they wouldn't have to count milk
9 cartons anymore. And what we're hearing from
10 schools is that it's even gone so far that
11 they will purchase New York milk, dairy
12 products and vegetables and fruits for lunch,
13 and they will purchase dairy products for
14 breakfast from Pennsylvania. We need that
15 money in our dairy industry here in New York.
16 And so that is the problem we're talking
17 about.

18 Why would we need to increase the
19 reimbursement to account for breakfast is
20 because then they're spending more to reach
21 that 30 percent threshold if it's including
22 all school meals.

23 ASSEMBLYWOMAN WOERNER: So let me make
24 sure that I'm understanding correctly. So

1 today if you spend a hundred dollars on
2 lunch, right, 30 percent is \$30. If we say
3 you have to do 30 percent of all of your food
4 budget on breakfast and lunch, presumably
5 that is \$200, so that would be \$60 worth of
6 local purchasing. But we're only providing
7 an incentive on the lunch, so it doesn't --
8 so now the negative is off.

9 So we have to do both. We have to
10 cover breakfast and lunch in the calculation.
11 Because if you buy a bushel of apples, you
12 don't separate out how many are for
13 breakfast, how many are for lunch. But then
14 we also need to be able to provide an
15 additional reimbursement on breakfast and
16 lunch to balance the incentive out.

17 Is this a good summation?

18 MS. PERRY: Yes.

19 ASSEMBLYWOMAN WOERNER: Thank you very
20 much. I appreciate that.

21 CHAIRWOMAN WEINSTEIN: We go to the
22 Senate.

23 CHAIRWOMAN KRUEGER: I think Senate is
24 done. We'll just continue with the Assembly.

1 CHAIRWOMAN WEINSTEIN: Then we have
2 just one more Assemblymember. Is Assemblyman
3 Manktelow here? Yes. Jodi, can you --

4 ASSEMBLYMAN MANKTELOW: Good
5 afternoon.

6 Mikaela, back to the Farmland Trust.
7 Are you guys tracking anything of where the
8 land in New York State is going? The
9 farmland that's being sold now isn't always
10 being sold or turned over to the next
11 generation. Are you tracking where that
12 farmland goes?

13 MS. PERRY: I'm so sorry, can you
14 repeat the question? I'm having trouble
15 hearing you.

16 ASSEMBLYMAN MANKTELOW: Can you hear
17 me now?

18 MS. PERRY: Yes.

19 ASSEMBLYMAN MANKTELOW: I apologize.

20 I know in New York State a lot of our
21 young farmers are coming up through the
22 system, but a lot are not. And as farmers
23 decide to get rid of their property, are we
24 tracking where that property goes? Whether

1 it's for solar power or anyplace else, are we
2 doing any sort of tracking of that?

3 MS. PERRY: I am not sure. I do not
4 believe our New York office is tracking that,
5 and I would have to check in with the
6 agencies.

7 ASSEMBLYMAN MANKTELOW: Do you feel
8 that we should be doing that?

9 MS. PERRY: Yes.

10 ASSEMBLYMAN MANKTELOW: For what
11 reason?

12 MS. PERRY: I think it would be
13 important to know, especially when we talk
14 about a threat to farmland, what exactly is
15 the highest threat, back to the former
16 question.

17 So if we know that this farm got sold
18 to a solar developer but this farm went to a
19 new farmer or this parcel of land went to a
20 new farmer, it would be helpful to track
21 that.

22 ASSEMBLYMAN MANKTELOW: So if we were
23 able to provide funding, that's something
24 your agency could do for us?

1 MS. PERRY: I don't know. I'm not
2 sure. I'd have to consult with my team. I
3 don't know if we have capacity in our
4 organization to do that. But we could circle
5 back with you on that.

6 ASSEMBLYMAN MANKTELOW: Yeah, if you
7 weren't the one, who would be the one?

8 MS. PERRY: Again, I'd have to circle
9 back. Excellent questions, though.

10 ASSEMBLYMAN MANKTELOW: All right. I
11 appreciate your answers. I just wanted to
12 get that out there just so it's on the radar.
13 Because I think there is concern there,
14 especially with what's going on across the
15 country and across the world. So -- all
16 right. Thank you both for your time.

17 Thank you, Madam Chair.

18 CHAIRWOMAN WEINSTEIN: Thank you.
19 Senator Krueger?

20 CHAIRWOMAN KRUEGER: Well, then, I
21 think we've completed all the people who wish
22 to ask questions of you both.

23 I want to thank you both for your hard
24 work on behalf of farms and farmers in

1 New York State. And I'm going to ask you
2 whether you can excuse yourselves.

3 Anyone who needs to grab either of
4 these ladies please take it outside so that
5 we can have the next panel start.

6 Again, for people who are keeping
7 track, this is now going to be Panel C, a
8 government panel again: New York State
9 Department of Environmental Conservation,
10 Basil Seggos; Doreen Harris of NYSERDA; and
11 Justin Driscoll of the New York Power
12 Authority. If you came in late, Mr. Driscoll
13 was incorrectly put on Panel D but is being
14 moved to Panel C.

15 (Off the record.)

16 CHAIRWOMAN KRUEGER: Good afternoon,
17 everyone. Nice to see you.

18 So, all right, I just want to make
19 sure. So this is a government panel, so each
20 of our government presenters will get
21 10 minutes to present. Again, if you have
22 long testimony, really prioritizing your key
23 points rather than reading testimony is
24 usually a better approach.

1 And then after each of you have
2 testified, we will then start to take
3 questions from the legislators. The chairs
4 get 10 minutes for the panel. The rankers
5 get five minutes. Everyone else gets
6 3 minutes.

7 And because some people understand
8 this perfectly and some don't, my colleague
9 and friend legislators, when you see you have
10 X number of minutes on the clock that's both
11 for you to ask and our guests to answer. So
12 please don't ask a two and a half minute
13 question when you have three minutes on the
14 clock and expect that you will get a
15 coherent, full answer in the remaining
16 30 seconds.

17 Sometimes there is not enough time to
18 answer and we will then ask the panelists to
19 please respond in writing to both Helene and
20 I, and we will make sure to share that with
21 all the members of the committees. But our
22 goal is to actually leave you enough time to
23 answer questions when you are asked them. So
24 it's a skill set on our part to not

1 necessarily make a speech, but rather to ask
2 a question. And I know we're in the
3 speech-giving business.

4 So with that, I'm going to ask
5 Basil Seggos to kick us off, from DEC. Thank
6 you.

7 COMMISSIONER SEGGOS: Good afternoon,
8 Chair Krueger, Chair Weinstein, distinguished
9 members of the fiscal, environmental
10 conservation, and other legislative
11 committees. It's an honor to be with you
12 today, along with Doreen Harris and Justin
13 Driscoll, and certainly to discuss the very
14 exciting Governor's priorities for the coming
15 year.

16 And to echo Senator Mattera, happy
17 Valentine's Day to you all.

18 Just briefly, on 2022, it was a
19 momentous year for DEC. The Climate Action
20 Council, that I cochair with Doreen Harris,
21 delivered its Scoping Plan on time at the end
22 of the calendar year. It was a culmination
23 of three years of extraordinary work,
24 hundreds of meetings, and the dedication of

1 more than 300 of our staff.

2 There was robust public engagement as
3 well. We had 35,000 New Yorkers comment on
4 the draft Scoping Plan. We did 11 public
5 hearings around the state. And what came out
6 of it was a blueprint which will help us
7 build the green energy economy and combat
8 climate change.

9 We also, of course, were able to see
10 the \$4.2 billion Bond Act approved by the
11 voters at 68 percent, which is an astounding
12 and powerful statement about the state's and
13 the public's support for the environment.
14 Now we have a generational opportunity to
15 truly make the state sustainable and
16 resilient for the long haul.

17 And we've been hard at work on an
18 interagency working group, at the direction
19 of the Governor, to create the infrastructure
20 behind the act, and we look forward to
21 engaging the public and you all in the coming
22 months.

23 We took major actions to protect air
24 and water. We launched the nation's

1 first-ever statewide community air monitoring
2 program in 10 disadvantaged communities
3 around the state that are home to an
4 estimated 5 million New Yorkers. We adopted
5 the Advanced Clean Cars Rule to put New York
6 on a path to 100 percent electric vehicles by
7 2035. We adopted methane reduction
8 regulations for oil and gas.

9 We delivered a record \$1.1 billion in
10 water infrastructure grants -- that was about
11 nearly zero back in 2015 -- and a record
12 \$1.6 billion in water loans from the
13 Environmental Facilities Corporation. And
14 the Governor directed funds to some places
15 that have needed it the most, most
16 particularly in Mount Vernon, where we
17 delivered \$150 million to help get that
18 disadvantaged community and its badly
19 outdated system back on its feet.

20 In the Brownfields Cleanup Program,
21 which again was reauthorized in the budget
22 last year, 84 new projects came in,
23 53 certificates of completion were issued.

24 On public protection, which we are

1 proud to have as a core part of our mission,
2 our Environmental Conservation Officers
3 responded to an astounding 26,000 calls for
4 help and issued over 13,000 tickets on issues
5 such as deer poaching, solid waste dumping,
6 illegal mining and emissions violations.

7 Our Rangers responded to calls for
8 help, rescuing 359 people in the woods, and
9 helped extinguish 162 wildfires around the
10 state, including in Minnewaska State Park.

11 We also held our 23rd Basic School and
12 graduated 38 new Rangers and 18 ECOs. That's
13 my fourth academy as commissioner; I'm proud
14 of the work that we did on that.

15 We also conducted an astounding
16 230,000 boat inspections to look at invasive
17 species, primarily in the Catskills, but not
18 only in the Catskills. We managed increased
19 usage. Just as the Parks commissioner talks
20 about increased usage, we certainly have it
21 as well in the Catskills and Adirondacks. We
22 created the new Office of Indian Nations
23 Affairs at DEC and oversaw the largest-ever
24 land transfer to an Indigenous nation in

1 state history. And we appointed our
2 first-ever deputy commissioner for equity and
3 justice.

4 So on to the coming fiscal year,
5 2023-'24. The Governor's Executive Budget
6 builds on these milestones and maintains
7 New York's national leadership on many
8 important issues regarding the environment.

9 On climate, the Governor proposed a
10 economy-wide cap-and-invest program that
11 would set a declining cap on emissions with
12 the revenue to invest in the transition to
13 the economy of the future, guided by five
14 important principles: Affordability,
15 linkability with other states, creating jobs
16 and protecting competitiveness, investing in
17 disadvantaged communities, and funding a
18 sustainable future.

19 We'll create this program through
20 regulation, and we'll work with you on the
21 creation of a Climate Action Fund to ensure
22 affordability, which will put money back in
23 New Yorkers' pockets, and work to create an
24 industrial small business climate action

1 account to help mitigate some of the impacts
2 on small industrial operations. And we'll be
3 doing this over the course of the next few
4 months, as was mentioned this morning, with
5 very robust stakeholder engagement.

6 The Governor's also proposing another
7 \$400 million Environmental Protection Fund.
8 And I thank the Legislature for its
9 extraordinary support of this important
10 program over the years. And by the same
11 token, a \$500 million investment in clean
12 water. That's \$5 billion since 2017.
13 Another \$90 million for NY Works, which helps
14 to fund our open spaces and our
15 infrastructure. And a Clean Up Forever
16 Chemicals initiative, which is a \$60 million
17 commitment to combat -- per year, to combat
18 emerging contaminants at the local level.
19 You think about PFAS and 1,4-dioxane
20 impacting our water supplies.

21 There's also an important Waste
22 Reduction and Recycling Infrastructure Act to
23 address the waste crisis by shifting the
24 burden of waste management from consumers and

1 municipalities to producers. This program
2 will increase recycling rates, save local
3 governments money, and protect the
4 environment.

5 DEC's budget also recommends state
6 operations funding of \$560.2 million. That's
7 a \$66 million increase over last year. The
8 total capital budget from all sources,
9 including Bond Act and water, of 9.7 billion.
10 A record staffing increase of 231 staff to
11 now 3,322, which would make it the highest
12 level in well more than a decade. And that's
13 on top of another 52 staff next year.

14 All of this will support our core
15 mission, our cap-and-invest program, the Bond
16 Act, and the Waste Reduction Act.

17 So in closing, the Governor's
18 Executive Budget prioritizes the environment
19 as never before. It recognizes the urgency
20 of the climate crisis, our infrastructure
21 needs, and the added protections for water,
22 air, and natural resources. And it positions
23 our state to maximize federal investments as
24 well.

1 I'm grateful to the Governor for her
2 extraordinary support for DEC and for the
3 environment, and grateful to the Legislature
4 for its extraordinary support over the years
5 as well.

6 So thank you for the chance to provide
7 testimony today. I look forward to your
8 questions.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Next?

11 NYSERDA PRESIDENT HARRIS: Good
12 afternoon, Chair Krueger, Chair Weinstein,
13 and members of the committees. Thank you for
14 the opportunity to testify before you today.

15 I'm Doreen Harris; I'm the president
16 and CEO of the New York State Energy Research
17 and Development Authority, or NYSERDA. And I
18 too am pleased to be here today to discuss
19 the many critical climate and energy issues
20 facing our state and our nation.

21 And as you just heard, and certainly
22 as you know, the Climate Leadership and
23 Community Protection Act established the
24 Climate Action Council and charged the

1 council with developing a Scoping Plan. And
2 as cochair of the council, with Commissioner
3 Seggos, I am proud to say that after a robust
4 comment period, including 11 public hearings
5 across the state and more than 35,000 public
6 comments, the council achieved a key
7 milestone in December, on time, by adopting a
8 final Scoping Plan.

9 The Scoping Plan lays out a
10 comprehensive strategy to achieve some of the
11 aggressive climate and clean energy goals in
12 the nation, while ensuring a brighter, more
13 just future for all New Yorkers. The plan
14 includes approaches that help build community
15 engagement, create job pathways for New
16 York's existing and future workforce, and
17 ensures that the transition to a low-carbon,
18 clean energy economy addresses environmental
19 and energy burdens that have
20 disproportionately impacted our most
21 underserved communities.

22 And as you heard, building on the
23 Scoping Plan, the Governor has now directed
24 NYSERDA and DEC to advance an economy-wide

1 cap-and-invest program that establishes a
2 declining cap on greenhouse gas emissions to
3 fund a sustainable and affordable future for
4 all New Yorkers. Our program here in
5 New York will prioritize five core principles
6 the Governor laid out in her State of the
7 State: Affordability; investing in
8 disadvantaged communities; creating jobs and
9 preserving competitiveness; funding a
10 sustainable future; and continuing our
11 climate leadership.

12 Consistent with the Governor's core
13 principles, the cap-and-invest proposal in
14 the budget would establish the Climate Action
15 Fund, which would be designed to directly
16 defray the costs of the program to
17 New Yorkers every year, and New York's
18 program will be designed to launch new
19 investments in industries and technologies
20 that can lift up entire communities.

21 Governor Hochul has taken bold steps
22 on climate to protect the health and safety
23 of our communities, and that includes
24 tackling buildings, which account for more

1 than 30 percent of our state's greenhouse gas
2 emissions. The Governor's Executive Budget
3 includes a three-part strategy for the
4 building sector. First, advancing
5 zero-emission new construction, with no
6 on-site fossil fuel combustion, by 2025 for
7 residential and low-rise multifamily
8 buildings and by 2028 for commercial and
9 larger multifamily buildings. Highly
10 efficient, zero-emission buildings will
11 provide residents with safer, healthier, and
12 more comfortable homes.

13 Second, for existing buildings, the
14 proposal calls for a phaseout of the sale and
15 installation of new fossil fuel space and
16 water heating equipment by 2030 for
17 residential and low-rise multifamily
18 buildings and 2035 for commercial and larger
19 multifamily buildings. To be clear, these
20 proposals will not ban existing gas cooking
21 equipment and will include an allowance for
22 exemptions for commercial kitchens,
23 hospitals, healthcare facilities and certain
24 other areas.

1 Finally, to help target investments
2 and equip building owners with the data they
3 need to reduce energy costs, the proposal
4 includes a grading system for large buildings
5 statewide based on their energy usage.
6 Making available accurate, actionable data
7 and information is proven to help building
8 managers make informed choices to reduce
9 bills and emissions at the same time.

10 Another of the Governor's proposals,
11 focused on helping consumers, is the launch
12 of a first-of-its-kind \$200 million EmPower
13 Plus home retrofit program, which will help
14 20,000 low-income families retrofit their
15 homes by adding insulation, installing energy
16 efficient appliances, and switching from
17 inefficient fossil fuel heating systems to
18 clean, efficient, electric alternatives or
19 preparing the home to do so.

20 And as we look ahead, advances in
21 renewable energy, energy storage, and clean
22 transportation will provide new opportunities
23 to fulfill New York's ambitious clean energy
24 and jobs agenda.

1 To achieve the state's 70 percent by
2 2030 renewable energy goal, NYSERDA is
3 rapidly advancing our work through the
4 development of 9,000 megawatts of offshore
5 wind, 3,000 megawatts of energy storage, and
6 an increased goal of 10,000 megawatts of
7 distributed solar.

8 And as we work to transform the way we
9 power our homes and businesses, New York
10 State is currently managing a portfolio of
11 120 large-scale solar, onshore, and offshore
12 wind projects -- as well as new transmission
13 projects -- totaling more than
14 14,200 megawatts, that will be capable of
15 powering 66 percent of the state's
16 electricity grid once operational and
17 directly supporting over 23,000 jobs.

18 In addition, NYSERDA and the
19 Department of Public Service submitted a new
20 framework to the Public Service Commission
21 last December to achieve 6 gigawatts of
22 energy storage by 2030, which represents
23 nearly 20 percent of the peak electricity
24 load of New York State. And last month,

1 NYSERDA received a robust response to our
2 third offshore wind solicitation, with more
3 than 100 total proposals for eight new
4 projects from six offshore wind energy
5 developers -- a record-setting level of
6 competition among East Coast states.

7 And this progress will be bolstered by
8 at least another 2,000 megawatts of
9 land-based renewables that will result from
10 our sixth annual procurement for large-scale
11 renewable energy projects, which is also
12 underway.

13 Transportation accounts for more than
14 three-quarters of the petroleum used and
15 nearly 30 percent of the greenhouse gas
16 emissions generated in New York State.
17 Therefore, with the adoption of the Advanced
18 Clean Car regulations, all new passenger cars
19 and trucks sold in the state must be
20 zero-emission by 2035.

21 And to further support 100 percent
22 zero-emission vehicles, the Governor recently
23 announced more than \$12 million in additional
24 funding for the Drive Clean Rebate program to

1 help consumers save on the purchase of
2 electric vehicles. There are now more than
3 127,000 electric vehicles on the road, up
4 from 24,000 just five years ago, and more
5 than 11,000 EV charging stations installed
6 statewide. And with the passage of the
7 Bond Act, \$500 million will be provided to
8 school districts to ensure their buses are
9 all-electric by 2035.

10 And to ensure there are union labor
11 opportunities, support for existing and new
12 energy workers, and hiring in disadvantaged
13 communities embedded within our green economy
14 scale-up, the Governor's budget will
15 establish the Office of Just Energy
16 Transition. New York stands to see hundreds
17 of thousands of jobs created through the
18 implementation of the Climate Act, but we
19 cannot reach our clean-energy goals without
20 the trained professional workforce required
21 to translate these goals into action.

22 So our efforts are centered on career
23 pathway programs that provide education,
24 training, and services to help place new

1 workers in clean-energy occupations where
2 demand for workers is growing across all
3 sectors of our economy.

4 This concludes my opening remarks, and
5 I will turn it back to the chairs.

6 Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Mr. Driscoll.

9 NYPA ACTING PRESIDENT DRISCOLL: Good
10 afternoon. Good afternoon, Chair Weinstein,
11 Chair Krueger, and other distinguished
12 members of the committees. My name is
13 Justin Driscoll, and I'm the acting president
14 and CEO of the New York Power Authority.

15 Thank you for the opportunity to
16 appear here today to discuss the Governor's
17 Executive Budget proposal and specifically
18 legislation in the Executive Budget that
19 would enhance NYPA's ability to help our
20 state achieve the goals in the Climate
21 Leadership and Community Protection Act and
22 advance other state priorities.

23 We are guided by the strong leadership
24 of Governor Hochul and the Legislature, and

1 the Power Authority is proud to be playing a
2 critical role in advancing the state's clean
3 energy, environmental and social policies
4 that are embodied in this and other 2023
5 landmark legislative initiatives.

6 I will now spend a few moments to
7 describe what NYPA does and how we are
8 already contributing to the state's clean
9 energy transition, and I will then address
10 the budget legislation.

11 Specifically, there are three broad
12 components of the Power Authority's work.
13 First, NYPA is an experienced owner and
14 operator of energy infrastructure. The
15 authority owns and operates 16 generating
16 facilities throughout New York State,
17 generating nearly 25 percent of all power
18 produced in the state. More than 80 percent
19 of that electricity we produce is clean,
20 renewable hydropower.

21 Additionally, the Power Authority
22 owns, operates, and maintains approximately
23 one-third, or 1,400 circuit miles, of the
24 high-voltage transmission lines in New York

1 State. These assets help form the backbone
2 of the statewide energy grid for electric
3 power transmission, and they are critical to
4 integrating existing and new renewable energy
5 throughout New York State.

6 Second, NYPA is an experienced
7 supplier of energy and energy services. The
8 authority has more than 1,000 customers
9 enabled by federal and state statutes. They
10 include local and state governmental
11 entities, municipal and rural cooperative
12 electric systems, and economic development
13 customers.

14 Our economic development power
15 programs have supported the creation and
16 retention of more than 440,000 jobs and
17 nearly \$32 billion in capital investment by
18 businesses throughout New York State from the
19 inception of these programs.

20 Third, NYPA is already helping to lead
21 in the state's clean energy transition. NYPA
22 has invested more than \$3.6 billion in
23 energy-efficiency projects at publicly owned
24 facilities throughout New York State. Our

1 energy services programs have resulted in
2 more than \$266 million in annual taxpayer
3 savings. These programs have reduced energy
4 consumption in the state by 275 megawatts and
5 prevented the emission of approximately
6 922,000 metric tons of greenhouse gas.

7 Through our solar advisory services,
8 the authority has enabled over 61 megawatts
9 of solar, 21 megawatts of which has come
10 online since I became acting president and
11 CEO in October 2021.

12 In addition, through both our EVolve
13 NY program and our electric vehicle charger
14 installations at customer sites, NYPA has
15 facilitated the development of 669 electric
16 vehicle charging stations at government and
17 NYPA customer facilities throughout the
18 state. We are continuing to work with our
19 customers to expand EV charging at their
20 locations.

21 Finally, NYPA is playing a fundamental
22 role in the upgrade of the high-voltage
23 transmission system in the state. We
24 currently have four major projects -- two in

1 construction, two others in engineering and
2 approval. One of these projects, Clean Path
3 New York, a joint venture between NYPA,
4 Invenergy, and EnergyRE, will deliver more
5 than 7.5 million megawatt-hours of
6 emissions-free energy into New York City
7 every year.

8 Clean Path is just one example of the
9 authority partnering with the private sector
10 to leverage our expertise and resources to
11 maximize benefits for New York State.
12 Through our transmission and customer
13 businesses, the Power Authority has
14 established a long track record of
15 collaborating with the private sector to
16 bring public benefit.

17 I will turn now to the Governor's
18 budget legislation. The Governor's Executive
19 Budget proposal, Part XX of the
20 Transportation, Economic Development and
21 Environmental Conservation Budget Bill, gives
22 NYPA the authority and the tools to take on
23 an even greater role in the state's clean
24 energy transition, leveraging our strengths

1 and enabling us to further collaborate with
2 the private sector when it makes sense to do
3 so.

4 To summarize, the budget bill would,
5 one, enhance NYPA's authority to develop new
6 renewable energy projects that will help
7 New York achieve its climate goals; two,
8 establish a Renewable Energy Access Community
9 Health program, or REACH, to provide
10 renewable based electricity discounts to
11 disadvantaged New Yorkers to reduce their
12 energy costs; three, publish a plan in two
13 years for decarbonizing NYPA's peaker plants
14 by 2035, subject to adequate reliability
15 determinations; four, authorize the authority
16 to make up to \$25 million annually available
17 to fund training programs for employment in
18 the renewable energy field.

19 These new provisions will provide the
20 Power Authority with the tools we need to
21 implement any expanded authority in legally
22 and fiscally responsible ways that also
23 preserves the judgment of NYPA's board of
24 trustees. The proposal strikes the

1 appropriate balance on this issue and other
2 important energy initiatives.

3 Finally, I would like to highlight a
4 very significant change in the renewable
5 landscape: the federal Inflation Reduction
6 Act is now law. NYPA expects to be able
7 access new and existing federal tax credits
8 provided by the IRA to lower the costs of
9 certain renewable energy projects that it
10 would undertake under the Governor's
11 legislation.

12 While the Power Authority pays no
13 federal income tax, the IRA-facilitated tax
14 credits, such as the investment tax credit
15 and the production tax credit, are directly
16 payable now to governmental and other
17 nontaxable entities like NYPA. These tax
18 credits add new financial resources to NYPA's
19 ability to expand the state's renewable
20 generation fleet.

21 Thank you for the opportunity to
22 provide testimony here today. I look forward
23 to answering your questions. Thank you.

24 CHAIRWOMAN KRUEGER: Thank you all

1 very much.

2 Before we start questions, I just want
3 to announce that we have been joined by
4 Senator Gonzalez, Senator Ramos,
5 Senator Gounardes, and Senator Salazar.

6 Any other Republican Senators new?

7 SENATOR O'MARA: The same people are
8 here.

9 CHAIRWOMAN KRUEGER: The same are
10 here, fine.

11 Do you have any new Assemblymembers to
12 announce before I roll it out? Anyone want
13 to wave that they didn't get announced?

14 CHAIRWOMAN WEINSTEIN: Okay. Some
15 were here earlier. But Assemblyman Mamdani
16 and Assemblywoman Shrestha. And I think
17 everybody else was here at the beginning.

18 So back to the Senate.

19 CHAIRWOMAN KRUEGER: Okay, thank you.

20 So we're going to start with the chair
21 of EnCon, Senator Pete Harckham.

22 SENATOR HARCKHAM: (Mic off.) Good
23 afternoon, everyone. Thank you so much. Is
24 this mic working? We've been having issues

1 with it. All right, we'll go ahead without
2 the mic. That's okay, I have a loud voice.

3 Thank you all for your testimony.
4 Really appreciate it. I want to thank you
5 and congratulate your teams on the incredible
6 work.

7 (Discussion off the record.)

8 SENATOR HARCKHAM: Can we go back to
9 10 minutes on the clock? Time is valuable.
10 Thank you.

11 First, I want to thank you all for
12 your testimony. Also thanks to you and your
13 teams for incredible work on the Scoping
14 Plan. It was just amazing work. There are
15 going to be a lot of questions about climate,
16 about energy today.

17 But given my portfolio, I think I'm
18 going to focus on some other things, maybe
19 come back to it if there's time. So nothing
20 personal, but I think we'll go directly to
21 Commissioner Seggos on a bunch of issues.
22 We'll kind of do this like a lightning round
23 and we'll jump around, if that's okay.

24 DEC COMMISSIONER SEGGOS: Deal.

1 SENATOR HARCKHAM: First on the
2 Environmental Protection Fund. Some folks
3 think we're kind of back-sliding into an old
4 bad habit of charging staff to the
5 Environmental Protection Fund. How many FTEs
6 are we proposing to charge to the
7 Environmental Protection Fund, and what is
8 the cost?

9 DEC COMMISSIONER SEGGOS: Senator,
10 thanks for the question. It's not a large
11 number. I can get you the exact number
12 offline. If my staff can dig it up, I'm
13 happy to share it with you during the
14 hearing.

15 But as you know, the staff of course
16 would be working on EPF purposes.

17 SENATOR HARCKHAM: All righty. And
18 then some of the lines have been increased,
19 some have been decreased. Can you get us
20 information on that? For instance, solid
21 waste increases, but environmental justice
22 decreases. You know, I'm sure those are
23 programmatic things, but they're not really
24 spelled out in the budget. If you can get us

1 details on that, that would be appreciate.

2 COMMISSIONER SEGGOS: Sure. Certainly
3 happy to. And obviously there's so many
4 lines in the EPF that we make adjustments to
5 every year in coordination with you during
6 negotiations, so it is a bit of an accordion.
7 But we try to put the monies where the
8 resources are most needed, taking into
9 account outside resources.

10 For example, last year we didn't have
11 the Bond Act, right? Now we do. We have a
12 \$90 million NY Works as well, which is
13 helping to allow us to make adjustments in
14 where we direct those dollars. So you
15 mentioned solid waste, for example. We have
16 a huge backlog in solid waste projects that
17 we need to fund around the state -- through
18 grants, largely.

19 Environmental justice, we anticipate
20 directing an enormous amount of money into
21 environmental justice, consistent with the
22 CLCPA's 35 minimum, 40 percent goal mandate.
23 So that will receive -- the environmental
24 justice projects will receive an enormous

1 amount of funding through other funding
2 sources outside the EPF.

3 SENATOR HARCKHAM: All right, perfect.

4 DEC COMMISSIONER SEGGOS: So it is
5 that accordion.

6 SENATOR HARCKHAM: Yeah, no, that
7 gives us a sense. We've got seven minutes
8 more and 20 minutes' worth of questions.

9 (Laughter.)

10 SENATOR HARCKHAM: On the Bond Act,
11 obviously your team is promulgating the
12 rules. When can the public expect those
13 rules out for comment? We're getting a lot
14 of questions about that.

15 DEC COMMISSIONER SEGGOS: To give you
16 the heart of the answer, we'll likely be
17 putting criteria out for public comment in
18 April/May.

19 So the Bond Act passed, right,
20 approved by the voters, the Governor convened
21 all of us. We've been working, all the state
22 agencies, to establish some of that criteria,
23 which we expect to launch in the spring and
24 then get it out for public comment over the

1 summer.

2 SENATOR HARCKHAM: All right, thank
3 you.

4 Those of us in suburban and rural
5 districts are hearing a lot about the earth
6 and dam replacements, that they're under
7 consent order to rebuild or replace. Is
8 there going to be money in the Bond Act for
9 municipalities to access for this purpose?

10 COMMISSIONER SEGGOS: Likely so. We
11 would need to work through procurement rules,
12 right, who would be receiving the funds for
13 the earth and dam replacement. We would
14 obviously have to abide by those types of
15 rules.

16 But our intent is to, with dams,
17 certainly whether it's NY Works or Bond Act,
18 is to shore up a lot of these dams around the
19 state that we manage. And a number of them,
20 as you probably know, are quite old and need
21 that investment.

22 SENATOR HARCKHAM: Agreed. And many
23 of them are under consent order from us. So
24 it's an expense they don't have. But we'll

1 continue that conversation. Thank you.

2 The \$60 million program for
3 communities to identify and remediate
4 emerging contaminants. The language in it is
5 very vague and gives DEC really the option to
6 take chemicals off that list. Can you give
7 us a little more detail about that?

8 DEC COMMISSIONER SEGGOS: Well, I
9 think we wanted to build some flexibility
10 into that language so that we had the ability
11 to either add or remove chemicals as needed.

12 The intent of the program is to get
13 \$60 million a year to the localities that
14 have been bearing the burden of problems they
15 largely didn't know that they were creating,
16 whether it's fire training centers or
17 landfills that are now sources of PFAS or
18 1,4-dioxane. So that's \$60 million a year
19 out of a variety of funds. You know, our
20 intent is to fix problems, not to remove our
21 ability to go after things that we might see
22 over time.

23 SENATOR HARCKHAM: All right. Is this
24 primarily for public water sources, municipal

1 water sources? Or will there be an ability
2 to address private wells as well?

3 COMMISSIONER SEGGOS: I believe we
4 would want it -- the authority to be as broad
5 as possible so that we weren't limiting it
6 just to drinking water sources. If we saw
7 plumes that might be contributing to
8 environmental degradation we'd want to help
9 municipalities address those problems as
10 well.

11 But as you know, issues of private
12 wells are often adjacent to public wells. So
13 you find a plume that may stretch from a
14 pollution source, it may impact a number of
15 different private and public sources.

16 SENATOR HARCKHAM: All right. Let's
17 hop over to waste now.

18 I'm pleased to see a good waste
19 proposal. There are also two very strong
20 waste proposals in the Legislature. The
21 difference is the two in the Legislature both
22 deal with toxins in packaging and the
23 administration's does not. What is the
24 reason for that, and what is the

1 administration's position on dealing with
2 toxins in packaging?

3 COMMISSIONER SEGGOS: Well, we don't
4 support toxins in packaging.

5 (Laughter.)

6 SENATOR HARCKHAM: That's a good
7 start. We're in agreement.

8 DEC COMMISSIONER SEGGOS: Right up
9 front, want to make sure that's clear.

10 (Laughter.)

11 DEC COMMISSIONER SEGGOS: I mean, our
12 objective is to start as aggressively as
13 possible with packaging writ large. So not
14 to carve out any particular type of chemical
15 used in packaging, but to approach the
16 problem of paper and plastic packaging,
17 period.

18 So we've written it somewhat broadly
19 in that sense, like we did with the
20 chemicals -- like we discussed with chemicals
21 in the carpet, EPR. We don't support the
22 chemical recycling of carpets, we don't
23 support the chemical recycling of paper and
24 plastic packaging waste. So we're trying to

1 approach it in a uniform way.

2 SENATOR HARCKHAM: All right, let me
3 slip in a local question while we're here.

4 At the last Indian Point
5 decommissioning oversight board meeting, it
6 was the position of both DEC and the PSC that
7 New York has no authority to regulate
8 radiological discharges into the
9 Hudson River. Is that still the
10 administration's position? And from your
11 seat, is there anything we can do
12 legislatively to empower New York State to
13 have that authority?

14 DEC COMMISSIONER SEGGOS: Good
15 question. The federal law is fairly clear
16 that radiological discharges are the purview
17 of the federal government -- EPA, the
18 Department of Energy, NRC -- whereas the
19 state will handle everything else through its
20 discharge permitting. So our SPDES permit
21 for the plant handles everything but for
22 tritium discharges.

23 We certainly can do more in a
24 coordinated fashion with the federal

1 government. I mean, I have reached out
2 directly to the EPA regional administrator
3 about this very issue, to gauge their
4 position on this, how may they come down on
5 the proposal of discharge or store that
6 wastewater.

7 But I think we'd be doing it together.
8 And I'm not sure what the Legislature could
9 do to override federal law on this.

10 SENATOR HARCKHAM: I know
11 Massachusetts does have that in statute. So
12 we'll explore that more with --

13 COMMISSIONER SEGGOS: It's worth
14 looking into.

15 SENATOR HARCKHAM: -- with counsel.
16 Exactly.

17 All right, let's go to the
18 Environmental Facilities Fund, the
19 Environmental Facilities Corporation in the
20 budget. I really like hearing about the
21 community assistance teams. That sounds very
22 much like the ombudsman program that we
23 discussed a year ago. Could you tell us how
24 that would work?

1 DEC COMMISSIONER SEGGOS: Sure. Well,
2 we know that local government often isn't
3 skilled or resourced enough to pursue some of
4 these grants or loans. We've been talking
5 about that for several years. We've
6 exchanged this in multiple meetings. And EFC
7 intends to roll this out shortly so that this
8 year we have teams that can go around the
9 state and actually help municipalities get
10 through these sometimes onerous processes,
11 take advantage of the funds that the
12 Legislature's made available. And it's been
13 an extraordinary run. We want to begin
14 getting to those communities that are a
15 little bit less resourced to achieve these
16 dollars.

17 SENATOR HARCKHAM: Great. I'm excited
18 to hear that.

19 Forest Rangers. We're going to hear
20 from your colleagues later on today. I'm
21 sure they will tell us that they are
22 overworked and understaffed. Do you have
23 plans for a new class? Do you think we're at
24 a sufficient number? Would you like to see

1 more? What's the administration's position?

2 COMMISSIONER SEGGOS: They are
3 extraordinarily worked. I mean, they are
4 very busy. They're all over the place. You
5 know, I call them the state's Swiss Army
6 knife, because they really do everything,
7 along with our ECOs.

8 So we did have -- the most recent
9 academy was the largest academy ever for the
10 Forest Rangers. And we're now in the early
11 stages of preparing for the next one. We had
12 a record turnout for the exam that we just
13 held.

14 So I expect to begin replenishing the
15 ranks of both the Forest Rangers and the
16 Environmental Conservation Police over the
17 coming year.

18 SENATOR HARCKHAM: Thanks. Last 17
19 seconds. Back to Environmental Protection
20 Fund. We've heard from land preservation
21 groups they've been having trouble getting
22 the money that they've been promised. They
23 laid out money, they're having financial
24 hardship. What is the cause of that

1 bottleneck, and can we get that opened up?

2 DEC COMMISSIONER SEGGOS: I'd have to
3 look into the cause of the bottleneck. At
4 the same time, I'd be happy to get that to
5 you all offline.

6 SENATOR HARCKHAM: All right, thanks.
7 Pretty good for 10 minutes.

8 (Laughter.)

9 DEC COMMISSIONER SEGGOS: Thank you.

10 CHAIRWOMAN KRUEGER: Thank you,
11 gentlemen.

12 Assembly.

13 CHAIRWOMAN WEINSTEIN: We go to our
14 chair of EnCon, Assemblywoman Glick,
15 10 minutes.

16 ASSEMBLYWOMAN GLICK: My counterpart
17 set a standard. I'm going to have to do like
18 a Federal Express kind of lightning round.

19 On the EPF, if you look at what has
20 been appropriated over the years and what has
21 been disbursed, there are some gaps there.
22 I'm just wondering if we're expanding the
23 fund, will we be able to get the money out
24 the door? That's, you know, the case in many

1 areas. But what do you think is the
2 likelihood that we will catch up to what
3 hasn't been disbursed and what we will in
4 fact be able to get out the door?

5 COMMISSIONER SEGGOS: Thank you for
6 asking that. We have recognized the need to
7 get the money out the door more quickly. And
8 I will tell you that's exactly why the
9 Governor is coming to us with more resources.
10 You know, we are getting an additional
11 321 staff this year -- really
12 unprecedented -- to those increases.

13 That recognizes that we have a backlog
14 of a core mission, including the EPF
15 disbursements, and also taking on new
16 responsibilities as we have over the last few
17 years, most notably Bond Act and CLCPA. So
18 my hope is that -- I think I said 321 -- 231.
19 My hope is that we can get those dollars out
20 more quickly because we are going to spread
21 that increase across some of the divisions
22 that have been working with less.

23 ASSEMBLYWOMAN GLICK: In that vein,
24 there have been, under the water

1 infrastructure -- CWIA, I think -- there have
2 been -- there are several program lines in
3 that. And we I don't think have a handle on
4 comprehensive accounting of how the funding
5 has been used and whether or not individual
6 applicants feel that the money gets to them.
7 So is that the same issue?

8 COMMISSIONER SEGGOS: I believe we're
9 getting at that issue. You know, we started
10 this in 2017, and then during COVID we had
11 kind of a lull and hiring freeze and spending
12 was more challenging. But this year we had a
13 record year of getting money out the door,
14 almost over a billion dollars of grants made.

15 So I would say that we are beginning
16 to address the issues that you flag. And I
17 think the proof is in some of the releases
18 that we did this year and the fact that it
19 got out quickly enough to communities. Is
20 the demand still there? Yes, absolutely.
21 And we expect this year to be another big
22 year for water funding.

23 ASSEMBLYWOMAN GLICK: Not to be too
24 repetitive, we got some new federal dollars,

1 which we love, for lead service line
2 replacement and the removal of certain
3 contaminants like PFAS. And applications
4 went out last summer. And I don't know that
5 there have been any awards yet. Do you have
6 a timeline on that?

7 DEC COMMISSIONER SEGGOS: I can't
8 speak as much to the timeline on lead service
9 line grants. That's handled by Department of
10 Health. It's a bit of a weird split between
11 DOH and DEC. Unlike EPA, which has it all
12 under one roof.

13 ASSEMBLYWOMAN GLICK: Okay, we'll
14 follow up with them.

15 Are there any regulations planned or
16 in place to deal with testing for PFAS that's
17 getting discharged by industry? So obviously
18 we have concerns. It's -- you know, these
19 forever chemicals are everywhere. They're
20 not only forever, they're ubiquitous. So are
21 there plans for testing for specific
22 discharges from industry? Because we of
23 course want polluters to pay for cleanup.

24 DEC COMMISSIONER SEGGOS: There are

1 plans. We have some technical guidance out
2 there already that requires certain testing
3 of PFAS from dischargers. There are drinking
4 water quality standards that we've worked
5 only with the Department of Health. And we
6 do ambient water quality testing as well to
7 gauge the presence of PFAS in places where
8 people are drinking or swimming.

9 We are also, of course, doing testing
10 of fish. That came up this morning, I think,
11 in some of the Q&A. We've been doing that
12 for several years, actually, since 2016, been
13 doing testing of fish. And that's more
14 broadly done now at a nationwide level.

15 So the answer is yes, we are starting
16 to do it. And we envision certainly making
17 wider controls over the releases of PFAS and
18 helping to marry that up with some of the
19 water funding that we have. Which, you know,
20 we don't want to strain the already
21 cash-strapped publicly owned treatment works,
22 for example, if we can get them some
23 additional resources for -- to prevent those
24 kinds of discharges. That's certainly within

1 the state's long-term horizon.

2 ASSEMBLYWOMAN GLICK: A little bit of
3 a shift. You know, COVID made everybody more
4 aware of the outdoors, and there's a
5 tremendous amount in the Catskills and the
6 Adirondacks for use of the recreational
7 activities. Not so much skiing this winter.
8 But we're wondering why there was -- since
9 the overuse is likely to continue, why there
10 was an elimination of specific overuse
11 dollars in this budget.

12 COMMISSIONER SEGGOS: You're right, we
13 are seeing record numbers, whether it's
14 Erik's parks or our Catskills and
15 Adirondacks. And it's a good thing, but
16 we've recognized that the use needs to be
17 done in a sustainable way. We have the
18 Catskills and High Peaks advisory groups that
19 have prepared reports for us to begin
20 controlling some of that for channeling our
21 resources into both parks to reduce the
22 impacts.

23 The EPF, again, was \$300 million last
24 year. Now it's 400 million, and we expect to

1 increase our spending in both those places.
2 And I think like every year there's often an
3 exchange of visions about whether or not we
4 need to have -- align with carveouts or if we
5 need to have those carveouts. But our
6 commitment to the Catskills or the
7 Adirondacks has only increased, dollar by
8 dollar, every single year since I've been in
9 this office.

10 ASSEMBLYWOMAN GLICK: And you envision
11 that to also be money that will come out of
12 the Bond Act for those purposes?

13 COMMISSIONER SEGGOS: Absolutely. The
14 Bond Act has many broad categories. Again,
15 we're going to be putting the criteria
16 together on that. But even some of the
17 categories that don't require criteria, there
18 is already some thinking, some early thinking
19 about places where we could direct some of
20 those dollars to help address some of the
21 trail and trailhead issues that we've seen
22 over the years.

23 ASSEMBLYWOMAN GLICK: With waste
24 reduction, the timelines seem to be fairly

1 long, a long time horizon. Do you think
2 there's a way of moving those up?

3 COMMISSIONER SEGGOS: Well, we're
4 always looking at the best way to effectuate
5 the rollout of a big program like this. I
6 mean, we are proposing a fairly significant
7 change to the way in which we would manage
8 waste here in New York State.

9 So what we've proposed is -- we
10 believe to be ambitious but also achievable
11 in a way that wouldn't impact prices for
12 New Yorkers. We've seen four other states do
13 this, Maine and some Western Coast states.
14 They've done it in a way that didn't impact
15 prices. We certainly want to do that also,
16 while helping us achieve all of the things
17 that we've been dealing with over the
18 years -- too many trucks on the road because
19 the packages are too big, too much waste in
20 landfills, not enough money to handle all the
21 recycling, the market crashes.

22 And I think taking all that into
23 account, you know, creating a bit of a flight
24 path to success was the reason behind our --

1 the dates that we put in motion. But we're
2 going to be talking with you, I know,
3 throughout the course of the next two months
4 as we refine that proposal.

5 ASSEMBLYWOMAN GLICK: I'd be remiss if
6 I didn't say we need more Environmental
7 Conservation Officers in New York City. And
8 you have a plan?

9 COMMISSIONER SEGGOS: We do, actually.
10 We're starting that already. This year we
11 made a change to the pay structure so that
12 our ECOs that live downstate can get a pay
13 increase because of the cost of living
14 downstate. So it's sort of mid-Hudson south.

15 That's part of it. We also are
16 intending to launch the next academy within
17 the next 12 to 18 months, which is going to
18 increase the size of that force. And as is
19 always the case, they start downstate. We'd
20 like them, if they want to, to be able to
21 afford to live downstate, and that's really
22 behind the -- the reason behind the geo-pay,
23 you know, we did.

24 ASSEMBLYWOMAN GLICK: I see my time is

1 eroding. Let me just do a quick NYSERDA
2 question or two.

3 How can we make it easier for
4 consumers to determine what renewable systems
5 are best for them? How -- you know, if we
6 want people to do the right thing, we want to
7 make it easy. What plans do you have for
8 that?

9 NYSERDA PRESIDENT HARRIS: Well, we
10 certainly do need to increase awareness of
11 options that are available to New Yorkers, we
12 completely agree. And in fact awareness is a
13 major aspect of the Climate Plan's
14 implementation in the first instance.

15 But one new initiative that we are
16 actually just launching and just awarded last
17 year is our clean energy hubs, which are
18 actually going to be 12 locations around the
19 state embedded within communities, intended
20 really to be on the ground and resources
21 available to navigate what is admittedly a
22 complex ecosystem of not only resources but
23 technologies that can be brought to bear.

24 So in addition to broader activities

1 that we have underway, the hubs I think are a
2 great way to be in the communities directly.

3 ASSEMBLYWOMAN GLICK: I yield back my
4 eight seconds.

5 (Laughter.)

6 CHAIRWOMAN KRUEGER: Thank you.

7 CHAIRWOMAN WEINSTEIN: Good example.

8 CHAIRWOMAN KRUEGER: Chair Michelle
9 Hinchey. She's chair of Agriculture, but
10 apparently that has something to do with the
11 environment, so she has other interests.

12 SENATOR HINCHEY: Wow. This was a
13 gift that I didn't see coming. So thank you.

14 First and foremost, thank you all for
15 being here and for the work that you do in
16 these incredibly important subject areas.

17 My first question -- and I guess I'll
18 say yes, I think we all are in agreement now,
19 and many have been, but especially now that
20 agriculture and the environment go hand in
21 hand. They are not enemies, they are not
22 antithetical to each other. We have to be
23 working in partnership to make sure that we
24 are protecting our environment and that we

1 have a planet to live on in the future, but
2 also so that we have a robust and thriving
3 food supply and also farms that can help
4 sequester our carbon, which we know is a core
5 component of the CLCPA and the Scoping Plan.
6 So thank you all for your work in this
7 partnership.

8 My first question is for
9 President Harris. Is it true, would you say
10 it's true that the state and NYSERDA and all
11 relevant agencies are not incentivizing solar
12 development on farmland?

13 NYSERDA PRESIDENT HARRIS: I would
14 say -- thank you for the question. I
15 appreciate it. I would say, and as someone
16 who has worked in this industry for decades
17 at this point, this has been an evolution, an
18 evolution of both recognition of the impacts,
19 potential impacts of solar on farmland, but
20 specifically the ways that we can avoid,
21 minimize, and mitigate those impacts.

22 You heard Commissioner Ball note the
23 fact that one of my very first stops was at
24 his farm, where we spoke in depth about solar

1 issues and siting issues and in fact have put
2 into place a number of activities that are
3 progressing over time to not only I would say
4 build the frameworks that will be necessary
5 to avoid in the first instance -- and that
6 includes new and expanded provisions within
7 our solicitations that are taking shape --
8 but also the ways in which, building on the
9 Climate Action Council's work, we can better
10 be aware of issues of farmland protection and
11 agricultural issues in general.

12 So we are active participants in every
13 working group that the commissioner has
14 formed, and really have seen the developers
15 respond. Because what we have learned is
16 that not only does our buying power but our
17 commitment to responsible development yield
18 results, it takes some amount of time. And I
19 would say it remains an area of top focus.

20 SENATOR HINCHEY: Thank you.

21 You know, I think the commissioner,
22 who was here just before you, said, you know,
23 for every one acre of farmland that is being
24 built on, we're saving one. I would argue

1 that is woefully too few. Because that still
2 means we are having the amount of farmland
3 that we have.

4 And in the Build Ready program, that
5 is an incentive program for solar
6 development. Currently farmland is included
7 in that program. If we're not working to
8 incentivize farmland for development, why is
9 farmland still in that program?

10 And I will say we have a bill that we
11 passed in this Legislature -- nearly, I
12 think, unanimously -- and it was vetoed. And
13 it's a little bit confusing to me if we're
14 not incentivizing farmland, why are we
15 keeping farmland in an incentivization
16 program? So can you speak to that?

17 NYSERDA PRESIDENT HARRIS: Certainly.

18 So the Build Ready program is really
19 focused on siting in underutilized land.
20 Every project that we are advancing thus far
21 is consistent with that framework. We don't
22 have projects that are advancing in protected
23 farmlands as a -- in the first instance. And
24 really it remains a top priority of ours to

1 work on brownfields, industrial sites and
2 other underutilized land.

3 SENATOR HINCHEY: For the second time,
4 I would argue that part of that is just not
5 happening. I mean, I've got communities that
6 are losing over 10 percent of their land with
7 very few sited projects on them. We are
8 losing farmland at a clip. And I met with a
9 dairy farmer yesterday who has been
10 approached not once, not twice, but eight
11 times by a solar developer to buy his land.
12 And now, because of the challenges -- both
13 federally but also here in the state -- he's
14 actually giving in and selling it, and he
15 threw them off his land the first few times.

16 So I think we have a much bigger role
17 to play in the state, your agency included,
18 to make sure that the words that we're saying
19 about protecting farmland is actually what's
20 happening in the execution.

21 I'm going to move over to
22 Commissioner Seggos.

23 I appreciate the comments on the
24 technical assistance for our small

1 communities. I represent 56 communities that
2 are very small, often rural, and they just
3 cannot access the grants. They cannot access
4 the money that we have allocated for them.

5 And while I am excited to hear about
6 more technical assistance, that will be
7 helpful specifically as it pertains to water
8 infrastructure. You know, many of these
9 communities need not a one-time grant, but
10 they need dedicated funding because their
11 infrastructure is so old and in desperate
12 need of repair and maintenance.

13 Would you say that a dedicated funding
14 stream to our municipalities to help make
15 sure that we can guarantee water
16 infrastructure, clean water infrastructure
17 and sewer infrastructure, would be helpful?

18 DEC COMMISSIONER SEGGOS: Yes. But I
19 would point you to the fact that we did that
20 with you. We did the Clean Water
21 Infrastructure Act back in 2017, and it's
22 been really an annual event when we get to --
23 the Governor's this year announcing another
24 \$500 million towards that -- so now a

1 \$5 billion fund. Which, again, never
2 existed.

3 And I think the issue really prior to
4 2017 is so many of these systems decayed
5 because there was no money available and the
6 great grant program that we had was
7 inaccessible because of the inability to pay
8 off the debt service of those types of loans.
9 Now we really have something. Now we have a
10 grant program that matches up very well with
11 a loan program, and we're spending at a
12 record clip.

13 So I would say that, you know, as we
14 try to get these dollars out the door as
15 quickly as possible to the Assemblywoman's
16 question earlier, that if communities that
17 you know of are having issues getting through
18 that program, please let us know. Because
19 you've given us the dollars; now we need to
20 get them through the system.

21 SENATOR HINCHEY: I'll tell you, the
22 loan program we hear rave reviews about. I
23 think that's important.

24 But the grants are -- it's still not

1 working. And I would encourage you, before
2 you leave today, whatever hour that might be,
3 to talk to our folks who are in the breezeway
4 between the Capitol and the LOB. What they
5 believe is needed, and I do too, is a
6 CHIPS-like funding program to our
7 municipalities to actually get them reliable
8 money to fix our water infrastructure. And
9 there's a great display out there; I
10 encourage everyone to go talk to them and see
11 it.

12 DEC COMMISSIONER SEGGOS: I did see
13 it, actually. They yelled at me to take it
14 back.

15 SENATOR HINCHEY: Go visit them,
16 because I think they would say some of the
17 grant structure is not actually working for
18 our communities, and there's a lot we still
19 have to do there.

20 Switching gears to the EPF and to
21 agroforestry, this is something, as we know,
22 we've cited farmers are now a critical
23 component of sequestering carbon. And on
24 much of our farmland we have forests. And

1 one thing we don't talk that much about is
2 selective cutting and forest maintenance so
3 that we can actually sequester more carbon
4 and have this land be working land for carbon
5 sequestration.

6 Do you think putting something like
7 that in the EPF would be beneficial to both
8 supporting our farmers for the long run,
9 dedicated funding, and also for our climate
10 goals?

11 DEC COMMISSIONER SEGGOS: You know, we
12 approached this issue a few years ago through
13 the tax -- I'm forgetting the actual number.
14 But it was a tax credit program designed to
15 help the owners of these small forests,
16 right, which is -- the majority of the
17 forestry in the state is owned by small
18 private owners -- to provide the types of
19 incentives to get those -- the rates of
20 cutting in a sustainable manner and also
21 preserve that land from being taken up.

22 I think we are willing to talk about
23 any funding streams or any policies that
24 ultimately would help to keep those forests

1 as forests, working forests, because they
2 serve so many purposes for our logging
3 industry, for sequestration purposes, and for
4 the preservation of the outdoors. So I think
5 we're fairly well aligned on that point and
6 willing to talk about how best to effectuate
7 it.

8 SENATOR HINCHEY: Thank you. Yeah,
9 the tax credit is great -- or the tax revenue
10 is great, but I don't think it's enough. And
11 I know they have some changes to it, in
12 addition, that have come out of the
13 Scoping Plan, actually, some things that
14 we're reviewing.

15 But a dedicated fund to actually pay
16 our farmers for ecosystem management for that
17 work I think is an important component of
18 what we're all doing here for the future.

19 DEC COMMISSIONER SEGGOS: I will just
20 also note that the Clean Water Infrastructure
21 Act also has as eligible funds to go to farms
22 for farmland preservation for those important
23 buffer areas. Source water protection.

24 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

1 answer is probably yes. There's 1900 of
2 these landfills that are inactive that are
3 waiting for closure. And we've been doing an
4 enormous amount of testing around the state
5 to find out which ones are posing that risk.
6 So perhaps we should try to compare the Venn
7 diagram of what you're seeing and ultimately
8 what the threats are and how we can best fund
9 them.

10 SENATOR HINCHEY: That would be great.
11 We have a couple I've love to talk to you
12 about that.

13 DEC COMMISSIONER SEGGOS: Great.
14 We'll talk.

15 SENATOR HINCHEY: Thank you.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Assembly.

18 CHAIRWOMAN WEINSTEIN: Assemblywoman
19 Barrett, chair of our Energy Committee.

20 ASSEMBLYWOMAN BARRETT: Thank you.
21 Thank you, Chairs.

22 And thank you for being here and for
23 all your great leadership work.

24 I'm going to start with what I hope is

1 a brief question with the commissioner that's
2 related to what my colleague talked about,
3 because we represent the same communities.
4 And it's really the -- a different angle.
5 It's the Clean Water State Revolving Fund,
6 which we have found, in an overwhelming
7 number of my rural communities, they are not
8 eligible for because they don't have anything
9 to improve. They don't have any
10 infrastructure.

11 And we need a funding stream that
12 really will address -- and these are multiple
13 communities. When they did, you know, the --
14 went through the process, they basically
15 didn't make the cut to be eligible, while
16 lots of big cities and other parts of the
17 state did.

18 And so it seems to me that's probably
19 a flaw in the system. But if you have some
20 other suggestion or some input, I'd love to
21 hear it before I go on to other questions.

22 DEC COMMISSIONER SEGGOS: So you've
23 raised the loan program, right, which as we
24 saw for many years was -- had an enormous

1 amount of money that was underutilized,
2 untapped. That's why we created the Clean
3 Water Infrastructure Act.

4 So there are several pots of money
5 through that. We also have one that DEC
6 controls called the Water Quality Improvement
7 Program, which is helping to dedicate
8 resources to problems in small communities.

9 So I would say that if communities are
10 experiencing issues trying to address the --
11 tap into those funds, that they should reach
12 out to us and/or wait for the EFC
13 announcement about its community task force
14 that they're going to be doing around the
15 state. Because what we're trying to do is
16 marry up the large amount of resources that
17 we have with the communities that most need
18 them. And we've just seen that delta being
19 so big, and that's why the Governor's put a
20 priority on doing that this year.

21 ASSEMBLYWOMAN BARRETT: Okay, we will
22 follow up with you and have our
23 communities -- because it's, you know, a
24 dozen or more --

1 DEC COMMISSIONER SEGGOS: Please.

2 ASSEMBLYWOMAN BARRETT: -- just in my
3 district.

4 DEC COMMISSIONER SEGGOS: Yup. Happy
5 to do that.

6 ASSEMBLYWOMAN BARRETT: Okay, thank
7 you.

8 All right, shifting gears to the
9 CLCPA -- and again, thank you for your
10 leadership, both of you, on this. You know,
11 affordability is such an important piece of
12 this. You know, we've talked about this.
13 I'm wondering whether -- and I'm going to let
14 either of you decide who wants to answer
15 this. But have we created additional
16 challenges for ourselves by not counting
17 biofuels and bridge fuels in the process of
18 helping us get to these very ambitious --
19 everybody calls them ambitious, you know, and
20 nation-leading goals -- while other states
21 are moving along without these being
22 hamstrung and getting other things done.

23 NYSERDA PRESIDENT HARRIS: Well,
24 certainly -- and thank you for the question.

1 This has been a multiyear process, as
2 described, and certainly through that process
3 we have all -- not only the members of the
4 council, but also the public at large have
5 begun to better understand and articulate
6 really what it takes to achieve these
7 outcomes. That was our job, to not decide
8 the end points but to decide how to achieve
9 them, practically speaking.

10 And I would say certainly one of the
11 Governor's primary objectives in laying out
12 our cap-and-invest program and a core
13 principle within it, is not only the
14 principle of affordability but the principle
15 of linkage -- i.e., linking to other
16 jurisdictions and beyond really through the
17 effectuation of this program.

18 And we in New York are certainly
19 operating in a different, to your question,
20 accounting framework than many
21 jurisdictions -- actually, any jurisdiction,
22 Western states, Eastern states, and globally.
23 Certainly a different accounting framework
24 than they utilize in their programs.

1 So over the coming months through this
2 robust regulatory process, we will be
3 advancing this cap-and-invest program in ways
4 that fulfill the Governor's request, which is
5 to say let's look at these differences and
6 let's look at how that impacts the
7 effectuation of this cap-and-invest program.

8 It's certainly the case that the
9 Climate Law established very specific rules
10 with respect to renewable energy eligibility
11 by removing these biofuels as eligible
12 renewable resources. We do see applications
13 of renewable natural gas, as an example, in
14 hard-to-electrify applications, industrial
15 applications, perhaps medium/heavy-duty
16 transport, and other sectors for sure.

17 But with respect to power generation
18 these projects, because of the climate law's
19 rules, are not eligible for renewable energy
20 programs.

21 ASSEMBLYWOMAN BARRETT: And then
22 sometimes people are then selling their
23 credits to other states -- California, the
24 New England states. Is that a good

1 development?

2 NYSERDA PRESIDENT HARRIS: Well, it is
3 certainly true that these are markets. These
4 are markets in which the private sector, as
5 we've discussed throughout the day, will
6 respond to the market forces that are
7 present.

8 And in this instance we do see a
9 shift, really -- NYSERDA certainly supported
10 for decades, actually, digester programs for
11 power generation, electricity production over
12 many programs. Now we do see a shifting of
13 those farms in particular to deliver
14 renewable natural gas via credit to other
15 markets because of those differences.

16 ASSEMBLYWOMAN BARRETT: Thank you.

17 So we have heard from a lot of our
18 colleagues, rural as well as urban, suburban,
19 their concerns. I mean, I -- we all
20 understand that the rumor mill about gas
21 stoves is, you know, largely unfounded. Yes,
22 we're talking about new construction, we're
23 talking specifically.

24 But I think there's a lot of concern

1 by all of our constituents about how they are
2 going to be able to meet these goals in their
3 own lives. And, you know, we -- these are
4 the people we represent. They -- the people
5 who lived through the big storms in Buffalo
6 turned to their gas fireplaces, to their gas
7 stoves. Generators most of us have are --
8 run on propane. People who live in old
9 buildings know that basically they can't plug
10 in their hairdryer and their coffee maker at
11 the same time. And that's -- you know, we
12 want to electrify everything.

13 So what are we doing here? How are we
14 getting to the goals? What are we telling
15 people, and what's the plan for being able to
16 bring everyone along with us? Because if we
17 don't bring everyone along with us, we're not
18 going to reach our goals.

19 NYSERDA PRESIDENT HARRIS: Thank you
20 for that question. There's a lot that I
21 could lay out as to answers.

22 But I think the fundamental framework
23 that we as a council had deliberated on for
24 this period of years is one of recognizing,

1 number one, we have to tackle buildings.
2 They are the largest contributor to
3 greenhouse gas emissions in our state. We
4 have a very diverse and complex building
5 stock, 7 million households, and I bet every
6 one of you has a different story around what
7 the homes look like in your communities that
8 you represent.

9 So ultimately what we know we need to
10 do is not only invest in our housing stock
11 but also to create futures for all
12 New Yorkers that are more sustainable, more
13 comfortable, more durable with respect to
14 resiliency and beyond. So what you see today
15 I would say is a rational -- rational and
16 safe and well-thought-out approach to begin
17 the process of addressing our buildings.

18 First, by starting with the buildings
19 that are not yet constructed. We need to
20 start there because we know they can be built
21 in many cases at the same price or very
22 nominally above the price of a new home that
23 is using fossil fuels. But we also need to
24 really catch these buildings when there are

1 investments being made in the replacement.
2 So that's the fossil fuel heating equipment
3 proposal, which is looking at when the
4 equipment has reached the end of its useful
5 life, we will have programs and investments
6 ready to help make that transition for
7 New Yorkers.

8 And at the end of the day we are going
9 to be relying much more significantly on our
10 grid. We know this. I'm sure we'll be
11 talking about this throughout this afternoon
12 because it is the primary resource we'll be
13 using, is electricity. But that's not to say
14 that -- through these processes, and through
15 the regulatory process specifically, we will
16 be looking at exemptions. We recognize that
17 it is not always possible to electrify or
18 create zero-emission futures for every
19 circumstance, and that's really part of the
20 framework that we've proposed, is appropriate
21 exemptions that will be necessary as well.

22 ASSEMBLYWOMAN BARRETT: Thank you.

23 What about energy storage? What are
24 the primary impediments you see to getting

1 the storage infrastructure in place?

2 NYSERDA PRESIDENT HARRIS: Well,
3 energy storage remains a critical aspect of
4 creating that grid of the future, certainly
5 from the perspective of the resilience and
6 reliability that we know it will need to
7 have.

8 As I described in my testimony, we are
9 in the process -- we've proposed an expansion
10 to our energy storage goal to the Public
11 Service Commission up to 6 gigawatts. That's
12 a good step. That's about 20 percent of the
13 peak need in the target year of that program.

14 In reality, we need to scale up
15 storage not only with respect to
16 short-duration storage but longer-duration
17 storage, so that we can sustain periods of
18 time where the wind doesn't blow and the sun
19 doesn't shine, or during periods of power
20 outages which, despite the rigorous design
21 processes that we employ, will happen from
22 time to time.

23 So really when we think about storage,
24 it's scale-up, it's expansion of duration,

1 and it's ultimately good siting for safety
2 and reliability purposes.

3 ASSEMBLYWOMAN BARRETT: Perfect.
4 Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.
6 Senator Borrello.

7 SENATOR BORRELLO: Thank you,
8 Madam Chair.

9 Thank you all for being here. My time
10 is a little short, so I'd like to start with
11 Commissioner Seggos.

12 First of all, thank you very much for
13 your great partnership, you know, with
14 Richard Ball on the Great Lakes Cheese
15 project. You guys really worked together to
16 make sure that that happened, so I want to
17 thank you for that.

18 I have a question. You know, I
19 represent a lot of Native territories. We
20 have a lot of Native territories throughout
21 New York State. In 2021 the New York State
22 Legislature unanimously passed protections
23 for hunting and fishing rights of
24 Native Americans in New York State. The

1 Governor subsequently vetoed that bill, and
2 in her veto message she said that she would
3 work with DEC to ensure that those rights are
4 protected.

5 So what is being done to ensure those
6 rights are being protected?

7 DEC COMMISSIONER SEGGOS: Thank you
8 for asking that.

9 Well, as you know, as I mentioned in
10 my opening remarks, we initiated the agency's
11 first-ever Office of Indian Nation Affairs,
12 which is helping to guide some of the
13 thinking that we're doing on this. Which had
14 traditionally been done after the fact,
15 right, after someone had gone and perhaps run
16 afoul of the law. So we're trying to get
17 more proactive on it.

18 We've engaged all the nations, all the
19 nations here in New York State. All of them
20 have different approaches to hunting and
21 fishing. But the point that we're making
22 about it is we need to do a better job of
23 respecting the Indigenous approach to
24 conservation while working with them to help

1 them understand conservation necessity on our
2 end, whether it might be certain species that
3 need to be protected for certain reasons.

4 It's all coming together largely now,
5 in a series of conversations that we've been
6 having with some of the leaders within the
7 confederacy. And I would expect that this
8 year we'll be making a more broad statement
9 about how the long-term relationship between
10 the State of New York and the various nations
11 will be done in a compatible way when it
12 comes to managing both fish and wildlife.

13 So it's been productive.

14 SENATOR BORRELLO: Well, I'm glad to
15 hear that, because obviously, you know, this
16 is essentially a violation of a federal
17 treaty, to infringe on their rights. So I'm
18 glad to hear this cooperation going on, and
19 hopefully sooner than later.

20 You know, you speak about protecting
21 endangered species and so forth, which brings
22 me to a concern that I have. You know, the
23 Office of Renewable Energy Siting, ORES,
24 seems to be able to, at will, trample on DEC

1 regulations when they are -- in an effort to
2 speed up these things.

3 I'll give you an example. You know,
4 when -- DEC is very careful about habitats,
5 natural habitats, and yet when they put up
6 the Arkwright wind project -- or, excuse me,
7 the Cassadaga project, there was concern
8 about bat habitats. And they said, Well, we
9 sent a bat expert in there, he didn't see any
10 bats in the trees, so we cut the trees down.

11 How is ORES -- how are you balancing
12 ORES's push to -- you know, to expedite these
13 renewable energy sitings with the need to
14 protect our environment?

15 DEC COMMISSIONER SEGGOS: Well, I
16 would say, you know, since the Legislature
17 created the ORES several years ago, we've
18 been improving our relationship with ORES. I
19 mean, we have shared on a regular basis our
20 expert staff to work with them on specific
21 issues. They have, of course, their own
22 experts as well that are helping to process
23 permits and process applications.

24 It's a symbiotic relationship that we

1 have between the two agencies, and for that
2 matter NYSERDA and DPS as well, as we take
3 into account all the various impacts to the
4 built and natural environment with the need
5 to build out renewables as well -- in
6 particular, as you mention, onshore wind.

7 So for us, you know, we have been able
8 to manage these. It's a relatively small
9 number of applications that have come through
10 ORES thus far, so it hasn't created a burden
11 on our staff to keep up with some of the
12 challenges posed by the applications.

13 SENATOR BORRELLO: But in the end,
14 they have the right to override what you do,
15 and that's really concerning for me. Because
16 there's this foolish notion that we can --
17 that we have to destroy the environment in
18 order to save the planet, which I don't
19 subscribe to, and unfortunately that's what
20 we're seeing as they clear-cut forests that
21 are naturally sequestering carbon as they,
22 you know, really slaughter endangered
23 species. This is really a problem. And
24 you've got former environmental organizations

1 that used to be concerned about protecting
2 that are -- now have sold out to these energy
3 companies. So I hope that DEC can push back.

4 You know, and just in general -- and
5 my time is really short here -- just a -- my
6 concern for both NYSERDA and the New York
7 Power Authority is the importing of power.
8 New York State is importing more power than
9 it ever has, from dirty, old-fashioned coal
10 plants. How is that meeting your energy
11 goals?

12 NYSERDA PRESIDENT HARRIS: Well, we
13 certainly do track all of our imports and
14 report on this regularly. I would say our
15 imports from Pennsylvania, the PJM system,
16 have actually been relatively flat. But I'd
17 be glad to send you that data.

18 SENATOR BORRELLO: Please. I
19 apologize for not giving you enough time.
20 Sorry.

21 CHAIRWOMAN KRUEGER: Sorry, no more
22 time. Maybe you can follow up to all of us
23 afterwards. Thank you.

24 Assembly.

1 CHAIRWOMAN WEINSTEIN: Yes, we go to
2 our ranker on EnCon, Assemblyman Simpson.

3 ASSEMBLYMAN SIMPSON: Thank you,
4 Madam Chair.

5 Thank you all for being here and
6 enlightening us today. And I'm going to
7 speak fast because I've got a lot of
8 questions and very little time.

9 So the stewardship funding, the
10 \$8 million that was in the EPF last year, is
11 not in there this year. But amongst that
12 funding there were a lot of partners that
13 really bring this program to where it is in
14 the Adirondacks and the Catskills. So
15 without this funding, could you let me know,
16 could you tell us how you're going to
17 accomplish this same program without that
18 \$8 million in funding?

19 DEC COMMISSIONER SEGGOS: It's a good
20 question. So I expect to have an increased
21 level of support for the Adirondacks and our
22 stewardship obligations. I mean, the EPF is
23 again still \$400 million. We still intend to
24 spend the money at the same clip for the same

1 purpose as we did last year.

2 But of course this year we have the
3 Bond Act, right, and the criteria that we're
4 going to be explaining on that in the coming
5 months. And I think that will give us some
6 parallel tools to hit at some of the same
7 purposes that we had articulated through the
8 EPF last year.

9 ASSEMBLYMAN SIMPSON: So a lot of the
10 Bond Act money, then, is going to supplant
11 other funding that was in the budget prior?

12 DEC COMMISSIONER SEGGOS: I think that
13 we -- we need to look at opportunities to put
14 certain projects on the Bond Act and perhaps
15 there's certain things that won't be eligible
16 for the Bond Act that we need to keep within
17 the EPF or over with NY Works.

18 So it's assessing all of our tools and
19 finding out how best to achieve the outcomes
20 by virtue of the tools that you've given us.

21 ASSEMBLYMAN SIMPSON: Okay. I'm going
22 to switch gears quickly to EFC funding.

23 A lot of the communities in my
24 district that I've spoken with that have had

1 these issues qualifying, one of the big
2 issues is the fact that most of my
3 communities in the district have a large
4 population of second-home owners, where their
5 assessed values, you know, the measurement of
6 wealth in a community, is really decided
7 by -- it could be upwards of two-thirds of
8 the population that is seasonal, lives on a
9 lake, doesn't have water infrastructure, but
10 the district that has to pay for the water
11 infrastructure are those residents that are
12 in the hamlets and the smaller, lesser-valued
13 properties.

14 So I think from speaking with most of
15 my representatives in my counties, they think
16 there's a flaw in that formula, that we
17 really need to look at it in a different way.
18 You know, we all know, you know, the
19 lakefront value in the last few years has
20 more than doubled, and it's affecting the
21 ratios or these formulas that we use to
22 establish wealth.

23 DEC COMMISSIONER SEGGOS: It's a great
24 point, Assemblyman. I'd be happy to think

1 with my team offline and engage with you
2 directly on that --

3 ASSEMBLYMAN SIMPSON: Okay.

4 DEC COMMISSIONER SEGGOS: -- and how
5 we can address that issue. But that's a good
6 point.

7 ASSEMBLYMAN SIMPSON: Yeah, I just
8 want to say that our hamlets are
9 deteriorating while those lakefront
10 properties are appreciating. And we need
11 that required infrastructure for economic
12 development, affordable housing. If we had
13 the proper infrastructure there, we could
14 help with this situation.

15 DEC COMMISSIONER SEGGOS: Well, I
16 would say the EFC community assistance teams
17 can be perhaps helpful in this regard, right?
18 When we're trying to push not loans to water
19 districts that then fall on the ratepayers
20 disproportionately because there's certain
21 seasonals and not -- that we can encourage
22 some of these smaller towns to get into the
23 grant programs. Right? Which just takes
24 that obligation right off the top and reduces

1 the burden on all ratepayers.

2 ASSEMBLYMAN SIMPSON: Okay. So I'm
3 going to rush through this, I'm going to --

4 DEC COMMISSIONER SEGGOS: Okay.

5 ASSEMBLYMAN SIMPSON: How successful
6 or unsuccessful was the Youth Hunting program
7 pilot?

8 DEC COMMISSIONER SEGGOS: Good
9 question. It was very successful. We saw a
10 29 percent increase in junior license sales
11 over the preceding period.

12 It was also very safe. We had zero
13 incidents, and every single junior hunter
14 age 13 or 14 went out with a mentor. And we
15 knew that would be the best way for them to
16 learn.

17 ASSEMBLYMAN SIMPSON: Okay. And is
18 there a possibility to having a pilot program
19 for the crossbow? You know, there's been
20 legislation that's been proposed to expand
21 that opportunity. And, you know, would the
22 department consider a pilot program for that
23 as well?

24 DEC COMMISSIONER SEGGOS: Well, we're

1 certainly amenable to it. It would need to
2 be worked out, of course, with the
3 Legislature. But we're amenable to a program
4 that helps, you know, older or perhaps
5 difficultly-abled hunters getting into the
6 field. You know, it's hard to pull a bow
7 when you get past a certain age, I've heard.

8 (Laughter.)

9 DEC COMMISSIONER SEGGOS: But the
10 crossbow is an important hunting tool. And
11 to the extent that we can help to expand that
12 in New York, I think it will help the
13 industry writ large.

14 ASSEMBLYMAN SIMPSON: Well, thank you,
15 Commissioner. I've got three seconds left.
16 I will conclude.

17 CHAIRWOMAN WEINSTEIN: To the Senate.

18 CHAIRWOMAN KRUEGER: Thank you very
19 much.

20 Okay, Senator Gonzalez is next on the
21 list. If somebody would give her their seat.
22 Thank you so much.

23 SENATOR GONZALEZ: Hi. Thank you all
24 so much for being here today.

1 I am Senator Gonzalez. I represent
2 District 59, which as you probably know
3 produces the lion's share of the city's
4 energy, with Ravenswood, as well as is a site
5 for Hydro-Québec, and has generations of
6 residents that have been deeply affected by
7 the fossil fuel industry, from breathing
8 poisoned air to those down in Brooklyn, you
9 know, Newtown Creek, that have generations of
10 people who have passed away because of the
11 largest underground oil spill in the country.

12 So I say all of this to say that this
13 is a priority for my district, and that's why
14 I've been a long-term supporter of the Build
15 Public Renewables Act. And so I do want to
16 ask today, because you mentioned in your
17 speech about NYPA, that you are interested in
18 the federal Inflation Reduction Act. The
19 IRA's direct-pay provision will give NYPA a
20 competitive advantage for the next 10 years
21 over the private sector, as NYPA will not
22 need to include a tax equity investor to take
23 advantage of the ITC, which is the investment
24 tax credit, and PTC, production tax credit.

1 In the Senate and Assembly's BPRA, the
2 sourcing and bonuses could add value to
3 these -- of these credits. The labor
4 standards in BPRA ensure the fulfillment of
5 these, giving NYPA an even greater advantage
6 over the private developers.

7 So why would the Governor's plan take
8 out that labor provision? And why would
9 NYPA, in the Governor's proposal, merely be
10 seen as a partner in a public-private
11 partnership with tax equity investors,
12 instead of leading themselves in order to
13 obtain the greatest federal funds? For me,
14 this really means leaving potentially
15 billions of dollars in federal money on the
16 table and handouts to corporate actors. So
17 why wouldn't NYPA do it themselves?

18 ACTING NYPA PRESIDENT DRISCOLL: Thank
19 you for the question. Appreciate it.

20 So one of the things I think that we
21 have to keep in mind is that NYPA, as a
22 public entity, all of our work is public
23 work, whether work that we do with partners
24 or work that we do on our own -- or, in the

1 Governor's proposal, even a subsidiary that
2 we created, that work would be public work as
3 well.

4 So the labor protections start with
5 what's in current law in Labor Section 220,
6 so we start from there. Certainly any
7 additional labor protections that we could
8 attach to projects -- some of these are on a
9 project-by-project basis. For instance, our
10 Clean Path NY project, that is the DC cable
11 that comes down into Queens also, with the
12 Hydro-Québec line, has a PLA associated with
13 it. So those types of labor provisions could
14 be done on a case-by-case basis.

15 With respect to the Inflation
16 Reduction Act, I think it is a game-changer
17 for the public power sector. We fought for
18 it for 10 years. We're the largest
19 state-owned public power entity. We work
20 very closely with all the public power
21 organizations around the country. And I can
22 tell you that we've been lobbying for it in
23 Washington for the last 10 years. So it's an
24 exciting opportunity for us, and we look

1 forward to taking full advantage of it.

2 SENATOR GONZALEZ: For BPRA or the --

3 ACTING NYPA PRESIDENT DRISCOLL:

4 For --

5 SENATOR GONZALEZ: I'm sorry.

6 CHAIRWOMAN KRUEGER: No follow-up
7 question right now. You can chat afterwards.
8 Assembly.

9 CHAIRWOMAN WEINSTEIN: Assemblyman
10 Manktelow, who will be five minutes, the
11 ranker for this hearing.

12 ASSEMBLYMAN MANKTELOW: Thank you,
13 Chairwoman.

14 President Driscoll, I didn't want to
15 leave you out. I've got a couple of
16 questions for you.

17 Earlier on you talked about the
18 project Clear Path NY transmission lines
19 coming into New York City, 7.5 million
20 megawatts per year. Is that correct?

21 ACTING NYPA PRESIDENT DRISCOLL:
22 Correct.

23 ASSEMBLYMAN MANKTELOW: So where will
24 that power be coming from?

1 ACTING NYPA PRESIDENT DRISCOLL: The
2 power is coming from upstate wind and solar.

3 ASSEMBLYMAN MANKTELOW: All of it's
4 from wind and solar.

5 ACTING NYPA PRESIDENT DRISCOLL:
6 Correct.

7 ASSEMBLYMAN MANKTELOW: And when will
8 those projects be online to provide that much
9 power?

10 ACTING NYPA PRESIDENT DRISCOLL: So
11 some of the projects are already in
12 existence; some of them are already owned by
13 Invenergy and will feed into the line.
14 Others are in development, and they would all
15 essentially feed into this DC cable that
16 would run in our right-of-way for 100 miles
17 and then run in primarily state rights-of-way
18 into Queens.

19 And also utilize our Blenheim-Gilboa
20 facility in Schoharie County as a balancing
21 mechanism, utilize that pumped storage plant
22 that we own and operate in Schoharie County.

23 ASSEMBLYMAN MANKTELOW: Of the
24 7.5 million megawatts, how much is being

1 produced today?

2 ACTING NYPA PRESIDENT DRISCOLL: I'd
3 have to get back to you with a number on
4 that. It would have to -- it would have to
5 calculate the number of existing facilities
6 that will be contributed to the project
7 through Invenenergy's existing projects. I'd
8 be happy to get you that.

9 ASSEMBLYMAN MANKTELOW: Okay. So
10 really no ballpark figure at all right now?

11 ACTING NYPA PRESIDENT DRISCOLL: I
12 don't have a ballpark figure. I think
13 they're -- their generation is over
14 2,000 megawatts of renewable generation
15 that's going to be fed into the line. Some
16 percentage of that is already -- are already
17 plants that are in existence.

18 ASSEMBLYMAN MANKTELOW: Okay, thank
19 you. Thank you for your answers.

20 President Harris. Is that the
21 correct -- president?

22 NYSERDA PRESIDENT HARRIS: Correct,
23 thank you.

24 ASSEMBLYMAN MANKTELOW: All right.

1 Sounds good, right?

2 NYSERDA PRESIDENT HARRIS: Sure does.

3 ASSEMBLYMAN MANKTELOW: In my district
4 now, and in my former district prior to
5 redistricting, I had several nuclear power
6 plants in my district. And I just want to
7 know what NYSERDA's position is. Do you see
8 phasing out nuclear power in New York State?

9 NYSERDA PRESIDENT HARRIS: Thank you
10 for that very timely question.

11 We as a council have spent a good
12 amount of the last number of years looking at
13 what we call the integration analysis. And
14 that's really the -- I'd say the framework
15 upon which many of these policies are based,
16 with is really what does it take to achieve
17 these goals. And really one critical finding
18 of our integration analysis was the continued
19 operation, the continued safe operation of
20 the upstate nuclear fleet. The facilities
21 that are operating remain central to the
22 achievement of our goals certainly as we head
23 into the coming decades.

24 So that was a precondition, really a

1 foundational aspect of our analysis. I'd say
2 it also was the case that during the work of
3 the Climate Action Council we had, as we've
4 heard today, major federal leverage become
5 available through the Inflation Reduction Act
6 and other policies that required us really to
7 take another look at some of our technologies
8 that we may be considering into the future.

9 And as such, we did run some
10 sensitivities that looked at new nuclear
11 technologies that, if made available, what
12 the impacts would be of them in the
13 achievement of our goals. And I would say we
14 look to the federal government's investment
15 to really move forward advanced nuclear
16 technologies. But our findings were quite
17 compelling that certainly those technologies
18 could be brought forward in ways that were
19 cost-reducing and still facilitating a
20 significant renewable buildout across our
21 state.

22 ASSEMBLYMAN MANKTELOW: I'm glad to
23 hear that you're looking at new technologies
24 because I believe they still have to be part

1 of the whole operation long-term. So I'm
2 glad to hear you say that.

3 My second question -- I only got a
4 minute -- earlier you outlined some
5 exemptions for gas: Commercial, kitchens,
6 stuff like that. Are agricultural companies,
7 businesses exempt as well?

8 NYSERDA PRESIDENT HARRIS: Yes. Thank
9 you for asking that question. I've been
10 wanting to make sure that this is clear.

11 So this is referring to the buildings
12 legislation that is part of the Governor's
13 budget. And this is focusing on residential,
14 multifamily and commercial buildings that are
15 covered by our Energy Code and our codes
16 across the state. So as such, agricultural
17 buildings, agricultural operations are not
18 covered by this bill.

19 ASSEMBLYMAN MANKTELOW: Okay. That
20 includes corn dryers and that includes
21 distilleries, people that distill product?

22 NYSERDA PRESIDENT HARRIS: Correct.
23 Correct.

24 ASSEMBLYMAN MANKTELOW: Okay. I'm out

1 of time, but I thank you all for your time.

2 Thank you for your service, Commissioner.

3 DEC COMMISSIONER SEGGOS: Thanks.

4 NYSERDA PRESIDENT HARRIS: Thank you.

5 ACTING NYPA PRESIDENT DRISCOLL: Thank
6 you.

7 CHAIRWOMAN KRUEGER: Rachel May.

8 SENATOR MAY: Thank you, Madam Chair,
9 everyone.

10 Commissioner Seggos, I have a few
11 questions for you. One of them is about our
12 abundant freshwater resources upstate. We
13 know they're attractive to industries like
14 semiconductors and cryptomining that are very
15 water-intensive. We also expect a lot of
16 people to move to our region because water's
17 drying up around the country and around the
18 world.

19 So I don't think we can leave it to
20 volunteer watershed associations to protect
21 our watersheds. So I'm wondering if we have
22 a larger vision and personnel and the
23 policies we need to protect our freshwater
24 from the big threats -- contamination,

1 thermal pollution, overuse, privatization.

2 Tell me what you think, quickly, and
3 then I have a couple of other questions too.

4 DEC COMMISSIONER SEGGOS: Yeah, two
5 minutes. So we have obviously the funding,
6 right? We've talked a bit about that, record
7 funding for water protection, which is
8 super-important to keep clean water and
9 drinking water, the two different buckets of
10 infrastructure, well-funded.

11 We have a very robust pollution
12 enforcement program. Right? The permitting
13 programs that we have at DEC are among the
14 best and the most stringent in the nation.
15 And we've been going after, as you know, in
16 concert with the Legislature, going after
17 some of these emerging contaminants that have
18 been threatening water supplies.

19 In terms of now looking locally -- I
20 think one of your questions was really a
21 locally focused question -- lake
22 associations, things like that, groups that
23 would like to protect water but otherwise
24 can't because of the inability to apply for

1 funds, we're hoping that this EFC community
2 assistance team can help to find the lake
3 associations partnerships with municipalities
4 that would be willing to make those
5 investments jointly together. Ultimately
6 protecting one of the state's greatest
7 resources, which is our water.

8 SENATOR MAY: Great. Good to know.

9 This is -- I just need to know why on
10 earth the funding is zeroed out in the EPF
11 for the Climate and Applied Forest Research
12 Institute at SUNY ESF and Cornell.

13 DEC COMMISSIONER SEGGOS: Well, I know
14 that was a legislative add, I think last year
15 or the year before. Again, it's a fully
16 funded EPF. We'll work with the Legislature
17 on the exact funding buckets.

18 SENATOR MAY: Okay. And then finally,
19 the Governor vetoed a very key environmental
20 justice bill of mine to prevent the siting of
21 schools next to major highways. Do you have
22 a plan for protecting our most vulnerable
23 young people from the dangers of highways?

24 DEC COMMISSIONER SEGGOS: Well, we

1 certainly do, Senator. I mean, when you look
2 at the CLCPA, the Scoping Plan recognizes the
3 threats posed by transportation emissions on
4 sensitive populations, most of those being in
5 disadvantaged communities.

6 So the path that the Legislature set
7 us on with creating the Scoping Plan and now
8 funding a long-term, actual solution to
9 operationalize -- I know over time, once we
10 reduce pollution through transportation
11 investments, stringent -- more stringent
12 emissions reductions for transportation, as
13 well as the investments in disadvantaged
14 communities, that will result in healthier
15 schools.

16 SENATOR MAY: Okay, let's hope so.
17 Thank you.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 We go to Assemblywoman Simon.

20 ASSEMBLYWOMAN SIMON: Thank you,
21 Ms. Chair.

22 Thank you for your testimony today.

23 Commissioner Seggos, thank you so much
24 for meeting with me recently about the issues

1 around the Gowanus Canal. As you know, the
2 EPA has required more intense and
3 comprehensive cleanup. We have 74 brownfield
4 sites, which are clearly your department.
5 And robust stakeholder engagement, in your
6 testimony, was music to my ears because we
7 have not felt that we've gotten that from the
8 state. And this is so critical to protecting
9 the health and safety of the community.

10 Can you tell me what the DEC is doing
11 to clean up to the intermediate level of the
12 aquifer so as to achieve the proper standards
13 of cleanups on the brownfields? And how are
14 you really forcing National Grid to do that?

15 DEC COMMISSIONER SEGGOS: It's a great
16 question. And we were able to move the
17 public hearing from tonight after the public
18 outcry on that.

19 So we're working very closely with EPA
20 on this, right? We both have joint
21 objectives in cleaning up the Gowanus Canal.
22 And we have the benefit of having a very
23 robust brownfields and a very robust
24 Superfund program that have, while they're

1 different tools, they have the same cleanup
2 objectives in mind.

3 We intend to hold National Grid and
4 any of the polluters within the Gowanus Canal
5 watershed to the highest level of
6 accountability so that we can get the most
7 robust cleanup, ultimately, and get the site
8 back into -- the whole creek, the canal, back
9 into productive use.

10 We're also, as you know, making
11 incredible investments in water
12 infrastructure and directing the City DEP to
13 reduce discharges into the canal. So it is
14 a -- we're using literally, in this case,
15 every single tool at our disposal on this
16 small canal to address some pretty major
17 problems.

18 ASSEMBLYWOMAN SIMON: It's a small
19 canal, but it's got big problems, as you
20 know.

21 A couple of other questions that are
22 related to this, if I can. One is a concern
23 that National Grid may not properly
24 characterize all the contamination in the

1 water. We have lots of forever chemicals.
2 And also holding them to report to all of the
3 relevant New York State agencies, because
4 there are a bunch of them, to really
5 communicate that clearly. And also the Bond
6 Lorraine sewer is cracked, and we really want
7 to focus DEC's attention to enforcing that
8 sewer repair.

9 DEC COMMISSIONER SEGGOS: Okay, thank
10 you for raising that. I wasn't aware of the
11 crack. I'm sure my staff is aware. But I
12 will get together with them.

13 And just as an update, I also spoke to
14 the regional administrator of the EPA about
15 our need to better coordinate on Gowanus
16 issues. And I'm happy to report that we have
17 a really good alignment with them now.

18 ASSEMBLYWOMAN SIMON: Thank you.
19 Because that sewer capacity affects the
20 capacity for air and water in the whole area,
21 and it's going to blow up if we don't fix it.
22 So thank you.

23 DEC COMMISSIONER SEGGOS: Thank you.

24 CHAIRWOMAN WEINSTEIN: We go to

1 Senator Stec.

2 SENATOR STEC: Thank you, Madam Chair.

3 Good afternoon, all three. Thanks for
4 being here today and for your efforts on
5 behalf of our state.

6 The first question, I guess, for
7 Presidents Harris and Driscoll. A couple of
8 weeks ago here in this room we had a hearing
9 on the Climate Action Council Scoping Plan,
10 and one of the analyses that came up in
11 testimony came out that there's a
12 \$272 billion price estimate on the cost to
13 fully implement that.

14 Do you agree with that figure? Does
15 that figure seem reasonable or accurate to
16 you?

17 NYSERDA PRESIDENT HARRIS: So
18 certainly, as I had indicated earlier in an
19 answer, we did assess costs and benefits as
20 part of our integration analysis that led to
21 the publication of the Scoping Plan. And
22 really, on balance, that's where we have
23 concluded that there are far more benefits
24 than there are costs in executing on this

1 program. The headline for the sort of net
2 benefits is over \$100 billion in benefits.

3 And so those benefits reside in the
4 categories of health benefits, I want to
5 mention \$150 billion in health benefits that
6 we can recognize as a state as well as not
7 even counting the hundreds of thousands of
8 jobs that we will see forward. So we see
9 this as an investment, but an investment that
10 is very much worth it.

11 SENATOR STEC: All right. But you do
12 agree with the price tag --

13 NYSERDA PRESIDENT HARRIS: I will
14 check. I have the other number right here.
15 I'll double-check that while I --

16 SENATOR STEC: All right, I'll move
17 on, because I've got five minutes.

18 Last year we closed Indian Point. It
19 was also reported last year the summer
20 capacity downstate was 92 percent fossil
21 fuels compared to 30 percent in upstate. DEC
22 adopted a rule that more stringently limits
23 nitrogen oxides. As a result, a couple of
24 peak power plants were not allowed to renew

1 their permits and move forward, and that's
2 going to take a lot of power off the grid.

3 My concern, Commissioner Seggos, is,
4 you know, are we following in the footsteps
5 of Germany? Their goal for 2030 is
6 600 terawatts, and they're only at
7 250 terawatts now. So do you think -- where
8 is this capacity going to come from as we're
9 closing down other options to us? I know
10 that we've got a hydro line that's going to
11 be coming our way. But, you know, are we
12 making a mistake in limiting our options as
13 to where this capacity for energy's coming
14 from?

15 DEC COMMISSIONER SEGGOS: Senator,
16 with your indulgence, I might defer to my
17 energy colleague.

18 SENATOR STEC: Fair enough.

19 NYSERDA PRESIDENT HARRIS: Certainly.
20 And I can confirm the cost range from the
21 integration analysis is \$270 billion to
22 \$295 billion. So I just want to make sure
23 that I put that in the record as well.

24 SENATOR STEC: Fair enough.

1 NYSERDA PRESIDENT HARRIS: With
2 respect to New York City, certainly this is
3 one of the greatest challenges we have in
4 decarbonizing our grid. We are fully aware
5 as to both the challenge and I would say the
6 opportunity that it creates for us to really
7 create those health benefits that I just
8 described.

9 And in fact when one looks at the
10 projects that we are advancing -- offshore
11 wind, solar, two major transmission projects,
12 the Clean Path NY project and the Champlain
13 Hudson Power Express project, we're talking
14 about 80 percent reduction in the greenhouse
15 gas emissions serving New York City when
16 those projects are constructed. So we know
17 this is one of our biggest needs and one that
18 we've set out to achieve.

19 SENATOR STEC: All right. And again,
20 I'm looking at our grid and our system
21 holistically. So, you know, I question our
22 ultimate capacity to meet demand.

23 But assuming that we get through all
24 the land acquisition, eminent domain, design,

1 supply chain, construction, eventually we're
2 going to build out a distribution system and
3 work our way all the way down to urban areas
4 in like New York City. So I'm thinking about
5 electric vehicle charging stations in densely
6 populated areas. So in New York City,
7 eventually all cars are going to be
8 electric-powered. I'm wondering what our
9 plan for the electric vehicle charging
10 station infrastructure is going to look like.

11 Right now New York City's currently
12 installing 120 charging ports across five
13 boroughs. And their goal for 2030 is 10,000
14 charging points. And yet there's 3 million
15 parking spaces on streets. And that's a
16 third of 1 percent by 2030.

17 You know, I mean, I noticed a lot of
18 places have a hard time striping parking
19 spaces, let alone running electrical
20 infrastructure to them. Is this all
21 achievable? And what is the plan for EV
22 charging in urban areas?

23 NYSERDA PRESIDENT HARRIS: Certainly.
24 It is the case that it is a particular

1 challenge in New York City, I agree with you,
2 because parking is a particular challenge in
3 New York City. And as a result, when we
4 think about the solutions that are brought to
5 bear in these urban environments, they may
6 differ, certainly, than those -- as an
7 example, the \$175 million of federal money
8 we're using for our highways, as a great
9 example of the urban pathways.

10 We at NYSERDA have a program, Charge
11 Ready NY, that is really focused on
12 multi-unit dwellings, urban areas and the
13 like. And I could send you those details for
14 sure.

15 SENATOR STEC: Thank you.

16 CHAIRWOMAN KRUEGER: Send us all the
17 details. Thank you very much.

18 NYSERDA PRESIDENT HARRIS: Yup.

19 CHAIRWOMAN KRUEGER: Assembly.

20 CHAIRWOMAN WEINSTEIN: Assemblywoman
21 Septimo.

22 ASSEMBLYWOMAN SEPTIMO: Thank you all
23 for being here. I'm going to sort of
24 rapid-fire as much as I can in these three

1 minutes.

2 First, does the Executive Budget
3 adhere to the mandate that at least
4 35 percent of clean energy spending be to the
5 benefit of environmental justice and
6 disadvantaged communities? That's probably
7 just a yes or no.

8 DEC COMMISSIONER SEGGOS: Yes, it
9 does.

10 ASSEMBLYWOMAN SEPTIMO: And now the
11 cap-and-invest proposal outlined in the
12 Climate Scoping Plan discussed the need to
13 build safeguards for disadvantaged
14 communities to avoid pollution hotspots.
15 Wondering what measures will be included to
16 sort of act as these safeguards, and
17 specifically, would offsets and allowance
18 trading be prohibited?

19 DEC COMMISSIONER SEGGOS: So we're in
20 the early stages of designing this program.
21 As I mentioned in my opening remarks, we will
22 be rolling this out over the course of this
23 entire year. We have started our initial
24 outreach to the environmental justice

1 community as well as the regulated community
2 too, to begin establishing that framework.

3 When it comes to the environmental
4 justice issues, we look right back at what
5 the Governor told us, that the program that
6 we design must result in a decrease in
7 emissions within disadvantaged communities.
8 So that's exactly where we will land, and I
9 can't tell you exactly what it will look like
10 at that point, but it certainly will not
11 allow trading inside and outside of
12 disadvantaged communities.

13 ASSEMBLYWOMAN SEPTIMO: Okay, great.
14 Want to make sure we keep that as the
15 North Star, especially representing the
16 South Bronx.

17 I'm going to sneak one more quick
18 question in. The recently approved Bond Act
19 includes \$500 million for electric school
20 buses and charging infrastructure. Can you
21 tell us a little bit about the formula that
22 will go into divvying up that money?

23 NYSERDA PRESIDENT HARRIS: So this is
24 an area where we at NYSERDA will have a

1 particular role in really expanding and I
2 would say centralizing our work with school
3 systems. It is one that is a work in
4 progress as to the frameworks that we'll
5 employ, but suffice it to say it will involve
6 not only robust engagement but the Education
7 Department as well, in ways in which we can
8 not only roll these out but provide the tools
9 and resources to be successful in doing so.

10 ASSEMBLYWOMAN SEPTIMO: Great. And so
11 representing the South Bronx, I just want to
12 plug that we have front-line communities that
13 have been at the front line of impact of
14 environmental abuse for years. We want to
15 make sure that we're at the front of the line
16 of receiving these benefits when they come to
17 be.

18 And then the final question, NYSERDA's
19 cost-benefit study said that the state needed
20 at least \$10 billion a year to fund all the
21 policies necessary to meet our climate goals.
22 Even if cap-and-invest happens to its
23 maximum, you're not getting to 10 billion.
24 So are there other funding streams created in

1 this budget to help meet those goals?

2 NYSERDA PRESIDENT HARRIS: So
3 certainly there will -- cap-and-invest, as
4 the commissioner described, is going to be a
5 process that will take a period of time to
6 really reconcile as to the ultimate revenues
7 it may raise for the purposes of investing.

8 And that's the reason really that
9 we're excited and committed to advancing
10 additional policies necessary to achieve the
11 level of investment necessary to realize this
12 transition, not only through investments in
13 our grid and our buildings -- we just talked
14 about transportation --

15 ASSEMBLYWOMAN SEPTIMO: I'm now out of
16 time, so I'm going to say thank you.

17 NYSERDA PRESIDENT HARRIS: Thank you.

18 ASSEMBLYWOMAN SEPTIMO: But want to
19 make sure that we're hitting goals that are
20 realistic as we're setting them. Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Senator John Liu.

23 SENATOR LIU: Thank you, Madam Chair.

24 And thanks for joining us this

1 afternoon in this hearing.

2 First question for Commissioner
3 Seggos. Good to see you.

4 DEC COMMISSIONER SEGGOS: Good to see
5 you.

6 SENATOR LIU: Thanks for your
7 continuing great work.

8 DEC COMMISSIONER SEGGOS: Thank you.

9 SENATOR LIU: Last year I believe your
10 agency denied a permit for one cryptomining
11 facility, and then later the Governor at long
12 last signed the bill that we passed last year
13 to have a two-year moratorium on new fossil
14 fuel burning plants that would be for
15 cryptomining purposes.

16 DEC COMMISSIONER SEGGOS: Yes.

17 SENATOR LIU: Do you think those
18 policies are consistent with each other? And
19 if so, is a two-year moratorium sufficient to
20 keep us in line with the Climate Leadership
21 and Community Protection Act?

22 DEC COMMISSIONER SEGGOS: I believe it
23 is, Senator. It is consistent with our
24 climate obligations as well as our

1 recognition of our need to process permits
2 quickly. Right? Now we have a two-year
3 moratorium to look at the entire industry.
4 It is a relatively narrow slice of it, right,
5 those operations that are powered by fossil
6 fuels. But we are shortly going to release
7 an RFP for the consultant that will be doing
8 the environmental impact statement on the
9 industry, which will help then guide our
10 future actions.

11 SENATOR LIU: All right. So during
12 this two-year moratorium you think that your
13 agency will be able to provide those
14 guidelines so that when we emerge from the
15 two-year moratorium then potentially these
16 cryptomining companies will know exactly what
17 they need to do in order to stay compliant
18 with the Climate --

19 DEC COMMISSIONER SEGGOS: CLCPA.

20 SENATOR LIU: -- Leadership and
21 Community Protection Act?

22 DEC COMMISSIONER SEGGOS: Yes, I do
23 believe so. And I do believe it's enough
24 time for us to create a sufficient

1 environmental impact statement that can then
2 inform future action.

3 SENATOR LIU: Okay, great, thank you.
4 I don't get a lot of time.

5 I was just wondering, from NYSERDA or
6 from NYPA, what if anything do either of your
7 agencies expect from President Biden's
8 Infrastructure Act? Because you did make
9 reference to it before.

10 ACTING NYPA PRESIDENT DRISCOLL: One
11 component would be the NEVI funding on the
12 EV charging to fill in gaps in the heavily
13 traveled corridors. We're working with the
14 State Department of Transportation to try to
15 secure as much NEVI funding as we can.
16 That's in the IIJA.

17 SENATOR LIU: And how much do you
18 think that could be?

19 NYSERDA PRESIDENT HARRIS: That's
20 \$175 million.

21 SENATOR LIU: And you have a clear
22 plan for how to invest that \$175 million?

23 NYSERDA PRESIDENT HARRIS: Yes. Our
24 plan was actually approved last year, and

1 we're moving quickly to establish investments
2 in some areas of our state that really
3 need --

4 SENATOR LIU: So the plan was
5 approved. Does that mean that money is
6 forthcoming?

7 NYSERDA PRESIDENT HARRIS: Yes.

8 SENATOR LIU: Okay, thank you.

9 Thank you, Madam Chair.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Assembly.

12 CHAIRWOMAN WEINSTEIN: Assemblywoman
13 Woerner.

14 ASSEMBLYWOMAN WOERNER: Thank you all.

15 And I'm going to pick up where my
16 colleague Senator Liu left off.

17 So the NEVI funding. My understanding
18 is that that requires that on the major
19 transportation corridors there be four
20 charging stations for every 50 miles. So at
21 a rest stop plaza there would be four
22 fast-charging stations so that you could
23 concurrently charge four vehicles.

24 I read a report recently that

1 suggested that under those parameters, that
2 a -- you would need, in 2030 we would need to
3 have transmission capability equivalent to
4 5 megawatts, which is equivalent to a small
5 sports stadium, the power required. And that
6 when you get out to 2040, based on the volume
7 of anticipated EVs, we're talking about each
8 plaza needing power equivalent to 20
9 megawatts, which is basically a small town's
10 worth of power.

11 So given the amount of time it takes
12 to permit transmission, have you got a plan
13 in place already that specifies the amount of
14 capacity needed to be delivered at each of
15 the charging stations or charging locations
16 50 miles apart on the major corridors?

17 And I'm going to just expand that to
18 say, by the way, school bus garages, which
19 also need a lot of fast charging all at once,
20 so that we know that we have the ability to
21 deliver the capacity at the time the demand
22 is there.

23 NYSERDA PRESIDENT HARRIS: Yes, thank
24 you, Assemblymember. That is a very critical

1 question for the entire aspect of the change
2 that we are effectuating.

3 And I'm sure Chair Christian in the
4 next panel will have more to say in this
5 respect.

6 However, this is very much part of our
7 planning, not only for the bulk -- part of
8 our integration analysis says our electric
9 load will double in the coming decade, so
10 we're planning in the bulk system, from the
11 perspective of generation and transmission in
12 major corridors -- but also with respect to
13 specific utility investments within the
14 distribution system. Notably, a great
15 example is the work that we've done with
16 National Grid to look at just this buildout
17 that you are describing among the major
18 corridors, but also with respect to the
19 housing stock within the communities as well.

20 So yes, we know where we are heading.
21 We have a number of commission proceedings
22 that will help us invest in this way,
23 including a number of items that are still
24 underway with utility investments and beyond.

1 ASSEMBLYWOMAN WOERNER: Thank you.

2 And in my last 20 seconds,
3 Commissioner Seggos, aerosolized PFAS, are we
4 still waiting on the EPA to create a standard
5 that you can use in your air permitting so
6 that we can, as you're doing new air
7 permitting, take into account aerosolized
8 PFAS?

9 DEC COMMISSIONER SEGGOS: I believe we
10 are. Let me double-check and get back to the
11 body and let you all know where we are on
12 that.

13 ASSEMBLYWOMAN WOERNER: Thank you very
14 much.

15 DEC COMMISSIONER SEGGOS: Okay, thank
16 you.

17 CHAIRWOMAN WEINSTEIN: Thank you.
18 Senate?

19 CHAIRWOMAN KRUEGER: Thank you.
20 Senator Mattera.

21 SENATOR MATTERA: Thank you,
22 Madam Chair.

23 And thank you to the panel. Thank you
24 so much for your testimonies today. Very

1 serious for our future.

2 And I would like you to elaborate,
3 President Harris, about what Senator Stec was
4 saying about electric vehicles in dense
5 areas: Parking spots, the city, Long
6 Island -- we do have dense areas -- and how,
7 by 2030, this -- again, people are frightened
8 right now in what they're hearing. So
9 please, can you elaborate what the question
10 was that Senator Stec posed?

11 NYSERDA PRESIDENT HARRIS: Certainly.

12 So when we look at urban areas, it is
13 the case that we need to be offering creative
14 solutions to electric vehicle charging in
15 those urban areas for sure. I'd mentioned
16 the Charge Ready NY program as a great
17 example of ways in which we at NYSERDA are
18 making direct investments in those manners --
19 in that manner.

20 I would also say, though, and the work
21 of our Climate Action Council revealed
22 broader mobility needs that extend beyond
23 electric vehicle charging. I would say one
24 of the major reasons we had so many health

1 benefits is that people will actually be
2 walking more and finding other ways of
3 transporting themselves from place to place.

4 So one other area we're wondering on
5 at NYSERDA is sort of these last-mile issues,
6 how does one get from one's residence to a
7 train station, as an example of other types
8 of electrification that we may pursue.

9 SENATOR MATTERA: You're still not
10 answering the question, though.

11 NYSERDA PRESIDENT HARRIS: Sure.

12 SENATOR MATTERA: I'm sorry, is this
13 feasible by 2030 that this is going to be
14 done? Because all New Yorkers need to know
15 this question. They are frightened because
16 anybody that I speak to, especially they're
17 going to be shutting the gas off and you're
18 not going to be able to go and purchase a gas
19 stove, a boiler, to replace. Everybody's
20 like, This can't be happening.

21 What are we doing to get this out to
22 people to say, Guess what, we want you to be
23 confident that we, NYSERDA, that we are here
24 for you and then this is going to happen,

1 this mandate is going to happen?

2 NYSERDA PRESIDENT HARRIS: Thank you
3 for clarifying your question.

4 Certainly when we look at 2030, the
5 goals in the Climate Law for 2030, we do see
6 them as feasible. And we see them as a way,
7 you're correct, in ensuring that we are
8 communicating accurately with New Yorkers
9 across the state.

10 As an example, we are not taking away
11 gas stoves, as one example of perhaps
12 misinformation that we need to correct. But
13 also the fact that we are going about this in
14 a measured and deliberate way that does not
15 create cliffs or specific reasons for alarm.
16 This is a very rational, thought-out plan.

17 SENATOR MATTERA: But there is an
18 alarm. I do have -- I am a ranker. Don't I
19 have a little bit more than three minutes?

20 I was wondering also, too, the -- to
21 President Driscoll, approximately 50 percent
22 of our energy is produced from other states,
23 approximately. My question is, what are we
24 doing -- and I mentioned this, I actually was

1 at the other hearing, the CAC hearing -- what
2 are we doing that -- these are fossil fuel
3 plants. What are we doing to take these
4 transmission lines offline by 2030?

5 CHAIRWOMAN KRUEGER: Senator Mattera,
6 you should have had five and you got three,
7 so keep going.

8 SENATOR MATTERA: Oh, thank you so
9 much.

10 CHAIRWOMAN KRUEGER: Two more.

11 SENATOR MATTERA: Thank you so much,
12 Senator Krueger.

13 ACTING NYPA PRESIDENT DRISCOLL: Thank
14 you for the question, Senator.

15 I think, you know, it's a complex
16 question but I think what we're looking to do
17 in this transition, of course, is to build
18 out a new grid, a decentralized grid with a
19 lot of behind-the-meter solutions, a lot of
20 what they call virtual power plants,
21 vehicle-to-grid power, fleet electrification.
22 All this is going to come together to take
23 the place of whatever the -- with the
24 generation you're referring to.

1 We're also building out substantial
2 wind and solar. And, as we've testified,
3 these two DC cables that are going to be
4 coming into the New York City area, another
5 source of baseload generation that will be
6 available to the system.

7 So I think it's a combination of
8 behind-the-meter decentralized grid coupled
9 with more renewable buildout.

10 SENATOR MATTERA: Great. And this
11 could cost -- just so everybody knows this,
12 and I'm going to ask both questions; someone
13 can answer this. This could cost up to each
14 homeowner by 2030, \$50,000 per home to
15 retrofit their home. And my question is, who
16 is going to pay for this?

17 And I would like to know too, we
18 talked about \$270 billion -- which that
19 number, I'm sorry, I don't know where that
20 came from, because that's probably going to
21 be quadruple -- ten times more the amount,
22 especially this to just do New York City.

23 But my question is, who will be paying
24 for this retrofit? Who is going to be paying

1 for the grid? Which again, I'm going to say
2 this, I am for renewable energy -- but who is
3 going to be paying for this?

4 NYSERDA PRESIDENT HARRIS: So this is
5 one of the reasons that when we think about
6 the -- specifically the equipment transition
7 that we're talking about for heating, we're
8 looking to capture people when they're
9 replacing their existing equipment. Because
10 that's one major reason. We're not wanting
11 this to occur out of cycle, if you will. So
12 that's one key part of this.

13 I'd say the second part of it is with
14 respect to cost issues. We are very
15 committed not only to helping all New Yorkers
16 with their costs, but the federal
17 government -- and in fact at NYSERDA we have
18 \$300 million coming in, plus, just this year
19 to help invest in that transition as well.

20 SENATOR MATTERA: Okay. The federal
21 government, that's -- please, we can't rely
22 on that.

23 CHAIRWOMAN KRUEGER: Thank you,
24 Senator Mattera.

1 Assembly.

2 CHAIRWOMAN WEINSTEIN: Assemblyman
3 Brown. Is he here?

4 ASSEMBLYMAN KEITH BROWN: Hello,
5 everyone. How are you? I'll start with
6 Commissioner Seggos. How are you today?

7 DEC COMMISSIONER SEGGOS: Good, sir.

8 ASSEMBLYMAN KEITH BROWN: So my
9 question, the first one, relates to the DEC
10 plans to help manage Long Island solid waste.
11 With Brookhaven Landfill closing in less than
12 two years, is there a regional plan in place
13 to handle the solid waste that we have on
14 Long Island?

15 DEC COMMISSIONER SEGGOS: Well, we're
16 working very closely with all the
17 municipalities on the island who have been
18 managing their waste over the years. And now
19 with the shrinking number of destinations for
20 them, there is a buildout of waste by rail
21 facilities, as you are probably aware, around
22 the island to get that waste off the island.

23 But we know that's never going to be
24 enough. I mean, that's really the impetus

1 behind the EPR work that we're doing, the
2 Waste Reduction Act. We need to reduce the
3 amount of waste that we create. The
4 recycling market's been in shambles for
5 several years. So we need to find ways to
6 reduce waste and ultimately get what we do
7 recycle to market quickly.

8 ASSEMBLYMAN KEITH BROWN: So I'll skip
9 to EPR.

10 DEC COMMISSIONER SEGGOS: Okay.

11 ASSEMBLYMAN KEITH BROWN: So in the
12 proposal in the budget for EPR is there any
13 part of it that calls for advanced recycling?
14 And if not, why not?

15 DEC COMMISSIONER SEGGOS: If you're
16 talking about chemical recycling, there is
17 not. We don't believe that such recycling
18 exists in a way that's sustainable right now.
19 But there may well be advanced recycling in
20 the future that would work. So perhaps we
21 need to revisit that in the future.

22 ASSEMBLYMAN KEITH BROWN: It's my
23 understanding there's about 18 -- 21 states,
24 including Pennsylvania, Virginia, that have

1 promoted the manufacturing of advanced
2 recycling in order to reduce the streams that
3 we're talking about.

4 DEC COMMISSIONER SEGGOS: Right.

5 ASSEMBLYMAN KEITH BROWN: So it's
6 something that I'd like to work on with you
7 and discuss with you in the future.

8 DEC COMMISSIONER SEGGOS: Be happy to
9 talk more about it with you. Thank you.

10 ASSEMBLYMAN KEITH BROWN: And then I
11 also want to ask you about the state's
12 allocated 150 million for septic replacement
13 programs. How much of that has been spent?

14 DEC COMMISSIONER SEGGOS: I'll have to
15 get you the exact breakdown of it. I mean,
16 we spent it statewide, but the bulk of it on
17 Long Island, as you know, with a significant
18 percentage up in Lake George. Let me not
19 speculate but get you the actual figures.

20 ASSEMBLYMAN KEITH BROWN: I would
21 appreciate that.

22 DEC COMMISSIONER SEGGOS: Thank you.

23 ASSEMBLYMAN KEITH BROWN: And I just
24 want to skip over to the president of NYPA,

1 if I could.

2 With respect to the electric
3 production from gas-fired peaker plants, I
4 notice that we have until 2035. I have the
5 Northport Power Plant within my Assembly
6 district. So the question is, you know, how
7 we're going to achieve that mark. And
8 particularly because we have such large
9 substations next to most of the peaker plants
10 on Long Island, and those being valuable
11 assets for our host communities.

12 And a second part of my question -- I
13 ran out. If you could answer the question.

14 ACTING NYPA PRESIDENT DRISCOLL: With
15 respect --

16 CHAIRWOMAN KRUEGER: Sorry. You've
17 used up your time. There's no answer time.

18 ASSEMBLYMAN KEITH BROWN: All right.

19 CHAIRWOMAN KRUEGER: But they can get
20 back to you afterward.

21 ACTING NYPA PRESIDENT DRISCOLL: I'd
22 be happy to provide that information to you.

23 CHAIRWOMAN KRUEGER: They can get back
24 to you in writing. If you'd please -- you'll

1 have a long list of things to get back to us
2 on, so add it to the list to send to Helene
3 and I, and we'll make sure all the members of
4 the committees get everything.

5 ACTING NYPA PRESIDENT DRISCOLL: Sure.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Oh, now back to the Senate, and we are
8 up to Senator Ramos.

9 SENATOR RAMOS: Awesome. All right,
10 good afternoon, everyone.

11 So my questions are for Ms. Harris. I
12 want to start by talking about the
13 cap-and-invest proposal that's in the
14 Executive Budget. Glad you're familiar. I
15 am wondering -- well, I'm assuming that part
16 of this money is going to be to incentivize
17 projects and programs related to the CLCPA.
18 Are there going to be any labor standards
19 attached? And will they be similar to what
20 the Climate Action Council has been
21 recommending?

22 NYSERDA PRESIDENT HARRIS: Yes, thank
23 you for that question, Senator.

24 And certainly the investments will be

1 consistent with the CLCPA. That I can assure
2 you. We'll be investing across all sectors
3 of our economy to achieve the outcomes of the
4 act. And as such, I will say that it will be
5 a variety of investments. Certainly we'll be
6 talking about that in the coming months.

7 And throughout I would say that the
8 Governor has been clear that supporting our
9 state's workforce and really building this
10 just and reasonable future for our workforce
11 is really central --

12 SENATOR RAMOS: It's a value statement
13 that we don't really see carry out throughout
14 the budget. But I appreciate your answer.

15 I have another question, something
16 that you won't know about but is important.
17 So on January 28th, six Central and South
18 American workers died in a crash in
19 Louisville, New York, Senator Stec's
20 district, while on their way to work for a
21 company called LBFNY. It's a solar farm in
22 St. Lawrence County. I'm wondering if
23 NYSERDA provided any funding for that
24 project, if it's a NYSERDA project, and

1 whether you guys would do an investigation
2 into the death of these men.

3 NYSERDA PRESIDENT HARRIS: Certainly.
4 I did see the news of the accident, and I'm
5 so sorry to hear it. In fact, I have a son
6 who's up at college up there, and I had seen
7 the news.

8 We can certainly look into it. I do
9 not know as to the background.

10 SENATOR RAMOS: All right, please do.
11 Obviously this is of great concern. We don't
12 want to see our migrants and newly arrived
13 New Yorkers to be trafficked or taken
14 advantage of on any project whatsoever.

15 And since I have a little bit of time,
16 wondering in terms of decarbonization why
17 there is not a more definitive plan in the
18 budget as to how we're going to move forward
19 with retrofitting and decarbonizing.

20 NYSERDA PRESIDENT HARRIS: Well, the
21 Governor's budget does include a critical
22 aspect of this with the equipment phase-out
23 for fossil fuel heating equipment.

24 In addition, the budget includes

1 \$200 million for an expansion of our EmPower
2 program, which is really focusing on --

3 SENATOR RAMOS: Some of -- you know,
4 Ms. Harris, some of our own public buildings
5 and campuses are probably the largest
6 emitters. Are there specific plans for
7 those?

8 NYSERDA PRESIDENT HARRIS: So
9 certainly -- well, NYPA could speak to that
10 as well as some of the investments that are
11 relevant within the Bond Act.

12 ACTING NYPA PRESIDENT DRISCOLL: We're
13 doing work for our governmental customers
14 such as the entities you mentioned, to try to
15 help them on their decarbonization journey.

16 SENATOR RAMOS: Okay. Thank you.
17 Thank you.

18 CHAIRWOMAN KRUEGER: Assembly.

19 CHAIRWOMAN WEINSTEIN: Assemblywoman
20 Jen Lunsford.

21 ASSEMBLYWOMAN LUNSFORD: Thank you
22 very much.

23 I'm going to piggyback off of
24 Assemblymember Septimo's questions from

1 earlier. This is for NYSERDA.

2 For the \$500 million for the electric
3 school buses, how many electric school
4 buses -- assuming we could get them, would
5 \$500 million buy?

6 NYSERDA PRESIDENT HARRIS: I will have
7 to get back to you on the actual -- the
8 numbers themselves.

9 ASSEMBLYWOMAN LUNSFORD: A
10 conservative estimate, because I do a lot of
11 work on this in my district -- I love the
12 electric school buses, my districts are
13 excited about it -- it's less than a
14 thousand. Which is less than 2 percent of
15 the total school buses in our state.

16 Is there a plan moving forward over
17 the next 10-plus years to continue to help
18 offset this cost for our districts? Who are,
19 again, excited about this, but it would be,
20 you know, an enormous load on the school
21 taxpayers.

22 NYSERDA PRESIDENT HARRIS: Yes,
23 certainly. I can recognize that, and
24 understand it. We have a lot of details to

1 dig into, including capacity within the
2 school districts themselves.

3 ASSEMBLYWOMAN LUNSFORD: And of
4 course, you know, the issues around actually
5 sourcing some of these buses is a great
6 concern to my district, some of whom have
7 said "We'd buy them if we can get them."

8 RGRTA -- we're talking about public
9 buses -- right now has the largest electric
10 fleet in the state, and they are ready to buy
11 more, they're ready to expand, but they're
12 just not there.

13 Is there anything we can do to help
14 with supply chain issues, particularly given
15 some of the technologies that are emerging in
16 our state?

17 NYSERDA PRESIDENT HARRIS: Well,
18 certainly on my mind is the fact that we
19 actually have a burgeoning supply chain here
20 in the State of New York, notably within
21 Northern New York, where we see this
22 ecosystem of transportation electrification
23 really taking shape.

24 And so as such, when we think about

1 our investments, we always think about it in
2 the context not only of Buy American
3 provisions, but also benefits to New York and
4 the companies within it.

5 ASSEMBLYWOMAN LUNSFORD: All right,
6 thank you very much. I'm going to move to
7 Commissioner Seggos.

8 I see here there's a \$575,000 cut to
9 municipal recycling programs. Can you
10 explain that cut and what the DEC is either
11 currently doing or can do to support
12 recycling programs as the market for
13 recyclables changes?

14 DEC COMMISSIONER SEGGOS: Well, we are
15 aiming to hit recycling head-on through the
16 Waste Reduction Act, and that's the heart of
17 it. Right? We need to obviously help to the
18 greatest extent possible the municipalities
19 with their recycling burden.

20 We have recognized that the only way
21 to do this is to reduce the amount of waste
22 we generate in the first place. And
23 otherwise we'll just keep spending out of the
24 EPF to fix a problem that's frankly just

1 broken at this point nationally, not just
2 here in New York. So by reducing this waste,
3 cutting the waste streams significantly over
4 the next five to seven years, we're going to
5 save municipalities millions of dollars that
6 they're spending right now to manage a waste
7 stream that's impossible at this stage.

8 ASSEMBLYWOMAN LUNSFORD: Thank you
9 very much. I'll cede my time.

10 DEC COMMISSIONER SEGGOS: Thank you.

11 CHAIRWOMAN KRUEGER: Thank you.

12 Senator Gounardes.

13 SENATOR GOUNARDES: Okay, thank you.

14 Good afternoon. My questions are for
15 DEC. Good afternoon, Commissioner.

16 DEC COMMISSIONER SEGGOS: Good
17 afternoon.

18 SENATOR GOUNARDES: I newly represent
19 the neighborhood of Gowanus. And as I'm sure
20 you know, there has been a great deal of
21 consternation at DEC's involvement in the
22 Gowanus cleanup and how that affects and
23 implicates the future development plan for
24 that site. I know we were supposed to have a

1 community meeting tonight with the elected
2 officials; I'm glad we postponed that because
3 we are obviously all up here, talking to you
4 here and not back home.

5 So my first question is, what is DEC
6 doing right now to clean up in this area,
7 especially the intermediate level of the
8 aquifer in that region?

9 And then, secondly, do you have enough
10 resources? Do you have enough -- I mean, I
11 feel like every time I hear from folks, it's
12 like DEC is not responsive enough, they're
13 not at the table, they're not getting back to
14 us, they're not here. Do you have the
15 resources you need to complete this job?

16 DEC COMMISSIONER SEGGOS: So the
17 Gowanus, as you know, is one of the more
18 complicated cleanups in the state, if not the
19 country, given the intensity of toxicity in
20 the soil, in the water, groundwater, and the
21 number of properties that we're dealing with
22 and potential responsible parties.

23 So we're working in concert with the
24 EPA. The relationship is a strong one. As I

1 mentioned earlier, I've been in direct
2 communication with the EPA regional
3 administrator about our need to improve
4 communications writ large on this cleanup.

5 We are employing both our State
6 Superfund Program, \$100 million a year
7 average, as well as our Brownfields Program,
8 when somebody owns these properties, to fix
9 those problems.

10 We're going to hold the polluters to
11 the highest standard, period. We want the
12 site to get back to productive use. We
13 understand that there's incredible interest
14 in that area. And ultimately we want to make
15 sure whatever gets there is going to be
16 protective of human health.

17 SENATOR GOUNARDES: Sure. I
18 appreciate that. I'll just tell you, as a
19 new representative in this community, the
20 number-one thing I hear from people has been,
21 you know -- obviously it's complicated;
22 there's multiple agencies. The lack of
23 communication and responsiveness from DEC has
24 been probably the single greatest thing I've

1 heard. Which then makes it harder to kind of
2 figure out how we move forward.

3 And so I know it's challenging. I
4 really hope we can work on improving that and
5 really bringing that up to standard, because
6 a lot of folks, that's their number-one
7 issue, is the lack of responsiveness or
8 communication from DEC.

9 My other question for you is, you
10 know, we are -- New York City is projecting a
11 nearly 67 percent increase in the volume of
12 truck traffic, mostly from overnight
13 deliveries, because they've exploded
14 throughout the pandemic. What role does DEC
15 have in allowing last-mile warehouses to be
16 opened? And how can we strengthen oversight
17 over whatever process does currently exist?

18 DEC COMMISSIONER SEGGOS: Well, I'll
19 tell you, Senator, we don't really have a
20 role. We don't have jurisdiction on
21 determining the last mile. It's an issue --

22 SENATOR GOUNARDES: But they do get
23 permitting, is that correct? Don't they get
24 permitted by DEC?

1 DEC COMMISSIONER SEGGOS: To some --
2 to some degree. But we aren't making
3 judgments about the -- we're not allowed to
4 make judgments about what goes in at the end
5 of the line.

6 If it's a water permit they need, they
7 need to come to us. If it's an air permit,
8 they need to come to us. But if it's merely
9 the creation of a facility to move large
10 amounts of product, then we currently don't
11 have a role.

12 SENATOR GOUNARDES: All right, I'll
13 have to talk to you more about that, because
14 it's a problem in a lot of EJ communities
15 that are bearing that burden. Thank you.

16 DEC COMMISSIONER SEGGOS: Yup.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Assembly.

19 CHAIRWOMAN WEINSTEIN: Assemblyman
20 Smullen.

21 ASSEMBLYMAN SMULLEN: Well, thank you
22 very much. I've got a lightning round of
23 questions for each of you, as I am usually
24 here to do.

1 I want to start with President Harris
2 first. You finally admitted a number in
3 public, 270-some billion dollars for the
4 cost. When will the cost/benefit analysis
5 next be updated? Because this is an evolving
6 process, as we see. And it's been very
7 troublesome to know what the cost is to weigh
8 it off against the benefits, because, you
9 know, someone's going to pay for this -- you
10 know, this plan.

11 NYSERDA PRESIDENT HARRIS: Well,
12 certainly there's a couple of next steps that
13 we'll be taking, through which additional
14 analyses around cost will be advanced. I
15 think the State Energy Plan will be next
16 aspect of our work, in which we are advancing
17 additional efforts to plan around this
18 transition.

19 ASSEMBLYMAN SMULLEN: Okay --

20 NYSERDA PRESIDENT HARRIS: The Climate
21 Action Council's work will also be subject to
22 periodic reviews. Five years?

23 DEC COMMISSIONER SEGGOS: Five years.

24 NYSERDA PRESIDENT HARRIS: So more to

1 come, certainly, in specific initiatives in
2 the meantime. Which will all be subject to
3 robust scrutiny.

4 ASSEMBLYMAN SMULLEN: So you're
5 committing to public release of not only the
6 plan but all of the underlying analysis that
7 goes with that plan. I appreciate that very
8 much.

9 Commissioner Seggos, we were talking
10 about the cap-and-invest taxing scheme that
11 we're going to do to pay for this clean
12 energy transition. You know, we're going to
13 double our electricity consumption. New York
14 already has -- it's one of the highest states
15 in the United States for electricity rates.
16 It's about 19 cents per kilowatt hour
17 average. Only some -- you know, some other
18 high-tax states are even higher.

19 How will -- you as a regulator are
20 going to be responsible to develop a plan,
21 instead of it being where it typically is,
22 whether it's at the federal level or at other
23 states, to actually be legislated where
24 there's some accountability. How are you

1 going to go about that regulation?

2 DEC COMMISSIONER SEGGOS: Well, as you
3 know, Senator -- Assemblyman --

4 ASSEMBLYMAN SMULLEN: Thanks for the
5 promotion.

6 (Laughter.)

7 DEC COMMISSIONER SEGGOS: Yes,
8 congratulations on that. Well done.

9 (Laughter.)

10 DEC COMMISSIONER SEGGOS: The
11 Legislature passed the CLCPA in 2019 that
12 required us to promulgate regulations by the
13 end of this calendar year on an economy-wide
14 program. And we looked at all of the
15 economy-wide programs and landed on
16 cap-and-invest because it's the one that
17 enables us to hit affordability, reducing
18 emissions in environmental justice
19 communities, promoting linkages -- you know,
20 all of the things that I said off my original
21 testimony.

22 It will be incumbent upon us, over the
23 next few months, to even get to the start of
24 proposing draft regulations in a way that

1 protects New York businesses and consumers.
2 The Governor's given us marching orders on
3 this. And the program will not go forward
4 unless we can find a program that works.

5 ASSEMBLYMAN SMULLEN: Thanks. We'll
6 be really interested in what those marching
7 orders are, because President Driscoll,
8 you've been handed a monumental task, which
9 is to build out renewables, which no other
10 state has been successful in doing to the
11 level of actually increasing our energy
12 supply.

13 Are you going to be able to do that at
14 or above the current cost per kilowatt hour.
15 You know exactly what NYPA produces at what
16 level. How are you going to do that?

17 ACTING NYPA PRESIDENT DRISCOLL: I
18 think, you know, you're absolutely right, we
19 are facing a great challenge. NYPA's always
20 been an entity that's been able to step up
21 and face those challenges. And we're going
22 to be looking to do it in the most economic
23 way possible.

24 I'm sorry that I'm not able to

1 complete the answer.

2 ASSEMBLYMAN SMULLEN: I understand.

3 Thank you.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Senator Walczyk.

7 SENATOR WALCZYK: Commissioner Seggos.

8 Well, congratulations for making it through
9 so far today. I know it's been a long day,
10 guys.

11 Don't close Hamilton County's
12 campgrounds early. That would be my one
13 request to you. You don't need to respond.
14 I would just want to, me to you, tell you
15 that that's very important to the community
16 that I represent.

17 DEC COMMISSIONER SEGGOS: If we can
18 avoid it, we won't.

19 SENATOR WALCZYK: Thank you.

20 President Harris, you mentioned
21 affordability is one of the Governor's five
22 core principles, which I appreciate. When
23 should residents be able to opt out of the
24 systems benefit charges?

1 NYSERDA PRESIDENT HARRIS: Can you
2 phrase the question in any other way? You
3 know --

4 SENATOR WALCZYK: Currently on every
5 electrical bill residents are paying a
6 systems benefit charge that goes to your
7 organization. When should they be able to
8 not pay a systems benefit charge anymore? Is
9 it 2035?

10 NYSERDA PRESIDENT HARRIS: Well,
11 there's existing programs that are authorized
12 by the Public Service Commission, and those
13 programs establish charges that appear on
14 utility bills that are subject to the
15 contracts that we sign. So there are
16 programs that are approved that pay against
17 these programs for the coming number of
18 decades, in some instances.

19 SENATOR WALCZYK: Okay. The
20 Governor's proposal to ban natural gas
21 exempts hospitals, commercial kitchens,
22 stoves, et cetera, as you mentioned. Will
23 residents currently paying service charges be
24 able to drop those if they disconnect from

1 natural gas, or will they continue to pay
2 those service charges?

3 NYSERDA PRESIDENT HARRIS: So is there
4 a specific service charge you're referring
5 to?

6 SENATOR WALCZYK: Yeah, service
7 charges for natural gas if they drop natural
8 gas.

9 NYSERDA PRESIDENT HARRIS: So if
10 you're not paying for gas service, you don't
11 pay for gas service charges.

12 SENATOR WALCZYK: So they'll be able
13 to drop those service charges if they
14 disconnect their natural gas?

15 NYSERDA PRESIDENT HARRIS: To my
16 understanding, yes.

17 SENATOR WALCZYK: So why would we want
18 to put natural gas charges on hospitals,
19 restaurants and the few residents that are
20 still connected just for their stoves?
21 Wouldn't we suggest, then, that a fewer and
22 fewer -- a smaller group is not going to be
23 able to afford natural gas in New York State?

24 NYSERDA PRESIDENT HARRIS: Thank you

1 for clarifying the reason for your question.

2 So certainly these issues were those
3 that we talked about a lot as a council and
4 really as part of this gas system transition.
5 Which is what remaining gas system do we
6 need, and how do we pay for it? The Public
7 Service Commission has a number of
8 proceedings moving forward which really
9 grapple and deal with this question, knowing
10 that there are critical facilities that would
11 require gas service. And to your point, this
12 would occur over many decades, this
13 transition.

14 SENATOR WALCZYK: We've got a lot of
15 single-family-home residents that are
16 concerned about what they've seen and read,
17 and rightly so, about the affordability. And
18 I'm glad that that's one of the core values.

19 When is the Governor going to fully
20 electrify her single-family home down the
21 street here?

22 ACTING NYPA PRESIDENT DRISCOLL: I can
23 tell you that we're working closely with OGS
24 on greening up the residence, looking at --

1 it may be off-site generation, but looking at
2 solutions that can green up the residence.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Next up is Assemblymember Shrestha.
5 Pardon me if I got you wrong.

6 ASSEMBLYWOMAN SHRESTHA: Shrestha, you
7 got it.

8 Hi. My first question is for Acting
9 President Driscoll. So the Governor's
10 proposal leaves to the discretion of the
11 trustees which projects you would build and
12 how many and so on. So effectively there's
13 no mandate. And I know that's been something
14 that you have been advocating for, is to get
15 that discretion.

16 As the acting president of NYPA, do
17 you think you can guarantee that NYPA will
18 build the amount of public renewables that's
19 needed when we see that there's a shortcoming
20 from the private sector?

21 ACTING NYPA PRESIDENT DRISCOLL: Thank
22 you for the question. I think, you know,
23 this question of the board of trustees is so
24 important to our operations, because it's

1 what the -- what our bondholders signed up
2 for and rely upon, it's what the rating
3 agencies rely upon. And the good governance
4 that the trustees provide to our
5 decision-making is essential.

6 I can tell you that we will make
7 prudent financial decisions that will help us
8 accelerate our progress toward achieving the
9 state's clean energy goals in whatever way
10 NYPA is well-positioned to do.

11 ASSEMBLYWOMAN SHRESTHA: But do you
12 think you will be prioritizing meeting that
13 goal? Will that be the intention?

14 ACTING NYPA PRESIDENT DRISCOLL: Yes.

15 ASSEMBLYWOMAN SHRESTHA: Okay. And
16 also, similarly, there is discretion in the
17 annual review. So it says that, you know,
18 there will be periodic review, but it doesn't
19 say how many and so on. Do you think that an
20 annual review is a reasonable bare minimum
21 frequency for that? This is to review if
22 there's a shortage in the state's progress on
23 the renewable energy.

24 ACTING NYPA PRESIDENT DRISCOLL: Are

1 you referring to the confer provision, where
2 we confer with our sister agencies?

3 ASSEMBLYWOMAN SHRESTHA: Yes.

4 ACTING NYPA PRESIDENT DRISCOLL: Yes.
5 So I think that that's also essential,
6 because NYSERDA will have a much better
7 perspective and visibility into the pipeline
8 and the projects, what projects are having
9 difficulty, where NYPA might be
10 well-positioned to step in. So yes.

11 ASSEMBLYWOMAN SHRESTHA: But do you
12 think that annual review is a reasonable
13 frequency?

14 ACTING NYPA PRESIDENT DRISCOLL: At --
15 I can -- I'm sure we could live with an
16 annual review.

17 ASSEMBLYWOMAN SHRESTHA: Because we
18 only have seven years to get to I think
19 70 percent of renewable energy by 2030. So
20 to me, annual review sounds like the bare
21 minimum we should be doing.

22 And I also have a question for Doreen.
23 Are there projects right now that are stuck
24 in litigation that are in your queue perhaps,

1 in your purview?

2 NYSERDA PRESIDENT HARRIS: I would not
3 be able to describe the actual projects, but
4 certainly --

5 ASSEMBLYWOMAN SHRESTHA: Okay.

6 NYSERDA PRESIDENT HARRIS: -- many
7 projects have, well, particular challenges,
8 and I'm sure among them is litigation.

9 ASSEMBLYWOMAN SHRESTHA: And how many
10 projects do you think from your queue have
11 dropped out, private projects, from being
12 unprofitable?

13 NYSERDA PRESIDENT HARRIS: Thank you.

14 So NYSERDA's project queue is quite
15 robust and quite durable. We've seen very
16 limited projects withdraw, on the order of a
17 handful at this point.

18 ASSEMBLYWOMAN SHRESTHA: All right,
19 thank you so much.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Senator Salazar.

22 SENATOR SALAZAR: Thank you.

23 And thank you, all three of you, for
24 your testimony.

1 I wanted to ask for either the
2 commissioner or President Harris about the
3 Governor's proposal in the Executive Budget
4 regarding transitioning to -- eventually to
5 all-electric buildings. Why -- could either
6 of you just talk about perhaps why it is
7 important for us to tackle emissions in the
8 building sector, particularly important?

9 NYSERDA PRESIDENT HARRIS: Certainly,
10 yes, this has been -- thank you for that
11 question. I would say it is of critical
12 importance for our state to address our
13 building stock. We learned that buildings
14 are the largest source of greenhouse gas
15 emissions in our state. And what we see
16 today is a series of proposals that starts us
17 on the path to address those buildings.

18 For clarity, the proposal is a
19 zero-emissions building for new construction.
20 So it would retain optionality for
21 alternative fuels to heat and power the home,
22 if needed.

23 However, it is also the case that we
24 need to address our existing buildings, and

1 certainly in starting this, the proposal is
2 to advance zero-emissions heating equipment
3 for the existing buildings when they have the
4 equipment that needs to be replaced. So that
5 is a goal for 2030 for low-rise and 2035 for
6 higher-rise buildings, really capturing those
7 existing buildings when those investments
8 will naturally be made.

9 SENATOR SALAZAR: So the proposal in
10 the Executive Budget to prohibit fossil fuel
11 burning equipment in newly constructed
12 apartment buildings, it seems that it's three
13 stories or less by essentially 2026, the
14 deadline being December. But not to -- just
15 to say this differs from, say, the proposal
16 in the All-Electric Buildings Act, which is
17 five stories by, you know, the same deadline.

18 Is there a rationale for three stories
19 instead of five in the Executive Budget
20 proposal?

21 NYSERDA PRESIDENT HARRIS: Yes. So
22 this was designed to align with the ways in
23 which our code is constructed in our state.
24 Really for these multifamily buildings, that

1 three-story cutoff is approached differently
2 in our code. So that's the very specific
3 reason that we're advancing it in that
4 manner.

5 SENATOR SALAZAR: Are you concerned
6 that failing to capture buildings that are
7 taller than three stories in the ban until
8 2029 would mean that new construction under
9 the Governor's housing development proposal
10 would be adding quite a lot of
11 fossil-fuel-burning buildings to our state's
12 housing stock in the meantime?

13 NYSERDA PRESIDENT HARRIS: Yes, that's
14 a great question. And we are working to
15 really move those new buildings forward as a
16 model, as a model to the extent that we
17 possibly can even in the meantime.

18 SENATOR SALAZAR: Thank you. Thank
19 you.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Assemblymember Harvey Epstein.

22 ASSEMBLYMAN EPSTEIN: Hi, President
23 Harris. How are you doing today?

24 NYSERDA PRESIDENT HARRIS: Hello.

1 ASSEMBLYMAN EPSTEIN: Hello.

2 So you have 11,000 EV charging
3 stations in New York State. How many of them
4 are publicly available so anyone in New York
5 can just drive up and plug their car in any
6 of the 11,000?

7 NYSERDA PRESIDENT HARRIS: So the
8 breakdown is approximately 2,000 to 3,000 are
9 publicly available and --

10 ASSEMBLYMAN EPSTEIN: And that like
11 means like on the street or in a mall, that
12 they can just pull up --

13 NYSERDA PRESIDENT HARRIS: Correct.

14 ASSEMBLYMAN EPSTEIN: -- without a
15 paywall?

16 NYSERDA PRESIDENT HARRIS: Oh, well, I
17 mean accessible to your --

18 ASSEMBLYMAN EPSTEIN: Like not in a
19 garage where you have to pay \$600 a month to
20 go -- it's like on the street and accessible.
21 So 20 percent are publicly available out of
22 your 11,000?

23 NYSERDA PRESIDENT HARRIS: Correct.

24 ASSEMBLYMAN EPSTEIN: And so obviously

1 if we want people to move by 2035 to have
2 EV vehicles, we're going to need them to be
3 able to charge their vehicles. I live in
4 Manhattan, and it's impossible to get one
5 that's not behind a paywall. I really
6 encourage you to be thinking about more
7 opportunities -- and you said the freeways
8 earlier -- but across our state real
9 opportunities to be able to plug in, because
10 people aren't going to buy electric vehicles
11 if they can't charge them, you know, on our
12 streets in this state.

13 NYSERDA PRESIDENT HARRIS: Thank you
14 for that. And your valuable input is helping
15 us to better the programs like those that I
16 described.

17 ASSEMBLYMAN EPSTEIN: So how would
18 anyone know that there's a EV charger
19 available? Because on the -- there's no --
20 on the state website, it just lists all the
21 chargers but not where ones are publicly
22 available. Where can someone go to look for
23 publicly available charging?

24 NYSERDA PRESIDENT HARRIS: Well,

1 there's a variety of tools and resources.
2 Certainly me, as a new EV owner, I'm learning
3 all of these various apps and the like. But
4 there are a variety --

5 ASSEMBLYMAN EPSTEIN: Well, there
6 aren't, because there's like ChargePoint and
7 EV Connect and all these other places, but
8 they don't say if they're publicly available,
9 they just say there's a charger there.

10 So I really have been asking the state
11 to make sure that there's a point person to
12 say, We need to make sure that these are
13 publicly available for New Yorkers. And I
14 encourage you to either create a system or an
15 app or have your website really dictate
16 that --

17 NYSERDA PRESIDENT HARRIS: Thank you.

18 ASSEMBLYMAN EPSTEIN: -- because it's
19 now impossible for people.

20 NYSERDA PRESIDENT HARRIS: Thank you.

21 ASSEMBLYMAN EPSTEIN: Commissioner,
22 Basil, I just wanted to talk to you about
23 composting the food donations. Great that
24 we've got food scraps, in the law that we

1 passed, 1.5 million pounds. But like even in
2 this building, no one can compost. Like
3 there's -- like we -- like we're not being
4 leaders here, and the third contributing
5 cause to climate change is food waste going
6 into our garbage system.

7 DEC COMMISSIONER SEGGOS: Yes.

8 ASSEMBLYMAN EPSTEIN: So, you know,
9 what -- I know I only have 40 seconds, but
10 like we need a better plan, and OGS has got
11 to be part of the plan. But OGS has no plan
12 for composting. I'm wondering how we get
13 them to move forward on the Climate Action
14 Council report to get them to -- you know,
15 anaerobic digesters or local composters, so
16 like -- we have no infrastructure.

17 DEC COMMISSIONER SEGGOS: It's a great
18 question. And the Governor signed Executive
19 Order 22 directing DEC, NYSERDA, OGS actually
20 to coordinate on many points, including this
21 one, organic waste.

22 ASSEMBLYMAN EPSTEIN: You know, I know
23 you're having a meeting at the end of March.
24 I'd really love to have the public more

1 involved, to like send out notices about
2 those meetings. I know it's quarterly. I
3 would love to get an email knowing about it
4 because I can -- I'd be happy to be involved
5 in that process going forward.

6 DEC COMMISSIONER SEGGOS: Excellent.

7 ASSEMBLYMAN EPSTEIN: Three seconds,
8 two seconds is Riis Houses and Con Ed, I'd
9 love to follow up and talk to you about that
10 kind of --

11 DEC COMMISSIONER SEGGOS: I'll see you
12 down in the district on that.

13 ASSEMBLYMAN EPSTEIN: Thank you.

14 DEC COMMISSIONER SEGGOS: Okay,
15 thanks.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Senator Canzoneri-Fitzpatrick.

18 SENATOR CANZONERI-FITZPATRICK: Thank
19 you, Chairman.

20 Thank you to the panelists. I know
21 you've been here on the hot seat for quite a
22 while, so thank you for your endurance.

23 I have a couple of questions,
24 President Harris, about your report. On

1 page 2 you talk about advancing the state's
2 70 percent by 2030 renewable electricity goal
3 through the development of 9,000 megawatts of
4 offshore wind -- which will be in my
5 district, the 9th Senate District, which
6 includes Island Park and Long Beach -- and
7 3,000 megawatts of energy storage. But on
8 the next page you talk about the goal of
9 having 20 percent of peak electricity
10 storage, or 6 gigawatts, by 2030.

11 And I'm wondering if you could explain
12 the differences between those two statements.

13 NYSERDA PRESIDENT HARRIS: Certainly.

14 So our goal, actually part of the
15 Climate Leadership and Community Protection
16 Act, for offshore wind is 9 gigawatts by
17 2035. Our energy storage goal is currently
18 3 gigawatts, but we have proposed to the
19 Public Service Commission, consistent with
20 the direction from the Governor, an expansion
21 of that goal to 6 gigawatts.

22 So I think I might have tied out your
23 figures, and that 6 gigawatts is really what
24 ties to that 20 percent reference that you

1 made.

2 SENATOR CANZONERI-FITZPATRICK: So if
3 the Equinor project is delayed, that's going
4 to affect your ability to have that storage
5 goal met, is that correct?

6 NYSERDA PRESIDENT HARRIS: The two are
7 separable. The Equinor project is offshore
8 wind generation, and energy storage projects
9 are often advanced separately.

10 SENATOR CANZONERI-FITZPATRICK: Okay.
11 And the goal of only 20 percent of storage,
12 is that -- how does that make the rest of us
13 feel comfortable if we only have 20 percent?
14 To me that's not really sufficient, but I'm
15 not in your business. So I'm asking a
16 question regarding that 20 percent having
17 storage. Is that going to give us enough
18 backup?

19 NYSERDA PRESIDENT HARRIS: Certainly.

20 So this is really speaking to the ways
21 in which we serve our peak load in the state,
22 as well as the ways in which we have power
23 generation sources that have flexibility to
24 accommodate the intermittency of renewables.

1 And so as we move forward, that
2 20 percent will need to be a larger and
3 larger number as we transition to a more
4 renewable grid. This is one step in many.

5 SENATOR CANZONERI-FITZPATRICK: Okay.

6 The New York Independent System
7 Operator issued a report that said that, you
8 know, to consider the future needs of the
9 electric grid, along with the state's climate
10 goals in mind, and the report indicated a
11 need for significant deployment of
12 emission-free resources to meet not only the
13 state's generation needs but the necessary
14 distribution of generation for grid
15 reliability.

16 As this technology is still
17 developing, does the Governor's budget
18 include anything to address this?

19 NYSERDA PRESIDENT HARRIS: Well,
20 certainly one aspect of the Governor's budget
21 really focuses on the topic of innovation,
22 and that's a work near and dear to NYSERDA's
23 heart. We are advancing a number of
24 resources, including long-duration energy

1 storage, consistent with that objective.

2 SENATOR CANZONERI-FITZPATRICK: Thank
3 you.

4 CHAIRWOMAN KRUEGER: Thank you.
5 Assembly.

6 CHAIRWOMAN WEINSTEIN: Assemblyman
7 Otis.

8 ASSEMBLYMAN OTIS: Thank you all. And
9 thank you all for your good work at your
10 various agencies.

11 You know, one thing that we've heard
12 today is a lot about the rollout of the
13 Climate Action Plan, and we have the
14 regulations and there's a lot of eager
15 expectation about the new programs that come
16 from that or the Bond Act. And so keep up
17 the good work in getting the word out and
18 involving people in that.

19 Here's some quick ones I'll mention,
20 and then people can comment. EV buses. We
21 need the state agencies, OGS and NYSERDA, to
22 reach out to school districts and give them a
23 helping hand on their infrastructure needs.
24 Very important because they're sort of lost

1 out there and they're looking for help.

2 Solar farmland, bad. What might be
3 good, and I've mentioned it to Justin and to
4 our transportation agencies, solar on the
5 sides of highways. Other states are doing
6 it, New York is doing it. It's an
7 opportunity to get more solar in a way that
8 doesn't take away farmland.

9 Environmental justice. In addition to
10 our dollar percentages -- and we heard great
11 comments from all of you and some of my
12 colleagues -- we should really try and have
13 your rollout of environmental justice --
14 climate change programs in environmental
15 justice communities first so that we're
16 remediating issues in those areas, those
17 census tracts that were revealed as part of
18 the Climate Action Plan. That would be
19 great.

20 And my last one, and then beep, you
21 can comment on whatever you want to comment
22 on, is clean water. We have 500 million,
23 which is great, best in the nation. But we
24 really actually need more. And so I think

1 what I would like to ask is between Bond Act
2 money and federal money, if we could pump up
3 the amount of money we spend annually on
4 clean water. I think that that is matched by
5 the interest and need out there.

6 So I used up more of my time than I
7 really like to, but have at it with anything
8 that excited you.

9 DEC COMMISSIONER SEGGOS: Maybe we'll
10 go backwards. On water, absolutely. We
11 would seek to match all the \$500 million that
12 we're posing there with a billion
13 dollars-plus a year of loans with the
14 Bond Act now, which has several water
15 categories, and of course on the federal
16 money that's coming our way.

17 A lot of that's underway. Actually we
18 made an announcement just a couple of days
19 ago about some of that federal/state spending
20 for water, including right here in Albany.

21 ASSEMBLYMAN OTIS: Great.

22 NYSERDA PRESIDENT HARRIS: I don't
23 know where to start, but I would say I do
24 agree on your points with respect to solar in

1 particular, as we really need to get more
2 creative with our solar options. And
3 certainly smart solar siting is central to
4 that as well.

5 ACTING NYPA PRESIDENT DRISCOLL: On
6 the school bus front, as we discussed, we're
7 looking at programs, hopefully a statewide
8 school bus electrification, some type of
9 model that we can use.

10 ASSEMBLYMAN OTIS: That's great. And,
11 Justin, I give you credit, you've been down
12 with some of the school districts in our
13 area, hands on, to try and help them with
14 some of their getting greener goals.

15 ACTING NYPA PRESIDENT DRISCOLL: Thank
16 you.

17 ASSEMBLYMAN OTIS: So thank you all.

18 NYSERDA PRESIDENT HARRIS: Thank you.

19 CHAIRWOMAN WEINSTEIN: Thank you.

20 Senate.

21 CHAIRWOMAN KRUEGER: Senator
22 Oberacker.

23 SENATOR OBERACKER: Good afternoon,
24 everybody. And again, you're champions for

1 pushing through today. So I appreciate that.

2 My first -- not so much a question,
3 but just some information. You know, I'm a
4 former school bus driver. I think with being
5 with 50 kids to my back and traversing school
6 buses actually gave me great training to be a
7 Senator.

8 (Laughter.)

9 SENATOR OBERACKER: With that being
10 said, the thing that I'm the most concerned
11 about when it comes to electrified buses is
12 the added weight that a battery bank would
13 offer to that. Fifty schoolkids on the
14 back -- and I'm talking about, in my very
15 rural area, you know, hills, valleys and,
16 more importantly, bridges that may not be
17 weight-appropriate for that.

18 So it's something to be considered
19 when we're talking infrastructure. I'm the
20 ranker on Transportation. There are other
21 infrastructure areas that I'm a little bit
22 concerned about. And again, the ruralistic
23 nature of my district offers, I think, some
24 specific challenges. So I'm just offering

1 that as something to think about and
2 hopefully to help us get to that point,
3 instead of just throwing things out there.

4 So with that being said, my next
5 question becomes to Commissioner Seggos. And
6 I want to thank you actually for the great
7 job that you did through ORDA with our
8 university games. I think it was a fabulous
9 success, to be honest with you.

10 DEC COMMISSIONER SEGGOS: It was.

11 SENATOR OBERACKER: So great job
12 there. It's always good to hear a little
13 good news, as we say.

14 You know, having -- myself and Senator
15 Hinchey actually have one of the more
16 premier, if you will, I think, ski resorts in
17 our area, which is Belleayre.

18 DEC COMMISSIONER SEGGOS: I love
19 Belleayre.

20 SENATOR OBERACKER: And if you notice
21 its location and its closeness, if you will,
22 to the city, I think it's going to be an
23 absolute pearl and/or gem in that area.

24 I'm very excited about the economic

1 side of it, to enhance that. So I will be,
2 of course, advocating and pushing, if you
3 will, for any type of monies that we could
4 use to just get that to be that pearl and to
5 be that gem in that area. And we will not be
6 disappointed with the way that I think we'll
7 receive the economic benefit on that.

8 So I have 48 seconds, and you can --
9 again, you can expand upon anything else that
10 you care to do that. But thank you.

11 DEC COMMISSIONER SEGGOS: Well, I'll
12 tell you, completely agree on Belleayre.
13 It's a real gem. And love skiing there
14 myself. We put quite a bit of money in there
15 the last few years. It's a different
16 Belleayre than it was 20 years ago.

17 But we need to get it ready for the
18 future, and snow-making capacity is part of
19 that as well. As you can tell, it hasn't
20 been very good to us this year. Thank you.

21 NYSERDA PRESIDENT HARRIS: I'm a big
22 fan of Belleayre too.

23 With that said, this is the reason why
24 this 500 million that we're going to be

1 investing, we need to really think about it
2 carefully as to the balance of which -- how
3 much goes into buses versus how much goes
4 into your point, the training, the charging,
5 the education necessary to be successful.

6 I've looked into this bridge issue.
7 I'd like to follow up as I -- I'm
8 understanding electric school buses to not
9 cause those issues, and I want to make sure
10 that we're on solid ground together on that.

11 CHAIRWOMAN KRUEGER: Thank you.

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 Assemblyman Lemdes -- did I get any of
14 that?

15 ASSEMBLYMAN LEMONDES: Le-MON-deez.

16 CHAIRWOMAN WEINSTEIN: Lemondes.

17 ASSEMBLYMAN LEMONDES: Thank you for
18 that, Madam Chair.

19 CHAIRWOMAN WEINSTEIN: Sure.

20 ASSEMBLYMAN LEMONDES: My first
21 question is for Commissioner Seggos. How are
22 you?

23 DEC COMMISSIONER SEGGOS: Good to see
24 you.

1 ASSEMBLYMAN LEMONDES: Good to see
2 you.

3 Recognizing the legislative ban on
4 fracking in the 2021 budget, are there any
5 circumstances under which DEC would
6 reevaluate its position?

7 DEC COMMISSIONER SEGGOS: No. No, we
8 don't see a future for fracking in New York
9 State.

10 ASSEMBLYMAN LEMONDES: Even where it's
11 been demonstrated to be safe, efficient,
12 effective?

13 DEC COMMISSIONER SEGGOS: I think our
14 decision from 2014, prior to my time, was
15 prescient in some ways -- look at the damage
16 to the landscape, water supplies, what
17 Pennsylvania, New Mexico, other states are
18 now dealing with in terms of the impacts on
19 those resources. So I think it -- look,
20 we're -- we have those resources; they're
21 probably best kept in the ground here. But
22 we'll look at all the energy mixes moving
23 forward.

24 ASSEMBLYMAN LEMONDES: Recognizing

1 your point and acknowledging it, the
2 extractive nature of rare-earth mining to
3 achieve the CLCPA goals, does that bother any
4 of you? And with respect to -- even if it's
5 been asked before, in the social aspects of
6 the impacts on the children that are doing
7 this mining.

8 DEC COMMISSIONER SEGGOS: Yes. I
9 mean, yes, of course. When you look at
10 cobalt mining -- and Assemblyman Palmesano's
11 raised that a few times with us -- yes,
12 there's significant impacts with cobalt
13 mining. And it's extraordinary what the
14 folks in the Congo are dealing with there.

15 And my reaction is, well, we have to
16 improve that as well. But it's really
17 looking at the scale of impact, the
18 environmental impact across the board, the
19 petroleum extractive industries versus -- and
20 spills -- versus cobalt and other rare
21 metals. It's really dwarfed by the scale of
22 impact.

23 ASSEMBLYMAN LEMONDES: Thank you.

24 President Harris, the NYSERDA CLCPA

1 cost/benefit analysis conducted by
2 A3 Consulting, have those results been made
3 available yet?

4 NYSERDA PRESIDENT HARRIS: Oh, yes.
5 Yes. This is publicly available. It was
6 part of our deliberations, and it's available
7 on our climate.ny.gov website.

8 ASSEMBLYMAN LEMONDES: Thank you.

9 Madam Chair, no further questions.

10 CHAIRWOMAN WEINSTEIN: Thank you. To
11 the Senate.

12 CHAIRWOMAN KRUEGER: Senator Tom
13 O'Mara.

14 SENATOR O'MARA: Thank you.

15 Good afternoon.

16 President Driscoll, I have a question
17 for you on your testimony. It seems that
18 you've pretty much done an about-face from
19 your testimony in July before the Assembly
20 hearing. And albeit there's been changes to
21 that proposal that's -- in the way it's
22 presented in the budget now. But back in
23 July, you were down on this because of pretty
24 much the lack of capacity of the Power

1 Authority with manpower and expertise, that
2 you have to go out and contract for all of
3 these things anyways. And that because you
4 weren't eligible for the tax credits, that
5 you wouldn't be able to do it cheaper than
6 the private sector anyways.

7 Now you testified today that there's a
8 change in those tax credits where you can get
9 those. So now is the Power Authority going
10 to have a competitive advantage that will
11 disadvantage the private sector on their
12 implementation and buildout of the renewables
13 that we're going to need in this state? If
14 you can address that, please.

15 ACTING NYPA PRESIDENT DRISCOLL: Thank
16 you, Senator.

17 First of all, you're right, the IRA
18 was a game-changer for the public power
19 sector and for NYPA. So certainly part of
20 the equation, if you will, from that point to
21 today.

22 You know, I'd also say that our focus,
23 as you know from your experience -- you know,
24 we serve largely governmental customers. Our

1 focus has historically been with our own
2 governmental customers and trying to find
3 solutions, clean energy solutions for them.
4 The IRA of course will enable us to better
5 serve those governmental customers.

6 As you probably know, in the old
7 paradigm when we served a governmental
8 customer with a project, there would be the
9 customer, the developer and then NYPA,
10 because the developer would have to be in the
11 middle to get the tax credits.

12 Now, under this law, we can directly
13 work with our governmental customers. That
14 won't be true in every situation. But, you
15 know, this is an incredible challenge we're
16 all facing, and so to the extent that we can
17 enable these customers to be able to, you
18 know, make this clean energy transition with
19 the benefit of more economic projects, we're
20 all for it.

21 SENATOR O'MARA: But are you going to
22 create an economic advantage the Power
23 Authority has over the private sector? And
24 that -- and what will the effect of

1 discouraging private-sector investment
2 because of that be?

3 ACTING NYPA PRESIDENT DRISCOLL: Yeah,
4 and I think that -- again, there's so much --
5 there's a lot of activity on the private
6 developer side. As you probably know, we're
7 looking to partner with the private sector
8 wherever we can. We have four large
9 transmission projects in flight currently.
10 All are with partners. We have exclusive
11 jurisdiction on the transmission side. We
12 haven't crowded out anybody on the
13 transmission side. Just looking for the same
14 opportunity to play a role on the generation
15 side, like we do on the transmission side.

16 SENATOR O'MARA: Okay, let me just
17 switch gears a second over to the Climate
18 Action Plan with Doreen or Basil, whoever
19 wants to address it.

20 You know, we're I think all very
21 supportive of cleaning up our emissions in
22 this state and have worked towards that. The
23 state has done an unbelievable job over the
24 last couple of decades in doing that. But I

1 just can't help but feel we've got the cart
2 before the horse on a lot of these
3 initiatives right now. And we really have
4 nothing but targets, and then the plan says
5 DEC will fill in how we're going to do it.

6 No mention of how much it's going to
7 cost the ratepayers. And since the -- talk
8 about the cart before the horse. Since the
9 closure of Indian Point, right before the
10 really cold weekend we had two weeks ago the
11 EPA came out with their annual CO2 emissions
12 report, and the emissions in New York State
13 of carbon dioxide are up 28 percent since the
14 closure of Indian Point. Yet now during that
15 time the peaker plants are burning oil at
16 apparently a record rate.

17 The ISO does not break out their
18 category, the fuel diversity of natural gas
19 and oil. Is that something that the ISO
20 should be breaking out so we know what's oil
21 and what's gas? And oil's certainly dirtier
22 than gas. And without making some interim
23 improvements, we're going to just be using
24 more oil in those communities that are

1 disadvantaged by these. So why are we not
2 taking other actions in the interim that
3 would help not using those oil plants with
4 cleaner-burning natural gas?

5 DEC COMMISSIONER SEGGOS: Well, I see
6 the buzzer is about to ring --

7 SENATOR O'MARA: Lucky you.

8 (Laughter.)

9 DEC COMMISSIONER SEGGOS: But it's a
10 conversation we relish having with you.

11 SENATOR O'MARA: Yeah, sure.

12 DEC COMMISSIONER SEGGOS: Yup.

13 SENATOR O'MARA: Thank you.

14 CHAIRWOMAN KRUEGER: Assembly.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 We go to Assemblyman Carroll.

17 ASSEMBLYMAN CARROLL: Thank you,
18 Chair.

19 Good afternoon. Acting President
20 Driscoll, I was very happy to see that in the
21 Governor's budget she has proposed broad and
22 sweeping authorities for NYPA to own, build
23 and operate renewable energy. You and I have
24 talked about this subject a great deal.

1 I have a couple of quick questions,
2 the first being if this is to come into law,
3 how quickly will NYPA be able to act to start
4 building its own renewable energy? Will it
5 build on its own, or will it immediately go
6 to partner with other developers? And
7 finally, you said that you cannot -- we
8 cannot put a mandate on NYPA to build if we
9 are not meeting our CLCPA goals. As you
10 confer with your colleagues, why is that? I
11 don't see why we could not put in very
12 specific language that understands that you
13 have certain obligations to your bondholders
14 and other contracts, and as long as you're
15 not in violation of that, NYPA should and
16 will act.

17 ACTING NYPA PRESIDENT DRISCOLL: So on
18 the latter point, I think you hit it on the
19 head when you mentioned the caveats that we
20 would want to attach to any such language.
21 You could certainly mandate that we build
22 renewables as long as we have some kind of
23 discretion over where and when and with whom
24 and for how much so that our trustees can

1 exercise the fiduciary obligation that the
2 Public Authorities Accountability Act
3 requires them to exercise. So I think we're
4 saying the same thing --

5 ASSEMBLYMAN CARROLL: So you agree
6 with mandates as long as we make sure that
7 you don't break contracts that NYPA has
8 previously entered into.

9 ACTING NYPA PRESIDENT DRISCOLL: Yeah,
10 I think it's a question of semantics,
11 mandates versus, you know, subject to
12 discretion of the trustees. I think, you
13 know, subject to the language, you know, we
14 could meet in the middle.

15 ASSEMBLYMAN CARROLL: Understood.
16 I've got a minute. How quickly is NYPA ready
17 to act to build public renewables?

18 ACTING NYPA PRESIDENT DRISCOLL: So as
19 soon as -- if the Governor's proposal becomes
20 law, we will begin to identify sites that can
21 be utilized for projects. Those projects
22 could take all shapes and sizes.

23 ASSEMBLYMAN CARROLL: Will you act on
24 your own, or will you immediately go to

1 partner? Or both?

2 ACTING NYPA PRESIDENT DRISCOLL: It
3 will depend on the size of the project.
4 Larger projects are more susceptible to
5 partner relationships so that we can leverage
6 NYPA's dollars and build more and do more.

7 ASSEMBLYMAN CARROLL: Thank you so
8 much, Mr. Driscoll.

9 Commissioner Seggos, very quickly.
10 Trailheads in the Adirondacks, I know we need
11 more. We need more money. I support that.
12 And I also support -- I know a future novel
13 that's in your head that you're going to
14 write.

15 I'll yield back the rest of my time.

16 (Laughter.)

17 DEC COMMISSIONER SEGGOS: Thank you.
18 It involves budget hearings.

19 (Laughter; overtalk.)

20 CHAIRWOMAN KRUEGER: Thank you. I
21 think we're up to me. So just starting out
22 quickly, I believe that it will be for
23 Mr. Seggos, Commissioner Seggos.

24 So quite a few of my colleagues keep

1 referencing that New York State has to import
2 50 percent of its electricity. But the
3 Independent Systems Operator says we only
4 import 18 percent. Which number is correct?

5 Yes, you can turn to your colleagues.

6 NYSERDA PRESIDENT HARRIS: Certainly.
7 I will need to double-check the energy versus
8 electricity metrics. With respect to
9 electricity, it is definitely not 50 percent.
10 So I say that I would imagine that we're
11 using different units of measure. That would
12 be my expectation, Senator. But we can
13 confirm.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Okay, on to cap-and-invest. So the
16 Governor lays out the cap-and-invest program.
17 What does the Legislature actually have to
18 vote on versus what is being done through
19 regulation? I'm still confused about that.

20 DEC COMMISSIONER SEGGOS: So we have
21 broad authority right now to create the
22 cap-and-invest program. If you think about
23 the RGGI program, for example, we were able
24 to create that without legislative

1 involvement, largely. And most of the states
2 fell in the same bucket.

3 We expect the same here when it comes
4 to the affordability component that the
5 Governor's laid out. We would expect to be
6 engaging with the Legislature on that to be
7 able to create the mechanism to put those
8 dollars, the affordability account, back into
9 the pockets of New Yorkers.

10 CHAIRWOMAN KRUEGER: So also in that
11 section of the budget it appears the Governor
12 is trying to establish that the Legislature
13 just provides authority for you, through
14 regulation, to have free allocation of
15 pollution allowances in perpetuity and in
16 some class of industry that you'll be
17 defining as energy-intensive and
18 trade-exposed.

19 I'm -- look, I support this effort,
20 but I'm a little confused about what we're
21 actually signing off on, particularly in
22 perpetuity. That generally makes me nervous
23 as a legislator. So what does that all
24 really mean? Those are not words -- the

1 energy-intensive and trade-exposed entities,
2 I need help to understand that.

3 DEC COMMISSIONER SEGGOS: So the -- I
4 will tell you this. The program itself is
5 conceptual in nature now. Right? We are in
6 the middle of a give-and-take with the
7 regulated industry, with the business
8 community, with the environmental justice
9 community, to create what will then become
10 the regulations.

11 So it is premature for me to speculate
12 as to what that will exactly look like. But
13 you can look at what other states have done.
14 And the challenges -- or the successes
15 they've had in terms of pursuing similar
16 models.

17 For us, when we talk about the
18 allowances, right, setting a cap on emissions
19 and then using that cap effectively to create
20 the auction place where allowances will be
21 purchased and some allowances would then be
22 provided at no cost in order to protect the
23 issue of leakage.

24 Energy-intensive and trade-exposed

1 industries, you think about the, you know,
2 steel mills or, you know, semiconductor
3 manufacturers that would otherwise leave the
4 state but for some sort of forbearance within
5 the regulations that allows them to stay.

6 So you're putting the issue of
7 allowances toward those type of industries
8 and the revenue being generated largely from
9 industries and fuel suppliers that aren't in
10 that definition.

11 But I will tell you, Senator, it is
12 early on this. We will be coming back to the
13 public at a very aggressive rate over the
14 coming five months before we even get into
15 the regulatory phase.

16 CHAIRWOMAN KRUEGER: So some people
17 have raised the concern that the language in
18 the budget isn't as stringent as what we
19 actually mandated in CLCPA. So are we trying
20 to weaken the standards that were in CLCPA?
21 Or would you agree that they would need to be
22 as strict as in order to not violate that
23 law?

24 DEC COMMISSIONER SEGGOS: We have --

1 we have to hit our emissions reduction
2 targets. I mean, those are the critical
3 numbers within the CLCPA, enshrined in law.
4 We worked on this, Doreen and I and our
5 counterparts in the CAC for three years to
6 devise the path forward. The cap-and-invest
7 program is part of that, arguably a large
8 part of that, because it is an economy-wide
9 program required by the law.

10 So when it comes to creating this
11 program, it has to comply with the law. So I
12 would say that when we put this on the street
13 for public consumption, the public will see
14 that it is in conformance with the CLCPA.

15 CHAIRWOMAN KRUEGER: So does creating
16 a cap-and-invest program in any way interact
17 with our moving forward with a clean
18 transportation standard as another
19 possibility? And would they be duplicative
20 in some way or funnel money away from each
21 other?

22 DEC COMMISSIONER SEGGOS: Well, it --
23 I think it's premature to know exactly how
24 they would interact. We discussed the clean

1 transportation standard during the Climate
2 Action Council process that -- the many
3 meetings that we had. Ultimately the
4 Governor decided what made the most sense at
5 this time was to advance a cap-and-invest
6 program.

7 And as we go through that, we will
8 look for ways in which to synchronize this
9 program with either existing or proposed
10 concepts that may be available to us, the
11 clean transportation standard being one of
12 those. But at this point, it's
13 cap-and-invest.

14 CHAIRWOMAN KRUEGER: And earlier --
15 maybe it was yesterday. Were we here that
16 long yet? No. But earlier in your
17 discussion -- sorry --

18 (Laughter.)

19 DEC COMMISSIONER SEGGOS: Is it
20 tomorrow yet?

21 CHAIRWOMAN KRUEGER: -- you seemed to
22 answer a question, and I don't remember whose
23 question, implying that Bond Act money would
24 count as outside funding that could justify

1 cuts in on-budget funding.

2 I don't think that's what we told the
3 voters. I think we told the voters the
4 Bond Act money would be for new and different
5 things that we need to do. So I just wanted
6 to make sure I didn't misunderstand.

7 DEC COMMISSIONER SEGGOS: That is
8 true, but we have -- for example, we have the
9 hatchery system, right, and there's the
10 Bond Act -- the fish hatchery system. Not
11 aquaculture, but hatcheries. We envision
12 that a portion of the Bond Act funds would go
13 into restoring our hatchery system.

14 I mean, those are obviously existing
15 programs that now would be, instead of
16 shifting through -- being paid for on-budget
17 through NY Works, that would be shifted over
18 to the Bond Act. So that's an example of how
19 we would seek to utilize both on-budget and
20 off-budget resources. Within the financial
21 plan.

22 CHAIRWOMAN KRUEGER: Got it.

23 So Mr. Driscoll, I think I'm following
24 up on two different discussions with the role

1 of NYPA with the new plants. So it is true
2 that the NYPA proposal now is different than
3 it was earlier, and different than the
4 legislation some of my colleagues and I
5 carry. But there's confusion, I think,
6 about -- because of the new federal law
7 allowing the use of tax credits even for
8 government entities such as yourself.

9 Is the proposal as described in the
10 Governor's budget going to allow us to draw
11 down the federal funds? Or because it's a
12 public-private partnership tax equity
13 investor kind of deal, that we're not going
14 to be able to get the tax exemptions that we
15 could get now if it was a specifically
16 state-funded project?

17 ACTING NYPA PRESIDENT DRISCOLL: Thank
18 you for the question.

19 NYPA, as a state public power
20 authority, is eligible for the IRA tax
21 credits. So we would be an eligible, you
22 know, applicant on any project that we owned.
23 And so I don't think that -- if the question
24 is does there need to be state money rather

1 than NYPA money --

2 CHAIRWOMAN KRUEGER: Or does it need
3 to be state NYPA money versus private
4 investor money?

5 ACTING NYPA PRESIDENT DRISCOLL: Yeah,
6 I mean, I think that the credit -- and I'll
7 be happy to research this further and come
8 back to you. But I think that the credit
9 would apply to the extent that the
10 Power Authority had money in the project.

11 CHAIRWOMAN KRUEGER: I would
12 appreciate that. I think some of us would,
13 because we're a little, you know -- even
14 though we're supporting the expansion, we're
15 a little confused about which model's going
16 to actually net us --

17 ACTING NYPA PRESIDENT DRISCOLL:
18 Understood.

19 CHAIRWOMAN KRUEGER: -- the most
20 federal money as matching money for what
21 we're doing.

22 Because I won't speak for everyone
23 here, perhaps not Tom O'Mara, but I think we
24 want new renewable energy built as quickly as

1 possible -- yes, we do. Sorry, yes, we agree
2 with Tom O'Mara, we all want it done as
3 quickly as possible. But we also want as
4 much federal money as possible --

5 ACTING NYPA PRESIDENT DRISCOLL:
6 Understood.

7 CHAIRWOMAN KRUEGER: -- to move into
8 these projects, because that's obviously a
9 win/win for us.

10 And just a last, quickly. So the
11 Governor set timelines for the electric
12 buildings, but she jumped them an extra year
13 later because she starts them like the last
14 day of December in each year for the larger
15 and the smaller. So doesn't that just keep
16 putting us farther back from where we want to
17 be?

18 NYSERDA PRESIDENT HARRIS: Well, the
19 timeline -- yeah, thank you for asking that
20 question. The timeline that is in the budget
21 proposal allows us to align these new
22 construction -- zero-emission new
23 construction proposals with code cycles.
24 This is -- this is really sort of a practical

1 and unexciting aspect of this, but we
2 ultimately need to employ this through cycles
3 that are established primarily on the
4 national level.

5 So we'll seek to institute these
6 programs earlier, but that is the outside
7 date according to the code cycles.

8 CHAIRWOMAN KRUEGER: Okay, so my time
9 is up. Thank you very much.

10 CHAIRWOMAN WEINSTEIN: Assemblyman
11 Burdick.

12 ASSEMBLYMAN BURDICK: Thank you.

13 And this is for Commissioner Seggos.
14 And, you know, I first want to thank you for
15 the great job that your department does.
16 I've worked closely with your team, both in
17 my prior capacity as supervisor of the Town
18 of Bedford, and more recently with working on
19 grant opportunities and so forth. And
20 they've been fabulous, and I want to thank
21 you for that.

22 I also was very pleased to hear about
23 the community outreach that is being planned.
24 I think it's absolutely what's needed,

1 particularly for communities that may not
2 have the bandwidth to get through the
3 process.

4 You know, I want to mention that I too
5 am concerned -- I think it was
6 Senator Harckham who had mentioned, and I
7 think others have said about -- concerned
8 about getting money out the door, and
9 particularly with so much money coming in,
10 you know, further. And also I wanted you to
11 address, if you could, what I see as what I
12 think really needs to be reconciled, which is
13 the objectives of the housing compact with
14 some of the laws and regulations that have
15 been in place for decades to protect water
16 quality.

17 As -- one of the key examples is the
18 New York City watershed, where there's
19 virtually veto power on the part of New York
20 City on any new wastewater treatment plant
21 or, for that matter, you know, an expansion
22 and a request for a SPDES permit based on an
23 expansion of an existing one. And this will
24 really run into direct conflict for the

1 ability of municipalities to expand their
2 infrastructure.

3 So if you could address that in the
4 one minute and 15 seconds I have left.

5 DEC COMMISSIONER SEGGOS: We'll try.
6 Thank you.

7 So as to your first point about
8 bandwidth and getting money out the door, I
9 mean, I'll go back to what I said in the
10 beginning. That's exactly why the Governor's
11 going to give us, working with you,
12 additional resources.

13 ASSEMBLYMAN BURDICK: Right. Which I
14 fully support.

15 DEC COMMISSIONER SEGGOS: We need
16 staff resources. So that's really at the
17 heart of it.

18 As to the housing compact, I'm going
19 to take that to mean the Governor's proposal
20 to increase housing over the next 10 years.

21 We believe that the environmental
22 objectives and the housing objectives are
23 very much collaborative and coordinated in
24 nature. Focus on rebuilding in the

1 builds-environment downtowns,
2 transit-oriented development, smart growth
3 principles in mind. That was really what we
4 talked about during the Climate Action
5 Council. So now to have a housing push
6 that's smart-growth sensitive for us is a
7 real winner.

8 I take your point about the watershed.
9 We also watch that very carefully, right? We
10 want to avoid filtration and avoid what would
11 be a 5 to 10 billion dollar filtration --

12 ASSEMBLYMAN BURDICK: But if I may
13 interrupt you for one second in my last 10
14 seconds, because I brought this up as well
15 with Commissioner Visnauskas. I really think
16 it's important to talk to the City of
17 New York and to figure out how you're going
18 to reconcile those. That's what I would
19 request.

20 Thank you so much.

21 DEC COMMISSIONER SEGGOS: Thank you.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 To the Senate.

24 CHAIRWOMAN KRUEGER: Thank you.

1 We have a second round for Chair Pete
2 Harckham, three minutes.

3 SENATOR HARCKHAM: Thank you,
4 Madam Chair. I can't believe we're on
5 Round 2 already.

6 (Laughter.)

7 SENATOR HARCKHAM: It's like Groundhog
8 Day.

9 (Laughter.)

10 SENATOR HARCKHAM: Just want to follow
11 up on what Chair Krueger was saying about
12 what it is we're voting on for
13 cap-and-invest. And we know it's something
14 that's talked about in the plan, it's
15 something we need to do to finance what we
16 want to get done. But if we look at it from
17 a separation-of-powers issue, you know, I
18 can't -- I can't see a -- the details are
19 scant as to -- you know, it says 35 percent
20 go to environmental justice communities. And
21 then it's really kind of unspoken as to what
22 the rest of the -- what happens with the rest
23 of the money and that it just goes to the
24 General Fund.

1 And so I'm just saying practically
2 speaking -- nothing against this Governor or
3 this administration -- I don't see a
4 legislature voting to give an administration
5 the authority to raise and spend that much
6 money without guardrails, parameters, and a
7 plan. And in a sense, that's kind of what
8 we're looking at doing right now, because
9 there's not a great deal of specificity in
10 there.

11 DEC COMMISSIONER SEGGOS: Okay, so
12 maybe I'll start and then pass it to Doreen
13 to fill in.

14 SENATOR HARCKHAM: Please do.

15 DEC COMMISSIONER SEGGOS: So what
16 we're proposing -- what we envision, because
17 we believe we already have the authority to
18 do so, is to create the actual cap side of
19 the program. Right? Establish what the
20 emissions level is in New York, how that will
21 decline over time, create the infrastructure
22 for providing allowances, auctioning
23 allowances. All of that we have, I would
24 say, already. And it would be quite

1 redundant for the Legislature to take that
2 up.

3 But the invest side we have discussed
4 quite openly that we need to discuss that
5 with the Legislature: What does the Climate
6 Action Fund look like, the billion dollars
7 the Governor talked about, how does that then
8 get out to the pockets of New Yorkers to
9 defray some of the costs of the program. The
10 small business fund as well, same concept.

11 So maybe, Doreen, if you want to fill
12 in any parts of that.

13 NYSERDA PRESIDENT HARRIS: Certainly.
14 So you've covered the principles of the
15 Climate Action Fund. And really the way this
16 is laid out is after those funds are
17 allocated according to the commissioner's
18 point, we would be at NYSERDA investing the
19 remainder, the 67 percent or so, consistent
20 with the Climate Act, and consistent with the
21 Scoping Plan, in sectors of our economy that
22 very much need investment in order to achieve
23 its outcomes.

24 I think the RGGI model is a good

1 example of the ways in which we have
2 responsibly invested those funds that have
3 been raised for over a decade, focusing on
4 the electric sector. This would allow us to
5 reach greater audiences but also different
6 scopes of investment, including the myriad
7 ways that our Scoping Plan lays out.

8 SENATOR HARCKHAM: Again, I would just
9 say that -- again, not coming from a hostile
10 place, because many of us are sympathetic to
11 this. But seeing that in writing, as opposed
12 to just hearing about this in testimony, I
13 think will go a long way.

14 Thank you.

15 DEC COMMISSIONER SEGGOS: Thank you.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Assembly.

18 CHAIRWOMAN WEINSTEIN: Assemblywoman
19 Fahy.

20 ASSEMBLYWOMAN FAHY: Thank you. I
21 feel like I'm playing musical chairs here.

22 (Laughter.)

23 ASSEMBLYWOMAN FAHY: But I'm here now.

24 Sorry, I had to step out and I

1 apologize if you've addressed a couple of
2 these things. But I just want to make a
3 couple of comments, and then I have a
4 question for NYSERDA in this race of
5 three minutes.

6 Thank you for your comments previously
7 when I was here with regard to the
8 Scoping Plan as well as all the work that
9 each of you have done on the Climate Action
10 Council. I find it exciting. Yes, it's
11 challenging, but I think with the right
12 investments and with your work and the energy
13 of a lot of folks here, we can get there.
14 And I also couldn't be more pleased with the
15 Bond Act.

16 A couple of comments. The clean water
17 infrastructure, I know that came up earlier.
18 We just can't get enough of it, so thank you.
19 And I know you're trying to address small
20 communities. I think Senator Hinchey
21 mentioned that. Commissioner Seggos, I think
22 that's really important. As well as
23 addressing the needs of small farmers.
24 Everybody thinks of me as an urban district

1 because I live here in Albany, but I also
2 represent Guilderland and New Scotland, as
3 you know.

4 Albany Port, thank you for the air
5 monitoring. And thank you to NYSERDA and
6 more in terms of the Albany Port with the
7 jobs. We're very excited about the wind --
8 the wind manufacturing that we hope will get
9 out there. Get out there shortly, that we
10 know will get out there.

11 Question. Lots has come up about heat
12 pumps. I am cosponsor of the All-Electric
13 Bill, but I also carry my own bill, last year
14 called the Gas Transition Bill, this year
15 called the HEAT Bill, which is the Home
16 Energy Assistance -- Home Energy
17 Affordability Transition Bill.

18 There's been a lot of concerns, maybe
19 started by some of the back-and-forth on the
20 stoves at the federal level, gas or electric
21 stoves. But can you please talk about the
22 need for -- Doreen, please, Doreen Harris --
23 talk about how the reliability, especially up
24 here in colder-weather climates, whether

1 you're -- I guess I've left you 55 seconds.
2 But the sustainability and the savings, but
3 the reliability, especially after that wicked
4 last snowstorm we had in Buffalo.

5 NYSERDA PRESIDENT HARRIS: Okay,
6 you've given me a challenge.

7 ASSEMBLYWOMAN FAHY: Affordability,
8 reliability, and sustainability.

9 NYSERDA PRESIDENT HARRIS: Certainly.

10 So heat pumps will be a primary
11 resource that we use to heat and cool our
12 homes into the future, and they are deployed
13 increasingly -- in fact, they outsold
14 furnaces on a nationwide basis in 2022. So
15 we're getting there, certainly.

16 And I was very pleased to see
17 performance of these units even in the recent
18 cold snaps, because it is true that we need
19 efficient homes to be paired with these
20 heat-pump technologies to work well in cold
21 climates, full stop.

22 With respect to reliability, if that's
23 your next question, I think when we think
24 about heat pump technology, we do need

1 electricity to operate those heat pumps. So
2 we think about backup sources of heat.
3 Certainly.

4 ASSEMBLYWOMAN FAHY: Thank you. Thank
5 you. And I carry that bill with
6 Senator Krueger, so I should have noted that.
7 Thank you, Chair.

8 CHAIRWOMAN WEINSTEIN: We go to the
9 Senate.

10 CHAIRWOMAN KRUEGER: Thank you.
11 Three-minute second round for Chair
12 Michelle Hinchey.

13 SENATOR HINCHEY: Thank you very much.
14 I have a couple of quick questions.
15 Last year in the budget we were able to -- we
16 talk about affordability, right, and making
17 it available for regular people, everyone in
18 our community, to be able to actually afford
19 this transition. Last year in the budget we
20 were able to secure some rebates and some
21 funding for heat pumps and geothermal, but we
22 were not able to come to an agreement on
23 reupping the solar panel credit.

24 How much of that is reflected in this

1 budget? And if not, is that something that
2 we need to be doing to make this affordable
3 and accessible for people living across our
4 state?

5 NYSERDA PRESIDENT HARRIS: Well, I'd
6 say that certainly in the last year a
7 game-changer for renewables in general,
8 Senator, has been the Inflation Reduction
9 Act. For us as a state, we already had a
10 thriving solar industry. In fact, we're the
11 number -- we remain the number-one community
12 solar market in the nation, and very highly
13 ranked in other ways as well.

14 But when we think about that
15 durability of that industry at scale, the
16 Inflation Reduction Act provides tax credit
17 treatment for these projects for the
18 foreseeable future, such that we really see
19 that --

20 SENATOR HINCHEY: So you're saying
21 that it's handled by the federal government,
22 we don't necessarily need that at the state.

23 NYSERDA PRESIDENT HARRIS: We have a
24 thriving market here. We have a thriving

1 market here. We're focusing on underserved
2 communities in the first instance. If there
3 were an area to be really accelerating, it
4 would be our continued work in that respect.

5 SENATOR HINCHEY: Okay. I think
6 there's still -- we can still be helping and
7 making it extra-affordable, but I appreciate
8 the work, especially for underserved
9 communities.

10 I want to echo what was said by my
11 colleague Chair Harckham on seeing some
12 details around cap-and-invest. I think his
13 comments are accurate. It's hard from our
14 place of responsibility to green-light an
15 entire program without really
16 understanding -- even if we all believe kind
17 of deeply in the foundational points of it,
18 to really understand where that's going to
19 go, because historically we have lost lots of
20 money that way. So we want to make sure
21 we're tracking and it's actually going to the
22 places that it needs to.

23 I'll close with a local question, I
24 think for Commissioner Seggos. We have -- in

1 two different parts in my district we have
2 proposed expansions of fossil fuel
3 infrastructure, specifically substations that
4 I know are going through the process right
5 now. Why would we be continuing to both
6 invest money but also resources and time from
7 our agencies if we're working to shift away
8 from that? Why would we increase and expand
9 when our communities are trying to shift
10 elsewhere?

11 DEC COMMISSIONER SEGGOS: Well,
12 Senator, you know, we are required to process
13 permits, applications as they come to us.
14 The one you're referring to happened to go
15 through the federal process as well, it was
16 awarded at the federal level, I think if
17 you're referring to Iroquois.

18 And it is under consideration now, the
19 public comment period I think ends at the end
20 of this month, the 27th. So we'll process
21 the permit and, you know, subject it to the
22 same scrutiny that we have on every
23 application that's come in front of us over
24 the last few years.

1 SENATOR HINCHEY: I wonder if we
2 should relook at that. Thank you.

3 DEC COMMISSIONER SEGGOS: Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.
5 Assembly.

6 CHAIRWOMAN WEINSTEIN: We go to
7 Assemblywoman Giglio.

8 ASSEMBLYWOMAN GIGLIO: Thank you.

9 My question is for New York State DEC
10 Commissioner Seggos.

11 So the Brookhaven Town Landfill is
12 expected to close in 2024, and the concern is
13 that C&D that has residue, that can't be
14 recycled, that it's going to end up in our
15 waterways, our wetlands, our open space, and
16 we're not going to be able to get this
17 garbage off of Long Island without having to
18 have municipalities charge more in the taxes
19 to the residents in order to truck it off of
20 Long Island, which is going to have wear and
21 tear on our roads and bridges.

22 And I'm just wondering if there's any
23 funding in the DEC budget or that you would
24 support to beef up code enforcement on

1 Long Island and to also pay for more code
2 enforcement -- code enforcement, trucking,
3 whatever it's going to take to help relieve
4 the burden of one of the two landfills in
5 Long Island closing in 2024. We don't have
6 anything else online yet, so -- is there a
7 comprehensive plan for that closure?

8 DEC COMMISSIONER SEGGOS: So much of
9 that waste, the C&D waste, will be moving by
10 rail once the landfill closes -- I mean,
11 there are four rail stations -- as well as
12 the trucks that will then bring it to
13 permanent landfills, largely upstate and some
14 out of state.

15 One of the things that we've been
16 focusing on Long Island really since 2017 is
17 the problem, as you note, of illegal dumping.
18 And it's happening at dozens of locations.
19 We have had undercover officers performing
20 these details and actually going so far as to
21 make arrests and seizures of the trucks and
22 equipment. It's a big problem that the
23 housing boom in New York City, the building
24 boom in New York City has resulted in a lot

1 of this finding its way out to Long Island.

2 So we need those long-term mechanisms
3 to continue our enforcement. We don't do
4 local code enforcement, but we can certainly
5 do Environmental Conservation Law --

6 ASSEMBLYWOMAN GIGLIO: Right.

7 DEC COMMISSIONER SEGGOS: -- state
8 enforcement.

9 ASSEMBLYWOMAN GIGLIO: Excuse me, I'm
10 sorry. My time is limited.

11 DEC COMMISSIONER SEGGOS: Yes.

12 ASSEMBLYWOMAN GIGLIO: But I know that
13 there is money in the budget for more
14 enforcement of DEC. So I'm hoping that that
15 will be geared towards and beefed up on
16 Long Island because of these closures.

17 And also to have enforcement enforce
18 the beaches and the fishing locations,
19 because that is also a very big problem where
20 we are -- people are violating the law all
21 over the state on Long Island -- I mean, all
22 the state laws on Long Island with the
23 fisheries.

24 And if you could just answer that, if

1 you'll beef up the enforcement. And then
2 what rail are you talking about that's ready
3 to go now to remove C&D from Long Island?

4 DEC COMMISSIONER SEGGOS: On that, I
5 believe there's four locations of this rail
6 transportation that are either in permitting
7 or have been permitted that are --

8 ASSEMBLYWOMAN GIGLIO: They're in
9 permitting.

10 DEC COMMISSIONER SEGGOS: In
11 permitting, right, that are moving --
12 proposing to move material off-island.

13 ASSEMBLYWOMAN GIGLIO: Yeah, but we're
14 closing the landfill in 2024. So they
15 haven't even broken ground yet.

16 DEC COMMISSIONER SEGGOS: Right.
17 So -- right. So we're talking about reducing
18 waste, that's why we talked about advancing
19 the Governor's Waste Reduction Act, helping
20 to reduce the burden on municipalities. I
21 mean, it's all-encompassing in that respect.

22 On enforcement, we are 100 percent in
23 agreement with you. We need to be doing
24 everything we can, in concert with local

1 authorities, to prevent people from dumping
2 and illegally fishing.

3 ASSEMBLYWOMAN GIGLIO: And protecting
4 our groundwater. Thank you.

5 DEC COMMISSIONER SEGGOS: Exactly.
6 Thank you.

7 CHAIRWOMAN WEINSTEIN: So since there
8 are no more Senators, we have still several
9 Assemblymembers.

10 We go to Assemblywoman Lee.

11 ASSEMBLYWOMAN LEE: Good afternoon.

12 My question is for Commissioner
13 Seggos, as he could probably guess.

14 So I'm one of the mothers with
15 children who attend school across from the
16 brownfield cleanup at 250 Water Street due to
17 contamination from a former thermometer
18 factory in Lower Manhattan. And over the
19 last several years, we as concerned parents
20 organized and asked the DEC to work with us.

21 And as a result, you gave us extra
22 public participation meetings very early on
23 in the process and throughout the cleanup.
24 We secured funding for a community

1 consultant, and you worked with the
2 consultant to adapt the process to best
3 protect our children.

4 The effort really mattered, and it
5 helped the community understand the process
6 and made people feel safe. But we were
7 lucky. It's not common for BCP sites to
8 exist in communities with the resources to
9 engage with the DEC in the way that our
10 community and the financial district did.

11 So my question is, will you work with
12 me to figure out, whether legislatively or
13 otherwise, how we can take what we learned
14 from the work that we did together on this
15 site and make sure that other communities can
16 benefit from what we learned?

17 DEC COMMISSIONER SEGGOS: Thanks for
18 the question. Absolutely yes. Love to work
19 with you on that to tell that story.

20 And I think honestly the lift on this
21 on other sites needn't be extraordinary. I
22 mean, in a way it's making sure that we're
23 working with local leaders to understand
24 problems, walk people through the process of

1 the Brownfields Cleanup Program, and make
2 sure they have a voice ultimately in the
3 outcomes.

4 We're doing it in Tonawanda --
5 Tonawanda Coke Corporation, former
6 brownfields site. We're doing it in
7 Niagara -- I mean, we just had a meeting
8 about this yesterday -- the old American Axle
9 site in Buffalo.

10 So it is something that we as an
11 agency want to do right, because it's a
12 really important program for the state and
13 we're lucky to have it, in consultation with
14 you. But to tell the specific story of 250
15 Water Street, which I know was a very
16 significant matter for your community for
17 many years, I'd be happy to work with you on
18 that to get that out there.

19 ASSEMBLYWOMAN LEE: Great. I will
20 follow up with your staff.

21 DEC COMMISSIONER SEGGOS: Excellent.

22 ASSEMBLYWOMAN LEE: Thank you.

23 DEC COMMISSIONER SEGGOS: Thank you.

24 CHAIRWOMAN WEINSTEIN: We go to

1 Assemblyman Mamdani.

2 ASSEMBLYMAN MAMDANI: Acting President
3 Driscoll, I would like to follow up on
4 Senator Gonzalez's line of questioning.

5 So the Legislature's version of the
6 Build Public Renewables Act includes labor
7 language around project labor agreements,
8 prevailing wage applying to both contractors
9 and subcontractors, and a just transition
10 fund. This was language that was described
11 by the IBEW 1049 rep Pat Guidice as the best
12 protections he'd ever seen on labor. His
13 only concern was if such language was --
14 could ever be preserved and what a diluted
15 bill would mean for labor.

16 The proposal by the Governor -- what I
17 and many others would characterize as BPRA
18 light -- does exactly what he feared,
19 stripping this language from the legislative
20 text.

21 Why has that language been removed?
22 And how do these omissions better position
23 the state to unionize and expand the
24 workforce needed to meet the goals of the

1 CLCPA?

2 ACTING NYPA PRESIDENT DRISCOLL: Thank
3 you. Thank you for the question.

4 And as I mentioned earlier in the
5 prior answer, we do -- we do a lot of work,
6 we do a lot of -- obviously all of our work
7 is public work under the Labor Law. And so
8 we don't do a project that doesn't pay
9 prevailing wage. We're open to PLAs on
10 projects. I don't see what's missing. I
11 think that when you couple what is in the
12 Governor's proposal with the funding, the
13 \$25 million set-aside for labor training that
14 was not in the BPRA, I think that on balance
15 it advances the position of labor and --

16 ASSEMBLYMAN MAMDANI: So with all due
17 respect, and just because of time, I would
18 fully disagree about the \$25 million being an
19 adequate amount of money to make up for a
20 requirement such as the gold standard of
21 language that we had in the original text.

22 I just have a follow-up question. Did
23 NYPA or the Governor speak to labor before
24 drafting this version of the Build Public

1 Renewables Act?

2 ACTING NYPA PRESIDENT DRISCOLL: Yeah,
3 I can't speak for the Executive.

4 ASSEMBLYMAN MAMDANI: But for NYPA?

5 ACTING NYPA PRESIDENT DRISCOLL: I
6 don't -- I did not personally. I can't speak
7 for my staff.

8 ASSEMBLYMAN MAMDANI: Okay. But did
9 you?

10 ACTING NYPA PRESIDENT DRISCOLL: I did
11 not.

12 ASSEMBLYMAN MAMDANI: Okay. Thank
13 you.

14 And then I just wanted to clarify. In
15 some of the questioning from my colleagues,
16 specifically Assemblymember Carroll drilling
17 down on the question of mandate,
18 Assemblymember Shrestha around annual
19 review -- if I understand correctly, you're
20 fine with an annual review to see whether or
21 not we are on track for our CLCPA mandates.
22 You're fine with a mandate to build as long
23 as there's discretion so that NYPA is not
24 violating any existing contracts.

1 Why should we then pursue a version of
2 the bill that has none of these things when
3 we have a version of the bill that has passed
4 the Senate, is being considered by the
5 Assembly, and is being called the gold
6 standard by labor representatives?

7 ACTING NYPA PRESIDENT DRISCOLL:

8 Understood. And I think, you know, I think
9 that the Governor's proposal is consistent
10 with the themes of the prior legislation.
11 And I would just say I think that the one
12 piece you left out was the board of
13 trustees' role, which we think is very
14 important in the Governor's proposal.

15 ASSEMBLYMAN MAMDANI: Thank you.

16 ACTING NYPA PRESIDENT DRISCOLL: Thank
17 you.

18 CHAIRWOMAN WEINSTEIN: Assemblywoman
19 González-Rojas.

20 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank
21 you so much for your testimony.

22 For the NYSERDA commissioner, I'm
23 curious what barriers that you have in your
24 agency to run a public education campaign

1 that ensures that every New Yorker
2 understands what the climate plan means for
3 them, how to access those resources, and why
4 New York State needs to lead.

5 DEC COMMISSIONER SEGGOS: Maybe I'll
6 start, DEC and then NYSERDA? Okay.

7 Well, communication is going to be
8 everything when it comes to implementing an
9 effective plan. I mean, we spent three years
10 building the plan; now we have a Scoping Plan
11 out there for the public. But really the
12 next phase is launching all of the
13 initiatives under that plan.

14 So we have a robust planning process
15 for those communications, ultimately engaging
16 the public in a statewide capacity at the
17 ground level, engaging the Legislature to
18 make sure that leadership is involved as
19 well. And drilling down to making it easy
20 for kids to understand and be a part of,
21 within school curriculum, so --

22 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Is
23 there multilingual resources available to --

24 DEC COMMISSIONER SEGGOS: Yes. We

1 have been -- we have been striving, through
2 the process of the CLCPA, through the Scoping
3 Plan, to make sure that we have as much as
4 possible multilanguage assets available for
5 anyone who's interested. And translators,
6 during the hearings.

7 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: That's
8 great, thank you.

9 How much is being spent in New York on
10 climate change in directly impacted
11 communities, our disadvantaged, economic
12 justice communities?

13 DEC COMMISSIONER SEGGOS: I don't know
14 that I have a number to give you, but I know
15 that we are holding ourselves to the minimum
16 35 percent goal in the CLCPA, with the target
17 of 40 percent. That's where we're holding
18 ourselves. We're holding ourselves to that,
19 by the way, in the Bond Act as well as water
20 spending that we're doing.

21 So perhaps Doreen has some high-level
22 numbers on climate spending, but we're
23 abiding by the CLCPA, at a minimum.

24 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Do we

1 have more specifics on just investments in
2 disadvantaged communities? I represent a
3 community that's hard-hit by climate change,
4 Astoria, Jackson Heights, East Elmhurst,
5 Corona, Queens. So I'd love to hear a little
6 bit more in my 50 seconds left.

7 NYSERDA PRESIDENT HARRIS: Certainly.

8 Well, specific to NYSERDA, the
9 investments that we are making through the
10 Regional Greenhouse Gas Emission program, as
11 well as through the Clean Energy Fund, exceed
12 the CLCPA requirements for these place-based
13 investments. I'd be glad to send you our
14 regular reporting which reflects that, as
15 well as the places within your district that
16 are invested within.

17 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Great.
18 And I'll just maybe make more of a statement.

19 But with increasing funding on budget
20 for climate, is it not time to ensure
21 transparency and accountability across the
22 portfolio by having a clear system for
23 climate spending and economic development, as
24 we have for environmental conservation

1 programs? Would you all agree?

2 NYSERDA PRESIDENT HARRIS: Well,
3 certainly we see and are building out tools
4 that can be used to report not only on our
5 progress but on our spending and our
6 investments. Totally agree, and that's
7 central to the Climate Law.

8 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Thank
9 you all so much.

10 DEC COMMISSIONER SEGGOS: Thank you.

11 CHAIRWOMAN WEINSTEIN: Thank you.

12 We go to Assemblywoman Kelles.

13 ASSEMBLYWOMAN KELLES: Good afternoon
14 now. Thank you so much for being here.
15 Spitfire, like everybody else.

16 The first thing, the landfill and D&C,
17 I am just going to plead for you to not
18 extend the Seneca Meadows Landfill permit.
19 The Texas-owned company already has a
20 28-story, equal-to-a-building-sized landfill.
21 They want four more acres. They want seven
22 more stories on that landfill. And we cannot
23 afford that in our area, so I'm just putting
24 that plug in.

1 And then diving in, devil in the
2 details, in the cap-and-invest proposal
3 there's language that diverges pretty
4 dramatically from existing law, specifically
5 to allow for pre-allowances in perpetuity for
6 the energy-intensive and trade-exposed
7 entities under the program. Existing law
8 allows for the department to create a program
9 to address these types of facilities, as we
10 know, but it has many, many safeguards and
11 standards.

12 You announced in December, I think, of
13 last year that you'll not exercise the
14 authority granted in law to enact an
15 alternative compliance mechanism. I'm
16 assuming it was waiting for this to come out.

17 So why was that decision made, and how
18 will this new concept ensure the protection
19 and safeguards we agreed to in the CLCPA, or
20 will this weaken the CLCPA?

21 DEC COMMISSIONER SEGGOS: Okay, I
22 will -- I mean, I had trouble hearing a
23 couple of parts of your question. But as to
24 the issue of allowances, again, this is a

1 program that we're going to create through
2 regulation over time. And we don't have the
3 definitions ready to describe what -- exactly
4 what will look like for the --

5 ASSEMBLYWOMAN KELLES: But it will
6 meet the standards that we already have in
7 the CLCPA?

8 DEC COMMISSIONER SEGGOS: It will meet
9 the standards in the CLCPA, yes.

10 ASSEMBLYWOMAN KELLES: Excellent.

11 And then another question that I have
12 is the Executive Budget includes a provision
13 that changes the CLCPA and requires that
14 during its rule-making process DEC, quote,
15 consider the aggregate cost of the program
16 when applying the carbon dioxide equivalent
17 and statewide greenhouse gas emission limits
18 as defined in the current law, essentially
19 allowing us to consider the cost and use the
20 international greenhouse gas and carbon
21 dioxide equivalents.

22 But the CLCPA standard is
23 intentionally more protective -- for example,
24 using the 20-year limit for methane instead

1 of the 100-year limit. So I just want to
2 hear your thoughts on that. Wouldn't this
3 weaken our Climate Law and efforts?

4 DEC COMMISSIONER SEGGOS: So when it
5 comes to just an analysis of the various
6 accounting systems that are in place, it's
7 incumbent upon us to understand, you know,
8 linkages. Right? We need to create a
9 program that the Governor told us to build
10 and link it with other states. None of the
11 other states use the kind of mechanism we do.
12 How do we -- how does one create a program
13 given that?

14 Also, some federal funding streams
15 rely on different funding assumptions; you
16 see the EPA talking about the 100 years. So
17 if we're going to take advantage of federal
18 funding streams, we need to take into account
19 the differences in accounting methodologies.

20 So that's really behind that, yup.

21 ASSEMBLYWOMAN KELLES: Perfect.

22 One last question. I mean, if you
23 can't answer, we'll talk about it after. Do
24 you support the inclusion of line-item

1 allocation for each of the WIIA 13 programs
2 in the state budget?

3 CHAIRWOMAN WEINSTEIN: So you'll be
4 able to respond in writing to the respective
5 chairs.

6 DEC COMMISSIONER SEGGOS: Can you give
7 me the question again? I sort of missed it.

8 ASSEMBLYWOMAN KELLES: Just whether or
9 not you would line-item the 13 programs in
10 WIIA.

11 DEC COMMISSIONER SEGGOS: Okay. We'll
12 talk after.

13 CHAIRWOMAN WEINSTEIN: Excuse me.
14 Assemblymember Ed Ra, five minutes, ranker.

15 ASSEMBLYMAN RA: Thank you.

16 Good afternoon, all. Thank you very
17 much for your testimony today.

18 Commissioner Seggos, if I can go back
19 to -- apologize, I had to confer with
20 somebody -- but if I could go back to EPR,
21 which my colleague brought up earlier.

22 So the 100 percent reimbursement that
23 we're envisioning for the municipalities, how
24 do we come up with what that cost is going to

1 be as part of this proposal? Do we have an
2 amount that we -- a ballpark number?

3 DEC COMMISSIONER SEGGOS: We don't
4 yet. Again, we're still in early phases of
5 creating the Waste Reduction Act and what
6 ultimately that will look like.

7 In creating the producer
8 responsibility organizations and then making
9 it incumbent upon them to fund municipalities
10 if the municipalities continue to or wish to
11 conduct recycling programs, they need -- it
12 needs to be fully funded. So we imagine by
13 the time we get to crafting the rules around
14 that, the PRO would be on the hook for the
15 continued program.

16 If the municipal isn't interested in
17 doing it or is interested in scaling back, we
18 need to make sure that they're not actually
19 losing -- or reducing services for
20 individuals.

21 ASSEMBLYMAN RA: So that was the next
22 piece of this. Because, you know, I think
23 that there's been estimates that it's about
24 30 percent of waste is packaging materials.

1 So it seems to me that there would
2 still need to be a recycling program and how
3 we would apportion that all out to what
4 these, you know, producers are responsible
5 for versus other things. Because obviously
6 we would not want a municipality to say,
7 okay, we're just going to recycle the things
8 that are covered by this program and, you
9 know, throw out the other stuff.

10 DEC COMMISSIONER SEGGOS: Exactly. We
11 need to continue recycling. And this program
12 aims to reduce the cost of it and ultimately
13 reduce the amount of waste in the stream.

14 ASSEMBLYMAN RA: Sure. And then just,
15 you know, just thinking about whether there's
16 a model out there. I know a number of states
17 have passed this. I don't know that
18 anybody's, you know, at the finish line of
19 implementing it yet. But, you know,
20 internally to our state, I know a few years
21 back you were tasked with, you know, the
22 paint stewardship program.

23 So is this time frame envisioned here
24 realistic, given the experience of the agency

1 in the past? And does the agency have the
2 personnel and resources it's going to need
3 for this proposal?

4 DEC COMMISSIONER SEGGOS: I believe it
5 is consistent with that. I mean, this is a
6 bit bigger than paint for sure. And there's
7 far more involved than just the paint stream.

8 So we do need to get it right, and
9 we're talking about, you know, addressing a
10 wider segment of the economy as well as a
11 wider segment of New York State. It took
12 time to get paint done. Thankfully we got it
13 done with you, and it's working pretty well
14 now. I mean, they're not at 100 percent yet.
15 But this is a whole new scheme, and we
16 certainly would need to work very carefully
17 with the counties and municipalities as well
18 as we craft this.

19 ASSEMBLYMAN RA: Okay, thank you.

20 If I can shift to NYPA,
21 President Driscoll. So I know you talked
22 about public/private partnerships in terms
23 of, you know, siting, building these
24 renewables. But am I correct this language

1 is broader than that? It really envisions a
2 possibility of NYPA building things
3 completely on their own, correct?

4 ACTING NYPA PRESIDENT DRISCOLL: NYPA
5 could build on its own under the Governor's
6 proposal, yes. I think that our intention
7 would be to partner on larger projects.
8 There could be smaller projects where we
9 would build on our own, potentially for a
10 governmental customer.

11 There also is a provision regarding
12 the build credits for disadvantaged
13 communities. Those projects would likely be
14 built by NYPA on their own, on its own.

15 ASSEMBLYMAN RA: So you would envision
16 that would only probably be the case in
17 smaller projects, that you would go
18 completely on your own?

19 ACTING NYPA PRESIDENT DRISCOLL: I
20 mean, the larger projects for us would be
21 where we're limited by our balance sheet,
22 right, we can only do so much. So I think
23 with the larger projects, they're more
24 susceptible to partnership relationships.

1 ASSEMBLYMAN RA: And in those smaller
2 instances, would the cost be, you know, just
3 completely borne by those ratepayers?

4 ACTING NYPA PRESIDENT DRISCOLL: In a
5 smaller project, typically the governmental
6 customer, you know, would pay. If we had a
7 governmental off-taker for a project, it
8 would be paid for by the customer.

9 ASSEMBLYMAN RA: Okay.

10 ACTING NYPA PRESIDENT DRISCOLL:
11 Utility-scale projects, it would add an
12 off-taker. It would have to be, you know,
13 sold into the market.

14 ASSEMBLYMAN RA: Okay. Thank you.

15 CHAIRWOMAN WEINSTEIN: So I have a few
16 questions. Hard to believe there's something
17 left to ask.

18 (Laughter.)

19 CHAIRWOMAN WEINSTEIN: But first from
20 a colleague who couldn't be here today, to
21 follow up on the Climate Action Fund to help
22 defray costs to disadvantaged communities.
23 The question is, can you provide -- I know
24 you've -- there's been some comments on this.

1 Can you provide what that looks like and what
2 steps NYSERDA and DEC are taking -- are doing
3 to make this a reality?

4 DEC COMMISSIONER SEGGOS: Let me take
5 a stab at that. So I think the question is
6 about what the fund would look like,
7 effectively?

8 CHAIRWOMAN WEINSTEIN: Yes. Yeah.

9 DEC COMMISSIONER SEGGOS: Okay. So as
10 the Governor explained in the State of the
11 State and in the budget, you know, we expect
12 sort of a minimum amount of proceeds from the
13 sale of allowances under cap-and-invest to
14 generate a billion dollars, which would then
15 be used to send into the pockets of
16 New Yorkers to help defray some of the costs
17 of the program.

18 Now, that's informed by basic analysis
19 that DEC and NYSERDA have done as to the
20 kinds of programs that are in play around the
21 country right now and what those programs
22 generate in terms of revenues. So again, a
23 minimum amount, again, to get at the
24 affordability principle that the Governor

1 laid out.

2 And maybe I'll transfer it over to you
3 for details.

4 NYSERDA PRESIDENT HARRIS: Yeah, as
5 the process ensues, there's going to be a
6 tremendous amount of engagement but also
7 analysis that will refine that benchmark that
8 was based, actually, on some programs that
9 are in place in the Western states at this
10 point.

11 And so the principle is money in the
12 pockets of New Yorkers. The exact ratio by
13 New Yorker is also subject to that process.
14 As we know, we need a lot of input as to the
15 right ways in which to disburse those funds.

16 CHAIRWOMAN WEINSTEIN: And then to
17 NYPA, can you explain what the expanded
18 authority under these subsidiary entities
19 such as LLCs and not-for-profits will be?

20 ACTING NYPA PRESIDENT DRISCOLL: So --
21 thank you for the question.

22 CHAIRWOMAN WEINSTEIN: And will any of
23 the impact be felt by ratepayers,
24 importantly?

1 ACTING NYPA PRESIDENT DRISCOLL: Yeah.
2 So the idea behind the subsidiaries -- and
3 it's similar to what ESD does, for instance,
4 and what's common in the private sector, to
5 sort of isolate projects from the balance
6 sheet of the sort of parent entity.

7 So these subsidiaries would be formed,
8 they'd be project-specific entities that
9 would be created for a particular project so
10 that, like I said, the risk would be isolated
11 from the Power Authority's balance sheet and
12 wouldn't be hits against our credit metrics
13 and so forth, and wouldn't -- it would be not
14 treated unfavorably by the rated agencies.
15 So that would be the idea there.

16 CHAIRWOMAN WEINSTEIN: Thank you.

17 And Commissioner Seggos, every year we
18 go through where things are in some of the
19 bond acts. In particular, if you could give
20 an update on the status of the various
21 programs in the Clean Water Infrastructure
22 Act of 2017.

23 DEC COMMISSIONER SEGGOS: Sure, I
24 would be happy to. I think I gave a

1 high-level summary at the beginning on
2 spending, again, over a billion dollars a
3 year. This year, 2022, in grants the WIIA,
4 the WIIA program, \$564 million. In the
5 municipal, \$43 million. Emerging
6 contaminants, \$241 million. Clean Water
7 Infrastructure Act, 246. And our DEC
8 program, which is the WQIP program,
9 272 million.

10 So again, a record year for water
11 spending. We can get you a table, as we
12 always did, and make it super-accurate --

13 CHAIRWOMAN WEINSTEIN: I was going to
14 say --

15 DEC COMMISSIONER SEGGOS: -- because
16 I, you know --

17 CHAIRWOMAN WEINSTEIN: You don't need
18 to read off everything, but if you could --

19 DEC COMMISSIONER SEGGOS: Be happy to
20 give you all those dollars --

21 CHAIRWOMAN WEINSTEIN: -- provide a
22 table or the details.

23 DEC COMMISSIONER SEGGOS: -- and make
24 sure it's accurate. You'll see every penny.

1 CHAIRWOMAN WEINSTEIN: Definitely that
2 would be helpful.

3 DEC COMMISSIONER SEGGOS: Great.

4 CHAIRWOMAN WEINSTEIN: And I know
5 there's been discussion -- there's been a
6 number of discussions about the Bond Act. So
7 the capital plan shows 800 million in bond
8 financing over the next five years, growing
9 to 200 million annually.

10 And you may have mentioned this when I
11 was in the middle of some of the
12 administrative tasks here. When do you
13 expect the Bond Act to be substantially
14 completed?

15 DEC COMMISSIONER SEGGOS: Well, we --
16 look, we expect to begin soliciting grant
17 opportunities this calendar year, that we
18 will have gotten through the process of
19 establishing the criteria for the majority of
20 the buckets that need criteria. And then
21 going out into the public around the state,
22 in a road-show-type setting, and actually
23 describing the Bond Act and also soliciting
24 input for projects.

1 So, you know, we expect Year 1 to be
2 on the bottom end of the curve. As Years 2
3 and 3 and 4 progress, we expect the spending
4 to pick up on that. I don't know what the
5 outside date is for spending but, you know,
6 we know that the voters spoke and they
7 understand just how important this is --
8 they're experiencing flooding, they're
9 experiencing hotter cities, they're
10 experiencing lack of park space and
11 deteriorated infrastructure.

12 We need to respond to the voters and
13 be quick and accountable and transparent.
14 And that's why we've spent quite a bit of
15 time behind the scenes actually building the
16 infrastructure and then getting ready to
17 communicate that out to the public.

18 CHAIRWOMAN WEINSTEIN: Great, thank
19 you.

20 And for NYSERDA, so as we know, your
21 programs are mostly funded through the
22 assessments which this year is approximated
23 to generate 1 billion in this coming fiscal
24 year. At least that's what our staff, I

1 believe, and the budget indicates, which also
2 includes the zero-emission credit program and
3 the utility surcharge assessments.

4 So the questions I have is, how much
5 does this cost the average residential
6 taxpayer on their monthly utility bills? And
7 are the assessments billed at the same rate
8 to everyone regardless of the amount of
9 electricity they use, or do higher users of
10 electricity pay a higher rate?

11 NYSERDA PRESIDENT HARRIS: Certainly,
12 yes. So NYSERDA's primary source of funding
13 for our investments is through collections
14 via ratepayer collections. We do have a
15 small amount of funding that comes through
16 the state's Executive Budget as well as a
17 number of other sources.

18 But with respect to the programs that
19 are driven by these charges, it is a
20 situation in which it somewhat depends on the
21 program. NYSERDA's Clean Energy Fund is
22 funded by the distribution utilities
23 according to a collections schedule
24 established by the Public Service Commission.

1 The programs that are building
2 renewables across our state -- our offshore
3 wind, our land-based renewables, our Tier 4
4 program and beyond -- are funded by the
5 suppliers of electricity, and that is on a
6 pro rata basis such that our costs are spread
7 pro rata across the suppliers of electricity
8 and ultimately recovered through the charges
9 they provide to their customers. So a larger
10 user -- the rate is the same, but a user, a
11 higher user of electricity will pay more,
12 nominally.

13 CHAIRWOMAN WEINSTEIN: Okay, thank
14 you. That's all the questions I have. But
15 we have second round for -- no, not so quick,
16 Senator. We have second round for our
17 chairs. Three minutes for second round for
18 Assemblymember Glick.

19 ASSEMBLYWOMAN GLICK: Thank you very
20 much.

21 For NYSERDA, we've talked to some
22 small municipalities and they have, on all
23 possible buildings -- highway department
24 sheds and whatever -- tried to use renewable

1 energy. I'm wondering where we are from the
2 state's perspective in proceeding with that.

3 And in some of the buildings that are
4 now unusable, or where we have strip malls or
5 actually some rather large malls that are,
6 you know, pretty empty, are you working with
7 any of those developers to deck over parking
8 lots and so forth? Is there any plan around
9 that?

10 NYSERDA PRESIDENT HARRIS: Yes, there
11 certainly is -- there certainly is a plan.

12 One team that we have at NYSERDA is
13 actually focused on directly working with
14 host communities, including municipalities
15 themselves, around these issues of not only
16 the resources that we can bring to bear but
17 also the ways in which they may be best
18 equipped to site renewables in their
19 communities as well.

20 The Build Ready Program is a great
21 example of that, focusing on underutilized
22 properties. So we love landfills, we love
23 brownfields, parking lots, et cetera, because
24 these are areas in which they're untapped

1 potential, really, for solar siting.

2 I think when we look at these
3 communities it's really part of engaging in a
4 smart planning process, so the Climate Smart
5 Communities and the Clean Energy Communities
6 programs are designed to help communities
7 have tools in their toolbox for effective
8 planning and siting.

9 ASSEMBLYWOMAN GLICK: And that leads
10 to the question of accessibility of
11 transmission and upgrades to the grid. Where
12 are we, and what's the plan?

13 NYSERDA PRESIDENT HARRIS: Certainly.
14 I can imagine the next panel that will be a
15 topic of discussion. But ultimately I would
16 say there are, through your work in advancing
17 the Accelerated Renewable Energy Growth and
18 Community Benefit Act, there's a large number
19 of investments going on across our state by
20 the utilities to, first, identify upgrades
21 that are needed for reliability in the first
22 instance, but also upgrades that are needed
23 to site more renewables and to accommodate
24 the level of electrification that we've been

1 talking about today.

2 And there's good progress in that
3 respect, but I will allow the chair to
4 describe it in detail.

5 ASSEMBLYWOMAN GLICK: Thank you.

6 CHAIRWOMAN WEINSTEIN: We actually
7 have one more member. Assemblywoman
8 Levenberg, three minutes.

9 ASSEMBLYWOMAN LEVENBERG: Thank you,
10 Madam Chair. I appreciate it.

11 I just wanted to ask quickly -- and
12 you may have already answered this question,
13 I'm sorry, I had to leave and come back --
14 where microgrids fit into the picture. Have
15 you already spoken about that?

16 NYSERDA PRESIDENT HARRIS: No, no.
17 I'd be happy to.

18 We at NYSERDA have supported a number
19 of programs over the years on the topic of
20 microgrids. Certainly our microgrids of the
21 future focus on energy storage technologies
22 rather than combustion, given the Climate Law
23 and really how we would think about those
24 microgrids best functioning.

1 We have a number of studies that have
2 been undertaken in the past in that respect.
3 And sort of looking forward, we see this as a
4 really significant play for resilience and
5 have a number of programs, through our
6 Innovation Program in particular, focusing on
7 the applications of these technologies in
8 those means -- through those means.

9 ASSEMBLYWOMAN LEVENBERG: And to the
10 question of resilience, one of the things
11 that we sometimes notice is not all of our
12 agencies seem to be on board, not just with
13 resilience but also with some of these -- you
14 know, these improvements, whether it's, you
15 know, green lawn equipment for our DOT or the
16 trucks and machines that they use, or the
17 carbon-free concrete or things of that
18 nature.

19 Where does that -- any of those pieces
20 fit into the plan? Can you talk about that
21 briefly?

22 DEC COMMISSIONER SEGGOS: Again, one
23 thing I talked about earlier was
24 Executive Order 22 that the Governor signed

1 to unify all the sustainability objectives of
2 all the various agencies that have a role in
3 managing the landscape and operations.

4 That's very much underway, and it
5 unified other executive orders that -- where
6 we had made some significant progress. EO 22
7 really sets us on that path and supercharges
8 our efforts on the way we build, the way we
9 move around the state, the way we operate.
10 And that's primarily what we will be guided
11 by.

12 ASSEMBLYWOMAN LEVENBERG: Okay, great.

13 And then just very quickly, I just
14 wanted to second some of the comments from
15 Senate Chair Harckham the concerns about
16 Indian Point decommissioning and the water,
17 the tritiated water that could potentially
18 get put into the Hudson. I know you talked a
19 little bit about what -- about fluorocarbons,
20 PFAS and all those sorts of things, how they
21 get into the air, into the water. And I know
22 that we don't regulate the radioactivity, but
23 a lot of the regulations that the federal
24 government has set in place were based on,

1 you know, a 30-year-old man in protective
2 gear.

3 And so, you know, having drinking
4 water that young women or pregnant women are
5 going to be drinking -- or young men, for
6 that matter -- since we have, I think, seven
7 communities along the Hudson that rely on the
8 Hudson for drinking water, I think it
9 behoooves us as a state to intercept whatever
10 that might be since we do not have all the
11 answers.

12 DEC COMMISSIONER SEGGOS: Thank you
13 for raising that. And I will certainly be
14 following up on that point. Thank you.

15 CHAIRWOMAN WEINSTEIN: The Assembly is
16 closed.

17 CHAIRWOMAN KRUEGER: All right. And
18 the Senate has been closed.

19 So I want to thank all of you for your
20 participation in this hearing today. And I
21 think there were some questions where you
22 were --

23 (Applause.)

24 CHAIRWOMAN KRUEGER: Oh, you got

1 applause. Wow.

2 DEC COMMISSIONER SEGGOS: Happy
3 Valentine's Day.

4 NYSERDA PRESIDENT HARRIS: Thank you
5 all.

6 (Laughter; overtalk.)

7 CHAIRWOMAN KRUEGER: I'm not sure who
8 you got applause from, but please make sure
9 to follow up with us in writing on any
10 questions that you told us you needed a
11 little more time on.

12 So thank you all very much.

13 And we're going to call up -- so
14 people who want to talk to our guests, like
15 Steve Otis, should take it out in the hall.

16 (Laughter.)

17 CHAIRWOMAN KRUEGER: The next group is
18 applauding because they want to get in here.

19 Okay. So Steve Otis, Anna Kelles,
20 move to the outside to continue your
21 conversations. Just walk them out. Chat
22 with them in the hallway.

23 We are going to call up the New York
24 State Public Service Commission, Rory

1 Christian, and the New York State Office of
2 Renewable Energy Siting, Houtan Moaveni.

3 (Discussion off the record.)

4 CHAIRWOMAN KRUEGER: Okay. I warned
5 everyone it was going to be a long one. So
6 this is our lives.

7 So I want to thank you both -- or all
8 four of you -- for being here with us. And
9 why don't we start with the Public Service
10 Commission. You have 10 minutes, each of
11 you. Thank you.

12 PSC CHAIR CHRISTIAN: Thank you. And
13 happy Valentine's Day to everyone.

14 Good afternoon, or good evening, Chair
15 Krueger, Chair Weinstein, and other
16 distinguished legislative members. My name
17 is Rory Christian, and I am the chief
18 executive officer of the Department of
19 Public Service and the chair of the
20 Public Service Commission.

21 The commission's regulatory
22 jurisdiction extends over investor-owned
23 utilities, including six major electric and
24 gas utilities, five major gas-only utilities,

1 two major water companies as well. We also
2 have jurisdiction over certified
3 telecommunications corporations operating in
4 New York, hundreds of small water companies,
5 nearly 40 municipal utilities, as well as
6 cable companies, power generators and energy
7 service companies, also known as ESCOs.

8 The department also provides
9 regulatory oversight of electric utility
10 operations on Long Island.

11 In fiscal year '23-'24, Governor
12 Hochul set out an ambitious agenda to
13 continue implementing the Climate Leadership
14 and Community Protection Act, and doing so in
15 a manner that's cost-effective, equitable,
16 stimulates job creation, and focuses on
17 energy system reliability and affordability.

18 Guided by some of the nation's most
19 aggressive climate and clean energy
20 initiatives, New York is on a path to
21 achieving a zero-emission electric grid by
22 2040, including 70 percent renewable energy
23 by 2030 and economy-wide carbon neutrality by
24 mid-century.

1 The commission is proud to play a
2 central role in creating a more equitable
3 energy system, one that provides consumers
4 with clean sources of energy and improved air
5 quality while also meeting our traditional
6 role of ensuring safe, affordable and
7 reliable utility service.

8 During the transition to a clean
9 energy future, our commitment to
10 affordability remains steadfast. Due to the
11 COVID-19 pandemic, many households fell
12 behind on their utility bills, and an
13 unprecedented level of arrears accrued across
14 the state. This, combined with the rising
15 energy costs spurred by a global conflict and
16 an economy opening up from pandemic
17 restrictions, put many consumers in the
18 impossible position of having to choose
19 between paying their utility bills or other
20 basic expenses, like groceries.

21 Last year's budget provided the
22 commission with \$250 million to reduce
23 consumer utility arrears. The commission
24 then leveraged this appropriation to provide

1 a total \$567 million to roughly 330,000
2 low-income residents in arrears. Most
3 importantly, we moved the appropriation to
4 residents within four months of budget
5 adoption, quickly providing the needs to
6 many.

7 On January 19th of this year, the
8 commission approved a second phase of the
9 COVID relief program, providing an additional
10 \$672 million to 480,000 families and over
11 50,000 small businesses for past-due utility
12 bills. The initiative was determined to cost
13 less to ratepayers than doing nothing, since
14 the bad debt would ultimately eventually
15 become recoverable from all ratepayers.

16 More structural change is needed to
17 improve energy affordability. Governor
18 Hochul has proposed 200 million to expand our
19 monthly discount to more than 800,000
20 households making under \$75,000 a year --
21 households who are currently ineligible for
22 this current program.

23 Further, Governor Hochul proposed an
24 additional 200 million for the EmPower Plus

1 program to help 20,000 low-income families
2 retrofit their homes -- adding insulation,
3 installing energy-efficient appliances and,
4 where eligible, switching from fossil fuel
5 heating to clean electric alternatives.

6 Homes that participate in this program and
7 fully electrify will be eligible for the
8 energy affordability guarantee, a pilot
9 program that ensures these consumers never
10 pay more than 6 percent of their incomes on
11 electricity.

12 These programs will support the
13 development of cleaner, more efficient
14 buildings and prevent economic hardship in
15 our state's communities by assisting
16 consumers proactively with effectively
17 managing their energy bills.

18 The commission has supported the
19 development of renewable energy resources,
20 advanced green technologies, and made
21 significant progress in advancing
22 improvements in transmission and distribution
23 infrastructure, to cost-effectively
24 accommodate the increase in renewable energy

1 generation coming online. And we've done
2 this while maintaining the reliability and
3 improving the resiliency of our energy
4 systems.

5 Under the Governor's leadership,
6 utilities will invest more than a billion
7 dollars in support of vehicle
8 electrification, primarily for the
9 development of electric vehicle charging
10 infrastructure for passenger vehicles. We
11 will also build upon this success with a new
12 proceeding to advance the charging
13 infrastructure needed to electrify medium-
14 and heavy-duty vehicles. Pollution from
15 these vehicles impacts disadvantaged
16 communities where air quality is a public
17 health issue. And through this proceeding
18 the department will seek to encourage
19 proactive investments, especially in
20 disadvantaged communities and Clean Air Act
21 non-attainment areas.

22 The commission will continue
23 implementing solutions to reduce greenhouse
24 gas emissions and address some of the

1 inequities of the past, including in utility
2 rate cases. In the last two years the
3 commission has decided three major electric
4 and gas utility rate cases, and I'm proud to
5 say that our rate-case decisions reduced
6 initial requests dramatically, saving
7 ratepayers hundreds of millions of dollars
8 annually. And we intend to judiciously
9 review rate cases that are currently pending
10 before the commission.

11 Turning to broadband, last summer the
12 commission released a first-of-its-kind
13 interactive broadband map, the goal of which
14 was to provide the most detailed depiction of
15 broadband infrastructure in New York to date.
16 The map, which will be updated annually, is
17 already being used as a guide for future
18 broadband investment and has attracted
19 interest from other state utility commissions
20 wanting to follow our lead.

21 The commission will continue its
22 longstanding commitment to transparency,
23 particularly with its regulatory process.
24 Last year we held 98 public statement

1 hearings, attended by thousands of
2 New Yorkers. Additionally, we received over
3 20,000 comments in over 2,000 proceedings.
4 These comments played a key role in our
5 decision-making process. We fielded more
6 than 250,000 customer calls and another
7 70,000 inquiries and complaints. Together,
8 these activities ensure that the companies we
9 regulate are responsive to the needs and
10 concerns of consumers.

11 In sum, we are well-positioned to
12 deliver our core mission and meet the
13 Governor's ambitious agenda, and we are
14 grateful for the Legislature's support.

15 This concludes my remarks. Thank you.

16 CHAIRWOMAN KRUEGER: Thank you. Hi.
17 Energy Siting.

18 ORES EX. DIRECTOR MOAVENI: Sure.

19 Good afternoon, Chair Krueger,
20 Chair Weinstein, and other members of the
21 New York State Legislature. My name is
22 Houtan Moaveni, and I'm the executive
23 director of the Office of Renewable Energy
24 Siting. Thank you for the opportunity to

1 appear before you today to discuss the
2 important work and accomplishments of ORES in
3 the past year and the matters the office
4 expects to focus on during the state fiscal
5 year 2023-2024.

6 To begin, I would like to thank staff
7 at ORES and other partner state agencies for
8 their dedication and commitment to New York
9 State's renewable energy mission and
10 protection of the state's environment.

11 ORES has built an exceptional team of
12 subject matter experts to undertake a
13 coordinated and timely review of major
14 renewable energy facilities needed to meet
15 CLCPA. The challenges of implementing the
16 nation's first state office devoted
17 exclusively to renewable energy siting have
18 been met with the professionalism and
19 integrity envisioned by Executive Law 94-c.
20 Through the diligence and dedication of
21 staff, ORES has met or exceeded all its
22 statutory deadlines.

23 I am pleased to report the following
24 to the members of the New York State

1 Legislature. To help the State meet its
2 nation-leading clean energy goals under the
3 Climate Leadership and Community Protection
4 Act, ORES has developed and implemented a
5 permitting process that's comprehensive,
6 transparent, and fair. This fact-based
7 decision-making process stands as a
8 regulatory model to efficiently and
9 effectively enable the state's clean energy
10 transition, while ensuring protection of our
11 natural resources and consideration of all
12 pertinent social, economic, and environmental
13 factors, with input from host communities and
14 local governments.

15 Starting on Executive Law 94-c's
16 effective date of April 3, 2020, the office
17 immediately began working with prospective
18 applicants on all new applications for major
19 renewable energy facilities, including
20 transfer applications from the Public Service
21 Law Article 10 process. To date, the office
22 has issued 11 final siting permits totaling
23 over 1.7 gigawatts of renewable energy
24 capacity. As demonstrated by the records of

1 decision on the final siting permits issued
2 to date, the office conducted detailed,
3 transparent site- and project-specific
4 environmental reviews for these 11 siting
5 permits, with robust public participation,
6 including consideration of nearly 1,500
7 public and municipal comments, to ensure that
8 the proposed facilities meet or exceed the
9 requirements of Executive Law 94-c and its
10 implementing regulations.

11 Most of these facilities were approved
12 within six months from the date on which
13 applications were deemed complete, marking
14 the most rapid pace of major renewable energy
15 facility approvals in the state's history.

16 For a majority of the 11 permitted
17 facilities, host municipalities, applicants,
18 and ORES took a collaborative, consent-based
19 approach that resolved local concerns without
20 the need for a full administrative hearing
21 process. Local agencies and community groups
22 had access to over \$1.7 million of funding to
23 facilitate their participation in the
24 permitting process. These facilities are

1 expected to provide over \$200 million of
2 benefits to the host communities and create
3 more than 3,000 full-time-equivalent jobs
4 during construction and operation.

5 As these projects proceed, ORES will
6 continue to work collaboratively with the
7 host municipalities and community
8 stakeholders throughout the construction
9 phase.

10 At this time, the office has issued
11 its first notice to proceed with
12 construction, and site preparation is
13 expected to begin this month. Final
14 decisions are pending on four complete siting
15 permit applications, which must be made by
16 the office within one year from the date they
17 received their completeness determinations.
18 Additionally, the office has received two
19 permit applications that are currently under
20 review for completeness. Collectively, these
21 six facilities have a proposed renewable
22 energy capacity of 771 megawatts.

23 The 2023-2024 Executive Budget
24 proposes \$26 million in new appropriation

1 authority to support the office and its work.
2 The office expects significant application
3 activity to continue this fiscal year as the
4 pipeline of projects matures into full
5 applications in the coming months. This
6 pipeline consists of 62 projects, totaling
7 approximately 9 gigawatts of proposed
8 renewable energy capacity, that are in an
9 applicant-driven due diligence phase or are
10 proceeding through pre-application procedures
11 in consultation with ORES, other New York
12 State agencies, local governments, and
13 community members.

14 The \$26 million is needed to ensure
15 ORES has adequate resources to accomplish its
16 mission; namely, the coordinated and timely
17 review of proposed major renewable energy
18 facilities.

19 Under the leadership of Governor
20 Kathy Hochul, ORES stands ready to confront
21 the most pressing existential challenge of
22 our time -- the threat of climate change.
23 The state's commitment to a successful and
24 equitable transition away from the legacy of

1 polluting fossil fuel generation is dependent
2 on a responsible major renewable energy
3 facility siting process. ORES is
4 well-positioned to help the state meet the
5 clean energy goals of the CLCPA.

6 I want to thank you for your critical
7 partnership in supporting this office as we
8 work to reduce greenhouse gas emissions,
9 protect our natural resources, and provide
10 long-term economic development opportunities
11 for the state. We look forward to continuing
12 to work hand-in-hand with all stakeholders as
13 these facilities are developed and
14 constructed.

15 CHAIRWOMAN KRUEGER: {Mic off.} All
16 right. Thank you both very much for your
17 testimony. And we're going to go -- you'd
18 think I could learn how to use this
19 microphone. Thank you, Helene.

20 We're going to start with Chair Pete
21 Harckham, 10 minutes.

22 SENATOR HARCKHAM: Thank you very
23 much, Madam Chair.

24 Thank you both very much for your

1 testimony, and thank all of your teams for
2 their outstanding service.

3 I want to start with you,
4 Chair Christian. There's a small item in the
5 budget that could have strong implications,
6 and it doesn't have much explanation in the
7 budget. There's a line for DPS to place a
8 cap on residential consumers' energy usage.
9 Now, fertile imaginations could conjure
10 things up with something like that. So could
11 you give us some information on what that is
12 and how that would be -- that policy would be
13 developed and why that's necessary?

14 PSC CHAIR CHRISTIAN: So thank you for
15 that question, Senator Harckham. I believe
16 the item in question that you're thinking
17 about is likely related to the affordability
18 guarantee that we're attempting to move
19 forward.

20 As you know, the work that we do as a
21 commission, we try to make sure rates are
22 just and reasonable, and we acknowledge and
23 recognize that that does not always mean
24 affordable. So I believe the funding you're

1 referring to is a pilot program that we're
2 developing in part of the energy
3 affordability guarantee that will help offset
4 the costs of energy to low-income New Yorkers
5 making under a certain amount.

6 But -- I'd have to double-check and
7 look at the line item in question, but I
8 believe that's what you're referring to.

9 SENATOR HARCKHAM: But am I accurate
10 in the description that even if it's a pilot,
11 it would be a pilot based on capping the
12 amount of energy an individual customer could
13 use? Is that an accurate characterization?

14 PSC CHAIR CHRISTIAN: I would have to
15 look at the program. I know the program is
16 in development, so I can't speak to the
17 specifics of it. But that is a potential
18 option that would be available. Again, it's
19 in its early stages.

20 SENATOR HARCKHAM: And that's just a
21 pilot, or is that -- is that thought of as
22 being something to be deployed statewide?

23 PSC CHAIR CHRISTIAN: Again, at this
24 time it is a pilot. The goal would be to

1 test -- make sure it's effective, achieving
2 the policy goals that we want to achieve as a
3 result. And if effective, we could deploy it
4 statewide. That is my understanding.

5 SENATOR HARCKHAM: All right, thank
6 you. I would just -- I would just caution,
7 you know, again the vacuum of information
8 could lead I think fertile minds to
9 extrapolating on what that could mean to
10 individuals and to the marketplace.

11 So, you know, if there's more
12 information that can be provided to the
13 Senate, I think that would be helpful.

14 And I think in -- my next question I
15 think would go to Mr. Moaveni. I remember
16 last year at this hearing my predecessor in
17 this chair, Senator Kaminsky, asked you some
18 questions about a perceived backlog at the
19 time. Are we -- are projects flowing through
20 the pipeline? Do we have any backlog that
21 you would consider a backlog? Have we
22 cleared out what he was discussing last year?

23 ORES EX. DIRECTOR MOAVENI: Thanks for
24 the question. As I indicated in my written

1 testimony, the office has met or exceeded all
2 statutory deadlines -- or the office is
3 current with respect to all applications
4 filed to date. And we're well-positioned to
5 continue the same approach for expected
6 applications to come.

7 I'm not aware of anything as such as
8 like a backlog for the Office of Renewable
9 Energy Siting. As I indicated, the office is
10 current with all applications.

11 SENATOR HARCKHAM: All right,
12 terrific. Thank you.

13 I will yield my time for now. I may
14 or may not come back for the other three.
15 Thank you.

16 CHAIRWOMAN KRUEGER: Okay. Thank you,
17 Senator Harckham.

18 Next is Assemblywoman Didi Barrett,
19 chair.

20 ASSEMBLYWOMAN BARRETT: Thank you.

21 Thank you for hanging in there with
22 us. I'm going to start with Chair Christian.
23 I've got a couple of questions here.

24 We've talked about, earlier today, the

1 transmission challenges, the grid, and
2 obviously the goal of new electric housing
3 being built, and the huge need that we have
4 in order to meet housing needs. Can you talk
5 a little bit about whether we're really set
6 up to be able to do this in the timetable
7 that we're talking about?

8 PSC CHAIR CHRISTIAN: Absolutely. And
9 I'm happy you asked that question.

10 So we are actively and aggressively
11 working on all the infrastructure needed to
12 ensure that we are poised to meet our 2030
13 goals. I believe earlier President Harris
14 mentioned the renewable energy rollout that's
15 currently underway. She probably spoke to
16 the offshore wind contracts, the onshore
17 land-based solar and wind as well as the
18 battery storage and various rooftop solar
19 goals that we have in the state. Those are
20 all moving apace.

21 And I believe, as of the data I have
22 most recently available, what we have in
23 operation, under contract, under construction
24 would be sufficient to meet 66 percent of our

1 energy needs with renewable energy by 2030
2 when it all comes online.

3 So given we have another couple of
4 years till 2030, and we are continuously
5 contracting new generation, I believe we're
6 well-poised to meet the 70 percent target for
7 renewable energy by 2030 that we have set for
8 ourselves.

9 In addition to the renewable energy,
10 we also have a significant transmission need.
11 And many of you are aware of transmission
12 buildouts going on throughout the state.
13 Much of our transmission buildout has
14 traditionally been for reliability needs,
15 through an Order 1000 process. My
16 co-colleague at NYPA could talk to many of
17 those transmission projects.

18 But we currently have, I'd say,
19 roughly four or five Order 1000 -- three or
20 four Order 1000 projects currently underway.
21 These are traditional bread-and-butter
22 transmission that we've been doing for almost
23 a century.

24 Through the Accelerated Renewable

1 Energy Growth Act, the Legislature directed
2 the commission to study the transmission
3 needs that would be needed for the state to
4 meet the goals of the CLCPA. And as a result
5 of that we moved forward, issued a power-gen
6 study, and that power-gen study identified a
7 myriad of needs, both for, again, land-based
8 generation and offshore wind.

9 And we have moved forward with
10 addressing much of that in many ways. Again,
11 President Harris mentioned our Tier 4
12 efforts, which is a significant amount of
13 renewable energy generation and transmission,
14 which will be bringing generation from areas
15 where it's available to the downstate region.

16 In addition to that, we're also moving
17 forward with a variety of near-term
18 transmission needs through what we're calling
19 our Phase 1 and Phase 2 transmission effort,
20 Phase 1 being focused on near-term
21 reliability needs that should happen as
22 quickly as possible.

23 Most of our investments, as I'm sure
24 you all know, typically happen through rate

1 cases. Rate cases occur in a three to four,
2 sometimes five-year cycle, and oftentimes
3 that does not allow us to capture the best
4 benefit of investments. And thus this body
5 allowed us to move forward and advance the
6 needs for transmission, and we did that
7 through our Phase 1 investments, which was
8 done early -- I want to say June last year.

9 Earlier this year we moved forward
10 with our Phase 2 transmission investments,
11 which are focused on transmission needs that
12 will actually allow us to put in more
13 renewable generation. We realize that in
14 certain parts of the state generators have
15 concerns and issues connecting new assets to
16 the existing grid, and the plans that we have
17 in place through Phase 1 will provide enough
18 transmission to allow that generation to
19 connect.

20 So from every front on the supply
21 side, both from generation and transmission
22 and related infrastructure, we have a plan in
23 place, we have a line of sight for 2030, and
24 we're on target to meet it.

1 ASSEMBLYWOMAN BARRETT: Okay. Sounds
2 good. I'm going to shift to a little bit
3 more local issue.

4 Many of my constituents have had
5 record high utility bills, particularly with
6 Central Hudson. Lots of explanations that
7 are national disruptions, the supply chain,
8 population issues, estimated billing. If you
9 had to pinpoint the major issues for this
10 overwhelming increase for -- you know, in
11 utility bills, what would you say? And do
12 you think that this estimated billing is a
13 key piece or are there other parts that we
14 should be also looking to rectify?

15 PSC CHAIR CHRISTIAN: So I'm going
16 to -- thank you. And this is a really good
17 question that I actually get asked quite
18 often, so I'm going to have to parse the
19 answer into two and treat them as discrete
20 entities. Because it's difficult to talk
21 about one and the other without some
22 obfuscation.

23 So first I'll speak to the impacts of
24 what has been impacting our energy prices,

1 and then I'll speak to the billing issues
2 specific to Central Hudson, as you just
3 identified.

4 So the primary driver of the energy
5 issues that we've recently experienced have
6 largely been driven by geopolitical issues
7 around the world, particularly the invasion
8 of Ukraine by Russia that sent a huge supply
9 disruption throughout the world and created
10 significantly higher energy prices -- not
11 just here in New York and the United States,
12 but worldwide. In many ways the impacts we
13 see here have paled in comparison to what
14 some of our European partners and others in
15 the rest of the world have experienced. So
16 that is one of the significant drivers.

17 The second -- keep in mind a lot of
18 this happened as we were coming out of the
19 pandemic-era restrictions. So as our economy
20 was opening, as supply was -- as demand for
21 products was growing once again, that caught
22 us off-guard and there was a disconnect in
23 terms of availability of supply to meet that
24 demand. And again, compounding factors

1 created a significant increase in energy
2 which we felt in 2021, feeling again in 2022,
3 and we felt a little bit of that now and
4 likely will for a little while to come.

5 So that is one of -- in my opinion,
6 the significant driver of the recent energy
7 prices that we have seen.

8 Now, speaking specifically to the
9 billing issues, we've had a number of reports
10 of billing issues. And I'm sure you're all
11 aware of the investigation the Department of
12 Public Service conducted into the billing
13 practices of Central Hudson. We found
14 evidence suggesting -- suggesting a number of
15 problems with how they rolled out the billing
16 issue -- the billing system that they
17 recently installed. We've had a number of
18 public hearings. We've heard from
19 constituents throughout the state. And we
20 are currently in a process of working with
21 them to, first, remedy the issue and ensure
22 that their billing system works -- because
23 more than anything else, we want to ensure
24 that that connection to the customer is

1 something customers can trust and rely upon.

2 And upon repairing that, we can go
3 further. And the results of our
4 investigation are currently ongoing. We'll
5 see where that goes and take whatever action
6 we deem necessary based on our findings.

7 ASSEMBLYWOMAN BARRETT: Thank you.

8 I'm going to shift to Director
9 Moaveni.

10 You talked about the pieces in the
11 pipeline, the projects in the pipeline. Have
12 you actually rejected any projects at all in
13 this process?

14 ORES EX. DIRECTOR MOAVENI: To date,
15 no, the office has not rejected any
16 applicants.

17 ASSEMBLYWOMAN BARRETT: No rejections,
18 okay.

19 You know, my district has had a lot of
20 issues and I've heard from a lot of
21 constituents who want some questions
22 answered, so I'm going to kind of go through
23 some of those here.

24 Do you -- are you concerned about some

1 of the fast-tracking really putting
2 agricultural land at risk and your
3 opportunity to override those kinds of
4 things? Are you seeing that happening or is
5 that part of what concerns you in this, going
6 forward?

7 ORES EX. DIRECTOR MOAVENI: So the
8 office, as I indicated, conducts a very
9 detailed and transparent --

10 ASSEMBLYWOMAN BARRETT: Could you move
11 closer to your mic, please?

12 ORES EX. DIRECTOR MOAVENI: I'm a loud
13 speaker, so I don't want to --

14 So the office conducted a very
15 detailed and transparent review,
16 environmental review, for the proposed
17 viability of the facility. As a part of
18 that, among multiple factors, the office must
19 make sure these facilities essentially comply
20 with all of applicable local laws. At the
21 same time, all the potential significant
22 adverse environmental impacts are avoided,
23 minimized, mitigated to the maximum extent
24 practicable.

1 So as a part of the environmental
2 review, with respect to agriculture, the
3 office recognizes the value and importance of
4 agricultural lands in New York State, and the
5 office essentially takes the position that
6 agricultural and renewable energy projects
7 are compatible uses and they can coexist and
8 both can and should maintain economic
9 viability. The office is taking a holistic
10 approach on the premise that we can and we
11 must scale renewable energy projects in
12 New York State to meet CLCPA in ways that,
13 first, impacts to active and prime farmlands
14 are avoided to the maximum extent
15 practicable. Two, agricultural lands are
16 preserved for the next 30, 35 years. And
17 finally, these facilities are decommissioned
18 at the end of their lifetime.

19 In close collaboration with my
20 colleagues from the Department of Ag &
21 Markets, the office has conducted
22 case-by-case site and project-specific
23 reviews so far on the applications in front
24 of us. And we look forward to continued

1 efforts with all stakeholders to make sure
2 that we find the right balance to scale up
3 renewable energy projects in New York State
4 while we are protecting farmland and farmers.

5 ASSEMBLYWOMAN BARRETT: Okay. I have
6 some more questions; I'll come back
7 afterwards. Thank you, though.

8 CHAIRWOMAN WEINSTEIN: To the Senate.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Our next questioner is Senator
11 Salazar.

12 SENATOR SALAZAR: Thanks. I thank you
13 both for testifying.

14 I want to ask you, Chair -- so among
15 other neighborhoods, I represent Williamsburg
16 and Bushwick in the Senate, including a long
17 stretch of Newtown Creek and Cooper Park
18 Houses. You probably know where I'm going
19 with this. Thank you for coming to the
20 hearing at Cooper Park regarding National
21 Grid's LNG vaporizers, which I am vehemently
22 opposed to, along with the other -- all of
23 the elected officials in the area and the
24 community living there.

1 A report commissioned by the PSC
2 actually concluded that the LNG vaporizers
3 were essentially unnecessary. Why does the
4 PSC continue to approve fracked gas expansion
5 and rate hikes to pay for that fracked gas
6 expansion, such as the North Brooklyn
7 Pipeline, and the use of these LNG
8 vaporizers?

9 PSC CHAIR CHRISTIAN: Thank you.
10 You're talking about my favorite topic.

11 So the Greenpoint vaporizers were
12 identified as a needed project several years
13 ago. And at that time -- sorry. In
14 determining whether a need is there, we look
15 a number of different factors. Primary among
16 them is the load growth forecast for that
17 region. And when this project was initially
18 proposed, at that time the load growth
19 suggested there would be a need in the very
20 near term.

21 Now, as the report you're alluding to,
22 the independent third-party consultant report
23 that we had as a result of wanting to make
24 sure that this project was having a second

1 set of eyes -- and this is something agreed
2 to be National Grid and the Public Service
3 Commission -- found that the project would
4 not be needed in the timeline originally
5 planned. And so as a result, they recommend
6 that the project not move forward in the
7 current timeline.

8 So to clarify, no one has said the
9 project is not needed, they've simply said
10 the project is not needed as originally
11 planned. So I want to make sure that
12 distinction is clear.

13 Now, that said, that's specific to
14 that project. But in general, you know, we
15 have a system, a number of energy systems in
16 place -- steam system, natural gas system,
17 electric system. All of these systems need
18 to be maintained in order to operate safely.
19 And key among the priorities of the
20 commission is the provision of safe and
21 reliable service. We must maintain
22 investments in the system to ensure that that
23 service is reliable and available when
24 needed.

1 If we deem a project is needed for the
2 system, we will invest in that project for
3 the system. And that is longstanding
4 practice that we are doing.

5 Now, in terms of recognizing the needs
6 of the CLCPA and the needs to keep rates in
7 mind, we have a number of steps to ensure
8 that the decisions we are making in terms of
9 investments are vetted as thoroughly as
10 possible. You're likely aware of a program
11 we have in place called Non-Pipeline
12 Alternatives, which is specifically designed
13 to allow for investments in alternatives to
14 traditional utility investments, specifically
15 investments like the Greenpoint vaporizers.

16 So -- yeah.

17 CHAIRWOMAN KRUEGER: Thank you.
18 Assembly.

19 CHAIRWOMAN WEINSTEIN: Assemblywoman
20 Glick.

21 ASSEMBLYWOMAN GLICK: Thank you.

22 To sort of follow up a little bit,
23 what is the PSC's view of the lifespan of
24 street gas conduit? Is that something that

1 the gas pipes in the street last 20 years,
2 50 years?

3 PSC CHAIR CHRISTIAN: That is a really
4 good question.

5 So I can tell you we have
6 infrastructure -- the life and age of
7 infrastructure vary significantly based on
8 use, condition, areas. You can imagine a
9 steel pipe underground near the ocean,
10 exposed to saltwater, would probably erode a
11 lot quicker than a similar steel pipe in
12 upstate New York.

13 So a lot of these factors come into
14 play when deciding what type of equipment to
15 be installed, where it's needed, how it's
16 going to be operated. And also operating
17 conditions have an impact as well. Typically
18 when we are looking at the useful life of
19 equipment, that's something that's determined
20 in individual rate cases. And as the
21 examples you've illustrated, 20, 50 years --
22 those are numbers that are often thrown out.

23 But the pipeline, the time varies.

24 ASSEMBLYWOMAN GLICK: I ask this

1 because we are wondering what, you know, your
2 role is in making determinations about when
3 Con Ed, for example, is going to put in, you
4 know, 50 miles of new gas lines in New York
5 City, where maybe we're thinking those lines
6 last 50 years and we are really hoping we're
7 going to be off of those in 20 years. And
8 yet the ratepayers will be paying for that
9 capital investment that, over time, is, you
10 know, just going to be lying fallow -- unless
11 they're reused for, if it's at all possible,
12 for underground transmission lines.

13 But that's the question. Like what's
14 the thinking and what's the planning?

15 PSC CHAIR CHRISTIAN: So we currently
16 have a number of different proceedings
17 underway to look at the future of the gas
18 system. And I believe President Harris
19 mentioned one of them, the gas planning
20 proceeding which is currently underway.

21 That is specifically looking at the
22 use and condition of the gas system today and
23 what it will look like 10, 20 and 30 years
24 from now, and how we will take steps to get

1 us from where we are today to where we need
2 to be tomorrow. So that is an active
3 proceeding, currently engaging, and we are
4 getting comments and feedback from parties in
5 terms of recommendations.

6 Now, that said, I mentioned earlier in
7 response to Senator Salazar one of the many
8 things that we're currently doing, to find
9 alternatives to past practices. And as you
10 can imagine, in the past our gas system was
11 one that was growing tremendously,
12 particularly if you consider the 1970s, '80s
13 and '90s. Tremendous growth in gas assets.

14 Recognizing that that is likely not to
15 continue, we years ago, prior to my joining
16 the commission, instituted non-pipeline
17 alternative policies, with the goal of
18 finding alternatives to using pipelines in
19 the ground or making those new investments
20 that you referred to. These are largely
21 energy-efficiency measures.

22 And one other thing I'd like to point
23 out, the Utility Thermal Energy Network is
24 one additional vehicle that the Legislature

1 put forward requesting that the commission
2 direct the utilities to find alternatives to
3 heating with natural gas. We're currently
4 reviewing those pilots now and examining what
5 to do with them, as alternatives to existing
6 infrastructure.

7 So we have a number of plans in place
8 to look at what we can do and what our
9 options are.

10 ASSEMBLYWOMAN GLICK: Thanks very
11 much. On to siting.

12 When -- I guess the first question is,
13 are you looking at or are you involved in
14 only the large-scale siting? Or are you also
15 part of looking at siting at defunct
16 environments? So whether it's a factory
17 that's gone belly-up 20 years ago and has
18 been lying fallow and has a large area around
19 it. Or some of the malls that are empty or
20 almost empty, or where there are malls where
21 there's still some commerce but the
22 possibility of decking over the parking lot.

23 Are those the type of programs that
24 you might look at, projects you might look

1 at? Or is that completely somebody else's
2 shop?

3 ORES EX. DIRECTOR MOAVENI: So the
4 Office of Renewable Energy Siting has
5 authority to review and issue permits for
6 major renewable energy facilities. And the
7 definition of major renewable energy
8 facilities would be any renewable energy
9 project with generation nameplate capacity of
10 25 megawatts and larger.

11 Projects between 20 to 25 megawatts
12 can also opt into the state siting process
13 pursuant to Executive Law 94-c, but generally
14 speaking we're talking about large-scale
15 solar and wind projects.

16 ASSEMBLYWOMAN GLICK: Okay. So if
17 it's 5 acres a megawatt, then --

18 ORES EX. DIRECTOR MOAVENI: Please
19 don't hold me accountable to that. But I
20 will just say a rule of thumb, I would say
21 like, you know, for every megawatt you need
22 somewhere around like 7 acres.

23 ASSEMBLYWOMAN GLICK: Okay. So you're
24 looking at primarily open fields somewhere.

1 The -- there was the statement that
2 it's not incompatible with farmland. In what
3 way do you see that is not being
4 incompatible? Are there certain ways in
5 which the project is configured that makes it
6 compatible? Are you using standing arrays as
7 opposed to a field of flat arrays? Could you
8 expand on that?

9 ORES EX. DIRECTOR MOAVENI: So the
10 fact of the matter is that we cannot meet our
11 CLCPA goals without integration of multiple
12 uses. And in this case the office's position
13 has been that -- as I mentioned, that
14 farmland and renewable energy projects are
15 compatible uses. And we are looking at the
16 most innovative approaches, how we can
17 specifically integrate solar projects with
18 agriculture and farming activities.

19 In New York State we have a new
20 industry growing -- I think earlier this
21 morning the name was mentioned a couple of
22 times, agrivoltaics. There are different
23 types and kinds of agrivoltaics that these
24 days are being developed. So essentially the

1 office's position is, you know, rather than
2 other types of development, even like the
3 conventional generation facilities that when
4 you develop them, that would be a permanent
5 damage to the agricultural land, if it's done
6 properly -- and I emphasize on that -- if
7 it's done properly, there are ways that we
8 can make sure that we can preserve the land
9 for the next 30 to 35 years.

10 We do not want it to be prescriptive
11 in our regulations, and we want to allow
12 innovation. As I mentioned, this is a topic
13 that these days, just beyond our great state
14 and across the nation -- worldwide, countries
15 are working on it, as like what's the best
16 way to integrate solar with agricultural
17 uses.

18 ASSEMBLYWOMAN GLICK: There are parts
19 of the country that are divided, as the
20 Midwest flyway, we are on the North Atlantic
21 flyway. So when you are looking at and
22 planning for offshore wind, what are the
23 processes that you go through and with whom
24 do you interact when you're permitting things

1 that are offshore wind -- which we think is a
2 good thing, but we don't want to do it in a
3 way that is -- devastates migratory birds,
4 which are clearly important to all of us
5 eating.

6 ORES EX. DIRECTOR MOAVENI: The office
7 does not have authority over -- I think, if
8 I'm not mistaken, you're talking about the
9 offshore wind project down in southern
10 Long Island. The office does not have
11 statutory authority with respect to that
12 project.

13 With respect to the transmission side
14 of it, I think the chair can address that.

15 PSC CHAIR CHRISTIAN: Hi. Yes. So
16 the offshore wind projects were approved some
17 time ago, and as part of the approval process
18 there were a variety of environmental impact
19 studies conducted to determine the
20 feasibility of the various areas being done.
21 And that's part of any kind of particular
22 infrastructure project like that.

23 ASSEMBLYWOMAN GLICK: The impact
24 study -- sometimes the impact studies are

1 actually done by agencies that aren't
2 necessarily focused on the environment. So
3 who would have been doing those?

4 PSC CHAIR CHRISTIAN: So I can get
5 back to you with that information. I'm happy
6 to give you an overview of the process from
7 start to finish.

8 ASSEMBLYWOMAN GLICK: Okay, appreciate
9 that. Thank you.

10 CHAIRWOMAN WEINSTEIN: Senate?

11 CHAIRWOMAN KRUEGER: Thank you.

12 We have Senator Stec.

13 SENATOR STEC: Thank you.

14 Good afternoon. My first question is
15 for Director Moaveni.

16 NYISO estimates about 39,000 megawatts
17 of capacity is going to need to be sourced
18 from grid-connected solar in order to meet
19 the CLCPA goal of 100 percent renewable
20 electricity by 2040. The largest operating
21 solar facility in New York right now is on
22 Long Island, which generates 32 megawatts and
23 covers about 200 acres. So if you
24 extrapolate those numbers it would take about

1 245,000 acres of land to reach the needed
2 solar capacity.

3 Does that logic or extrapolation seem
4 accurate?

5 ORES EX. DIRECTOR MOAVENI: I would
6 have to get back to you on the numbers
7 exactly.

8 SENATOR STEC: All right. I know that
9 there's several large ones in the pipeline.
10 I've got one in the new part of my Senate
11 district in St. Lawrence County in the town
12 of Canton, 240 megawatts, 1700 acres. A lot
13 of controversy or local disagreement or
14 dissatisfaction with the process, that
15 there's not local control on siting.

16 How are you planning to balance energy
17 needs with local opposition? And as we get
18 closer to the deadlines, does that mean that
19 we can expect that your organization will be
20 deciding it will be more inclined to approve
21 these projects despite local opposition?

22 ORES EX. DIRECTOR MOAVENI: From my
23 perspective, the key to a successful siting
24 process is prepared local governments and

1 well-informed communities. Building local
2 support for these projects is just as crucial
3 as getting, from our perspective, ORES
4 approval.

5 Executive Law 94-c and its implemented
6 regulations at Part 900 provide local
7 governments and communities with multiple
8 opportunities to meaningfully participate in
9 the permitting process. And applicants are
10 required to conduct sufficient and meaningful
11 engagement with local governments.

12 In the interests of time, let me just
13 outline a few for you. First, the office
14 will not deem any application complete
15 without the proof of consultation with local
16 government and community groups.

17 Two, local governments and communities
18 are provided with funding in order to
19 facilitate their participation in the
20 process.

21 Three, I believe that transparency
22 improves outcome. All the application
23 materials, all the office decisions are
24 posted and are accessible on our website.

1 Four is all the office decisions would
2 be subject to public comment, both written
3 and also we conduct, in every single case, an
4 actual public comment hearing where the host
5 municipality is proposed.

6 I can continue to go through the other
7 opportunities. From my perspective, as I
8 indicated before, it's a critical part of the
9 94-c and Part 100 to make sure that local
10 governments and communities have meaningful
11 opportunities to express their point of view
12 on these important projects.

13 SENATOR STEC: I appreciate that. My
14 time is limited.

15 Just so that I'm clear, though, so
16 does a local government ultimately have the
17 ability to approve or disapprove? Or do they
18 just provide input but the decision is not
19 theirs?

20 ORES EX. DIRECTOR MOAVENI: So
21 essentially the way it works is the office is
22 required to -- in my response to
23 Assemblywoman Barrett, that before issuing a
24 final siting permit, the office is required

1 to make a finding that the proposed facility
2 would comply with all applicable local laws
3 and regulations.

4 In making that determination, the
5 office may elect not to apply, in whole or in
6 part, any local law or provision if the
7 office makes a finding that that specific
8 local law or provision is unreasonably
9 burdensome in light of the CLCPA targets and
10 environmental benefits of the facility. This
11 is a decision that has to be made on a
12 case-by-case basis based on the specific
13 project, based on the record containing
14 specific facts and circumstances.

15 SENATOR STEC: All right, thank you.

16 Chair Christian, if I could ask you,
17 what is the current load capacity of our
18 electric grid, and what do you estimate that
19 that capacity will need to be by the time we
20 transition to net-zero emissions in 2050?

21 PSC CHAIR CHRISTIAN: I do not have
22 the exact numbers with me right now, but I'm
23 happy to go over NYISO reports that document
24 both the summer peak and the winter peak and

1 describe those in detail.

2 SENATOR STEC: I'd appreciate it if
3 you could send that to us.

4 You're aware we've talked earlier
5 today and a couple of weeks ago at the
6 Scoping Plan hearing that there's been a
7 dollar amount put on upgrading the
8 electric -- the cost of upgrading to
9 all-electric in the neighborhood of 275 to
10 290 billion dollars. Is that number
11 accurate, in your opinion?

12 And do you have any concerns about the
13 resiliency of our grid in extreme weather
14 conditions like the extreme cold that we had
15 in my district a couple of weeks ago or the
16 snow and ice storms that we're prone to get?

17 PSC CHAIR CHRISTIAN: It is literally
18 my job to be concerned about the integrity of
19 the grid. We focus on its safety and
20 reliability at all times. And during the
21 event in -- over Christmas, my staff and I
22 were on call 24 hours a day, working with
23 emergency services to manage responsiveness.

24 And in terms of --

1 SENATOR STEC: The buzzer cut you off.

2 PSC CHAIR CHRISTIAN: I'll follow up
3 with you.

4 SENATOR STEC: Appreciate that. Thank
5 you.

6 PSC CHAIR CHRISTIAN: No problem.

7 CHAIRWOMAN KRUEGER: Thank you.
8 Assembly.

9 CHAIRWOMAN WEINSTEIN: We go to
10 Assemblywoman Shrestha.

11 ASSEMBLYWOMAN SHRESTHA: Hi.

12 My first question is for the chair.

13 So we all know about the Central
14 Hudson billing issue. I just had a few
15 questions. Have you had a chance to talk to
16 the new CEO for Central Hudson?

17 PSC CHAIR CHRISTIAN: I have, yes.

18 ASSEMBLYWOMAN SHRESTHA: You have.
19 And do you find that he is more willing to
20 accept responsibility for the billing issues
21 compared to the last CEO?

22 PSC CHAIR CHRISTIAN: I'm reluctant to
23 speak for anyone who is barely 48 hours in a
24 new position.

1 (Laughter.)

2 PSC CHAIR CHRISTIAN: But I know -- I
3 can say when we learned the news of Freni's
4 resignation, Chris and I spoke, I would say
5 within a few minutes. We had a very good
6 conversation. We talked openly and clearly
7 about the ongoing issues and the goal of
8 resolution. And I feel confident that we
9 will work together to ensure that the billing
10 problems are addressed. That's the priority
11 of this commission and I believe that will be
12 the priority of Central Hudson as well.

13 ASSEMBLYWOMAN SHRESTHA: And I know
14 that you are still working on determining
15 what the actions should be. But do you think
16 that they have been held sufficiently
17 accountable?

18 PSC CHAIR CHRISTIAN: I can't really
19 say that right now. We've conducted our
20 investigation. We've received feedback from
21 Central Hudson. And right now we're going to
22 look through that, look through our evidence,
23 compile our information, and at some point we
24 will, as a commission, make a decision on

1 what we feel is appropriate if it comes to
2 that.

3 But right now I won't be able to speak
4 to specifics, as it's an ongoing matter. But
5 it is something that is top of mind and we're
6 looking to resolve as quickly as possible.

7 ASSEMBLYWOMAN SHRESTHA: And was there
8 a reason it took around a year to do the
9 investigation? I'm just curious what would
10 have helped the investigation start earlier.

11 PSC CHAIR CHRISTIAN: We only have one
12 minute, so I will do this as quickly as I
13 can.

14 ASSEMBLYWOMAN SHRESTHA: Yes.

15 PSC CHAIR CHRISTIAN: Our first
16 priority, when we realized there were billing
17 issues, was addressing the billing issues.
18 And we worked with Central Hudson as best as
19 we could to address those and ensure that
20 customers' needs were being met.

21 As things evolved over time and
22 complaints continued to rise, we of course
23 began investigating, realizing this was not a
24 simple, trivial matter.

1 And as a result, we have this report,
2 we have our findings, we're waiting for
3 feedback from Central Hudson on their view of
4 our findings, and that will all be taken into
5 consideration in determining next steps.

6 ASSEMBLYWOMAN SHRESTHA: Okay. And I
7 have also heard that other utilities are
8 looking into adopting the same billing
9 system. Are you aware if that's true or if
10 they're being advised not to do that?

11 PSC CHAIR CHRISTIAN: Well, we have
12 been in conversation with all our utilities a
13 lot more in light of just the ongoing matters
14 with higher energy prices. We have a few
15 other utilities that have experienced some
16 degree of billing issues as well, and we've
17 had a few public hearings on that. We're
18 looking into what we can do in terms of
19 ensuring that future transitions are done
20 more seamlessly. And we're taking steps to
21 incorporate --

22 ASSEMBLYWOMAN SHRESTHA: Sorry, I just
23 want to use my last second to say please
24 don't increase the rate for Hudson Valley

1 Water Company.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Michelle Hinchey, chair.

4 SENATOR HINCHEY: Thank you very much.

5 And thank you both for being here and
6 for your testimony and for your work in the
7 very important subject areas that you
8 oversee.

9 My first questions are for Chairman --
10 Chair Christian. Speaking about costs, we
11 talk a lot about cost as it pertains to a
12 renewable energy transition. Yes or no, are
13 fossil fuels a finite resource?

14 PSC CHAIR CHRISTIAN: Yes.

15 SENATOR HINCHEY: So if we are staying
16 dependent -- if we were to stay dependent on
17 fossil fuels, no matter what, cost of that
18 choice would increase both for the state and
19 for residents because it's a finite resource.

20 PSC CHAIR CHRISTIAN: I can't answer
21 that as a yes exactly. And part of that is I
22 am not a Ph.D. economist, and I have several
23 Ph.D. economists who would yell at me
24 tomorrow morning if I answered that with a

1 straight yes.

2 It's a very complicated issue, and
3 I'll use a point to highlight why. So at
4 some point in the '60s, '70s, there was a gas
5 shortage in the United States. In fact there
6 was a significant push to stop using natural
7 gas because of how severe the shortage was.
8 We as a country were considering importing
9 natural gas. I want you to take a moment and
10 think about that: We were going to import
11 natural gas. This is long before the advent
12 of shale, shale gas and fracking.

13 And with that, we are now among the
14 leading exporters of LNG, natural gas, in the
15 world. That happened in less than 50 years.
16 That was a massive technological change. No
17 one expected that.

18 We can't predict these -- what some
19 call Black Swan events, the unexpected. But
20 generally speaking, if we look at what's
21 happening with oil, I -- as a young man I
22 remember \$20 a barrel was the going number.
23 Please don't date me with that number. Today
24 we're very much away from that number, and I

1 don't imagine that ever returning.

2 So we do see, as we -- as you extract
3 the resources that are easily available, what
4 becomes available becomes the harder to get
5 resources, and the cost to get that next
6 resource is more expensive than the resource
7 you previously got. If we continue along the
8 path of relying on fossil fuels, we are
9 locking ourselves into paying higher and
10 higher prices as those resources that are
11 readily available become more difficult to
12 get.

13 The catch is, every now and then we
14 come up with some really interesting
15 technologies that turn that on its head. But
16 generally speaking, prices have been going up
17 as resources have become more difficult to
18 find.

19 SENATOR HINCHEY: And you agree that
20 people -- we will be saving money in the long
21 term if we do a shift to renewable energy and
22 we do the investments that we need to get
23 there sooner than later.

24 PSC CHAIR CHRISTIAN: I have every

1 reason to believe so. And I say this based
2 on looking at past projects that were at one
3 point -- past renewable energy projects that
4 at one point were viewed as uneconomical.
5 And I look at the prices that we were not
6 willing to pay then, and what we are paying
7 today, and I think people would change their
8 mind if they would understand where we were.

9 So with renewable energy prices you
10 have a lot more certainty, you have a lot
11 more stability. And there again, that's not
12 even including the environmental attributes
13 that you get as a result of this change.

14 So I do see us living in a much more
15 stable energy world if we're able to produce
16 our own energy domestically and not rely on
17 extractive resources from elsewhere.

18 SENATOR HINCHEY: Thank you.

19 And it's important to note that we
20 need renewable energy, we needed to be
21 creating more of it 50 years ago. We are now
22 in a crunch time to do that. However, we
23 can't replace a climate crisis with a food
24 crisis. And so my next set of questions are

1 for you, Mr. Moaveni.

2 You know, we've heard a lot today
3 already about community input, and yet my
4 understanding of the 94-c program is to do
5 exactly the opposite, it's to make it so that
6 we can site renewable energy faster,
7 specifically solar developments, faster
8 without that much public input because that's
9 how it goes through the process faster.

10 ORES EX. DIRECTOR MOAVENI: I
11 respectfully disagree with that
12 characterization. And if the number of
13 approved decisions by this office to date --
14 if we take that as an indicator, we can
15 conclude that in a majority of the cases host
16 towns actually have worked collaboratively
17 with applicants and ORES office staff and
18 have addressed issues without the need to go
19 through the formal public comment hearing
20 process.

21 We have considered over 1500 public
22 comments. We have reviewed and addressed
23 those comments no matter where they were
24 posted.

1 SENATOR HINCHEY: For the sake of
2 time -- I have more questions -- I appreciate
3 that. I'll tell you, I represent 56 towns,
4 municipalities, and a lot of our communities
5 are being sited for solar. And I will tell
6 you, every single one of those communities
7 feels differently. They feel like their
8 voices are not heard, they feel like there is
9 not a process for them. And that when they
10 do communicate, similar to my colleague
11 Senator Stec's comments, when they do
12 communicate, it doesn't actually matter in
13 the next steps of siting, it's just a nice --
14 something for them to send to you but doesn't
15 actually factor into the final decision.

16 You know, I know that there's a
17 general feeling, from our projection from our
18 agencies, that we are not actively siting on
19 farmland. We had a bill, I had a bill with
20 Assemblymember Barrett to remove farmland
21 siting from the incentive program, the
22 Build Ready program. And when asked why we
23 would keep farmland in an incentive program
24 if we are actively not incentivizing, I had

1 no good answer from anyone from the second
2 floor or from our agencies.

3 So I'm curious as to your thoughts on
4 that, because I will also say I -- as one of
5 my 56 towns, there are two solar projects
6 sited in one town. There are many others,
7 but specifically these two take up over
8 10 percent of the land of that one community.

9 And so is there also someone in your
10 organization that is looking at regional
11 impacts while these things are being sited?
12 Because we haven't seen that.

13 ORES EX. DIRECTOR MOAVENI: You
14 mentioned a lot, so I have to unpack them one
15 by one.

16 So the first point, as I indicated
17 last year to your question, the two projects
18 that you are referencing were not permitted
19 pursuant to Executive Law 94-c and Part 900.
20 So I really -- I cannot comment on that one
21 way or the other.

22 The second point is the office makes
23 every effort to provide local government and
24 communities to basically have meaningful and

1 fair opportunities so they can be heard. And
2 the office, you know, wants to make sure any
3 possible ways we can have those comments and
4 concerns incorporated into the final
5 decision-making.

6 Having said that, it's just the office
7 also faces some challenges -- I'll just give
8 you a few examples. One, we don't have any
9 express executive authority if an
10 application, a full application is not being
11 submitted in front of the office.

12 Two is the office cannot address a
13 community concern if the community or like
14 local government refuses to participate in
15 the process.

16 And three is the fact that if the
17 office essentially in some cases has to
18 disagree with a position of the host town or
19 a community group, in no way, shape or form
20 that means that essentially the office is
21 ignoring the comment. The office, similar to
22 applicants, similar to towns, has to meet
23 certain statutory and regulatory legal
24 standards.

1 So that's really, I think, as I said,
2 like we've addressed like the second point
3 about the public participation. And three is
4 just with respect to that the -- as you
5 mentioned, like on the ag and the cumulative
6 impact, yes, the office is monitoring,
7 tracking cumulatively the impacts of major
8 renewable energy development on farmland.
9 And that's something, again, we do in the
10 context of each specific case one by one.

11 SENATOR HINCHEY: But do you have a
12 running -- you can share that publicly with
13 us on how you're tracking that?

14 ORES EX. DIRECTOR MOAVENI:
15 Absolutely. I mean, to the extent that we
16 have the information available, absolutely,
17 why not.

18 SENATOR HINCHEY: I would hope you
19 have the information because that would mean
20 you'd be tracking it holistically.

21 ORES EX. DIRECTOR MOAVENI: Yup.

22 SENATOR HINCHEY: If not, then I think
23 that answers the question.

24 You know, in a hearing that we had

1 just a couple of weeks ago on the
2 Scoping Plan of the CLCPA, we know that solar
3 companies are specifically siting on
4 farmland. I asked specifically what they
5 were doing, and while they say they're not
6 siting on farmland, they will then say there
7 is nowhere else to site but farmland because
8 we're constrained with wetlands and other
9 areas, and so there is no other land.

10 That in turn says proactively they are
11 siting on farmland. And so I just want to
12 make you aware of that, because it's
13 something that we need to address.

14 And in closing, the comments about
15 agrivoltaics, we know that the technology for
16 real large-scale developments for
17 agrivoltaics doesn't exist yet. That's why
18 this body has legislation for pilot programs
19 and others. There's some work in Europe, but
20 it's not happening here. The dual use that's
21 happening is much lower to the ground and not
22 actual really kind of large-scale farming,
23 big-equipment farming. And so that just
24 doesn't exist.

1 And so wouldn't it make sense to as
2 we're looking for dual-use -- because I agree
3 with you, I think that is the future --
4 wouldn't it make sense to hold off on siting
5 on farmland until we have the technology to
6 be able to actually effectively do dual-use
7 the way that we all want it to work?

8 ORES EX. DIRECTOR MOAVENI: This is a
9 very important question, and we have seven
10 seconds to answer that.

11 So the approach that we are taking is
12 like multiphase in our final permits to date.
13 So --

14 SENATOR HINCHEY: We'll follow up
15 separately. Because the multiphase, once you
16 put agri -- once you put solar panels on it,
17 we know it's going to take many years to
18 actually take that off, and the farmland has
19 to be worked to get back into actual
20 farmland, so --

21 CHAIRWOMAN KRUEGER: Thank you.

22 SENATOR HINCHEY: Thank you.

23 CHAIRWOMAN KRUEGER: Thank you,
24 Senator Hinchey.

1 Assembly.

2 CHAIRWOMAN WEINSTEIN: Assemblywoman
3 Giglio, three minutes.

4 ASSEMBLYWOMAN GIGLIO: Thank you,
5 Chair.

6 So I have a couple of questions and I
7 want to follow up on what Senator Hinchey
8 said, where we need to really study the
9 regional impacts of these projects.

10 In my district there are 600 acres
11 that recently went into solar. Some of them
12 went right through the state process and
13 never came on the local level. Now we have
14 people lining up for hours before town boards
15 because they don't want battery energy
16 storage systems near them.

17 So I want to know if there's any
18 plan -- because there's moratoriums going in
19 place against these battery energy storage
20 systems -- if the state plans to override
21 those local governments and demand that they
22 put those battery energy storage systems
23 within their towns. That's my first
24 question.

1 And, you know, so that's on that. And
2 then when we talk about PSC rates, we are
3 talking about how PSC slashed rates in
4 Buffalo, but I've seen on Long Island where
5 the rates have increased 4.4 percent, and
6 they seem to be continually rising. And
7 these renewable energy projects are
8 expensive. It's a good goal, and I agree
9 with them. However, I think that there needs
10 to be a separate line item on the utility
11 bill letting ratepayers know how much of
12 their utility bill is going towards these
13 renewable projects. As we get utility
14 companies that are coming and going, We need
15 more -- we need more in delivery charges, we
16 need more in supply charges.

17 And I think where we have
18 oversaturation -- and we do have farmland
19 that's taken out of production for these
20 solar arrays -- that when we have the demand
21 for production, that the ratepayers within
22 that area and that region get a benefit of
23 those delivery charges and service charges.
24 So that is just a comment for you to both

1 consider.

2 And then in 2020, when the Accelerated
3 Renewable Energy Growth and Community Benefit
4 Act was passed, in late 2020 the PSC issued
5 an order designating those criteria that NYPA
6 would be using to take on priority
7 transmission projects, transmission projects
8 designed to speed up integration and
9 interconnection of renewables. What
10 additional transmission siting, construction
11 and ownership authority is NYPA granted under
12 the Part 20 language? What drives the need
13 for that additional authority? And is there
14 anything under the existing AREGCBA law or
15 under the New York ISO's existing public
16 policy transmission needs process that's
17 insufficient to develop the transition needed
18 to meet the state's energy goals?

19 PSC CHAIR CHRISTIAN: That was a very
20 meaty question.

21 ASSEMBLYWOMAN GIGLIO: Yes. I have it
22 written down for you.

23 PSC CHAIR CHRISTIAN: And I'll do the
24 best I can to answer it first. So --

1 CHAIRWOMAN WEINSTEIN: Twenty seconds.

2 PSC CHAIR CHRISTIAN: Twenty seconds,
3 okay.

4 So the NYPA powers, I'm unfortunately
5 not the best person to ask that question. I
6 don't know the answers to what additional
7 powers they have.

8 The public policy transmission process
9 that's currently in place by the New York ISO
10 has worked well. But in the view of the
11 Legislature, additional steps were viewed as
12 necessary. And that is why, as I mentioned
13 before, Phase 1, Phase 2, and other efforts
14 are currently underway to deploy
15 transmission.

16 ASSEMBLYWOMAN GIGLIO: I'll follow up
17 with you --

18 (Overtalk.)

19 CHAIRWOMAN WEINSTEIN: Thank you.
20 To the Senate.

21 ASSEMBLYWOMAN GIGLIO: Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Excuse me. Senator O'Mara.

24 SENATOR O'MARA: Thank you.

1 Good evening. Thank you for your
2 testimony.

3 With regards to the 6 percent of
4 income for utility payments, Chairman
5 Christian, can you elaborate on that a little
6 more? How many people is that going to be,
7 how many households is that going to be, and
8 who's doing the calculation of 6 percent?

9 PSC CHAIR CHRISTIAN: Okay, that's a
10 great question. So the 6 percent threshold
11 was established some years ago, prior to my
12 joining the commission. And it was
13 established at a time when it was recognized
14 that our efforts to achieve safe, reliable,
15 just and reasonable rates did not necessarily
16 always translate to affordable.

17 So the commission set for itself a
18 target of something called an energy burden
19 where you effectively look at a person's
20 income and you say that 6 percent of that
21 income should be dedicated towards energy --
22 no more than 6 percent of that income should
23 go towards energy.

24 Research for years suggests that

1 anything above that creates undue pressure on
2 families. And as you can imagine, low-income
3 New Yorkers in many cases pay --

4 SENATOR O'MARA: I'm not asking about
5 the rationale for doing it, I'm asking about
6 how -- who's determining the 6 percent, based
7 on what, and how many households in New York
8 State does that impact.

9 PSC CHAIR CHRISTIAN: Okay. So the
10 6 percent was determined through commission
11 action. We set that number, we set that
12 rate.

13 In terms of the number of households,
14 I believe --

15 SENATOR O'MARA: Who determines the
16 income and whether 6 percent of their
17 household income is --

18 PSC CHAIR CHRISTIAN: Oh, I see.

19 SENATOR O'MARA: -- subject to this
20 subsidy?

21 PSC CHAIR CHRISTIAN: Oh, gotcha,
22 right. So as we develop the pilot, we'll
23 have a better understanding of how we will
24 identify these things.

1 One of the lessons learned through
2 developing the arrears program, which helped
3 reduce the past-due bills on many
4 New Yorkers, particularly low-income
5 New Yorkers and those making less than
6 \$75,000 -- we worked very closely with our
7 fellow state agencies in determining,
8 developing and identifying processes to
9 collect information where we could identify
10 those who actually have the need. So --

11 SENATOR O'MARA: How many households
12 in the state do you expect that to impact?

13 PSC CHAIR CHRISTIAN: I believe the
14 number is upwards of half a million. I can
15 get you a more precise number. I don't
16 remember offhand exactly what that number
17 would be.

18 SENATOR O'MARA: You know,
19 affordability is a major concern of mine and
20 a lot of my colleagues going forward with
21 this Climate Plan. We're not opposed to the
22 initiatives moving towards cleaner, greener
23 renewable energy, we're concerned about the
24 feasibility and the pace of it and how much

1 it's going to cost.

2 Can you tell us today how much it's
3 going to cost ratepayers, how much it's going
4 to cost businesses, how much of the cost is
5 going to be passed on to everyday New Yorkers
6 through higher costs of goods resulting from
7 these extra charges? I mean, what -- what's
8 the overall cost going to be to the average
9 New Yorker of this whole plan?

10 PSC CHAIR CHRISTIAN: Well,
11 President Harris mentioned earlier a
12 \$275 billion number overall. That is the
13 total cost. Exactly how that is going to be
14 parsed out is yet to be determined.

15 As mentioned earlier, the
16 cap-and-invest plan I believe is going to be
17 one of the many vehicles used to offset and
18 pay some of those costs. And as
19 Commissioner Seggos mentioned, that's in
20 development as well.

21 Up until now, the majority of the
22 costs for all climate efforts have been borne
23 by ratepayers. That upstate New York's grid
24 is roughly 90 percent renewable energy, clean

1 energy, is largely because of ratepayers.
2 And if we continue, that will be the case
3 going forward. But this cap-and-invest --

4 SENATOR O'MARA: Do you have an
5 estimate of what it's going to cost
6 New Yorkers?

7 PSC CHAIR CHRISTIAN: Excuse me?

8 SENATOR O'MARA: Do you have any idea
9 how you can tell an average family in
10 New York State what the ultimate impact of
11 this is going to be? There's really been no
12 cost/benefit analysis throughout this whole
13 process.

14 PSC CHAIR CHRISTIAN: Well, I
15 respectfully disagree, sir. In the Climate
16 Scoping Plan, a cost/benefit analysis has
17 been put forth.

18 Part of it is I think a disconnect in
19 how I want -- how I feel appropriate
20 responding to your question. We can talk
21 about things in the perspective of rate
22 impacts to customers. And as we do each
23 order, we have impacts documented on what
24 that would be in terms of individual rates.

1 SENATOR O'MARA: What's the impact to
2 the ratepayer from the Clean Path
3 transmission line?

4 PSC CHAIR CHRISTIAN: I do not have
5 that information handy at this moment.

6 SENATOR O'MARA: Does anybody know
7 that?

8 PSC CHAIR CHRISTIAN: Some of that
9 information I believe was in the filing, and
10 we can definitely go over that with you at
11 another time.

12 SENATOR O'MARA: Is that information
13 available what it's going to cost the
14 ratepayer for the Champlain Hudson Line?

15 PSC CHAIR CHRISTIAN: Similarly, yes.

16 CHAIRWOMAN KRUEGER: Thank you.
17 Assembly.

18 CHAIRWOMAN WEINSTEIN: Assemblyman
19 Manktelow for five minutes, ranker.

20 ASSEMBLYMAN MANKTELOW: Thank you,
21 Madam Chair.

22 Mr. Moaveni, a couple of questions
23 back to the siting. Some of the Senators
24 have made mention of it already. How many

1 projects have you looked at so far?

2 ORES EX. DIRECTOR MOAVENI: To date,
3 the office has issued a final permit on 11
4 applications. We have deemed four other
5 applications complete and we must issue a
6 final decision within one year like of the
7 date that {unintelligible} those applications
8 were deemed complete. And we have two
9 essentially complete applications, full
10 applications that they have been deemed
11 complete yet.

12 So in total, it would be 17.

13 ASSEMBLYMAN MANKTELOW: Seventeen
14 total?

15 ORES EX. DIRECTOR MOAVENI: Seventeen.

16 ASSEMBLYMAN MANKTELOW: And of those
17 17, have any of those been stopped by local
18 government disapproval?

19 ORES EX. DIRECTOR MOAVENI: Not -- not
20 to -- I can speak to the 11 because the other
21 like six are still going through the process.
22 I cannot comment on those.

23 No, not with respect to the 11.

24 ASSEMBLYMAN MANKTELOW: And back to

1 the question about farmland. Do you feel
2 that farmers are being targeted to use their
3 land for solar --

4 ORES EX. DIRECTOR MOAVENI: Can you
5 please repeat the question.

6 ASSEMBLYMAN MANKTELOW: Going back to
7 farmland, I know in my district there are two
8 projects: One's 3,000 acres and one is
9 2200 acres. That's 5200 acres of prime ag
10 land that's being asked to come off the
11 agricultural rolls to produce electricity,
12 only because the 245 high-power lines are
13 running through our district, which makes it
14 easier for the producers to fasten to those
15 power lines to send that energy.

16 So our farmers, a lot of them have
17 been asked over and over and over, multiple
18 times. Why is that?

19 ORES EX. DIRECTOR MOAVENI: Why
20 does -- like those farms are like in
21 appropriate locations?

22 ASSEMBLYMAN MANKTELOW: No, no, no.
23 Why are they -- if a farmer -- if I tell you,
24 no, I don't want your solar projects on my

1 property, why are they constantly being
2 hammered again and again and again to get
3 them to sell the land or rent the land?

4 ORES EX. DIRECTOR MOAVENI: I mean,
5 that's something that's just -- at least --
6 as I mentioned before, this is like some of
7 the limitations that we have. It's like out
8 of -- it's like out of the state's control
9 or specifically office control.

10 But what we can do is like when there
11 is actually a full complete application in
12 front of the office, what we are going to do
13 is just we want to make sure we are not
14 placing these projects on active and prime
15 farmlands to the maximum extent practicable.

16 ASSEMBLYMAN MANKTELOW: To the
17 maximum --

18 ORES EX. DIRECTOR MOAVENI: The
19 maximum extent practicable.

20 ASSEMBLYMAN MANKTELOW: And what does
21 that mean?

22 ORES EX. DIRECTOR MOAVENI:
23 Essentially an applicant has to demonstrate
24 that to the best of their ability they cannot

1 fully avoid an impact. And if they can
2 demonstrate that, then we look at
3 minimization and mitigation options.

4 ASSEMBLYMAN MANKTELOW: Okay. I thank
5 you for your answers.

6 Chairman Christian, I got a question.
7 You had made mention earlier on about cap and
8 a pilot program for that. Can you explain to
9 me a little more what that is?

10 PSC CHAIR CHRISTIAN: So -- excuse me.
11 So one of the things we're trying to do as a
12 state is establish an affordability guarantee
13 pilot for -- to ensure that low-income
14 New Yorkers are not inadvertently burdened by
15 high energy costs.

16 We want to set that cap at 6 percent
17 of their income. So if you have a household
18 making \$10,000 a year, their energy costs
19 should not exceed that 6 percent threshold.

20 We're setting that up at this time to
21 figure out how to deploy it, how to enroll,
22 how to provide the fundings. And that's in
23 development as we speak.

24 ASSEMBLYMAN MANKTELOW: So if it goes

1 above 6 percent -- so say it goes to
2 8 percent, who covers the 2 percent?

3 ORES EX. DIRECTOR MOAVENI: That would
4 be covered through collections, at this point
5 either through ratepayers or taxpayers or
6 through the cap-and-invest program.

7 ASSEMBLYMAN MANKTELOW: So basically
8 it would be subsidized -- subsidy from all
9 the other users to offset their costs of
10 electricity.

11 PSC CHAIR CHRISTIAN: Right. And
12 again, the goal is to ensure affordability.
13 Going back earlier, we want to prioritize
14 affordability as best as we can, recognizing
15 the impacts that are currently at play with
16 many of our consumers and many of our
17 ratepayers.

18 So by setting this up, we create a
19 vehicle through which in the future, should
20 there be other unexpected energy spikes --
21 through geopolitical action or what have
22 you -- we have a mechanism in place to
23 protect the neediest of the needy
24 New Yorkers.

1 ASSEMBLYMAN MANKTELOW: Are we looking
2 at a cap or an effective cost for all the
3 rest of the payers?

4 PSC CHAIR CHRISTIAN: I'm sorry, at --
5 where we are in the stage, I can't answer
6 that question. Again, it's very much in
7 early stages of development. We know the
8 6 percent energy burden cap is kind of our
9 target, in part because of prior commission
10 actions. But beyond that, I can't speak to
11 any additional specifics at this time.

12 ASSEMBLYMAN MANKTELOW: Is the low --
13 the 6 percent, is that going to be considered
14 for senior citizen as well?

15 PSC CHAIR CHRISTIAN: Oh absolutely,
16 yes. I don't -- I don't -- I can't imagine
17 there being an age restriction against --

18 ASSEMBLYMAN MANKTELOW: So it's not
19 just low-income, it could be -- oh, my time
20 is up.

21 PSC CHAIR CHRISTIAN: I could imagine
22 that, yeah.

23 ASSEMBLYMAN MANKTELOW: Get back to me
24 on that one, would you, please? Thank you.

1 CHAIRWOMAN WEINSTEIN: Thank you.

2 Senate.

3 CHAIRWOMAN KRUEGER: You'll have to
4 get back to him with -- like all other
5 guests, if you haven't had a chance to
6 completely answer the question that was asked
7 of you, if you would please put it in writing
8 and send it to Helene and myself and then we
9 will make sure everybody on the committees
10 gets your answer. Thank you.

11 And next I'm turning it over to
12 Senator Kristen Gonzalez.

13 SENATOR GONZALEZ: Hi. Can you hear
14 me? Yup, that's on -- oh, nope. Hi.
15 Better.

16 Hi, it's so good to see you again,
17 Commissioner.

18 PSC CHAIR CHRISTIAN: Likewise.

19 SENATOR GONZALEZ: I want to thank you
20 both for coming, and actually wanted to
21 continue the questioning from
22 Senator Hinchey.

23 This is a thing we talked about in
24 committee as well, but -- I may not be a

1 Ph.D. in, you know, economics, but I have a
2 sneaking suspicion that as the price of
3 fossil fuels continue to skyrocket, so will
4 our bills. And so as you stated, you know,
5 it's likely that we're locking ourselves into
6 paying higher and higher prices as long as we
7 are relying on fossil fuels.

8 So what I'd like to understand today
9 is whether the PSC is considering the
10 economic impacts of these rate hikes on
11 consumers currently.

12 So, you know, I want to commend my
13 colleague Senator Leroy Comrie in passing a
14 bill through committee last month which
15 requires the PSC to consider the economic
16 impact on especially marginalized
17 communities.

18 So can you answer, you know, to what
19 extent you are already considering economic
20 factors of rate hikes?

21 PSC CHAIR CHRISTIAN: So that's a
22 great question. And at the core of what we
23 do is try to understand what the economic
24 impact of our rates will be on our consumers.

1 That is a central component of the rate cases
2 and the rate case process and all the
3 investments gone through as a result of
4 commission action.

5 To describe the rate case process,
6 it's a very fact-based approach where we look
7 at the information that's available through
8 the record. The record is developed through
9 conversations with the utility, public
10 stakeholders and others. We look at what is
11 actually needed to ensure reliability and
12 safety, and we ensure that those are the
13 projects that are moving forward in a timely
14 manner.

15 SENATOR GONZALEZ: I'm sorry to
16 interrupt, but just in the interests of time,
17 I am curious, it's not just how the rate
18 hikes are approved or what the process is,
19 but what the -- if you consider the economic
20 impact on communities that are already
21 strapped and especially have, for example,
22 recent utility arrears in an area before
23 approving.

24 PSC CHAIR CHRISTIAN: Right. And yes,

1 what I was building to -- forgive me, forgive
2 the long runway on that, but it -- and I find
3 it interesting that we keep returning to the
4 affordability guarantee conversation, because
5 that is where I'd like to take you, is that
6 discussion. In part because, again,
7 longstanding practice with the commission is
8 about safety, reliability, and just and
9 reasonable rates. And I want to reinforce
10 that. Just and reasonable is what do we need
11 to keep the lights on. What do we need to
12 keep the gas flowing, the steam moving.
13 That's just and reasonable.

14 Just and reasonable may not translate
15 to affordable. So prior to me arriving, the
16 commission recognized that a 6 percent energy
17 burden was appropriate. And this is
18 something in the literature. I'm happy to
19 share some documents with you, after the fact
20 to talk about this.

21 But with that in place, we need to
22 work towards making that not just a target,
23 but a goal. How do we ensure that that
24 6 percent threshold is something that's

1 achievable for all New Yorkers? And that's
2 what this commission is working towards
3 achieving right now.

4 SENATOR GONZALEZ: And is it fair to
5 say that PSC also formally considers the
6 profit of the utility company?

7 PSC CHAIR CHRISTIAN: I'm so sorry, I
8 didn't hear. Could you repeat that, please?

9 SENATOR GONZALEZ: So you're also
10 considering the profit for the utility
11 companies as well.

12 PSC CHAIR CHRISTIAN: Yes. It's -- it
13 is a balance.

14 SENATOR GONZALEZ: Well, we can dig
15 more into it offline. But appreciate it.
16 And would definitely encourage that we look
17 more to the economic impact on people and not
18 consider the profitability, simply, for each
19 of the companies.

20 CHAIRWOMAN KRUEGER: Thank you. Thank
21 you, Senator.

22 Assemblymember.

23 CHAIRWOMAN WEINSTEIN: Yes, we go to
24 Assemblyman Lemondes.

1 ASSEMBLYMAN LEMONDES: (Mic off.)

2 Thank you, Chair.

3 My question is for Commissioner
4 Christian.

5 So recognizing that New York State has
6 captured the title for the highest
7 out-migrating state in the union two
8 consecutive years in a row now, and our
9 population is fleeing, our businesses are
10 fleeing, does the burden on the average
11 homeowner increase, stay the same, or
12 decrease with respect to the electrification
13 process that we've been talking about all day
14 here?

15 PSC CHAIR CHRISTIAN: I'm pausing in
16 part because I'm not sure I agree with the
17 facts about people migrating out of New York.
18 Assuming that is in fact the case, we're
19 losing businesses and we're losing people,
20 part of how rates are set, they are
21 socialized and that cost is evenly
22 distributed around the individuals upon which
23 those rates were set.

24 So if you have a population of -- I'm

1 going to use some hypothetical numbers -- a
2 million people, and that population were to
3 drop to 900,000, yes, those 900,000 are
4 paying for what was originally meant to be a
5 system to maintain 1 million people.

6 ASSEMBLYMAN LEMONDES: And do you --
7 thank you. And do you think that that would
8 exacerbate the outmigration, one of the many
9 factors that are forcing people to leave our
10 state? Do you think that would help
11 exacerbate that outmigration flow?

12 PSC CHAIR CHRISTIAN: So unmanaged,
13 uncontrolled, and uncoordinated, it could
14 very well lead to that. But in many ways and
15 in every way, this commission and those that
16 preceded me and Houtan as well, were all
17 working to ensure that it is a coordinated
18 transition.

19 All the work that we talked about
20 earlier with respect to the transition
21 planning, this is in anticipation of what we
22 know is coming into the future. So all of
23 this is preemptive, with the goal of ensuring
24 that the system works, that the system is

1 effective, safe, reliable, affordable and
2 available to those that need it -- and to
3 minimize the occurrences and the worst-case
4 scenario that you described.

5 ASSEMBLYMAN LEMONDES: Perfect.

6 For the record, I disagree, that the
7 facts that we have demonstrate that New York
8 State has captured the number-one
9 out-migrating state two consecutive years in
10 a row.

11 My last question, we've heard a lot
12 from colleagues today about the
13 electrification, and it is -- I am assuming
14 it's not okay to extract fossil fuels for
15 use, but it is okay to extract rare earths
16 for use in battery-powered anything.

17 Is that -- is that the fact?

18 PSC CHAIR CHRISTIAN: I disagree with
19 that, in part because I think what we are
20 trying to do is create a more sustainable
21 society overall. I don't -- we need to look
22 at the costs, the benefits of everything that
23 we do. And for --

24 ASSEMBLYMAN LEMONDES: How about

1 children being maimed and killed in Africa to
2 do this?

3 PSC CHAIR CHRISTIAN: I have asthma.
4 I lived near a power plant for many years. I
5 don't want my child to grow up that way.

6 ASSEMBLYMAN LEMONDES: I agree, I have
7 asthma as well.

8 But thank you, Madam Chair.

9 CHAIRWOMAN WEINSTEIN: Thank you.

10 Senate?

11 CHAIRWOMAN KRUEGER: Thank you.

12 Senator Walczyk.

13 SENATOR WALCZYK: Chairman, thanks so
14 much for reminding us consistently of your
15 mission statement at the Public Service
16 Commission. Really appreciate it, especially
17 you honing in on the conflicts between
18 affordability and just and reasonable rates.

19 Is it important to consider preserving
20 existing production facilities in the state
21 until we're able to get enough renewable
22 energy facilities to make up for their
23 production?

24 PSC CHAIR CHRISTIAN: So thank you for

1 pointing out the mandate of the
2 Public Service Commission, and that is
3 maintaining the reliability of the system.

4 Our goal, in doing our work with
5 respect to the CLCPA, is to put us in a
6 position where we can transition to a
7 renewable energy future as effectively, as
8 smoothly and in as coordinated a manner as
9 possible.

10 Things happen. The unexpected.
11 Ultimately, we need to be in a position where
12 we can ensure reliability. And should our
13 plans derail or be delayed, we will have to
14 ensure that reliability is maintained. And
15 that may mean looking at our plans
16 differently.

17 But as of now, I have every reason to
18 believe we are on target towards hitting our
19 goals. We've made the right steps,
20 proactively, with sufficient time. And I
21 have every reason to believe we'll achieve
22 what we set out to do by 2030.

23 SENATOR WALCZYK: And I appreciate
24 that. I've listened to the dialogue about

1 the peaker plants in New York City, and I
2 know that you're looking out for the
3 ratepayers in the State of New York, and
4 ensuring their reliability but also that
5 we've got just rates.

6 As you know -- and we've had good
7 conversations, and I appreciate your
8 willingness to stay open about a 60 megawatt
9 biomass facility at Fort Drum in my district.
10 Should the Legislature be considering biomass
11 facilities as part of the renewable energy
12 portfolio moving forward?

13 PSC CHAIR CHRISTIAN: I would leave
14 that to the Legislature to decide. The CLCPA
15 specifically carved out biomass as being not
16 a renewable energy fuel when it was passed.
17 Prior --

18 SENATOR WALCZYK: Was that a mistake?

19 PSC CHAIR CHRISTIAN: I'm not in a
20 position to say that, sir, to be honest with
21 you. But --

22 SENATOR WALCZYK: I am. I believe it
23 was a mistake. But I thank you, I thank you,
24 Chairman.

1 So my last couple of questions are to
2 Mr. Moaveni.

3 So you've got 62 projects in the
4 pipeline for next year. The Governor has
5 given your -- the Office of Renewable Energy
6 Siting \$26 million to see those come through.
7 How many of those are nuclear facilities and
8 how many of those are biomass facilities?

9 ORES EX. DIRECTOR MOAVENI: None.

10 SENATOR WALCZYK: Zero. Out of
11 62 projects that you plan to site in the next
12 year, zero are biomass and zero are nuclear?

13 ORES EX. DIRECTOR MOAVENI: Correct.

14 SENATOR WALCZYK: Thank you. I'll
15 yield the last 12 seconds of my time,
16 Madam Chair.

17 CHAIRWOMAN WEINSTEIN: Thank you.

18 We go to Assemblywoman Simon.

19 ASSEMBLYWOMAN SIMON: Thank you.
20 Thank you, Madam Chair.

21 And thank you. I represent the
22 Gowanus Canal area and its uplands, which is
23 a Superfund site and 47 brownfields, for
24 which National Grid is the responsible party,

1 because their operations going back 150 years
2 really contaminated the land.

3 They've applied for rate hikes
4 multiple times and stated in their
5 submissions that their need to pay for the
6 cleanup's demands entitles them to a rate
7 hike. I tend to disagree. I wanted to know
8 what the Public Service Commission has done
9 in the past, and what can you do in the
10 future to hold not only their feet to the
11 fire, but also the rates down?

12 And then just as a follow-up, I know
13 that -- I want to know whether any of
14 New York's regulated gas and electric
15 utilities have applied for the Infrastructure
16 Investment and Jobs Act or the Inflation
17 Reduction Act funds, which might be something
18 they could use to support some of these
19 operations.

20 PSC CHAIR CHRISTIAN: So great
21 questions.

22 And to number two, the recent
23 availability of federal funding has been a
24 transformative and affirming event in our

1 efforts here in New York State. We're
2 working with our utilities. We've had a
3 number of informal and formal discussions
4 with them about their efforts to move forward
5 with applying and obtaining funds.

6 And we're looking into how best to
7 manage that process to ensure that New York
8 gets its rightful share of the pie. That's
9 an ongoing process. Some of the funding is
10 still being defined by the various federal
11 entities that have that funding available,
12 specifically Department of Energy and the
13 EPA. So we're working with them to
14 coordinate those actions and make sure we put
15 our best foot forward and that New York can
16 benefit.

17 One of the key things that I've noted
18 in my review that makes me feel confident in
19 our ability to capture as much funding as
20 possible is the fact that we've already laid
21 the groundwork for what we want to do and
22 what our options are, whereas some of our
23 counterpart states have not taken that same
24 first step.

1 So when I consider ourselves with
2 respect to some other states, we are
3 well-positioned to capture that fund, and
4 we're going to ensure that we work with our
5 utilities to get as much of it as possible.

6 Now for your first question regarding
7 the rates, I will have to get back to you on
8 that, in part because I'm not entirely clear
9 on past practices with respect to the Gowanus
10 cleanup, and that's something I'll have to
11 investigate with my team.

12 ASSEMBLYWOMAN SIMON: Well, thank you,
13 because this is going to be ongoing for quite
14 some time. And they are really planning to
15 just charge this to the ratepayers, and that
16 seems to be extremely unfair and very
17 burdensome.

18 So thank you very much. I appreciate
19 it. And if you could also let us know how
20 you're going to track the receipt of federal
21 funding, for example, when that happens.

22 PSC CHAIR CHRISTIAN: Of course.

23 ASSEMBLYWOMAN SIMON: Thank you.

24 PSC CHAIR CHRISTIAN: Thank you.

1 CHAIRWOMAN WEINSTEIN: Senate.

2 CHAIRWOMAN KRUEGER: Senator Mattera.

3 SENATOR MATTERA: And great, I got
4 five minutes, right, Senator?

5 CHAIRWOMAN KRUEGER: As ranker, yes.

6 SENATOR MATTERA: Thank you so much.

7 And I just thank you, Chairman
8 Christian and Director Moaveni. I thank you
9 so much for your testimony today, and it was
10 great seeing you at the Energy Committee.
11 You're gentlemen, and I -- you know, I
12 appreciate all you're doing.

13 But, you know, hopefully we're going
14 to meet in April. And, you know, we spoke
15 about hydrogen for our future of green
16 hydrogen, and you were open-minded and you
17 were so open-minded that you said you would
18 accept the field trip that we're going to
19 have, hopefully everybody, the Assembly and
20 the Senate, to go out to Stony Brook
21 University and Brookhaven National Lab to
22 say -- you know, because we do need other
23 clean energy for our future.

24 PSC CHAIR CHRISTIAN: Absolutely,

1 yeah.

2 SENATOR MATTERA: So did you ever look
3 into anything with hydrogen?

4 PSC CHAIR CHRISTIAN: We've done a
5 great deal of looking into hydrogen, working
6 with President Harris of NYSERDA. I'm sure
7 you're aware of the Hydrogen Hub that's in
8 development where New York State is playing a
9 key and essential role. We meet with them
10 regularly to talk about the process,
11 coordination, various activities and how we
12 can work as partners to put forward the most
13 effective application possible to, again,
14 ensure that New York gets its share of
15 federal money for work that we're already
16 doing.

17 So I look forward to seeing how that
18 will develop over time.

19 SENATOR MATTERA: Right. Right now we
20 have infrastructure that's being put in
21 place -- you know, the old steel pipes and
22 everything like that, we have obviously
23 plastic piping that's being installed. Can
24 that be used with hydrogen?

1 PSC CHAIR CHRISTIAN: So great
2 question. And this is an ongoing debate
3 amongst everyone in the energy sector right
4 now.

5 Yes, hydrogen can be used in some
6 existing pipes. There's a concern with
7 certain steel pipes due to a process known as
8 embrittlement, which would essentially cause
9 them to break and potentially leak. So we
10 know through the literature, scientific
11 studies done by universities in New York and
12 elsewhere, that hydrogen can be mixed safely
13 up to percentages of 20 percent in natural
14 gas pipes.

15 But that said, there remains a number
16 of unknowns. As I'm sure you're all aware,
17 our pipes -- we have an ongoing issue, our
18 pipes are aged and many of them leak, and we
19 have an ongoing leak-prone-pipe replacement
20 plan with many of our utilities that many of
21 you have probably experienced in your own
22 communities.

23 So as we move forward with addressing
24 that, there remains a concern that hydrogen

1 may still leak from even the best pipes.
2 We're looking into working with the American
3 Gas Association, who interestingly enough
4 recently released a report on that, which
5 we'll be reviewing. And we want to
6 understand what we can do and what our
7 options are with hydrogen, to the best of our
8 ability.

9 Now, one thing I want to close with
10 that I would be remiss not to mention, the
11 draft -- the final Scoping Plan had some
12 clear positions on the ways in which hydrogen
13 could be utilized and explicit
14 recommendations that hydrogen use should be
15 limited specifically to industrial
16 applications in energy-intensive trade
17 industries, those industries that use a lot
18 of natural gas or high-energy applications
19 where alternatives to natural gas might not
20 be as viable.

21 SENATOR MATTERA: Great. Thank you
22 for that.

23 You know, we just had a situation --
24 for some reason we follow suit with

1 California in a lot of ways. What is your
2 feeling on what just happened this past
3 summer with the situation with the governor
4 speaking to the public to say, You cannot
5 charge your cars, please, because we do not
6 have the energy to charge cars and charge
7 air-conditioning units and everything like
8 that.

9 So what are we doing -- is this -- are
10 we going to be following suit? Because we
11 follow suit with California everywhere we --
12 everything pretty much we do.

13 PSC CHAIR CHRISTIAN: Well, I thank
14 you for bringing that up, and I want to
15 double down and add Texas to that list.
16 Those are just two examples of areas where
17 the weather essentially took control of
18 events and limited the ability of the local
19 energy infrastructure to respond. In Texas
20 it was severe cold; in the instance you're
21 speaking about in California it was prolonged
22 heat and drought.

23 Both of those instances are examples
24 of the extreme weather events that many of us

1 have experienced -- in the world have
2 experienced. In New York what we're
3 experiencing is a lot more rain, a lot more
4 snow, a lot more hurricanes.

5 But ultimately the work that we are
6 doing is to reinforce the grid to ensure that
7 we are protected from the worst impacts of
8 these extreme weather events. And by
9 integrating renewable energy as much as we
10 can, we create a system through which we can
11 better not only withstand the worst of these
12 events, but recover more quickly and adapt.

13 And one -- with the final few seconds,
14 for those of you from Long Island who
15 remember Hurricane Gloria, some people were
16 out of power for 30 days. Hurricane Sandy,
17 two weeks. Hurricane Isaias, eight days.
18 And I'll finish really quickly, sorry. That
19 is a sign of the progress our utilities are
20 making in being able to recover more quickly
21 after --

22 SENATOR MATTERA: Right, and that's
23 why we need to make sure that we have
24 generators that are propane-gas-generated.

1 That's very, very important that we keep that
2 going.

3 CHAIRWOMAN KRUEGER: Thank you. Thank
4 you, Senator. Your time is up.

5 SENATOR MATTERA: Thank you.

6 CHAIRWOMAN KRUEGER: Assembly.

7 CHAIRWOMAN WEINSTEIN: Assemblyman
8 Brown.

9 ASSEMBLYMAN KEITH BROWN: Thank you.

10 And I'm actually going to segue right
11 from that point, so thank you, Senator
12 Mattera.

13 So I have the Northport Power Plant in
14 my district, and this question is really for
15 both of you. I'd like to get your opinion.
16 At the time it was built, 1968, largest power
17 plant in North America, 1400 megawatts. It
18 provides a huge subsidy to our school
19 districts and our towns.

20 So what is the future -- and I'm
21 actually looking at page 21 of the Scoping
22 Plan that talks about a gas system
23 transition. We have a huge substation, as do
24 most power plants, most peaker plants, and

1 the host communities have -- it's a valuable
2 asset that can be used in the future, either
3 for siting -- and I'm just curious, what say
4 both of you in terms of the redevelopment of
5 existing power plants and substations with
6 this -- if we're going to be a net-zero
7 economy in 2050? How are we going to reuse
8 those assets?

9 ORES EX. DIRECTOR MOAVENI: So as a
10 matter of policy, the state in the context of
11 the siting process encourages this type of
12 development, and specifically if any major
13 renewable energy facility is going to be
14 located -- generally speaking on the utilized
15 site, as you described it, the office is
16 required to issue a permit within six months.

17 So technically we have one year to
18 issue the permit. In this case we're ordered
19 to, as a matter of like policy to encourage
20 this type of development, the office has to
21 like make that decision in a shorter pace.

22 The office is not -- really it doesn't
23 have any role with respect to project
24 selection or site selection. That's

1 something that has to be done in the context
2 of either like a program at, you know, PSC
3 level, or NYSERDA, to pursue a specific
4 program to have like specific development.

5 Which I think the state is already
6 doing something like that, with the Build
7 Ready Program that I think Doreen was talking
8 about. That's something that certainly can
9 be looked into from NYSERDA's side.

10 ASSEMBLYMAN KEITH BROWN: Chair
11 Christian?

12 PSC CHAIR CHRISTIAN: So in terms of
13 new generation, I can't speak much to that
14 beyond what Houtan just shared.

15 I know through our efforts we're
16 looking to do a variety of other things
17 outside of the traditional efforts, non-pipe
18 alternatives, non-wires alternatives. Should
19 those projects and that type of effort be
20 viable in the community, it could certainly
21 be deployed. But again, I think it will be
22 dependent on the developers, the owners, what
23 kind of needs are in that region and the
24 economics behind it.

1 ASSEMBLYMAN KEITH BROWN: Yeah,
2 because we're using that for gas now with the
3 plant. We haven't used oil in quite some
4 time.

5 But it seems to me that this is a huge
6 asset that in terms of what we have now,
7 providing -- the coldest winter day, the
8 hottest summer day, the plant is going -- all
9 four burners are going at all times. So it
10 needs to be part of this plan as we
11 transition. And it's identified, actually,
12 in the Scoping Plan.

13 So what we do with these assets is
14 really fundamentally important to these host
15 communities. Thank you.

16 PSC CHAIR CHRISTIAN: Thank you.

17 ASSEMBLYMAN KEITH BROWN: I yield my
18 last three seconds, by the way.

19 CHAIRWOMAN WEINSTEIN: Senate?

20 CHAIRWOMAN KRUEGER: Thank you. I
21 believe I'm the last Senator to go.

22 So in last year's budget the Governor
23 seemed to put in a proposal that matched,
24 relatively, a bill I have that I'm calling

1 the New York HEAT Act, which would align
2 Public Service Law to meet CLCPA mandates.
3 Specifically, it would remove the
4 hundred-foot rule that forces ratepayers to
5 pay hundreds of millions of dollars every
6 year to subsidize the expansion of the gas
7 system. Several of my colleagues have
8 already complained about this issue during
9 today's hearing.

10 And it would reform the obligation to
11 serve that currently allows a single gas
12 customer to stand in the way of
13 neighborhood-scale transition to thermal
14 energy networks and other solutions.

15 So last year she included it in her
16 Executive Budget, but this year she did not.
17 What's your opinion of the necessity of the
18 change in policy of PSC so that your policies
19 aren't inconsistent with the goals of the
20 CLCPA?

21 PSC CHAIR CHRISTIAN: I will be
22 careful not to share my opinion. But what I
23 can share is the view of what you just said
24 in terms of what the impact is on the

1 regulation.

2 The hundred-foot rule, to your point,
3 is an existing rule in Public Service Law
4 that essentially allows all existing gas
5 customers to subsidize the cost up to
6 100 feet of a new service connection. So if
7 you build a home and you want gas service,
8 ultimately you get a hundred feet free in
9 every incremental foot you pay for it
10 yourself.

11 That's been on the books for as long
12 as I can remember as an energy practitioner
13 in New York State. That is, in essence, a
14 de facto incentive to continue the
15 installation and use of natural gas in the
16 state. And that does appear to not line up
17 perfectly with the ongoing policy initiative
18 of the CLCPA.

19 However, the question would -- at this
20 time I think is, you know, what are the
21 alternatives to gas right now? We in the
22 State of New York, we are aggressively
23 promoting electrification. We have a
24 2 million homes initiative where we want to

1 have 2 million homes, 1 million electrified
2 and another million electrification-ready, by
3 2030. And we're putting forward a plan with
4 that in mind through the New York State
5 Energy Research and Development Authority.

6 This in addition to what the Governor
7 announced in her State of the State recently
8 regarding the availability of affordable
9 homes.

10 So these efforts, in conjunction, will
11 in many ways help accelerate the transition
12 towards cleaner, more efficient heating
13 through heat pumps, ground-source heat pumps,
14 air-source heat pumps, or through utility
15 thermal energy networks -- something that
16 this Legislature is keenly interested in.

17 So we have viable options and
18 alternatives, and we at the commission are
19 promoting those as much as possible.

20 CHAIRWOMAN KRUEGER: Would you agree
21 with my analysis that this is actually
22 costing -- the continuation of this rule is
23 costing the consumers of the State of
24 New York hundreds of millions of dollars a

1 year?

2 PSC CHAIR CHRISTIAN: I do not know
3 exactly what the cost of continuing the rule
4 would be, but yes, there is a cost to it.
5 I'd have to look to my staff and do an
6 analysis to figure out what that would be.

7 CHAIRWOMAN KRUEGER: I'd appreciate
8 that, because I don't quite understand why
9 the Governor shifted her position between
10 last year and this year, because last year's
11 was a better position. Thank you.

12 I think it's following along with
13 several of my colleagues' argument that
14 shifting to renewable energy is going to cost
15 consumers more money than they're currently
16 spending on energy. And yet when I look at
17 my energy bills, my colleagues' bills, my
18 constituents' bills, the rate of cost of
19 energy is just breathtakingly high in
20 comparison to even a couple of years ago. So
21 the concept that if we keep the status quo,
22 we're keeping energy affordable, seems to me
23 to be patently absurd. And out of our
24 control, because of course we're dependent on

1 international countries' positions to drive
2 what our energy costs are.

3 So one of the issues that was brought
4 up was the cost of continuing gas and
5 allowing the expansion and I guess
6 modernization of the gas lines, when I
7 believe that the scoping document talked
8 about it costing \$150 billion to upgrade the
9 existing gas system if we chose to go down
10 that road.

11 One, wouldn't that dramatically
12 increase our utility costs? And two, under
13 our existing laws, wouldn't we be having
14 everybody put money into this that would be,
15 quote, sunk assets in a relatively short
16 period of time? Because our laws won't allow
17 us to continue to use gas the way we've been
18 using it.

19 So wouldn't that also be an
20 exceptionally questionable use of the
21 ratepayers' hard-earned dollars?

22 PSC CHAIR CHRISTIAN: So there's no
23 way for me to answer that question
24 appropriately in four minutes and 38 seconds.

1 What I can say is this. The
2 transition that we are under did not start
3 today. It won't end tomorrow. And I'm
4 hopeful to see it in 2050. This has been an
5 ongoing process and New York has been a long
6 leader in moving us towards this particular
7 direction. My predecessors, in particular,
8 enacting various things from the Clean Energy
9 Standard, Clean Energy Fund, New Energy
10 New York and a variety of other incentive
11 mechanisms. We pushed energy efficiency as a
12 first vehicle towards moving us towards
13 electrification because we wanted to have as
14 efficient a building and energy portfolio as
15 possible, and that was a fundamental part of
16 that, efficiency first.

17 Next you see things like demand
18 response, which is something many New York
19 industries are participating in and benefit
20 from on a regular basis, and that actually
21 helps maintain the health and well-being of
22 the grid while providing these industries
23 with a financial benefit.

24 So we have a lot of things that we

1 have been implementing throughout the years
2 to position our grid for this renewable
3 energy future that we envision. And there's
4 a recognition -- I want to say this was
5 Chair Zibelman who first really eloquently
6 pointed this out many years ago at the
7 beginning of the REV proceeding. A point
8 that she made which I found very compelling
9 at the time was a recognition that our energy
10 system as a whole is getting quite old. We
11 will need to repair it, and to repair it
12 there will be a cost.

13 So the question she had posed April
14 14, 2014, do we spend that 150 billion to
15 keep the gas system up in perfect condition
16 and spend another 258 billion, according to
17 the CLCPA, on the electric grid? Or do we
18 find a way to find some degree of
19 efficiencies while managing one energy asset
20 and building up another to a greater purpose?

21 And when you look at the policies that
22 this Legislature has put forward, it has been
23 with the goal of building up the energy
24 system to do far more than it's ever done in

1 the past while giving us benefits to this
2 day. The facts I mentioned earlier about the
3 reduced time in restoring of service, that's
4 not just utilities being better at restoring,
5 that's also better infrastructure that we
6 have been putting into place in anticipation
7 of this future.

8 The renewable energy that will help
9 stabilize the costs of our energy, that is
10 increasing in its share of our overall energy
11 portfolio, which will provide further
12 stabilizing effects over time.

13 All of these things are part of a
14 transition that will take decades. And as a
15 result, it will be a slow transition at
16 times. But we have the resources in place to
17 get there, we have the plans, we have been
18 proactive, and we have been doing what we can
19 with that goal in mind.

20 All of which is a part of being
21 thoughtful, a part of being forward-thinking,
22 and also efficient in the use of our limited
23 funds, recognizing that every dollar we spend
24 on one project is a dollar not spent

1 elsewhere.

2 So we are doing everything we can as a
3 commission to prioritize our investments,
4 investments that will be benefiting us for a
5 long term. But we also recognize there's a
6 need to make investments to maintain the
7 system as it is today. Those are necessary
8 for reliability and safety. These are,
9 frankly, what we need to do as a commission.
10 And we will continue on that mission because
11 we need to keep the lights on and we need to
12 keep our houses warm.

13 CHAIRWOMAN KRUEGER: Thank you very
14 much. And just one follow-up question,
15 slightly different topic.

16 So I believe in this country within
17 the last week there have been two major
18 explosions involving gas and trains and --
19 one was in Ohio and I'm sorry that I don't
20 remember where the other one was. What would
21 we be doing in New York to prevent these same
22 types of incidents from happening, or what
23 would we need to do if they -- if something
24 like that did happen?

1 PSC CHAIR CHRISTIAN: So you're going
2 to have to forgive me, I'm not sure of the
3 incidents in question. I've been preparing
4 for a big meeting I had today.

5 But if we're talking about what we're
6 doing to maintain the safety and integrity of
7 the system, we have what I would characterize
8 as an elite gas safety team here in New York
9 State. We work very closely with our federal
10 counterparts at the Pipeline and Hazardous
11 Materials Safety Administration. And we
12 train with them regularly and we have taken
13 steps not just to improve our ability to
14 monitor and trace and track issues with
15 pipeline, but also removing leak-prone pipe,
16 as I mentioned before.

17 The rate of incidents as a result of
18 our efforts has dropped significantly, and we
19 have data to back that up which I'm happy to
20 provide.

21 CHAIRWOMAN KRUEGER: The train
22 derailment was in Ohio, and I'm trying to
23 find out -- I'm online, and there are photos
24 of a giant gas explosion somewhere else in

1 the country but I'm not sure where.

2 So it's just I suppose in factoring in
3 how we modernize our access to energy we
4 obviously always need to think about safety
5 as well. And at least it's my understanding
6 that most of the forms of renewable energy
7 we're exploring also have far less risk of
8 extreme danger than some of the systems we're
9 using now. Is that a fair analysis?

10 PSC CHAIR CHRISTIAN: Yes.

11 CHAIRWOMAN KRUEGER: Okay. I'm out of
12 time. Thank you very much.

13 PSC CHAIR CHRISTIAN: Thank you.

14 CHAIRWOMAN WEINSTEIN: Assemblyman
15 Epstein.

16 ASSEMBLYMAN EPSTEIN: Thank you all
17 for being here.

18 And I just want to talk about charging
19 infrastructure for vehicles and making sure
20 that we're moving to using public dollars for
21 publicly available charging infrastructure.
22 Are we now, through the Public Service
23 Commission, giving out government dollars for
24 non-publicly available charging things where

1 it's in a garage or there's a paywall?

2 PSC CHAIR CHRISTIAN: So we have -- we
3 have a Make Ready EV program where we provide
4 subsidy for the availability of EV charging.

5 I will have to check on the paywall
6 question. I'm not --

7 ASSEMBLYMAN EPSTEIN: This is an issue
8 that we've talked about before, that we're
9 using government dollars and then putting
10 them in garages where someone has to spend
11 \$700 a month to be able to charge their
12 vehicle. That exists in my district, where
13 we spent government dollars for 20 charging
14 stations.

15 But if we want people who are not
16 really wealthy to be able to move to EV
17 vehicles, we need to take -- we need to
18 ensure that our government dollars are going
19 to publicly available charging stations.

20 PSC CHAIR CHRISTIAN: Right. And what
21 I was going to add is much of what we've done
22 in this Make Ready effort is to specifically
23 tailor it to deploy these EV charging
24 stations in those disadvantaged communities.

1 So we have a tiered incentive approach to
2 this.

3 ASSEMBLYMAN EPSTEIN: Yeah, but wait,
4 it's within a mile for a disadvantaged
5 community. So a mile for a disadvantaged
6 community in New York City is basically all
7 of New York City.

8 Like so we put these in -- like part
9 of my district is lower-income, part of my
10 district is middle-income. So we put
11 20 charging stations in StuyTown, which is a
12 very middle-income neighborhood, and they
13 said they're a mile from a disadvantaged
14 community.

15 So the reality is we're using
16 government dollars to subsidize a private
17 market so someone can spend \$700 a month to
18 put their vehicle in a garage and get
19 charging. I don't know why we would continue
20 to use government dollars to support private
21 industry when government dollars should be
22 going exactly to the public to make sure
23 they're available to the public. Because we
24 want people to move to use EVs, but we can't

1 do that if there are no charging stations
2 that are affordable for them.

3 PSC CHAIR CHRISTIAN: Well, again,
4 we're doing everything we can to ensure that
5 publicly accessible charging stations are
6 incentivized and installed. We're working in
7 collaboration with the City DOT and had a
8 meeting with Senator Chu a couple of days ago
9 to reinforce that point and talk about some
10 of the charging stations in her district.

11 But at the end of the day, what we
12 are -- we're taking multiple steps to get
13 there. We recognize this is a nascent
14 industry and the potential for growth is
15 significant. And we want to have the
16 charging stations available in as many places
17 as possible so that as people deploy and use
18 their EVs, they have options outside of the
19 charging stations at --

20 ASSEMBLYMAN EPSTEIN: I hear you. But
21 it's going to be in a garage where there's a
22 paywall to get into the garage, and then
23 you've got to pay for charging. That's not
24 accessible for most New Yorkers. And I would

1 encourage us to stop using government dollars
2 to do that.

3 PSC CHAIR CHRISTIAN: We'll definitely
4 take that under advisement as we go through
5 the midpoint review. So thank you for that
6 feedback.

7 CHAIRWOMAN WEINSTEIN: Senate, are
8 you --

9 CHAIRWOMAN KRUEGER: The Senate is
10 done. We're just going to flow with the
11 Assembly.

12 CHAIRWOMAN WEINSTEIN: Okay. So we
13 go -- let's see, we go next to Assemblyman
14 Mamdani.

15 ASSEMBLYMAN MAMDANI: Thank you.

16 Thank you, Chair Christian.

17 So one out of every four constituent
18 cases that I have in my office in
19 Northwest Queens is about utility debt or
20 utility unaffordability. I'm trying to
21 untangle the contradictions of our state's
22 relationship to energy rates.

23 On the one hand, we have a mechanism
24 by which corporations like Con Ed can engage

1 in rate cases every few years; right now
2 they're engaged in one of which I'm a party,
3 so I will not go into the details of which,
4 because I understand the confidentiality.

5 PSC CHAIR CHRISTIAN: Appreciate that,
6 thank you.

7 ASSEMBLYMAN MAMDANI: And these kinds
8 of cases are mechanisms, for those who don't
9 know, by which the state approves raising
10 rates.

11 On the other hand, it's almost an
12 annual tradition for the Legislature to
13 allocate hundreds of millions of dollars to
14 resolve the crisis of utility debt.

15 Do you not see this as us inflicting a
16 wound on the working class of New York State
17 every few years and then applying an annual
18 Band-Aid?

19 PSC CHAIR CHRISTIAN: So I'm not
20 familiar with past efforts with Band-Aids.

21 I would characterize our most recent
22 efforts with arrears through our Phase 1
23 approach, which was focused on arrears for
24 low- and moderate-income individuals, and our

1 Phase 2 approach, which was for individuals
2 earning less than \$75,000 a year. I would
3 characterize that as a major bandage to a
4 gaping wound.

5 The effects of COVID-19 were unlike
6 anything we had ever experienced before, and
7 it increased the level of arrears in the
8 state by a -- to a degree that's
9 unprecedented. So action was not only
10 prudent but necessary, especially because --

11 ASSEMBLYMAN MAMDANI: I would just
12 jump in, I apologize, just because of the
13 time limitations.

14 By my understanding as of September of
15 last year, 1.2 million residential customers
16 in New York State were facing utility debt;
17 128,000 small businesses were facing utility
18 debt -- for a total combined of 1.95 billion.
19 And if I understand you correctly, the most
20 recent initiative that the Governor announced
21 was \$672 million in utility relief, which
22 still leaves more than 1.3 billion still
23 unaddressed.

24 And so while I would say yes, it is a

1 significant move, that gaping wound
2 continues. And something that I struggle
3 with is -- you know, in your testimony you
4 said, quote, more structural change is needed
5 to improve energy affordability. That's
6 something I deeply agree with, because I see
7 this tradition of us imposing higher rates,
8 New Yorkers being unable to pay it, and then
9 us putting a significant amount towards their
10 arrears, but still having a majority of them
11 behind on the bill. It just seems like a
12 recipe for more and more people to be priced
13 out of our state.

14 PSC CHAIR CHRISTIAN: Well, I agree
15 something needs to be done, my words. Again,
16 we are doing something. And again, that goes
17 back to past actions by the commission to
18 establish that 6 percent energy burden
19 threshold as a goal, and now subsequent
20 action in which to establish an affordability
21 guarantee.

22 ASSEMBLYMAN MAMDANI: Thank you.

23 PSC CHAIR CHRISTIAN: No problem.

24 CHAIRWOMAN WEINSTEIN: Assemblywoman

1 Kelles.

2 ASSEMBLYWOMAN KELLES: Can you hear
3 me? Sorry, it's a little bit muffled.

4 The first question, in November the
5 Governor vetoed legislation to collect data
6 from public water utilities, and this was
7 about how many shutoffs they conduct. You
8 collect the number of customers behind on
9 their water bills, other issues. And the
10 reason given was that you didn't have the
11 staffing.

12 So can you talk a little bit about
13 this budget? Do you have the staffing now?
14 Would you be able to move forward with some
15 of this work?

16 PSC CHAIR CHRISTIAN: I regret that
17 I'm actually unequipped to answer that
18 question today. I'm not familiar with the
19 legislation that you're referring to.

20 ASSEMBLYWOMAN KELLES: So this is with
21 respect to water utility data.

22 PSC CHAIR CHRISTIAN: I'm sorry, could
23 you say that again, please?

24 ASSEMBLYWOMAN KELLES: This is with

1 respect to water utility data.

2 PSC CHAIR CHRISTIAN: Yeah, I'm --
3 unfortunately, I'm sorry, I'm not familiar
4 with it at this time. I'd have to refresh my
5 memory.

6 ASSEMBLYWOMAN KELLES: Okay. And just
7 really quickly with respect to, you know,
8 moving forward on the water utility, do you
9 know how many public water utilities that
10 have recommenced shutoffs and liens now that
11 New York -- the New York utility shutoff
12 moratorium has expired?

13 PSC CHAIR CHRISTIAN: I'm sorry, how
14 many utilities --

15 ASSEMBLYWOMAN KELLES: How many
16 utilities that have recommenced shutoffs and
17 liens now that New York's utility shutoff
18 moratorium has expired.

19 PSC CHAIR CHRISTIAN: Okay. So we
20 have a general moratorium during the winter
21 months where utility users keep heating, for
22 heating, are not shut off until April --

23 ASSEMBLYWOMAN KELLES: Including
24 water?

1 PSC CHAIR CHRISTIAN: Yeah, that's
2 a -- so we don't regulate most of the
3 public -- we don't regulate the public water
4 authorities. That's why it's a little
5 difficult to speak to that. Sorry.

6 ASSEMBLYWOMAN KELLES: No, no, no, my
7 apologies, I thought that that was in your
8 context.

9 So just shifting gears, can you share
10 how many households benefited from the
11 Phase 1 bill relief program and how many
12 residential/small businesses will benefit
13 from the Phase 2 bill relief credits?

14 PSC CHAIR CHRISTIAN: So the exact
15 numbers I'd have to look up.

16 But I'm going to say I believe we were
17 able to help somewhere in the ballpark of
18 50,000 to 60,000 small businesses and
19 several hundred thousand -- 500,000 and up
20 low-income New Yorkers through the arrears
21 program.

22 ASSEMBLYWOMAN KELLES: What percentage
23 is this of the total need?

24 PSC CHAIR CHRISTIAN: I'm sorry, say

1 that again?

2 ASSEMBLYWOMAN KELLES: I'm just
3 curious what percentage of the total need
4 this included.

5 And the reason I'm asking is because
6 I'm trying to get a sense of how many
7 households and small businesses will be left
8 that will still have debt that's accumulated
9 after Phase 2.

10 PSC CHAIR CHRISTIAN: That's -- that's
11 something I can definitely get you. I don't
12 know exactly how many are left over after.

13 But the prime goal of Phase 1 was to
14 pay down as -- all the arrears incurred
15 during COVID. With Phase 2 it was to pay
16 down as much as possible, and in some cases
17 75 percent. Some arrears were left behind,
18 and that could be rolled into a deferred
19 payment agreement.

20 ASSEMBLYWOMAN KELLES: I'd love that
21 data. I'll follow up with you.

22 PSC CHAIR CHRISTIAN: Yeah. Yeah.

23 CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

24 ASSEMBLYMAN RA: Thank you.

1 So I want to start somewhat where
2 Senator Krueger was, her second-to-last
3 question, just in terms of how the PSC is
4 balancing the resources approved for
5 regulated utilities required to implement the
6 energy transition to meet our CLCPA goals
7 with the investment in the existing energy
8 infrastructure that we have.

9 PSC CHAIR CHRISTIAN: So how we're
10 managing that process?

11 ASSEMBLYMAN RA: Just balancing those
12 two things to ensure reliability right now
13 while we're building for the future.

14 PSC CHAIR CHRISTIAN: Gotcha. No,
15 that's a great question. We discuss this, if
16 not daily, hourly throughout our various
17 day-to-day discussions.

18 Again, integral to everything we do,
19 every project we evaluate and approve, are
20 the core functions of reliability,
21 resiliency, so on and so forth. So we ensure
22 that the projects, whether they be
23 transmission, rate case projects through
24 utility rate cases, all of them are examined

1 through a thorough engineering analysis to
2 make sure that the needs identified by the
3 utility are actually there and can be met
4 through the proposed project.

5 One of the things we want to make sure
6 of is every project can be used and useful.
7 So we don't to gold-plate a system, put in
8 projects that might not necessarily be
9 necessary or serve a singular purpose. We
10 want to be as efficient in our deployment of
11 assets as possible.

12 And we have a team of engineers,
13 economists, accountants, a wide array of
14 other professions that evaluate everything
15 from top to bottom on every rate case that
16 comes across our desks. And in doing that
17 review, we come up with a package of projects
18 that we feel not only serve to continue the
19 reliability of the system as it is, but
20 ensure that its continued operation can move
21 smoothly without interruption. So that's
22 inherent in all the decisions we make.

23 ASSEMBLYMAN RA: Okay. And as more of
24 these renewable projects come online and

1 connect to the grid, is the grid capable of
2 handling these new loads?

3 PSC CHAIR CHRISTIAN: It will be.

4 So part of what we're doing with our
5 Phase 2 transmission -- I think I mentioned
6 this earlier -- we recognize that in certain
7 parts of the state there are bottlenecks in
8 existing renewable energy resources. So
9 there are some solar and wind installations,
10 they can generate more power and provide that
11 to the grid, but the limitations on the grid
12 limit their ability to do so.

13 So by building out these new
14 transmission infrastructure, we unbottle
15 these resources and we can get the full
16 benefit of the investments that we are
17 making. Not only do we get more out of what
18 we have, we also open up the potential for
19 more resources and we make it cheaper for
20 those future resources to come online.
21 Because the way these generators earn revenue
22 is based on the amount of energy sold. Every
23 kilowatt hour sold is a dollar or whatever in
24 their pocket.

1 So these constraints on the grid limit
2 what they can produce. If those constraints
3 are well-publicized and everyone's aware of
4 it, they factor that in and charge more for
5 whatever energy is left so they can
6 capitalize all their costs -- amortize all
7 their capitalized costs.

8 So by doing this transmission, not
9 only do we open up access to existing
10 renewables, but we give new renewables new
11 opportunities to connect, and we lower the
12 cost for them to do so.

13 ASSEMBLYMAN RA: And, you know, a
14 couple of years ago there was a law enacted
15 that required regulated utilities to submit a
16 climate change vulnerability study to the
17 commission. And I know there's ongoing work
18 implemented in these plans. But as we know,
19 extreme weather continues.

20 So how are we working with the
21 regulated utilities, you know, on those plans
22 that they've submitted on implementing those
23 measures?

24 PSC CHAIR CHRISTIAN: So, first, all

1 utilities, including phone and cable, have to
2 develop an emergency response plan. This is
3 something that's a requirement, period.

4 But in addition, our gas and electric
5 utilities, to your point, have to develop a
6 climate vulnerability study which assesses
7 their unique geographic and climate-based
8 risks caused by climate change. And then
9 they also have to develop a risk mitigation
10 plan to address the risks identified in that.

11 And that plan is reviewed by the
12 commission and adjusted regularly and updated
13 periodically to take into account any
14 changing conditions and needs.

15 So this is an ongoing process that we
16 have established, and we are monitoring
17 utility submissions and keeping track of
18 what's needed.

19 ASSEMBLYMAN RA: Okay. And then one
20 last quick thing from my colleague who ran
21 out of time. And I don't know if you have an
22 answer to this now or could provide one
23 later. But on the Scoping Plan, on page 5,
24 there's something that says "The net direct

1 costs are estimated to be up to 0.6 percent
2 of New York State's economy in 2030 and
3 1.3 percent in 2050."

4 If there's any information available
5 as to how that figure was arrived at, I'd
6 appreciate if you could share it with us.

7 Thank you.

8 CHAIRWOMAN WEINSTEIN: Before we go to
9 a second round, I just had a quick question.

10 There's been a lot of discussion and
11 questions regarding the assistance for
12 utility arrears. And you've given the gross
13 number. Do you have a breakdown by zip
14 codes, by something other than this singular
15 number, or two numbers?

16 PSC CHAIR CHRISTIAN: We do have a
17 more detailed breakdown than what I'm able to
18 provide right now. I can definitely work
19 with my staff to see to what degree of detail
20 we can provide that.

21 I can say we do know there are
22 differences regionally in terms of the amount
23 of arrears provided. I'm not entirely sure
24 we can break it down by zip code. There may

1 be some privacy concerns with that, of
2 course.

3 CHAIRWOMAN WEINSTEIN: Sure. What --
4 however you can break it down so we can get a
5 sense as legislators whether our constituents
6 have been adequately taking advantage of the
7 program and what more we can do going
8 forward.

9 PSC CHAIR CHRISTIAN: Okay.

10 CHAIRWOMAN WEINSTEIN: And now I just
11 want to go to Assemblywoman Barrett for three
12 minutes, her second round.

13 ASSEMBLYWOMAN BARRETT: Thank you.

14 To finish our conversation here. How
15 many people are currently on ORES's staff?
16 What's your full staffing level and where are
17 you?

18 ORES EX. DIRECTOR MOAVENI: 36.

19 ASSEMBLYWOMAN BARRETT: 36. And is
20 that going to be the full staffing level?

21 ORES EX. DIRECTOR MOAVENI: No. We
22 are continuing the recruitment process, and
23 we anticipate to continue the recruitment in
24 the next fiscal year.

1 ASSEMBLYWOMAN BARRETT: To -- I didn't
2 hear the last part of what you said.

3 ORES EX. DIRECTOR MOAVENI: We will
4 continue like with the recruitment process in
5 the next fiscal year.

6 ASSEMBLYWOMAN BARRETT: And how much
7 revenue have you generated from fees so far?

8 ORES EX. DIRECTOR MOAVENI: Over
9 \$1.7 million. I can get you the exact
10 number. 1.7.

11 ASSEMBLYWOMAN BARRETT: 1.7 million?

12 ORES EX. DIRECTOR MOAVENI: Yes.

13 ASSEMBLYWOMAN BARRETT: Uh-huh, okay.
14 Thank you.

15 And does -- do you have the authority
16 to extend a notice of incomplete application
17 deadline without a public comment window?

18 ORES EX. DIRECTOR MOAVENI: Can you
19 elaborate on the question?

20 ASSEMBLYWOMAN BARRETT: This is one
21 from the community that we can reach back out
22 and see if we can --

23 ORES EX. DIRECTOR MOAVENI: Please do.
24 I'm not --

1 ASSEMBLYWOMAN BARRETT: Okay, we'll do
2 that.

3 ORES EX. DIRECTOR MOAVENI: -- not
4 following the question.

5 ASSEMBLYWOMAN BARRETT: Sure.

6 And then also just clarity. Is a
7 completed siting application automatically
8 approved after 60 days if a decision is not
9 made in that time frame?

10 ORES EX. DIRECTOR MOAVENI: Yes.
11 Essentially if the question is if the office
12 within the 60-day statutory timeline fails to
13 review or issue the complete or incomplete
14 determination, the answer is yes, that
15 application will be deemed complete.

16 But as I stated before, the office to
17 date has met all statutory deadlines.

18 ASSEMBLYWOMAN BARRETT: Got it. Okay.
19 Thank you. Thank you. I think that
20 addresses it.

21 And then just one more for Chair
22 Christian. When am I going to be able to
23 drive from here to my district office in
24 Hudson, throughout my district, without

1 losing cellphone service and internet? It's
2 impossible, in 2023, not to be able to travel
3 around my own Assembly district without
4 losing phone and, you know, not being able to
5 stay on a Zoom.

6 PSC CHAIR CHRISTIAN: Well, I --

7 (Laughter.)

8 PSC CHAIR CHRISTIAN: I too struggle
9 with access at times. And I understand your
10 plight. It's a common occurrence.

11 I will -- I'll spare you the
12 discussion on broadband. We've attempted to
13 work with the utilities to expand broadband
14 throughout. Sadly, cellphone service is not
15 something under our purview. With the FCC,
16 they essentially control all of that and
17 manage that process. We're happy to help and
18 coordinate as needed. But our powers are
19 somewhat limited in what we can do in terms
20 of cell service in the State of New York.

21 ASSEMBLYWOMAN BARRETT: Well, let's --
22 yeah, if you can advise, let's work together.
23 because this is crazy. It feels like
24 we're -- you know, the great State of

1 New York in 2023 and you can't even finish a
2 call.

3 Thank you. Thank you all for being
4 here today.

5 PSC CHAIR CHRISTIAN: Thank you.

6 CHAIRWOMAN KRUEGER: I believe that
7 completes the questioners of you this
8 evening. Thank you both, gentlemen, for
9 participating. We're going to let you go
10 free --

11 (Applause; laughter.)

12 CHAIRWOMAN KRUEGER: And again, anyone
13 who wants to grab them, so to speak, please
14 take it out to either hallway so that I can
15 call up our next panel: Environmental
16 Advocates New York; Citizens Campaign for the
17 Environment; National Resource Defense
18 Center; Earthjustice; New York League of
19 Conservation Voters.

20 And again, now that we're done with
21 the government reps, the rules of the panels
22 are you each get three minutes to present --

23 UNIDENTIFIED PANELIST: Oh, God.

24 CHAIRWOMAN KRUEGER: -- so you -- we

1 all have your full testimony, and so we want
2 you to just highlight your key bullet points.

3 And then all members of the
4 Legislature, it doesn't matter whether you're
5 a chair or a ranker, we're all down to three
6 minutes also.

7 So first off, thank you for staying
8 here all day -- although some of you might
9 have been clever enough to realize you
10 weren't getting called earlier in the
11 morning. So now that it is quarter to 7:00,
12 good evening.

13 And why don't we start from my left,
14 your right, and just go down. And introduce
15 yourself as you start.

16 MR. SCHRADER: If I can get this on.
17 Is it on now?

18 CHAIRWOMAN KRUEGER: Yes.

19 MR. SCHRADER: Thank you.

20 And do you want me to go right into my
21 testimony?

22 CHAIRWOMAN KRUEGER: You don't need to
23 read your testimony. You have your three
24 minutes to say what you wish.

1 MR. SCHRADER: I've got my three
2 minutes. Richard Schrader.

3 And thank you, Chair Krueger and
4 Chair Glick -- still here -- and Senators and
5 Assemblymembers. I'm Rich Schrader, I'm the
6 policy and legislative director for the
7 Natural Resources Defense Council. And I'll
8 run through this very quickly.

9 First and foremost, I think what we
10 have to do in New York is keep our landmark
11 Climate Act law first and clear. Let's move
12 forward, let's hit all the targets. We can't
13 move backward. Naysayers are not looking at
14 this in terms of the broad not only national
15 but global impact this landmark law has
16 created. And some of these requirements are
17 hitting us pretty closely. 2030, we need to
18 get 70 percent renewable energy on all of our
19 power sector, and also in 2030 we have to
20 reduce greenhouse gas emissions by
21 40 percent. So let's keep moving forward on
22 that.

23 Secondly, we applaud the Governor's
24 \$400 million proposal for the EPF. She

1 brought up 100 million from last year, and
2 excellent we keep it for this year.

3 On a couple of legislative items that
4 we support. We look forward again to working
5 with the Governor and the Legislature on
6 waste reduction, the EPR. We also want to
7 move forward on legislation that we're
8 calling, all of us who are part of this bill
9 effort, the Stop Climate Polluter Handouts.
10 New York State gives about a billion and a
11 half dollars in tax breaks, credits and
12 grants to the fossil fuel industry, totally
13 misaligned with the Climate Act,
14 unnecessary -- by the way, utterly
15 unnecessary given the profits that industry
16 had this year.

17 This bill would surgically look at
18 330-some-odd-million of those dollars of the
19 most egregious greenhouse-gas-emitting and
20 polluting of these fuels, including bunker
21 fuel and aviation fuel. If the aviation
22 industry were a country, it would be the
23 sixth largest greenhouse gas emitter in the
24 world.

1 Also NY HEAT, which has been discussed
2 before, but the 100-foot rule is a \$200
3 million a year ratepayer subsidy for the gas
4 utilities to expand their gas infrastructure.
5 We're talking about the 6 percent cap for
6 low-income consumers, but we provide this
7 industry with extraordinary and complex and
8 multivaried handouts every year, when we have
9 a law that tells us we have to move away from
10 the use of gas, the use of fossil fuels
11 generally.

12 We also support the All-Electric Bill,
13 which has also been discussed. We support
14 the Governor's version of that. We'd love to
15 move that forward quickly.

16 We support the Fashion Act. I see
17 Assemblywoman Kelles is just outside. The
18 Fashion Act would begin finally the effort to
19 regulate one of the most polluting industries
20 and unregulated industries in the world, and
21 it does it in an extraordinarily strong, you
22 know, effort in terms of analysis and making
23 it in alignment with the climate law as well.

24 We also support the Birds and Bees

1 Protection Act, which would prohibit the
2 continued use of neonicotinoid pesticide
3 coated seeds for corn, wheat and soybean. We
4 know beyond dispute, with scientific study
5 after scientific study for the last decade,
6 that this has had an extraordinary negative
7 impact on bees, on pollinators generally, on
8 birds as well, and has public health impacts
9 as well.

10 CHAIRWOMAN KRUEGER: Thank you, Rich,
11 we have to cut you off. Thank you.

12 Liz, good evening.

13 MS. MORAN: Good evening. My name is
14 Liz Moran. I'm the New York policy advocate
15 with Earthjustice.

16 Thank you all so much for the
17 opportunity to testify today on the energy
18 and environment sections of the proposed
19 budget.

20 So this budget's a really important
21 one. It marks the first one following the
22 state's finalization of the Climate Scoping
23 Plan. Not only that; we're on the
24 convergence of a number of other

1 environmental crises, from PFAS
2 contamination, childhood lead poisoning,
3 aging water infrastructure, and more. So
4 this is going to be really important to
5 address these things.

6 We commend the Governor. She's
7 proposed a number of policies which are a
8 good start. But we really feel the
9 Legislature can do a lot to bulk these up, to
10 add additional funding in critical areas, and
11 to tighten language. So we detail a lot of
12 this in our written testimony. I obviously
13 won't have time to get into it all.

14 So I'll touch upon a few areas,
15 starting with all-electric new construction.
16 We're pleased the Governor's opened the door
17 yet again on this proposal.

18 Starting with new construction is a
19 low-hanging fruit, and we want to emphasize
20 that our ideal model for this is in the
21 Senator Kavanagh/Assemblymember Gallagher
22 All-Electric Building Act legislation. We
23 really feel the Legislature should include
24 that in their one-house budgets and that

1 should be on the negotiating table and be in
2 the final budget. It has the right timeline,
3 it has the right details regarding building
4 size and more. So we think that would be the
5 strongest way forward.

6 We know that this will save
7 New Yorkers money. New construction of
8 all-electric new buildings will save
9 New Yorkers, on average, around \$900 per year
10 on their energy bills. And it's popular --
11 66 percent of New Yorkers support a policy
12 like that.

13 The grid has capacity. We detail that
14 in our testimony as well. I'll also add
15 we're strongly supportive of the NY HEAT Act
16 being part of the budget. This is another
17 important policy that will help New Yorkers
18 electrify their homes, save them money on
19 their bills, and more.

20 And in conclusion, I'll summarize some
21 of our other points. So we really feel the
22 budget should be bulked up when it comes to
23 climate funding. Cap-and-invest has a lot of
24 potential. For lack of a better expression

1 at the moment, the devil is in the details,
2 and we do have some more recommendations to
3 make sure that cap-and-invest really aligns
4 with our climate law.

5 We also want to see increased funding
6 for water infrastructure. You've heard from
7 others today we have an aging water
8 infrastructure crisis in New York. The Clean
9 Water Infrastructure Act is phenomenal. It
10 funds a number of water policies, and can't
11 keep up with demand. So we would love to see
12 that become a \$1 billion program this year.

13 And I will wrap it up there. Thank
14 you all so much.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Hello, Adrienne.

17 MS. ESPOSITO: Good evening,
18 Senator Krueger and the other members of the
19 Assembly and Senate. I do want to extend a
20 very heartfelt thank you to those of you who
21 have stayed to hear the advocates. We
22 actually sincerely appreciate that. Thank
23 you again.

24 I'm going to keep my testimony short

1 since I only have three minutes. The first
2 thing we'd like is to express our strong,
3 strong support for keeping in the context of
4 the budget a Packaging Waste Reduction and
5 Recycling Infrastructure Act. Thank you to
6 the Governor for including this important act
7 in her proposed budget, and thank you,
8 Senator Harckham, for championing this in the
9 Senate.

10 This is not a luxury item. This is a
11 necessity. Waste, believe it or not, makes
12 up 11 to 12 percent of our greenhouse gas
13 emissions. Electricity is 13 percent. We
14 have lots of plans to deal with the
15 13 percent of greenhouse gas emissions
16 generated by electricity, but not so much to
17 deal with the 11 percent generated by
18 improper waste disposal.

19 What can we do? I'm glad you asked.
20 The one thing that we all agree on is we can
21 reduce waste and increase recycling. That's
22 what this bill does. It reduces paper and
23 plastic -- a very important thing -- and also
24 it will increase recycling and, to boot, it

1 will save taxpayers' money. Where could we
2 go wrong? We like that.

3 New York would not be the first state
4 to do this; there are four other states --
5 California, Colorado, Oregon and also Maine.
6 Also, this program exists in British
7 Columbia. They instituted it in 2014, and
8 they have 1,100 producers and manufacturers
9 in their program. They are now taking out
10 75 percent of the waste stream, a sure
11 success. If they could do it, we could do
12 it.

13 This will be the first time ever we
14 would have a plan and craft a plan that would
15 incentivize manufacturers to finally use less
16 waste in all those boxes and less contraband
17 cardboard and less plastic, and at the same
18 time whatever they do use, to make it more
19 recyclable so it can be recycled.

20 Also, the bill allows for a clear
21 funding structure, something that's critical,
22 that identifies the flow of money that goes
23 from the program back to the local
24 municipalities to offset the cost of waste

1 management and increased recycling
2 infrastructure. That is a key component, and
3 the bill must contain that component.

4 So we really need this done in the
5 context of the budget. You may hear
6 testimony that says we don't need to do this
7 in the budget. That is wrong. In the
8 Governor's budget alone, she identifies eight
9 DEC staff that are needed to regulate this
10 program. We want it regulated. We need it
11 regulated and done effectively. That's the
12 role of the DEC as a regulatory agency. It
13 must be done in the context of the budget.

14 Thank you.

15 CHAIRWOMAN KRUEGER: Good evening.

16 MR. McCLELLAN: Hello. Thank you. My
17 name is Patrick McClellan. I'm the policy
18 director for the New York League of
19 Conservation Voters. Thank you for the
20 opportunity to testify.

21 State agencies that protect the
22 environment and fight climate change have
23 been asked to do more with less for many
24 years, so we're thrilled that there are

1 hundreds of new positions at critical state
2 agencies proposed in this year's budget.
3 We're also happy that the Environmental
4 Protection Fund is proposed to be supported
5 at \$400 million again. However, we strongly
6 oppose the proposal to offload funds from the
7 EPF to be allowed to pay for staffing. We
8 think that you need to have a fully funded
9 EPF and also these new staff, and don't mix
10 up the two.

11 We strongly support Part WW of TED,
12 that's the proposed law to phase out on-site
13 greenhouse gas emissions from new
14 construction as well as phasing out from
15 existing buildings at the end of their useful
16 lifespan. We think that along with that,
17 Senator Krueger's New York HEAT bill should
18 be included in this year's budget.

19 There's also a tremendous opportunity
20 for the state to lead the way on both green
21 buildings and green jobs. We're advocating
22 for the elimination of on-site fossil fuel
23 combustion at all state-owned facilities by
24 2040. These decarbonization projects should

1 have robust labor standards, including
2 project labor agreements, direct-entry
3 pre-apprenticeship programs, training
4 programs for existing workers, and a
5 commitment to direct at least 40 percent of
6 our overall investments and benefits,
7 including jobs, to disadvantaged communities.

8 A just transition requires creating
9 green jobs for workers who are currently
10 employed in the fossil fuel industry today,
11 rather than making promises about the jobs
12 that will be available 15 years down the
13 line.

14 We're conceptually supportive of
15 cap-and-invest, but we think that there is
16 plenty of room in the final budget for more
17 clarity on equity, certainty of emission
18 reductions and how the funds would be spent.

19 On transportation, we urge you to
20 include a Clean Fuel Standard in the final
21 budget. We believe that that can work side
22 by side with cap-and-invest. It's been
23 successfully implemented in other states.
24 And I'll note in California, where the

1 program originates, the California Air
2 Resources Board does not believe that the
3 Advanced Clean Car Rule or the Advanced Clean
4 Truck Rule, which New York has also adopted,
5 are achievable without their low-carbon fuel
6 standard in place. I think that that's
7 something to keep in mind in New York.

8 And we also think that we should enact
9 the CLCPA's transportation emission
10 recommendation of expanding direct sales of
11 zero-emission vehicles.

12 I will second all of Adrienne's points
13 on the Waste Reduction and Recycling
14 Infrastructure Act.

15 And then finally, on housing, I want
16 to touch on that briefly. We are broadly
17 conceptually supportive of the
18 Housing Compact goals that the Governor has
19 laid out. Obviously the details matter here.
20 I'm not an expert on housing policy, so I
21 can't vouch for every last clause of those
22 budget bills. But broadly speaking,
23 rezonings that emphasize smart growth and
24 transit-oriented development are

1 climate-smart, and we urge you to include
2 them in the final budget.

3 Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.

5 MR. BAMBRICK: Good evening. I'm
6 Conor Bambrick, director of policy for
7 Environmental Advocates NY. And thank you
8 for the opportunity to testify.

9 Funding implementation of the
10 Climate Law remains one of our top
11 priorities. We're encouraged that the
12 Governor has advanced an economy-wide
13 cap-and-invest program, but the details are
14 important. In addition to providing energy
15 cost relief, a successful emissions
16 cap-and-invest structure must include equity
17 and environmental justice provisions,
18 including the following: Safeguards to avoid
19 hotspots in disadvantaged communities,
20 additional source-specific caps that prevent
21 increased greenhouse gas emissions and
22 co-pollutants from sources in or proximate to
23 disadvantaged communities, a prohibition on
24 offsets, and very limited trading.

1 Even if the development of a
2 cap-and-invest program goes smoothly, we are
3 likely looking at 18 months to two years
4 before we see funds materialize. New Yorkers
5 cannot afford to wait that long. We urge the
6 Legislature to include dedicated funding for
7 the Climate Law in the State Budget through
8 the establishment of a Climate and Community
9 Protection Fund, in order to build the
10 infrastructure necessary for the clean energy
11 economy and immediately start delivering
12 resources to help communities and the state's
13 workforce transition off fossil fuels.

14 Turning to water, New York's water
15 infrastructure is aging and crumbling. DEC
16 and DOH have estimated that \$80 billion is
17 needed to fix our pipes -- and that's a
18 conservative estimate. We appreciated the
19 Governor's proposal of \$500 million in new
20 funding for the Clean Water Infrastructure
21 Act, but the demonstrated need from local
22 governments dwarfs that figure. Investing
23 \$1 billion for the Clean Water Infrastructure
24 Act with a line item for each CWIA program

1 funded, like lead pipe replacement, could be
2 put to immediate use in protecting public
3 health and creating thousands of union jobs
4 across the state.

5 Every New Yorker needs affordable
6 water as well as clean water. We urge you to
7 include policies and funding in the budget
8 to, for the first time, collect statewide
9 data on water affordability. It's shocking
10 that we don't know how many water shutoffs
11 occur, or how many New Yorkers are behind on
12 their water bills and how much they owe.

13 We know enough, however, to know that
14 water affordability is a major crisis.
15 New York City residents alone owe 1.2 billion
16 in water debt. We support more funding for
17 the Low-Income Household Water Assistance
18 Program to help eliminate water debt from
19 economically struggling New Yorkers.

20 And then just one other piece I'll
21 touch on, on buildings. We are supportive of
22 the zero-emission new construction building
23 standard. We think the timeline has to be
24 faster than what the Governor proposed. The

1 definition in that proposal only applies to
2 fossil fuels, it seems. So we want to make
3 sure we're not combusting other fuels in
4 buildings as we move forward. And we think a
5 complementary policy to all-electric new
6 construction would also be the enactment of
7 the New York HEAT Act.

8 And thank you very much for the
9 opportunity.

10 CHAIRWOMAN KRUEGER: Thank you very
11 much.

12 Senator Pete Harckham.

13 SENATOR HARCKHAM: Thank you very
14 much, Madam Chair.

15 And thank all of you for staying late.
16 I know the hour is late. We really
17 appreciate you staying.

18 Mindful of we only have 2 minutes
19 50 seconds for all of you to respond to this
20 question. We'll start with Conor and work
21 our way this way. The one thing that is not
22 in the Governor's budget that you would like
23 to see in the Governor's budget, or our
24 budgets.

1 Conor, we'll start with you.

2 MR. BAMBRICK: I think the funding
3 necessary to implement the Climate Law
4 immediately.

5 SENATOR HARCKHAM: I'm sorry, what was
6 that?

7 MR. BAMBRICK: The funding necessary
8 to implement the Climate Law immediately,
9 like through a climate community protection
10 fund.

11 SENATOR HARCKHAM: Got it. Got it.

12 MR. McCLELLAN: Clean Fuel Standard
13 and New York HEAT.

14 MS. ESPOSITO: More funding for
15 wastewater infrastructure, septic replacement
16 programs, and also grants to municipalities
17 for filtering out 1,4-dioxane and PFAS.

18 MS. MORAN: More climate funding and
19 the NY HEAT Act.

20 MR. SCHRADER: New York HEAT.

21 SENATOR HARCKHAM: Terrific, thank
22 you.

23 MS. ESPOSITO: It's like the lightning
24 round.

1 (Laughter.)

2 SENATOR HARCKHAM: That was great,
3 thank you.

4 I yield my time, Madam Chair.

5 CHAIRWOMAN KRUEGER: Thank you very
6 much.

7 Assemblymembers?

8 CHAIRWOMAN WEINSTEIN: Assemblyman Ra
9 at the moment.

10 ASSEMBLYMAN RA: Thank you. That was
11 very impressive. You guys should like team
12 up on a game show. That was great.

13 (Laughter.)

14 ASSEMBLYMAN RA: Just had a quick
15 question, and if you're not super-familiar
16 with this, please feel free to tell me that's
17 the case. But I did want to ask about the
18 EPR. Obviously we're trying to put this
19 together. There are states that are starting
20 to put this together, but it's been done in
21 other countries.

22 And I just wanted to ask if anybody
23 has any thoughts about the exclusion for
24 advanced recycling. I know that that is part

1 of the situation in some other places that
2 have implemented it. It seems to be utilized
3 to produce kind of products we interact with
4 every day. But obviously there are people
5 who think it's great and there are people who
6 say it's not part of the solution.

7 MS. ESPOSITO: Well, I'll just say
8 this. We've had multiple lengthy, rigorous
9 discussions about this topic over the last
10 three years. We've centered on the
11 definition that's used in the carpet
12 recycling bill that was just passed and
13 signed in December. It's a consensus, you
14 know, language and we believe it works. And
15 we would like to go forward with that, in the
16 interest of getting a bill passed and
17 building up consensus around it.

18 ASSEMBLYMAN RA: Okay. All right,
19 thank you, that's all I had. Thank you guys
20 for your patience today and for your
21 advocacy.

22 CHAIRWOMAN WEINSTEIN: Senator
23 Mattera.

24 SENATOR MATTERA: It's great seeing

1 you guys, and I thank you so much for all of
2 your hard work, and I do mean that, because
3 the number-one thing, you care about the
4 environment.

5 And Adrienne, what can I say about
6 you. You're just -- you're just a pleasure,
7 you're my friend, and you're a voice. And
8 you're --

9 MS. ESPOSITO: Thank you, Senator.

10 SENATOR MATTERA: Not just a voice
11 just for Long Island, you're a voice for the
12 whole New York State, and you should be
13 commended for that.

14 MS. ESPOSITO: Thank you.

15 SENATOR MATTERA: You know, you worked
16 so hard and we had the \$4.2 billion Bond Act.
17 It was very, very important. You're out
18 there, we're advocating for it, how important
19 it is. I'm very, very nervous that
20 Long Island is not going to receive their
21 fair share.

22 I know this is a hard question. This
23 isn't really a question for you, but I know
24 you're going to be a fighter with this to

1 make sure that we do. Do you feel that we
2 should have had a committee put together
3 that -- in other words, that each district
4 received a fair share for New York State.

5 MS. ESPOSITO: Well, I think the more
6 stakeholder input into how the \$4.2 billion
7 is spent, I think the better off we're going
8 to be. I find, to be honest with you, the
9 public knows what they want and what they
10 need. And since the public voted yes
11 67 percent -- and 67 percent of the public
12 rarely agree on anything, I think that it
13 would be a wise thing. I was happy to hear
14 testimony this morning from the DEC
15 commissioner saying that they will put out
16 for public comment kind of the draft idea of
17 how the Bond Act will be spent. I was very
18 encouraged by that. And they're anticipating
19 that will happen, I think they said by late
20 spring. Which I think will be productive and
21 constructive.

22 So yes, I think there should be lots
23 of rigorous input into the allocation of
24 those funds. And yes, we will be fighting

1 for our fair share on Long Island as well, my
2 hometown.

3 SENATOR MATTERA: And you know that --
4 I think I do get five minutes, by the way,
5 Senator. Hopefully I do, because I am the
6 ranker on Energy and this is about energy.

7 How do you feel also, too -- this is a
8 Long Island question -- about the
9 electrification for the North Shore --
10 obviously from Huntington to Port Jefferson,
11 right?

12 MS. ESPOSITO: Yes.

13 SENATOR MATTERA: So it's a quick
14 question. We had the MTA here with
15 CEO Lieber, and he said he's going to be
16 doing a feasibility study. But he said,
17 pretty much, We're looking into this, but a
18 \$10 billion investment may not be feasible.

19 I disagree with that. All-diesel
20 trains for a lot of the reasons, for our
21 commuters. In other words, they do not have
22 to, you know, get off the train to go -- you
23 know, at Huntington, to go into Penn Station.
24 But the biggest thing is since 1980 we've

1 been talking about this. What are your
2 thoughts about this too?

3 MS. ESPOSITO: Well, I think that it's
4 fair to say it would be an upgrade to our
5 transportation system to go from diesel to
6 electrification. We of course have been
7 advocating that and supporting that for, you
8 know, maybe two decades now.

9 So we understand it's pricey, we
10 understand there are priorities, but we have
11 to get into the queue. And that's important.

12 SENATOR MATTERA: Right. This is an
13 investment that's a very necessary
14 investment.

15 MS. ESPOSITO: Yes. Yes, Senator.

16 SENATOR MATTERA: Great. And thank
17 you again to the whole panel for working hard
18 for all New Yorkers and caring about us.
19 Thank you.

20 SEVERAL PANELISTS: Thank you,
21 Senator.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 Assemblyman Brown.

24 ASSEMBLYMAN KEITH BROWN: Thank you.

1 Adrienne, I'll start with you. I
2 appreciate so much your advocacy on this
3 issue, and I echo the words by Senator
4 Mattera.

5 MS. ESPOSITO: Thank you, Assemblyman.

6 ASSEMBLYMAN KEITH BROWN: I want to go
7 back to EPR. And do you see -- I understand
8 that we're in a position to get EPR over the
9 finish line, and you've been fighting for
10 that for so long. But do you see a role for
11 advanced recycling relative to, you know, EPR
12 at some point?

13 MS. ESPOSITO: Well, I'll tell you
14 honestly, we would like to -- you know, in
15 this we differ from some of our other
16 colleagues on this issue. And that's good,
17 because sometimes people think all
18 environmental groups share one brain, and we
19 don't. Sometimes we see things a little
20 differently.

21 But we think in the future -- we'd
22 like to leave the door open because in the
23 future, if we can get plastics to become
24 plastics, that might be a good idea. You

1 know, we want to reduce plastics, first and
2 foremost. That we would like to do, get away
3 from plastics. But I don't know if society's
4 going to do that in the next 10 or 20 years.
5 Right? That's going to be a process, as
6 everything else is a process.

7 So -- but I think for the most part
8 we've agreed on some language. We can
9 revisit that in the future if we need to.
10 And I think that the language is written in a
11 way that allows that to happen currently.

12 ASSEMBLYMAN KEITH BROWN: And just so
13 you know, I've been advocating that we should
14 also expand the Bottle Bill, which has been
15 widely successful. It was adopted back when
16 I was an intern in the Senate way back in the
17 '90s.

18 But could I just switch to Conor --
19 oh, I'm sorry, the gentleman in the middle.

20 MS. ESPOSITO: Patrick. It's Patrick.

21 ASSEMBLYMAN KEITH BROWN: Patrick, I'm
22 sorry.

23 You talked about the Housing Compact.
24 And I understand when it comes from --

1 relates to transferring to development.
2 However, if you take a deeper dive into the
3 Housing Compact that's being proposed, it is
4 a complete assault on home rule. And it will
5 have impacts on our local environment,
6 particularly on our waterways, without having
7 infrastructure for the sewers and whatnot.

8 Because it's basically widespread.
9 I'm hearing from mayors in villages that I
10 haven't heard from -- my four villages in my
11 district. So they're -- people are
12 concerned, right, that this is going to just
13 kind of be a sledgehammer to kill a fly
14 approach, rather than a smart-growth approach
15 that puts the housing where it really
16 belongs.

17 Do you have any opinion on that?

18 MR. McCLELLAN: Yeah, I think that the
19 bill as proposed automatically considers
20 wetlands, parks, rivers and streams, coastal
21 erosion hazard areas, protected forests and
22 the 100-year flood plain to be non-buildable
23 land.

24 I think that there is room in the

1 final budget for that category of
2 non-buildable lands to be expanded, to
3 consider what other lands either need to be
4 exempted from this requirement entirely or to
5 have a heightened level of environmental
6 review on them.

7 I will say, too, that the bills, at
8 least as I read them, do still allow local
9 governments to reject new housing when there
10 is not sufficient drinking water or sewerage
11 to serve them, and that's something that we
12 support.

13 ASSEMBLYMAN KEITH BROWN: But your
14 problem is usurping power to a superior
15 zoning board up in the Albany. That's the
16 real problem.

17 Thank you.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 Senator Walczyk.

20 SENATOR WALCZYK: Thanks, Madam Chair.

21 So some refrigerants have been banned
22 by the EPA. Most refrigerants that are used
23 in air-source heat pumps have between a 400
24 and 2,000 times global warming potential than

1 CO2 has. So should New York be outlawing or
2 banning certain types of these global warming
3 potential and also sometimes ozone depleting
4 gases from our air-source heat pumps?

5 MS. ESPOSITO: That's you, Rich.

6 (Laughter.)

7 MR. SCHRADER: I think that we're
8 seeing a process where heat pumps, as an item
9 that's being a consumer product, more and
10 more information is coming out about it.

11 NRDC, as you know, has got a long
12 history as far as working against
13 refrigerants. We were involved in some of
14 the early treaties and early work on this
15 back in the '80s. I wasn't; I wasn't there
16 yet but. But certainly some of the work we
17 did in the early aughts I was involved with
18 that as well.

19 We're going to know more about heat
20 pumps as they become more part of the market.
21 I think we have to take all the protections
22 and precautions in terms of not only
23 greenhouse gas but pollutants as well.

24 On the other hand, we do know the

1 pollutants that are being caused by existing
2 fossil fuel use and the greenhouse gas
3 emissions, not only CO2 but methane as well.
4 And we also know that many of these fuels
5 have other types of pollutants, you know.
6 And those are issues that we've talked about
7 earlier. We have to see a strong effort to
8 make sure that this not only is done as far
9 as careful calculations for localities, but
10 also looking at the overall impacts on the
11 environment.

12 But I will tell you, you know, what
13 we're seeing so far with heat pumps is that
14 they are a very clear alternative and a
15 strong one in terms of the existing gas
16 heating systems.

17 SENATOR WALCZYK: I've heard that
18 consistently throughout the Climate Action
19 Council Draft Scoping Plan hearing and also
20 here today. Many lean on ductless
21 mini-splits or air-source heat pumps as the
22 solution to a lot of these things.

23 So the current plan, I mean, could
24 include anywhere from 30 to 40 pounds of

1 refrigerant per household in New York State.
2 When you consider, you know, the
3 dangerousness to the planet that a lot of
4 these gases that we would be installing in
5 each home in New York State -- should they at
6 least be manufactured in New York so that we
7 know that they're responsibly manufactured
8 and held. Or should we continue to buy these
9 refrigerants from --

10 MR. SCHRADER: NRDC has long supported
11 bringing manufacturing to the State of
12 New York, not just for these heat pumps, of
13 course, but for solar as well as wind
14 turbines and the like.

15 I think that what we do know is that
16 as we see increasingly the effort to have
17 building decarbonization in new construction,
18 we can see this over time in the new
19 construction that takes place in '27, '28 --

20 SENATOR WALCZYK: I know we keep
21 saying decarbonization, which I know -- when
22 something has 2,000 times more global warming
23 potential than CO2, that's why it's a drastic
24 concern to me. When we say that that gas is

1 part of the solution, the lowering our amount
2 of something that has 2,000 times less global
3 warming potential, well --

4 (Overtalk.)

5 MR. SCHRADER: We're out of time,
6 Senator.

7 SENATOR WALCZYK: -- we're out of
8 time.

9 MR. SCHRADER: But one thing to keep
10 in mind with CO2 is it lasts for a long, long
11 time. And the impact really is that the way
12 it lasts for so long is something that has to
13 be more effectively dealt with in the short
14 term.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 Assemblywoman Glick.

17 ASSEMBLYWOMAN GLICK: Just a couple of
18 quick questions, because I think -- Patrick,
19 I don't know whether you had opened the door
20 on anything around housing, but -- and since
21 we're talking about local issues, New York
22 City has an FAR, a floor area ratio, so that
23 we're not building way out of scale.

24 The Governor's budget includes a

1 lifting of the cap on FAR 12. If there was
2 some guarantee that it would all be
3 affordable housing, I might be convinced.
4 But under the current cap, we've seen
5 Hudson Yards built, we've seen plans again,
6 inexplicably, on the East River, huge
7 buildings going up. So while it is something
8 that the league has included as something in
9 its -- I guess its position in support of
10 some of the Governor's things, I would hope
11 that you would all go back and think about
12 that as a real problem.

13 I don't know that we have ways to make
14 these huge buildings reasonably green. And
15 if we're taking off a cap that has allowed
16 enormous development already in New York, I'm
17 not sure why we would continue to have
18 giveaways to developers.

19 MR. McCLELLAN: Chair Glick, with
20 respect to {inaudible} -- after the
21 conversation that we had in your district
22 office about this issue several weeks ago, I
23 did not actually include it among the parts
24 of the ELFA Article VII legislation that we

1 support, did not include the provisions
2 specifically about lifting the FAR.

3 It's a concept that we think is still
4 worth considering, but I do not affirmatively
5 have it in my budget testimony today.

6 ASSEMBLYWOMAN GLICK: I will tell you
7 I don't think it's worth considering.

8 Anyway, the last thing is I know
9 there's been some discussion today about the
10 sort of -- whether it's a bridge fuel or not,
11 there are some exemptions on farms and the
12 like for certain kind of equipment continuing
13 to use biomass, which was not included in the
14 CLCPA. I'm just wondering if you have any
15 thought on that in 20 seconds.

16 MR. McCLELLAN: I think that when you
17 get to the 2050 sort of end point of the
18 CLCPA Scoping Plan, it is possible that we
19 are not going to have zero-emission
20 technology for every single use that we're
21 currently using fossil fuels for. In those
22 cases, I think that our responsibility under
23 the CLCPA is to find the best option
24 available that minimizes emissions.

1 ASSEMBLYWOMAN GLICK: Thank you.

2 CHAIRWOMAN WEINSTEIN: Thank you.

3 We go to the Senate, Senator
4 Canzoneri-Fitzpatrick.

5 SENATOR CANZONERI-FITZPATRICK: Thank
6 you. I appreciate everybody being here.
7 Thank you for your input.

8 I wanted to ask Adrienne about your
9 written proposal that had some significant
10 discussion about the South Shore Estuary
11 Reserve.

12 MS. ESPOSITO: Thank you, Senator.

13 SENATOR CANZONERI-FITZPATRICK: You
14 are in my district with that, so I wanted to
15 know if you could expand and explain why the
16 next -- the funding is needed for that
17 project.

18 MS. ESPOSITO: Oh, my God. Thank you,
19 Senator. You had to be just reading my mind.
20 I thought I had five minutes, and that's why
21 I had -- I didn't include it.

22 But yes -- thank you -- the South
23 Shore Estuary Reserve is one of the five
24 estuaries in New York State, but this is a

1 state estuary program. It's funded in the
2 EPF, it is an estuary that is 120 miles long.
3 It generates millions and billions of dollars
4 into the local/regional economy. I could go
5 on, but I won't.

6 It has been stuck at a funding level
7 for 29 years, at 900,000. Last year it got a
8 wonderful bump up to a million. But the
9 New York State Department of State, with
10 stakeholders, spent the last five years
11 rigorously working on a new management plan
12 to restore and protect the estuary. It's
13 done, we had a big, you know, to-do about it
14 and a press conference a couple of months
15 ago. We can't implement that plan with
16 \$1 million. I'm sorry -- we like the
17 1 million, thank you, but this is a major
18 estuary that needs \$5 million per year at
19 least.

20 So some people don't like to change
21 the categories in the EPF, and I understand
22 that. But that would leave the SSER stuck
23 forever at an inadequate funding level. It's
24 an estuary that has more state, county and

1 town parks out of any estuary in New York
2 State. It has more public access. And yet
3 the public has access to polluted waters --
4 bacteria, harmful algal blooms, brown tide,
5 mahogany tide, rust tide, and now we have a
6 new pink tide from an invasive species from
7 Japan. So it needs some help.

8 SENATOR CANZONERI-FITZPATRICK: Okay.
9 If I could ask a few questions about
10 recycling. The advanced recycling for
11 plastics, is that giving off more carbon
12 emissions? I mean, what are we dealing with
13 as far as the advanced recycling? Are we
14 doing more damage to the environment by
15 recycling plastics?

16 MS. ESPOSITO: Well, I think that's
17 the question, that you've asked the, as they
18 used to say, \$64,000 question. And it's one
19 where right now the technology's not good to
20 make plastics into plastics. And that's why
21 we're not happy with it.

22 Could it be in the future? I don't
23 know. Maybe. But right now it's not good
24 technology.

1 SENATOR CANZONERI-FITZPATRICK: Do
2 local municipalities currently have to comply
3 with recycling rates or is there anything --
4 because I have 14 I think incorporated
5 villages in my district. And I know
6 Malverne, where I came from, we do have a
7 recycling plan. Is it not out there for
8 everybody?

9 Well, all right. Thank you.

10 MS. ESPOSITO: The answer's no.

11 (Laughter.)

12 CHAIRWOMAN WEINSTEIN: Thank you.

13 Assemblywoman Giglio.

14 ASSEMBLYWOMAN GIGLIO: Thank you,
15 Chair.

16 So thank you all for your advocacy and
17 for your passion on saving the climate and
18 saving the environment. I do appreciate it.
19 I think it's steps to get there, so I
20 appreciate listening to you and all of your
21 advice on how to get there.

22 And Adrienne, you have been a staunch
23 advocate. We're talking about estuaries, the
24 Peconic Estuary has come a long way with your

1 help, and the EPA. Which brings me to the
2 point of the water problems that we have in
3 Manorville with the Grumman plume and the
4 1,4-dioxanes and the PFOS and the PFAS and
5 how the federal government has been very
6 generous in giving funding to extend the
7 water to Suffolk County Water Authority, but
8 we're still not there. We still don't have
9 the money. And I don't feel like the state
10 is doing their part in making sure that
11 people have clean water, especially in that
12 scenario.

13 Do you have any input or advice or
14 something that I should be doing in order to
15 make sure that those people in Manorville
16 have clean water?

17 MS. ESPOSITO: Yes, and thank you for
18 the question, Assemblywoman. And we know
19 you've been very involved in that issue, and
20 thank you for that.

21 Yes, I reached out to the DEC and
22 unfortunately -- fortunately, we do have a
23 Zoom meeting with the deputy commissioner,
24 Sean Mahar. We will be inviting your office,

1 and Senator Palumbo's office agreed to
2 participate, to see what funding is available
3 to -- and this is something I think is
4 important in the state budget. For
5 communities that are drinking from private
6 wells that are polluted, what do they do to
7 get funding to hook up to the public water
8 supply, which is only down the block but is
9 costing millions of dollars?

10 Senator Schumer championed getting
11 \$5.5 million to this community, and the state
12 has ponied up zero.

13 So we need to help them. We don't
14 want them drinking PFAS-laden water. So
15 thank you for the question. We do need to
16 work to get a grant to them to get us the
17 full funding so they can have clean water.

18 ASSEMBLYWOMAN GIGLIO: Thank you.

19 CHAIRWOMAN WEINSTEIN: Thank you.

20 We go to Senator Hinchey.

21 SENATOR HINCHEY: Thank you.

22 And I saw a couple of other people
23 wanting to chime in on the biofuels comment,
24 so I just wanted to provide some space for

1 that. You had answered that, but I saw
2 others leaning forwards.

3 MS. ESPOSITO: I think they were
4 backing away from the comment.

5 (Laughter.)

6 SENATOR HINCHEY: Well, I'm opening
7 the door, so --

8 MR. SCHRADER: Senator, to keep the
9 door open a little bit, I think Patrick's
10 point was exactly right.

11 We're going to see this is a process,
12 a transitional process. As time goes on,
13 there will be certain kinds of technologies
14 and certain types of materials that we'll see
15 may not be what we need in terms of a hundred
16 percent clean, by the definition. In 2050
17 we're going to have 85 percent reductions of
18 greenhouse gas emissions, not 100 percent.

19 But it's a process over time. We'll
20 see where biomass is. There's a lot of new
21 technologies even in the last five years on
22 that. And I do -- and thank you for asking
23 the question.

24 And I also want to thank you for the

1 Good Food Procurement Act, which NRDC is
2 working on, which will provide abilities to
3 create some value systems in terms of
4 procurement for municipalities, including
5 environmental sustainability. It's a very
6 important bill, and I'm happy to get to
7 mention it.

8 SENATOR HINCHEY: Thank you.

9 And kind of on that question, we
10 talked about food waste and my apologies that
11 I had to step out for a moment. But one of
12 the ways that we've seen food waste is this
13 big carbon emitter that we don't totally have
14 the solution to right now. However,
15 anaerobic digesters, the technology started
16 in 2000. That technology has gone very far,
17 though, to today. And I've seen it working
18 on farms really well, especially partnering
19 with Wegman's specifically to take not only
20 food waste from the local landfill but also
21 expired products off the shelves. And
22 instead of ending up in the landfills, ending
23 up in an anaerobic digester.

24 Do you think that that could be --

1 whether it's an indefinite solution, but at
2 least a "now" solution -- something that we
3 should be investing in to help cut those
4 carbon emissions and make sure that we're
5 investing significantly so that the
6 technology and the anaerobic digesters on
7 farms are as up-to-date as possible so that
8 we're stopping the leakage?

9 MR. SCHRADER: Senator, a major arc of
10 the policy discussion when we passed the food
11 waste recycling bill back in 2019 was a
12 contribution combination of making sure that
13 the larger generators of food waste would go
14 to composting facilities as opposed to
15 putting them in landfills, or to digesters.

16 And I think that we're seeing more and
17 more that there's sophistication and a
18 growing ability of some of those digesters
19 that do very well in terms of making sure the
20 methane is contained. But there's still more
21 work to do on that. But this is of great
22 importance.

23 MS. ESPOSITO: I just wanted to chime
24 in also. The answer to your question is yes.

1 Citizens Committee for the Environment
2 are big supporters of anaerobic digesters.
3 They have to be properly sited. If they're
4 going to be in a community, they have to have
5 the negative air pressure building so that
6 the odors are contained.

7 But they are the wave of the future.
8 You can make renewable energy from them, you
9 can make clean compost from them. And
10 actually, believe it or not, you can take the
11 liquid nitrogen from them and use them for
12 farmers. Farmers right now are buying that
13 liquid nitrogen from Indiana. They could buy
14 it locally from here in New York.

15 We think it's a great technology that
16 needs to advance.

17 SENATOR HINCHEY: Thank you. I
18 think --

19 MR. McCLELLAN: Seconded.

20 SENATOR HINCHEY: No, please, I want
21 to hear from you. Oh, you seconded.

22 MR. McCLELLAN: I agree with
23 everything that Adrienne just said.

24 SENATOR HINCHEY: Great. I would say

1 I do too. And I think that's important. I
2 think we have a bigger role in the state to
3 make sure that we're actually putting up the
4 money to invest in it, and working with the
5 PSC on the rates so that that energy actually
6 works here in New York.

7 MS. ESPOSITO: Yes.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 We go to Assemblyman Otis.

10 ASSEMBLYMAN OTIS: Thank you all.

11 Thank you all, all five of you, for your
12 great advocacy over many, many years and your
13 advocacy over many, many hours tonight.

14 So I don't know that this requires a
15 comment, but just follow-up on Deborah
16 Glick's comment, small comment on the housing
17 piece. It also proposes sidestepping SEQR,
18 which is -- I think should be of concern to
19 all of us, because that is not just a luxury,
20 that is a protection in terms of the
21 environment for us.

22 So no comment necessary. Love you
23 all. Thank you.

24 MR. SCHRADER: Well, you know NRDC

1 would fight to the death to protect SEQRA.

2 That's one of the reasons why we existed.

3 So all of this needs to be, of course,
4 part of a broad process and something that's,
5 you know, thought out throughout all the
6 SEQRA principles that are engaged in it.

7 MS. ESPOSITO: And Citizens Campaign
8 for the Environment is not supporting
9 anything that does away with SEQRA.

10 Also, in regards to the housing bill,
11 we need infrastructure. We don't -- you
12 know, where I live on Long Island, we're not
13 even treating our current level of
14 wastewater. Our drinking water's polluted.
15 So we need to look at this holistically. And
16 we don't want to attempt to solve one problem
17 but yet create and exacerbate other problems.

18 ASSEMBLYMAN OTIS: Thank you. I'd say
19 to Patrick's comment, though, smart growth is
20 a good thing, and we like smart growth
21 principles. So -- but we can do it in an
22 environmentally sound way.

23 MR. McCLELLAN: I'll just chime in, if
24 I can, actually to follow up on Adrienne's

1 point, since there's a minute and a half
2 left, that the Suffolk County Water Quality
3 Restoration Act that's included in the
4 Executive Budget -- we're conceptually
5 supportive of it, but it differs in important
6 ways from what Suffolk County actually needs
7 and wants. And we think that if you're going
8 to have a program like that that helps with
9 advancing sewerage, that provides that
10 important infrastructure, it's important to
11 follow the local county government's lead in
12 understanding their needs to make this work.

13 So, you know, we urge you to defer to
14 the county on including that in the final
15 budget.

16 ASSEMBLYMAN OTIS: Okay. Thank you
17 all.

18 MS. ESPOSITO: I ditto what he just
19 said.

20 (Laughter.)

21 CHAIRWOMAN WEINSTEIN: Thank you.
22 I believe our final questioner is
23 Assemblyman Manktelow.

24 ASSEMBLYMAN MANKTELOW: Can you hear

1 me? No? There we go. Sorry about that.

2 And thank you for being here at such a
3 late hour. So being a former town
4 supervisor, county legislator, and also a
5 farmer, we all prioritize where dollars go.
6 And I've heard from some of you on this panel
7 just now, and throughout the day, there's
8 only so many dollars to go around. Does it
9 go to water? Does it go to electricity?
10 Does it go to the sewer? Where do we
11 prioritize where that money goes?

12 If you were in charge, if you were the
13 governor, would it go to water or would it go
14 to electricity?

15 MS. MORAN: I'll take a stab at this.

16 ASSEMBLYMAN MANKTELOW: Sure.

17 MS. ESPOSITO: Governor?

18 MS. MORAN: Yes, Governor Moran here.

19 (Laughter.)

20 ASSEMBLYMAN MANKTELOW: Okay.

21 MS. MORAN: I think it's a false
22 choice. I think we have to prioritize in our
23 budget the items that are going to protect
24 public health and the environment first and

1 foremost.

2 You know, in our testimony -- and I'm
3 sure many of our colleagues' -- we do propose
4 policies that either save the state some
5 money or help generate revenue in some cases.
6 But we shouldn't be placing New Yorkers with
7 choices like this because we know we need to
8 fund to get off of fossil fuels, to have a
9 more renewable grid, and we have to protect
10 our drinking water. It's essential to human
11 life.

12 ASSEMBLYMAN MANKTELOW: Well, what
13 we're hearing out there from our
14 constituents, at least in my area, is we are
15 moving forward with the electrification of
16 New York. We are taking steps, maybe not as
17 fast as some people want. But at the same
18 time, we are also trying to address
19 infrastructure: Lead in the water, making
20 sure we have good public water, we have
21 wells. I have a lot of lake frontage along
22 Lake Ontario -- those are always huge
23 concerns as well.

24 We -- in my opinion, we can slow down

1 electricity, we can slow down that and move
2 faster with the water than we can the
3 electric, because to us, you can live without
4 electric. You can't live without water. And
5 that's really the question. What do we want
6 to push? And I welcome any input.

7 MR. McCLELLAN: Well, I would offer
8 that, you know, there needs to be direct
9 state investment in order to achieve our
10 climate goals across the board in every one
11 of these categories.

12 However, you can also leverage price
13 signals in the market to sort of move things
14 in the right direction. So, for instance,
15 with the cap-and-invest proposal that's in
16 the Executive Budget, if you implement it
17 correctly -- and as I've already said, the
18 devil is in the details -- you know, that's
19 something that would spur the development of
20 more renewable energy without necessarily
21 requiring further subsidy from the state.

22 And, you know, to the extent that you
23 don't need further subsidy there, it maybe
24 frees up money to do something else.

1 So I think pairing the direct state
2 investment with those market signals is kind
3 of the most cost-efficient way to move
4 forward with some of this.

5 ASSEMBLYMAN MANKTELOW: That's one of
6 the best answers I've heard all day.

7 So thank you very much, and thank you
8 all for being here this evening.

9 MS. ESPOSITO: Just call him
10 Governor Patrick.

11 (Laughter.)

12 MR. McCLELLAN: Please don't.

13 CHAIRWOMAN WEINSTEIN: Thank you.

14 There are no further questions for
15 this panel.

16 MS. ESPOSITO: Thank you so much.

17 ALL PANELISTS: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you all for
19 being here tonight. Really appreciate it.

20 (Applause.)

21 CHAIRWOMAN KRUEGER: Yeah, let's give
22 everybody a big hand of applause.

23 (Applause.)

24 CHAIRWOMAN KRUEGER: All right.

1 Panel F: The New York State Forest
2 Rangers Benevolent Association, the New York
3 State Environmental Conservation Police
4 Officers Benevolent Association, and WE ACT
5 for Environmental Justice.

6 And then in order to move people
7 closer to when they're going to be on the
8 panel, if you look and see that you're on the
9 next panel, which will be Panel G, maybe
10 you'll come closer to the front so you have
11 less of a hike when you are coming to the
12 panel.

13 And is WE ACT here as well? Anybody
14 coming down the stairs for WE ACT? So it's
15 possible --

16 CHAIRWOMAN WEINSTEIN: Going, going,
17 gone.

18 CHAIRWOMAN KRUEGER: I think so.
19 Perhaps they needed to get the train back to
20 New York City.

21 So looking to my left, your right, if
22 we would start with you and you'd introduce
23 yourself.

24 DIRECTOR PERRYMAN: Actually, I'd go

1 with --

2 CHAIRWOMAN KRUEGER: You prefer the
3 other? Fine. Whatever you prefer.

4 DIRECTOR PERRYMAN: Thanks.

5 CHAIRWOMAN KRUEGER: Hi.

6 DIRECTOR KRUG: Good evening,
7 Madam Chairwoman and respected members of the
8 panel. My name is Matt Krug, and I'm the
9 director of Environmental Conservation
10 Officers and serve on the board of directors
11 of the Police Benevolent Association of
12 New York State.

13 In 2023 the need for Environmental
14 Conservation Officers has never been
15 stronger. In 2022 we completed over 25,000
16 calls for endangered species, nuisance bears,
17 spills, air and water pollution. We are the
18 ones enforcing all of our environmental laws
19 and any future laws.

20 Above all else, we are police officers
21 and first responders. Responding to floods,
22 hurricanes, snowstorms, protests, manhunts,
23 and even 9/11 are within our mission
24 parameters. Most recently, my fellow

1 officers responded to the Buffalo blizzard
2 over the holidays.

3 Our number-one priority is protecting
4 public health, as evidenced by our officers
5 running COVID testing and vaccination sites
6 during the pandemic.

7 The Climate Leadership and Community
8 Protection Act's transition to clean energy
9 is expected to cost \$35 billion, with
10 40 percent of that dedicated to climate
11 justice areas. These areas are
12 overwhelmingly populated by minority and
13 lower socioeconomic individuals whose
14 children have an asthma rate of one out of
15 every three. Vehicle emissions are the top
16 source of air pollution that causes asthma.
17 The fastest and most cost-effective way to
18 immediately reduce pollution in climate
19 justice communities is to hire more
20 conservation officers.

21 We need our 60 vacancies filled, and
22 adding another 90 officers to the most
23 vulnerable areas would only cost
24 13.6 million. Last April, the Legislature

1 expanded the protection of 1 million acres of
2 wetlands but did not increase funding for
3 more officers. The last time enforcement
4 personnel items were added was in 2013 when
5 the Bottle Bill legislation was enhanced and
6 two new investigator items were added in
7 New York City. Those items are currently
8 vacant.

9 Environmental Conservation Officer
10 ranks at full capacity would be 342.
11 However, our staffing is at 284. And I'm sad
12 to say that only 7 percent of our officers
13 are female, and less than 1 percent
14 ethnically diverse. To hire a more diverse
15 workforce, we need to enhance pension and
16 paid benefits to attract more qualified
17 candidates.

18 Specifically, we need to attract
19 candidates from New York City and other
20 climate justice areas. Pension parity is
21 number one on the list of benefit
22 improvements that would help attract diverse
23 candidates.

24 The Legislature has stood with us for

1 the past three years, passing legislation to
2 include the conservation officers and forest
3 rangers in a 20-year pension, putting us in
4 line with the other 96 percent of police and
5 firefighters in our state. Your 20-year
6 pension legislation has now been vetoed twice
7 by Governor Hochul.

8 We are asking that the Legislature
9 please add the provision into your
10 legislative budget proposals and force the
11 issue during the budget negotiations.
12 Besides the pension legislation, we need
13 equipment so that we can respond to your
14 communities when disaster hits.

15 Thank you for this opportunity --

16 CHAIRWOMAN KRUEGER: I'm sorry, I have
17 to cut you off. But we all have your
18 testimony and will read the full testimony.

19 And I will now turn it to your fellow
20 panelist. Thank you.

21 DIRECTOR PERRYMAN: Thank you. My
22 name is Art Perryman. I'm the director of
23 the New York State Forest Rangers Benevolent
24 Association, also part of the PBA of New York

1 State.

2 I've been a state Forest Ranger for
3 21 years, and I'm currently stationed in
4 Warren County, in southern Region 5. We
5 protect state lands and the people who use
6 them, through law enforcement and education.
7 We fight wildland fires here in New York
8 State and across the nation. We also respond
9 to hundreds of search-and-rescue missions in
10 New York State each year.

11 With an increase in staffing,
12 Forest Rangers need to continue deploying to
13 out-of-state wildfires. The program is
14 essential to maintain wildfire qualifications
15 and expertise here at home. Forest Rangers
16 desperately need more funding to replace
17 insufficient and outdated equipment. And
18 sadly, Forest Rangers are still buying their
19 own gear to perform winter rescues.

20 As you're aware, only 4 percent of
21 New York State law enforcement officers in
22 the Police and Fire Retirement System do not
23 receive a 20-year retirement benefit. Forest
24 rangers do a job that combines police duties

1 with wildland firefighting and emergency
2 response. In other words, we are required to
3 work in both worlds and be exposed to risk
4 from both worlds.

5 In order to become a Forest Ranger,
6 only select science-based degree programs
7 qualify for taking the civil service exam.

8 A Forest Ranger exits the academy
9 after 28 weeks of training with all DCJS
10 police requirements as well as the
11 specialized training needed to be a
12 Forest Ranger. Rangers often need to be
13 lowered from helicopters, use chainsaws, stay
14 interior for days at a time, set up
15 communication relays, manage multiple
16 resources, use advanced land navigation, and
17 search in extreme terrain. If you find
18 yourself lost or seriously injured, there is
19 no substitute for a well-trained, equipped
20 and experienced Forest Ranger.

21 The people of New York State deserve
22 Forest Rangers chosen from the very best we
23 have to offer. In order to do that, the
24 state must at least offer the industry

1 standard in police and fire retirement.
2 Forest Rangers are never required or
3 compensated to be on-call, but always rally
4 to handle these incidents, coming in from
5 days off and leaving family functions to
6 serve our mission.

7 This all takes a toll on Forest
8 Rangers. Tragically, Forest Ranger Captain
9 Chris Kostoss took his life this past year.
10 Chris struggled with mental illness issues in
11 a job that doesn't help those things. He
12 needed and wanted to retire. Unfortunately,
13 Chris had to keep working, and retirement
14 with 22 years on the job was not an option.
15 Had Chris been able to walk away and take
16 care of himself, he might still be here with
17 us today.

18 We have met with many of you to
19 explain these critical issues. We have made
20 it our career and calling to help people in
21 their hour of need. Today we are asking for
22 your help. In this budget, please include a
23 20-year retirement for the members of the PBA
24 of New York State.

1 CHAIRWOMAN KRUEGER: Thank you very
2 much, both of you.

3 Our first questioner from the Senate
4 is Michelle Hinchey.

5 SENATOR HINCHEY: Thank you very much.
6 I didn't know I was going to be first.

7 Thank you both for being here but,
8 more importantly, for what you do. In the
9 communities that I represent, a good portion
10 of the Catskills Park, just really thank you.
11 Almost every week, I think, I'm reading about
12 another life saved, another rescue in our
13 park.

14 We have seen increased usage
15 dramatically over -- throughout the pandemic,
16 and yet a limited number of Forest Rangers.
17 However, that doesn't stop the dedicated
18 individuals from being there every day, all
19 day, at any hour, making sure not only are
20 they educating people who come to our
21 community who have maybe never gone hiking
22 before, who have never traversed down the
23 side of a mountain to get to a swimming hole,
24 like in Greene County, or whatever it may be,

1 educating people and making sure that they
2 have the resources they need to be safe and
3 enjoy the outdoors, because that's what we
4 love. So thank you for that.

5 I want to put on the record I fully
6 support including the 20-year retirement
7 bill. I think we need to, and we'll be
8 fighting for that.

9 I wanted to ask Director Krug, you
10 had -- in the beginning of your testimony, I
11 just missed it. Can you mention the
12 \$13 million that you had referenced?

13 DIRECTOR KRUG: The 13.5 million would
14 be to hire more officers for environmental
15 justice communities, specifically downstate,
16 New York City, Yonkers, Nassau and Suffolk
17 counties. Our lowest-income areas usually
18 have a lot of industry and some of it's
19 lawful, sometimes it's not, and there's a lot
20 more pollution in those communities. Our
21 officers are on the front lines combating
22 that in those communities, and we need to
23 hire more. We haven't hired -- increased our
24 numbers really since -- I don't know when.

1 Our numbers have stayed stagnant since like
2 the 1970s.

3 SENATOR HINCHEY: That's unbelievable.
4 And I know -- of course I don't represent the
5 city, but I know the idling laws that are
6 there now require many more of your members
7 to actually be able to enforce that. It's
8 something I know this body cares a lot about,
9 but we need to make sure that we have the
10 resources and the people to be able to
11 protect our air quality, because you all are
12 protecting our natural resources. So
13 everything that we're talking about here
14 requires more of you to be able to do.

15 So thank you for being here, and I
16 yield back my 40 seconds.

17 CHAIRWOMAN KRUEGER: Thank you very
18 much.

19 Assembly.

20 CHAIRWOMAN WEINSTEIN: Assemblywoman
21 Glick.

22 ASSEMBLYWOMAN GLICK: Good to see you
23 again, Matt.

24 DIRECTOR KRUG: You too.

1 ASSEMBLYWOMAN GLICK: A quick question
2 on the 13.5. How many staff would that
3 account for, do you think?

4 DIRECTOR KRUG: That would be about
5 approximately 90 more officers than what
6 we're allocated right now. Currently we are
7 allocated 342. We are at 284, so we still
8 have over 60 vacancies. So we would like to
9 increase that above the 342 to 412, would be
10 a start in those communities, to really start
11 putting some boots on the ground.

12 ASSEMBLYWOMAN GLICK: Great. Just
13 wanted to clarify that. We will be -- when
14 we do a letter to our Speaker, we like to be
15 clear about exactly what we're asking for.

16 When you were -- Arthur, when you were
17 talking about you purchase your own gear, we
18 had at one point asked the department about
19 the fact that many of the uniforms were
20 cotton, which was not the appropriate
21 material for people who were out either in,
22 you know, in the heat and needing things that
23 wick better and stuff, and that you could
24 have climbers with a lot better material than

1 you have.

2 So they have told us that they have
3 been providing -- and phasing out cotton. Is
4 that accurate?

5 DIRECTOR PERRYMAN: Yes, the uniforms
6 are -- we're doing well with the uniforms.
7 We've got excellent new uniforms.

8 But in terms of equipment, we're just
9 not quite there yet. There's a lot of --

10 ASSEMBLYWOMAN GLICK: And when you say
11 equipment, what kind of equipment? Are
12 they --

13 DIRECTOR PERRYMAN: For instance, like
14 for alpine rescue, a down jacket to offer to
15 somebody that we're assisting, or for
16 ourselves. Those things are still slow in
17 coming, and so we're still looking for more
18 in the budget for that kind of equipment.

19 ASSEMBLYWOMAN GLICK: Do you have a
20 particular number that you think would be
21 required to cover your officers or --

22 DIRECTOR PERRYMAN: Probably, yeah --
23 a number in terms of monetary? I'm not sure.
24 I'd have to look into that.

1 ASSEMBLYWOMAN GLICK: Okay.

2 DIRECTOR PERRYMAN: Thank you.

3 ASSEMBLYWOMAN GLICK: Appreciate it.

4 Thanks very much. And again, people from my
5 part of the world want to go out and
6 recreate, and they're not always properly
7 attired. You know, flip flops are usually
8 not the best footwear.

9 So thank you for carrying them off the
10 mountain.

11 DIRECTOR PERRYMAN: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator Walczyk.

14 SENATOR WALCZYK: Good evening.

15 Director Krug, how badly do we need an
16 academy, and why?

17 DIRECTOR KRUG: Our last academy
18 graduated in December. We had 18 officers.
19 Just to go through the hiring process --

20 SENATOR WALCZYK: You said 18,
21 one-eight?

22 DIRECTOR KRUG: Eighteen new officers.

23 SENATOR WALCZYK: Okay.

24 DIRECTOR KRUG: That did really

1 nothing to help all our vacancies throughout
2 the state.

3 We've been told by Commissioner Seggos
4 that we should have an academy coming in
5 early 2024. We need to hire before then. I
6 push my management to see about canvassing
7 our civil service lists for anybody that's a
8 police officer already, but Civil Service
9 hasn't called us back in a year.

10 So we could take laterals from NYPD
11 and other agencies -- that we had dozens and
12 dozens of NYPD take our tests -- and put them
13 through a bridge academy and have them out by
14 fall. But under the current hiring way with
15 Civil Service, it won't be until 2024, and
16 they won't be done with their training till
17 the end of 2024.

18 SENATOR WALCZYK: And how many are you
19 short now?

20 DIRECTOR KRUG: We're short 60. And
21 we're going to have further retirements
22 before that academy graduates. And these
23 guys are guys on with -- and gals -- with
24 30-plus years on that are retiring.

1 SENATOR WALCZYK: Okay.

2 Director Perryman, I hear you loud and
3 clear and fully support 20-year retirement.
4 Thanks for bringing that up today.

5 I want to bring up, with the remaining
6 time, you know, we've talked a lot in this
7 hearing today about the planet warming, the
8 climate changing. Thinking about our
9 unmanaged growth, our Forever Wild growth,
10 all of the hard stand that we have in this
11 state -- which is a lot -- that we're in
12 charge of managing, and just reflecting on in
13 2021 we had 137 fires and forestlands in
14 New York State burning 550 acres, I think
15 that's what you do in a climate like ours
16 that's relatively wet.

17 If our hard stand is drying out and
18 the climate is changing, what do we need to
19 be thinking about as far as forest management
20 and forever wild areas, fire breaks, that
21 kind of thing to, you know -- where in other
22 areas of the country they're used to fires --
23 what do we need to be thinking about as
24 policymakers coming down the pike?

1 DIRECTOR PERRYMAN: We're just on a
2 different cycle in New York State as far as
3 large-scale wildland fires. And we do have
4 areas where that's reoccurring every few
5 years.

6 But there will come a time where we
7 will see large-scale wildfires in the
8 Adirondack region again, and see thousands of
9 acres burned. We need to be ready for that.
10 And the emissions, the amount of carbon
11 released in those wildfires is massive.

12 So I think that we need to continue to
13 send Forest Rangers out of state. I was in
14 California two years ago. And we need to
15 just continue that program and be ready for
16 that when it comes around.

17 SENATOR WALCZYK: Thanks, gentlemen.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Assembly.

20 CHAIRWOMAN WEINSTEIN: We have
21 Assemblyman Lemondes.

22 ASSEMBLYMAN LEMONDES: Thank you,
23 Madam Chair.

24 Gentlemen, thank you for being here so

1 late.

2 First I want to say, to the down
3 jackets, in the first half of my military
4 career we had a field jacket which I called
5 the hypothermia sack. It was neither
6 waterproof nor resistant to anything. It was
7 absolutely useless.

8 The fact that you guys don't have down
9 jackets for what you do is -- I can't -- I'm
10 having trouble with that. So we have to get
11 you down jackets, it makes absolutely no
12 sense at all, and whatever other equipment
13 that you need.

14 Twenty-year retirement, for the
15 record, I can't believe we are even having to
16 debate that or even having to bring that up.
17 It -- as a retired military officer myself,
18 you work hard for that, 20 years is a very
19 long time. You could lose your life at any
20 point during that 20 years. The fact that
21 our state doesn't recognize that again
22 surprises me. And we have to do everything
23 possible to change that.

24 And last, I just want to say thank

1 you. And to Director Krug, the work that you
2 guys do, that you officers do for people in
3 my community, for example, that have illegal
4 dumping happening all over the place -- there
5 aren't enough of you to find these people
6 that are doing this. I mean, there's a
7 travesty of huge scale to our environment
8 right there.

9 And if that was the only thing that we
10 targeted by equipping you, manning you
11 properly, that would be a step in the right
12 direction. So you have nothing by my
13 support; I'm sure everyone here would support
14 that. And I just wanted to say thank you for
15 what you do. And in my community, this
16 particular incident I'm talking about, which
17 occurred last year, it was 200 tires, you
18 know, overnight. You wake up, this poor
19 woman, elderly woman, 200 tires in her yard.

20 So thank you, gentlemen, to both of
21 you. We'll do everything possible to help
22 you.

23 DIRECTOR PERRYMAN: Thank you.

24 DIRECTOR KRUG: Thanks.

1 ASSEMBLYMAN LEMONDES: I'll yield the
2 balance of my time, Madam Chair.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Any other Assemblymembers or Senators?
5 Okay --

6 CHAIRWOMAN WEINSTEIN: Oh, wait, I'm
7 sorry.

8 CHAIRWOMAN KRUEGER: You always have
9 to ask.

10 CHAIRWOMAN WEINSTEIN: Assemblyman
11 Manktelow.

12 ASSEMBLYMAN MANKTELOW: Thank you,
13 Chairwoman.

14 Thank you for all that you do.

15 Back to the wildfire training. So
16 where do you go for wildfire training?

17 DIRECTOR PERRYMAN: We use
18 federally -- you know, federal wildfire
19 training. And we do that here in New York
20 State and around the region.

21 And we also work on wildfires out of
22 state, Western fire -- like I said, I was in
23 California two years ago. And that's a big
24 part of the training. It's -- you know, that

1 expertise and experience level is actually
2 required to move up the chain in terms of
3 leadership in the wildfire community. So
4 that's a big part of the training, is getting
5 to other states where they have large fires
6 every year and working there.

7 ASSEMBLYMAN MANKTELOW: And I know the
8 Adirondacks -- I hope this never happens, but
9 if there was a significant fire, you're the
10 first responders to be there?

11 DIRECTOR PERRYMAN: Yes.

12 ASSEMBLYMAN MANKTELOW: And if it's
13 big enough, who do you call for assistance?

14 DIRECTOR PERRYMAN: We'd probably call
15 in federal partners. And the Northeast
16 Compact. That's other states in the area
17 that are also partners with us in wildland
18 firefighting. And, you know, we'd call in
19 resources there.

20 But the fact is we don't have a lot of
21 Forest Rangers in the state, so our resources
22 are pretty low in that area.

23 ASSEMBLYMAN MANKTELOW: Well, like
24 some of my colleagues said, you have our full

1 support. And like my colleague next to me
2 said, I cannot believe we're not in 20 years
3 for you guys. As an Army veteran and -- I
4 just don't understand that.

5 So thank you for all you do, and you
6 will have our -- my full support as well. So
7 thank you again.

8 DIRECTOR PERRYMAN: Appreciate it.
9 Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 We have Senator Mattera to close.

12 SENATOR MATTERA: Hi, guys. I
13 thank -- again, I thank you so much for
14 keeping us from harm's way every day.

15 Just quick, you know, 20-year
16 retirement, I am a hundred percent for that.
17 I really appreciate what you guys do to put
18 yourself in harm's way.

19 Battery fires with car fires, can you
20 explain what you have to do, God forbid, if a
21 car goes on fire that is an electric car?

22 DIRECTOR KRUG: I don't really deal
23 with too many electric car fires just in my
24 neighborhood. I work in rural Washington

1 County, so electric vehicles and charging
2 stations aren't prevalent. Most of my car
3 fires dealt with during Hurricane Sandy when
4 everything got flooded.

5 But from what I hear, it's a lot of
6 water.

7 DIRECTOR PERRYMAN: Yeah, that's more
8 the structural firefighting world.

9 SENATOR MATTERA: Well, again, I was
10 just wondering about the -- if there was a,
11 you know, electric car that got in the woods
12 and stuff like that, what would you guys --
13 you know, what could you do? Because I think
14 everybody needs to understand, in other
15 words, it needs to be submerged in water to
16 be put out. Or you just got to let it burn
17 to the ground.

18 DIRECTOR KRUG: I know how other fires
19 are when we have large-scale tire burnings
20 and other solid waste sites that are normally
21 illegal that light on fire.

22 All that water that is dumped is
23 contaminated after the fact and has to be
24 collected or somehow treated or brought up

1 from the ground, the ground scoop. So it's
2 not just the immediate area but anyplace that
3 water touches usually needs to be remediated.
4 And that I'm sure is going to be large scale.

5 SENATOR MATTERA: Thank you so much.

6 CHAIRWOMAN KRUEGER: Great. I think
7 we are done. Thank you so much for staying
8 so late with us tonight.

9 (Several thank-yous, applause.)

10 CHAIRWOMAN KRUEGER: As long as we're
11 here, we all applaud each other. That's
12 lovely.

13 UNIDENTIFIED LEGISLATOR: No, we're
14 applauding them, not each other.

15 CHAIRWOMAN KRUEGER: Okay, fine.
16 Whatever.

17 (Laughter.)

18 CHAIRWOMAN KRUEGER: Our next panel,
19 Panel G: Save the Sound, The Nature
20 Conservancy, the National Audubon Society,
21 and Riverkeeper.

22 And for people who are following the
23 record this evening, Public Utility Law
24 Project, New Yorkers for Clean Power, and

1 Alliance for Clean Energy might want to make
2 their way down closer to the front. Oh,
3 good, they've already done that. Excellent.

4 Hi, everybody. Why don't we start
5 with my left, your right, and just go down
6 the line.

7 MR. CHERSON: Sure.

8 My name is Jeremy Cherson. I'm the
9 senior manager of government affairs for
10 Riverkeeper. We protect the Hudson River and
11 all of its tributaries.

12 I want to thank all of you for
13 sticking it out this Valentine's Day. It
14 really shows that you love New York's
15 environment, and we appreciate that.

16 (Laughter.)

17 MR. CHERSON: You know, a lot of
18 New Yorkers right now, probably tonight, were
19 walking with their loved ones along a
20 waterway connecting with the river, either
21 with their loved ones, their families. And,
22 you know, whether it's the Hudson or another
23 waterway, that's a major way that people
24 connect with nature, is by just taking that

1 walk down to a park, down to the water,
2 zoning out for a minute, enjoying the quiet,
3 the birds.

4 And that all takes funding to make it
5 all happen. And, you know, we're still
6 trying to clean up a lot of sewage that still
7 flows into waterways across New York State.
8 Just as an example -- and not to pick on
9 New York City -- but 20 billion gallons of
10 raw sewage every single year. And to put
11 that into volume, that's around 72 Empire
12 State Buildings full of sewage every year,
13 into the waters around New York City.

14 And the need for communities across
15 the whole state just in the intended use
16 plans that communities have applied for to
17 upgrade their infrastructure is around
18 \$5.7 billion -- \$5.7 billion just for a
19 year's worth of projects that need to get off
20 the ground.

21 So I think we're grateful that there's
22 another 500 million for the Clean Water
23 Infrastructure Act in the Governor's
24 proposal. We'd like to see a billion because

1 there's just such great need. The EPF, a
2 \$400 million investment -- thank you for
3 bringing it up from 300 to 400 in the last
4 budget. We need to stop the offload for
5 staffing.

6 An important program for Riverkeeper
7 and the Hudson Valley and New York City is
8 the Hudson River Estuary Program. Let's
9 continue funding it at \$7.5 million. There's
10 over 1600 dams on the Hudson River that stop
11 fish passage. We are in a crisis around the
12 globe with biodiversity, but we have our own
13 biodiverse hotspot right here in New York,
14 the Hudson River. It's like our own little
15 Serengeti.

16 A fish coming from the ocean all the
17 way from Bermuda, up the Hudson River -- and
18 what do they hit? They hit dams. And they
19 can't get to their spawning grounds. We have
20 fish that are just like salmon that need to
21 get to their headwaters.

22 And we struggle in New York getting
23 federal funds to remove dams because we are
24 just not competitive with other Northeastern

1 states. And so the estuary program is one of
2 the only ways that we can get funding to
3 remove these barriers for fish in the region.
4 And we've removed a couple of dams in Senator
5 Harckham's district, and we are about to do,
6 later this year, the largest dam, 25 feet, in
7 his district, which will be excellent.

8 And I know I have to stop now.

9 Thanks.

10 CHAIRWOMAN KRUEGER: Thank you very
11 much. Evening.

12 MS. McGRATH: Good evening. And thank
13 you for granting me the opportunity to
14 testify. I'm Erin McGrath. I'm the senior
15 policy manager for the National Audubon
16 Society's New York State Office. And we lead
17 a network of 96,000 members, 27 affiliated
18 chapters, seven centers and sanctuaries, and
19 thousands of volunteers across New York
20 State.

21 Our mission is to protect birds and
22 the places that they need to survive. And
23 we've been very lucky because we've had a
24 longstanding and productive partnership with

1 all of you and with the New York State
2 Legislature. And we're looking forward to
3 working with you to move priorities through
4 the budget again this year.

5 We want to start off by commending
6 New York State for its commitment to
7 providing robust environmental funding --
8 400 million for the Environmental Protection
9 Fund, funding for clean water infrastructure,
10 and critical capital dollars for our state
11 agencies.

12 The EPF supports many important
13 conservation priorities. And within the EPF,
14 we're asking the Legislature to support the
15 Regenerate New York program, increase funding
16 for the Ocean and Great Lakes program, and
17 also provide full funding for the ZBGA
18 program. That's very important to us at
19 Audubon because that provides operational
20 support for our centers and sanctuaries
21 across New York State. And without that
22 funding, we would have to significantly
23 reduce the programs that we provide,
24 including many of our teen conservation

1 programs.

2 We were disappointed to see this year
3 that the EPF contains a proposal to offload
4 funding for staff salaries. We do agree that
5 adequate staffing is critically important at
6 all of our agencies, especially with all of
7 the new responsibilities that have been
8 placed on them. But as one of the
9 organizations that relies on the EPF for
10 funding, we don't think it's appropriate for
11 that to come at the expense of that dedicated
12 capital. So we hope we can rely on you again
13 to reject it, as you have in the past.

14 We're also really glad to see the
15 continuation of the EPF programs and other
16 policies that support the health of our
17 forests. They provide habitat for many
18 declining woodland birds, and for that reason
19 we strongly support the Regenerate New York
20 program and we're encouraging the Legislature
21 to provide full funding for that once again.

22 This program provides financial
23 incentives to private forest owners who
24 improve the health of their forests through

1 sustainable management activities. And in
2 addition to improving their forests, it can
3 also provide for the creation of critical
4 bird habitat and also improve our forests'
5 ability to store carbon.

6 Along those lines, we're also very
7 supportive of the Governor's proposal to make
8 the Youth Deer Hunting pilot program
9 permanent. Research has shown that where
10 deer densities are very high, bird
11 populations decrease, largely due to the loss
12 of critical understory habitat. And as a
13 science-based organization, we support
14 evidence-based wildlife management strategies
15 that utilize hunting as a successful
16 management strategy. So that's why we
17 support the Governor's proposal and also urge
18 you to do so as well.

19 And last but not least, scientists
20 have determined that climate change is one of
21 the greatest threats to birds, so we believe
22 that we need to move forward in addressing it
23 as quickly as possible and reduce our
24 emissions. For that reason, we support the

1 Governor's proposal to establish a
2 cap-and-invest program which will help move
3 us towards carbon neutrality by 2050.

4 Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Good evening.

7 MS. OTTNEY MAHAR: Hi, there.

8 I'm Jessica Ottney Mahar. I'm the
9 policy and strategy director for The Nature
10 Conservancy in New York. We're the world's
11 largest conservation organization, founded
12 right here in New York and still proudly
13 working here.

14 I'm really thrilled to be here today.
15 Thank you for the opportunity. I also want
16 to thank you for setting the stage for the
17 passage of the largest bond act in state
18 history this November for the environment,
19 \$4.2 billion. We're thrilled. We were
20 excited to work on that campaign and really
21 appreciate the questions that were asked
22 earlier today by a number of you about the
23 state's plans for moving those programs
24 forward.

1 You know, likewise, we're very excited
2 to see that funding flow out into
3 communities, and really excited about what
4 the commissioner said regarding the public
5 transparent process that they'll be setting
6 up to move that forward. And likewise,
7 supportive of the staffing that's included to
8 move those programs through the state budget.
9 So thank you for supporting that.

10 We're also celebrating; today we had
11 about 120 friends here in Albany. Thank you
12 to Chairwoman Glick for sponsoring our
13 Environmental Protection Fund Day. It's the
14 30th anniversary of the EPF this year, and it
15 is an incredible program. It's something you
16 should all be very proud of. It's something
17 that's been supported in a bipartisan way for
18 three decades now and has put important work
19 on the ground in every single county of the
20 state, every single borough of the city.

21 And so we're really excited to be back
22 in Albany with you all, celebrating the good
23 that that program has done and supporting the
24 \$400 million EPF proposal in the Governor's

1 budget. We do, like my colleagues mentioned,
2 have strong concerns and opposition to the
3 proposal to offload staffing costs into the
4 EPF and ask you to once again reject that
5 proposal.

6 My testimony covers a lot of issues, a
7 few that were already mentioned, so I'm going
8 to skip a few things, like clean water
9 funding. We love it. Please read the
10 testimony. Thank you.

11 Two things that haven't come up as
12 much on this panel yet. One is the
13 legislation that creates a Suffolk County
14 Water Quality Restoration Act.

15 The Nature Conservancy strongly
16 supports moving a program like this forward.
17 We've been working very hard with partners at
18 the county level -- labor partners,
19 environmental partners, construction trades,
20 civic organizations -- to get the nitrogen
21 out of Suffolk County's water. It's killing
22 our bays and harbors, it's preventing our
23 shellfish from coming back. We've tried;
24 it's not going to work till the pollution

1 gets cut out.

2 This would create a local funding
3 mechanism to leverage state dollars from the
4 Bond Act and other funding sources like the
5 federal Bipartisan Infrastructure Act to get
6 more pollution out of Long Island's water.
7 It needs amendments to be effective. My
8 testimony elaborates on that.

9 And also the housing proposal. I
10 understand we're here about TED. This is an
11 ELFA, but I've got to say this. Look, this
12 was going to be potentially a really
13 incredible opportunity for us to build the
14 communities we need to sustain our people.
15 The proposal falls short. It's not focused
16 enough on making sure that communities are
17 resilient to climate change, and it throws
18 out a lot of environmental protections that
19 will protect health and safety. Again, my
20 testimony elaborates on that further.

21 Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Yes, David.

24 MR. ANSEL: Thank you. Thank you for

1 the opportunity to testify today.

2 My name is David Ansel. I'm the
3 regional director of water protection for
4 Save the Sound, an environmental action
5 organization with a 50-year record of
6 protecting, restoring and transforming the
7 health of the Long Island Sound and the
8 surrounding communities in New York City,
9 Westchester County, and Long Island.

10 The frequency and severity of major
11 storms and intense rain events overwhelm our
12 stormwater and sanitary sewer infrastructure.
13 Flash floods sweep over paved roads and
14 sidewalks, across yards, picking up lawn
15 fertilizer and harmful pathogens, and
16 carrying those contaminants into rivers and
17 streams that feed Long Island Sound.

18 As we outlined in our latest
19 Long Island Sound Report Card, issued just a
20 few months ago, nitrogen pollution remains a
21 significant challenge, especially for the
22 Western Sound. Warmer temperatures and
23 wetter conditions can exacerbate water
24 quality problems, and the water temperatures

1 in the western sound are rising at a rate of
2 1.4 degrees Fahrenheit per decade.

3 So Save the Sound -- many of these are
4 aligned with my colleagues here -- encourages
5 the Legislature to include in the budget for
6 fiscal year 2024 a \$1 billion investment in
7 the Clean Water Infrastructure Act, which
8 would enable our communities to reduce water
9 pollution and become better prepared for the
10 flooding and devastation of the inevitable
11 next big storm.

12 This includes the upgrade and
13 expansion of wastewater and stormwater
14 treatment facilities as well as funding
15 nature-based solutions, such as living
16 shorelines, that provide critical flood
17 protection and enhanced coastal resilience.
18 It also includes the New York State Septic
19 Replacement Program, which has benefited
20 Suffolk County. This program should continue
21 there and be expanded from there.

22 We also recommend that the budget
23 provide for adequate staffing to ensure a
24 swift, smooth and transparent implementation

1 of the \$4.2 billion Environmental Bond Act,
2 continuation of the record funding for the
3 Environmental Protection Fund -- with no
4 offloads -- significant funding for the
5 Department of Environmental Conservation,
6 which is understaffed for the critical
7 services it provides.

8 And we also support Governor Hochul's
9 proposed cap-and-invest policy, which would
10 reduce emissions and prioritize health, and
11 the Governor's plan to electrify more than 1
12 million New York homes by 2030.

13 Electrification would ensure greener,
14 healthier homes and is intertwined with
15 strengthening community resilience across the
16 state -- and the Long Island region, of
17 course.

18 Thank you very much.

19 CHAIRWOMAN KRUEGER: Thank you very
20 much. All right, Senator Hinchey had the
21 first hand up, so to speak.

22 SENATOR HINCHEY: Okay, thank you.

23 Thank you all for being here. Happy
24 Valentine's Day to all of us.

1 What is so exciting or what's so
2 special about my district -- there are many
3 things, but one is it's really built around
4 the Hudson River. And so my questions are
5 for Riverkeeper.

6 First, do you think it's important,
7 talking about the importance of water and
8 water infrastructure -- thank you to you and
9 Riverkeeper for being such tremendous
10 advocates. Do you think it would be helpful
11 and beneficial and important for
12 municipalities, in order to better access
13 water infrastructure funding, to have a
14 CHIPS-like funding model to be able to have
15 dedicated funding streams for their water
16 infrastructure?

17 MR. CHERSON: Yes. And thank you for
18 your compliment of Riverkeeper.

19 I think your SWAP legislation would be
20 very helpful for many municipalities to do
21 ongoing operations and maintenance. That's
22 one of the hardest things for wastewater
23 treatment plants and systems to keep up with.

24 And the other thing we see with water

1 infrastructure funding specifically is that
2 those who are in consent orders, who are
3 violating the clean water act, being forced
4 to upgrade their system -- when they apply,
5 they get bumped up in the scoring. And so
6 they get access to funding, but they're not
7 necessarily the ones who are doing the
8 operations and maintenance.

9 So the communities that are keeping up
10 with it are getting penalized sometimes and
11 not getting the funding. So if we made that
12 available, we could have less system failures
13 and we could hopefully get everybody on an
14 equal playing field when applying for other,
15 you know, competitive grants.

16 SENATOR HINCHEY: Thank you. I could
17 talk to you on that topic all day. But for
18 the sake of time, I want to switch gears.

19 We I think are all watching with bated
20 breath the train wreck in Ohio. And
21 something that concerns me deeply is the CSX
22 rail lines along the Hudson River. Many of
23 those small bridges, as we've seen with
24 Riverkeeper, are held together with what

1 looks like duct tape and wood. Can you talk
2 a little -- and we all know if something were
3 to happen that falls into the Hudson River,
4 we have a problem.

5 Can you talk a little bit about that
6 issue in the remaining seconds? And if
7 there's any funding that could be allocated
8 from the state to really make sure that we
9 ought to have better inspectors or whatever
10 it could be.

11 MR. CHERSON: Well, this is great,
12 because I wrote my master's thesis on toxic
13 train cars.

14 (Laughter.)

15 MR. CHERSON: So yes, the vinyl
16 chloride accident in Ohio is a big deal. And
17 environmentalists have been saying that the
18 tank cars that carry these toxic chemicals
19 are glorified Pepsi cans. And that is still
20 the case. There was DOT regulations, but
21 those have been rolled back. And so we
22 still, in Kingston every day, we see these
23 train cars going over that massive spider
24 bridge on the Rondout Creek.

1 And I know I have to stop. But
2 there's very little the state can do
3 specifically on the train cars. They can do
4 enforcement sweeps on the rail bridges. That
5 is something --

6 CHAIRWOMAN KRUEGER: Okay, we're going
7 to have to cut you off there, sorry.

8 MR. CHERSON: -- on the state purview.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Assembly.

11 CHAIRWOMAN WEINSTEIN: Assemblywoman
12 Glick.

13 ASSEMBLYWOMAN GLICK: Hi, all. Nice
14 to see you. Thanks for sticking around.

15 Jeremy, you talked about 1600 dams,
16 which I can't quite imagine, you know, from
17 the city to Albany. Are they -- would you
18 recommend that they all be removed? I don't
19 know what the threshold for making a change
20 would be. And is it based on where there are
21 specific spawning grounds?

22 MR. CHERSON: Yeah, so these are
23 mostly legacy dams from -- a lot of them are
24 old industrial sites, some of them from the

1 Industrial Revolution, some thereafter. And
2 so you could take -- you know, right across
3 the river here there's Mill Creek and some of
4 the dams are used for recreation, so they'll
5 back up and fill a pond, people have homes
6 around them. Or there's a park. Those are
7 most likely dams that are not going to be
8 taken down or be considered for being taken
9 down.

10 We're mostly talking about barriers
11 that are right along the river that don't
12 have a public reservoir, serve no purpose.
13 Perhaps the ownership is unclear. We often
14 find dams where nobody knows who the owner
15 is. We do some digging, we find the owner,
16 we inform the owner that they have a dam and
17 that in fact they are liable if there is a
18 superstorm and the dam bursts and that water
19 comes downstream. That is a huge shock to
20 that dam owner.

21 And so we have to then convince them
22 to take down the dam. And so it's based on
23 availability of funds, willing dam owners who
24 will agree to take their dams down, and also

1 priorities for habitat. So where do the shad
2 and herring want to go?

3 One of the first removals specifically
4 for fish happened right across the river here
5 in Troy, and the herring came back a week
6 later after the dam was removed. After 85
7 years, they biologically knew that that cold
8 water was where they wanted to go.

9 So the restoration happens extremely
10 fast after dams are removed.

11 ASSEMBLYWOMAN GLICK: Do you all have
12 a list of priority dams?

13 MR. CHERSON: We have a list of
14 priority dams that we are working on. And we
15 also work with the Cornell Cooperative
16 Extension as well as the Hudson River Estuary
17 program to map not only dams but culverts
18 that cross roads and bridges that, to a fish,
19 a culvert is just as bad as a dam if it's not
20 maintained correctly.

21 ASSEMBLYWOMAN GLICK: Maybe you'll all
22 send that on.

23 MR. CHERSON: Would love to. Thank
24 you.

1 ASSEMBLYWOMAN GLICK: Thanks.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator Pete Harckham.

4 SENATOR HARCKHAM: Thank you very
5 much, Madam Chair. And Jeremy, to your
6 point, there's no one I would rather spend
7 Valentine's Day evening with than
8 Senator John Liu, just for the record.

9 (Laughter.)

10 SENATOR HARCKHAM: If I could get all
11 four of you to weigh in on this. We'll start
12 with David and work our way over.

13 The Governor's \$60 million plan for
14 addressing emerging contaminants.
15 Sufficient? Not sufficient? Enough money?
16 Not enough money? Strong enough language,
17 strong enough enforcement? We'll start with
18 David and we'll work our way down.

19 MR. ANSEL: I'll confess that I would
20 have to confer with my policy team about the
21 language. But I am personally extremely
22 concerned about PFAS, as is our organization.
23 And I think that that needs to be addressed
24 in a more robust way.

1 MS. OTTNEY MAHAR: Yeah, our expertise
2 is more on nutrient pollution. So I don't
3 want to speak to toxics because it's not our
4 expertise. But suffice it to say, given the
5 amount of the stuff we're finding in our
6 waterways, it needs to be a priority.

7 MS. McGRATH: Yeah, I would see this
8 more as a down payment on what we need to do
9 in the future. PFAS is so prevalent in
10 surface waters, and our colleagues in
11 Buffalo-Niagara Waterkeeper have actually
12 done a lot of work documenting that.

13 So just based on the scale of the
14 problem and the fact that it only seems to be
15 growing bigger, this is something where we
16 need to have a coordinated plan.

17 MR. CHERSON: So \$20 million of the
18 60 million that's proposed in Part QQ of the
19 Article VII TED legislation comes from the
20 '96 Clean Water, Clean Air Bond Act.

21 The 40 million, not quite sure where
22 that is going to come from. I think the
23 Legislature has a role to item out where that
24 40 million is coming from and to make sure

1 that it's not coming at the expense of any
2 other existing programs.

3 And then my colleague Anne Rabe from
4 NYPIRG I believe submitted testimony today --
5 I don't think she can be here -- that there
6 are some outstanding questions about how that
7 legislation -- the funding and the
8 accompanying legislation could impact state
9 Superfund sites. And also the liability of
10 polluters if you create a state fund to then
11 clean up those sites, what happens to the
12 strict liability of the companies, whether
13 they were negligent or it was on purpose, for
14 doing that contamination?

15 So I think you should look into Anne's
16 testimony for how to look into those legal
17 questions.

18 SENATOR HARCKHAM: Terrific. Thank
19 you.

20 CHAIRWOMAN KRUEGER: Thank you.
21 Assembly.

22 CHAIRWOMAN WEINSTEIN: Assemblyman
23 Otis.

24 ASSEMBLYMAN OTIS: Thank you all. You

1 know, you each represent a certain kind of
2 resource, although we understand, you know,
3 you all sort of are representing all of the
4 environment. But we have a river, an
5 estuary, birds and nature generally.

6 So I'd ask each of you, could you
7 share what you think are the resource that
8 you and your organization are defending, what
9 is the most worrisome impending environmental
10 harm that we too should be worrying about?

11 I'll start with Jeremy and go across.

12 MR. CHERSON: I would say -- you know,
13 the biggest improvement that we could make to
14 the health of waters around the state would
15 be those Empire State Buildings full of
16 sewage that are flowing every single year.

17 Because those create a cascade of
18 problems, whether it's depleting oxygen --
19 because you need dissolved oxygen for
20 wildlife and fish, especially to live -- and
21 algal growth and bacterial growth can take
22 away from that oxygen. You also -- you know,
23 it prevents people from being able to enjoy
24 the waterways.

1 So one, you would get a huge
2 biological benefit to massively reducing
3 CSOs. And two, you'd get a huge economic and
4 climate health benefit. As New York warms up
5 and people need to cool down, wouldn't it be
6 nice if everyone could safely head down to
7 their waterways to jump in without worrying
8 about whether they're going to get a
9 flesh-eating bacteria or not.

10 ASSEMBLYMAN OTIS: Good answer.

11 Erin?

12 MS. McGRATH: I would say that the
13 biggest problem facing birds and other
14 wildlife at this point is the biodiversity
15 crisis, which is really being driven by
16 climate change and loss of habitat. And
17 those are both things that humans can make
18 better choices about and lessen impacts from.

19 We can do a lot to mitigate climate
20 change and also to adapt to the changes we're
21 seeing, and we can also make sure that our
22 development in the future is sustainable.

23 ASSEMBLYMAN OTIS: Thank you.

24 Jessica?

1 MS. OTTNEY MAHAR: Yeah, like I would
2 echo Erin. The Nature Conservancy is really
3 focused worldwide on kind of the converging
4 crises of climate change and biodiversity.
5 And we just had two COP proceedings where
6 international -- you know, world leaders came
7 together with stakeholders -- in fact, one of
8 them for the first time, environmental
9 justice organizations really in the mix.

10 And we really need to solve these
11 things concurrently to save ourselves, not
12 just the planet. The planet's going to be
13 fine. It's us we're worried about, right?
14 Really. So we need to attack these two
15 problems at the same time.

16 ASSEMBLYMAN OTIS: We need both.

17 David?

18 MR. ANSEL: Hard to argue with any of
19 those. But with my Save the Sound hat on, I
20 agree with Jeremy that sewage and nutrients
21 in the water, but also augment that with
22 climate change because the combination is a
23 killer combo for reducing oxygen in the water
24 and getting back to -- we don't want to get

1 back to the state of affairs we had in the
2 Long Island Sound in the 1980s where
3 essentially half the sound was dying or dead.

4 ASSEMBLYMAN OTIS: Thank you all very
5 much.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Senator John Liu.

8 SENATOR LIU: Well, thank you,
9 Madam Chair.

10 I don't know what to say. First let
11 me thank the panelists for offering their
12 comments. And I do appreciate all of your
13 comments. I take advantage as much as I can
14 of the various venues that you've spoken
15 about.

16 I do want to give a special shout out
17 to Riverkeeper, because Riverkeeper does
18 conduct a fair number of operations
19 year-round in my hometown of Flushing in the
20 Flushing River.

21 I have long pledged that I will, in my
22 lifetime, not only boat in the
23 Flushing River, but swim in the
24 Flushing River. And as ridiculous as it may

1 sound right now, when I was a teen, it would
2 have been ridiculous for anybody to suggest
3 that they could swim or even boat in the
4 Hudson River off of Manhattan. And yet
5 people are doing that. So if it can be
6 achieved in the Hudson River, I have every
7 confidence, with all of your collective
8 support and with our assistance, that we can
9 return the Flushing River to public use in a
10 good way. So thank you for those efforts.

11 No thanks to you, Jeremy, for pointing
12 out that we have no loved ones. You even
13 made Senator Harckham step up in a big way to
14 profess his fondness for me, which he never
15 would otherwise.

16 (Laughter.)

17 SENATOR LIU: Thank you, Madam Chair.

18 (Laughter.)

19 CHAIRWOMAN KRUEGER: Thank you for
20 rejoining us, Senator Liu.

21 Assembly.

22 CHAIRWOMAN WEINSTEIN: Assemblywoman
23 Kelles.

24 ASSEMBLYWOMAN KELLES: Hopefully you

1 guys will be able to hear me through my mask.

2 Thank you for talking about
3 biodiversity. I am kind of horrified by how
4 little we talk about it. But there is
5 upwards of 2,000 species lost every single
6 year on the planet -- 2,000.

7 Just for anybody who's still left in
8 the room, the fact that the last estimate I
9 read was 30 percent of all pollinators
10 species are gone -- gone. That means they're
11 gone permanently.

12 So when we're talking about climate
13 change and having to make very uncomfortable
14 large changes, I'm not saying that they are
15 uncomfortable with all of you. But I'm just
16 agreeing. I just needed to say it, because
17 thank you so much.

18 And a couple of questions. One, a
19 follow-up on the bomb trains. With
20 everything you said, very quickly, do you
21 have a recommendation that you would give to
22 us to reduce our risk in New York State to
23 have -- to prevent an experience like what
24 happened in Ohio?

1 MR. CHERSON: We need more track
2 inspectors. And we need bridge inspectors.
3 That's the one thing that New York State has
4 the authority to do, is to make sure that the
5 bridges are safe and sound. Senator Hinchey
6 has been out to see some of the crumbling
7 bridges along the Hudson. There are more.
8 And the state underfunds inspectors. There's
9 only one -- last I checked, there's only one
10 federal bridge inspector for the Northeast.

11 ASSEMBLYWOMAN KELLES: Great. That's
12 a great answer. Thank you.

13 Second thing, we tried to protect
14 Class C trout streams, Class C streams last
15 year. Can you talk a little bit of what the
16 impact is of that bill being vetoed?

17 MR. CHERSON: Well, it means -- I
18 mean, especially when -- you know, we're
19 always looking towards potentially more
20 sprawl in a housing boom. You know, of
21 course we talked about how smart growth
22 principles are the best way to move forward
23 so we're not putting housing right next to
24 stream banks.

1 And so the impact of a bill like the
2 Class C streams bill being vetoed is that we
3 have more waterways that don't have their
4 beds and banks protected from disturbance.
5 And it's not that the DEC would say, no, you
6 can't do anything here. You're applying for
7 a permit. So it gives DEC a look at what you
8 plan to do and gives them a chance to comment
9 on your activities. And if they say you need
10 to improve your design, then that's what you
11 have to do. But you can largely still move
12 forward with what you're planning.

13 ASSEMBLYWOMAN KELLES: One last
14 question, and maybe this is not in the area
15 of expertise. But we have put WIIA funding
16 in every single year, but we have not seen it
17 necessarily being distributed. And I'm
18 curious if you guys have any thoughts on how
19 much we should be putting in, and
20 distribution. That might not be in your
21 area, although it is water in general.

22 MS. OTTNEY MAHAR: I need you to
23 repeat the question. You were a bit muffled.

24 ASSEMBLYWOMAN KELLES: I'm so sorry --

1 MR. CHERSON: I think I heard. You're
2 asking about WIIA funding getting disbursed.

3 Well, we need more funding, and I
4 think the Governor's proposal for additional
5 staff to handle the Bond Act is going to
6 really supercharge implementation.

7 CHAIRWOMAN KRUEGER: Thank you. Thank
8 you. Sorry.

9 CHAIRWOMAN WEINSTEIN: Senate?

10 CHAIRWOMAN KRUEGER: Yes. Senator
11 Mattera.

12 SENATOR MATTERA: Thank you,
13 Madam Chair.

14 And I thank you guys for all you do.
15 I really -- you're saving our planet and it
16 means a lot to me, especially waterways.

17 One thing that was so -- you know,
18 becoming -- my district is mid-town and all
19 of Huntington. So, you know, I have my sound
20 and everything. And, you know, I went and I
21 visited an oyster farm -- a couple of them,
22 actually. And I was just so impressed
23 that -- I never realized that one oyster
24 cleans 50 gallons of water a day. And, you

1 know, what you -- what are we doing, any
2 funding, anything that we know of, anything
3 in the budget with that?

4 MR. ANSEL: We at Save the Sound just
5 signed up to get involved with a counsel at
6 the DEC and working groups for a New York
7 State shellfish restoration plan.

8 And so we are going to be working --
9 it's the Pew Institute, I believe, is -- this
10 funding is a transitional thing, and then we
11 will be looking for money from the Bond Act
12 to continue as we move forward. But with the
13 goal of eventually having both recreational
14 and commercial shellfishing again in
15 Westchester and other parts of New York
16 sailing waters and the Sound.

17 MS. OTTNEY MAHAR: If I can just add
18 to that.

19 So The Nature Conservancy, we actually
20 did our first underwater land deal here in
21 New York. It was the Bluepoints property in
22 the Great South Bay. And we were working for
23 years to restore the hard-shell clam
24 population there. And we actually paused

1 that work because what we found was we could
2 not restore that population because of the
3 high nitrogen pollution in our water on
4 Long Island.

5 Which is what drove us to shift our
6 work entirely into focusing on water quality
7 on Long Island. Obviously we want clean
8 water for all the purposes, but The Nature
9 Conservancy initially got into it to restore
10 that clam population.

11 And we're also doing a lot of work
12 through partnerships, especially since the
13 pandemic, to restore oysters with restaurant
14 folks who weren't serving the oysters in
15 their restaurants. It's been really
16 interesting.

17 But we can't do that work unless we
18 have clean water for these things to live in.
19 They can take pollution out of the water, but
20 not so much that they can fix the problem we
21 have now.

22 So that's why this emphasis on clean
23 water. In particular, some of these local
24 measures to leverage that state and federal

1 funding are going to be so critical for
2 Long Island.

3 SENATOR MATTERA: That's great.

4 And the last I just have is the sewage
5 treatment plants moving forward. I want to
6 make sure, in other words, that we are
7 replenishing our aquifer and we're not
8 dumping out to the Sound. So that's
9 something that's very important to me moving
10 forward, especially Suffolk County not being
11 sewerred. It's not the most sexiest topic,
12 but it's a very important topic.

13 So that's my goal, is to make sure
14 we're going to replenish our aquifer and
15 we're not going to be dumping out to the
16 Sound or to the ocean.

17 MS. OTTNEY MAHAR: Yeah, and making
18 sure that what we're putting back in, either
19 through advanced septic systems or through
20 smaller-scale community sewer systems, is
21 clean. Yeah.

22 SENATOR MATTERA: Great. Great job,
23 guys. Thank you so much.

24 CHAIRWOMAN KRUEGER: Thank you.

1 CHAIRWOMAN WEINSTEIN: Assemblyman
2 Burdick.

3 ASSEMBLYMAN BURDICK: Thank you.

4 And sorry I'm here late, but I've read
5 testimony. And earlier today, one of the
6 things that we had asked Commissioner Seggos
7 about -- actually, several, both on the
8 Senate and the Assembly side -- was that
9 we're concerned about money getting out the
10 door. And I'm wondering if you might address
11 your thoughts on how we can better do that.

12 I mean, I can tell you that there's a
13 lot of frustration among members that the way
14 in which money is getting out the door
15 through the grant process, which can be
16 cumbersome and which can be very discouraging
17 to municipalities. But I'm wondering if you
18 have thoughts on what might be tried.

19 MS. OTTNEY MAHAR: If it's okay, I'll
20 start. Thanks.

21 So a couple of things. You know, the
22 Bond Act is a really great opportunity to
23 think a little differently. And we're really
24 enthusiastic about the public listening

1 sessions the state is talking about doing.
2 They just put together a new Bond Act website
3 that talks about the fact that they're going
4 to go out and, you know, educate people about
5 what these new funds could be used for, but
6 also take input.

7 And it's not just tell us all the
8 state things you want funded. They can do
9 that. But, you know, when we were running
10 the campaign to pass the Bond Act we heard a
11 lot from organizations, local governments,
12 environmental justice organizations and
13 others, who were having a lot of trouble
14 accessing funding. And this is a really
15 great opportunity for the state to think
16 about how we can structure programming to
17 work better for communities and
18 organizations --

19 ASSEMBLYMAN BURDICK: So can you be
20 specific? You know, what would you do? I
21 mean, some have said, you know, maybe it
22 should be done by formula, the way like CHIPS
23 funding is done. I'm not sure that that
24 would really work, to tell you the truth.

1 But, you know, what would you suggest? You
2 have ideas.

3 MS. OTTNEY MAHAR: Yes, some financial
4 mechanisms that could be built in, things
5 like bridge loans for organizations that
6 can't take, you know, a large grant that's on
7 a reimbursement basis, is one idea.

8 There's a lot of conversations with
9 rural communities about how they can partner
10 to get to the appropriate level of population
11 that can spread the costs of an investment
12 across a large enough district.

13 Then there's this program function.
14 You know, my organization is holding millions
15 and millions of dollars of land for New York
16 State, as are other land trusts across
17 New York State. And it's a big deal to hold
18 millions of dollars of land financially. So
19 there are program improvements that are also
20 needed, and a lot of Environmental Protection
21 Fund programs and going into the Bond Act, to
22 make sure there's a greater efficiency in how
23 the state works with NGOs and local
24 governments to complete these projects so

1 that, frankly, we're not left holding the
2 bag. Because there are huge ramifications
3 for us financially.

4 ASSEMBLYMAN BURDICK: Erin? Go ahead,
5 please.

6 MS. McGRATH: I would say the other
7 thing that would be really helpful is to have
8 more grants assistance at the state level.
9 Navigating the grant process is really
10 difficult. In a lot of small villages, or
11 even in the case of private landowners, they
12 don't have the ability to navigate the grants
13 gateway and know every document that they
14 need to pull.

15 So having folks even just that they
16 can call up, someone they can partner with
17 who can help walk them through that process
18 is going to make sure that people who need
19 funds and need those resources can get
20 access.

21 ASSEMBLYMAN BURDICK: Great. Thank
22 you so much.

23 CHAIRWOMAN KRUEGER: Thank you.

24 And to close for the Senate, Senator

1 Walczyk.

2 SENATOR WALCZYK: Ms. McGrath, how are
3 you?

4 MS. McGRATH: Good. How are you?

5 SENATOR WALCZYK: You left off right
6 after cap-and-invest in your testimony. What
7 else did you want to say on behalf of the
8 birds before we consider the Governor's
9 budget bill?

10 (Laughter.)

11 MS. McGRATH: Thank you, sir.

12 I want to say that we are very excited
13 about the program. We want to see how the
14 details are going to work out. But some of
15 the most important things to us are that we
16 make sure that the proposal maintains
17 provisions that are going to provide economic
18 relief to families that are already dealing
19 with financial distress caused by the
20 pandemic.

21 And also that we strongly support
22 provisions that are going to provide at least
23 35 percent, if not more, to disadvantaged
24 communities.

1 And we'd also like to encourage the
2 Legislature and the Governor's office to keep
3 working with disadvantaged communities, be
4 they upstate, be they downstate. We want to
5 make sure there's no unintended consequences
6 of this program.

7 And last but not least, we talk a lot
8 about investing in climate mitigation, and
9 that is critically important. But we also
10 want to see investments in natural climate
11 solutions. So making sure that our forests
12 are sequestering as much carbon as possible,
13 protecting our wetlands, which make our
14 communities more resilient and sequester
15 carbon themselves.

16 So we're really excited about the
17 proposal and we're looking forward to working
18 with NYSERDA and the DEC about it, but we're
19 going to have to work really hard to get it
20 right.

21 SENATOR WALCZYK: Thanks very much.

22 I'll yield back the rest of my time.

23 CHAIRWOMAN KRUEGER: There were a few
24 members making bird sounds during that --

1 (Laughter.)

2 CHAIRWOMAN KRUEGER: Just saying.

3 I think that is it. Oh, excuse me,
4 one additional Assemblymember. If you'd
5 introduce yourself, sorry.

6 ASSEMBLYMAN LEMONDES: Thank you,
7 Madam Chair.

8 This is Assemblyman Lemondes,
9 126th Assembly District, Central New York.
10 Finger Lakes, water quality, very near and
11 dear to all of our hearts.

12 I just want to ask a simple question
13 to all four of you. Do you work with and
14 integrate Ducks Unlimited?

15 MS. McGRATH: Yes.

16 MS. OTTNEY MAHAR: Yes.

17 MS. McGRATH: Very important to all of
18 our organizations.

19 ASSEMBLYMAN LEMONDES: Wonderful. I
20 just wanted to make sure because I would have
21 loved to have heard from them today as well.

22 MS. McGRATH: Yeah, I believe they
23 submitted written testimony. But you may
24 know their government affairs

1 representatives, based in DC.

2 But they're really strong partners of
3 ours. We love to work on wetlands
4 conservation with them. And especially for
5 Audubon, you know, we have just as many
6 members who are hunters as bird watchers. So
7 they're a perfect ally for us in our efforts.

8 ASSEMBLYMAN LEMONDES: Perfect. Thank
9 you. Madam Chair.

10 CHAIRWOMAN KRUEGER: (Mic off.) Thank
11 you all for your presentations tonight
12 {inaudible}. And we're going to let you go
13 home. {Inaudible.}

14 And there's a little confusion, we had
15 two Panel G's, a mistake in the alphabet
16 here. The second Panel G is Public Utility
17 Project, New Yorkers for Clean Power,
18 Alliance for Clean Energy.

19 And then for those who are keeping
20 track, after that, if people want to come up
21 towards the front, we will have a New York
22 State resident, the Geothermal Energy
23 Organization, and the New York Battery and
24 Energy Storage Technology Consortium.

1 Good evening, ladies.

2 PANEL MEMBERS: Good evening.

3 CHAIRWOMAN KRUEGER: How about we
4 start on my left, your right {inaudible}.
5 I'm sorry, I didn't put this on. Yes, my
6 left, your right. Hello.

7 MS. MARSHALL: Thank you,
8 Senator Krueger. My name is Lisa Marshall,
9 and I'm the director of organizing and
10 advocacy for New Yorkers for Clean Power.

11 I previously served as the director of
12 HeatSmart Tompkins, which was the original
13 community-based organization promoting the
14 adoption of heat pumps. So I'm not just an
15 advocate, I'm also an implementer.

16 So HeatSmart Tompkins was a community
17 nonprofit that led the charge for building
18 electrification in New York State. Before
19 anybody else had heard of a heat pump, we
20 were out there hawking heat pumps. We have
21 served thousands of consumer customers or
22 residents in Tompkins County and the
23 surrounding areas and helped hundreds of them
24 to put in heat pumps in their homes. So we

1 have years and years of experience with heat
2 pumps.

3 Every day in my job at HeatSmart I
4 talked to folks seeking advice on installing
5 heat pumps because of the cost savings that
6 many of them could get, the confident
7 comfort, the convenience and the climate
8 benefits. People like Katie, who went from
9 spending over \$4,000 a year on propane to
10 spending \$400 a year to run her geothermal
11 heat pump system. And people like Tom, who's
12 an elderly gentleman who'd been heating with
13 wood for 40 years but getting older now,
14 finding that wood management is too
15 burdensome and a heat pump was going to allow
16 him and his wife to stay in their home for an
17 additional decade or two.

18 So my current organization,
19 New Yorkers for Clean Power, we are part of
20 the Renewable Heat Now campaign -- which also
21 HeatSmart was -- and the Better Buildings
22 New York Coalition, and we respectfully
23 request that you include the following bills
24 in the budget: The NY HEAT Act, Senator

1 Krueger's bill, our topmost priority, as well
2 as the All-Electric Building Act, the Energy
3 Efficiency, Equity, and Jobs Act, and, very
4 importantly, a green affordable
5 pre-electrification or GAP Fund that will
6 help folks whose homes can't qualify for
7 current energy efficiency programs because of
8 deferred maintenance of various sorts.

9 So key elements of NY HEAT were in the
10 Governor's budget last year and, as
11 Senator Krueger said, are unfortunately
12 missing this year. And we urge the
13 Legislature to put back both the -- some of
14 those fundamental changes to New York's
15 Public Service Law that are really going to
16 be the foundation that we need in order to
17 move our good climate plan forward. We're
18 very excited about the electrification plan
19 in the final Scoping Plan, by the way.

20 So these are policies also -- not only
21 do they benefit our climate, they make our
22 homes safer, healthier, more comfortable.
23 They will expand our workforce by nearly
24 200,000 workers by 2040, with well-paying

1 jobs. Matt Dennis, who's a heat pump
2 implementer in my area, he was not called to
3 testify but he sold \$4.5 million of heat
4 pumps in one year, and he works on
5 commission.

6 So I'll just conclude by saying that
7 other countries and states and cities are
8 leading on this and are already showing that
9 it's possible.

10 Thank you so much for the opportunity
11 to testify today.

12 CHAIRWOMAN KRUEGER: Thank you very
13 much. Next?

14 MS. WHEELLOCK: Good evening. My name
15 is Laurie Wheelock. I go by she/hers
16 pronouns. I'm the executive director of the
17 Public Utility Law Project. We go by PULP
18 for short.

19 Our organization is the only
20 nonprofit that focuses on low-income utility
21 customers. We do direct services. So just
22 like Legal Aid, if you have a constituent who
23 is facing termination for falling behind on
24 their National Grid bill, we actually step

1 in, we provide them assistance and walk them
2 through the process. We learn from those
3 experiences and use them in policy
4 proceedings and rate cases before the
5 Department of Public Service.

6 And our call and intake volume has
7 just increased significantly during the
8 pandemic, but especially from September of
9 2022 when it was announced that home heating
10 prices would be up high again this winter.
11 We were bracing for it. And usually we get
12 contacted by low-income individuals, but we
13 had small businesses, we had farmers, we had,
14 you know, senior citizens. We had people
15 from all across the state, small businesses,
16 wondering what they could do.

17 Our testimony goes into energy
18 affordability and all the different aspects,
19 as well as amendments and bills that we think
20 would be helpful. But essentially I'm going
21 to respond to four items today, briefly.

22 The first is that we can strengthen
23 the already existing energy affordability
24 program. Chair Christian mentioned this

1 earlier. New York State has had a goal since
2 2016 that no low-income family should be
3 spending more than 6 percent of their monthly
4 income on their energy bills. The way that
5 works is each utility, be it NYSEG or Central
6 Hudson, gives them a credit. They do a
7 calculation, the credit hits their bill, and
8 that is how you get to that 6 percent energy
9 burden.

10 Unfortunately, our estimates show that
11 the program is under-enrolled by about
12 1.1 million households. And households that
13 are in the program may not be getting the
14 exact credit they need to get to that
15 6 percent. So we are supportive of
16 Senator Parker's bill that requires the
17 Office of Temporary and Disability Assistance
18 to data-match with the utilities. We also
19 support amendments to allow the utilities to
20 talk to each other, because some of them
21 overlap. National Grid, Con Edison and
22 New York City could talk to each other and
23 say, We have this many low-income families,
24 they should be in this program.

1 The second aspect I'll flag is that
2 the Governor heard us and heard the public
3 about energy affordability. And so in her
4 budget proposal she seeks to expand the
5 income eligibility to not just low income, to
6 moderate. PULP is extremely thankful, and we
7 support that. Our amendment would be to use
8 NYSERDA's definition of moderate, because it
9 takes state median income and area median
10 income and compares them. And that's very
11 helpful for whichever region of the state you
12 might be in. If you're in New York City, SMI
13 may not work as well as some other part of
14 the state.

15 So we like it, and we also like the
16 consistency. Having DPS and the NYSERDA
17 programs flow together with the same income
18 eligibilities could be tremendously helpful
19 to getting control over your bill now and
20 reaching our clean energy goals.

21 So there's much more detail in here.
22 I'm happy to take questions. But thank you
23 again for the opportunity to be here tonight,
24 and I'm going to pass it along to Anne.

1 CHAIRWOMAN KRUEGER: Great. Thank
2 you.

3 MS. REYNOLDS: Thanks so much. This
4 is on, yes? So thanks so much for the
5 opportunity to speak.

6 My name is Anne Reynolds. I'm with
7 the Alliance for Clean Energy New York. Many
8 of the environmental groups you've heard from
9 already are members of ACE, but the majority
10 of our members are private companies that are
11 pursuing clean energy projects in New York as
12 business opportunities.

13 So a couple of things to mention about
14 the budget proposal. One, ACE supports the
15 development of the cap-and-invest program, as
16 it's the next logical step for the DEC to
17 develop the regulations to enforce the
18 emissions cap that's in the CLCPA.

19 Second, ACE New York also supports the
20 transition to all-electric buildings and
21 building benchmarking as it is included in
22 the Executive Budget. Buildings are the
23 biggest source of greenhouse gas emissions in
24 New York.

1 Third, there's important actions to
2 reduce emissions from transportation that
3 were left out of the Governor's Executive
4 Budget proposal. We respectfully request
5 that the Legislature reconsider three key
6 policies on transportation -- the Clean Fuel
7 Standard, allowing the direct sales of
8 electric vehicles without going through
9 dealerships, and exempting new and used
10 electric vehicles from sales tax for a few
11 years.

12 To meet the climate goals we really
13 have to jump-start the sales of electric
14 vehicles, and we think that these are three
15 important policies to do that.

16 Fourth, ACE New York opposes expanding
17 the authority of NYPA as proposed in Part XX
18 of the Executive Budget. The proposal would
19 broaden NYPA's authority to develop, own,
20 finance, operate renewable energy projects.
21 And our main concern with the proposal is the
22 un-level playing field that it will create.
23 One state agency will be competing with
24 private companies to win a contract from

1 another state agency. NYPA will be able to
2 develop projects to connect to their own
3 transmission system, giving their projects a
4 leg up.

5 Presently, private companies take on
6 the risk of developing renewable energy
7 projects. The expanded powers of NYPA to
8 finance and develop projects will fully place
9 the costs and risks of project development on
10 NYPA customers but will also allow them to
11 undercut the bids of private developers.

12 For these reasons, we believe that
13 instead of increasing renewables
14 construction, this proposal has the real
15 potential to chill and delay private
16 renewable development in New York.

17 We also don't think NYPA projects will
18 necessarily be completed any faster than
19 independent renewable projects, since they
20 both need to go through the same permitting
21 and regulatory approvals.

22 In short, NYPA's role should not be in
23 competition with the private sector, but to
24 help reduce the hurdles facing renewable

1 development, like a lack of transmission
2 capacity, which is what we would like NYPA to
3 focus on.

4 Yes, we want renewables development to
5 happen faster. There's about 16
6 utility-scale wind and solar projects under
7 construction in 2022, and we need to get to a
8 point where there's about 25 construction
9 starts each year from now until 2028 in order
10 to achieve 70 percent by 2030.

11 CHAIRWOMAN KRUEGER: Thank you.

12 Okay. First Senator? Any Senator?
13 Oh, I see many Senators. Okay, I'm just
14 going to start at the far end with John Liu,
15 and then we'll head back this way.

16 SENATOR LIU: Thanks for starting with
17 the far end.

18 I just want to thank this panel for
19 bringing us their ideas and knowledge. And I
20 do, Madam Chair, want to underscore the
21 effectiveness of heat pumps. I got one for
22 my own home, and it was -- you know, I had to
23 replace my furnace, which would have cost
24 something like \$25,000. And instead, I paid

1 2500 for a heat pump for the entire house.

2 And, you know, sometimes you have to
3 have a little bit of patience, but on an
4 ongoing basis, it works terrific. Thank you.

5 (Overtalk.)

6 MS. MARSHALL: I want to know where
7 you got a \$2500 heat pump.

8 (Laughter.)

9 CHAIRWOMAN KRUEGER: Sorry, I didn't
10 mean to speak over you.

11 MS. MARSHALL: Oh, no, I'm sorry, I
12 was just saying that's a pretty good deal on
13 a heat pump. So I would love to know who
14 installed that.

15 (Laughter.)

16 CHAIRWOMAN KRUEGER: Thank you.

17 Assembly.

18 CHAIRWOMAN WEINSTEIN: First, I just
19 wanted to acknowledge that Assemblywoman
20 Gunther came -- has been at the hearing for
21 quite a while with us.

22 And we go to Assemblywoman Simon for a
23 question.

24 ASSEMBLYWOMAN SIMON: So Ms. Reynolds,

1 my question is will you please tell my
2 husband that we should get a heat pump.

3 MS. REYNOLDS: Me?

4 ASSEMBLYWOMAN SIMON: You, yes. I'm
5 sorry, maybe --

6 MS. MARSHALL: I'll tell your husband
7 too, though. We'll both -- we'll both --
8 we'll send him a valentine.

9 ASSEMBLYWOMAN SIMON: Thank you, okay.
10 I just wanted to get that on the record,
11 because I'm working on that.

12 And then the other thing is, you know,
13 Laurie, the work that PULP does is so helpful
14 to us because you've really helped
15 constituents but also there's a level of
16 technical assistance that you've been able to
17 provide legislators that I'm really
18 profoundly grateful for, because sometimes
19 the utility stuff can get kind of difficult
20 to understand. And it's hard for us to
21 explain it even to constituents sometimes.
22 So I wanted to thank you.

23 And also I know you've testified about
24 particular things, but is there some way that

1 we can help you guys provide better, you
2 know, technical assistance to legislators and
3 staffs in a way that wouldn't overtax your
4 organizations but would be really, really
5 helpful for us as we plow through this stuff.

6 MS. WHEELLOCK: Yeah, and thank you so
7 much. And again, thank you all for the
8 support, you know, to our organization and on
9 energy affordability. Last year, when
10 \$250 million was put in the budget, that was
11 monumental. And we're going to keep building
12 off of it.

13 For PULP, you know, one of our
14 priorities for this session is to talk about
15 intervenor funding. The Legislature passed
16 the bill last year, and it was vetoed in
17 December by the Governor. But the veto
18 message is really important. It goes
19 through, it raises some good questions, and
20 we are ready to talk.

21 We need to have a more small-group --
22 especially local groups from your districts.
23 Like Communities for Local Power is such a
24 powerful organization, and having them in

1 rate cases is invaluable. But we don't have
2 the time or the money or the resources to
3 compete against these corporations. We don't
4 have the attorneys and the capacity. And so
5 that we would love to be able to talk about
6 and potentially discuss with one house.

7 When it comes to, you know, just
8 education, we have 25 events between
9 September and December with different
10 members. And if you're interested, reach out
11 to us and help spread the word. Because we
12 want to connect with more community-based
13 organizations. And your offices are
14 extremely helpful with that. So many groups
15 have grown or changed or diversified because
16 of the pandemic, and we'd love to work with
17 them so they can take the information about
18 what financial assistance programs there are,
19 or how do I read my bill -- and it just
20 snowballs.

21 So we'd love to keep in touch with you
22 all on both legislative priorities and then
23 the constituent aspect, which is so
24 tremendously important. So thank you.

1 ASSEMBLYWOMAN SIMON: Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator Hinchey. No? No, you don't
4 have to.

5 SENATOR HINCHEY: No, I do.

6 (Laughter.)

7 SENATOR HINCHEY: I do. Thank you.

8 CHAIRWOMAN KRUEGER: Senator Hinchey.

9 SENATOR HINCHEY: Thank you.

10 And thank you all so much for being
11 here, and for your work.

12 My questions are for Executive
13 Director Wheelock. First, thank you for your
14 work following up on the last question. You
15 have been in my district a lot. Thank you.
16 We've been a hotbed of challenges lately --
17 thank you for the hearings you've hosted with
18 us in regards to Central Hudson. Thank you
19 for the hearings you hosted with us in
20 regards to the Hudson Valley Water Company.
21 And that's actually where my question lies
22 today.

23 We've had a lot of conversation today
24 about clean water and clean water

1 infrastructure. But one of the missing holes
2 are small, private water companies. And I
3 would love to hear from you what the state
4 could be and should be doing better as it
5 pertains to these small water companies, both
6 I guess legislatively and funding-wise in the
7 budget.

8 I know we've worked on some things
9 that would require money, but curious to what
10 your thoughts are now.

11 MS. WHEELLOCK: Yeah, and thank you,
12 Senator. Whenever your office calls us, we
13 brace, because you all have a lot of utility
14 issues happening right now (laughing).

15 SENATOR HINCHEY: We're sorry.

16 MS. WHEELLOCK: No, no, no, no. We are
17 glad to help, believe me.

18 SENATOR HINCHEY: We thank you.

19 MS. WHEELLOCK: Yes. No, we -- we
20 really appreciate it. And the things we've
21 learned from your district and others is
22 really, really important.

23 There are so many small water
24 companies. I mean, the Senator has one water

1 company that the infrastructure keeps failing
2 and it's always over holidays. So it will be
3 Christmas or Easter, we get calls on Sundays,
4 where people don't have water and they don't
5 have water for two weeks at a time.

6 We had another small water company in
7 Westchester that I think had 23 customers.
8 And so it's not these large, private water
9 companies. There are a lot of small water
10 companies that were family-run, and the
11 grandparents passed it down to their
12 children, and their children want to pass it
13 down to their children -- but the
14 infrastructure is failing, and so they can't
15 compete, they can't keep up with it.

16 And so the Senator has a bill, and we
17 thank you -- it's actually going to create an
18 authority that would allow the authority to
19 step in and take over these small private
20 water companies if the families or the
21 private owners don't want to do it anymore
22 because they can't keep up with the
23 maintenance. The authority would take them
24 over and help, through bonding, to bring up

1 the up -- infrastructure upgrades. It's been
2 a long day. And long night.

3 And then we could decide, as a state,
4 do we sell it to one of the municipalities or
5 hand it over. And so it's a really important
6 discussion piece and one that I think fits
7 very well with the discussion we had today.
8 Because they're out there, they're all over
9 New York State, and we have to make a
10 decision on how to help them, because that's
11 ultimately what's going to help the customers
12 who are struggling.

13 So thank you, Senator.

14 SENATOR HINCHEY: Thank you very much.
15 And appreciate your help on that. I'll say
16 your leadership, yours and your
17 organization's, has helped us get to some of
18 these solutions. So thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Assembly.

21 CHAIRWOMAN WEINSTEIN: Assemblyman
22 Otis.

23 ASSEMBLYMAN OTIS: Thank you.

24 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

1 it. Or the Governor's version that's in the
2 budget doesn't preclude it.

3 MS. REYNOLDS: Right.

4 ASSEMBLYMAN OTIS: Okay. Thank you
5 very much.

6 CHAIRWOMAN WEINSTEIN: Senate?

7 CHAIRWOMAN KRUEGER: Thank you.

8 Senator Pete Harckham.

9 SENATOR HARCKHAM: Thank you very
10 much, Madam Chair.

11 Thank you, all three, for your very
12 informative testimony.

13 My question is for Lisa and for Anne,
14 regarding the incentive structure in New York
15 State. You know, if the goal is to convert
16 as rapidly as we can, a lot of that -- you
17 know, as John was talking about, was personal
18 conversion. Do we have a robust enough
19 incentive structure in New York State to
20 incentivize people to switch to clean energy?

21 MS. MARSHALL: So I'll take a crack at
22 that. Thanks for the question,
23 Senator Harckham.

24 In our short time, HeatSmart Tompkins

1 and then New Yorkers for Clean Power, when we
2 started, there were no incentives for heat
3 pumps. Then there were incentives, and they
4 were mostly accessible by the sort of
5 wealthier early adopter population. And just
6 in my time at HeatSmart, which is just since
7 2020 -- or 2019, I can't remember -- we've
8 seen a dramatic shift to a lot more money
9 available for low-to-moderate-income
10 households to electrify with heat pumps.

11 You're probably aware that the
12 New York State Clean Heat program made the
13 incentives -- which was part of the energy
14 efficiency order from the Public Service
15 Commission -- made the incentive structure
16 for heat pumps go from NYSERDA to the
17 utilities. And I guess I could say there's
18 been some growing pains with working through
19 that. Especially those of you in Con Ed
20 territory might have heard a few rumors to
21 that effect.

22 And now we're about to get the IRA
23 incentives and there's probably a lot of
24 people scurrying around at NYSERDA to try to

1 figure out how to make the current incentive
2 systems that we have in place meld with
3 what's going to come down from the IRA --

4 SENATOR HARCKHAM: Sorry to interrupt
5 you --

6 MS. MARSHALL: Oh, sorry.

7 SENATOR HARCKHAM: -- less than a
8 minute, want to get your colleague's
9 perspective.

10 MS. MARSHALL: Okay, I'll just wrap up
11 to say that, you know, people definitely need
12 incentives still, especially our
13 low-to-moderate-income households to
14 electrify, and we do need gap funding. I
15 would love to see more budget money going for
16 incentives than ratepayer money, which is --

17 SENATOR HARCKHAM: I'm sorry --

18 MS. MARSHALL: -- so regressive.
19 Okay, I'm done.

20 SENATOR HARCKHAM: I want to give your
21 colleague some time; we've got 30 seconds.

22 MS. MARSHALL: Okay, go ahead. Sorry,
23 Anne. Go ahead.

24 SENATOR HARCKHAM: Thank you. I'm

1 sorry.

2 MS. REYNOLDS: Very quickly, there's
3 incentive structure and then there's a
4 consistent and adequate revenue source to
5 fund it. I think NYSERDA can solve those
6 issues, but we need a source of funds. And
7 there's the IRA, which is super-fantastic,
8 but the cap-and-invest is the other source of
9 funds for the building electrification work
10 that the climate plan puts forward.

11 Or it has to be -- or the money has to
12 come from somewhere else.

13 SENATOR HARCKHAM: Thank you. I yield
14 my two seconds.

15 CHAIRWOMAN KRUEGER: Thank you.
16 Assembly.

17 CHAIRWOMAN WEINSTEIN: Assemblywoman
18 Kelles will take them.

19 ASSEMBLYWOMAN KELLES: A couple of
20 questions.

21 So, Lisa, you mentioned the GAP
22 funding. Just to make sure everybody is
23 aware what that means -- you've talked to me
24 briefly about it, but if you could explain

1 the barrier that people have to accessing the
2 incentives that we have.

3 MS. MARSHALL: Thank you so much for
4 that question.

5 So this is actually something that was
6 recommended in the Scoping Plan specifically,
7 and it's partly addressed by the one bill
8 that I mentioned, the Energy Efficiency,
9 Equity, and Jobs Act.

10 So basically we have monies from the
11 federal government, from NYSERDA, from the
12 utilities, from OTDA, that help people with
13 these home energy retrofitting barriers.
14 However, you're probably all aware we have
15 the oldest housing stock in the nation in
16 New York. Buffalo is the city in the whole
17 United States with the oldest housing
18 stock -- I'll be really quick. So there's a
19 lot of problems with existing homes that
20 prevent people from taking advantage of these
21 funds and these programs, like mold, lead,
22 asbestos, old wiring, structural problems,
23 roof leaks, foundations crumbling, et cetera.

24 So a lot of times people can't move

1 forward, and that's why we're looking to make
2 available a fund that would fill that gap and
3 allow people to have a better, safer,
4 healthier home that could be made efficient
5 and eventually, someday, electrify.

6 Thanks.

7 ASSEMBLYWOMAN KELLES: Thank you.

8 And another question for anyone who
9 wants to answer. But specifically, we hear a
10 lot about geothermal air-source heat pumps
11 specifically not being efficient in very cold
12 weather. But my reading of the technology is
13 that it can go up to negative 30 at this
14 point, some of the units. Am I reading that
15 correctly?

16 MS. MARSHALL: So geothermal or
17 ground-source heat pumps are efficient at any
18 temperature because the temperature of the
19 ground doesn't change no matter what is
20 happening with the weather outside.

21 Air-source heat pumps, we have much
22 better air-source heat pumps. They are not
23 efficient in negative temperatures. They
24 will keep your house warm, but they will not

1 do so efficiently during those very, very
2 cold periods.

3 However, on average, over the course
4 of a typical year, they are more than twice
5 as efficient as baseboard electric heat,
6 for example.

7 ASSEMBLYWOMAN KELLES: But if you
8 upsize the scale of it, you can get the
9 heating of a home in the winter months, is
10 that right? Is that correct?

11 MS. MARSHALL: It's not exactly
12 correct. Actually, rightsizing is much
13 better than oversizing. And it's actually a
14 pretty tricky thing to do. One reason that,
15 you know, our HVAC companies are adjusting to
16 learn how to do a good heat pump design and
17 install.

18 So it isn't just a matter of making it
19 bigger, it's actually a matter of just smart
20 and efficient design. If that makes sense.
21 And just choosing the heat pumps that are the
22 ones that are correct for cold climates is
23 very important. Just because something is
24 listed on the NEEP list doesn't mean it's the

1 right one for Albany or Ithaca, where it can
2 be very cold.

3 ASSEMBLYWOMAN KELLES: I think I lost
4 my time for you to answer the last
5 question --

6 MS. MARSHALL: I'm sorry.

7 ASSEMBLYWOMAN KELLES: -- but I'll
8 catch you after.

9 Thank you.

10 CHAIRWOMAN WEINSTEIN: Senate?

11 CHAIRWOMAN KRUEGER: Thank you.

12 Senator Walczyk.

13 SENATOR WALCZYK: Wal-zik. Thank you,
14 Madam Chair.

15 CHAIRWOMAN KRUEGER: I'm sorry.

16 SENATOR WALCZYK: You were getting it
17 right all day.

18 CHAIRWOMAN KRUEGER: I know, all day.
19 You're right.

20 SENATOR WALCZYK: Appreciate the myth
21 bust on the air-source heat pumps and
22 oversizing there.

23 I heat primarily with an air-source
24 heat pump. It was negative 31 degrees in

1 Watertown, New York. And you can't get any
2 heat out of the air when it's negative
3 31 degrees, no matter how big your air-source
4 heat pump is. There is just no heat to take
5 out of the air when it's that cold. So thank
6 you very much for being honest about the
7 technology.

8 Ms. Marshall, appreciate your
9 expertise that you brought today. How much
10 would it cost a homeowner to install a
11 geothermal heat pump in the middle of the
12 winter?

13 MS. MARSHALL: The installation cost
14 doesn't really -- isn't weather-dependent. I
15 mean, they either can -- either the weather
16 allows them to do the install or it doesn't.
17 And we see most of the time in my area
18 installs happening all winter long, and the
19 price doesn't vary.

20 How much is always the question people
21 ask me. And it's just -- I can't answer it
22 because it depends. It depends what
23 incentives you qualify for, it depends what
24 the existing heat distribution in your house

1 is, it depends whether you're having a
2 horizontal loop field or a vertical loop
3 field. We're very excited about the
4 potential of the thermal energy networks as
5 well for more densely populated areas.

6 So I will tell you that for some homes
7 you see a very cost-competitive install for
8 ground-source heat pumps. And especially if
9 they're converting from propane or oil, they
10 can pay for themselves -- even a \$50,000
11 install could pay for itself in less than
12 10 years, which is pretty exciting.

13 So it really does depend. There's a
14 lot of variables. I wish I had a more direct
15 question -- answer for your, Senator.

16 SENATOR WALCZYK: Does it take longer
17 to install a ground-source heat pump for a
18 home in the dead of winter than it would in
19 the summer?

20 MS. MARSHALL: It's really not -- no,
21 not necessarily.

22 SENATOR WALCZYK: Okay. So in Part WW
23 of the Governor's TED bill, she's proposing
24 that we don't allow any fossil-fuel-based

1 systems to be replaced after 2020 -- 2030,
2 I'm sorry. The day is getting long.

3 MS. MARSHALL: Yes, and that's in the
4 Climate Scoping Plan, that's the
5 recommendation.

6 SENATOR WALCZYK: So if someone's
7 furnace goes out and it's negative 30 degree
8 outside, how long would it take a company
9 like the one that you worked for to replace
10 someone who is using gas to keep their family
11 alive -- how long would it take them to
12 install a geothermal heat system for that
13 home?

14 MS. MARSHALL: Yeah, I -- just to be
15 clear, I don't install heat pumps. I just
16 assist the community with connecting with
17 qualified installers and finding out what all
18 the incentives are.

19 So what the companies do that install
20 heat pumps in a no-heat emergency situation,
21 it's --

22 SENATOR WALCZYK: Would it be longer
23 than a day?

24 MS. MARSHALL: They generally provide

1 large space heaters to the homeowners,
2 whether -- no matter what's happening, so
3 that they can get the equipment and put it
4 in.

5 So yes, it's usually longer than a
6 day, and that is something that is definitely
7 being addressed. I mean, most people in a
8 no-heat --

9 SENATOR WALCZYK: Longer than a week?

10 MS. MARSHALL: It -- you're going to
11 try to trap me into an answer that I can't
12 give you.

13 SENATOR WALCZYK: I'm just looking for
14 an answer.

15 MS. MARSHALL: It's just going to
16 depend on supply chain and all kinds of
17 things. But companies that do no-heat
18 replacements have a plan for no heat to make
19 sure customers don't suffer while they wait
20 for their heat pump to be installed.

21 CHAIRWOMAN KRUEGER: Thank you. Thank
22 you.

23 CHAIRWOMAN WEINSTEIN: Assemblyman
24 Burdick.

1 ASSEMBLYMAN BURDICK: Yes, and thank
2 you for your testimony.

3 You know, earlier today we heard that
4 NYPA might be possibly in the business of
5 providing renewable power -- which is
6 certainly welcome to hear that that's
7 possible -- and that one of the purchasers of
8 that power might be community choice
9 aggregation programs.

10 And I'm wondering if any of you can
11 comment -- and I might have missed it, but I
12 don't think I saw any reference to CCA, which
13 actually is something that's fairly
14 widespread now in Westchester County, my
15 county. And if you could address that, I'd
16 be interested in your thoughts.

17 MS. WHEELLOCK: Anne, how about you?

18 MS. REYNOLDS: Yeah, I'll give it a
19 try.

20 So as I mentioned, we are not
21 supportive of the Governor's proposal with
22 respect to NYPA. But I will also say that
23 NYPA can sell power to CCAs now.

24 MS. WHEELLOCK: And I'm happy to add.

1 I mean, PULP is supportive of looking into
2 NYPA. We attended the hearing over the
3 summer about the Build Public Renewables Act.
4 The CCA is a very important aspect. We know
5 that there's been some issues and some
6 struggles. But the Department of Public
7 Service does have an ongoing proceeding right
8 now. We're not actively a part of it, I'll
9 be very honest, because we're stretched so
10 thin right now, but we are monitoring it.
11 And so they are looking at ways to make the
12 program stronger.

13 And I'd be happy to get you that case
14 number.

15 ASSEMBLYMAN BURDICK: I'm wondering
16 if -- not at this point, but if any of you
17 might offer any suggestions in terms of where
18 you might see the Department of Public
19 Service regulations may need to be looked at
20 in order to try to further promote CCAs.

21 Thank you.

22 MS. WHEELLOCK: We'd be happy to.

23 CHAIRWOMAN WEINSTEIN: Senate.

24 CHAIRWOMAN KRUEGER: Thank you.

1 And Senator Mattera to close for the
2 Senate.

3 SENATOR MATTERA: Thank you.

4 Thank you, ladies, very, very much.

5 Lisa, I just want to know, do you feel
6 that New York State is doing a good job
7 advertising enough to let all New Yorkers
8 know that by 2025 -- 2030, that there will be
9 no natural gas, propane, no longer being used
10 in their homes and businesses?

11 MS. MARSHALL: That's not accurate,
12 actually, Senator.

13 What is accurate is that at that point
14 if your fossil fuel system comes to the end
15 of its life, then the replacement system that
16 you will be able to put in will not any
17 longer be propane or natural gas. It's not
18 true that they won't be available anymore.

19 SENATOR MATTERA: As soon as your
20 boiler goes -- I'm in the plumbing business,
21 and we're talking about geothermal and we're
22 talking about --

23 MS. MARSHALL: Yup.

24 SENATOR MATTERA: So I'm in the

1 plumbing business. The boiler goes out.
2 Guess what? The next day, over 2030, boiler
3 goes out.

4 MS. MARSHALL: That's right.

5 SENATOR MATTERA: What do I do?

6 MS. MARSHALL: You call an HVAC guy
7 and ask him what he recommends and then --

8 SENATOR MATTERA: No, no, you have to
9 go electric.

10 MS. MARSHALL: Right. But the HVAC
11 companies do the electric.

12 SENATOR MATTERA: And my other
13 question is, what do we do with these people
14 that can't even afford -- they're lucky
15 enough to afford their fuel bills as it is.
16 What do we do with these people that have
17 60-amp service, 100-amp service -- because we
18 do, back on Long Island, we still have that.
19 What are we supposed to do with that? Do you
20 feel that New York is going to be doing the
21 job with any kind of incentives for these
22 people so they can --

23 MS. MARSHALL: Yes. And we have great
24 incentives already in place. And the

1 Governor has proposed the EmPower Plus, which
2 I hope will be passed in this year's budget,
3 because that's where a lot of that money --
4 we also have OTDA money going to that, HEAP
5 money and utility money. And all of those
6 monies can be bundled.

7 So for example, I see people often in
8 like a manufactured home, for example, who
9 get \$20,000 to \$30,000 worth of insulation,
10 heating, other health and safety, all for no
11 cost through those existing programs.

12 And of course we do need to improve
13 and expand those programs. As I discussed,
14 we need GAP funding, et cetera. They are a
15 little bit cumbersome. We do have these
16 wonderful Clean Energy Hubs that are there to
17 advertise, assist and help the communities
18 learn about the programs and navigate them.
19 That's the purpose of the hubs.

20 SENATOR MATTERA: So you think the
21 public realizes this, what's going on? I
22 don't feel that we're doing enough, in other
23 words -- that we have to be out there.

24 Just quick, all three of you guys, if

1 you don't mind, what kind of heat do you have
2 in your homes right now?

3 MS. MARSHALL: I have an ancient gas
4 boiler.

5 SENATOR MATTERA: Thank you. Next?

6 MS. WHEELLOCK: We moved in August, and
7 we have a Frankenstein house. It's half
8 electric, half natural gas.

9 MS. REYNOLDS: Heat pumps, wood fire,
10 and some --

11 SENATOR MATTERA: And cars, what kind
12 of cars do you guys drive?

13 MS. MARSHALL: I have an EV, I have a
14 plug-in hybrid, and I have a small SUV. I
15 have three kids.

16 SENATOR MATTERA: If you don't mind.
17 I was just -- I was just wondering because
18 I --

19 MS. WHEELLOCK: I also have three
20 children, so I have a Pontiac Vibe they don't
21 fit in and a Ford Transit Connect.

22 MS. REYNOLDS: I also have three
23 children --

24 (Overtalk; laughter.)

1 SENATOR MATTERA: I know, I have two
2 children.

3 MS. REYNOLDS: A plug-in hybrid and a
4 family van.

5 SENATOR MATTERA: Okay, great, thank
6 you.

7 CHAIRWOMAN KRUEGER: Thank you.
8 Assembly.

9 CHAIRWOMAN WEINSTEIN: We go to
10 Assemblyman Mamdani.

11 ASSEMBLYMAN MAMDANI: Thank you.

12 This is a question first for PULP. I
13 have a couple of questions. The first
14 question, Laurie, is can you explain how
15 intervenor funding would help groups like
16 PULP?

17 MS. WHEELLOCK: So we discussed this
18 just briefly a little bit ago. But
19 essentially it would be a program through the
20 Department of Public Service for any
21 stakeholder, any small group that assists
22 residential or small business customers.

23 You could get involved with a
24 proceeding like a rate case or, again,

Other states do things called PIPPs,

1 percentage income payment plans, and we'd
2 love to explore that. Take someone's income,
3 take their energy usage and have it tracked,
4 working with NYSERDA, working with the
5 utilities, so that they can, again, keep
6 their energy low, keep their costs low, but
7 protect them from that termination. We don't
8 want to see that happen.

9 On top of all that, late payment
10 charges. Utilities were not allowed to
11 charge late payment fees during the pandemic,
12 and they've started again. I was assisting a
13 woman in Queens two weeks ago; she had a
14 \$4,000 bill and every month she's getting \$60
15 in late fees. She had no idea. She had no
16 idea she's getting hit with late fees. It's
17 supposed to be a penalty to encourage people
18 to pay, but people are struggling to even
19 read their bills.

20 So I'd love to discuss what we can do
21 when it comes to things that are regressive
22 like fixed charges and late payment fees.

23 ASSEMBLYMAN MAMDANI: And just to
24 double down a little bit on the late payment

1 fees, what would your proposal be with
2 regards to that? Should they be abolished?

3 MS. WHEELLOCK: I would love to start
4 at zero, absolutely.

5 ASSEMBLYMAN MAMDANI: Thank you.

6 And just briefly, for the Alliance for
7 Clean Energy, would just like to get a sense
8 of what percentage of your members' projects
9 come to fruition.

10 MS. MARSHALL: Are you talking to me?

11 ASSEMBLYMAN MAMDANI: Yes, sorry.

12 MS. MARSHALL: New Yorkers for Clean
13 Power. And I was with HeatSmart, so I think
14 you're asking about the HeatSmart program.

15 About 30 percent of the people who
16 came to us for assistance ended up with
17 energy-efficiency measures installed, whether
18 it be a heat pump, a ground-source or
19 air-source heat pump, and/or weatherization.
20 Sometimes just a heat pump water heater.

21 But mostly we put in -- we oversaw
22 helping people get -- over a thousand people
23 get heat pumps in the last three years.

24 ASSEMBLYMAN MAMDANI: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Assembly?

3 CHAIRWOMAN WEINSTEIN: Assemblyman
4 Anderson to close for the Assembly.

5 ASSEMBLYMAN ANDERSON: Thank you,
6 Madam Chair.

7 And thank you to this panel, first for
8 your resilience and also for being here to
9 share with us the important things around
10 energy.

11 I just had two quick questions. I
12 think the first one is for PULP. I know of
13 the amazing work that you guys do in helping
14 assist individuals who are struggling with
15 utility bills. In the Executive proposal I
16 believe there's a Restore program that
17 assists individuals with purchasing
18 equipment, sort of like HEAP, sort of like
19 weatherization.

20 So I just wanted to get your comments
21 on that program as it relates to your
22 constituent base work.

23 MS. WHEELLOCK: Yeah, thank you. So I
24 believe you're talking about the EmPower Plus

1 program --

2 ASSEMBLYMAN ANDERSON: EmPower Plus,
3 I'm sorry.

4 MS. WHEELLOCK: -- plus the energy
5 affordability guarantee. And we really do
6 like it. We think it pairs housing and
7 energy efficiency and energy affordability
8 all together.

9 We do make some recommendations in our
10 testimony because we just want it to be a
11 successful program. One thing is that the
12 amount that's been appropriated is
13 \$200 million. We just worry that that's not
14 enough to deal with the need out there.

15 And then with the success of the
16 program, we would love to see it be in
17 Article VII language. We don't want this
18 just to be a pilot. We think EmPower has
19 been a tremendous success throughout the
20 state with helping low-income families. This
21 is a sister program to that --

22 ASSEMBLYMAN ANDERSON: These are
23 homeowners. Sorry to cut you off. These are
24 homeowners that can now have access to

1 upgraded equipment.

2 MS. WHEELLOCK: Yes, insulation --

3 ASSEMBLYMAN ANDERSON: How about to
4 the grants?

5 MS. WHEELLOCK: I believe the -- and
6 I'll check to get back to you about EmPower
7 itself. I'm not sure about EmPower Plus, if
8 the -- that's one of our questions, is just
9 what, you know, the grants are, the
10 eligibility, all that.

11 But at least with the EmPower program
12 itself, I believe it's up to 10,000. But I
13 will check and I will get to your office.

14 ASSEMBLYMAN ANDERSON: Thank you so
15 much.

16 And then I have one other question,
17 and this is for any of the panelists. I'm
18 not sure if it fits within the scope. A lot
19 of the power companies mention that a bulk of
20 the bills are fees. Do you -- can you all
21 comment on what you're seeing in terms of the
22 bills that customers, consumers, constituents
23 are receiving? Is it true that most of them
24 are fees and taxes?

1 MS. WHEELLOCK: So there are a lot of
2 different parts of a bill. And, you know,
3 I'm happy to follow up with you in the
4 office.

5 But essentially everyone has a
6 delivery side and everyone has a supply side.
7 You have the cost per, you know, energy
8 usage, but then there are different fees
9 involved. Earlier today there was a system
10 benefits charge, you know, that appears on
11 there; that goes to fund a lot of NYSERDA
12 programming. And so there's many of those
13 different fees as well.

14 The delivery side is the regulated
15 side. That's what we fight for in the rate
16 cases, is when Con Ed wants to raise rates,
17 it's on that delivery side. The supply side
18 is what's been so volatile recently. And so
19 that's what's been --

20 ASSEMBLYMAN ANDERSON: My concern with
21 the -- as we close out, is that what we're
22 seeing with the utility companies is a profit
23 margin that's impacting the ability for folks
24 to be able to keep up with their bills. So

1 you have the supply, the delivery, but you
2 also have a piece where greedy utility
3 companies are trying to pad their pockets.
4 And that's important to acknowledge.

5 MS. WHEELLOCK: I'm happy to follow up
6 with you more.

7 ASSEMBLYMAN ANDERSON: Thank you.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 CHAIRWOMAN KRUEGER: Thank you.

10 I think both houses are closed.

11 CHAIRWOMAN WEINSTEIN: Correct.

12 CHAIRWOMAN KRUEGER: Then I want to
13 thank you three for coming and testifying
14 before us tonight. Very informative, thank
15 you.

16 MS. WHEELLOCK: Thank you.

17 MS. MARSHALL: Thank you so much for
18 all your questions.

19 CHAIRWOMAN KRUEGER: For everyone,
20 applause.

21 (Applause.)

22 MS. MARSHALL: No matter what they
23 say, you deserve those pay raises.

24 (Laughter; overtalk.)

1 CHAIRWOMAN KRUEGER: I'm going to call
2 up Margaret Reilly, professional engineer;
3 the Geothermal Energy Organization; and the
4 New York Battery and Energy Storage
5 Technology Consortium. No. 28 had to leave,
6 so we're not calling them.

7 Okay, good evening, everyone. We're
8 going to start from my left, your right. If
9 you'll just introduce yourself and go for
10 three minutes. Thank you.

11 MS. REILLY: Thank you for this
12 opportunity to testify. My name's Maggie
13 Reilly, and I'm a professional engineer who
14 usually works in the watershed resiliency.
15 But my testimony tonight is going to focus on
16 heat pumps as a viable alternative to
17 electrify New York.

18 Constructing buildings with either
19 air- or ground-source heat pumps eliminates
20 health risks, saves energy and money. I'm
21 here to tell you the story of how my husband
22 and I transitioned our large Central New York
23 home off fossil fuels. We installed an
24 all-electric solution using rooftop solar.

1 We drive electric vehicles. And we use only
2 electric outdoor and indoor appliances. We
3 replaced a gas boiler and hot water heater
4 with cold climate air-source heat pumps and a
5 heat pump water heater.

6 Our grassroots effort makes a
7 difference, and we want to help others do the
8 same. That is why we made a YouTube video
9 explaining our process, with a virtual tour
10 of our home.

11 Many people question the use of
12 air-source heat pumps in cold climates.
13 During a recent cold snap of minus
14 18 degrees, we were able to keep our home at
15 a comfortable temperature without backup
16 heat. This is a testament to the efficacy of
17 air-source heat pumps in New York State's
18 cold climate areas.

19 In 2022 we experienced 14 overnight
20 lows of below zero, with the lowest
21 temperature minus 14 degrees -- again,
22 maintaining comfortable, consistent room
23 temperature. Our heat pumps are rated for
24 minus 14 degrees. That does not mean that at

1 that temperature they will turn off. It
2 means while at that temperature, they're
3 performing at about 74 percent efficiency.

4 So on to the budget. All New Yorkers
5 deserve clean, safe and affordable energy,
6 including low-to-moderate-income households.
7 So I specifically recommend the following be
8 included in the budget.

9 That GAP fund for low-to-moderate-
10 income households, to address
11 pre-electrification items such as asbestos
12 and mold remediation, structural upgrades and
13 upgrading outdated electrical wiring.

14 Second, NYSERDA's Green Jobs, Green
15 New York program to establish affordable
16 financing. NYSERDA's temporary offering of a
17 zero-percent loan in 2020 is what convinced
18 us to electrify our home, and others should
19 have that same opportunity.

20 I recommend the All-Electric Building
21 Act be included in the budget, with the years
22 designated in the Scoping Plan, so we build
23 new homes with only clean energy. We
24 personally went from producing an estimated

1 15 tons to 1.5 tons of carbon per year. If
2 we get 1.5 million homes to do the same, that
3 would be over 20 million tons of carbon not
4 going into the air.

5 If our ancestors could transition from
6 coal to oil and then natural gas, we can
7 transition to cleaner, more efficient
8 alternatives such as heat pumps --

9 CHAIRWOMAN KRUEGER: Thank you. I
10 have to cut you off, I'm sorry.

11 MS. REILLY: Thank you very much.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Good evening.

14 MR. CIOVACCO: Good evening. My name
15 is John Ciovacco. I am with Aztech
16 Geothermal in the Capital District, and we do
17 design and build of heat-pump systems. We
18 have hundreds of customers, about 550 in the
19 area.

20 I'm a board member of the New York
21 Geothermal Energy Organization, and we run a
22 conference every year. I'm a mechanical
23 engineer by training, and I'm a certified
24 geothermal designer.

1 So I'm here to talk on behalf on
2 behalf of New York Geo just in support of
3 three pieces of legislation. So, one, the
4 All-Electric Buildings Act, which has been
5 discussed throughout the day, I mostly want
6 to say that it's new construction and in new
7 construction we already have a contractor
8 base that can do these installations. It's
9 very achievable to enact something like that,
10 and it's a good stepping-stone.

11 It's a transition we have to make.
12 It's something we can't do across the board
13 all at once, but that's a good place to
14 start.

15 The NY HEAT, terrific. My
16 organization thinks about -- if we get rid of
17 the 100-foot rule, maybe we need to replace
18 it with something else. So we do a lot of
19 work on alternatives to the expansion of
20 natural gas. And by using utility thermal
21 networks and things like that -- it's a big
22 focus of the work that I do and a number of
23 our members do as well.

24 I also want to support something that

1 I don't think's come up yet, and it's the
2 geothermal sales tax exemption that Rivera
3 has introduced. There's been parity with
4 solar in terms of the New York State tax
5 credit that just came through for geothermal
6 recently in New York, but the sales tax
7 exemption exists for PV solar or solar
8 technologies but not for geothermal. So we'd
9 just like to see if we could bring that up to
10 parity.

11 On the federal level, a lot of parity
12 occurred through the IRA, so that was nice.

13 Another just comment I wanted to make
14 is that it's very common for us to do a
15 500-foot borehole in geothermals. So -- and
16 that's about a 50-story building, but
17 straight down, and we just have a couple of
18 tubes in there. That's just -- it's just a
19 plastic pipe. There's really no mechanical
20 systems down there. Once it's installed,
21 it's permanent energy infrastructure; it will
22 last as long as the foundation.

23 And it yields about the equivalent of
24 about a thousand gallons of propane in terms

1 of BTUs a year, every year, without having to
2 be refilled. And so when you do a larger
3 project, you're doing a number of those. But
4 it's permanent energy infrastructure and the
5 renewable component really is very
6 significant when added together.

7 I'm also involved in a lot of utility
8 projects, and I think that's a good place
9 where we can just stub to the wall after we
10 install a much larger system, so that those
11 winter conversions and things are readily
12 available because the pipe's already through
13 the wall. Just like the natural gas
14 infrastructure that's been installed over the
15 course of many years.

16 That is that. Thank you.

17 CHAIRWOMAN KRUEGER: Thank you very
18 much.

19 Evening.

20 MS. SHEEHAN: Good evening. Thank you
21 for the opportunity to present testimony this
22 evening.

23 My name is Denise Sheehan. I'm a
24 senior advisor to the New York Battery and

1 Energy Storage Technology Consortium, which
2 is a mouthful, so we say NY-BEST, keeping it
3 simple. I've worked with them for the past
4 11 years. I previously worked for the DEC,
5 where I sat in this seat like the previous
6 commissioner earlier today.

7 NY-BEST is a nonprofit consortium
8 created in 2010 to position New York State as
9 a global leader in energy storage technology,
10 including R&D and applications in
11 transportation, grid storage, and power
12 electronics. We have more than 175
13 organizational members, which includes
14 manufacturers, project developers, our major
15 academic institutions here in New York State,
16 our utilities, developers, startups,
17 engineering firms, the list goes on.

18 Most of our members are New York
19 State-based entities that are interested in
20 growing and investing in New York State.

21 Energy storage is an essential
22 technology to achieve the state's climate
23 goals, including 70 percent renewable energy
24 by 2030 and a zero-emission grid by 2040.

1 New York State has recognized the essential
2 need for energy storage on the electric grid
3 and has proposed a new roadmap for energy
4 storage, to increase the energy storage goal
5 from 3 gigawatts to 6 gigawatts by 2030.
6 Recent studies conducted on behalf of the
7 New York ISO indicate that the state will
8 need up to -- or actually more than
9 15 gigawatts of storage by 2040.

10 Simply stated, energy storage is
11 needed for when the wind isn't blowing and
12 when the sun isn't shining. But it's also
13 needed to help replace our fossil fuel
14 generation, peaker plants that are primarily
15 located in disadvantaged communities. Energy
16 storage can also help reduce emissions from
17 buildings and maximize the benefits of
18 electrified transportation.

19 The cost, however, of residential and
20 commercial energy storage systems is
21 extremely high. All energy storage systems
22 deployed in New York State undergo rigorous
23 testing, and that's expensive. In addition,
24 the industry has faced supply chain issues

1 and has worked hard to address responsible
2 sourcing of materials, which has also
3 increased costs.

4 As a result, NY-BEST is respectfully
5 seeking your support for legislation to
6 exempt energy storage technologies from state
7 sales and use taxes for residential and
8 commercial energy storage projects. We thank
9 Senator Parker for introducing the bill,
10 S4547, this year.

11 This sales tax exemption is afforded
12 to other similar clean energy technologies,
13 and we are looking for that same treatment
14 for energy storage.

15 Thank you very much for this
16 opportunity.

17 CHAIRWOMAN KRUEGER: Our first
18 questioner is Senator Pete Harckham.

19 SENATOR HARCKHAM: Thank you very much
20 for staying. I know it's late, and we really
21 do appreciate you staying and sharing your
22 insights with us.

23 Denise, can you continue to expound
24 upon this? Because this is the one part of

1 the equation that never gets talked about.
2 Here we are talking about it at 10 o'clock at
3 night. And without storage, the whole thing
4 falls apart. That's right, on John's
5 Valentine's Day.

6 (Laughter.)

7 SENATOR HARCKHAM: And thank you for
8 talking about Senator Parker's bill.

9 Is the state doing enough for us to
10 create the storage goals that we
11 realistically need to make this whole thing
12 work? And what more can we do, and are there
13 things that we as a Legislature can do on
14 top of Senator Parker's bill, to really
15 jump-start the industry in the way that we
16 know we need to?

17 MS. SHEEHAN: Thank you very much for
18 the question.

19 We're very excited about the roadmap
20 that's been introduced by NYSERDA and the
21 Department of Public Service. It will put us
22 on a path to 6 gigawatts, which is what we
23 need. We are interested, since you asked, in
24 embodying that 6 gigawatt goal in statute.

1 That would be helpful. You know, right now
2 it's 3 gigawatts, and we know that's not
3 enough. It's widely recognized that
4 3 gigawatts is not enough.

5 So those programs are going to be very
6 important for us. The sales tax exemption,
7 it's a small amount, but it adds up. And all
8 this adds up with these projects. You know,
9 it will -- an as-of-right exemption will go a
10 long way for our -- for the development
11 community.

12 I would be remiss if I didn't also
13 mention the language in the budget, the
14 Governor's budget, around NYPA. You know, we
15 echo ACE-NY's concerns about the expanded
16 authority for NYPA, primarily because of the
17 competition for NYSERDA dollar, which are
18 discrete. So a private sector, you know,
19 competing for government funds with a
20 government entity does not create a level
21 playing field and sends the wrong message to
22 the industry.

23 SENATOR HARCKHAM: Thank you.

24 MS. SHEEHAN: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Assembly.

3 CHAIRWOMAN WEINSTEIN: Assemblywoman
4 Kelles.

5 ASSEMBLYWOMAN KELLES: (Mic off.) So
6 you're Margaret, right?

7 MS. REILLY: Yes.

8 ASSEMBLYWOMAN KELLES: (Mic off.) So
9 a question -- I hope I'm -- you can hear me,
10 correct?

11 MS. REILLY: Yes.

12 ASSEMBLYWOMAN KELLES: (Mic off.)
13 Okay. So following up on conversations with
14 the previous panel, my understanding is that
15 it is the case that gas furnaces, gas
16 boilers, they all also rely on electric, so
17 electricity doesn't (inaudible) gas system or
18 an air-source heat pump, is that correct?

19 MS. REILLY: Yes. Whether it be gas
20 or oil or heat pump, they all rely on
21 electricity.

22 ASSEMBLYWOMAN KELLES: Okay. That, to
23 me, is really important that we are all on
24 the same page with.

1 MS. REILLY: Right.

2 ASSEMBLYWOMAN KELLES: And the other
3 thing that I think is also really important
4 is the fact that if you are in a very cold
5 environment, let's say negative 14,
6 negative 20, even up to negative 30, yes, it
7 would struggle to reach the temperatures of
8 like absolutely comfort, but it isn't that
9 they would go down. You might have
10 68 degrees in your house rather than 70,
11 correct?

12 MS. REILLY: Correct.

13 I can't speak to minus 30, because I
14 have not experienced minus 30 --

15 ASSEMBLYWOMAN KELLES: Minus 20.

16 MS. REILLY: -- but we did experience
17 minus 18 on a day that was extremely windy
18 when a house is harder to heat normally.

19 So yes, the house still stayed warm.
20 But, you know, if I was up in the North
21 Country where my mother used to live -- and
22 it gets down -- close to Messina, probably
23 the coldest place in the state, when I lived
24 up there we had wood-burning stove as a

1 backup. I would tell if my mother were alive
2 now, I'd say get yourself a geothermal,
3 because that system will save you money
4 overall, it is more efficient than her oil
5 burner was. But I would not tell her to get
6 rid of her wood-burning stove. I would tell
7 her to keep it.

8 ASSEMBLYWOMAN KELLES: But with either
9 system, whether it be gas or electric --

10 MS. REILLY: All of them --

11 ASSEMBLYWOMAN KELLES: -- under zero
12 degrees they're all going to struggle.

13 MS. REILLY: Yes. Our gas boiler, we
14 used to have to crank it up to 74 just to
15 keep that house at a temperature. But it was
16 not as consistent as our air-source heat
17 pumps are.

18 I just wanted to answer a question
19 that someone asked earlier today --

20 ASSEMBLYWOMAN KELLES: Wait, I'm going
21 to --

22 (Unintelligible overtalk.)

23 MS. REILLY: Oh, go ahead.

24 ASSEMBLYWOMAN KELLES: I'm sorry.

1 Another question on the pricing of
2 geothermal right now. Can you give me just a
3 little bit of detail on, with the incentives,
4 compared to air-source heat pumps and other
5 heating systems?

6 MR. CIOVACCO: Yeah, so it's a big "it
7 depends." So if it's new construction, right
8 now with the federal tax credit and with the
9 rebates, it can be just around cost-neutral.
10 It might be maybe \$10,000 more expensive at
11 most, because the ground loop is paid for by
12 the federal tax credit and by the utility
13 rebates.

14 If you get into an older home that
15 needs a new distribution system because it's
16 got steam radiators or something like that,
17 then both air-source and ground-source are an
18 expensive conversion. So I do think that
19 there's a lot we need to address in terms of
20 pre-electrification to get homes prepared for
21 electrification through heat pumps.

22 ASSEMBLYWOMAN KELLES: Existing
23 infrastructure, yes. Thank you.

24 CHAIRWOMAN WEINSTEIN: Senate.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Senator Mattera.

3 SENATOR MATTERA: Great. Great to see
4 you guys. Thank you so much.

5 Just to answer the question also, in
6 my district is so -- if, God forbid, your
7 electric did go out, we have backup
8 generators that are run on propane, natural
9 gas or even gas generators to take care of
10 that problem. So we have the transfer switch
11 and you switch it right over, and it's been
12 wonderful that we have that. So that would
13 answer that question.

14 I'm in the plumbing industry, John,
15 and I think geothermal is something very,
16 very important for another renewable energy.
17 I have a 5,000-square-foot house, big home.
18 We have people in my district that have
19 1500-square-foot homes, a thousand to
20 whatever. My 5,000-square-foot house, how
21 much would that cost to convert that to
22 geothermal? Would you have any idea?

23 MR. CIOVACCO: Do I have any idea.

24 SENATOR MATTERA: Yeah, would you --

1 MR. CIOVACCO: Hmm.

2 (Laughter.)

3 SENATOR MATTERA: But do you have any
4 idea? I'm -- you know, because I would love
5 to -- me being in the plumbing business, I
6 would love to see if that's possible.

7 MR. CIOVACCO: Yeah, it would be
8 extremely expensive to do that. It would be
9 extremely -- to go to air-source heat pumps
10 as well.

11 SENATOR MATTERA: So what size home
12 would be a perfect-sized home for geothermal?

13 MR. CIOVACCO: There is no per -- I
14 mean, you can do that -- any building, this
15 building could be a geothermal building.

16 SENATOR MATTERA: Okay, but you didn't
17 give me a cost, how much it would cost me to
18 do my -- you wouldn't have any idea what
19 that --

20 MR. CIOVACCO: Where are you located?

21 SENATOR MATTERA: No, again, because I
22 know you have to drill -- no, I'm being
23 honest because I'm, you know, curious, being
24 in the plumbing business, because there's a

1 lot of plumbers that get put to work.

2 I live in Smithtown. Smithtown,
3 Long Island.

4 MR. CIOVACCO: So you would -- your
5 system would probably be in the \$100,000
6 range.

7 SENATOR MATTERA: Hundred thousand
8 dollars range.

9 MR. CIOVACCO: Before the 30 percent
10 federal tax credit and before the rebates,
11 so --

12 SENATOR MATTERA: Okay. Thank you.

13 And Denise -- and I thank you very,
14 very much. Battery storage, just quick, how
15 long can solar power be stored in batteries?

16 MS. SHEEHAN: Well, it depends on the
17 type of battery. So it's not a simple
18 answer. And it's also the battery -- it's
19 also the battery size. So sort of like
20 comparing what your laptop can do with your
21 phone. You know, it's the battery
22 composition, the chemistry of the battery.
23 There's multiple different types.

24 So it can -- you know, the average

1 system, you know, generally speaking, that's
2 considered like a --

3 SENATOR MATTERA: So, okay, I have
4 here between four and six hours. Right?

5 MS. SHEEHAN: So that's your average,
6 you know, lithium-ion system, yes.

7 SENATOR MATTERA: Are you concerned
8 about the amount of cloud covering during the
9 winter months and the short duration by which
10 a battery can store power? Now we have
11 Buffalo that has 54 sunny days a year.
12 Rochester, 61 sunny days a year. Syracuse,
13 63. And Albany, 69. Now we have
14 Los Angeles, 284 days, and Phoenix is
15 300 days a year. And look what just happened
16 with California where they're telling people,
17 please, do not use -- do not charge your
18 cars, do not charge anything --

19 CHAIRWOMAN KRUEGER: Thank you,
20 Senator. We heard that example earlier. But
21 I have to cut you because it's --

22 SENATOR MATTERA: No, no, no -- but
23 everybody has a different answer.

24 CHAIRWOMAN KRUEGER: No, I'm sorry,

1 the three minutes are up.

2 SENATOR MATTERA: Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.

4 CHAIRWOMAN WEINSTEIN: Assemblywoman
5 Glick.

6 ASSEMBLYWOMAN GLICK: Two quick
7 questions.

8 John, the proposal for all-electric
9 buildings, which could include doing a
10 geothermal heat pump, are focused on new
11 construction to begin with. So is there like
12 a dramatic difference? And are those --
13 would you have to be using -- I would assume
14 you would need a ductwork system of some kind
15 for the distribution.

16 MR. CIOVACCO: The distribution
17 systems aren't fundamentally different than,
18 say, a gas furnace. You know, a gas furnace
19 and air-conditioner is what it would replace.
20 So it would just be one thing, and you would
21 put in the infrastructure as a part of the
22 construction project.

23 As Doreen Harris was saying, it's a
24 time when you're making a new investment, and

1 that investment in the new house is a good
2 time to do it. Just like on replacement on
3 existing buildings. Plus you get the tax
4 credit and any rebate that you have from the
5 utility. So it's an excellent time to do it.

6 ASSEMBLYWOMAN GLICK: Well, I guess
7 the point I was making was that if you were
8 looking at new construction, you would be
9 looking for buildings that were already
10 prepared for geothermal.

11 MR. CIOVACCO: Almost all new
12 construction, certainly up in the
13 Capital District, is air distribution
14 systems. It would be a furnace and an
15 air-conditioner. There's no particular
16 preparation. New construction is prepared
17 for heat pumps and certainly prepared for
18 geothermal. There's no adjustment that needs
19 to be made to the building code in terms of
20 the building envelope or anything like that,
21 or the electric panel upgrades. You would
22 have everything that you need to do it.

23 ASSEMBLYWOMAN GLICK: Thank you.

24 Denise, the type of battery storage,

1 you're talking about battery storage for
2 major systems or you're talking about
3 distributed, you know, for somebody who has
4 solar or community solar that they might have
5 a separate battery storage for to weather the
6 three-day outage or something?

7 MS. SHEEHAN: We're talking about
8 both. So what's referred to as large-scale,
9 utility-scale. You know, like large --
10 there's large-scale storage, which is, you
11 know, 100, 200-megawatt systems. Which are
12 still pretty -- you know, they're not huge.
13 You know, it's a -- would love to take you to
14 a site and we'll show you what they look
15 like.

16 And then there's also what's referred
17 to as distributed storage or retail storage,
18 which is smaller systems that are usually,
19 you know, either behind the meter or, you
20 know, in conjunction with the building. And
21 then there's residential.

22 Some -- the residential ones are often
23 paired with solar. Not all of the systems
24 are paired with solar. But a lot of the

1 distributed ones are, just because they can
2 maximize the tariff benefits that are
3 provided under the state's VDER tariff by
4 being combined.

5 ASSEMBLYWOMAN GLICK: Thank you.

6 CHAIRWOMAN WEINSTEIN: Senate.

7 CHAIRWOMAN KRUEGER: Sorry, excuse me.
8 Checking. Senator May.

9 SENATOR MAY: Thank you.

10 And Maggie, I essentially want to say
11 great to see you. But thank you all for your
12 testimony.

13 Maggie, I especially wanted to thank
14 you for giving specific examples from your
15 personal experience of living with this
16 system. And I wanted to ask about some
17 aspects of it that don't often get talked
18 about.

19 So you talked about the temperature
20 level. But what about the noise level, the
21 air quality, the distribution of the heat?
22 Like are there pockets of cold and warm? Can
23 you describe like what it's like living with
24 a heat pump?

1 MS. REILLY: So the heat system we had
2 before was gas boiler with hot-water
3 baseboard, which was very loud, pinging and
4 extremely -- you know, a much different --
5 not as consistent.

6 The air-source heat pumps that we
7 have, we have mini-split -- ductless
8 mini-splits, and they are extremely quiet.
9 You don't even know that they're running. We
10 have one right over our bed, and they run
11 extremely quiet.

12 And the air quality is much better.
13 And also it's extremely consistent
14 temperature throughout the house. It really
15 depends on if you get a good contractor that
16 really knows where to place them, and we went
17 through three or four different ideas of
18 where to place those mini-splits before we
19 did it. And so I can't tell you how much
20 better the air-source heat pump heat in the
21 house -- consistency, comfortable.

22 And the hot water heater is much more
23 consistent. We do not have cold showers.
24 That is always hot water.

1 So we are extremely pleased with it.

2 SENATOR MAY: That's great. Thank
3 you. I will say I toured a small industrial
4 facility in Syracuse, and the air quality was
5 incredible. And they were saying, in terms
6 of the cleanliness of the air, the -- so much
7 less dust and that sort of thing too.

8 MS. REILLY: Yes.

9 SENATOR MAY: So I appreciate that.
10 Thank you.

11 MS. REILLY: You're welcome. Nice to
12 see you.

13 CHAIRWOMAN KRUEGER: Thank you.
14 Assembly.

15 CHAIRWOMAN WEINSTEIN: We go to
16 Assemblyman Burdick.

17 ASSEMBLYMAN BURDICK: Thank you,
18 Madam Chair.

19 I think this question will be for John
20 and I think Denise. And, you know, what I'm
21 hearing, and it's consistent with, you know,
22 what I've heard from other sources, is that
23 conversion for any kind of heat pump system,
24 any kind of geothermal is really expensive.

1 And even for new construction it's expensive.

2 And I guess the question is, you know,
3 what is your thinking about the market over
4 time bringing the costs down, and that --
5 this being more available to the general
6 public. Because, you know, yes,
7 subsidies will help a lot. But it's a heavy
8 lift for the average family to undertake.

9 So I'd be interested in your thoughts.

10 MR. CIOVACCO: Sure. I think it's a
11 transition. So we need to start where it's
12 most cost-effective. I would say about half
13 of our customers are new construction and
14 about half are existing.

15 The existing, if they have oil or
16 propane, if they're delivery fuels, their
17 pay-backs are excellent. Natural gas, not so
18 much. Natural gas is just, you know, is
19 almost cost-neutral with electricity when you
20 share-shift them out, even a geothermal
21 system.

22 So what I'm looking to do is try to
23 figure out where does it fit best. And a lot
24 of the projects I'm working on are

1 utility-scale projects where we go into
2 natural gas environments but we try to match
3 up buildings with similar -- with different
4 load profiles to minimize the amount of
5 infrastructure and increase the efficiency.

6 ASSEMBLYMAN BURDICK: If I can
7 interrupt, do you see advances in technology
8 on the horizon that will bring down costs?

9 MR. CIOVACCO: I see mostly the
10 advances in volume. Right now it's a niche
11 technology. The heat pumps are made in, you
12 know, tens of thousands, not in millions,
13 like furnaces and air-conditioners are. So I
14 think that will go down considerably.

15 Also, it's niche contractors. Right
16 now we -- you know, there's companies like
17 mine. But every contractor can install heat
18 pumps. We just need to get them in the mode
19 of doing that, and then the costs will go
20 down. It's really -- an air-source heat pump
21 is an air conditioner.

22 ASSEMBLYMAN BURDICK: If I could stop
23 you there.

24 Any thoughts on this?

1 MS. SHEEHAN: I would just echo that
2 as you get to scale, you know, scaling
3 actually does help reduce costs. And the
4 majority of, you know, economic
5 prognosticators are -- you know, estimate
6 that costs will go down.

7 I think the challenge in some of these
8 cases is, you know, the increasing demand at
9 the same time for -- in many cases it's, you
10 know, limited raw materials. So there has to
11 be efficiencies in that process. I think
12 that's part of this.

13 But I would also say, especially in
14 the battery sector, you know, new batteries
15 are being developed all the time. And
16 they're being developed here in New York
17 State, which we're really proud of.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 ASSEMBLYMAN BURDICK: Thanks so much.

20 CHAIRWOMAN KRUEGER: And I believe
21 Senator Walczyk to close.

22 SENATOR WALCZYK: Thank you,
23 Madam Chair.

24 Ms. Reilly, thanks for testifying

1 today and also for clueing me in that you've
2 got a YouTube. I looked you up while we were
3 sitting here.

4 So you've got two Mitsubishi 2.5-ton
5 air-source heat pumps, is that right?

6 MS. REILLY: Correct.

7 SENATOR WALCZYK: And those, by their
8 spec sheet, you're outside the operational
9 range if it's negative 14 degrees outside.
10 Were you aware of that?

11 MS. REILLY: Yes. And I talked --
12 before I came, talked to our contractor and I
13 asked him if he had any more experience with
14 it. And he said they're going down into the
15 minus twenties, he said, even though they're
16 rated for just minus 14.

17 SENATOR WALCZYK: How much did those
18 cost?

19 MS. REILLY: Our entire system for --
20 we have six mini-splits, we have the two
21 2.5-ton air-source heat pumps --

22 SENATOR WALCZYK: Meaning six
23 inverters. You've got two 2.5-ton air-source
24 heat pumps, but you've got six inverters, six

1 heads in your home.

2 MS. REILLY: Yeah, the six indoor
3 units. The ductless mini-splits, we have six
4 of those.

5 And we have the two air-source heat
6 pumps and then all the system that goes with
7 that. That -- our original cost was around
8 \$30,000. But the cost, after incentives, was
9 closer to 20.

10 SENATOR WALCZYK: They each -- they
11 each require a 40-amp dedicated circuit. Did
12 you have to upgrade your panel to your home
13 and also --

14 MS. REILLY: That was included in
15 that --

16 SENATOR WALCZYK: Included in that
17 cost.

18 MS. REILLY: That was the entire cost
19 of the system.

20 SENATOR WALCZYK: Okay, and you're in
21 Central New York. Did National Grid have to
22 come out and upgrade the wire to your home?

23 MS. REILLY: No.

24 SENATOR WALCZYK: Okay. So you must

1 have already been rated for -- what do you
2 have, 200-amp service at the home, 400-amp
3 service?

4 MS. REILLY: We probably do. I don't
5 know my electrical as well as my civil. But
6 yes.

7 SENATOR WALCZYK: I mean, you
8 mentioned that there was a cold snap also.

9 MS. REILLY: Yes.

10 SENATOR WALCZYK: You also heat with
11 supplemental baseboard heat.

12 MS. REILLY: No. We do not have any
13 backup. The day they said they want to take
14 out the gas boiler was like: Okay.

15 But yes, the gas boiler's gone and the
16 only thing we heat with is those
17 two air-source heat pumps.

18 SENATOR WALCZYK: Well, the articles
19 about you are wrong, then. You don't have
20 any electrical baseboard heat in your home.

21 MS. REILLY: We have a couple of
22 electric baseboard, but we do not use them,
23 no.

24 SENATOR WALCZYK: If the air-source

1 heat pumps are sufficient to heat your home
2 by themselves, why do you have supplemental
3 heat by baseboard?

4 MS. REILLY: In our basement.

5 SENATOR WALCZYK: It's just for your
6 basement?

7 MS. REILLY: It's just for the
8 basement, yes.

9 SENATOR WALCZYK: Okay.

10 Denise, how many homes can you heat
11 when it's cold out with 200 megawatts of
12 storage?

13 MS. SHEEHAN: It's -- in terms of
14 electricity? Like by generating electricity?

15 SENATOR WALCZYK: Sure.

16 MS. SHEEHAN: Well, again, it would
17 depend on the type of battery and, you know,
18 that tells you how long. But -- so can you
19 ask the question again? I'm sorry. How many
20 homes?

21 SENATOR WALCZYK: I can ask it again,
22 but we're not going to have any time to
23 answer it here today.

24 (Laughter; overtalk.)

1 MS. SHEEHAN: I'll respond to you,
2 then.

3 SENATOR WALCZYK: Thank you for your
4 time. Sure.

5 CHAIRWOMAN KRUEGER: Of course you can
6 follow up with the Senator after the hearing.

7 MS. SHEEHAN: Sure.

8 CHAIRWOMAN KRUEGER: And I'm sure he
9 will be delighted to talk to you about it
10 more. Right?

11 SENATOR WALCZYK: Of course.

12 CHAIRWOMAN KRUEGER: Of course.

13 Thank you. I believe that is -- the
14 Assembly's also done. Then I'm going to
15 thank all three of you so much for coming.

16 (Applause.)

17 CHAIRWOMAN KRUEGER: And I'm going to
18 call up Panel 5: The American Forest & Paper
19 Association; the Empire State Forest Products
20 Association; Beyond Plastics; and the
21 National Waste & Recycling Association.

22 Good evening, everyone.

23 MR. BARTOW: Good evening.

24 CHAIRWOMAN KRUEGER: Thank you for

1 joining us so late. I'm going to start with
2 my left, your right, and just go down. Okay?

3 MR. BARTOW: Okay.

4 CHAIRWOMAN KRUEGER: Great.

5 MR. BARTOW: So my name is John
6 Bartow. I'm the executive director of the
7 Empire State Forest Products Association.

8 I'm going to hit on one appropriation
9 element and three Article VII bills that are
10 outlined in the budget.

11 On the appropriation side, we're very
12 interested in the \$400 million Environmental
13 Protection Fund, particularly its support for
14 the Wood Products Development Council, the
15 Regenerate NY cost-share to private
16 landowners, and the Easement for Land Trusts
17 program that's in there. We think these
18 programs, however, have been woefully
19 underfunded over the past few years, and we'd
20 like to see some consideration going forward
21 that we beef them up if we expect to get our
22 sequestration goals out of our forests going
23 forward.

24 The Governor did not include two parts

1 of the EPF that have been funded in the past,
2 the first being the Climate and Applied
3 Forestry Research Institute at the College of
4 Environmental Science and Forestry and the
5 College of Agriculture and Life Sciences, and
6 the Community Forests Program. Those have
7 been funded in the past, and we'd like to see
8 them both reinstated by the Legislature at a
9 million dollars for the Climate and Applied
10 Forestry Research Institute, and at least
11 \$500,000 for the Community Forests.

12 Turning to the Article VII bills, the
13 Waste Reduction and Recycling Infrastructure
14 Act is one of three very broad, major
15 EPR-type proposals that are before the
16 Legislature right now. And a couple of
17 things. We really just want to make sure
18 that consideration of the uniqueness of paper
19 and packaging as well as paper printed
20 products be recognized and dealt with as we
21 go forward with each one of these.

22 And the second is that we could have
23 significant unintended consequences with some
24 of our paper manufacturers if we don't get

1 this right. So we're really worried about
2 that going forward. But happy to talk more
3 about that when we have more time.

4 Under the "Make New York Buildings
5 More Sustainable," we want to ensure that the
6 energy and building consideration for
7 industrial process equipment stays the way it
8 is today in statute, and that those are
9 handled on an individual basis or excluded
10 from the all-electrification piece.

11 We also think, when we're going to
12 amend our codes, we're really missing an
13 opportunity to deal with embodied carbon, and
14 that would be the use of more wood or
15 cellulosic materials and building materials
16 going forward. We just haven't even paid any
17 attention to that side of embodied carbon in
18 our buildings.

19 And then the third one I want to
20 mention is the cap-and-invest program. We're
21 very interested in working on an economy-wide
22 solution for financing. We just really want
23 to make sure that consideration is given to
24 energy-intensive and trade-exposed

1 industries. The allowance provisions that
2 are being included in the Governor's
3 proposals or any other proposals we look at,
4 they need to be sensitive to that or we could
5 have a tremendous amount of leakage.

6 And then we also want to make sure we
7 support the alignment of New York's program
8 with other state programs, the federal
9 program, and the Intergovernmental Panel on
10 Climate Change, so that we're not putting our
11 businesses and manufacturers at a competitive
12 disadvantage.

13 So that's all I have, and my time
14 remaining I'll yield.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Good evening.

17 MS. SZTEIN: Good evening. I'm
18 Abigail Sztein, with the American Forest &
19 Paper Association. My comments will focus on
20 EPR and cap-and-invest.

21 In New York the forest products
22 industry employs more than 26,000 individuals
23 and communities, including Rochester,
24 Ticonderoga, Syracuse and even Staten Island,

1 among many others. We urge the Legislature
2 to take on EPR in a stand-alone bill that
3 will allow sufficient consideration of this
4 issue which will touch nearly every part of
5 the state economy, rather than in the
6 time-limited state budget process.

7 New York should take a more
8 solution-oriented approach focused on
9 problematic materials in the commingled
10 residential collection stream. Paper
11 recycling has enjoyed decades of success
12 because of the industry's investments,
13 consumer education, and the wide availability
14 of recycling programs.

15 For 2021, the paper recovery rate was
16 68 percent, and our industry's recovery rate
17 has met or exceeded 63 percent annually since
18 2009. 88.9 percent of New Yorkers have
19 curbside access to recycling for paper.
20 recycling is integrated into our businesses.
21 Our members own 114 MRFs around the country,
22 including one in New York, and 80 percent of
23 paper mills use some amount of recycled
24 fiber.

1 The paper industry is also looking to
2 the future and has planned or announced
3 around \$5 billion in manufacturing
4 infrastructure investments by the end of
5 2024, resulting in an over 8 million ton
6 increase in available capacity in the U.S.

7 Our industry is committed to a
8 circular economy, but we are concerned that
9 EPR could lead to highly effective products
10 subsidizing the improvements for the
11 less-effective systems of some of our direct
12 competitors. Printed paper products should
13 not be included with the packaging.

14 Talking points about everyone belongs
15 in the bin can be a distraction from whether
16 paper is contributing to the concerns that
17 are to be addressed by EPR, or if it can
18 become sustainable as a result of EPR being
19 in place. And the answer is no to both. The
20 market is shrinking, and the vast majority of
21 printed paper products are 100 percent
22 recyclable and easily recycled.

23 On cap-and-invest, AF&PA members are
24 both large consumers of electricity and, in

1 some cases, generators of the electricity
2 used -- for the most part, for their
3 industrial operations, including
4 manufacturing facilities in New York.

5 AF&PA appreciates that EITes are to be
6 given an allocation of allowances for the
7 covered emissions under the proposed program
8 at no cost. This is consistent nationally
9 and neither RGGI nor California's
10 cap-and-trade program require allowances for
11 emissions from eligible bio-energy.

12 The criteria for structuring the cost
13 of allowances and allocations for EITes will
14 be extremely important for our industry, and
15 so we look forward to some of those
16 clarifications down the road for how this
17 will function. We encourage this body to
18 avoid measures that might penalize the forest
19 products industry, and we look forward to
20 continuing our work with the State of
21 New York.

22 CHAIRWOMAN KRUEGER: Thank you.
23 Appreciate it.

24 Again, everybody knows that all the

1 testimony in full is on the websites of the
2 Senate and the Assembly, and so we know it's
3 impossible for you to get through pages of
4 testimony in three minutes.

5 So again, for everyone else left
6 tonight, just remember, try to hit your
7 bullet points.

8 Sir.

9 MR. DUBUQUE: Good evening. I'm
10 Lew Dubuque, and I'm here representing the
11 New York chapter of the National Waste &
12 Recycling Association. I'd like to discuss
13 EPR tonight.

14 There are currently three different
15 proposals, EPR proposals, floating around
16 Albany today, and they all differ in
17 significant ways. And no single proposal
18 fully captures all the elements necessary for
19 the implementation of a successful EPR
20 program.

21 Harmonizing the concepts reflected in
22 the three legislative proposals will likely
23 be a difficult task given the complexities
24 and economics of New York's recycling

1 programs and the conflicting priorities of
2 the stakeholders whose interests will be
3 impacted by the implementation of a statewide
4 EPR program.

5 However, we feel there is a simple
6 alternative to help increase recycling rates
7 and support local end markets. Instead of
8 establishing an EPR program run by producers,
9 a simple, more effective solution would be
10 setting post-consumer content standards for
11 materials, including plastics and paper
12 packaging and containers. Such standards
13 will create more robust markets for materials
14 recovered through existing recycling
15 programs, thereby supporting their use for
16 manufacturing into new products and
17 packaging.

18 For many years legislative bodies have
19 adopted bans on the sale of certain materials
20 and set recycling and reuse goals, but very
21 little has been done to create markets for
22 recycling materials. As a result, producers
23 have little incentive to purchase and use
24 recycled materials in their products when

1 virgin materials cost less.

2 Strengthening end markets for recycled
3 materials is vital to making recycling
4 sustainable. Recognizing this reality, last
5 year New Jersey governor Phil Murphy signed
6 into law a bill establishing post-consumer
7 recycled content requirements for plastic,
8 glass and paper. If New York were to adopt
9 guidelines similar to New Jersey's, it could
10 stabilize demand for recycled materials
11 throughout the region and could ultimately
12 inspire nationwide recycled content and
13 circular design standards.

14 This approach could ultimately be much
15 less disruptive to existing New York
16 recycling programs, including curbside
17 collection, and do more to foster sustainable
18 recycling programs throughout the state.

19 I have a lot more in my written
20 comments, and I hope you'll all take a moment
21 to look at that. And I want to thank you for
22 your time today. Thirty-eight seconds left.

23 CHAIRWOMAN KRUEGER: Thank you very
24 much.

1 Judith, last in the panel.

2 MS. ENCK: Good evening. I'm Judith
3 Enck. I'm the president of Beyond Plastics.
4 I'm a professor at Bennington College and a
5 former EPA regional administrator.

6 First, thank you for the refillable
7 water containers. We can do these hearings
8 without single-use plastic water bottles.

9 Second, Senator Hinchey, this hearing
10 is approaching a Maurice Hinchey-style epic
11 hearing. I sat in this seat before your
12 father many, many times at this hour. He
13 would be proud of you.

14 I want to speak very specifically in
15 support of Senator Rachel May and Senator
16 Harckham's extended producer responsibility
17 bill, which I call the Packaging Reduction
18 and Recycling Act. I agree that it should
19 not be included in the budget. This is not
20 dealing with current state spending for this
21 fiscal year, and it's a complex policy issue.

22 So it's a rare moment when I'm asking
23 you not to do something. I'm asking you, do
24 not put this bill in the budget. Instead,

1 let's get together, let's have some very
2 detailed conversations and figure out a
3 strong bill for the rest of the session.

4 Why do we need a strong bill, the bill
5 before you from two of your colleagues in the
6 Senate? I've been very involved in the past
7 week in the Ohio train derailment, which
8 happened on February 3rd. I'm a former
9 federal regulator, I've been asked a lot of
10 questions, I've been providing some guidance.
11 I was supposed to be on CNN tonight at
12 10 o'clock. I had a feeling I wouldn't get
13 there by 10, so I'm with you instead.

14 And I want to point out that this
15 derailment included liquid vinyl chloride.
16 This is the polymer of making No. 3 plastic,
17 polyvinyl chloride, or PVC, to use for
18 plastic packaging, for one thing, for toys,
19 for other plastic products. We definitely
20 need more train inspections, but we need less
21 toxic chemicals crisscrossing the country, to
22 make plastic.

23 Second, I just returned from
24 Louisiana. I toured an area called

1 "Cancer Alley," where there's a concentration
2 of plastics in oil refineries. People are
3 suffering with illness and very diminished
4 air quality to make plastic, and we know
5 there are alternatives.

6 Page 2 of my testimony includes a
7 chart which summarizes the Harckham bill, the
8 Rachel May bill, the Governor's proposal.
9 Not only does the Governor's proposal not
10 belong in the budget, but it's a very weak
11 proposal. I appreciate the efforts, but
12 15 percent reduction in plastics is not going
13 to solve the plastics crisis that we're
14 facing.

15 I look forward to working with all of
16 you on this issue. There is immense public
17 interest. Scientists tell us that within the
18 next seven years or so, there will be three
19 pounds of fish in the ocean, one pound of
20 plastic. We need to change that.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Senator Pete Harckham.

23 SENATOR HARCKHAM: Thank you very
24 much, Madam Chair.

1 Thank you all so much for your
2 testimony.

3 Just very quickly, John, if there are
4 legislative members left -- or member items
5 that were left out of the budget this year,
6 if you would email those to my office
7 tomorrow morning, we'll be sure we'll get
8 those on the list.

9 MR. BARTOW: Okay.

10 SENATOR HARCKHAM: All right, thanks.
11 I'll give you a card right afterwards.

12 MR. BARTOW: Yup.

13 SENATOR HARCKHAM: Thank you.

14 I have some questions for Lewis.
15 You're -- it's rare in Albany when we get a
16 couple of legislative bills and the Governor
17 all kind of rowing in the same direction. As
18 Judith said, there are differences in the
19 bills, but we're rowing in the same
20 direction.

21 Four or five other states have gone in
22 the direction of EPR, and now you are
23 suggesting something to the contrary. Why is
24 what you're suggesting better than what five

1 states have done with EPR?

2 MR. DUBUQUE: It's not in a -- it's
3 not exactly suggesting something different.
4 New Jersey just signed a PCR bill into law
5 last year. I was just in New Jersey two
6 weeks ago telling Senator Smith, "It's a
7 great bill, you passed that, it got signed
8 into law. Why don't you let that take some
9 time to have the regulations take effect and
10 then see where we are?"

11 SENATOR HARCKHAM: Well, I suppose
12 what's the fear of a more expansive bill?
13 And I'm not trying to be a jerk here. But I
14 would assume your members charge by the ton.

15 MR. DUBUQUE: Right.

16 SENATOR HARCKHAM: And if we're
17 reducing the amount of tons, that's less
18 they're charging. Is that part of the
19 calculus of your position?

20 MR. DUBUQUE: Oh, our calculus is
21 focusing on strengthening the recycling
22 markets. That's what I was talking about
23 here today.

24 An EPR program down the road might be

1 a better idea. Right now, focus on PCR,
2 needs assessment, and strengthening the
3 recycling markets. That's where we're coming
4 from right now.

5 SENATOR HARCKHAM: All right. Does
6 that model save municipalities the kind of
7 money that EPR does? I mean, we're talking
8 in New York State --

9 MR. DUBUQUE: Do we know that EPR --

10 SENATOR HARCKHAM: -- New York City
11 and upstate, \$240 million.

12 MR. DUBUQUE: Do we know that? That's
13 the numbers that are being bandied around,
14 but do we know that it's going to save us
15 that much money?

16 SENATOR HARCKHAM: The New York State
17 Association of Counties, NYCOM, New York City
18 have all weighed in with the calculation.

19 Again, I'm not trying to be a jerk,
20 I'm just trying to -- I'm just trying to say
21 like, you know, that's a big part of this
22 calculation, saving taxpayer money. And, you
23 know, if your plan does that, I'd love to see
24 the figures.

1 MR. DUBUQUE: Okay. Okay. We can
2 talk about that.

3 SENATOR HARCKHAM: All right. Thank
4 you.

5 MR. DUBUQUE: Great. Thanks, Senator.

6 SENATOR HARCKHAM: Thanks, Madam
7 Chair.

8 CHAIRWOMAN KRUEGER: Assembly.

9 CHAIRWOMAN WEINSTEIN: Assemblywoman
10 Glick.

11 ASSEMBLYWOMAN GLICK: So everybody on
12 the panel, thank you for still being here.

13 Agree that this does not belong in the
14 budget. There is universal agreement that
15 this is a policy matter that should be taken
16 up after the budget.

17 (Agreement from panelists.)

18 ASSEMBLYWOMAN GLICK: Most of the
19 discussion about whether or not there would
20 be less or more recycled content required
21 after the fact, is that in one way -- when
22 you're going to have packaging and reduce
23 packaging and then any additional recovery --
24 there's the issue of recovering, so that you

1 create a complete cycle, a recovery cycle.
2 Are there differences in how you view how
3 much recycled content should be part of that
4 recovery cycle?

5 MR. BARTOW: We have a difference in
6 view as to the way paper should be handled
7 with that. Because -- a couple of things,
8 and it's the unique circumstances with paper.
9 The first thing is every time you pulp --
10 re-pulp paper, you lose 14 percent of the
11 fiber. So you constantly need an inflow of
12 new, younger fibers. Every time you re-pulp
13 it, you use it for a lesser quality material
14 that's going on out there.

15 So if you don't have a means of
16 bringing new, younger fibers into the
17 process, you don't do that.

18 The second thing is we also have
19 strong markets, even though they're declining
20 markets, for high-quality paper that's used
21 in a variety of products -- not packaging,
22 I'm just speaking on the paper side -- that
23 you will never get the quality of paper you
24 need if you're only -- if you're mandating a

1 recycled content in it. You just won't be
2 able to do certain things with it.

3 It's the only covered product that you
4 have those limitations with, unlike metal,
5 glass and plastics.

6 MS. ENCK: We can't recycle our way
7 out of the plastic pollution crisis. We only
8 have a 5 to 6 percent plastics recycling
9 rate -- typically, only No. 1 and No. 2
10 plastic.

11 I strongly support recycling. I
12 started my town's recycling program. Keep
13 recycling metal, paper, glass, cardboard.
14 But we need to be honest with the public that
15 by the very material, recycling doesn't --
16 plastics don't lend themselves to recycling.

17 So that's why a strong EPR bill
18 focuses on reduction. You can throw a lot of
19 money at plastics recycling; we're still not
20 going to get even to double digits.

21 So the Harckham and May bill has a
22 50 percent reduction requirement over the
23 next 10 or 12 years, depending upon the bill.
24 That's where the action is. That's where the

1 taxpayer savings will come in.

2 ASSEMBLYWOMAN GLICK: Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Senator May.

5 SENATOR MAY: Hi, everybody. Thanks
6 for your testimony.

7 So I do carry one of the EPR bills. I
8 also carry the Bottle Bill that we want to
9 expand to really pull a lot more material out
10 of the waste stream. And I think of that as
11 a model for how you reduce waste, create
12 jobs, bring in money, create a lifeline for
13 some people who are at the real margins of
14 society, and wondering to what extent EPR
15 holds a promise for any of those kinds of
16 impacts as well. Job creation, for example.

17 MR. DUBUQUE: Directed at me?

18 (Laughter.)

19 MR. DUBUQUE: I haven't taken a look
20 at the Bottle Bill yet that you've put
21 together, but I will.

22 SENATOR MAY: We want to expand it to
23 a lot more, you know, many, many more
24 beverages and include glass -- for example,

1 wine bottles.

2 So single-stream recycling has been a
3 problem, and it seems to me that much less
4 paper is recoverable when it's in that
5 system. So are you interested in going back
6 to more dual-stream recycling?

7 MS. SZTEIN: We would love that.
8 We -- it might have been me, in some cases,
9 or certainly many of my colleagues, we have
10 been firmly opposed to single-stream programs
11 in almost every case. We consider that to
12 have been a major step backwards in paper
13 recovery because there is so much more
14 contamination that happens.

15 Now, much of our technology has
16 advanced, and we have been able to do a lot
17 more with some of that contamination. But
18 that doesn't change the fact that, you know,
19 even in some of these EPR bills there's a
20 reference to convenience as one of the
21 standards for an EPR program's measurement of
22 success. And if convenience includes
23 single-stream, that is going to lead to
24 continued contamination, which is a major

1 factor for us.

2 We're at 68 percent recovery rate, but
3 our utilization rate, the amount that we can
4 actually use, can be a different number.

5 Because you can't use all of it when it has
6 other things in it -- glass shards or, you
7 know, things that can mess up the systems.

8 In some cases, a giant bale of paper that's
9 got a couch in the middle of it. You know,
10 these are a problem and something that we
11 consider a barrier because we want to use
12 recovered fiber. In some cases it makes the
13 product more valuable.

14 SENATOR MAY: Just real quick, are
15 there places in New York that use dual-stream
16 recycling still? Or is it all single-stream?

17 MR. BARTOW: Very, very few.

18 MS. ENCK: Well, in New York City they
19 never quite got around to single-stream,
20 which was a good thing to be slow.

21 (Laughter.)

22 MS. ENCK: So New York City, as you
23 know, separate.

24 SENATOR MAY: Thanks.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Assembly.

3 CHAIRWOMAN WEINSTEIN: Assemblyman Ra.

4 ASSEMBLYMAN RA: Thank you.

5 Ms. Enck, you may have been here
6 earlier. I had asked some questions about
7 advanced recycling or chemical recycling. So
8 I see in your testimony -- let me start with
9 this. I agree in the end a huge part of this
10 is changing behavior. Right? So I get that
11 part of it in terms of the overall reductions
12 that we're after here.

13 But, you know, does a technique like
14 that -- not that it's the full solution, but
15 not have a place -- does it not reduce the
16 use of the so-called virgin resources?

17 MS. ENCK: I think chemical recycling
18 is a real mistake. One problem is it doesn't
19 work. The industry has been trying it for
20 decades, and because there are so many
21 different types of plastics, so many
22 different toxic chemicals in it, you can't
23 recycle -- you can't chemically recycle a lot
24 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

1 chains are using it to make drink containers,
2 for eyeglasses, power tools, Tupperware
3 containers, containers for personal care
4 products.

5 So it may not be a solution that you
6 can recycle everything, but again, is that
7 not a way that you're reducing the use of
8 virgin resources?

9 MS. ENCK: No. I mean, those are very
10 slick marketing approaches by the chemical
11 industry. The vast majority of old waste
12 plastic in these few facilities is turned
13 into fossil fuel. So do we want to turn
14 plastic into fossil fuel? I don't. I don't
15 want to make the greenhouse gas problem
16 worse.

17 Eastman Chemical -- I just testified
18 on this in the U.S. Senate, and I looked at
19 old congressional testimony. In the 1980s,
20 Eastman Chemical said they were going to turn
21 old plastic bottles into new plastic bottles.
22 They never did that. That's from the 1980s.

23 ASSEMBLYMAN RA: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senator Hinchey.

2 SENATOR HINCHEY: Thank you very much.
3 And thank you all for being here.

4 Not surprising, my questions are for
5 John Bartow. Thank you for the conversations
6 that we've had over the last couple of weeks.
7 As you know, we've talked a lot today about
8 agroforestry and what that looks like and how
9 that can help specifically our agricultural
10 community, but really specifically, the goal
11 is everyone who has forest land on their
12 property, to help make them actually working
13 forests to help capture and sequester that
14 carbon.

15 Can you -- obviously this number will
16 scale depending on size of woodlands. But
17 can you talk about the -- kind of an average
18 cost of selective cutting and forest
19 maintenance, what that costs an average
20 person?

21 MR. BARTOW: Oh, it's going to vary
22 incredibly depending on the type of forest
23 that you have there, the age of the forest
24 that you're doing.

1 So if you're going in and doing a
2 selective harvest and trying to get it out
3 and you've got really high-quality trees, you
4 could make money off of the deal. But
5 oftentimes you're going into a really
6 damaged, perhaps high-graded forest, and you
7 may well be paying someone to come in and
8 thin that forest out to allow some of the
9 higher-quality trees to get enough light to
10 continue grow out. And then eventually
11 you'll have a profitable harvest that's out
12 there.

13 But it could be -- and again, it
14 depends on the size of your lot that you're
15 trying to do. So I'd be really guessing to
16 give you a set number on it. But I know we
17 talked to your staff earlier this week about
18 what would it be, trying to get at that
19 1.4 million acres of just agricultural
20 forestlands. And that would -- you know, it
21 would be a task in the millions of dollars,
22 \$20 million to \$30 million. You know,
23 touching it and just getting onto it.

24 And then the other side of the

1 agroforestry, I hope we don't just limit it
2 to those forests that are on farms. But
3 there's a lot of forestland owners who don't
4 currently have farms that may well want to
5 get into agroforestry down the road. It's a
6 great, viable use in our forestland.

7 SENATOR HINCHEY: Right. And, you
8 know, I think there's an important place to
9 -- you've got to somewhere, though, in that,
10 right?

11 MR. BARTOW: Yes, you do.

12 SENATOR HINCHEY: And so would you say
13 that it would be a beneficial thing for the
14 state to do to have funding within the EPF in
15 a bolstered way --

16 MR. BARTOW: Absolutely.

17 SENATOR HINCHEY: -- to help support
18 communities --

19 MR. BARTOW: Absolutely. I mean, we
20 do a little bit of it in Regenerate NY.
21 That's it. You know, \$500,000 a year doesn't
22 get you very far.

23 We talked about, in the climate smart
24 agricultural sections of the EPF, of an

1 additional close to \$24 million that might be
2 a huge stimulus to get that going.

3 SENATOR HINCHEY: Thank you.

4 MR. BARTOW: Yup.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Assembly.

7 CHAIRWOMAN WEINSTEIN: Assemblyman
8 Otis.

9 ASSEMBLYMAN OTIS: I want to thank you
10 all.

11 You know, this seems like it could be
12 a lot simpler. I am looking at -- and having
13 followed this legislation for a few years, I
14 now pay tremendous attention to anything
15 packaged that comes into our home. And so
16 the trend I'm seeing is that a higher
17 percentage, a majority of the stuff that gets
18 sent to us, is all cardboard, is all
19 cardboard and paper.

20 I'm not -- and so what I'm seeing is
21 some people in the industry are saying, well,
22 we can do this. Without the rules, we're
23 doing it. So why is it so hard -- it
24 shouldn't be so hard. Why can't we just pass

1 a law that says paper, cardboard, none of any
2 of this other stuff, we're done?

3 Am I -- is it -- why is it more
4 complex than that?

5 MS. SZTEIN: Well, I mean, first I'll
6 say that, you know, I'm here to talk
7 positively about paper as opposed to banning
8 any other material.

9 But, you know, I think that sometimes
10 when we are talking about, you know, ways of
11 tackling waste streams, conversations can get
12 into lightweighting, can get into, you know,
13 other ways of making our materials more
14 efficient or taking up less space. And so
15 when you get into that, you can start looking
16 at other materials that might be -- you know,
17 have other values to it.

18 You know, cardboard specifically or
19 OCC, as we call it, is actually at a
20 91.5 percent recovery rate, so that's even
21 higher than the broader 68 percent. And so
22 it's something we're really proud of. But,
23 you know, I think that there are still
24 opportunities for growth and improvement.

1 ASSEMBLYMAN OTIS: I'd like to hear
2 from others on this.

3 MR. BARTOW: I also think what you're
4 talking about with the paper, your cardboard
5 in particular, is the Russian doll syndrome,
6 where you've got a box in a box in a box in a
7 box. You know -- and yes, there could be
8 packaging that --

9 ASSEMBLYMAN OTIS: Every piece of that
10 goes into our recycling as opposed to --

11 MR. BARTOW: It goes into your
12 recycling bin and --

13 ASSEMBLYMAN OTIS: As opposed to when
14 people send us stuff with plastic or other
15 kinds of packaging and I say, Why am I
16 getting this? I'm just saying it doesn't
17 seem that hard.

18 So Judith, do you want to weigh in?

19 MS. ENCK: Yeah. If you're talking
20 about getting rid of single-use plastic
21 packaging, I am all in. And that is going to
22 save tax dollars because communities can't
23 find markets for anything except No. 1 and
24 No. 2 plastic.

1 So over 90 percent of plastics don't
2 get recycled. It's a climate issue, it's an
3 ocean issue, it's an environmental justice
4 issue. So if you want to isolate plastic, I
5 think that makes sense --

6 ASSEMBLYMAN OTIS: But I'm just -- my
7 perception is if a lot of people are doing
8 this on their own now, doing the right thing,
9 it can't actually be that hard.

10 MS. ENCK: But most companies are not.
11 That's why we need EPR.

12 ASSEMBLYMAN OTIS: Okay. Well, I'm
13 for the -- I'm for the law. But it shouldn't
14 be so hard.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Senator John Liu.

17 SENATOR LIU: Thank you, Madam Chair.

18 I don't have much to say other than to
19 thank this panel and to especially thank
20 Judith Enck. This is one awesome person,
21 really, Madam Chair. She has -- throughout
22 all these years, she's never strayed from her
23 conviction and her commitment. It's gotten
24 her in trouble with the powers that be, and

1 she's still at it.

2 Thank you, Judith, for everything
3 you've done for New York and our planet.

4 MS. ENCK: Thank you, Senator. Good
5 trouble.

6 (Laughter.)

7 CHAIRWOMAN KRUEGER: Thank you,
8 Senator Liu.

9 Assembly.

10 CHAIRWOMAN WEINSTEIN: We're done.

11 CHAIRWOMAN KRUEGER: Okay, Assembly --
12 Assembly? How about Senator Walczyk.

13 SENATOR WALCZYK: Sure.

14 Mr. Bartow, good evening.

15 MR. BARTOW: Good evening.

16 SENATOR WALCZYK: Should biomass be
17 considered renewable?

18 MR. BARTOW: So biomass is considered
19 renewable, and it is even considered
20 renewable in New York for everything -- every
21 purpose other than generation of power that
22 supports the grid.

23 So it is renewable, it's classified
24 renewable by every other government and

1 standard that we can find. It's just when it
2 comes to the generation of electricity in
3 support of the grid, New York chose to leave
4 it out of the definition in the Public
5 Service Law.

6 SENATOR WALCZYK: Do you think as this
7 legislative body deliberates on such things
8 it should fix that in the future?

9 MR. BARTOW: I think there's a role
10 for biomass in an energy arena. We do use
11 it, and it is considered renewable, and we
12 use it in our manufacturing processes to
13 generate power and heat that's used in there.
14 It's a great use of our residuals.

15 I think there will potentially come a
16 time when we might need to consider it as
17 like a combined heat and power system that
18 can be a dispatchable system. But the
19 legislative body in 2019 did not think that.

20 SENATOR WALCZYK: Thanks.

21 The Forest Rangers testified a little
22 bit earlier -- I don't know if you heard, but
23 our conversation was about forest fires,
24 which I'm sure is terrifying to your

1 industry.

2 MR. BARTOW: Yes.

3 SENATOR WALCZYK: What do you think
4 New York State should be doing to ready
5 itself for climate change? And perhaps older
6 stand and forest products, if they aren't
7 considered renewable in the future, could be
8 more strewn about and even more kindling for
9 a potential forest fire? What should we be
10 concerned about?

11 MR. BARTOW: Well, we find that left
12 alone, forests tend to have a lot more
13 debris. That's what you see in California
14 that's left in the above-ground forest, dead
15 and downed materials that are there, as well
16 as dead and standing timber. That, in
17 general, can create a much greater fire risk
18 than if you're managing that forest, you are
19 eliminating a lot of that and taking care of
20 it before it becomes a problem.

21 So I think yes, good forest management
22 that's going to yield less debris, reduces
23 the amount. If climate change is going in
24 the direction -- I mean, New York has

1 relatively asbestos types of forest because
2 there's a lot of moisture. But as our
3 climate changes and that changes, we could
4 become a lot more like California and other
5 Western states where this stuff just becomes
6 a strong tinderbox.

7 SENATOR WALCZYK: Thanks very much.
8 I'll yield the last 30 seconds, Madam Chair.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Senator Palumbo waited 12 and a half
11 hours to join us, so I know he must have a
12 very important question.

13 (Laughter; overtalk.)

14 SENATOR PALUMBO: I was here a little
15 earlier. I was here a little earlier. And
16 I've been watching in the comfort of my
17 office. No offense.

18 Thank you, Madam Chair. It's good to
19 see you all.

20 And I just had -- and, Ms. Enck, you
21 actually -- you made a few comments earlier I
22 just wanted to follow up on, because I found
23 some of it somewhat interesting regarding
24 advanced recycling. And it sounded like --

1 were you suggesting that advanced recycling
2 is not an option? I understand we need to
3 get rid of plastics. And I know that your
4 position is pretty much all plastics should
5 be gone forever --

6 MS. ENCK: No, not all plastics. No.

7 SENATOR PALUMBO: Okay, go ahead.

8 Elaborate on that, if you can.

9 MS. ENCK: Yeah. No, I am -- there is
10 a role for plastics in certain
11 applications -- medical, car bumpers, making
12 cars more efficient.

13 But so much of plastic generation,
14 which has an enormous health and
15 environmental impact, is for single-use
16 plastic packaging. And chemical recycling is
17 primarily -- not entirely, but primarily
18 taking all different types of waste plastic
19 and trying to turn it into a small amount of
20 fossil fuel, low-grade fossil fuel that
21 causes air pollution.

22 So I view chemical recycling as just
23 the latest marketing scheme by the plastics
24 industry. For years they told us, don't

1 worry about the single-use plastics, you can
2 just recycle it. Turned out that's not true,
3 they knew that. We only have a 5 to
4 6 percent recycling rate, as compared to
5 paper, metal, glass.

6 So now the industry, mostly led by
7 fossil fuel companies and chemical companies,
8 is telling us, We don't necessarily have to
9 reduce plastic, you can continue to do really
10 modest plastic recycling and then send the
11 rest to chemical recycling facilities.
12 Twenty-one states have exempted these
13 operations from bedrock environmental laws.
14 And you have to ask yourself --

15 SENATOR PALUMBO: And I believe -- and
16 I have a little bit of time, so I need to cut
17 in. They recognize it as manufacturing,
18 correct? That's the distinction you're
19 making, 21 states and most recently
20 Governor Whitmer did as well, and that's not
21 necessarily a red state. They're pretty
22 advanced with this stuff.

23 MS. ENCK: That was a lame --

24 SENATOR PALUMBO: So how do you

1 reconcile that?

2 MS. ENCK: That was a lame-duck
3 session in Michigan, and it was attached to a
4 bigger pro-recycling bill.

5 SENATOR PALUMBO: You're saying it's
6 wrong, that she --

7 MS. ENCK: Yeah.

8 SENATOR PALUMBO: -- shouldn't have
9 done that?

10 MS. ENCK: Absolutely.

11 SENATOR PALUMBO: Governor Whitmer, of
12 all people?

13 MS. ENCK: I love Governor Whitmer,
14 but she had a bill before her that was to
15 improve recycling -- and what often happens
16 is chemical recycling is attached almost like
17 a zebra mussel, and governors like
18 Governor Whitmer have to decide do you
19 sacrifice all the other good things in the
20 bill in order to get chemical recycling.

21 I'm hoping that the Democrats in the
22 Michigan state legislature will reverse that
23 one provision of the law.

24 SENATOR PALUMBO: Understood.

1 And in 15 seconds left, with regard to
2 advanced recycling, is there any combustion
3 or incineration involved in that process?
4 Because I think that's been a misnomer. And
5 just my own information, my understanding is
6 there is not.

7 MS. ENCK: Well, the definition is
8 whether or not there's oxygen in the chamber,
9 and sometimes there is and sometimes there
10 isn't.

11 SENATOR PALUMBO: Okay, thank you.

12 CHAIRWOMAN KRUEGER: Thank you very
13 much. I believe that we are now closed on
14 this panel. Thank you all so much, we
15 appreciate it.

16 (Applause.)

17 CHAIRWOMAN KRUEGER: And I for one got
18 the zebra mussel reference, Judith. Thank
19 you for that.

20 (Laughter.)

21 CHAIRWOMAN KRUEGER: The next and
22 final panel for the evening -- all right,
23 everyone, I know -- control yourselves. Just
24 three more -- we're setting up three more

1 important panelists --

2 SENATOR HINCHEY: -- so nice of you --

3 CHAIRWOMAN KRUEGER: I'm doing a job
4 here, Michelle.

5 (Laughter.)

6 CHAIRWOMAN KRUEGER: Excuse us,
7 everyone. It's been 13 hours up here.

8 Parks and Trails New York, Adirondack
9 Mountain Club, and Catskill Mountainkeeper.
10 Okay, I'm going to use this (gaveling). Come
11 on. We're not hitting midnight, John Liu.
12 Sit down. John Liu, sit down.

13 (Laughter.)

14 CHAIRWOMAN KRUEGER: (Unintelligible.)
15 I apologize to you all. Okay. Good aft --
16 good eve -- afternoon? Oh, my God. Good
17 evening. We'll start with my left, your
18 right, and just go down the row.

19 MS. NADEAU: Wonderful, thank you.

20 So my name is Katherine Nadeau, and
21 I'm the deputy director for Catskill
22 Mountainkeeper. Thanks for sticking around,
23 and thanks for hearing our testimony tonight.

24 This evening I'd like to focus on

1 three main issues in the Governor's proposed
2 budget. My written testimony covers a bunch
3 of other things, but I thought I'd use this
4 time to dive in here. First, investing in
5 the Catskills, then supporting staff at DEC,
6 and then finally enacting Climate Jobs and
7 Justice here in New York State.

8 So first for some context. The
9 Catskill Park and Forest Preserve is a
10 New York State treasure. The park saw more
11 visitors in 2021 than the Grand Canyon,
12 Yosemite, and Yellowstone combined. And
13 though we refer to it as a park, the Catskill
14 Park is so much more. It's part of a
15 watershed system that provides more than
16 9 million New Yorkers with clean, healthy
17 drinking water. It's a wildland recreation
18 area, an ecological and scenic preserve. The
19 lands are public, they're private, they're a
20 mix of constitutionally protected Forest
21 Preserve, state lands protected by New York
22 City to safeguard its water supply, and then
23 there's of course our bustling towns and
24 villages.

1 So for all of these reasons, it's so
2 critically important for New York State to
3 support and invest in the Catskills. We're
4 within driving distance for more than
5 20 million Americans. And in this year's
6 budget there's specific items we're asking
7 the Legislature to lift up.

8 First of all, Forest Preserve funding
9 in the \$400 million Environmental Protection
10 Fund. Please restore the Adirondack and
11 Catskill Visitor Safety and Wilderness
12 Protection line and fund it at \$10 million.
13 This is a dedicated funding line where the
14 Legislature is directing the Department of
15 Environmental Conservation to invest in the
16 Catskills and the Adirondacks. This type of
17 direction is exactly what the agency needs to
18 do the work. So please restore that line.

19 Second, please fund trail stewards at
20 Mountainkeeper and at the Catskill Center.
21 Our trail stewards are out there greeting
22 people, working hand in glove with the state
23 Rangers, with the ECOs and with the DEC to
24 make everybody's time in the Catskills safe

1 and enjoyable.

2 Fund science. Fund the Cary Institute
3 and the Cornell Hemlock Woolly Adelgid Lab,
4 both of which are parts of the Environmental
5 Protection Fund.

6 And then of course the climate crisis
7 is impacting the Catskills. The Governor's
8 budget has some big climate proposals,
9 including cap-and-invest. There's been a lot
10 of discussion on that today. I want to call
11 your attention to the spending, or the
12 "invest" side of cap-and-invest. This is
13 your year to make a huge difference in how
14 New York State is going to fund the climate
15 fight and fund climate justice.

16 The Governor's language is vague.
17 What we need is a transparent, a clear and
18 equitable system to move money throughout the
19 state to fund the projects that are going to
20 get us where we need to go to protect and
21 preserve New Yorkers.

22 So we're asking the Legislature to
23 include in its budget a climate and community
24 protection fund, a concept modeled on the EPF

1 that is a special-purpose fund to direct the
2 spending. And I'd love to talk more if
3 anybody has questions about that.

4 CHAIRWOMAN KRUEGER: Great, thank you.
5 Next?

6 MS. PEDLER: Thank you. Thanks for
7 the opportunity to speak. And I've learned a
8 lot today from all of you and all the other
9 panelists, so I really appreciate it. I'm
10 Cathy Pedler. I'm the director of advocacy
11 for the Adirondack Mountain Club.

12 And in the Executive Budget proposal
13 we're really pleased, of course, to see the
14 400 million EPF and that the State Land
15 Stewardship line in the EPF was at the same
16 level as last year. But we were extremely
17 disappointed that the dedicated line for the
18 Adirondack and Catskill parks, Forest
19 Preserve parks, was not retained.

20 And we urge you to restore the
21 dedicated funding with 10 million under
22 State Land Stewardship of the EPF's Park and
23 Recreation account, and this funding would be
24 part of and not in addition to the

1 48.7 million for State Land Stewardship in
2 the Executive Budget proposal.

3 Last fall, 32 organizations and
4 municipalities from the Adirondacks and
5 Catskills signed a letter to the Governor
6 highlighting retention of this dedicated
7 stewardship funding as their highest
8 priority. The letter signed by the groups
9 also highlighted the importance of visitor
10 centers, which are vital for high-quality
11 visitor experiences and resource protection.
12 And we were really happy to see an additional
13 funding for the Catskill Visitor Center,
14 bringing that up to 200,000.

15 But we were really disappointed not to
16 see funding for Adirondack Mountain Club,
17 ADK's High Peaks Information Center at the
18 busiest trailhead in the state, or increases
19 for Paul Smith's and SUNY ESF Interpretive
20 Centers in the Adirondacks. Funding the High
21 Peaks Information Center at 100,000 is a
22 priority for ADK.

23 We're really pleased about the
24 increase in DEC staff and that many of the

1 additions will be used to get the Bond Act
2 funding out the door and working. But it's
3 critical to have more staff in DEC's Division
4 of Lands and Forests, which manages the
5 Forest Preserve and conservation easements in
6 the Adirondack and Catskill parks and across
7 the state, as well as the climate and
8 invasive species forest health programs.

9 The DEC Division of Operations also
10 needs support to ensure that trails and
11 recreation facilities are maintained and that
12 DEC campgrounds in the Adirondacks and
13 Catskills can remain open as long as
14 possible, since autumn is now even more
15 popular than summer and keeping campgrounds
16 open helps regional economies and communities
17 thrive.

18 We also support hiring more real
19 property staff at DEC, Office of Parks, and
20 the Attorney General's office, and
21 streamlining the land acquisition process in
22 New York so more land is protected for
23 climate mitigation, biodiversity, habitat and
24 public use.

1 Continuing to support the Forest
2 Rangers and the Environmental Conservation
3 Police is also very important, and they need
4 funding in the budget for their academies.
5 And we also support the 20-year pension
6 legislation that was mentioned earlier by the
7 Rangers.

8 Wrapping up, please restore the
9 dedicated line for the Adirondack and
10 Catskill parks under State Land Stewardship
11 in the EPF at 10 million. Please increase
12 funding for the Forest Preserve visitor
13 centers, including \$100,000 for the
14 High Peaks Information Center, and continue
15 to urge the Governor to support and add staff
16 to DEC Divisions of Lands and Forests --

17 CHAIRWOMAN KRUEGER: Thank you.
18 Sorry, we have to cut you off.

19 MS. PEDLER: -- and so forth.

20 CHAIRWOMAN KRUEGER: Thank you.
21 And our final presenter.

22 MR. COTÉ: The final one of the
23 night -- what an honor.

24 My name is Will Côté. I am the parks

1 director for Parks & Trails New York. Since
2 1985, Parks & Trails New York has been
3 improving New Yorkers' health, economy and
4 quality of life through the use and enjoyment
5 of our green spaces, our state parks, our
6 historic sites, our public lands, and our
7 greenways.

8 I'm going to be incredibly succinct,
9 or as best as I can. First and foremost, I'd
10 like to encourage you all to support the
11 \$400 million Environmental Protection Fund
12 without any raids on that program. It's
13 really important that the program funds
14 remain for programming.

15 The one program I'd like to highlight
16 there is the Park & Trail Partnership Grant
17 Program, which we administer in conjunction,
18 in partnership with OPRHP. And that goes to
19 funding the nonprofit grassroots Friends
20 groups that champion our state parks and
21 public lands. In the first seven rounds of
22 the program, we've provided 167 grants to
23 those groups, totaling \$4.2 million, and
24 leveraged over \$2 million in private funding.

1 I'd like to rather focus on two other
2 topics we haven't talked about in about six
3 hours or so. The first is I'd really
4 encourage the Legislature to champion the
5 State Parks capital budget by maintaining it
6 at the \$250 million level as it was last
7 year, as opposed to the \$200 million that
8 it's currently being proposed at. It's
9 really critical to create new opportunities
10 for folks to be able to access the outdoors
11 and to update and repair infrastructure and
12 amenities that will continue to welcome more
13 and more visitors each year -- last year,
14 just shy of 80 million visitors.

15 As more locations within the Parks
16 system move to green energy technologies,
17 it's really going to be important to maintain
18 that higher level of funding. As we all
19 know, green technology can cost a bit more to
20 maintain and repair over time. So that is
21 the objective when you maintain that funding
22 there.

23 And last but not least, a plug for the
24 centennial celebration. In 2024 it is the

1 100th anniversary of the Parks system. So
2 now is a perfect time to maintain that level
3 of investment for public lands so that all
4 New Yorkers can access them.

5 Last but not least, I just wanted to
6 encourage the Legislature to support the
7 Governor's proposal to increase State Parks'
8 operating appropriation, allowing for the
9 hire of 237 FTEs. This capacity is going to
10 be particularly important to not only improve
11 the visitor experience but also effectively
12 address the other initiatives that are being
13 put forward, either through the Bond Act or
14 through capital projects. If we want to make
15 progress, we need to ensure that there's
16 staffing to execute them.

17 And last, with 19 seconds to go, just
18 a small plug for the Adventure New York
19 funding, the 90 million for DEC's capital
20 projects -- another key investment into
21 ensuring that there is outdoor recreation
22 opportunities for everyone.

23 And lastly, if you have any interest
24 in coming out and seeing any of the amazing

1 things happening in our public lands, please
2 reach out. We'd love to give you a tour.

3 CHAIRWOMAN KRUEGER: Thank you very
4 much. Appreciate it.

5 Pete Harckham has some questions.

6 SENATOR HARCKHAM: Thank you very
7 much. (Mic issues.) Is that working? There
8 we go, thank you.

9 Thank you. You stuck it out. Thank
10 you. So we really do appreciate your
11 advocacy and your enthusiasm, and what you
12 have to say is crucial.

13 Question to Cathy and Katherine -- not
14 really a question, a request. You've both
15 mentioned items that had been either
16 legislative adds that had been removed or
17 some things had been moved around in an
18 unsatisfactory way. Can you get us those
19 details in an email tomorrow morning?

20 We're trying to like get the clear
21 picture on what the Governor removed and
22 moved around so we -- you know, first we play
23 defense, let's restore, and then we think
24 about the other stuff. So we have everyone's

1 testimony, but it's a lot to wade through.
2 So if you can get us just those specific
3 points, that would be very helpful.

4 And, Will, the same with you. Thanks.

5 MS. NADEAU: Certainly.

6 CHAIRWOMAN KRUEGER: Thank you.
7 Assembly.

8 CHAIRWOMAN WEINSTEIN: Assemblywoman
9 Glick.

10 ASSEMBLYWOMAN GLICK: Thanks very much
11 for your work and advocacy.

12 Ditto to what the Senator said.
13 Because I do think that you had an increase
14 in the Catskill Center, but there wasn't --
15 there was something in the Adirondack that
16 was not included.

17 MS. NADEAU: The visitor centers,
18 perhaps.

19 MS. PEDLER: Right, in the visitor
20 centers.

21 So we had requested 100,000 for the
22 High Peaks Information Center. This is new;
23 this wasn't there last year.

24 The increases that did not happen were

1 for the Paul Smith's and SUNY ESF
2 Interpretive Centers.

3 ASSEMBLYWOMAN GLICK: Yeah, I think
4 those are very helpful and useful for people
5 who are visiting.

6 And then there was the 8 million was
7 like cut?

8 MS. NADEAU: Yes.

9 ASSEMBLYWOMAN GLICK: And you're
10 asking for 10.

11 MS. NADEAU: Absolutely. And so to --
12 and to be clear, the account that the
13 8 million was in has been maintained pretty
14 close to the same as last year's
15 appropriation in the Executive Budget.

16 The difference here is it's just not
17 lined out. And so the benefit of lining it
18 out is that it's the Legislature directing
19 the Department of Environmental Conservation
20 to invest in the Adirondacks and the
21 Catskills.

22 Adirondacks and Catskills, like I
23 said, even though we call them parks, they
24 aren't parks, they don't get Parks funding,

1 we're not managed by the Parks Department.
2 So to get the stewardship money specifically
3 directed toward the DEC to use in this manner
4 allows us to do on-the-ground projects
5 throughout both Forest Preserves.

6 So that's why that's so incredibly
7 important, to make sure that specific funding
8 is there.

9 ASSEMBLYWOMAN GLICK: Include that
10 detail.

11 MS. NADEAU: I will.

12 ASSEMBLYWOMAN GLICK: So that it's
13 clear to us exactly what we should be making
14 the point about.

15 And at one time the steward program
16 has been in Aid to Localities?

17 MS. NADEAU: Yes, that's right. That
18 was a legislative add through the Aid to
19 Localities budget for the last two years.

20 ASSEMBLYWOMAN GLICK: And that's where
21 it still would be residing. But you need it
22 to be in there.

23 MS. NADEAU: Yes. Please.

24 ASSEMBLYWOMAN GLICK: Thank you. And

1 thanks for everything you do.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator Michelle. Hinchey.

4 SENATOR HINCHEY: Thank you. I'll
5 just go by Senator Michelle.

6 (Laughter; inaudible comment.)

7 SENATOR HINCHEY: We can do that too.

8 Thank you for being here.

9 Congratulations and -- for our final panel.

10 Appreciate you all. Katherine, great orange
11 jacket.

12 MS. NADEAU: Thank you.

13 SENATOR HINCHEY: My questions are to
14 you.

15 MS. NADEAU: Okay.

16 SENATOR HINCHEY: First -- I have a
17 comment for everybody, but first, fully
18 support what you're asking for on the
19 restorations. Obviously it's important to
20 the Adirondacks too. But speaking as a
21 Catskills Senator, the funding for the
22 Catskills -- and really the first time we got
23 that, just two years ago -- has been
24 critical.

1 MS. NADEAU: Yes.

2 SENATOR HINCHEY: So thank you for
3 your advocacy and work in this, and I look
4 forward to making sure that that continues.

5 MS. NADEAU: Thank you for your
6 advocacy and work in this.

7 SENATOR HINCHEY: Thank you.

8 I want to switch a quick second, and
9 you've been really helpful -- something that
10 came up earlier today was toxic dumping. And
11 that's been an issue that I know there have
12 been hearings in this room from back in the
13 '80s about that issue.

14 Do you see needed state resources to
15 help get a handle on that? Of our
16 communities.

17 MS. NADEAU: Yeah, I mean, there --
18 the Catskill Mountainkeeper has worked on a
19 number of different specific sites throughout
20 the Catskills where there was illegal
21 dumping, and this was just bad actors acting
22 badly. So, you know, that's hard to
23 legislate.

24 What the Legislature can do, though,

1 is provide the resources at the Department of
2 Environmental Conservation to make sure we've
3 got the staff on the ground, both the ECOs
4 and the folks in the office reviewing
5 materials, to be able to, when bad actors
6 act, come after them with the full force of
7 the law and make sure that they're not
8 allowed to continue.

9 SENATOR HINCHEY: So on our side,
10 requesting increased funding for actual staff
11 to be able to deal with this --

12 MS. NADEAU: Yes. Yes.

13 SENATOR HINCHEY: -- when you or we
14 bring these cases to them.

15 MS. NADEAU: Absolutely. And the
16 Governor's executive proposal calls for a
17 significant staffing increase at DEC, which
18 we wholeheartedly support. It's directed
19 specifically on Bond Act, which we
20 wholeheartedly support. And also this is an
21 underfunded agency that's been dealing for
22 decades with low staff numbers, and now with
23 attrition it's getting worse.

24 So it would be great to see more staff

1 at DEC to deal with these types of issues --
2 water quality, dumping, all sorts of things.

3 SENATOR HINCHEY: Thank you. And in
4 my last 38 seconds, if you do want to talk a
5 little bit about the Climate Leadership and
6 Community Protection Fund outlined.

7 MS. NADEAU: Yeah, absolutely.

8 So real quick here, I mean, again, the
9 concept is modeled on the Environmental
10 Protection Fund. So put into law an
11 on-budget, a set of accounts that's going to
12 push money out throughout agencies and
13 throughout the state. Right now the
14 Governor's proposal keeps any funding that's
15 going through cap-and-invest basically at
16 NYSERDA and at DEC. There are a lot of other
17 ways that the Legislature could approach
18 this.

19 And again, the EPF is a great model.
20 It provides more transparency. It provides
21 more accountability. And it provides more
22 ways to get the funding out throughout the
23 state.

24 So wholeheartedly asking you to

1 consider this as you look at any "invest"
2 program.

3 SENATOR HINCHEY: Thank you.

4 MS. NADEAU: Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Assembly?

7 CHAIRWOMAN WEINSTEIN: Assemblyman
8 Burdick.

9 ASSEMBLYMAN BURDICK: Thank you.

10 And I join my colleagues in thanking
11 you folks for your perseverance and hanging
12 out there.

13 And first I do want to echo what
14 Senator Harckham had requested. I also am
15 interested in seeing especially those capital
16 items. But other items that you feel, you
17 know, have to go back in.

18 And a few hours ago, you know, I had
19 asked the SHPO commissioner about their
20 capital plans for maintaining the trail
21 system, and the reply was, Well, we have a
22 lot of volunteer partners and we're very
23 fortunate about that.

24 And, you know, what do you see as what

1 ought to be done in terms of maintaining our
2 trail system, particularly in light of
3 climate change and, you know, the increased
4 rainfall and thawing and such that really
5 beat up the trails? What should it be?
6 Should there be condition assessments done on
7 the trails? How should it all be done?

8 Who'd like to take that one on?

9 MS. PEDLER: Yeah, I can start.

10 Well, I think, you know, what we have
11 in the Adirondacks, we have some areas like
12 the High Peaks that are very popular, and the
13 trails are in really bad shape. And when the
14 trails were first laid out, they weren't laid
15 out as sustainable trails. It's pretty much,
16 you know, what's the shortest way to where we
17 want to go. And so that has just made the
18 problem worse. And then, you know, over the
19 past 30 years there's been a doubling in use
20 and --

21 ASSEMBLYMAN BURDICK: Just one quick
22 question. Do they do any kind of regular
23 condition assessment? Do you know whether
24 SHP0 does any of that? You know, where they

1 do some kind of survey of all their trail
2 system and then just say, okay, we've got to
3 take care of that one, then we'll do that
4 one?

5 MS. PEDLER: Well, I know that, you
6 know, the foresters on the ground are, you
7 know, monitoring the trail conditions and
8 trying to fix, you know, the worst of the
9 worst and, you know, keep that process going.

10 But there's just not enough staff,
11 there's not enough funding. I mean, I think
12 that's the most important thing, is getting
13 more staff and funding. And this 10 million
14 in the State Land Stewardship is really going
15 a long ways to beginning to address that
16 issue. So, you know, that's -- I think
17 that's the first step.

18 ASSEMBLYMAN BURDICK: But nothing
19 systematic, to your knowledge?

20 MS. NADEAU: The one thing I would add
21 is both -- Mountainkeeper served on the
22 Catskills Strategic Planning Advisory Group,
23 as did ADK and others. And one of the things
24 that we came to is we need what they call a

1 visitor use management framework, which is a
2 long boring name for ongoing assessment, to
3 understand what are the needs of both the
4 water, the lands, and also the people coming
5 in.

6 So this has been done piecemeal. And
7 one of the recommendations from this group is
8 this can't be done piecemeal anymore, we've
9 got to be doing this on a holistic level.
10 And I think that's what you're driving at.

11 ASSEMBLYMAN BURDICK: Right. Thanks
12 so much.

13 CHAIRWOMAN WEINSTEIN: Senate.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Senator Walczyk to close.

16 SENATOR WALCZYK: Oh, wow, what an
17 honor. It's been a great day. Thanks,
18 Madam Chair.

19 So All Funds EPF were not reduced.
20 There's \$10 million that you're looking for
21 the Legislature to line out in State Land
22 Stewardship. That's what I'm getting.

23 MS. PEDLER: Correct.

24 SENATOR WALCZYK: Okay, perfect.

1 Director Pedler, the 100K that you've
2 asked for for the High Peaks Information
3 Center -- now, that's the one at Cascade? Is
4 that the new one?

5 MS. PEDLER: This is the one that's
6 right back at the trailhead, right back at
7 Heart Lake.

8 SENATOR WALCZYK: Okay.

9 MS. PEDLER: Yeah. So, you know, that
10 area sees -- that information center serves
11 100,000 a year. And, you know, they're
12 providing -- they're interacting with people
13 before they go out on their trip, providing
14 them -- you know, helping them assess if
15 they're ready for the trip that they want to
16 take. There's gear for rental or purchase if
17 they don't have what they need.

18 Our education staff has skills
19 workshops, can get them, you know, to the
20 level that they need to take the adventure
21 that they have. Or we can send them to a
22 different place, you know, for the time
23 being.

24 SENATOR WALCZYK: Sure.

1 MS. PEDLER: And it also serves as the
2 search-and-rescue base for the rangers when
3 that unfortunately has to happen, which is
4 usually on a regular basis in the High Peaks.

5 SENATOR WALCZYK: It's a beautiful
6 facility that's seen some serious upgrades.
7 I noticed the last time I went, parking has
8 expanded greatly, which was needed for a long
9 time, probably still going to be an issue,
10 especially on the busiest days. It's great
11 that we've seen continued use and great that
12 we've seen that investment.

13 What does this 100,000 specifically go
14 to?

15 MS. PEDLER: This is going to be for
16 operation. It's for -- we have seven staff
17 there, three year-round and four seasonally.
18 We also run volunteer programs in the parking
19 lot to -- you know, if people aren't coming
20 to the visitor center, we go out and talk to
21 them directly.

22 So that's what the 100,000 would be
23 for.

24 SENATOR WALCZYK: That's great. And

1 then thank you for your time.

2 Chair, thanks for the time. And I
3 would also add that that \$10 million for
4 State Land Stewardship officially has
5 bipartisan support. I'm a big believer in
6 all that you're doing. Thank you for your
7 stewardship.

8 MS. PEDLER: Thank you.

9 CHAIRWOMAN KRUEGER: Great. That's
10 the first time that we got that sentence out
11 in like all the hearings.

12 (Laughter.)

13 CHAIRWOMAN KRUEGER: So you did it.
14 You did it, the last panel, the last -- all
15 right, seriously.

16 Thank you very much for being here and
17 testifying and sticking it out all day and
18 night.

19 (Applause.)

20 CHAIRWOMAN KRUEGER: And despite at
21 least one of my colleague's goal to get us
22 here past midnight, we're not going to. No,
23 Senator Liu doesn't want to talk.

24 (Laughter; overtalk.)

1 SENATOR LIU: No, I have a question.
2 I was wondering if I could have 80 minutes
3 for this.

4 (Laughter.)

5 CHAIRWOMAN KRUEGER: No, Senator Liu,
6 you may not be recognized.

7 SENATOR LIU: Thank you to the --

8 CHAIRWOMAN KRUEGER: We are going to
9 go home, and we are going to start again
10 tomorrow morning at 9:30 with the Local
11 Governments hearing. And thank you very
12 much, everyone, for sticking with us.

13 Thank you.

14 (Whereupon, at 10:52 p.m., the budget
15 hearing concluded.)

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