

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 2025-2026 EXECUTIVE BUDGET ON
7 ENVIRONMENTAL CONSERVATION/ENERGY
8 -----

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

12 January 28, 2025
13 9:40 a.m.

14 PRESIDING:

15 Senator Liz Krueger
16 Chair, Senate Finance Committee

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

19 PRESENT:

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

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

24 Senator Pete Harckham
Chair, Senate Committee on
Environmental Conservation

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

Assemblywoman Didi Barrett
Chair, Assembly Committee on Energy

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2 Environmental Conservation/Energy
3 1-28-25
4 PRESENT: (Continued)
5 Senator Kevin S. Parker
6 Chair, Senate Committee on Energy
7 and Telecommunications
8 Senator Michelle Hinchey
9 Assemblyman Harvey Epstein
10 Senator Patricia Fahy
11 Assemblyman Robert Carroll
12 Senator Dan Stec
13 Assemblyman Steven Otis
14 Assemblyman Patrick Burke
15 Assemblyman Scott Gray
16 Senator Mario R. Mattera
17 Assemblywoman Jodi Giglio
18 Assemblyman Tony Simone
19 Senator Rachel May
20 Assemblyman Edward C. Braunstein
21 Assemblywoman Sarah Clark
22 Assemblyman William Conrad
23 Senator Chris Ryan
24 Assemblywoman González-Rojas
Assemblyman Sam Pirozzolo
Senator Siela A. Bynoe

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4 PRESENT: (Continued)

5 Senator John Liu

6 Assemblywoman Rebecca Kassay

7 Assemblywoman Jen Lunsford

8 Assemblyman Joe Sempolinski

9 Senator George M. Borrello

10 Assemblyman Chris Tague

11 Assemblyman Chris Burdick

12 Assemblyman John Lemondes

13 Assemblyman Matthew Simpson

14 Senator Patricia Canzoneri-Fitzpatrick

15 Assemblyman Zohran K. Mamdani

16 Assemblyman Keith P. Brown

17 Senator Pamela Helming

18 Assemblyman Khaleel M. Anderson

19 Assemblywoman Dr. Anna R. Kelles

20 Senator Brad Hoylman-Sigal

21 Assemblyman Tommy John Schiavoni

22 Assemblyman Micah C. Lasher

23 Senator Mark Walczyk

24 Assemblyman Matt Slater

Assemblywoman Andrea K. Bailey

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Assemblyman Philip A. Palmesano

Senator Kristen Gonzalez

Assemblywoman Sarahana Shrestha

Assemblywoman Dana Levenberg

Assemblywoman Grace Lee

Assemblyman John T. McDonald III

Senator Jessica Ramos

Assemblywoman Jo Anne Simon

Assemblywoman Karen McMahon

Senator Shelley B. Mayer

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 10 Senior Climate Advisor
 11 NYC Environmental Justice
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13 Annie Carforo
 14 Climate Justice
 15 Campaign Manager

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16 Michael Hernandez
 17 New York Policy Director
 18 Rewiring America

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19 Noah Ginsburg
 20 Executive Director
 21 NY Solar Energy Industries
 22 Association

-and-

23 Anshul Gupta
 24 Policy & Research Director
 New Yorkers for Clean Power

-and-

Laurie Wheelock
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 of New York (PULP)

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1 CHAIRWOMAN KRUEGER: Hi, I'm Liz
2 Krueger, chair of the Senate Finance
3 Committee, joined by my partner, my new
4 partner, Gary Pretlow, chair of Ways and
5 Means, and our longer-term partners Ed Ra,
6 from the Assembly Republicans, and
7 Tom O'Mara, ranker from the
8 Senate Republicans.

9 I just always like to go over a couple
10 of the rules of the road when we start a
11 hearing. So this is the hearing on
12 Environmental Conservation and Energy. So if
13 you thought you were on some other topic, go
14 find another hearing room.

15 (Laughter.)

16 CHAIRWOMAN KRUEGER: No, that's
17 happened, by the way. This is Albany.

18 Just to remind everyone we have strict
19 rules about timing, whether you're a
20 testifier or a legislator asking questions.
21 There are clocks that can be seen up here, if
22 you're sitting up here, or when you're in the
23 hot seats you see the clocks.

24 We will set the right time for you.

1 That is never enough time, so we get that.
2 We always urge everyone, even if they're
3 giving us 25 pages of legislation, we want
4 the highlights from the perspective of
5 testifying. Because those of you who are not
6 government -- which will come quite a few
7 hours from now -- you only get three minutes
8 to testify.

9 If you're a ranker on one of the
10 relevant committees, you get 10 minutes --
11 I'm sorry, if you're a governmental invitee,
12 you get 10 minutes. If you're a
13 nongovernmental invitee, you get
14 three minutes.

15 For the legislators, the chairs get --
16 relevant chairs for this hearing get
17 10 minutes, and they get a second round of up
18 to three minutes if they need it at the end.
19 Rankers get five minutes. All other members
20 of relevant legislative committees get
21 three minutes.

22 And for legislators to ask questions
23 of nongovernmental witnesses, none of us are
24 special, we only get three minutes each.

1 I know we're very crowded this
2 morning, so what we ask is the Assembly
3 members stay on the Assembly side, the Senate
4 members stay on the Senate side.

5 And when necessary, if you are here
6 and you cannot find a seat up here but you
7 know you're going to have questions, let one
8 of us know. At the time that you are up to
9 ask questions -- this is for legislators --
10 then we'll move you into a seat then.

11 As the day goes on and people have to
12 go to committee hearings and the floor, it
13 gets a little less crowded up here. So just
14 to go over all of that.

15 All right, now we're going to
16 officially start with the required opening
17 remarks. I've already introduced myself and
18 the other leadership.

19 This is the second of 14 hearings
20 conducted by the joint fiscal committees of
21 the Legislature regarding the Governor's
22 proposed budget for state fiscal year
23 '25-'26. These hearings are conducted
24 pursuant to the New York State Constitution

1 and our Legislative Law.

2 Today the Senate Finance Committee and
3 Assembly Ways and Means Committee will hear
4 testimony concerning the Governor's proposed
5 budgets for the departments of Environmental
6 Conservation, New York State Energy Research
7 and Development Authority, Department of
8 Public Service, and the New York Power
9 Authority.

10 As I said, following each testimony
11 there will be some time for questions from
12 the chairs and other relevant committee
13 legislators.

14 I'm now going to introduce the Senate
15 Democrats who are here with us today, and
16 then I will have Gary Pretlow introduce the
17 Democrat Assemblymembers, and then our
18 Republican rankers will be able to introduce
19 their members who are here today.

20 And of course I forget to get the list
21 of which of my members are here at the
22 moment, so let me just look down the table.
23 I know we have Pete Harckham, the chair of
24 EnCon; we have Michelle Hinchey, we have Brad

1 Hoylman-Sigal. Any other Senate Dems so far?
2 Oh, Pat Fahy, thank you very much. I'm
3 sorry, Pat. I can't see people in the
4 second -- and Chris Ryan. Thank you.
5 Appreciate it.

6 And as other Senators and
7 Assemblymembers come in later, we will try to
8 slide them in as an introduction.

9 Gary, are you ready to introduce?

10 CHAIRMAN PRETLOW: I certainly am,
11 Senator.

12 CHAIRWOMAN KRUEGER: Thank you.

13 (Mic issues.)

14 CHAIRMAN PRETLOW: Good morning,
15 everyone. I just want to take a brief moment
16 to introduce the members on the Assembly
17 side, the Democrats.

18 We have Assemblywoman Deborah Glick,
19 chair of Environmental Conservation, and
20 Assemblyperson Didi Barrett, the chair of
21 Energy.

22 We have Assemblymember Anderson,
23 Assemblymember Braunstein, Assemblymember
24 Burdick, Assemblymember Clark, Assemblymember

1 Conrad, Assemblymember Epstein,
2 Assemblymember González-Rojas,
3 Assemblymember Kassay, Assemblymember Lee,
4 Assemblymember Levenberg, Assemblymember
5 Lunsford, Assemblymember Otis.

6 CHAIRWOMAN KRUEGER: Thank you.

7 And I also missed Senator Bynoe when I
8 was making the list before.

9 And now, Tom, if you'd like to
10 introduce the Republican Senators.

11 SENATOR O'MARA: Sure. Thank you.

12 Good morning. We have the ranking
13 Republican on the Energy Committee,
14 Mario Mattera; ranking Republican member on
15 the Environmental Conservation Committee,
16 Dan Stec. Also Senators Pam Helming and
17 George Borrello.

18 Thank you.

19 CHAIRMAN PRETLOW: And Assemblymember
20 Ra will introduce his members.

21 ASSEMBLYMAN RA: Thank you.

22 Good morning. We are joined by
23 Assemblyman Palmesano, who is our ranking
24 member on the Energy Committee, and

1 Assemblymember Simpson, who is our ranking
2 member on EnCon. And Members Tague,
3 Lemondes, Pirozzolo and Sempolinski.

4 CHAIRWOMAN KRUEGER: And we missed one
5 more on the Republican Senate side.

6 SENATOR O'MARA: In the back row we
7 have Senator Mark Walczyk.

8 CHAIRWOMAN KRUEGER: Okay. And since
9 we're talking about members, I want to remind
10 all members, especially new ones who haven't
11 done these hearings that much, if you know
12 that you have a question for whoever's
13 testifying, let your relevant chair or ranker
14 know so that you go on a list. So that when
15 we allow people to ask questions, you don't
16 go, Why didn't I get one? So you have to let
17 us know if you want to be on the list for
18 questions.

19 And with all of that prep work done, I
20 would like to introduce Sean Mahar,
21 interim commissioner of the Department of
22 Environmental Conservation, and we'll start
23 with him.

24 DEC INTERIM COMMISSIONER MAHAR: Thank

1 you, Senator Krueger, Chair Pretlow,
2 Chair Harckham and Chair Glick and other
3 distinguished members of the Legislature.

4 My name is Sean Mahar. I'm the
5 interim commissioner of the New York State
6 Department of Environmental Conservation, and
7 it's an honor to be with you here today.

8 Joining me today, just to do some
9 Team DEC introductions, we have Logan Hardy,
10 who is our deputy director of legislative
11 affairs for DEC, and one of your primary
12 conduits for you and your staff to interact
13 with the department on the legislative front.
14 I also have our Chief of Staff Erica
15 Ringewald and our Deputy Commissioner for
16 Administration Jeff Stefanko here as well.

17 And we have a number of other Team DEC
18 members here in the audience today as well.
19 I'll save you the introductions involved, but
20 they are all great and amazing.

21 So I won't read my testimony, I'll
22 just give you the highlights of it.

23 And obviously 2024 was a year of
24 growth and change at DEC. We on-boarded more

1 than 450 new employees to the agency while
2 honoring the service of many long-tenured
3 members who left the agency in the last year,
4 all while we responded to many unprecedented
5 natural disasters in the state, from historic
6 rainfalls and flooding, to the most tornadoes
7 in any year in this state, to the largest
8 wildfire to hit the state in decades.

9 And really thanks to your work and
10 leadership, we were well-prepared to do just
11 that. And our responses from our ECOs, our
12 Forest Rangers, our spill responders, dam
13 safety experts and emergency management
14 professionals were really amazing. And what
15 you saw, not only did they help New Yorkers
16 in their time of need, but we helped others
17 in the nation as well, from the Hurricane
18 Helene response in North Carolina, to
19 wildfires in Montana, to right now we have 10
20 Forest Rangers deployed to Los Angeles to
21 assist with the California wildfires that are
22 happening as well.

23 And that really is a testament to the
24 Governor's leadership and the partnership

1 with you all to provide the resources that we
2 need in order to effectuate these responses
3 and still maintain the high level of service
4 for all New Yorkers that we provide.

5 And really thanks to your work in the
6 budget last year, we have really continued
7 our nation-leading policies and programs to
8 protect New York's environment, to provide
9 clean water and clean air, and really respond
10 to the urgent threat of climate change.

11 And what you're seeing in the way we
12 do that is through the Bond Act. And as
13 you'll hear and we'll probably talk a lot
14 about today, we have spent nearly
15 \$1.2 billion of the Environmental Bond Act,
16 putting really critical resources on the
17 street and making really great progress at
18 implementing the Bond Act but also leveraging
19 the other investments that are made through
20 the Environmental Protection Fund, the
21 Clean Water Infrastructure Act, and all the
22 other funding sources that you've dedicated.
23 We are really making tremendous progress on
24 the ground, and it's really a testament to

1 the partnership that we have with all of you
2 in this room.

3 And we'll soon be sharing our annual
4 report, which is something we put together
5 every year to really go over all the
6 successes and progress that we're making as
7 an agency. But just a few of the highlights.

8 And I know we'll talk about a number
9 of these items today in our discussion, but
10 top of mind for me is our Freshwater Wetlands
11 Act implementation and the new regulations
12 that we have enacted. It's really creating a
13 workable program, I believe, to really
14 balance the need to protect our freshwater
15 wetlands, well recognizing that we need to
16 have development on the landscape. And we're
17 really bringing that balance to that
18 equation, and we have some general permits
19 that will be coming out soon for additional
20 public comment, and that is part of our way
21 of showing how we're making this a workable
22 program.

23 Our air regulations on HFCs and SF6
24 are driving this reduction of climate

1 super-pollutants in the atmosphere. And
2 again, we're helping to make that transition
3 for our food banks and grocery stores with a
4 new grant program that the Governor's
5 announced in this year's budget.

6 Our Community Air Monitoring
7 Initiative was really the largest of its kind
8 in state history, and it gave us a snapshot
9 in 10 disadvantaged communities of local air
10 quality, and now we're transitioning into
11 helping to make the changes in those
12 communities based on those findings.

13 We also established DEC's first-ever
14 Office of Diversity, Inclusion and
15 Civil Rights, stood up by our new chief
16 diversity officer for the agency, really
17 renewing our commitment and the Governor's
18 commitment to equity, justice and
19 environmental justice in the state and making
20 sure that as our agency grows and changes
21 over time, that we are being representative
22 of all New Yorkers in the staff that we bring
23 in.

24 We also graduated 26 new Environmental

1 Conservation Police Officers and nine new
2 Forest Rangers to continue to grow their
3 ranks.

4 We continued to focus on harmful algal
5 blooms in the state, really developing new
6 water quality guidance values, launching a
7 \$42 million Eastern Finger Lakes initiative
8 to put a focus on the Finger Lakes region
9 that has many HABs, and really we've just
10 continued to lead the nation when it comes to
11 our HABs work overall.

12 We delisted the Rochester Embayment
13 Area of Concern, which is a true federal and
14 state partnership. And you'll see some of
15 the other successes in the testimony as well.

16 And what we're trying to do as well,
17 especially with the new staff that are coming
18 on, is get creative with our outreach to
19 New Yorkers. And Erica and I started a
20 podcast at DEC called DEC Does What?! I
21 encourage you all to become subscribers,
22 like, listen and --

23 CHAIRWOMAN KRUEGER: I'm sorry to
24 interrupt, we've had some concern. Can you

1 speak up or pull the mic a little closer?

2 DEC INTERIM COMMISSIONER MAHAR: I'm
3 sorry.

4 CHAIRWOMAN KRUEGER: That's okay.

5 DEC INTERIM COMMISSIONER MAHAR: Is
6 this better?

7 CHAIRWOMAN KRUEGER: Yes. Much
8 better. We won't make you start again,
9 though.

10 DEC INTERIM COMMISSIONER MAHAR: I was
11 hearing myself in my ears, but okay.

12 Do you want me to start from the
13 beginning?

14 (Laughter.)

15 CHAIRWOMAN KRUEGER: (Inaudible.)

16 DEC INTERIM COMMISSIONER MAHAR: Do
17 you really want me to start from the
18 beginning? Okay. Then I will start and
19 continue on the podcast, because it is the
20 favorite thing that we have done in the last
21 year. And I encourage you all to be
22 subscribers and listeners to DEC Does What?!
23 It is our creative way of trying to shine the
24 spotlight on our staff and the tremendous

1 work that the department is doing, and just
2 trying to use more creative outlets to tell
3 the story of DEC and the incredible work that
4 our agency is accomplishing day in and day
5 out for all New Yorkers. So definitely take
6 a listen to that, and please do spread the
7 word on it. It's one of the new pathways for
8 us to reach New Yorkers as well.

9 But pivoting to the fiscal year
10 '25-'26 budget, the Governor is really again
11 I think renewing her commitment to climate
12 action and environmental funding, as
13 evidenced by her proposals, especially the
14 \$1 billion Sustainable Futures Fund and
15 climate infrastructure funding that she has
16 announced. This is really going to help
17 continue to grow and augment the
18 climate-related work we're doing, the
19 climate-related infrastructure that's needed
20 to help with the transition. And we very
21 much look forward to working with you on this
22 historic funding proposal that the Governor
23 has put forward.

24 But also in the budget a number of

1 priorities for DEC that I know we'll talk a
2 lot about today. First and foremost, the
3 Superfund reauthorization. This is our
4 primary tool for cleaning up hazardous waste
5 sites throughout the state. This has to be
6 reauthorized this year, and it is a true
7 powerful tool that is making progress
8 throughout communities, throughout the state,
9 to really clean up legacy contamination and
10 hold polluters accountable. And we look
11 forward to working with you to ensure it's
12 reauthorized in this year's budget.

13 And what you'll see is some changes
14 really to make sure that this program is
15 working for New Yorkers and the communities
16 that are impacted by this legacy
17 contamination, making it easier for
18 municipalities to also redevelop sites, and
19 also to recognize that cost increases are
20 going up for these construction projects.
21 The Governor has proposed \$1.25 billion over
22 the next 10 years to support this program,
23 which is a great investment.

24 In addition to the climate spending,

1 we're also continuing full steam ahead on the
2 rulemaking process for the cap-and-invest
3 program, and I'm sure we'll talk about that
4 throughout the hearing today. On 30 by '30
5 implementation, which is our goal to conserve
6 30 percent of New York by 2030, we are
7 working to make sure that our land
8 acquisition process is streamlined. And we
9 are proposing a number of changes to help
10 make sure that we have the flexibilities we
11 need in delivering the land acquisitions that
12 we need to see in the state.

13 Our PFAS work, our perfluorinated-
14 compounds work, is very much continuing under
15 the Governor's leadership, and she has
16 proposed additional firefighter PPE
17 protections in the budget this year to make
18 sure that our emergency responders are not
19 being inadvertently exposed to perfluorinated
20 compounds.

21 In addition, the 500 million
22 investment in Clean Water Infrastructure
23 funding is really going to continue to
24 leverage and put people to work across the

1 state, bringing on the clean water
2 infrastructure that we need to support our
3 water conservation efforts and management
4 efforts overall. And that leverages nearly
5 \$6 billion of funding that we have all
6 committed over the recent years on that.

7 And lastly, the Climate Superfund
8 Program, which I know many of you championed
9 and we have enacted here in the state, our
10 staff is getting to work and the Governor, as
11 part of her budget, has increased the
12 staffing level at DEC by 58 positions, to
13 both be able to, one, stand up that program
14 and make sure that we're implementing that
15 law, while also making sure that we have the
16 resources we need to bring online new
17 programs like our wetlands program as well.

18 So I'm excited about this budget, and
19 these resources are going to go a long way to
20 continuing our work and continuing our work
21 together to protect and restore New York's
22 environment. And I very much look forward to
23 the conversation today.

24 So thank you for this opportunity.

1 It's an honor to be here today. And I look
2 forward to your questions.

3 CHAIRWOMAN KRUEGER: Do you want to
4 add anything?

5 DEC INTERIM COMMISSIONER MAHAR: I was
6 trying to give you back time, Senator.

7 (Laughter.)

8 CHAIRWOMAN KRUEGER: Okay. Thank you
9 very much.

10 Our first questioner will be
11 Pete Harckham, chair of the EnCon Committee
12 in the Senate.

13 SENATOR HARCKHAM: Good morning,
14 everyone.

15 Good morning, Commissioner. Thank you
16 for your testimony. I also want to thank you
17 for your service in the interim role. You've
18 done an amazing job. I want to thank you for
19 your accessibility and the accessibility of
20 your team, and just take an opportunity to
21 thank all the workers in DEC, who do an
22 amazing job. I don't think they hear it
23 often enough, especially from us. But I wish
24 our constituents could see how hard your

1 folks work on a daily basis. So we
2 appreciate it greatly.

3 DEC INTERIM COMMISSIONER MAHAR: Thank
4 you, Senator. Appreciate that.

5 SENATOR HARCKHAM: Thank you.

6 All right, I know some of my
7 colleagues are going to be asking about
8 cap-and-invest and CLCPA, so I want to focus
9 on some other areas, if I can. We'll kind of
10 do a rapid fire.

11 You don't need to give me a response,
12 but can your team please provide Bond Act
13 expenditures to the Finance team, what's been
14 expended so far. And also the same with
15 Clean Water funding for the last five
16 years -- what we've appropriated, 500 million
17 a year, what's actually gotten out the door.

18 DEC INTERIM COMMISSIONER MAHAR:
19 Great. I'm happy to do that. We'll
20 coordinate with the Environmental Facilities
21 Corporation on the clean water funding, since
22 we jointly administer that program.

23 And on the Bond Act overall, I will
24 just say please check out our Bond Act

1 website that we have, which is providing
2 realtime tracking to the spending that we're
3 doing. We have an interactive map that we've
4 created to really show where these projects
5 are being implemented across New York. So
6 definitely check that out, but we'll provide
7 a full accounting of what we've spent the
8 1.2 billion on so far and what's coming on
9 the horizon.

10 SENATOR HARCKHAM: All right,
11 terrific. Thank you.

12 Last night the president announced
13 that they were -- the federal government was
14 freezing all federal aid, which could have a
15 chilling impact on a lot of state operations.
16 I know there hasn't been much time to digest
17 it, but have you and your team thought about
18 a freeze in federal aid or a severe cut, what
19 would that mean to your operations and the
20 budget that we're discussing today?

21 DEC INTERIM COMMISSIONER MAHAR: Well,
22 that is something that we're actively
23 evaluating across the board with everything
24 that's coming out of Washington right now.

1 Obviously the news is still fresh on this,
2 and we're evaluating what impact that's going
3 to have. We may need to come back and have
4 additional conversation with you about those
5 impacts on New York once we figure out
6 exactly what the federal government is doing
7 and how that's going to impact New York.

8 But generally as it pertains to, you
9 know, our efforts on the federal level, in
10 many cases New York has backstopped federal
11 regulations or even gone above and beyond to
12 make sure that we're providing the utmost
13 protection for New Yorkers. So in a lot of
14 ways we have confidence that New York is
15 poised to respond in the ways that we have to
16 or already be in a place where we won't have
17 to respond.

18 But we really have to evaluate and see
19 what changes are coming down and how we need
20 to adapt. And that's going to take
21 conversations with you to see if we need
22 additional legislative authorities or changes
23 to address what's coming out of Washington,
24 what additional regulations we may need to

1 do. And that evaluation is actively going on
2 right now.

3 SENATOR HARCKHAM: Do you know offhand
4 or if your team can get to us how much of
5 your budget actually comes from the federal
6 side versus the state side?

7 DEC INTERIM COMMISSIONER MAHAR: It is
8 a significant amount, in the upwards of 25 to
9 30 percent, various different funding
10 categories from grants to other direct
11 funding sources as well.

12 We can get you a full accounting of
13 that. That does change from time to time,
14 based on some of the former administration's
15 priorities in this area where we were getting
16 a lot of resources coming in for programs
17 like well plugging, and that increased the
18 amount of federal funding that we had.

19 We do have general items that support
20 like our air program and water program, the
21 delegated authorities we have from the feds
22 that provide that funding as well. But we
23 can get you a full breakdown of that --

24 SENATOR HARCKHAM: All right, thank

1 you. Shifting gears to another issue, a
2 couple of years ago the Legislature passed
3 cumulative impacts legislation. We are
4 waiting for the regulations. Where is that?
5 And -- and -- yeah.

6 DEC INTERIM COMMISSIONER MAHAR: Well,
7 wait no longer, Senator. Because tomorrow in
8 the State Register the cumulative impacts
9 regulations will be in the register and
10 opening up a comment period.

11 Our team has done a real tremendous
12 job at really reviewing the legislation and
13 making sure the regs that we're advancing are
14 living up to those expectations and, again,
15 creating a workable program for all
16 New Yorkers, to make sure we're putting the
17 focus on disadvantaged communities and really
18 helping to make sure that those that are
19 overburdened by historic pollution are being
20 mindful of that future, and really creating a
21 good workable process for all.

22 So right now we focus first on our
23 SEQR updates and that portion of the law.
24 There will be additional regulatory

1 proceedings that will come out in the coming
2 months as well. But right now the updates to
3 the environmental assessment form and the
4 SEQR provisions will, you know, put in place
5 a really strong program, but also help
6 address the housing crisis as well.

7 I think we've adapted and learned from
8 experiences, and part of the Governor's
9 housing agenda is making sure that we're
10 helping to facilitate housing that does not
11 have a major environmental impact. And what
12 you'll see in this proposal is how we're
13 trying to address that dual need as well.

14 So this will be open for a comment
15 period, and we look forward to engaging in
16 further conversations. And I'm happy to
17 provide an update to you all once the regs
18 are out tomorrow.

19 SENATOR HARCKHAM: All right, thank
20 you very much.

21 And while we're on the subject of
22 disadvantaged communities, you released the
23 air monitoring report and you've been working
24 with communities on the community-centered

1 impact plans. Where do we stand with that?

2 DEC INTERIM COMMISSIONER MAHAR:

3 Correct. The Community Air Monitoring
4 Initiative was really some groundbreaking
5 science that our team developed to analyze
6 air quality on this hyperlocal level, using
7 the remote sensing technology that we use,
8 and then produce these interactive story
9 maps.

10 And if you go on our website to the
11 community air monitoring page, you can see
12 community by community the data we collected,
13 how our experts interpret that. And then
14 what now is that's leading us to the actions
15 that we're going to take with those
16 communities.

17 So our first goal was to get this out
18 and really socialize it with these
19 communities, and now the next step in that
20 process is the actions. So we're going to
21 stand up more community-based conversations,
22 really going into that data and looking at
23 where we need to make changes to improve air
24 quality in localities.

1 A lot of those changes are going to be
2 driven by some of the transportation-related
3 policies we're working on as we decarbonize
4 our transportation sector and bring on more
5 electric vehicles, because transportation
6 sources were some of the major sources that
7 we found in this analysis. So we know that
8 our decarbonization work and electrification
9 work is really helping improve that air
10 quality, and the other community-based
11 conversations are really going to make sure
12 that we're addressing the findings and
13 helping those communities, you know, live up
14 to the expectations that they have for us to
15 make changes.

16 SENATOR HARCKHAM: All right. Thanks.

17 While we're talking about
18 electrification of the transportation sector,
19 something that's vital that we get to -- but
20 on the other hand, we are hearing from the
21 light truck industry, also the auto industry
22 on ACC II, that they are trying to get there
23 but they don't think in the time span they
24 physically can.

1 Have you had discussions with those
2 industries, and are we looking at some kind
3 of a roadmap to help them either meet the
4 goals or adjust the goals so that it's a more
5 realistic process for those two sectors?

6 DEC INTERIM COMMISSIONER MAHAR: Oh,
7 and first and foremost I neglected to say our
8 doors are always open -- obviously, to you,
9 but to any stakeholders who are impacted by
10 the work of the department. And we have a
11 very open door policy as it pertains to those
12 conversations.

13 With regard to advanced clean trucks
14 and advanced clean cars, we're obviously
15 monitoring everything that's coming out of
16 the federal government that may impact these
17 programs, and adapting as anything comes out
18 of there.

19 We're continuing to coordinate with
20 California and the other Section 177 states
21 of the Clean Air Act to coordinate those
22 efforts. And I think what you've seen is,
23 you know, flexibility that the state is
24 providing. You know, our goal here is to

1 make sure that as we advance these
2 regulations and drive these changes forward,
3 we're mindful of the process to get there.
4 And what you've seen with our use of
5 enforcement discretions is direct response to
6 what we've heard from industry and
7 stakeholders on those programs.

8 So, you know, the enforcement
9 discretions on snow plows and emergency
10 vehicles are, you know, a recognition of
11 that. And we've actually received some
12 positive feedback recently from Mack Truck in
13 particular that thanked us for the
14 flexibilities and the openness that we've
15 had, and they're actually saying that these
16 changes that we're enacting and proposing are
17 actually yielding benefits from their
18 standpoint.

19 So we're making good progress. We're
20 going to continue to be open and flexible as
21 we implement these regulations, and we'll
22 keep you posted as we see what happens on the
23 federal level.

24 SENATOR HARCKHAM: All right, thank

1 you.

2 My 51 seconds left: The 30 by '30 law
3 in New York State, where are we on a
4 percentage basis? I know you said you were
5 changing policies to get us there. So what
6 percent are we at, and what's the plan to get
7 to 30?

8 DEC INTERIM COMMISSIONER MAHAR: I
9 think we are getting close to 20 percent
10 right now. We've got a number of additional
11 acquisitions in the pipeline. The Bond Act
12 investments and Environmental Protection Fund
13 investments are making us well poised to
14 really move through the acquisitions that we
15 have in the pipeline and really capitalize on
16 some historic opportunities that are coming
17 our way.

18 There are a number of Boy Scout camps
19 that are coming up for sale throughout the
20 state. There are a number of other large
21 land holdings that we're actively working on
22 right now. So we're really working hard at
23 making sure that we're advancing our land
24 acquisition efforts overall, and the proposal

1 in the budget is going to help us do that.

2 So --

3 SENATOR HARCKHAM: Thank you very
4 much.

5 CHAIRWOMAN KRUEGER: Thank you.
6 Assembly.

7 CHAIRMAN PRETLOW: Thank you.
8 Assemblywoman Deborah Glick, the chair
9 of the Assembly EnCon Committee.

10 ASSEMBLYWOMAN GLICK: Thank you very
11 much.

12 I want to thank you and your staff not
13 only for your service but for the ability to
14 ask questions and get answers. So thank you
15 for the ability to take some field trips and
16 get some on-the-ground information. So thank
17 you very much.

18 DEC INTERIM COMMISSIONER MAHAR: We
19 look forward to doing more of that with you,
20 ma'am.

21 ASSEMBLYWOMAN GLICK: Yes. Yes. I
22 look forward to that. When it's warmer.

23 (Laughter.)

24 ASSEMBLYWOMAN GLICK: You have some

1 additional dollars in the budget going into
2 Superfund. Will that be enough, do you
3 think, in order for the agency to keep up
4 with what is contaminated sites that we're
5 discovering?

6 DEC INTERIM COMMISSIONER MAHAR: Well,
7 I think the Governor's increase in the
8 authorization level this year is a
9 recognition that construction costs are
10 increasing, and our ability to deliver needs
11 to make sure that we have the funds to
12 deliver those programs on the ground.

13 So this is a strong step forward.
14 What we're going to continue to do is over
15 time, as we find more emerging contaminants
16 in the environment and we respond to
17 different crises of environmental
18 contamination in the state, we're going to
19 evaluate that with you to see how are the
20 construction costs changing, how do we need
21 to continue to adapt.

22 But again, this is really our
23 "polluter pays" program. So fundamentally we
24 are pursuing polluters for the costs of this

1 program overall, and those authorities are so
2 important to make sure that we're holding
3 them accountable for those cleanups that need
4 to occur.

5 ASSEMBLYWOMAN GLICK: The proposed
6 changes, without going into too much detail,
7 will they speed up the process or will they
8 ensure that more sites are cleaned up?
9 What's the thrust of the changes?

10 DEC INTERIM COMMISSIONER MAHAR: The
11 thrust of the changes is to make sure that
12 we're adapting the program from the
13 real-world examples that we're seeing. So
14 for instance, you see the language on the
15 liens and the use of liens in the Superfund
16 program. That's borrowing from what is in
17 the federal program, but also a number of
18 states have similar programs as well.

19 And really the Governor is putting the
20 focus on disadvantaged communities and making
21 sure we're prioritizing our remediation
22 efforts in disadvantaged communities.

23 The ERP provisions are provisions that
24 are working to get municipalities more

1 abilities to clean up and market these sites
2 within their communities as well. Our focus
3 is really making sure that this is an
4 economic redevelopment tool. By cleaning up
5 the blight of the past, we're actually
6 facilitating good marketable sites for
7 economic development, and that takes the
8 pressure off green space development as well.

9 So these changes that you see are just
10 a recognition of what we've seen play out in
11 the field and making sure that our program is
12 going to be the strongest to deliver on the
13 ground.

14 ASSEMBLYWOMAN GLICK: Ten minutes goes
15 quickly. Let me say that I appreciate the
16 interactive map, but I look forward to seeing
17 a more comprehensive database so that it's
18 easier to keep up with exactly what's
19 happening with Bond Act dollars.

20 So I hear that, and I appreciate the
21 mapping, but you have to sort of look at one
22 and then look at the other and try and figure
23 out are they similar or different. So --

24 DEC INTERIM COMMISSIONER MAHAR: All

1 user feedback is appreciated, Assemblymember.

2 ASSEMBLYWOMAN GLICK: Thank you very
3 much.

4 There's a Sustainable Future program.
5 It's a billion dollars for climate mitigation
6 and adaptation capital projects. It seems
7 pretty broad and not very well defined. Do
8 you have any information about what criteria
9 will be used to determine priorities and what
10 the process will be for allocating these
11 funds?

12 DEC INTERIM COMMISSIONER MAHAR: Well,
13 that will be developed in concert with you as
14 we negotiate this important investment as
15 part of the budget negotiations this year.

16 ASSEMBLYWOMAN GLICK: But we hear that
17 we're going to have a role in making some of
18 that determination.

19 DEC INTERIM COMMISSIONER MAHAR: Yes,
20 and I'll just say overall, I mean, this
21 investment is going -- we're going to use a
22 mix of programs, both existing programs and
23 augment those, develop new programs where
24 necessary, to continue to deliver the clean

1 energy and climate-related infrastructure
2 that we need on the ground across the state.

3 So this investment is a recognition
4 that we need to continue these investments
5 and -- you know, both in building
6 decarbonization and greenhouse gas emissions
7 reductions and using green infrastructure for
8 resilience.

9 So what you're seeing is a true
10 commitment to climate action from the
11 Governor that's going to go a long way to
12 continue our efforts in the state.

13 ASSEMBLYWOMAN GLICK: Thank you.

14 On the water infrastructure, happy to
15 see that it's at 500 million. Obviously,
16 many of us think that needs to increase. But
17 it adds a new component. And I'm wondering,
18 there's a component for state assistance for
19 testing and remediation of emerging
20 contaminants in private drinking wells. I'm
21 wondering if there's a specific amount carved
22 out for this, how will the allocation be done
23 statewide, and will DEC do the testing or
24 will homeowners do testing and then get

1 reimbursed? What's the plan?

2 DEC INTERIM COMMISSIONER MAHAR: Well,
3 we're going to be working directly with the
4 New York State Department of Health to stand
5 up that program. What this is is really in
6 response to what we're seeing on the
7 landscape that, you know, private homeowners
8 can be impacted by sources of contamination,
9 and whenever they are, the state responds
10 accordingly, putting in treatment systems and
11 making sure clean water is provided.

12 But right now there isn't much
13 regulation as pertains to home drinking water
14 wells on private wells. And recognizing what
15 we know about perfluorinated compounds in
16 particular -- and other emerging
17 contaminants, especially the connections from
18 septic systems to groundwater
19 contamination -- there may be private well
20 owners that should have their wells tested,
21 and this program will provide them the
22 direction, guidance and resources to make
23 that happen.

24 And it's just a recognition that we

1 want to make sure New Yorkers all get clean
2 water, and this is a valuable investment to
3 make sure that happens.

4 ASSEMBLYWOMAN GLICK: Thank you.

5 Following up on that, leachate
6 regulations of landfills are -- have a lot of
7 regulation, but if they release water to
8 water treatment plants, I'm not sure what
9 those treatment plants -- how much they know
10 is in the treated leachate that may come
11 from -- I know we are very careful about the
12 groundwater around landfills, but I'm
13 wondering about any leachate water that might
14 go to a treatment plant.

15 DEC INTERIM COMMISSIONER MAHAR: So
16 appreciate that question. And what you're
17 seeing with leachate in particular is how
18 we're approaching the emerging contaminant
19 issue writ large, and looking at all the
20 different pathways of how these compounds
21 could potentially find their ways in the
22 environment and taking action.

23 The fact that we know that there are
24 emerging contaminants and PFAS in particular

1 in landfill leachate is because of the
2 testing requirements that we've required
3 landfill operators to do to test their
4 leachate. And now our team is working on
5 regulations to address and require
6 pretreatment of leachate before it is sent to
7 wastewater treatment plants for disposal.

8 It's important to remember that there
9 are permit requirements on wastewater
10 treatment plants with regard to the
11 discharges that need to be met, and they're
12 routinely sampled for. So any leachate that
13 they collect has to be processed in a way
14 that isn't going to run afoul of those permit
15 conditions. And wastewater treatment plant
16 operators are very cognizant of that, and we
17 continue to work directly with them to make
18 sure they understand that as we're building
19 the regulatory protection requirements to
20 require pretreatment and other actions to
21 reduce those contaminant levels in leachate
22 overall.

23 ASSEMBLYWOMAN GLICK: Just to follow
24 up, when it comes to the private wells, is

1 there a specific amount that you see going to
2 that new component of the water
3 infrastructure? And will DEC do the testing
4 or will they be reimbursing homeowners?

5 DEC INTERIM COMMISSIONER MAHAR: That
6 will be developed with the Department of
7 Health with regard to the testing
8 requirements and how this will be rolled out.
9 I'll have to get back to you on a specific
10 amount that we're envisioning for that
11 program in the Clean Water funding. So I'll
12 get back to you.

13 ASSEMBLYWOMAN GLICK: There's quite a
14 large capital allocation for the transfer to
15 the new state SFS program, and that's been
16 going on for quite some time. And so there's
17 30 million, and this is on top of I think
18 maybe about 28 million.

19 How close are we on actually
20 completing that, and why does it cost so
21 much? Don't we have enough 12-year-olds in
22 the state to make that transition run a
23 little smoother?

24 DEC INTERIM COMMISSIONER MAHAR: Well,

1 the team has done an amazing job at
2 transitioning to the State Financial System
3 process. It has been a lot of work, I'll be
4 honest. When we first started down this
5 pathway, working with the State Comptroller
6 and the Division of Budget, you know, DEC was
7 very built on different infrastructure, and
8 we had to transition all across the seasoned
9 practices into this new system.

10 So it has required a major
11 infrastructure upgrade as well as additional
12 capacity to make sure that we're focusing and
13 helping this transition run as smoothly as
14 possible. So we're in the final stages of it
15 right now, and soon we'll be fully migrated
16 to the SFS system.

17 ASSEMBLYWOMAN GLICK: That's what we
18 want to hear, that this will complete the
19 process.

20 DEC INTERIM COMMISSIONER MAHAR: Yes.

21 ASSEMBLYWOMAN GLICK: Thank you.

22 I lend back my 13 seconds.

23 (Laughter.)

24 ASSEMBLYWOMAN GLICK: Thank you.

1 DEC INTERIM COMMISSIONER MAHAR: Thank
2 you.

3 CHAIRWOMAN KRUEGER: Thank you very
4 much.

5 I want to introduce Senator Mayer,
6 Senator May and Senator Gonzalez, who joined
7 us.

8 Any additional Assemblymembers?

9 CHAIRMAN PRETLOW: Not as of yet.

10 CHAIRWOMAN KRUEGER: Okay.

11 Any Republican Senators added?

12 SENATOR O'MARA: Yes, we've been
13 joined by Senator Patricia
14 Canzoneri-Fitzpatrick.

15 CHAIRWOMAN KRUEGER: Great. And next
16 up is Senator Stec, the ranker on EnCon, for
17 five minutes.

18 SENATOR STEC: (Mic off.)

19 CHAIRWOMAN KRUEGER: Press your
20 button.

21 SENATOR STEC: Good morning,
22 Commissioner. How are you?

23 DEC INTERIM COMMISSIONER MAHAR: Good
24 morning, sir.

1 SENATOR STEC: Apologies for my voice;
2 I'm getting over a cold.

3 I've got a few questions and little
4 time. So a wide range of sectors --
5 developers, renewable energy, affordable
6 housing, general housing -- have raised
7 concerns about the final wetlands regulations
8 that seemed to go well beyond the statutory
9 changes and will impose uncertainty, delays,
10 and increased costs on projects, including
11 projects that are a priority for New York
12 State.

13 Is the department sufficiently staffed
14 to make case-by-case applicability
15 determinations for projects with wetland
16 issues? And is there any intent to revisit
17 the final rules based on what we see, the
18 impacts on projects?

19 DEC INTERIM COMMISSIONER MAHAR: Thank
20 you for that, Senator.

21 And I think, like I said in our
22 testimony, you know, what we're seeking to do
23 is really create a workable program that
24 balances the need to protect these freshwater

1 wetland resources that are so critical to
2 protecting our communities from floods and
3 providing clean water, to the need to
4 facilitate development on the landscape.

5 And what you've seen over the last
6 year from our advance notice of proposal
7 we're making to the draft regs was a real
8 robust and open comment period, where we
9 heard from thousands of stakeholders across
10 the state to make sure that our regulations
11 were done exactly in accordance with the
12 legislation and law that's enacted, and
13 create that workable, balanced program.

14 So right now we're focused on the next
15 phase of creating general permits, which will
16 help guide certain developments through the
17 process in a more streamlined fashion while
18 allowing our staff to focus more on those
19 that need broader jurisdictional
20 determinations.

21 Our goal with the general permits is
22 to really make sure that, you know,
23 applicants know what we're looking for when
24 it comes to protecting our wetlands and

1 addressing the buffer areas and not
2 developing in those. So as long as they can
3 comply with what's in the general permit,
4 things will move through more quickly.

5 But with all our regulations, we're
6 always going to adaptively manage this with
7 you. We always hear from stakeholders.
8 We'll always consider revisions if we need
9 to, or changes on implementation to make sure
10 things go smoothly.

11 And the Governor's commitment of staff
12 in the budget is making sure that we're going
13 to have resources to effectively implement
14 this program on the ground.

15 SENATOR STEC: All right. I hope so.

16 I'm going to shift gears to EPR for a
17 minute and just throw out a few just general
18 discussion items that I'd like you to react
19 to, about where the administration is on EPR
20 for packaging.

21 Is there any intent to put forward a
22 proposal in 2025 from the administration?
23 The department is funding a needs assessment.
24 I'm wondering what its status is, its

1 findings to date, and when it will be
2 completed. And do you think we should wait
3 on passing EPR legislation until the needs
4 assessment is complete, or see what happens
5 in other states -- you know, those that are
6 launching similar proposals -- and learn from
7 that?

8 DEC INTERIM COMMISSIONER MAHAR: Well,
9 we look forward to more conversations with
10 you on EPR in general. The needs assessment
11 is in development right now, and we're
12 continuing to evaluate the interim data
13 that's coming out on that.

14 We're also monitoring implementation
15 of our existing EPR programs for carpets and
16 mattresses, which are working very
17 effectively.

18 So obviously we want to have more
19 conversations with you on an EPR program.
20 The needs assessment will be out relatively
21 soon, and I think that will guide some
22 additional conversations and dialogues.

23 But generally there's a lot of
24 information in our state solid waste

1 management plan that our team produced, and
2 there are a lot of facets to our solid waste
3 management efforts across the state that we
4 need to collectively look at. And I
5 encourage you to take a look at that because
6 it does have information on EPR and EPR-based
7 programs that could be taken up by the
8 Legislature as well.

9 And our goal here is to have a real
10 good conversation with you all on the right
11 policies to address the solid waste
12 management issues that are impacting the
13 state and really address this head on. Not
14 only is it important to our landfill capacity
15 and space, but also our climate efforts as
16 well. Because the more waste that we can
17 reduce from the waste stream directly reduces
18 emissions coming out of landfills, which is
19 really important to implementation of the
20 Scoping Plan as well.

21 SENATOR STEC: Thank you.

22 Two more quick-type questions. Why
23 are we appropriating \$250,000 to the Vermont
24 Energy Investment Corporation?

1 DEC INTERIM COMMISSIONER MAHAR: I
2 don't believe that's in DEC's portion of the
3 budget, so I'll have to get back to you on
4 that specific line item in the EPF.

5 SENATOR STEC: Okay. And then my
6 final question, I see that \$15 million for
7 tree planting was eliminated in the
8 Governor's budget proposal. Is it your
9 position as commissioner that the additional
10 funding is no longer needed?

11 DEC INTERIM COMMISSIONER MAHAR: No,
12 that additional funding will be needed over
13 time, and we're going to continue to work
14 with the Executive on that.

15 We are just in the process of making
16 that first \$15 million investment happen and
17 begin bringing on that necessary capacity at
18 our Saratoga Tree Nursery, and continuing the
19 work to reach the Governor's 25 million tree
20 goal that we have.

21 So there's a lot of progress still yet
22 to be made on that, and we'll continue to
23 work with you and the Governor's office on
24 those needs over time as we continue to build

1 this program.

2 SENATOR STEC: All right, thank you
3 very much.

4 CHAIRWOMAN KRUEGER: Thank you.
5 Assembly.

6 CHAIRMAN PRETLOW: Assemblymember
7 Simpson, ranker.

8 CHAIRWOMAN KRUEGER: Five minutes.

9 ASSEMBLYMAN SIMPSON: Thank you,
10 Chair.

11 Thank you, Commissioner. And I want
12 to also thank your team for the visit last
13 week. And, you know, we've had a great
14 dialogue back and forth with the agency and,
15 you know, the people of DEC are doing an
16 incredible amount of work, and I recognize
17 that and appreciate everything that you do.

18 My question is -- and I didn't see a
19 line or anything, and I haven't heard any
20 movement on it, but is there any resources or
21 programs that have been established to
22 address some of the critical-incidence stress
23 issues that we've seen with the law
24 enforcement side and also the Rangers side?

1 DEC INTERIM COMMISSIONER MAHAR: We
2 have a big focus on mental health throughout
3 the agency, not just for our first responders
4 but all staff. We continue to work directly
5 with the Forest Ranger leadership, our
6 Employee Assistance Program, our other
7 assistance programs from the State Police and
8 others, to make sure that we're providing
9 that mental health support for all our first
10 responders in the agency.

11 These are really tough jobs, and they
12 do take their toll. And we want to make sure
13 that we are putting in place the systems and
14 processes to help them out.

15 We've done a few initiatives with the
16 Office of Mental Health in the last year for
17 some talk sessions and voluntary, you know,
18 reach-out where people can directly connect
19 with a mental healthcare provider. These
20 don't take any additional resources. And
21 what we're doing is using the resources that
22 we have to provide this critical support to
23 our first responders overall.

24 And that's a big priority of ours, and

1 we're always looking for additional
2 opportunities to provide that support. Much
3 of that doesn't necessarily need much
4 resources, and if it does, we have the
5 flexibilities in our appropriations to meet
6 it.

7 ASSEMBLYMAN SIMPSON: Okay, thank you.

8 I want to switch to the 500 million
9 that's proposed in the Clean Water
10 Infrastructure. You know, this has been
11 appropriated every year. You know, last year
12 was another 500 million. How much of that
13 money has been allocated and appropriated out
14 to projects from its inception -- you know,
15 almost \$6 billion.

16 DEC INTERIM COMMISSIONER MAHAR: We
17 can get you a full accounting of that. We've
18 built a lot of programs that are money in,
19 money out, in a quick fashion. And a lot of
20 our programs are also oversubscribed. So
21 each year as we get additional investments,
22 we're able to meet those goals that are
23 coming in and requests that are coming in
24 from our municipal stakeholders and other

1 stakeholders who benefit from this funding.

2 So overall we have spent a lot of
3 that. I want to get you an exact figure to
4 let you know. So -- but generally every year
5 this appropriation is made, great progress is
6 made at implementing it, and you're seeing
7 projects happen on the ground across the
8 state.

9 ASSEMBLYMAN SIMPSON: Okay. Many
10 years ago there was a report that did a needs
11 assessment essentially across the state.
12 Have we done an updated report assessing --
13 representing the needs that are out there?

14 DEC INTERIM COMMISSIONER MAHAR: DEC
15 or EFC has not done an updated report on
16 that, but we continue to implement the
17 programs.

18 I think what would be most beneficial
19 is to have a meeting with you with Maureen
20 Coleman, who's the president of the
21 Environmental Facilities Corporation, so we
22 can go over both the implementation of the
23 Clean Water funding that we have and also
24 what the needs are that our communities are

1 facing in the future.

2 But these investments are really
3 critical and do underpin a lot of important
4 progress that we're making on the ground to
5 provide clean water.

6 ASSEMBLYMAN SIMPSON: I agree, they
7 are critical. And many of the smaller
8 communities in my district that do have those
9 facilities and need that support for
10 infrastructure, you know, because of the laws
11 and how that is bonded and paid for just by
12 those users, the cost of that infrastructure
13 far surpasses the maybe a hundred people on a
14 \$4 million project.

15 So this funding is critical, and it's
16 critical to get it out the door so that they
17 can move forward.

18 DEC INTERIM COMMISSIONER MAHAR: And
19 Assemblymember, I'll just say too what this
20 funding does is also leverage the federal
21 dollars that are coming in. And that's why
22 it's also critical to make sure we're
23 maintaining things like the Clean Water State
24 Revolving Fund on the federal level. Because

1 the New York State investments are leveraging
2 that and making better projects happen on the
3 ground. And if that federal funding goes
4 away, that's going to have a real impact.

5 ASSEMBLYMAN SIMPSON: Okay. Thank
6 you. And I'm going to add one more question
7 that I was going to save for another
8 panelist, but maybe you have some oversight
9 on this.

10 There's a state project in my district
11 attached to Gore, the Ski Bowl project.
12 Forty million-plus dollars is being spent
13 there on a beautiful facility. And I did
14 notice that there were 5,000-gallon propane
15 tanks that presumably are being used to heat
16 that facility.

17 Is there oversight on our projects as
18 to whether we're going to comply or we're
19 aligned with our goals, environmental goals?
20 Because it seems to me we're mandating on one
21 side to residential users all-electric, and
22 now we're -- in our own projects we're using
23 propane.

24 DEC INTERIM COMMISSIONER MAHAR: Yes,

1 we're overseeing some of that --

2 CHAIRWOMAN KRUEGER: You'll have to
3 answer that question to him separately. But
4 you promise to, right?

5 DEC INTERIM COMMISSIONER MAHAR: I
6 promise to get back to you, Assemblyman.

7 ASSEMBLYMAN SIMPSON: Thank you.

8 DEC INTERIM COMMISSIONER MAHAR: On
9 all the ways we're overseeing state projects.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Next up we have Senator Rachel May.

12 Would you like to come up to a seat
13 someone will let you use for the moment?

14 (Off the record.)

15 SENATOR MAY: Thank you.

16 Commissioner, good to see you.

17 DEC INTERIM COMMISSIONER MAHAR: Good
18 to see you, Senator.

19 SENATOR MAY: I want to ask a couple
20 of questions. One is about solid waste,
21 which doesn't appear very much in the
22 Governor's budget, but the people in the
23 Finger Lakes do not want to see an expansion
24 of Seneca Meadows Landfill. I know that

1 permit application is in front of you all
2 now.

3 But if we're going to deny that
4 permit, which I hope will happen, there has
5 to be a plan. So I'm wondering, there's
6 nothing about EPR, there's nothing about
7 expanding the Bottle Bill. I didn't see
8 anything about expanding composting
9 activities in the state. What is the plan
10 for reducing solid waste?

11 DEC INTERIM COMMISSIONER MAHAR: Well,
12 with regard to the Seneca Meadows landfill,
13 as you know, there is an environmental impact
14 statement that is being developed right now,
15 and we're monitoring that. We put the
16 scoping plan out for that back in April, and
17 that's really guiding the development of the
18 draft generic environmental impact statement,
19 which will be put out for public comment once
20 it's finalized.

21 So that is in process by the applicant
22 right now, and we'll continue to keep you and
23 the community posted as that process
24 progresses.

1 With regard to solid waste management
2 overall, obviously the state Solid Waste
3 Management Plan that our team has produced is
4 really guiding the ways in which we need to
5 see changes happen to address solid waste
6 management and improve solid waste management
7 in the state. The Governor's budget is
8 continuing a number of appropriations that
9 are critical to that in the Environmental
10 Protection Fund in particular, and also
11 really making progress on reducing food
12 waste.

13 And thanks to the changes in the law
14 that were recently enacted, we're seeing even
15 more generators come online, and we update
16 food scrap recycling and donation occurring.
17 We just announced 32 million pounds, and we
18 reached that milestone in the last year, of
19 food waste that was diverted and recycled and
20 provided to needy New Yorkers who need it
21 most.

22 So you're seeing the progress of our
23 policies that we make at addressing our solid
24 waste management issues.

1 SENATOR MAY: Okay. All right, thank
2 you. I have one other question; let me just
3 get it in quickly. And this is about land
4 acquisition by land trusts.

5 I see that there is a move to allow
6 title insurance for DEC land acquisitions.
7 What is being done to speed up the land trust
8 land acquisitions? Because between DEC and
9 the AG's office, they are running into years
10 and years of delays.

11 DEC INTERIM COMMISSIONER MAHAR: So we
12 are in active conversations with the Office
13 of Attorney General right now regarding that,
14 to find the opportunities to streamline. If
15 we are unable to reach some agreement and
16 consensus on those streamlines, we're going
17 to be coming back to you to discuss
18 additional legislation that may be necessary
19 to streamline those processes.

20 But what you're seeing --

21 SENATOR MAY: Do you need additional
22 staff for this purpose? Because I'm hearing
23 that that's where the delays are at DEC.

24 DEC INTERIM COMMISSIONER MAHAR: Some

1 of the additional staff that the Governor is
2 providing in this budget is going to help
3 address programs like land acquisition
4 generally.

5 But the legislation Article VII bill
6 will help streamline the process.

7 SENATOR MAY: Okay. Thank you.

8 CHAIRWOMAN KRUEGER: Thank you very
9 much.

10 Assembly.

11 CHAIRMAN PRETLOW: Assemblymember Bill
12 Conrad for three minutes.

13 ASSEMBLYMAN CONRAD: Thank you, Chair.

14 Commissioner, I wanted to start off by
15 talking about a couple of few issues that
16 I've been kind of fielding that result from
17 manufacturing in the CLCPA. You know, the
18 topics go from HFC regulations to, recently,
19 some of the DAC complications with
20 manufacturing and so on.

21 Let's start with the HFC topic. I saw
22 that regulations were posted on
23 December 24th, and it had to do with HFC
24 regulations that had been, I would say,

1 something that had gone on for a while --
2 dialogue, and we try to extend that.

3 But the enforcement date was set at
4 1/9, several days later. And we've been
5 trying to communicate with your office to
6 figure out what's going on, because
7 there's -- let's be honest, I got a lot of
8 phone calls on Christmas Eve from a lot of
9 different, you know, manufacturers,
10 supermarkets, who are very, very kind of I
11 would say frustrated.

12 Is there clarification? And what
13 things are the DEC doing to communicate
14 better with these industries? Because that
15 was -- that seemed like a wham, right in
16 their face. We're dropping this reg on the
17 24th, and on the 9th it's supposed to be
18 enacted. Do you care to comment on that?

19 DEC INTERIM COMMISSIONER MAHAR: I
20 would.

21 And, you know, part of what we do with
22 the development of all our regulations is to
23 make sure we're doing a robust and
24 transparent engagement process throughout the

1 process. And for the last two years we had
2 spent developing these regulations, we
3 engaged in many stakeholder conversations.

4 We really transparently developed
5 these regulations, so I am a bit surprised at
6 some of the concerns that you're hearing
7 about this, because we thought we were
8 engaging effectively with all those that are
9 going to be impacted.

10 But when it comes to implementation,
11 similar to, you know, what I spoke about
12 earlier on some of our other programs, we
13 want to be flexible. And we hear from
14 stakeholders, and we will adapt accordingly
15 to make sure we're helping them through this
16 transition.

17 So with regard to Hardy Industries,
18 which I believe has reached out to you and
19 posing many of these questions, we're
20 actively engaging with them right now,
21 looking at using enforcement discretion to
22 make sure that they have compliance pathway
23 that they need to phase this in over time.

24 And again, this regulation isn't meant

1 to, you know, take refrigerators offline
2 right now. This is really meant, as
3 equipment ages out and phases out, the
4 industry now needs to phase in natural-based
5 refrigerants and equipment that uses
6 natural --

7 (Overtalk.)

8 ASSEMBLYMAN CONRAD: Yeah, I
9 understand that completely, but it just
10 seemed like that time stamp that was put on
11 was quite brutal. You know, and again --

12 DEC INTERIM COMMISSIONER MAHAR: And
13 that's where enforcement discretion helps.
14 As we hear those concerns, we can work with
15 the industry and give that flexibility that
16 they need for compliance.

17 ASSEMBLYMAN CONRAD: Okay. With the
18 short time I have, with the disadvantaged
19 community calculation, I had reached out to
20 your office in discussion about completing a
21 plan and having models available for
22 companies as they try to do this what I would
23 call public participation plan. I'll leave
24 it at that.

1 DEC INTERIM COMMISSIONER MAHAR: I'll
2 take a look at the regs tomorrow, which will
3 be provided --

4 ASSEMBLYMAN CONRAD: Appreciate it.
5 Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Ranker Senator Mattera for
8 five minutes.

9 SENATOR MATTERA: And thank you,
10 Madam Chair. It's great to be here today.
11 And welcome back, everybody, to our hearings.

12 And Commissioner, it was great to have
13 a conversation with you the other day, with
14 your staff. And you do a great job and I
15 appreciate it.

16 I know we had a very lengthy
17 discussion about what's happening with the
18 battery storage situation, and one of the
19 questions I did ask you was, does the DEC
20 have any oversight -- you know, town, county,
21 state -- for the permitting process? And,
22 you know, I found out, no, you don't in
23 certain instances.

24 We have a situation right now where --

1 which I'm very proud of in my district,
2 representing the 2nd Senate District --
3 Smithtown and Huntington opted out. They
4 have a -- excuse me, they have a moratorium
5 on battery storage facilities. Right next to
6 me, where it used to be my redistricting,
7 when they redistricted, I used to have a part
8 of Brookhaven, which they have six battery
9 storage proposed.

10 Does the DEC have any oversight at all
11 on the permitting process?

12 DEC INTERIM COMMISSIONER MAHAR: It
13 depends on the case-by-case basis of where
14 these battery storage facilities would be
15 sited and what permitting authorities DEC
16 would have. For instance, if it's a floating
17 battery storage, there would be different
18 marine permitting required --

19 SENATOR MATTERA: Excuse me, I
20 can't -- I can't hear you.

21 DEC INTERIM COMMISSIONER MAHAR: Oh.
22 Is this better, Senator?

23 SENATOR MATTERA: Yes.

24 DEC INTERIM COMMISSIONER MAHAR: I

1 said it's really a case-by-case analysis that
2 we have to undertake to see what permitting
3 authorities we would have.

4 So, for instance, if it's a floating
5 battery storage, there would be specific
6 marine permits that would apply. If there
7 were discharges from the site, there are
8 SPDES permits that would be applied. There
9 would be construction general permits that
10 would apply. If there were any air emissions
11 associated with it, air permits would apply.

12 So it really depends, on a facility by
13 facility basis, where these are sited and
14 what DEC permits would, you know, cover these
15 facilities.

16 I encourage you to talk to my
17 colleague at NYSERDA as well, since they're
18 doing a lot of work on battery storage --

19 SENATOR MATTERA: Trust me, I will be
20 getting into that conversation also.

21 But Commissioner, my question is also
22 look at the fires that have been happening.
23 Right in my own Long Island alone, we had
24 Easthampton, we had a battery storage fire.

1 Let's talk about upstate, the fires that
2 happened upstate. Let's talk about the
3 Moss Landing battery plant in California that
4 just happened, another major fire.

5 We're talking about the DEC, we're
6 talking about our contaminants right now that
7 took -- I think this fire is still going on,
8 actually, in the Moss plant, that's how
9 severe this fire is.

10 So how could the DEC not be a huge
11 part of the permitting process? So I just
12 actually put a bill in that I'm hoping that
13 all my colleagues -- because we have
14 constituents in my district that they're
15 putting battery storage facilities right in a
16 dense community, right in Setauket, and the
17 DEC has nothing to do with it, especially
18 with something that could go on fire,
19 contaminants going into our ground, up in our
20 atmosphere.

21 This is something that's very, very
22 serious that -- one thing I always say is
23 battery storage is nothing but an experiment,
24 and it's going to cost all ratepayers

1 trillions of dollars for an experiment that,
2 guess what, could cause harm. Our volunteer
3 firemen, they're not experienced enough to do
4 anything with this, not for anything -- you
5 could be an experienced fireperson. And
6 guess what, we're putting them in harm's way.

7 So to you, this is something very,
8 very important that we as, obviously, the DEC
9 needs to make sure are very vocal about this,
10 that you are a big part, the DEC is a big
11 part of the oversight and the permitting
12 process, not just with -- the towns, the
13 counties and the state.

14 DEC INTERIM COMMISSIONER MAHAR: Well,
15 Senator I look forward to more conversations
16 with you on that generally. And obviously
17 coordinating with NYSERDA and multiple state
18 agencies, we're looking at battery safety.
19 We had a Fire Working Group that was stood up
20 to really evaluate our safety initiatives in
21 the state.

22 SENATOR MATTERA: Right, are you very
23 concerned -- my question, are you concerned,
24 is your department very concerned about

1 battery storage facilities?

2 DEC INTERIM COMMISSIONER MAHAR: Well,
3 we're obviously recognizing the importance of
4 battery storage to our clean energy efforts,
5 and the need to ensure they're properly
6 sited.

7 And that's really where DEC comes into
8 play, with the current permitting authorities
9 that we have to review this. We're
10 continuing to coordinate with NYSERDA and
11 other state entities on making sure that
12 we're balancing that need to bring on battery
13 storage, but properly siting it in ways that
14 are not going to potentially increase fire
15 risk from wildfires or impacts to
16 communities.

17 But this is an essential part of the
18 clean energy conversation that we need to
19 have, and battery storage does have a future
20 as part of the dependability and reliability
21 of our grid overall.

22 SENATOR MATTERA: And I thank you. I
23 had -- I wish I had another five minutes, but
24 thank you very much.

1 CHAIRMAN PRETLOW: Assemblywoman Didi
2 Barrett, three minutes.

3 ASSEMBLYWOMAN BARRETT: Thank you,
4 Chair.

5 And thank you, Commissioner. Thanks
6 so much for all that you've done and for
7 being here today especially.

8 I've got just a couple of questions.
9 In the 2024 State of the State, the Governor
10 directed NYSERDA and DEC to launch a study on
11 the Clean Transportation Standard, also known
12 as the Clean Fuel Standard. Can you give us
13 a sense of what the status of that study is
14 and where -- you know, how it's being done
15 and when you expect the study to be released?

16 DEC INTERIM COMMISSIONER MAHAR: So
17 the study is very much underway, and I
18 encourage you to talk to my colleague at
19 NYSERDA in the next panel about the specifics
20 of that.

21 But I think the work is very much
22 transitioning and progressing, and we're
23 making sure that we're building what we --

24 ASSEMBLYWOMAN BARRETT: Can you --

1 mic?

2 DEC INTERIM COMMISSIONER MAHAR:

3 Sorry.

4 ASSEMBLYWOMAN BARRETT: Thank you.

5 DEC INTERIM COMMISSIONER MAHAR: --
6 building what we learn into, you know, all
7 the policies that we're working on across the
8 board to advance our climate goals and
9 achieve our climate goals overall.

10 ASSEMBLYWOMAN BARRETT: Okay, thank
11 you.

12 I want to follow up on what
13 Senator Harckham started asking you about,
14 which is the Advanced Clean Trucks and then
15 also the Advanced Clean Cars. Because we are
16 hearing from -- clearly the trucking industry
17 has a lot of concerns about New York's
18 unwillingness or seeming unwillingness to
19 delay the implementation, which other states
20 like Massachusetts and Oregon have already
21 done. Even, you know, while you're delaying
22 the enforcement. And even as that's
23 happening, the rule's still being implemented
24 and manufacturers will accrue deficits for

1 the trucks.

2 And then the cars, there's a lot of
3 concern because the infrastructure isn't
4 there. We had a hearing last week
5 specifically on transportation and
6 zero-emission charging infrastructure, and,
7 you know, it's -- and especially what's
8 happening at the federal level at this point,
9 it's really hard to -- you know, to force
10 people to really run their businesses into
11 the ground without having some way to protect
12 them if there isn't the infrastructure and
13 we're not really encouraging -- we're not
14 doing the kinds of things that would make
15 buying EVs as robust as we really wish we
16 could. And truck companies that, you know,
17 are being punished for something that, you
18 know, they really have no control over.

19 Can you talk to us a little more
20 specifically? I know you said you're open to
21 everything, but this issue of the
22 implementation is really important.

23 DEC INTERIM COMMISSIONER MAHAR: So on
24 that, obviously we are not trying to shut

1 businesses down. That's not what we're in
2 the business of. We're obviously in the
3 business of making sure that we're helping
4 reach the climate goals that we have and
5 recognizing that electrification of our
6 transportation networks is really essential
7 and critical.

8 And what you're seeing from the
9 commitment of a billion dollars in this
10 budget to climate-related infrastructure and
11 the Sustainable Future program, that is
12 really looking at how we are creating the
13 infrastructure that is going to be needed to
14 help New Yorkers make this transition.

15 And on the clean energy side and the
16 transportation side, that EV infrastructure
17 is an essential component of that. And
18 that's what we're looking to finance in part
19 with this billion-dollar investment that the
20 Governor is making. Because we want to make
21 sure that this transition is happening
22 affordably for New Yorkers, and we need --
23 and we recognize we need this infrastructure
24 in place.

1 Regarding the flexibilities on the
2 regulation side for ACT and ACC II, that's
3 where we continue to really monitor what is
4 happening on the federal level, because that
5 is going to impact these programs,
6 potentially. You know, if the administration
7 in Washington pulls back California's waiver
8 or changes anything there, that's going to
9 have an impact on this program.

10 We continue to work directly with
11 California right now and, as I said, the
12 other Section 177 states of the Clean Air Act
13 who are enrolled in this program, to evaluate
14 any additional changes. And we are looking
15 at pushing out the timeline for ACC to 2029
16 and different flexibilities.

17 So those conversations are actively
18 happening right now, and our goal here is to
19 make sure that you're informed of this. And
20 we've really appreciated you and a number of
21 your other members, you know, interacting
22 with us throughout the fall, really bringing
23 the concerns to us, because that is helpful
24 for us to hear, but we also want to have our

1 experts be able to talk directly with you on
2 these programs to understand, you know, how
3 they're structured to achieve these goals.

4 So for instance, these requirements
5 are on engine manufacturers, not on the
6 dealers and distributors. And it's
7 unfortunate that the engine manufacturers
8 have started to play some of the games we see
9 that are impacting the dealers. But as we
10 hear from the dealers, we look at the
11 different enforcement discretions that we can
12 use to help make sure that our regulations
13 aren't putting people out of business, that
14 we're adapting in realtime to what you're
15 seeing, and what you're seeing on the
16 snowplows and emergency vehicles is a true
17 recognition that we can be flexible and we
18 can make changes that address the concerns of
19 stakeholders.

20 ASSEMBLYWOMAN BARRETT: Thank you.

21 No, it's definitely encouraging to
22 know that you can, because it's critical. We
23 really do need to bring the whole state with
24 us as we work to reach these goals, and we

1 share your commitment to reaching the goals
2 and certainly doing it in a way that's not
3 saddling our constituents and our ratepayers
4 with all the costs.

5 So, you know, it's complicated but I
6 think not creating fear and anxiety in the
7 process is also really important. So how we
8 communicate and how we flag these issues up
9 front I think is essential too. So we
10 appreciate you working with us, you know, and
11 all the agencies in order to make sure that
12 we can communicate to our constituents on all
13 of these issues.

14 I think that's all I have right now,
15 but thank you.

16 DEC INTERIM COMMISSIONER MAHAR: And
17 also, our doors are always open for those
18 conversations. And we value that because we
19 want to make sure that we're hearing from you
20 and also arming you with the right
21 information so that you can help advance the
22 programs that you are directing us to advance
23 through legislation, and making sure that
24 we're working together on helping these

1 transitions occur to our clean energy economy
2 of the future. So we appreciate those
3 conversations and dialogues.

4 ASSEMBLYWOMAN BARRETT: Thank you.

5 And we look forward to hearing from
6 your office about the water infrastructure
7 for communities that don't have any water
8 infrastructure to expand or increase or
9 appraise. So thank you.

10 DEC INTERIM COMMISSIONER MAHAR: I
11 believe Logan is already working on setting
12 up that meeting with you, ma'am.

13 ASSEMBLYWOMAN BARRETT: Excellent.
14 Thank you. Thanks very much.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Senator Helming.

17 SENATOR HELMING: Thank you,
18 Senator Krueger.

19 Commissioner, you talked about PFAS,
20 and I was happy to hear that there will be
21 funding in the budget for PPE protection for
22 our firefighters. Hopefully it's sufficient
23 that we're not picking winners and losers.

24 Any funding or language in the budget

1 to assist our volunteer fire departments with
2 the removal of disturbed or identified
3 contaminated soils from their property?

4 DEC INTERIM COMMISSIONER MAHAR: Well,
5 that is something that we'll have to have a
6 case-by-case conversation with --

7 SENATOR HELMING: Okay. I look
8 forward to following up on that.

9 DEC INTERIM COMMISSIONER MAHAR: Yeah,
10 obviously, Senator --

11 SENATOR HELMING: On wastewater
12 treatment plants, we talked briefly about
13 that -- I only have three minutes, and
14 there's a long list. There are aging
15 facilities, I've visited many throughout the
16 State of New York; they're in desperate need
17 of upgrades. They have to compete for
18 grants. Some of them need assistance with
19 that.

20 I'm wondering, in our budget is there
21 significant infrastructure funding to ensure
22 that our wastewater treatment plants are able
23 to meet safe and the latest, the most recent
24 discharge requirements?

1 DEC INTERIM COMMISSIONER MAHAR: Yes.

2 SENATOR HELMING: Thank you.

3 DEC INTERIM COMMISSIONER MAHAR: The
4 financing of the 500 million is going to go
5 along --

6 SENATOR HELMING: Thank you.

7 Real quick, on conserved lands, it's
8 already been discussed, so I'll just -- do
9 you realize how much money is owed to our
10 statewide land trusts?

11 DEC INTERIM COMMISSIONER MAHAR: We're
12 advancing land acquisition and conservation
13 in the pipeline that we have. The
14 investments in the Bond Act are --

15 (Overtalk.)

16 SENATOR HELMING: So it's held up, as
17 Senator May said, and we owe statewide our
18 land trusts more than \$150 million.

19 I'm glad that you said that this is a
20 priority of the Governor. I'm glad you're
21 having those conversations. We need to speed
22 it up. This is a program I really support.

23 But changing directions here and going
24 to Advanced Clean Trucks and the

1 refrigerant-containing material rules that
2 were recently enacted, you had used the --
3 you had said something about engaging
4 effectively, you felt you were engaging
5 effectively. Obviously you've heard from a
6 number of legislators who have heard from
7 their constituents, businesses, who have
8 concerns and questions. Which raises a red
9 flag for me.

10 Just turning to the refrigerants,
11 those regs were dropped on Christmas Eve.
12 And literally days later, early January,
13 businesses that operate legally in this
14 state, that meet their permit requirements
15 and everything else, all of a sudden they
16 were no longer in compliance.

17 And just to hear you talk about
18 flexibility with enforcement, do you think
19 that that gives our small businesses some
20 comfort in investing, continuing to invest in
21 the state? These are businesses that employ
22 people, provide jobs. They donate to our
23 not-for-profits throughout our communities.
24 I'm thinking it's backwards.

1 But again, I'll go back to, are you
2 concerned about these businesses closing
3 under this concept of flexibility with
4 enforcement?

5 DEC INTERIM COMMISSIONER MAHAR: Well,
6 I think any businesses that have questions on
7 the impact of a regulation should reach out
8 to the department so that we can walk them
9 through that.

10 And again, with the enforcement
11 discretion, that's --

12 SENATOR HELMING: These businesses are
13 just trying to survive, to do business every
14 day. They don't have time to continue to
15 check the DEC's website. And we reach out on
16 their behalf --

17 CHAIRWOMAN KRUEGER: Thank you,
18 Senator Helming.

19 SENATOR HELMING: -- sometimes we get
20 answers, sometimes we don't.

21 CHAIRWOMAN KRUEGER: Thank you,
22 Senator Helming.

23 Assembly.

24 SENATOR HELMING: Thank you,

1 Senator Krueger.

2 CHAIRMAN PRETLOW: Assemblymember
3 Palmesano.

4 ASSEMBLYMAN PALMESANO: Yes.
5 Commissioner, thanks for your time the other
6 day. I only have three minutes -- or five
7 minutes, excuse me. That's great.

8 First I wanted to re-emphasize what my
9 colleague Chairwoman Barrett said, to
10 emphasize the ACT regulation. I'm very, very
11 concerned about it. You know, we had a
12 hearing last week and it really sounded a red
13 alarm flag of all that's going on, and other
14 colleagues are talking about it.

15 The things we heard: Limited range.
16 I mean, one statistic that came out, a
17 typical diesel truck can drive between 1800
18 to 2,000 miles before needing a refuel, and
19 fill up in 20 minutes, while an electric
20 truck can go 200 miles and take maybe four to
21 five hours to fill up -- or to charge.
22 Limited load capacity, lack of
23 infrastructure, high initial costs -- 200,000
24 to \$300,000 for the purchase of a

1 near-zero-emission diesel truck, versus 1.4
2 to 1.5 million. Time and time again.

3 So we don't just need a pause in the
4 enforcement, we need a delay in the
5 implementation. And maybe along with that,
6 how about a cost-benefit and a feasibility
7 study to see if the infrastructure can handle
8 it, because the grid -- even utilities say
9 they can't provide it to these places that
10 need to be.

11 So hopefully that's something you look
12 at. Also hopefully you look at renewable
13 diesel. That was brought up in the
14 conversation that this is something that
15 would work in our communities. You wouldn't
16 have to retrofit trucks, it could work with
17 existing areas. And New York City's
18 implemented that, and it has reduced
19 emissions. Maybe that's something we should
20 look at as a bridge before we go forward.

21 But what I really wanted to talk to
22 you about today a little bit, if I could, to
23 get you on the record about -- I mentioned it
24 in our call -- the DEC, the Governor, the

1 Legislature have concerns about extraction of
2 fossil fuels and that process and the danger
3 of -- and how that is on the environment.

4 Certainly you are well aware of the
5 environmental and human labor abuses
6 associated with nickel, lithium, and cobalt
7 and rare-earth mining, all of which is driven
8 by the need for the minerals in batteries for
9 electric vehicles, electric school buses, and
10 renewable energy systems.

11 And specific examples I want to say
12 for the record, and hopefully you can
13 address, it is well documented that cobalt,
14 child labor in the Democratic Republic of
15 Congo. Seventy percent of the cobalt comes
16 from there to produce a lithium-ion battery.
17 Slave labor in Uyghur, by China.

18 Also, on the environmental side, in
19 South America in the Lithium Triangle, water,
20 rivers and streams being poisoned and
21 polluted for lithium mining.

22 Does the DEC account for all the
23 environmental and social consequences of
24 mining expansion required to meet the CLCPA

1 mandates? Do you account for that? And if
2 not, shouldn't you? And is it okay to
3 really -- you know, children who are dying,
4 being maimed, paralyzed in mine collapses,
5 mining for cobalt, and poisoned water in
6 rivers and streams in other countries, and
7 also child and slave labor, is that okay for
8 us to meet our green energy goals?

9 Or are we just burying our heads in
10 the sand? So as long as we don't see it, as
11 long as it's not happening in New York,
12 children aren't dying here, we're not
13 poisoning water in river and streams here --
14 is that okay, from your perspective, that we
15 move forward with this and not take that into
16 account? Because it's really happening, and
17 it's well-documented.

18 And does the Governor not think about
19 that, or does she not care? Or what are we
20 doing on that? Because this is a tragedy
21 that's happened, and no one's speaking out
22 about it. But I will continue, and so will
23 some of us others.

24 Please, answer.

1 DEC INTERIM COMMISSIONER MAHAR: So I
2 definitely encourage you to bring that up
3 with Doreen Harris, president of NYSERDA, in
4 the next panel as well --

5 ASSEMBLYMAN PALMESANO: I will.

6 DEC INTERIM COMMISSIONER MAHAR: --
7 since we work collaboratively with NYSERDA
8 and all our other agency partners on
9 batteries overall.

10 I would say, yeah, we're always
11 concerned about child labor and making sure
12 that the worker protections that we have here
13 in the state are embraced by others
14 internationally. And we encourage the
15 federal government to continue to maintain
16 that focus on taking the worker protection
17 standards that we have in this nation and
18 making sure that child labor is not
19 occurring, and that these supply chains and
20 supply lines are adequately protected from
21 mistreatment.

22 ASSEMBLYMAN PALMESANO: But
23 Commissioner -- Commissioner, it is
24 occurring. So what are we doing to ensure

1 that the materials that come into our
2 vehicles -- should we pause on this to ensure
3 that it's U.S. sourced?

4 Because really what we're doing is
5 like we're saying we have knowledge it's
6 there but we can't stop meeting these goals
7 because we have to have electric vehicles, we
8 have to have electric school buses, we have
9 to have electric motor -- 18-wheelers. We
10 need to do that, but it's okay that child
11 labor is being used, it's okay that we're
12 poisoning water in rivers and streams in
13 other countries.

14 Why are we not being more proactive on
15 that and speaking out on that and not just
16 saying, Well, we have to meet these goals?
17 Because that's what it seems like the message
18 is I'm getting, and others: It's okay,
19 because we have to meet these goals. But yet
20 the damage we're doing to these children, the
21 damage, you know, in the Congo, the damage
22 we're doing to other areas with their water
23 and streams -- it's okay to meet these goals.

24 Shouldn't we do more?

1 DEC INTERIM COMMISSIONER MAHAR: Well,
2 definitely Doreen can discuss with you
3 further how NYSERDA is looking at batteries
4 and battery storage overall. They've had
5 some reports and analyses that they've
6 produced. So I encourage you to bring that
7 up with her directly as well.

8 CHAIRWOMAN KRUEGER: Thank you.
9 Senator Michelle Hinchey,
10 three minutes.

11 SENATOR HINCHEY: Thank you,
12 Madam Chair.

13 Hello. Thank you so much for being
14 here and for your time and all of your work,
15 and everyone at DEC.

16 I want to pick up the thread from
17 Chair Glick on emerging contaminants. We
18 know that we have -- we're doing a lot for
19 emerging contaminants in water, but there's
20 still a lot more to do for on-site, before
21 those contaminants get into our water stream.

22 Specifically on the leachate question,
23 it's wonderful that regs are coming for our
24 municipalities and communities to figure out

1 what to do with leachate. However, the
2 article that came out recently was about a
3 landfill in my town. And what are we doing,
4 what is the DEC doing to help communities
5 right now that have to deal with on-site
6 treatment of things like leachate and other
7 emerging contaminants?

8 DEC INTERIM COMMISSIONER MAHAR: Well,
9 thank you, Senator. And we appreciate some
10 of the dialogue that we've had with you and
11 your community members. Sorry I wasn't able
12 to join the call last week on that.

13 But I think what --

14 SENATOR HINCHEY: Your team was great.

15 DEC INTERIM COMMISSIONER MAHAR:
16 That's great.

17 I think, you know, as an example of
18 what we're doing with you, that's what we
19 want to do with any communities that have
20 questions. Obviously our doors are open on
21 the regional level to facilitate those
22 conversations.

23 SENATOR HINCHEY: Thank you. Just
24 to -- there's no -- it doesn't seem like

1 there's funding available right now to help
2 communities deal with things like on-site
3 storage or tankers to remediate that before
4 it goes to a treatment plant. Is that right?

5 DEC INTERIM COMMISSIONER MAHAR: Well,
6 that's where the conversations with our
7 experts are important first. We need to
8 understand the site-specific characteristics,
9 what the, you know, constituents are of the
10 leachate, what the water treatment plant is
11 able to process and handle to meet their
12 permit requirements. And there are a lot of
13 discussions that we have to have on a
14 case-by-case basis.

15 But generally with leachate, you know,
16 what you've seen is with the testing
17 requirements that we've put in place, a
18 recognition that we need to know what's in
19 here and make sure that our processes are
20 able to handle it. And that's why we're --

21 SENATOR HINCHEY: The challenge is
22 specifically for Hurley is they kind of had a
23 random test, so now the City of Kingston is
24 going to test the other landfills where they

1 get deposits from. But we imagine that this
2 is a much larger issue than this one landfill
3 that we have in Hurley. And it seems that
4 there's not funding available to help with
5 that mitigation piece now, which is something
6 I think we should all look at in the budget,
7 since that doesn't exist.

8 DEC INTERIM COMMISSIONER MAHAR: Well,
9 and the Clean Water Infrastructure Funding
10 that we have with the 500 million, there's
11 flexibilities built in where we can adapt
12 that funding program to help support issues
13 like that. So that's part of the
14 conversation we want to continue with you.

15 SENATOR HINCHEY: Right. But for the
16 work right now, they've kind of been left
17 without anything.

18 And for the clean water funding, you
19 know, we talked about -- you mentioned in one
20 of the answers about federal dollars,
21 although we acknowledged in the beginning of
22 this hearing that we may -- all the federal
23 dollars are paused.

24 You know, what other kind of creative

1 ways are we able to get that funding out the
2 door? Or what kind of new strategies do we
3 need, do you think?

4 DEC INTERIM COMMISSIONER MAHAR: Well,
5 I think what you've seen in the last years is
6 really a commitment to making sure we've got
7 people in the places to move that money most
8 effectively.

9 On the Bond Act side, we're standing
10 up the staff that we need and the
11 infrastructure to move that money quickly.
12 Same on the Clean Water Infrastructure side,
13 working with {inaudible} and others. So our
14 commitment is to move the dollars as quickly
15 as we can.

16 SENATOR HINCHEY: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Assembly.

19 CHAIRMAN PRETLOW: Yes, we've been
20 joined by Assemblymembers Jo Anne Simon and
21 Karen McMahon.

22 The next questioner will be
23 Assemblymember Harvey Epstein.

24 ASSEMBLYMAN EPSTEIN: Thank you,

1 Chair. And thank you, Interim Commissioner,
2 for being here.

3 I want to go back to the conversation
4 about waste management issues. And I notice
5 that you applauded the 32 million pounds that
6 we're composting in the state. But, you
7 know, probably overall New York State turns
8 out about 3.9 million tons of food waste that
9 goes into our waste stream. So 32 million
10 pounds versus 3.9 million tons is a --
11 there's a big gap.

12 I'm wondering what your commitment is
13 to try to increase that number. I notice in
14 the EPF you've only put in \$2.5 million. We
15 need to do a lot more in that world, and I'm
16 wondering what's the goal of DEC in making
17 sure that happens?

18 DEC INTERIM COMMISSIONER MAHAR: Well,
19 I think, you know, generally you've seen the
20 exponential growth already occurring, right,
21 from when we stood up that program and
22 started with this diverting, you know, a
23 couple hundred thousand pounds of food waste
24 to now 32 million pounds. That's over the

1 course of two years.

2 So we are actively working, the
3 program is working, and as we advance the
4 expansions we're going to make even greater
5 progress.

6 ASSEMBLYMAN EPSTEIN: So can we see a
7 commitment to try to increase this funding?
8 Because I know municipalities around the
9 state would love to increase their ability to
10 do composting, but if we only put 2.5 million
11 in the EPF, we're not going to give them the
12 additional resources they need to do that
13 kind of food waste management.

14 DEC INTERIM COMMISSIONER MAHAR: Well,
15 we're always open to conversations with you
16 in the context of the budget and look forward
17 to those negotiations this year on how the
18 EPF is allocated, and making sure that it's
19 targeting the types of investments we need to
20 see.

21 We know what's in there now is helping
22 and it's working, and that's why we want to
23 see that funding continue. But obviously
24 open to conversations about where else we

1 need to take it.

2 ASSEMBLYMAN EPSTEIN: So in Executive
3 Order 22, DEC is part of the Green Council, I
4 believe part of the steering committee of the
5 Green Council, to do waste reduction and
6 waste management and ensure we're complying
7 with the Climate Leadership and Community
8 Protection Act.

9 . What oversight does DEC have over
10 other agencies to ensure they're complying
11 with the CLCPA as well as Executive Order 22
12 to ensure that their procurements and
13 operations are reducing waste and making sure
14 we're moving to a more sustainable economy?

15 DEC INTERIM COMMISSIONER MAHAR: Yeah,
16 our Green NY team and the E022 team is some
17 of the most passionate folks that I've seen
18 in state government for this work. And the
19 collaborative process that they've created
20 with the steering committee is really working
21 to make sure that we're making progress. And
22 with regard --

23 ASSEMBLYMAN EPSTEIN: I know I only
24 have 36 seconds left, but if an agency's not

1 complying, what authority does DEC have over
2 a different agency to -- say, when they're
3 buying non-electric vehicles or not
4 complying, what authority do you have to
5 ensure that they're complying with the goals?

6 DEC INTERIM COMMISSIONER MAHAR: There
7 are provisions built into the executive order
8 on that, and it really depends on a
9 case-by-case basis of what we're seeing. As
10 it goes with all the enforcement that DEC
11 does, it's education first. And so we'll
12 work with a state agency, a business entity
13 or others to talk to them about their
14 pathways to compliance.

15 ASSEMBLYMAN EPSTEIN: Have you tried
16 to do that with agencies that are not
17 complying currently with the CLCPA or the
18 executive order?

19 DEC INTERIM COMMISSIONER MAHAR: We're
20 always working across state government to
21 make sure we're leading by example, and
22 that's why E022 is so important. And you're
23 seeing that progress play out.

24 ASSEMBLYMAN EPSTEIN: Thank you.

1 CHAIRWOMAN KRUEGER: Excuse me.

2 Almost gave Harvey extra time by sleeping.

3 Oh, so sorry. Senator Fahy.

4 SENATOR FAHY: Thank you.

5 Thank you, Commissioner, for your
6 service as -- in stepping in this last year
7 more. A few comments and then a couple of
8 questions if I can get to them.

9 One, I just want to share some of the
10 concerns that were raised about emerging
11 contaminants and hope to get to a question on
12 that.

13 Also want to share the concerns that
14 you've raised on where we are with meeting
15 the 30 by '30 conservation goals, and
16 appreciate your efforts. Happy to work more
17 with you on streamlining the process, as that
18 was a bill I did with former Senator Kaminsky
19 a number of years ago, and I appreciate your
20 efforts to try to meet that 30 by '30 goal.

21 Let's see. Then a couple of
22 questions. The trucking -- well, let me
23 just -- the trucking, I share some of the
24 concerns. I adopted and supported a number

1 of the goals on the Advanced Clean Trucking
2 rules, but I also understand a lot of those
3 were adopted when we thought we'd be further
4 along on the infrastructure. And I see that
5 others are -- other states now are trying to
6 give more time. Is that your anticipation?
7 You said something earlier in one of the
8 questions that you're looking at possibly
9 2029. Is that -- is that where we're at on
10 that?

11 DEC INTERIM COMMISSIONER MAHAR: Well,
12 those are some of the flexibilities that
13 we're contemplating with California and our
14 other states who are advancing this program
15 overall.

16 But on the infrastructure side, I'll
17 just say again that the Governor's commitment
18 of a billion dollars to clean
19 infrastructure -- clean energy spending and
20 the Sustainable Future program is going to
21 stand up that infrastructure that's going to
22 help with that transition. And it's a
23 recognition that we do need to make sure that
24 the charging infrastructure is in place as we

1 transition to electric vehicles, and that's
2 why the Governor is making a solid commitment
3 and advancing those necessary components as
4 we continue to look at the regulations
5 themselves, how we help adapt to the concerns
6 that we're hearing and create workable
7 programs that are reaching our goals and
8 facilitating this transition to the clean
9 energy economy.

10 SENATOR FAHY: Looks like it turned
11 off.

12 I understand after that we also had
13 talked to the Thruway Authority, and lots of
14 new sites there to put in the infrastructure.
15 So I know there's a lot of work to do, and
16 happy to support you in any way with meeting
17 those, because it looks like we're a little
18 ahead of ourselves. And I do think that
19 there is more time needed for the trucking
20 industry.

21 With regard to biosolids, the
22 Rockefeller Institute -- the biosolids used
23 to fertilize lands, the Rockefeller Institute
24 has issued a couple of articles on this. I

1 saw that our county has just passed a
2 moratorium -- Albany County, that is.

3 Is there a status on the testing
4 regarding some findings? And how is the
5 department looking at responding to this
6 right now with some of the contaminants that
7 are being found in the biosolids?

8 DEC INTERIM COMMISSIONER MAHAR:
9 Across the board with all our PFAS-related
10 work, we're looking at all the different
11 potential pathways of introduction into the
12 environment. And biosolids we know are an
13 emerging issue, and I'm happy to follow up
14 with you on the specifics of what we're doing
15 in that regard.

16 SENATOR FAHY: Thank you so much,
17 Commissioner. Thank you, Chair.

18 CHAIRWOMAN KRUEGER: Assembly.

19 CHAIRMAN PRETLOW: Assemblymember Dana
20 Levenberg.

21 ASSEMBLYWOMAN LEVENBERG: Thank you.

22 Good morning? I'm not sure where
23 we're at this morning.

24 I have three questions; I'll spit them

1 out as fast as I can.

2 The first one is the -- I think you
3 started to answer it, but I'm not sure we got
4 the full answer, about the new wetlands
5 regulations, which are important and so much
6 needed.

7 How many staff of yours are devoted to
8 implementing these new regulations? And does
9 DEC anticipate adding hires in the next year
10 to support effective implementation of these
11 important regulations?

12 DEC INTERIM COMMISSIONER MAHAR: Yeah,
13 so with the Governor's investment of 58 new
14 staff, we're going to spread those around the
15 agency in the areas that need it most --
16 wetlands obviously being one, because we want
17 to make sure we've got the people and the
18 places, especially in the regional offices,
19 to move the applications through the process
20 and make sure that this is a workable
21 program.

22 ASSEMBLYWOMAN LEVENBERG: Okay. So
23 it's 58 divided here and there, is that what
24 you're saying?

1 DEC INTERIM COMMISSIONER MAHAR: Yes.

2 ASSEMBLYWOMAN LEVENBERG: Okay. And
3 in terms of the Clean Water Infrastructure
4 Act, I know that there's been a lot of talk
5 about getting the money out the door and
6 specifically I'm wondering if -- and we've
7 heard by putting money into specifically
8 making it easier for the drinking water part
9 of that, for communities to have access to
10 grant money for engineering and planning so
11 that they can actually apply for the grants.

12 A lot of the issues seem to be around
13 not being able to apply for the grants in the
14 first place. Many small communities just
15 don't have the capacity. But if there were
16 grants available, like there are for the
17 wastewater and stormwater, for the drinking
18 water, then we might be able to see more of
19 that money getting out the door.

20 DEC INTERIM COMMISSIONER MAHAR: So I
21 definitely encourage you to bring that up
22 with the Department of Health commissioner as
23 part of his hearing, because DOH oversees the
24 drinking water aspect of our Clean Water

1 funding.

2 But generally, last year the Governor
3 launched our Community Assistance Teams,
4 where teams of DEC and EFC and DOH members
5 are going into communities and really helping
6 explain our processes, our programs,
7 availability of funding and things like that.
8 So happy to connect you with our Community
9 Assistance Teams; you can hear more about
10 that and make sure that we're interacting
11 with the communities that you're hearing from
12 on that.

13 ASSEMBLYWOMAN LEVENBERG: Okay. I
14 mean, we have heard that Department of Health
15 has said they don't have the capacity really
16 to take that on as part of the issue why
17 those grants aren't in place, and that
18 they're not the same -- I guess EPF has
19 somebody -- there's a different
20 administrative process for the wastewater
21 grants than there is for the drinking water,
22 which involves DOH.

23 So we've heard that that's a problem,
24 so I'll just -- I'll put that out there.

1 And my last question is actually
2 regarding nuclear. Given yesterday's market
3 correction because of a more efficient
4 artificial intelligence model from China that
5 will require fewer data centers and less
6 power, do you really think that the state
7 should be spending resources on bringing
8 online untested technology such as nuclear
9 that doesn't exist and will be up and running
10 for decades, let alone if there are even
11 consumers to purchase it?

12 Thank you.

13 DEC INTERIM COMMISSIONER MAHAR: I
14 would encourage you to talk to our energy
15 colleagues on the next panels coming up today
16 on that.

17 ASSEMBLYWOMAN LEVENBERG: Sorry?

18 DEC INTERIM COMMISSIONER MAHAR: I'd
19 talk to the energy panels or the energy
20 agencies in the next panels coming up.

21 ASSEMBLYWOMAN LEVENBERG: Okay, good.
22 Thank you so much.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Senator Borrello.

1 SENATOR BORRELLO: Thank you,
2 Madam Chair.

3 Commissioner Mahar, thanks for being
4 here.

5 You mentioned that you're not in the
6 business of putting businesses out of
7 business. I'm glad to hear that. But this
8 clean truck standard is absolutely going to
9 do that. It's doing it now. We're already
10 restricting the ability for dealers to get
11 trucks here, and that's going to have a
12 negative impact on a lot of businesses,
13 including also sales tax revenue for New York
14 State.

15 So you talked about looking at
16 potentially, you know, changing these
17 standards, but it's being impacted right now.
18 And in fact these things aren't going to
19 take -- the standards aren't going to take a
20 single diesel or gas truck off the roads in
21 New York State. Because I've talked to the
22 industry, they're simply going to be sending
23 trucks in from other states -- like where I
24 live, on the border of Pennsylvania -- and

1 you're not going to have any -- you're going
2 to have zero impact, quite frankly, on
3 emissions. And we're also going to lose
4 business.

5 So why are we not suspending this
6 right now? There's been zero dollars
7 invested so far in commercial truck charging
8 stations, and that's the problem. There's no
9 infrastructure. Even companies that want
10 it -- I mean, unless you're going to be a
11 food truck sitting all day, electric food
12 truck, I don't see how it's going to work.
13 It's not commercially viable.

14 Why have we not suspended this right
15 now?

16 DEC INTERIM COMMISSIONER MAHAR: Well,
17 again, with the billion dollars that the
18 Governor is proposing in this budget, that's
19 going to go a long way to helping with our
20 implementation of many different --

21 (Inaudible overtalk.)

22 SENATOR BORRELLO: Yeah, but this is
23 happening right now. That billion dollars,
24 by the time they put out the RFPs and they

1 put the infrastructure -- it's going to be,
2 you know, 2030 before that billion dollars is
3 actually deployed.

4 DEC INTERIM COMMISSIONER MAHAR: Well,
5 we need to start now, obviously, because this
6 infrastructure is necessary.

7 SENATOR BORRELLO: Why are we not
8 suspending these clean truck standards right
9 now? Forget about California and everybody
10 else. New York needs to suspend this right
11 now, because we are having a negative impact
12 right now on businesses.

13 And I realize this is -- you're
14 following orders, so to speak, but it is
15 DEC's purview certainly to I would think
16 advise the Governor and everyone else that
17 thinks this is a good idea, as to why we're
18 not doing this right now.

19 DEC INTERIM COMMISSIONER MAHAR: Well,
20 I think again, when you across the --
21 especially our Community Air Monitoring
22 program that we did, when you look at the
23 impact on communities of transportation
24 emissions, we know these are a leading source

1 of climate emissions, but also some of the
2 leading health impacts for local communities
3 that --

4 (Inaudible overtalk.)

5 SENATOR BORRELLO: So emissions that
6 are in Pennsylvania, 10 miles down the road
7 from my district, are somehow different than
8 emissions in New York State? Because that's
9 where they're going to be coming from.
10 They're going to move their operations to
11 Pennsylvania. I can throw a stone and hit
12 Pennsylvania from my district.

13 I'm just trying to understand the
14 practical application of all this right now.

15 DEC INTERIM COMMISSIONER MAHAR: I
16 will say Pennsylvania is a Section 177 state
17 of the Clean Air Act as well, so they are in
18 this program with us, and that's why we're
19 continuing to work together with all the
20 Section 177 states on this, because we know
21 we need to --

22 (Inaudible overtalk.)

23 SENATOR BORRELLO: How many states are
24 in that, if you don't mind me asking.

1 DEC INTERIM COMMISSIONER MAHAR:

2 What's that?

3 SENATOR BORRELLO: How many states are
4 in this conglomerate?

5 DEC INTERIM COMMISSIONER MAHAR: In
6 the Section 177?

7 SENATOR BORRELLO: Yes.

8 DEC INTERIM COMMISSIONER MAHAR: I
9 believe it's 12, but I'll get back to you on
10 that specific number.

11 SENATOR BORRELLO: Well, I would
12 strongly encourage -- also, really quickly,
13 wetland regulations, it's creating a lot of
14 chaos. It's already impacting real estate.

15 How do we consider a navigable
16 waterway like Chautauqua Lake or Lake George
17 a swamp, slog or bog? Which is really what
18 wetland regulations are supposed to be for.

19 DEC INTERIM COMMISSIONER MAHAR: Well,
20 again, that's based on biological conditions
21 and factors in the ground and the way that
22 wetlands were defined in the legislation.
23 The general permits that we're advancing will
24 help address Chautauqua Lake, and I'll pivot

1 back and circle up with you on that and walk
2 you through it.

3 SENATOR BORRELLO: Thank you. I
4 appreciate that.

5 CHAIRWOMAN KRUEGER: Thank you.
6 Assembly.

7 CHAIRMAN PRETLOW: Yes, we've been
8 joined by Assemblymember Tony Simone and
9 Assemblymember Tommy John Schiavoni.

10 Dr. Anna Kelles?

11 CHAIRWOMAN KRUEGER: And I'm sorry, I
12 did not introduce Senator Ramos, who came in
13 earlier as well. Thank you.

14 ASSEMBLYWOMAN KELLES: Thank you so
15 much. A ton of questions -- we won't get
16 through all of them, but we'll give it a try.

17 The 1 billion -- so that's a one-time.
18 My concern, I'm just looking at SUNY alone,
19 40 percent of all of our state buildings --
20 we would probably need about \$10 billion just
21 to decarbonize those buildings. At the rate
22 that you put in 50 million for capital in the
23 DEC, that would take 200 years to
24 decarbonize. We have the 1 billion.

1 So, one, what is the long-term plan of
2 continued funding without the cap-and-invest?
3 And the second piece of that is, of this
4 1 billion, is it going to things like
5 decarbonizing those buildings? Because I am
6 concerned about only the 50 million that was
7 put in for capital.

8 But is the 1 billion going into the
9 climate fund? Is it going to guarantee to
10 have 30 percent of it going to disadvantaged
11 communities? Do we have any transparency?
12 Do we have any details? I mean, basically
13 this is asking for a blank check, so I'm just
14 trying to get some details.

15 DEC INTERIM COMMISSIONER MAHAR: I
16 appreciate that question. And obviously, you
17 know, there are some specificities in the
18 Article VII, and we look forward to working
19 with you on that to make sure that the same
20 priorities that are embodied in different
21 funding programs are embodied in what the
22 Governor's proposing here as well.

23 So the commitment to disadvantaged
24 communities is still there across the board,

1 and we're always making sure that we are
2 living up to the goals.

3 I would say, on SUNY and CUNY, the
4 Bond Act does have resources. We've got
5 50 million that we're going to put on the
6 street to CUNY, and 100 million going out to
7 SUNY as well from the Bond Act.

8 ASSEMBLYWOMAN KELLES: Right,
9 100 million if we need like 10 billion is
10 really -- different scales.

11 DEC INTERIM COMMISSIONER MAHAR: Well,
12 again, we need -- we need to make progress.
13 And every investment is making that progress.
14 And when you leverage this billion -- and,
15 you know, your notion that --

16 ASSEMBLYWOMAN KELLES: Right. If you
17 did it at that rate, it would be 200 years.
18 So just giving a sense of how much money we
19 need, which is why I'm shifting gears for a
20 second, that cap-and-invest is so important.

21 Because we do need ongoing funding,
22 and I'm very concerned that we know that it
23 will reduce costs to taxpayers because of the
24 direct rebates. We know that we will have --

1 if we don't do it now, then we are going to
2 continue to see massive amounts of billions
3 of dollars that taxpayers are spending out
4 because of the cost of climate change. The
5 cost of implementing it will be even worse,
6 and harder and higher, if we don't do it now.

7 So when is the expectation that we'll
8 have those regulations?

9 DEC INTERIM COMMISSIONER MAHAR: So
10 it's -- sorry, it's a --

11 ASSEMBLYWOMAN KELLES: Because by law,
12 it should be out.

13 DEC INTERIM COMMISSIONER MAHAR: So
14 any notion that NYCI is not happening is just
15 not accurate. I think what the Governor has
16 said is recognizing that we continue to move
17 forward with the cap-and-invest program and
18 we need to --

19 ASSEMBLYWOMAN KELLES: Do we have a
20 timeline of when those regulations might come
21 out?

22 DEC INTERIM COMMISSIONER MAHAR: So
23 first, she's directed us to produce the
24 reporting rule requirements first, and those

1 will be coming out in the coming months as we
2 continue the robust stakeholder engagement
3 that we've had over the past few months, to
4 really make sure New Yorkers are aware of the
5 cap-and-invest program, how it's going to
6 work, and the importance of it.

7 ASSEMBLYWOMAN KELLES: But by statute
8 it's supposed to be out next year.

9 So -- and one other question, just
10 about the EPF. There were a lot of cuts that
11 I'm concerned about. Were there reasons that
12 we cut these?

13 DEC INTERIM COMMISSIONER MAHAR: We
14 can talk offline on that.

15 ASSEMBLYWOMAN KELLES: Great, thank
16 you so much.

17 CHAIRWOMAN KRUEGER: Thank you very
18 much.

19 And we have new Senator Bynoe, it's
20 her first budget hearing. Welcome.

21 SENATOR BYNOE: Good morning. Hi,
22 Commissioner, how are you?

23 DEC INTERIM COMMISSIONER MAHAR: Doing
24 well.

1 SENATOR BYNOE: Great. Today I'd like
2 to discuss the water infrastructure
3 investment plan. And so that act provides
4 opportunity for investments in our local
5 communities especially when it comes to PFAS
6 and 1,4 dioxane, as I understand it. And the
7 fund is currently \$500 million. Would you be
8 able to tell me if that program is
9 oversubscribed?

10 DEC INTERIM COMMISSIONER MAHAR: There
11 is a high demand for water funding in the
12 state that we've seen with the \$6 billion
13 commitment and the amount of projects that we
14 have financed, but also those requests that
15 are coming in. There is a big need for this
16 funding.

17 And that's why we're excited that the
18 Governor is continuing to commit that
19 \$50 million investment again this year to
20 make sure that progress continues. We're
21 leveraging that with the Environmental Bond
22 Act resources as well, so we're really making
23 great progress happen. And that's where we
24 really need to see the federal funds continue

1 to flow into New York as well. Because the
2 Clean Water State Revolving Fund is an
3 essential leveraging piece to that as well.

4 SENATOR BYNOE: Thank you. Because
5 we're finding that villages that I represent,
6 like the Village of Hempstead, and Mineola,
7 continue to be plagued with 1,4-dioxane and
8 not having sufficient funding to address
9 those issues. And moreover, Nassau County
10 has really been plagued with sinkholes
11 throughout the county. And that's also with
12 the underinvestment in its infrastructure.
13 And we'd like to see that fund grow so that
14 we can take care of some of those issues that
15 we're currently faced with.

16 Additionally, the CPF funding, you
17 know, we are realizing they didn't -- at
18 Stony Brook, which does the work for Nassau
19 and Suffolk County as it relates to removing
20 harmful blooms and -- algae blooms, it's not
21 been funded at all in this budget. Can you
22 tell me why that hasn't been funded?

23 DEC INTERIM COMMISSIONER MAHAR: Why
24 what hasn't been funded? I missed the last

1 part of your question.

2 SENATOR BYNOE: The Environmental
3 Protection Fund, the CPF. And specifically
4 I'm talking about the Stony Brook initiative.

5 DEC INTERIM COMMISSIONER MAHAR: Oh,
6 the Center for Clean Water Technology?

7 SENATOR BYNOE: That's right.

8 DEC INTERIM COMMISSIONER MAHAR: They
9 have a lot of funding that hasn't been spent
10 yet. And we've been working on some other
11 creative partnerships with other institutions
12 to continue to advance that clean water work.

13 Then we can get you a full accounting
14 of that program and why the changes were
15 proposed in the Environmental Protection Fund
16 this year. Happy to chat with you offline on
17 that.

18 SENATOR BYNOE: But moreover, there's
19 additional funding that's needed for the
20 South Shore Estuary. It's only \$2 million.
21 It's very underfunded in terms of the needs
22 of that area to be able to remediate
23 pollution. Can you talk about that funding a
24 bit for me, please?

1 DEC INTERIM COMMISSIONER MAHAR: Well,
2 we work with the Department of State on the
3 South Shore Estuary Reserve. DOS leads that
4 effort, and DEC is a partner in that process
5 overall. I think you've seen just
6 a continued commitment to the importance of
7 that program. And we look forward to working
8 with you on any changes we need to make in
9 appropriations.

10 SENATOR BYNOE: Look forward to
11 working with you. Thank you.

12 DEC INTERIM COMMISSIONER MAHAR: Thank
13 you.

14 CHAIRWOMAN KRUEGER: Thank you.
15 Assembly.

16 CHAIRMAN PRETLOW: Thank you.

17 We've been joined by Assemblywoman
18 Shrestha.

19 Next is Khaleel Anderson,
20 Assemblymember Anderson, three minutes.

21 ASSEMBLYMAN ANDERSON: Thank you very
22 much, Chair.

23 And Interim Commissioner, thank you so
24 much for being here.

1 I have four questions; hopefully I can
2 get them in. So I'll ask them and then
3 hopefully you'll respond thereafter.

4 So the first question deals with a
5 question related to food. So I know that the
6 Local Emergency Food Relief and Equipment
7 Grant program was something that was
8 announced again for the last fiscal year.
9 Just wondering about the success of that
10 program and wondering if there's any request
11 for additional resources from the Legislature
12 to keep that program going.

13 My next question is about food
14 insecurity and food recovery. My colleague
15 spoke about the food scraps program, and I'm
16 just wondering again if there's any needed --
17 more resources needed to ensure that that
18 program runs efficiently and successfully.
19 Of course there's a gap between what is
20 recovered and what is out there, and I'm just
21 wondering if there's anything else needed to
22 expand and grow that program.

23 My third question is dealing with
24 illegal truck parking and enforcement. We

1 know that -- the regulations that are on the
2 books as it relates to illegal truck parking
3 and trucks that park overnight. This is a
4 big point of contention, as I represent the
5 cargo areas of JFK Airport. Love to invite
6 you out to the district to learn more.

7 DEC INTERIM COMMISSIONER MAHAR: I'd
8 love to.

9 ASSEMBLYMAN ANDERSON: I'm just
10 wondering, you know, how that's being
11 enforced and what mechanisms does DEC have to
12 ensure that folks are following those
13 statutes.

14 And my last question is about managed
15 retreat. I know that managed retreat is
16 generally something that's in the HCR camp,
17 but I did see the \$1 billion related to the
18 Sustainable Futures program and I'm just
19 wondering how that interacts with managed
20 retreat, particularly the 250 million
21 announced last year. I'm just wondering how
22 that --

23 (Overtalk.)

24 DEC INTERIM COMMISSIONER MAHAR: All

1 right, I'll go rapid fire in reverse order.

2 So managed retreat, the Bond Act is
3 really helping with our climate adaptation
4 and resilience efforts overall. We've got a
5 blue buffers program that we're working with
6 HCR on. We're really going to stand up an
7 amazing program that is really going to help
8 reduce risk to New York homeowners and move
9 them out of harm's way.

10 So we can set up some follow-up
11 conversations with you on that.

12 With regard to illegal truck parking
13 and enforcement, our Environmental
14 Conservation police officers are on the front
15 lines doing air quality details on both
16 emissions coming out of trucks but can
17 coordinate with any local police department
18 on enforcement of illegally parked trucks and
19 air quality issues from idling law issues
20 that pertain to that.

21 ASSEMBLYMAN ANDERSON: It feels like
22 JFK is forgotten about, but we can talk about
23 that offline.

24 DEC INTERIM COMMISSIONER MAHAR: Yeah,

1 exactly. I'd like to get out there and bring
2 some ECOs with me to see firsthand what's
3 going on, and we can talk about what security
4 level details or enforcement details we would
5 want to provide.

6 Food security, insecurity
7 infrastructure, the Governor's proposing
8 grants on obviously on the HFC side to help
9 with the transition to natural refrigerants,
10 which will help with the refrigeration
11 capacity that's needed in our food banks.

12 And the Food Scraps Donation Recycling
13 Act is working. I want to work with you on
14 figuring out where we go in the future
15 because right now it's ramping up in all the
16 right ways, and we're excited about the
17 progress that we're making.

18 ASSEMBLYMAN ANDERSON: Thank you so
19 much, Commissioner. Appreciate it.

20 CHAIRWOMAN KRUEGER: Okay. The next
21 Senator is Senator Walczyk.

22 SENATOR WALCZYK: Because of their
23 global warming potential, you're banning a
24 bunch of gases, is that right?

1 DEC INTERIM COMMISSIONER MAHAR:

2 Excuse me, what?

3 SENATOR WALCZYK: Refrigerants, you're
4 banning a bunch of refrigerants?

5 DEC INTERIM COMMISSIONER MAHAR: Yes,
6 HFC is a climate super-pollutant, so it's
7 more potent than, you know, carbon dioxide,
8 so we're trying to phase out those most
9 polluting gases from our supply chains.

10 SENATOR WALCZYK: Does that include
11 things like R-410A and R-32?

12 DEC INTERIM COMMISSIONER MAHAR: Yes,
13 in certain foam insulations and HFCs, if they
14 have HFCs in them or SS6, they would
15 completely comply with this regulation.

16 SENATOR WALCZYK: So this is for my
17 colleagues. Those are the exact same gases
18 that are in an air-source heat pump, aren't
19 they?

20 DEC INTERIM COMMISSIONER MAHAR:
21 Air-source heat pumps have a variety of
22 gases. It depends on the specific heat pump
23 you're speaking about.

24 I would like to get you our experts on

1 to walk through what heat pumps and how they
2 would have to comply with these new
3 regulations.

4 SENATOR WALCZYK: The broader question
5 is rhetorical: How do we expect people to
6 heat and cool their homes if we're banning
7 the gases and the technology that we're
8 mandating as we electrify the State of
9 New York?

10 I'll ask the next question,
11 registration of ATVs. There's 125,000 of
12 them registered in the State of
13 New York today. Some estimate that two times
14 as many are unregistered. Will we finally
15 register UTVs and ATVs in the State of
16 New York as a revenue in this budget?

17 DEC INTERIM COMMISSIONER MAHAR: So
18 I'd have to work with my colleagues in other
19 departments who receive that motor vehicle
20 registration to make sure that there is
21 compliance and that we're receiving those
22 revenues.

23 That's always a priority. We want to
24 make sure people are complying with the laws

1 and registration requirements there and that
2 we're realizing those revenues coming in.

3 SENATOR WALCZYK: Yeah, so the issue,
4 Commissioner, is the weight limit. Are you
5 willing to increase the weight limit for ATVs
6 and UTVs so that we can finally get those
7 registered in the State of New York?

8 DEC INTERIM COMMISSIONER MAHAR: We're
9 always open to conversations on that. And
10 again, I'd like to bring in my colleagues
11 from the Office of Parks, Recreation and
12 Historic Preservation, and others, into that
13 conversation.

14 SENATOR WALCZYK: Thank you.

15 On wetlands, you mentioned earlier in
16 your comments a lot of advanced notice of the
17 proposal, you talked about a comment period
18 being long. Those things are appreciated.
19 Obviously we want to hear back from the
20 public. I've heard back from the public. I
21 represent a number of lakes. You also
22 mentioned that the general permit is
23 developing now. Hopefully you'll hear back
24 from the public and don't have to develop a

1 general permit that doesn't have their input.
2 Because the people on Black Lake don't want
3 to apply for a permit to build a deck. And
4 the people on Oneida Lake don't want to apply
5 for a permit through the Department of
6 Environmental Conservation to put shrubs in
7 their backyard. And the people of
8 Butterfield Lake don't want to apply to cut
9 down a dead tree that's a danger to their
10 home.

11 So hear the public comment from me on
12 behalf of my constituents: Will you remove
13 the 100-foot buffer zone that you've included
14 in those regs right now so that lakes can be
15 lakes and wetlands can be wetlands?

16 DEC INTERIM COMMISSIONER MAHAR: Well,
17 our focus is to make sure wetlands are
18 treated as wetlands and that the appropriate
19 protections are put in place, while
20 recognizing that certain ones, like a lake
21 like Chautauqua Lake, which is a shallow,
22 weedy lake, provides that flexibility for
23 homeowners to continue to put in docks and do
24 the work that they have to do.

1 And we'll have additional general
2 permits out, and our doors are open for those
3 conversations. So we've had robust
4 engagement with lake-wide landowners, and
5 we're going to continue that across the --

6 CHAIRWOMAN KRUEGER: Thank you, Sean.
7 You can continue with the Senator afterwards.

8 DEC INTERIM COMMISSIONER MAHAR: Will
9 do.

10 CHAIRWOMAN KRUEGER: Assembly.

11 CHAIRMAN PRETLOW: Assemblymember
12 Steve Otis, three minutes.

13 ASSEMBLYMAN OTIS: Thank you.

14 Commissioner, first I'd like to thank
15 you and your team at DEC for the tremendous
16 help in the Village of Mamaroneck in terms of
17 dealing with very complex flooding issues.
18 And your whole team has been so great in
19 working with the local officials and trying
20 to problem-solve very complicated matters.
21 I'd spend more time on that, but I have
22 limited time. But thank you, thank you,
23 thank you. You personally have done a great
24 job --

1 DEC INTERIM COMMISSIONER MAHAR: Thank
2 you, Assemblymember.

3 ASSEMBLYMAN OTIS: -- and we
4 appreciate that.

5 I have three quick questions.

6 On the federal Clean Water State
7 Revolving Fund program, do we know whether
8 that funding is included in the recently
9 announced federal pause of federal funding?

10 DEC INTERIM COMMISSIONER MAHAR: Well,
11 our evaluation is very much continuing on
12 that right now, Assemblymember, so we'll get
13 back to you on what programs that applies to
14 and what impact that's going to have on the
15 state. So --

16 ASSEMBLYMAN OTIS: I would say, and
17 this is really for the federal government,
18 that program was started under the Reagan
19 administration. It has been a very
20 successful national program for which
21 New York has done well, and we hope that that
22 funding continues to flow.

23 For the \$1 billion over five years, is
24 the plan to do 200 million a year or may

1 there be more flexibility depending upon as
2 projects come forward? Or has it not yet
3 been decided?

4 DEC INTERIM COMMISSIONER MAHAR: I
5 think that's still in development. Because
6 once the Legislature and the Governor agree
7 on the budget, then we can get to work on
8 implementation. I think, again, we're going
9 to look at existing funding programs that we
10 have, where we need to stand up new programs.
11 But our goal is going to move this money as
12 quickly, effectively and efficiently as we
13 can. Because as I think you're hearing from
14 your colleagues, we need to be moving on this
15 transition right now, and that's why the
16 Governor is standing up this funding.

17 ASSEMBLYMAN OTIS: That's great.

18 I will say, as an aside, since you
19 mentioned that, some of the water money that
20 doesn't flow is sometimes because the grantee
21 is not ready to receive the money. Sometimes
22 they get the award and -- so just being
23 familiar with the program and EFC, some of
24 that is really program-readiness at the local

1 level, not with the state.

2 Last topic, which is fire. And been
3 through a lot, and just curious in terms of
4 DEC's plans for anticipating the fire threats
5 going forward and expanding our capabilities
6 as these things occur.

7 DEC INTERIM COMMISSIONER MAHAR: Well,
8 our Forest Rangers are wildland firefighters
9 for the state, and they do a tremendous job
10 year in and year out responding to wildfires.
11 I think what you saw with the Jennings Creek
12 fire in the Catskill area this year was
13 really heroic work that protected any homes
14 and infrastructure from being impacted by
15 that wildfire, and it was a real testament to
16 the work that they do across the state.

17 We're always evaluating fire risk.
18 The statewide burn ban is an important tool,
19 and I'll get back in touch with you,
20 Assemblymember, on all the other ways we're
21 addressing wildfire risk in the state.

22 ASSEMBLYMAN OTIS: Thank you, Sean.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Senator Chris Ryan.

1 SENATOR CHRIS RYAN: Good afternoon.

2 How are you? Thank you.

3 I want to just kind of go back to the
4 topic of staffing a bit. I know we touched
5 on it a little bit. Obviously DEC,
6 conservation officers, we struggle a little
7 bit with retention and recruitment. Do you
8 believe we have -- you're adequately staffed?

9 DEC INTERIM COMMISSIONER MAHAR: Well,
10 I believe that the Governor's investment of
11 58 staff is a recognition that DEC continues
12 to need new resources to implement the new
13 laws that are being passed and the programs
14 that are being stood up.

15 So we're always evaluating our
16 staffing needs and levels with the Executive
17 to make sure we're putting the people in the
18 places to guide the implementation of all the
19 programs that we do across the state. So the
20 3,000 people plus, or 3300 people, are doing
21 amazing work, and I'm proud each and every
22 day of the hard work they're doing to deliver
23 for New Yorkers.

24 So as far as -- but specific to

1 conservation officers, right, I think we
2 have -- we're close to 300 -- or how many
3 across the state?

4 DEC INTERIM COMMISSIONER MAHAR: We
5 have 291 Environmental Conservation Officers.

6 SENATOR CHRIS RYAN: Minus what we
7 just lost. But we put on 26, but that class
8 was down from 45, right? So we're going to
9 try to do 50. So if we were to put on an
10 additional 58, do you believe that that would
11 satisfy?

12 DEC INTERIM COMMISSIONER MAHAR: Well,
13 that's something that we're evaluating across
14 the board with the 58 positions we have where
15 we need to make sure we have staffing
16 resources put in place to guide the programs
17 and address attrition losses that we're
18 seeing throughout the agency.

19 I spoke in my testimony to the over
20 400 new staff that we've brought on to the
21 agency in the last year alone. For the last
22 two years prior we had about 350 each of
23 those years. So about a third of our agency
24 has overturned in the last three years. And

1 that is on the recruitment and retention
2 side. We're always looking at all our
3 pathways to make sure we're bringing in
4 talent.

5 On the ECOs in particular, excited to
6 graduate that newest class. We're already
7 beginning planning for the next training
8 academy in the very near future. We're
9 looking at next year, or 2026, as being
10 another training academy year, and we'll
11 evaluate with the Executive and you what
12 additional positions we need.

13 SENATOR CHRIS RYAN: So the 283,
14 right, is that about where you think we need
15 to be? Or how many more do you think we need
16 to be adequate?

17 DEC INTERIM COMMISSIONER MAHAR: Well,
18 that's what we're always evaluating with
19 implementation of the new laws that come in:
20 Are there more staff that we need on
21 implementation, or more ECOs that we need in
22 the field to be able to address those new
23 laws and regulations that are coming into
24 effect? And that evaluation continues each

1 year.

2 And I think on the recruitment side we
3 are looking at how we make these positions
4 more marketable to really recruit that next
5 generation of Environmental Conservation
6 Officer or Forest Ranger. These jobs are
7 some of the most rewarding and hardest in the
8 state. And we want to make sure, from our
9 qualifications to our incentives, to
10 everything, we're creating those pathways to
11 bring in ECOs.

12 So I believe the force is healthy
13 right now, and we're continuing to evaluate
14 what they need in the future.

15 SENATOR CHRIS RYAN: Thank you.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Assembly.

18 CHAIRMAN PRETLOW: Assemblymember
19 Jessica Gonzalez-Rojas.

20 ASSEMBLYWOMAN GONZALEZ-ROJAS: Thank
21 you, Chair.

22 Thank you, Commissioner, for being
23 here.

24 As you well know, devastating

1 hurricanes and storms have been more frequent
2 and more destructive, particularly for
3 vulnerable communities that live in and
4 around the flood zones. I represent several
5 communities in Western Queens that have been
6 hit hard by Hurricane Ida and other storms
7 that have followed. Many families forced out
8 of their homes into hotels because of the
9 severe damage.

10 I searched both the Governor's budget
11 bill and our own assessments of those bills;
12 the word "flood" came up once. So I want to
13 hear what are the status and budgetary needs
14 of DEC's flood risk management programs, what
15 are the future needs to shore up our flood
16 mitigation infrastructure to protect our
17 communities, given the onslaught of
18 devastating weather impacts in our
19 communities.

20 DEC INTERIM COMMISSIONER MAHAR: So I
21 think with your word search you should refine
22 to include the words "resilience," "dams,"
23 "coastal infrastructure," and other words,
24 because that's where you're seeing some more

1 of those investments play out.

2 So reducing flood risks is a top
3 priority of the Governor. The Bond Act has
4 many resources that are dedicated to boosting
5 climate resilience and helping to reduce
6 flood risk. Our wetland regulations are
7 protecting those critical resources that help
8 protect communities from flooding themselves.
9 So that's why the wetlands regulations are so
10 important.

11 And when you look across the board not
12 only at the Environmental Protection Fund but
13 the Clean Water Infrastructure funding as
14 well, these are some of the resources that
15 we're tapping into to provide that level of
16 protection.

17 Dam safety is a big priority of DEC,
18 and we're continuing investments in the flood
19 control infrastructure that we have
20 responsibility for, especially in the
21 Southern Tier, leveraging Bond Act
22 appropriations and other state investments to
23 make sure that that infrastructure is
24 providing the protection measures that it

1 needs to to communities.

2 On the federal level, we continue to
3 coordinate with the Army Corps of Engineers
4 on many of the larger flood control and
5 coastal restoration projects from the
6 Fire Island to Montauk Point project that's
7 underway on Long Island, to the South Shore
8 of Staten Island project, to the harbor and
9 tributary study that's underway as well. You
10 know, we're evaluating with the Corps all the
11 projects that we have to do to increase
12 community resilience and protect against
13 floods, and really learn the lessons that
14 we've seen in the recent floods to make sure
15 that we're engaging with communities where we
16 have to. And we've done a robust engagement
17 in Steuben County, in particular, that was
18 really impacted with floods, on making sure
19 that the emergency repairs that they do are
20 actually helping alleviate future problems
21 and not just creating problems --

22 ASSEMBLYWOMAN GONZALEZ-ROJAS: More
23 specifically, can you speak to the area in
24 and around LaGuardia Airport?

1 DEC INTERIM COMMISSIONER MAHAR:

2 LaGuardia Airport?

3 ASSEMBLYWOMAN GONZALEZ-ROJAS: Yes.

4 DEC INTERIM COMMISSIONER MAHAR: I'll
5 have to get back to you, with our regional
6 staff, and I'd like to set up a meeting with
7 you just on that specific area and how we're
8 looking at flood risk and, right, addressing
9 it.

10 ASSEMBLYWOMAN GONZALEZ-ROJAS: Great.
11 Thank you very much.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator Canzoneri-Fitzpatrick.

14 SENATOR CANZONERI-FITZPATRICK: Thank
15 you, Chair. Thank you to the panelists for
16 being here today.

17 I represent the southwest section of
18 Nassau County, where local control is
19 particularly important. The change in the
20 standard for overriding local rule or local
21 law in a siting development project was
22 changed by the RAPID Act. It used to be that
23 we would look to the needs of the consumers
24 to decide whether or not local law would be

1 overruled. And the RAPID Act says that if it
2 is unreasonably burdensome in view of the
3 CLCPA targets and the environmental benefits,
4 that local law can be overruled.

5 So my question is whether it's a
6 matter of statute or practicality, do you
7 expect that ORES will consult with DEC in
8 determining whether local laws are
9 unreasonably burdensome, in light of the
10 CLCPA, in determining whether or not the
11 local law would be overruled?

12 DEC INTERIM COMMISSIONER MAHAR: So
13 there's robust engagement that our agency has
14 with ORES as part of their process, and we're
15 always making sure that siting is really
16 prioritized. And we're properly siting our
17 energy infrastructure in ways that have
18 minimal environmental impacts but maximal
19 benefits for the clean energy that is going
20 to be produced.

21 SENATOR CANZONERI-FITZPATRICK: So my
22 next question would follow up on that, is
23 that do you see opportunities where DEC would
24 work with ORES in considering overruling

1 local law to make sure that the community
2 supports the alternatives that are put in?

3 DEC INTERIM COMMISSIONER MAHAR: I
4 would definitely encourage you to speak to
5 DPS this afternoon, as part of their
6 relationship with ORES overall.

7 You know, on our engagement we just
8 focus on the environmental and permitting
9 factors that DEC intersects with ORES to make
10 sure that our experts are providing their
11 expertise as part of that process.

12 SENATOR CANZONERI-FITZPATRICK: Okay,
13 thank you.

14 Shifting gears to the HFC regulations,
15 I notice that, you know, the budget does
16 include a grant for small mom-and-pop
17 grocery stores and convenience stores that
18 are in underserved areas. But how are we
19 going to move this forward for the
20 mom-and-pop grocery stores that are not in
21 underserved areas?

22 And this grant might be just for this
23 year. What do we do in the future to get
24 these stores in compliance?

1 DEC INTERIM COMMISSIONER MAHAR: Well,
2 I think it's a recognition that in order to
3 ensure compliance we need to be providing
4 that funding, and this initial grant round
5 will be, you know, our first on the street,
6 and we'll continue to grow that program over
7 time to make sure we're helping with that
8 transition to our natural refrigerants that
9 we need to see.

10 SENATOR CANZONERI-FITZPATRICK: Okay.
11 Thank you very much.

12 CHAIRWOMAN KRUEGER: Thank you.
13 Assembly.

14 CHAIRMAN PRETLOW: We've been joined
15 by Assemblymember Angelo Santabarbara.

16 And next on my list is Assemblymember
17 Grace Lee.

18 ASSEMBLYWOMAN LEE: Thank you, Chair.
19 And good morning, Commissioner.

20 DEC INTERIM COMMISSIONER MAHAR: Good
21 to see you.

22 ASSEMBLYWOMAN LEE: I passed a bill
23 with Senator Brian Kavanaugh last session that
24 would expand the technical assistance grant

1 program requiring participants in the
2 Brownfield Cleanup Program to provide
3 technical assistance grants to communities
4 when a brownfield cleanup site is located on
5 and/or adjacent to a school or daycare
6 center. The bill passed unanimously through
7 both houses but then was vetoed by the
8 Governor in December. Do you know why the
9 Governor vetoed the bill?

10 DEC INTERIM COMMISSIONER MAHAR: I'd
11 have to look back at her veto message. I
12 don't have that in front of me right now to
13 understand her concerns.

14 But obviously we're always open to
15 providing technical assistance and engaging
16 communities. So that is a priority of our
17 programs, and I want to work with you more on
18 that.

19 ASSEMBLYWOMAN LEE: Great. Thank you.

20 How much do you spend giving grants to
21 property owners for cleanup projects in the
22 aggregate and per project?

23 DEC INTERIM COMMISSIONER MAHAR: Well,
24 for the brownfield program?

1 ASSEMBLYWOMAN LEE: Yes.

2 DEC INTERIM COMMISSIONER MAHAR: We
3 don't provide grants. We provide tax
4 credits.

5 ASSEMBLYWOMAN LEE: Right, tax
6 credits, sorry.

7 DEC INTERIM COMMISSIONER MAHAR: The
8 Department of Tax and Finance can get back to
9 you with the specifics on that.

10 Our focus with this program is
11 overseeing the effective cleanups and make
12 sure that those goals are met and the sites
13 are cleaned up appropriately.

14 ASSEMBLYWOMAN LEE: And how often do
15 you provide funding to communities impacted
16 by brownfield cleanup programs?

17 DEC INTERIM COMMISSIONER MAHAR: With
18 the Department of State, with the Brownfield
19 Opportunity Area program, there is incentive
20 funding for communities and municipalities
21 to --

22 ASSEMBLYWOMAN LEE: How often do you
23 provide those grants?

24 DEC INTERIM COMMISSIONER MAHAR: I

1 would have to encourage you to talk to the
2 Department of State about the implementation
3 of that program.

4 ASSEMBLYWOMAN LEE: Got it.

5 As I understand, this is a
6 multi-billion-dollar program for developers,
7 and these funding grants are not that
8 frequent. Do you think communities should
9 have the right to objective information about
10 how risks are being managed during cleanup
11 projects?

12 DEC INTERIM COMMISSIONER MAHAR: Well,
13 the way our cleanup projects are advanced,
14 both in the Brownfields Program and the State
15 Superfund Program, is really based in
16 community engagement. And we want to make
17 sure that we're hearing from communities --

18 ASSEMBLYWOMAN LEE: But do you think
19 communities should have the objective
20 information about how risks are being managed
21 on their site?

22 DEC INTERIM COMMISSIONER MAHAR: Of
23 course. And that's what we provide through
24 our programs. We always make sure that we

1 are transparently putting out how our
2 cleanups are being --

3 ASSEMBLYWOMAN LEE: Excellent. Well,
4 I look forward to working with you more on
5 this bill as we pass it through the Assembly
6 and Senate this session.

7 I have a question about congestion
8 pricing -- or impacts of congestion pricing.
9 There are serious concerns from my community
10 that congestion pricing is going to
11 negatively impact air quality for residents
12 along the FDR Drive, as the traffic is being
13 pushed to the edges of Manhattan outside of
14 the Central Business District.

15 Is there anything currently that DEC
16 is doing to manage air quality or monitor air
17 quality along the FDR Drive?

18 DEC INTERIM COMMISSIONER MAHAR: So we
19 have a statewide air quality monitoring
20 network across the state, including a number
21 of -- or a suite of air quality monitors in
22 the New York City area that we're going to
23 evaluate over time as we consistently do.
24 But we'll see the impact congestion pricing

1 is having and evaluate that with you all,
2 transparently, as we get data coming in.

3 What we expect to see is obviously
4 improvements in air quality overall from any
5 changes to transportation.

6 ASSEMBLYWOMAN LEE: Great. And if
7 there are impacts, negative impacts, along
8 the FDR Drive where many of my constituents
9 live, can we look to do some mitigation in
10 order to improve the air quality?

11 DEC INTERIM COMMISSIONER MAHAR: As I
12 say, we're coordinating with DEP in the city
13 on that too, so we'll keep you posted and
14 have meetings with DEP with you.

15 ASSEMBLYWOMAN LEE: Great, thank you.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Senator Gonzalez.

18 SENATOR GONZALEZ: Thank you,
19 Chair Krueger.

20 And good morning, Commissioner. This
21 question is for you.

22 As I think you know, I represent
23 Newtown Creek, which is one of the most
24 polluted waterways in the entire country.

1 And in addition to the 17 million gallons of
2 industrial waste at the Superfund site, today
3 around 1.2 billion gallons of combined sewage
4 overflows flow into Newtown Creek every year.

5 In 2024, as you also know, DEC and DEP
6 proposed a welcome modification to the
7 original long-term control plan that would
8 eliminate the proposal to displace CSOs in
9 the East River and instead increase CSO
10 capture by increasing the capacity of the
11 proposed Newtown Creek CSO storage tunnel.
12 This change will reduce CSO volume by
13 67 percent annually, an increase from
14 62 percent. However, the tunnel will not be
15 complete until 2040, and it will still leave
16 350 million gallons of raw sewage entering
17 Newtown Creek.

18 Does DEC plan to strengthen the
19 Newtown Creek long-term control plan and
20 other similar plans for waters throughout the
21 city to eliminate more CSO overflows?

22 DEC INTERIM COMMISSIONER MAHAR:
23 Appreciate that, Senator. And I think what
24 would be best is for us to set up a meeting

1 with you and our experts who are working on
2 Newtown Creek, to go into all facets of the
3 program, both on the remediation side but
4 also on the water side, from our, you know,
5 holding the city accountable for implementing
6 the long-term control plans.

7 Obviously what you're seeing with the
8 Bond Act, with the Clean Water Infrastructure
9 funding, there are a lot of funding sources
10 that we're working to leverage to advance
11 projects like what you're seeing in
12 Newtown Creek. And it is a real commitment
13 of the department here to make sure that
14 we're overseeing the effective cleanup of
15 that area.

16 So it's really in depth, and I don't
17 want to use up all your time, and that's why
18 I think hearing from the experts and doing a
19 field visit --

20 SENATOR GONZALEZ: Sure.

21 DEC INTERIM COMMISSIONER MAHAR: --
22 with you would be important.

23 SENATOR GONZALEZ: Happy to follow up
24 offline and talk a little bit more

1 specifically about Newtown Creek. We
2 certainly need it.

3 But are we still on track to achieve a
4 goal of zero CSOs by 2060?

5 DEC INTERIM COMMISSIONER MAHAR: What
6 was the goal?

7 SENATOR GONZALEZ: I think the goal is
8 to achieve zero CSOs citywide, so New York
9 City, by 2060.

10 DEC INTERIM COMMISSIONER MAHAR: We
11 are working directly with DEP on that
12 initiative and making sure that the state is
13 making funding available to help that work
14 advance. And I'd have to defer you to DEP
15 for how they are making progress on that
16 goal.

17 SENATOR GONZALEZ: Yeah, I'm excited
18 to hear about any progress. But, you know,
19 2060 is quite a long timeline, and I think
20 water quality is a priority for my
21 constituents. So I'd certainly love to know
22 if there are any barriers to achieving that
23 goal by that deadline.

24 And then, very briefly, you know, air

1 quality by the BQE in northern Brooklyn is
2 another issue in my district. What resources
3 does DEC need to address the air quality
4 issues identified by the Community Air
5 Monitoring Initiative?

6 DEC INTERIM COMMISSIONER MAHAR: So
7 that is part of what we're going to do in the
8 next phase of this, which is more
9 community-based conversations on looking at
10 the data and figuring out what actions we
11 need to see.

12 If there are funding needs associated
13 with those actions, we're going to look to
14 leverage funding sources. But there might be
15 other options that would address the air
16 quality impact. So we'll keep you posted.

17 SENATOR GONZALEZ: Great. Thank you
18 so much.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Assembly.

21 CHAIRMAN PRETLOW: Assemblymember
22 Sempolinski.

23 ASSEMBLYMAN SEMPOLINSKI: Hello.
24 Commissioner, thank you for being here. I

1 just have one question. And I'll illuminate
2 it by way of an analogy.

3 So you're sitting here today in good
4 faith, and you're wearing a blue suit. And
5 tomorrow, what if the Legislature passed a
6 law that says anybody that testified before
7 the Legislature wearing a blue suit has to
8 pay \$75 billion? I would imagine that you
9 wouldn't want ever to come testify before us
10 again, and I would imagine, in the 12
11 remaining hearings that we're going to have,
12 a lot of people aren't going to want to come
13 testify because they don't know what
14 silliness we're going to produce coming down
15 the pipeline.

16 In the Climate Change Superfund law,
17 that's exactly what we did. We had
18 businesses engaging in good faith with the
19 law at the time that then have been charged
20 \$75 billion after the fact, some might say
21 ex post facto.

22 How is that not a blatant attack on
23 the rule of law in the State of New York?
24 And why would any rational person, after

1 seeing what has happened to these
2 companies -- that again did not break any
3 laws at the time -- ever engage in business
4 with or for the State of New York?

5 DEC INTERIM COMMISSIONER MAHAR: Well,
6 I think generally, you know, we operate under
7 a polluter-pays principle. And when we have
8 the state Superfund program, which is our
9 traditional hazardous waste cleanup program,
10 you know, we look to see what things may have
11 happened in the past that are now impacting
12 public health and the environment and make
13 sure we're helping them --

14 ASSEMBLYMAN SEMPOLINSKI: Yes, but at
15 the time they didn't break any law.

16 DEC INTERIM COMMISSIONER MAHAR: Well,
17 that's not the case necessarily. They may
18 have been doing things potentially in
19 compliance, but that compliance may have had
20 risks and impacts that weren't evaluated for,
21 and now we're finding off-site-migration
22 contaminants and things that are impacting
23 the environment. That's why the
24 polluter-pays program is --

1 ASSEMBLYMAN SEMPOLINSKI: We're
2 finding -- with all respect, sir, we're
3 finding that after the fact.

4 DEC INTERIM COMMISSIONER MAHAR: So
5 that's the basis of --

6 ASSEMBLYMAN SEMPOLINSKI: If you want
7 to change the regulations going forward,
8 that's something -- I think a conversation
9 that we can all have. You know, we all want
10 to protect the environment.

11 But to look back over the course of
12 decades and say, Well, you did something that
13 we don't like, we're going to charge you a
14 gargantuan sum of money --

15 DEC INTERIM COMMISSIONER MAHAR: Well,
16 it's not that we didn't like it, it's that
17 we're finding real-world impacts that need to
18 be accountable for and we need to clean up --

19 (Overtalk.)

20 ASSEMBLYMAN SEMPOLINSKI: But that's
21 neither here nor there. The question is you
22 can't have ex post facto law and live in a
23 society that's based on the rule of law.
24 Because why don't we all look back at what

1 something that any of us did last week that
2 we don't like?

3 DEC INTERIM COMMISSIONER MAHAR: Well,
4 that's why we have to look back to make sure
5 that we're protecting New Yorkers. And I
6 think that's fundamentally what we've done
7 with the traditional Superfund program, and
8 that's what we're going to be doing with the
9 Climate Superfund Program that we're --

10 (Overtalk.)

11 ASSEMBLYMAN SEMPOLINSKI: I appreciate
12 your answer. It's blatantly unconstitutional
13 and an attack on the rule of law. Thank you.

14 CHAIRWOMAN KRUEGER: I think I am the
15 last Senator here to ask questions, so I'm
16 going to take my 10 minutes. Thank you very
17 much.

18 But I want to talk about
19 cap-and-invest. So -- oh, I guess I just
20 want to comment on -- so if blue suits caused
21 climate crisis and the world to have a
22 shorter existence, do you think it might be a
23 reason to criticize blue suits?

24 DEC INTERIM COMMISSIONER MAHAR: How

1 do I look today, Senator?

2 (Laughter.)

3 CHAIRWOMAN KRUEGER: You don't
4 actually have to answer. You don't have to
5 answer.

6 DEC INTERIM COMMISSIONER MAHAR: If I
7 found that my blue suit was impacting you
8 negatively, please hold me accountable.

9 (Laughter.)

10 CHAIRWOMAN KRUEGER: Never mind, that
11 was a rhetorical question on my part.

12 But there was an earlier question
13 about battery storage causing the wildfires
14 in California. Do you think that's the cause
15 of the wildfires in California?

16 DEC INTERIM COMMISSIONER MAHAR: I
17 haven't seen the -- any evidence of what
18 started those wildfires in California. I
19 think obviously fire risk is a priority, and
20 reducing fire risk is a priority in New York
21 State. And that's why I think, you know,
22 some of your colleagues asked questions about
23 that.

24 We're working with our Forest Rangers,

1 our division of Lands and Forests, really to
2 evaluate where fire risk is high in New York
3 and where we need to take proactive steps to
4 reduce that risk through prescribed burning,
5 active forest management, or other steps to
6 really make sure we're protecting
7 communities. And that's our priority.

8 CHAIRWOMAN KRUEGER: Thank you.

9 So two reports recently came out on
10 cap-and-invest that both show the vast
11 majority of New York households will break
12 even or even come out ahead financially under
13 our program. And these results actually will
14 improve the higher-priced scenario. And
15 84 percent of New York State households would
16 break even or come out ahead as a result of
17 cap-and-invest.

18 We know that it's an assignment of
19 law. We know that utility affordability is a
20 critical issue for all of us. What are --
21 since we aren't going forward with
22 cap-and-invest in this budget, according to
23 the Governor, what does this budget do to
24 increase energy affordability for those

1 84 percent of New Yorkers who would have
2 benefited from cap-and-invest?

3 DEC INTERIM COMMISSIONER MAHAR: Well,
4 first I would just say cap-and-invest is
5 continuing to move and we're continuing to
6 advance it and develop it.

7 The Governor has directed us to first
8 prioritize the reporting rule, which we will
9 be putting out on the street in the coming
10 months and engaging in a robust dialogue
11 around that component of it while we continue
12 to build additional momentum on the
13 cap-and-invest program overall, the benefits
14 it will provide to New Yorkers, how it will
15 work. And that's part of the robust
16 stakeholder engagement that the Governor is
17 directing us to do, recognizing that we need
18 to get this right. If we're going to have an
19 economy-wide program that addresses climate
20 emissions, we need to make sure New Yorkers
21 are ready for it and prepared for it. And
22 that's what we've been doing with the
23 stakeholder engagement, and that's what we're
24 going to continue to do through the

1 rulemaking process coming up.

2 And the billion dollars that she's
3 committing in this budget this year is a
4 recognition that we need to keep those
5 investments going and stand up these programs
6 so that as new programs like a cap-and-invest
7 program come online, we can take that
8 revenue, leverage it, implement it
9 effectively, and address affordability
10 concerns of New Yorkers across the state.

11 And that's really what you're seeing
12 play out here and that's why, you know, there
13 is a strong commitment to the cap-and-invest
14 program, and we're continuing to move forward
15 on it.

16 CHAIRWOMAN KRUEGER: So my reading of
17 the budget is while she's talked about a
18 billion dollars, it's actually over five
19 years, so it's only 200 million. Am I
20 correct?

21 DEC INTERIM COMMISSIONER MAHAR: Well,
22 it's a billion-dollar commitment that will be
23 spread out over time, but we're going to move
24 investments as quickly, efficiently and

1 effectively as we can.

2 And again, looking at the suite of
3 programs that we may use, from traditional
4 programs to new programs, obviously we can
5 move traditional programs more quickly. When
6 we stand up new programs, that takes a little
7 more time. So the flexibility that's built
8 into that appropriation just recognizes that
9 we're going to commit a lot of resources that
10 will advance in the coming fiscal years as
11 the projects come online, and the funding is
12 either reimbursed, if it's a reimbursement-
13 based program, or, you know, granted up front
14 for grant-based programs.

15 CHAIRWOMAN KRUEGER: You just
16 referenced spending quickly. Someone
17 informed me that we still have unspent money
18 from the 1996 Bond Act. Is that true? And
19 can we spend that money this year?

20 DEC INTERIM COMMISSIONER MAHAR: We do
21 have -- I think we're down to just a few
22 uncommitted funds from the '96 Bond Act. And
23 that was based on some of the ways that Bond
24 Act was enacted and created with the

1 Legislature at the time, and there were
2 certain spending requirements or restrictions
3 on that fund.

4 So obviously with the new Bond Act, in
5 the way that you all worked with us to
6 create, we don't have that same problem. And
7 what we're doing with the eligibility
8 guidelines and criteria that we're creating,
9 we're really showing New Yorkers
10 transparently how we're building the Bond Act
11 funding, how it's going to be spent, and how
12 we're maximizing that delivery of it on the
13 ground.

14 CHAIRWOMAN KRUEGER: So I think most
15 of us if not all of us weren't here in '96,
16 so if you wouldn't mind sharing with us how
17 much money is left, and what it specifically
18 needs to be used for, so that we can
19 coordinate in this year's budget to getting
20 that money spent.

21 So it was reported I believe in the
22 press yesterday that your draft regulations
23 on cap-and-invest were ready to go. Are they
24 ready to go, even though they are not going

1 forward right now?

2 DEC INTERIM COMMISSIONER MAHAR: Well,
3 as we always do with development of any
4 regulations that DEC is developing, we
5 produce options for what -- you know, how
6 these regs would roll out, what the different
7 components of them are, and evaluate that
8 with the Executive.

9 And what we did as part of that
10 evaluation was obviously show potential
11 scenarios, and the Governor has requested
12 that first we move on the reporting rule,
13 which is what we're going to be putting out
14 on the street in the coming months, to
15 continue to show that momentum of and
16 commitment to cap-and-invest while we
17 continue to build the broader program and
18 hear from additional stakeholders, including
19 members of the Legislature here.

20 I think we've had a robust
21 conversation today, and I see where you all
22 want to make sure that we're getting this
23 right. And that's part of what we're going
24 to do as we build out the cap-and-invest

1 program moving forward.

2 CHAIRWOMAN KRUEGER: So it's tricky to
3 know whether we all are going in the same
4 direction, because we haven't seen the draft
5 regulations. So can you share with us what
6 the various anticipated revenues were in your
7 multiple projections?

8 DEC INTERIM COMMISSIONER MAHAR: I
9 would have to get back to you on any of that
10 specific accounting. I don't have it at my
11 fingertips right now, Senator.

12 But part of what we will be doing as
13 further development of the cap-and-invest
14 program is putting that information out there
15 transparently, looking at different
16 scenarios, what the cost implications would
17 be, what the revenue benefit would be, and
18 making sure that we're engaging transparently
19 with you and all New Yorkers in this
20 conversation.

21 CHAIRWOMAN KRUEGER: So I know that
22 the Governor and you now also have said we
23 want more time so that we can sort of have
24 more people brought in to discuss. How many

1 public meetings have already been held on
2 cap-and-invest, and how many people have
3 already sent comments in?

4 DEC INTERIM COMMISSIONER MAHAR: I'd
5 have to get back to you on the specifics,
6 because it has been robust over the last two
7 years and there have been multiple engagement
8 opportunities. And we just want to continue
9 that and deepen that moving forward.

10 I think the more transparent we can be
11 with the development of these programs, how
12 it's going to work, creates better programs
13 overall. And that's our goal with something
14 that is going to be fully economy-wide, and
15 it's going to really touch New Yorkers. We
16 want to make sure we get this right and
17 deliver the right program for New Yorkers.

18 CHAIRWOMAN KRUEGER: And since many of
19 us read the law that actually we should have
20 already started cap-and-invest, can you give
21 me an estimate about when you think we are
22 going to start now? Because you even implied
23 it doesn't mean something won't happen this
24 year, in the coming fiscal year.

1 DEC INTERIM COMMISSIONER MAHAR: Well,
2 obviously that will be developed and we'll
3 work with you directly on that as we finalize
4 the first draft of the reporting rule and get
5 that out on the street. There will be a
6 robust public comment process, and in part
7 that's been dictated by legislation, to make
8 sure that we're transparently and effectively
9 engaging New Yorkers. And that will really
10 dictate the rest of the timelines for the
11 broader cap-and-invest program overall.

12 So, you know, our goal is to be very
13 transparent with you on that. First things
14 first, we need to get the reporting rule
15 finished and out on the street, and that will
16 really dictate the next steps in the process.

17 CHAIRWOMAN KRUEGER: Shifting to
18 crypto mining, which if anyone asked while I
19 snuck out for a few minutes, I apologize.

20 But in theory, my understanding is
21 that you are supposed to complete a Generic
22 Environmental Impact Statement. That was
23 required by the Crypto Mining Moratorium bill
24 of '22. And you have not completed that

1 report yet.

2 Can you tell us what the status is and
3 what more you need in order to complete the
4 report and deal with policy solutions
5 ensuring that crypto miners don't continue to
6 cause problems? Because apparently the
7 crypto miners that already are here in
8 New York are using up to the equivalent
9 energy that 1 million homes use.

10 DEC INTERIM COMMISSIONER MAHAR: So we
11 did put the draft scope out for comment in
12 April and finalized that for the
13 Environmental Impact Statement that we're
14 developing. We took the comments on that.
15 The EIS is being developed now, and then will
16 be put out on the street for a 120-day
17 comment period, including public hearings
18 across the state on what we learned.

19 DEC didn't have in-house expertise
20 with respect to some aspects of the crypto
21 mining industry and the implications of it,
22 so we had to contract this work out and
23 really stand up the right people and the
24 places to move that forward. And that's very

1 much moving forward now.

2 And with regard to the requirements of
3 the law, that 120-day comment period will be
4 the next step in the process to really hear
5 from New Yorkers. But in the interim, any
6 crypto mines that are potentially looking to
7 open in New York have to come to DEC for
8 various permits that are analyzed on a
9 case-by-case basis, and we have oversight
10 authority over that to make sure they're
11 complying with the Climate Act and other
12 aspects of our air and water and natural
13 resource regulations.

14 CHAIRWOMAN KRUEGER: I'm out of time,
15 so thank you very much.

16 Next, Assembly.

17 CHAIRMAN PRETLOW: Assemblymember
18 Micah Lasher.

19 ASSEMBLYMAN LASHER: Thank you, Chair.

20 And good to see you, Commissioner.

21 DEC INTERIM COMMISSIONER MAHAR: Good
22 to see you.

23 ASSEMBLYMAN LASHER: Thanks for all
24 your work.

1 Just with regard to the earlier
2 conversation about the color of your suit and
3 the Climate Change Superfund, does the
4 Climate Change Superfund Act -- does any
5 entity's liability have anything to do with
6 whether they're headquartered in the State of
7 New York or employ New Yorkers?

8 DEC INTERIM COMMISSIONER MAHAR: Well,
9 that is part of what we're going to look at
10 with the specifics --

11 ASSEMBLYMAN LASHER: As a statutory
12 matter, does an entity's liability have any
13 pertinence to whether they are physically
14 located in the State of New York or employ
15 New Yorkers?

16 DEC INTERIM COMMISSIONER MAHAR: Not
17 having the statute in front of me, or my
18 general counsel next to me, I'd want to get
19 back to you on that --

20 (Overtalk.)

21 ASSEMBLYMAN LASHER: What's your best
22 recollection or rough understanding of the
23 statute?

24 DEC INTERIM COMMISSIONER MAHAR:

1 What's that?

2 ASSEMBLYMAN LASHER: In that regard,
3 what's your rough understanding of the
4 statute, whether that is a pertinent factor?

5 DEC INTERIM COMMISSIONER MAHAR: What
6 I want to focus on is really building the
7 program behind it with the staff that we're
8 going to be staffing up to make sure that
9 we're delivering for what is needed for
10 New Yorkers and holding polluters accountable
11 in the right way to achieve the Climate
12 Superfund goals.

13 ASSEMBLYMAN LASHER: I would offer as
14 a clarification that in fact it does not
15 pertain to whether a company is headquartered
16 in New York or employs New Yorkers, and that
17 therefore the notion that a company's
18 decision to locate in New York or leave
19 New York has anything to do with their
20 liability on the Climate Change Superfund Act
21 is a rather disingenuous suggestion.

22 Moving on to cap-and-invest, we have
23 climate emissions reductions targets of
24 40 percent off 1990 levels by 2030, is that

1 correct?

2 DEC INTERIM COMMISSIONER MAHAR: Yes.

3 ASSEMBLYMAN LASHER: Okay. What
4 percentage emissions reductions have we
5 achieved to date off 1990 levels?

6 DEC INTERIM COMMISSIONER MAHAR: We
7 produced an annual greenhouse gas emissions
8 inventory report --

9 ASSEMBLYMAN LASHER: Roughly speaking,
10 what percentage reduction have we achieved
11 since 1990 to date?

12 DEC INTERIM COMMISSIONER MAHAR: I'd
13 have to get back to you on the specifics, I
14 don't have them at my fingertips.

15 I think we're at -- I'll have to get
16 back to you on the specifics.

17 ASSEMBLYMAN LASHER: Okay. Roughly
18 speaking, in the absence of cap-and-invest,
19 when do you think we would hit the targets
20 that CLCPA established for 2030?

21 DEC INTERIM COMMISSIONER MAHAR: Well,
22 that's what we're actively working on with
23 our colleagues at NYSERDA --

24 (Overtalk.)

1 ASSEMBLYMAN LASHER: Do you think it
2 would occur, roughly, in my actuarially
3 projected lifetime?

4 DEC INTERIM COMMISSIONER MAHAR: We're
5 --

6 ASSEMBLYMAN LASHER: In the absence of
7 cap-and-invest.

8 DEC INTERIM COMMISSIONER MAHAR: I
9 think we are very cognizant of the goals and
10 are driving forward towards them --

11 ASSEMBLYMAN LASHER: But I mean
12 like --

13 DEC INTERIM COMMISSIONER MAHAR: --
14 across the board on all the programs --

15 ASSEMBLYMAN LASHER: -- if I live to
16 80 and we don't have cap-and-invest, are we
17 going to hit our emissions reduction goals?

18 DEC INTERIM COMMISSIONER MAHAR: Well,
19 we're going to build -- we're continuing to
20 build the cap-and-invest program, and that's
21 just one of the tools that we're using to
22 reach our climate goals overall. And we're
23 working, you know, across the board with the
24 billion-dollar commitment that the Governor

1 is making in this budget, and through other
2 investments, to actually drive the
3 achievement of those goals.

4 ASSEMBLYMAN LASHER: A question for
5 you. If we put billions of dollars to
6 additional rebates and potentially additional
7 investments in renewables to front-run what
8 cap-and-invest might provide, would that
9 provide some buffering of the sticker shock
10 for households in the near term?

11 DEC INTERIM COMMISSIONER MAHAR: Well,
12 that's something that we're going to evaluate
13 with you in the context of this
14 billion-dollar commitment that the Governor
15 has proposed. Our goal is to make sure --

16 ASSEMBLYMAN LASHER: But presumably if
17 you do more than one billion dollars, that
18 would additionally buffer the sticker shock,
19 no?

20 DEC INTERIM COMMISSIONER MAHAR: Well,
21 yes. And I think we're going to maximize all
22 the resources that we have available to
23 achieve those goals and make this transition
24 affordable for New Yorkers. That's --

1 ASSEMBLYMAN LASHER: Thank you.

2 DEC INTERIM COMMISSIONER MAHAR: --
3 the goal of the Governor.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Senator Tom O'Mara, five minutes as
6 the ranker.

7 SENATOR O'MARA: Good afternoon,
8 Commissioner. Thank you for your testimony
9 today. It's a pleasure to have you.

10 I just want to initially echo the
11 sentiments of my colleagues that have
12 expressed concerns over the Advanced Clean
13 Truck rule and the imposition of that, and
14 the negative impacts that's going to have on
15 the trucking industry in New York State, as
16 well as I think many hardships to our
17 municipalities as well.

18 But to get to a topic that we haven't
19 addressed yet, and that would be Peanut the
20 Squirrel. I represent Chemung County, where
21 that squirrel was seized and euthanized.
22 Where do we stand in that investigation?

23 DEC INTERIM COMMISSIONER MAHAR: Thank
24 you, Senator. So that investigation is

1 ongoing, and I can't comment too much on the
2 specifics of it. It is an ongoing law
3 enforcement activity that we're engaged in.

4 Generally what I can say is that
5 obviously state laws make it illegal to have
6 wildlife as pets, and that is a
7 responsibility that we take seriously to
8 enforce, both for animal health but public
9 health. And there are specific requirements
10 with regard to individuals who want to be
11 wildlife rehabilitators in the state. There
12 is a process to be a licensed wildlife
13 rehabilitator. And obviously we take our
14 responsibility to oversee those programs very
15 seriously.

16 SENATOR O'MARA: Well, the -- you
17 know, it's been three months now, and I --
18 when do you expect this investigation to be
19 wrapped up so you can discuss what happened?
20 Because it seemed pretty heavy-handed to my
21 constituents and to many across the state --
22 in fact, across the country and across the
23 globe, with the attention that this incident
24 got. Frankly, a huge embarrassment, to say

1 the least, for New York State the way that
2 went down.

3 There are a lot of questions with
4 regards to that on how and why that was
5 carried out in that manner, what interactions
6 there were with the Longos, the squirrel
7 owner, before that action was taken, and also
8 why was -- or why was not the officer that
9 was bitten vaccinated for rabies before that?

10 DEC INTERIM COMMISSIONER MAHAR: So
11 again, I do look forward to providing more
12 and additional information on this matter as
13 we can provide it. We did provide media
14 updates early on in the process. But because
15 it's an active investigation, we are limited
16 in how much we can disclose at the time.

17 And, you know, my goal is always to be
18 as transparent as we can with the initiatives
19 that the department undertakes, including all
20 our law enforcement initiatives, and that's
21 something that's really important to make
22 sure we're transparently informing the public
23 of what's going on. So there are some --

24 SENATOR O'MARA: I know you've made

1 some changes so far. What changes have been
2 made in the execution of this type of a
3 search warrant?

4 DEC INTERIM COMMISSIONER MAHAR: Well,
5 again, it's an ongoing issue and I'll report
6 back to you on that.

7 You know, what we're always looking to
8 do is make sure that we're enforcing the laws
9 appropriately and correctly. And I can say
10 that based on my understanding of the
11 situation, that played out as it normally
12 does across the state when we are presented
13 with situations where people may be holding
14 wildlife as pets illegally.

15 And we do take seriously our
16 responsibility to both protect animal health
17 and also protect human health, as there are
18 many animal diseases such as rabies, and we
19 coordinate directly with the Department of
20 Health on these initiatives. Because it is a
21 serious matter that we need to take seriously
22 and --

23 SENATOR O'MARA: This particular
24 incident seems to many to have been very

1 heavy-handed -- in fact, over the top with
2 the way it was pursued.

3 But, you know, three months, too long
4 for this investigation. We need transparency
5 on these types of things, and the quicker the
6 better for the public.

7 Just to use my last minute up here,
8 the Greenidge Power Plant along Seneca Lake,
9 that's in litigation as well. And I think
10 they were in court last week, I believe.
11 Again, we're waiting for a decision there.
12 Or has there been a decision since the
13 hearing last week that I haven't seen?

14 But how are we going to make up the
15 lost power from that plant that's going into
16 the grid? And also how is that community,
17 particularly Yates County and the school
18 districts there, going to make up for the
19 loss of tax revenues should that plant
20 ultimately be shut down, and the loss of jobs
21 in that community?

22 DEC INTERIM COMMISSIONER MAHAR: Well,
23 again, I think as you recognize there is
24 litigation involved in this, so I can't

1 comment too much further. Obviously we're
2 following the courts.

3 With regard to our permitting
4 oversight of that facility, that facility
5 does have to comply with any current air
6 permits while this court matter proceeds.
7 And we have oversight over that facility
8 moving forward.

9 With regard to energy production and
10 impacts there, I'd encourage you to talk to
11 DPS and others on how they evaluate a plant
12 like this in the context of our energy
13 demands in the state, and how that
14 capacity --

15 SENATOR O'MARA: Is there any dollars
16 available for these communities for a plant
17 like this to be shut down?

18 DEC INTERIM COMMISSIONER MAHAR: Well,
19 again, our goal is to see where the courts go
20 and we'll take our steps from there, working
21 with the community.

22 SENATOR O'MARA: Thank you.

23 CHAIRWOMAN KRUEGER: So the Senate is
24 now complete except for one three-minutes for

1 our chair, meaning now we will just into a
2 group of Assemblymembers in a row.

3 CHAIRMAN PRETLOW: We will start with
4 Assemblymember Chris Burdick.

5 ASSEMBLYMAN BURDICK: Thank you,
6 Chair.

7 And thank you for your good work,
8 Commissioner. I have a couple of questions
9 now, and I'll also submit some in writing.

10 Regarding the pilot program for
11 private well owners, as I'm sure you know,
12 there are many homeowners' associations that
13 operate public water systems sourced by wells
14 and are subject to DOH water quality
15 regulations. The EFC has advised us that
16 they lack the statutory authority to consider
17 associations for WIIA grants. And given that
18 the EFC and DEC collaborate regarding water
19 quality standards and projects, I thought I'd
20 ask whether the pilot program will be open to
21 such associations. And more generally, would
22 EFC statutory authority be expanded to
23 provide for the pilot program and generally
24 to open up EFC grants and loans to

1 homeowners' associations?

2 DEC INTERIM COMMISSIONER MAHAR: I
3 want to get back to you with EFC and also DOH
4 on that, as we develop and build the program,
5 to see how homeowners' associations would be
6 factored into the program that we're standing
7 up.

8 So I think we're still developing it.
9 Our goal is obviously to make sure that clean
10 water is provided to New Yorkers on private
11 wells. How homeowners' associations fit into
12 that mix, as in do they have a private well
13 that services multiple homes, do they have --
14 you know, what type of level of jurisdiction
15 do they have, is it all private wells on
16 private homes? And those types of
17 conversations we're just going to have to
18 play out with you, and I look forward to
19 getting the experts together with you on
20 that.

21 ASSEMBLYMAN BURDICK: Okay. In a
22 different area, the land acquisition
23 program -- and I saw your mention of it in
24 your testimony.

1 Can you advise whether community
2 support for a land acquisition proposal is
3 considered in the scoring for land
4 acquisition proposals, and to what extent?
5 And could you also advise how that might be
6 conveyed to the DEC?

7 DEC INTERIM COMMISSIONER MAHAR: So
8 with regard to like implementation of the
9 Bond Act, we put out eligibility guidelines
10 and criteria which will transparently show
11 how we're going to achieve the goals of the
12 programs that we're standing up and how that
13 funding's going to be implemented.

14 I think our land acquisition pipeline
15 and program is very robust and transparent in
16 our approach to conserve land in the state.
17 Happy to get a meeting with you and our
18 experts, you know, to walk you through more
19 of that in specificity and detail so you can
20 see exactly how, you know, we're evaluating
21 the acquisitions, how they're prioritized,
22 and how we're delivering this program on the
23 ground.

24 And again, the proposals in the

1 Governor's budget are going to streamline it.

2 ASSEMBLYMAN BURDICK: One last
3 question, if I can.

4 The Open Space Conservation Plan goes
5 back almost 10 years, I believe. It -- has
6 it been or will it be updated?

7 DEC INTERIM COMMISSIONER MAHAR: It's
8 in the process of being updated now. We've
9 had stakeholder engagement sessions around
10 the state. We have regional committees that
11 have been stood up. And we're working on
12 finalizing that.

13 ASSEMBLYMAN BURDICK: All right.
14 Thank you so much.

15 DEC INTERIM COMMISSIONER MAHAR: Thank
16 you, sir.

17 CHAIRMAN PRETLOW: Next we'll go to
18 Assemblywoman Lunsford.

19 ASSEMBLYWOMAN LUNSFORD: Thank you,
20 Commissioner. I'm over here, yes.

21 Following the EPA's inventory of the
22 lead pipe inventory, many of my adorable
23 local historic villages with hundred-year-old
24 water infrastructure have discovered that

1 they have a significant amount of lead pipes
2 they need to remediate. Is there any express
3 funding earmarked for lead pipe replacement
4 or mitigation in this budget?

5 DEC INTERIM COMMISSIONER MAHAR: So
6 the DOH oversees the lead service line
7 program for the state.

8 In the Clean Water Infrastructure
9 funding and also the Bond Act funding, there
10 is funding available for lead service lines
11 and a continued commitment from the state to
12 addressing that. But I'd have to encourage
13 you to talk to DOH.

14 ASSEMBLYWOMAN LUNSFORD: With regard
15 to the Sustainable Futures program, can you
16 elaborate a little further on what sorts of
17 projects would be eligible for that funding?

18 DEC INTERIM COMMISSIONER MAHAR: So,
19 yeah, what we're going to do is look across
20 the board at all the various, you know,
21 decarbonization work on buildings, our
22 greenhouse gas emissions and pollution
23 reductions, you know, bringing on thermal
24 energy networks, bringing on more renewable

1 energy, advancing clean transportation, using
2 green infrastructure for our climate
3 resilience, and really looking at the
4 Climate Act Scoping Plan and figuring out the
5 projects in there that need to be financed,
6 and leveraging this funding to make and
7 deliver those programs on the ground.

8 ASSEMBLYWOMAN LUNSFORD: And who would
9 be eligible for that funding? Would it only
10 be government entites? Would there be CBOs?

11 DEC INTERIM COMMISSIONER MAHAR: It
12 depends on the type of funding program that
13 we're going to utilize, and eligibility will
14 be something that we transparently
15 communicate to all New Yorkers, and
16 especially you in the context of these
17 negotiations.

18 ASSEMBLYWOMAN LUNSFORD: Going back to
19 lead pipes, I've had some concern from my
20 local municipalities because obviously if
21 you're a homeowner, the service line from
22 your street to your home is your
23 responsibility. They're looking for
24 opportunities to help alleviate that expense

1 for homeowners. I'm wondering if there's any
2 new funding or availability to help
3 homeowners offshore that expense.

4 But also there's concerns about
5 constitutional limitations with gifting
6 public funds. If we could get clarification
7 on what municipalities can and cannot do to
8 help homeowners with that expense, that would
9 be very helpful.

10 DEC INTERIM COMMISSIONER MAHAR: Are
11 you talking lead service lines in particular?

12 ASSEMBLYWOMAN LUNSFORD: Yes.

13 DEC INTERIM COMMISSIONER MAHAR: So
14 again, you know, the Department of Health can
15 walk you through the implementation of that
16 program and how they evaluate certain
17 characteristics like that and how this
18 program, you know, really makes sure we're
19 delivering that replacement of lead pipes and
20 lead infrastructure in a way that doesn't run
21 afoul of the laws.

22 ASSEMBLYWOMAN LUNSFORD: So there's
23 nothing specifically in the Bond Act or the
24 CWIA that's earmarked for this sort of

1 assistance?

2 DEC INTERIM COMMISSIONER MAHAR:

3 That's where DOH can walk you through their
4 program and the criteria and the guidelines
5 that they use and follow, consistent with the
6 federal guidelines as well. I just don't
7 want to speak too much on behalf of their
8 program.

9 ASSEMBLYWOMAN LUNSFORD: Very quickly
10 on cap-and-invest. I know the Governor has
11 expressed that there is additional research
12 that needs to be done with regards to
13 pollution. Who's doing that research, and
14 what's the timeline for its delivery?

15 DEC INTERIM COMMISSIONER MAHAR: Well,
16 that's very much underway between DEC and
17 NYSERDA and our partners throughout state
18 government who are working collectively on
19 this. So ongoing.

20 CHAIRMAN PRETLOW: Thank you.

21 Assemblymember Keith Brown.

22 ASSEMBLYMAN KEITH BROWN: Thank you,
23 Chair.

24 Thank you, Commissioner. On behalf of

1 all the residents, I appreciate your work and
2 the great work that your staff does,
3 especially down in Region 1.

4 I'm going to go really quick because I
5 have limited time. But thank you for all
6 your help with Northport Harbor as well as
7 the Asharoken Seawall.

8 And I just most recently spoke about
9 the deer-culling problem that we're having in
10 the Huntington area, and to see if we can get
11 your support to kind of get that off the
12 ground. I know you're doing the three-year
13 pilot program; we're two years into it. We
14 really need to advance that, hopefully, one
15 more year. So I've spoken to your staff
16 about that.

17 Any chance we can get a -- the
18 position filled as the director and get fully
19 staffed? And are you fully staffed in
20 Region 1?

21 Most recently it came to my attention
22 about saltwater intrusion around Jamaica Bay.
23 That's a real concern, as is -- the
24 Suffolk County Water Authority came to me the

1 other day and asked for an increase for the
2 water infrastructure amount -- Clean Water
3 Infrastructure, from 500 to 600. So that was
4 in the budget last year. Just want to see if
5 we can restore that to its full amount.

6 And then the southern pine beetle out
7 on -- in the Pine Barrens. There's -- if you
8 drive on Sunrise Highway, it's readily
9 apparent, the mass destruction. With the
10 wildfires that are happening, it's a real
11 concern. The firefighters that will be
12 fighting that will be undoubtedly from all
13 over the island if not, you know, all around
14 the country. So that's a concern.

15 And then finally, I speak for many of
16 my colleagues in elected office about a
17 regional garbage plant needed for
18 Long Island.

19 Thank you.

20 DEC INTERIM COMMISSIONER MAHAR:

21 That's a lot to unpack in a minute and
22 11 seconds.

23 ASSEMBLYMAN KEITH BROWN: So we could
24 also -- whatever we don't get to, if we could

1 follow up with myself --

2 DEC INTERIM COMMISSIONER MAHAR: Yes,
3 let's simply follow up.

4 I'd say saltwater intrusion, obviously
5 we have a comprehensive Long Island
6 groundwater study that's going on that's
7 really looking at the -- how we're managing
8 our groundwater resources, the threat of
9 saltwater intrusion into drinking water wells
10 and how that interplay plays between all the
11 different water withdrawers. Our team is
12 really doing an amazing job, really
13 pioneering some science on that with the U.S.
14 Geological Survey as well. And we can give
15 you a full briefing on that and how we're
16 evaluating both Phase 1 and moving into
17 Phase 2 of that overall.

18 Southern pine beetle, as we've talked
19 about reducing fire risk, obviously the
20 Pine Barrens is a fire-prone ecosystem and
21 one that we need to evaluate in the context
22 of the threat of invasive species that are
23 impacting our tree stock there and
24 potentially creating wildfire risks. So

1 that's something we're working on with our
2 Rangers and our Lands and Forests staff to
3 really look at how we continue the management
4 efforts in that area, both to suppress the
5 southern pine beetle but also address fire
6 management needs within the Pine Barrens as
7 well.

8 Deer culling overall, something we can
9 keep the conversation going on and using all
10 the tools that we can to reduce the deer risk
11 and overabundance in certain areas and the
12 impact that's having on forest health.

13 ASSEMBLYMAN KEITH BROWN: Thanks. So
14 if I could follow up with Senator Mattera and
15 myself and you about the garbage plant.

16 DEC INTERIM COMMISSIONER MAHAR: Yup.

17 ASSEMBLYMAN KEITH BROWN: Thank you.

18 CHAIRMAN PRETLOW: (Mic off.)

19 ASSEMBLYWOMAN McMAHON: Thank you.

20 I'd like to just revisit the
21 refrigerant issue, the Rule 494 and the
22 effective date of January 9th. You've
23 indicated that you want to provide assistance
24 and flexibility to businesses who are trying

1 to get in compliance with that. Is that
2 January 9th date, is that a deadline? Is
3 that an effective date? Is that a real
4 effective date?

5 DEC INTERIM COMMISSIONER MAHAR: Well,
6 that is provisions to start certain aspects
7 of the enforcement of the regulation.

8 But again, what we're doing is we hear
9 from stakeholders with concerns on that,
10 looking at the flexibilities through
11 enforcement discretion we can provide, and
12 we're actively working on that right now to
13 make sure that we're helping the industry
14 comply in response to the concerns that
15 they're raising.

16 ASSEMBLYWOMAN McMAHON: Okay. My
17 understanding was that last year there was a
18 demonstration project at an ALDI supermarket
19 in Buffalo using CO2, which is an alternative
20 refrigerant. Is there any data, any
21 conclusions from that particular project at
22 this point?

23 DEC INTERIM COMMISSIONER MAHAR: Well,
24 I mean, definitely it's showing that natural

1 refrigerants work, work effectively, and can
2 be readily used and incorporated into the
3 type of refrigeration equipment that we rely
4 on every day.

5 And what the Governor is doing with
6 the grant program that we're standing up to
7 continue that transition focused on food
8 banks and grocery stores, really creating
9 that opportunity for them to get that
10 infrastructure that they need as their
11 current infrastructure ages out.

12 So we're excited about this. And, you
13 know, thanks to ALDI and Walgreen's and even
14 ORDA for pioneering some of these more
15 natural refrigerants, which are taking these
16 climate super-pollutants out of our processes
17 and waste streams and out of the atmosphere.

18 ASSEMBLYWOMAN McMAHON: I'm glad to
19 hear your excitement and your commitment to
20 that grant program, because I think it's
21 going to be really important in helping
22 businesses, particularly small businesses,
23 come into compliance. So thank you for your
24 commitment to continuing that and expanding

1 that particular program.

2 DEC INTERIM COMMISSIONER MAHAR:

3 Always.

4 ASSEMBLYWOMAN McMAHON: One of the
5 other areas of I guess flexibility would be
6 to provide -- or to allow businesses to
7 obtain the reclaimed refrigerants. But I
8 guess there's some debate as to whether
9 there's enough of a supply of reclaimed
10 refrigerant to go around. Could you speak to
11 that?

12 DEC INTERIM COMMISSIONER MAHAR: Well,
13 that's something that we'll evaluate as the
14 implementation of this rolls out, and to see
15 if there are any other adjustments we need to
16 make in order to achieve that compliance.

17 At my fingertips right now, I don't
18 have any metrics to share with you
19 specifically about that. But our doors are
20 always open for conversations with the
21 industry or stakeholders who may have that
22 information.

23 ASSEMBLYWOMAN McMAHON: Great.

24 And then in my remaining 25 seconds,

1 if I could just switch gears. It's been
2 suggested that local DAs have difficulty
3 prosecuting environmental crimes. Are you
4 aware of that? And would you support
5 establishing a specialized unit in the AG's
6 office to prosecute environmental crimes?

7 DEC INTERIM COMMISSIONER MAHAR: We're
8 open to any and all conversations with regard
9 to how we work with the court system on our
10 enforcement work. We do coordinate with the
11 district attorneys in the state on
12 enforcement matters and criminal matters as
13 well, but we're open to any further
14 conversations you'd like to have on that.

15 ASSEMBLYWOMAN McMAHON: Thank you.

16 CHAIRMAN PRETLOW: Next,
17 Assemblymember Jo Anne Simon.

18 ASSEMBLYWOMAN SIMON: Thank you.

19 So DEC does what?

20 DEC INTERIM COMMISSIONER MAHAR: Yes.
21 We subscribe.

22 (Laughter.)

23 ASSEMBLYWOMAN SIMON: Thank you.

24 I wanted to ask you some questions

1 about the soil vapor intrusion studies as
2 well as the brownfields program, which as you
3 know there are a lot of sites in my district.

4 One of the concerns I have is the
5 funding necessary to do the work that you're
6 doing, which I understand is a fairly large
7 portion of the state budget. Could you
8 elaborate on that a bit for me?

9 DEC INTERIM COMMISSIONER MAHAR: Sure.
10 And really appreciate our partnership,
11 Assemblymember. Obviously always love to
12 spend time down in your district in the
13 Gowanus area and talk to you about these
14 issues. And I'm glad we were able to do a
15 Superfund tour recently for you and other
16 members to really see firsthand what's going
17 on in this community and how the brownfield
18 program and Superfund program are being
19 leveraged to protect that community.

20 So we do have an areawide soil vapor
21 intrusion investigation that's ongoing now.
22 We're working building by building and
23 homeowner by homeowner to, you know, obtain
24 the access we need to do that testing. We're

1 utilizing Superfund dollars in order to make
2 that happen. And that's really why the
3 Superfund reauthorization is so critical in
4 this year's budget, to make sure that we
5 continue to have the authorities that we have
6 and the resources we need to deliver programs
7 like this on the ground in Brooklyn and
8 beyond.

9 So there's a lot of work underway, and
10 that work is very much continuing with the
11 current appropriations we have. And we're,
12 you know, taking immediate action steps in
13 coordination with DOH anywhere we need to in
14 response to the data that we're finding.

15 ASSEMBLYWOMAN SIMON: Great. Does the
16 budget provide you with enough of this money?
17 Obviously we're going to reauthorize the
18 Superfund.

19 DEC INTERIM COMMISSIONER MAHAR: Yes,
20 I think the Governor's commitment to
21 reauthorizing the Superfund and putting the
22 1.25 billion over 10 years into that fund
23 definitely helps us continue that progress,
24 and we'll continue to evaluate year after

1 year if any additional changes are necessary
2 to make sure we have the resources to
3 continue to respond in the environment.

4 ASSEMBLYWOMAN SIMON: Okay, great.

5 And then the other thing is, you know,
6 you just wrapped up this environmental air
7 quality monitoring program. And of course
8 Brooklyn was one of the communities that was
9 studied because of -- along the BQE.

10 Are you working with State DOT and
11 City DOT with regard to what's going on in
12 that corridor?

13 DEC INTERIM COMMISSIONER MAHAR: And
14 also the New York City Department of
15 Environmental Protection as well.

16 So we are coordinating with all
17 entities. Our statewide air monitoring
18 network and then the monitors that we have in
19 the city are going to generate a lot of data
20 that we'll evaluate with DEP and others to
21 make sure we're evaluating the implementation
22 of these programs and looking at where air
23 quality needs to be addressed and what are
24 the solutions to address that. And that's

1 the community-by-community work that we're
2 doing next.

3 ASSEMBLYWOMAN SIMON: So do you have
4 any solutions?

5 DEC INTERIM COMMISSIONER MAHAR: Well,
6 I mean, in particular there I have to look at
7 all the different factors that we evaluated
8 and really work with the community to figure
9 out what solutions they want to see as well.

10 So we'll have some more conversations
11 on that.

12 ASSEMBLYWOMAN SIMON: All right.
13 Thank you.

14 CHAIRMAN PRETLOW: Assemblymember
15 Kassay.

16 ASSEMBLYWOMAN KASSAY: Hi, good
17 afternoon. Thank you.

18 So I'm grateful to my colleague who
19 spoke about flooding and, coming from Suffolk
20 County, been working on that issue a lot.
21 It's becoming more frequent, more severe, as
22 we know. And like many, we were devastated
23 by the August storm, including Stony Brook
24 University, which had two dormitories

1 affected.

2 So I'm looking to see if there's
3 conversations or funding in this budget to
4 more holistically accomplish the
5 decarbonization of our campuses, which I do
6 fully support, but without exacerbating the
7 flooding issues by clearing the woodland that
8 surrounds our current campus footprint,
9 because the clearing of woodland will further
10 increase flooding. But that's right now the
11 most cost-effective way for our SUNYs to
12 build decarbonized buildings that go to meet
13 that standard.

14 So is there funding to offset that so
15 that we're not creating another problem by
16 solving one?

17 DEC INTERIM COMMISSIONER MAHAR: No,
18 that's a good point, and always we have to be
19 balancing those impacts, right, the need to
20 facilitate renewable energy development and
21 building decarbonization with environmental
22 protection and the features that protect our
23 communities like wetlands and forests.

24 So I think generally the Bond Act is

1 where we're seeing most of the investments
2 coming for the SUNY network right now, with
3 100 million being dedicated --

4 ASSEMBLYWOMAN KASSAY: I look forward
5 to discussing that more specifically with
6 you. I appreciate that being on the radar,
7 though. Thank you.

8 Sticking with Stony Brook, it's one of
9 our flagship SUNYs, an increasingly growing
10 research institution. And so while it's
11 attracting top-notch researchers, seven of
12 which have come on in Year 3 of five of the
13 water program there, the clean water program
14 to be sure that one of our SUNYs, which is
15 one of the beating hearts of New York State
16 here, is the center of advancing what we can
17 be doing with clean water.

18 I saw that one of my colleagues
19 mentioned that the funding was cut out. The
20 program is in Year 3 of five. Of course
21 there's going to be unspent money for this
22 program. I would be disappointed in the
23 system if it was not. But, you know, they
24 have built the tracks, the train is on the

1 tracks, and the momentum's just getting
2 going. So to pull funding at this point
3 would be really stopping something that's
4 building in a really effective way.

5 So I'm hoping to know if there's --
6 the decisionmakers will be willing to
7 reconsider staying partnered with our own
8 SUNY instead of seeking other partners for
9 this effort.

10 DEC INTERIM COMMISSIONER MAHAR: Yeah,
11 I think we're always open to those
12 partnership opportunities.

13 ASSEMBLYWOMAN KASSAY: Thank you.

14 DEC INTERIM COMMISSIONER MAHAR:
15 Again, with the specifics of this --

16 ASSEMBLYWOMAN KASSAY: Sorry. I look
17 forward to discussing that.

18 One more Long Island issue with
19 drinking water. We have a unique
20 relationship with it. There's a limited
21 quantity with our aquifer. And so we're
22 seeing increasing instances of saltwater
23 intrusion as we move forward. During the
24 droughts especially, there's a need to be

1 recharging the aquifer as well as. And so
2 currently the local effluent from sewage
3 treatment plants is discharged into the
4 Long Island Sound or other bays and
5 waterways.

6 And so with the big focus on water
7 quality, which is excellent, we also want to
8 see that we're making sure we have water. So
9 looking at recharging the aquifer through
10 water effluent reuse program and
11 infrastructure money for that.

12 DEC INTERIM COMMISSIONER MAHAR: Long
13 Island groundwater study underway, so we'll
14 brief you on it.

15 ASSEMBLYWOMAN KASSAY: Thank you.
16 You'll be seeing me.

17 CHAIRMAN PRETLOW: Assemblymember
18 Matthew Slater.

19 ASSEMBLYMAN SLATER: Thank you very
20 much, Commissioner. Good morning -- or
21 really good afternoon now. Thank you for
22 being so generous with your time.

23 Forgive me if this was already asked,
24 but I wanted to just hone in on harmful algal

1 blooms because it is really just being
2 devastating to my district, specifically our
3 lake communities.

4 And I want to see where in the budget
5 that's been proposed by the Executive. Is
6 there money allocated specifically to combat
7 harmful algal blooms in suburban and rural
8 communities?

9 DEC INTERIM COMMISSIONER MAHAR: Sure.
10 Well, we've got a lot of investments that
11 we're making across the board in our harmful
12 algal bloom work, both on the research side
13 and implementation of our HAB action plans
14 that we have around the state and going lake
15 by lake, community by community, to address
16 the issues that we're seeing.

17 So with the Environmental Bond Act,
18 the Clean Water Infrastructure funding, the
19 Environmental Protection Fund, those are all
20 sources that we pull from to support on the
21 ground actions. And that's really what
22 you're seeing.

23 And you're also seeing that renewed
24 commitment from the Governor to targeting the

1 Eastern Finger Lakes region, which is being
2 really hit by HABs right now. And we stood
3 up a \$42 million program to really advance on
4 the ground actions for addressing the root
5 cause of HABs.

6 You know, both working farmland owner
7 by farmland owner for best management
8 practices and nutrient reduction measures
9 that we know will work. We've also put in
10 place guidance values on the regulatory side
11 to make sure that dischargers are reducing
12 phosphorus, which is a leading driver of HABs
13 in the environment as well.

14 So across the board you're seeing a
15 true commitment to addressing HABs and doing
16 it following the science and really driving
17 that science on --

18 ASSEMBLYMAN SLATER: I appreciate
19 that. And I only have a little time, but I
20 wanted to also just touch specifically on the
21 Septic Replacement Program and see what are
22 the qualifications specifically for the
23 Septic Replacement Program for lake
24 communities. Because again, in my district,

1 all of my lake communities are on septic, and
2 so they are looking for relief on those
3 septic replacement programs which are really
4 leading into a lot of the issues of HABS
5 around their waste.

6 Is there anything specific that you
7 can provide on that?

8 DEC INTERIM COMMISSIONER MAHAR: Well,
9 we want to continue, obviously, that program
10 because it is so beneficial --

11 ASSEMBLYMAN SLATER: Is there enough
12 funding in that program?

13 DEC INTERIM COMMISSIONER MAHAR:
14 Within the Clean Water Infrastructure
15 funding, that's where we tap for some of the
16 septic replacement work that we do. I look
17 forward to --

18 ASSEMBLYMAN SLATER: But there's
19 nothing specific for septic replacement in
20 the Clean Water fund, correct? You just draw
21 down from that program?

22 DEC INTERIM COMMISSIONER MAHAR: Well,
23 we have separate categories that fund it, and
24 septic replacement is one of those categories

1 that's a priority for the department and that
2 we use that funding to advance.

3 ASSSEMBLYMAN SLATER: Do the lakes
4 have to provide public access in order to
5 qualify for the Septic Replacement Program?

6 DEC INTERIM COMMISSIONER MAHAR: I'd
7 have to get back to you on that level of
8 specificity with our experts. We can set up
9 a separate meeting with the septic
10 replacement team on that.

11 ASSSEMBLYMAN SLATER: Perfect.

12 And in my remaining time, what about
13 alum? Two of my communities utilize alum in
14 lakes that were ravaged by harmful algal
15 blooms. DEC has not provided standards. My
16 colleague Assemblymember Levenberg has a bill
17 on this that we supported in the past.

18 Is New York State, is your agency
19 going to provide standards for the use of
20 alum?

21 DEC INTERIM COMMISSIONER MAHAR: Well,
22 that's something we're continuing to
23 evaluate, looking at some of these pilot
24 programs to make sure that we understand the

1 impacts to the ecology and the water
2 environment from the use of compounds like
3 alum.

4 So that's something that's being
5 evaluated, and we'll adapt the regulations
6 accordingly.

7 ASSEMBLYMAN SLATER: Thank you.

8 CHAIRMAN PRETLOW: Assemblymember Jodi
9 Giglio.

10 ASSEMBLYWOMAN GIGLIO: Thank you,
11 Chairman.

12 So my question is I have a concern
13 about garbage removal from Long Island. And
14 with the landfills closing, especially the
15 Brookhaven Landfill in 2026, we don't have
16 any plans in place for transfer stations that
17 are actually permitted and ready to go. And
18 with the recent dumping that took place of
19 hundreds of tons of construction and
20 demolition debris at the Poospatuck, you
21 know, it's -- what is the state doing to
22 remove all that C&D debris that was dumped at
23 the Poospatuck Reservation?

24 And where are we with the extension of

1 the Brookhaven Landfill and the height of the
2 ash of the garbage that has been incinerated
3 being approved from the DEC?

4 DEC INTERIM COMMISSIONER MAHAR: So
5 with regard to the Nation, we continue to
6 work directly with them on that, as part of
7 an investigation that's underway for the
8 illegal dumping activities that occurred.
9 They are being very open and communicative
10 and receptive to, you know, our approach on
11 this, working directly with them and
12 consulting with them on it.

13 You know, it's not something that they
14 wanted to see happen or that they thought was
15 happening. They thought they were doing the
16 right thing to protect their community and
17 their homes. And unfortunately apparently
18 got taken advantage of.

19 ASSEMBLYWOMAN GIGLIO: Yeah, it is
20 next to a very large body of water, so the
21 runoff is going right into --

22 DEC INTERIM COMMISSIONER MAHAR: I
23 went down there firsthand to see it and met
24 with the chief of the Nation as well to make

1 sure that he knew that we were going to
2 collaborate with them on this, once we heard
3 from the locals on it.

4 So that's very much ongoing. We'll
5 keep you posted on that.

6 With regard to the Brookhaven
7 Landfill, right now we don't have any active
8 applications before us for any further
9 expansion of that landfill in the future, but
10 that's something we'll continue to
11 communicate with you if any applications come
12 in to extend the operations, turn it into an
13 ash fill, or anything else that they may
14 propose for that.

15 Waste by rail is something that we're
16 looking and working on as well to address
17 some of the solid waste issues that are
18 facing Long Island. We're seeing more
19 facilities come in for permits and that are
20 under review by the department, and that I
21 think will help address some of the illegal
22 dumping activities.

23 But our ECOs are really continuing on
24 the frontlines of making sure that we are

1 investigating and responding to illegal
2 dumping throughout the state. That is a top
3 priority of our agency, and we have
4 enforcement actions and activities that
5 are --

6 ASSEMBLYWOMAN GIGLIO: Have any -- I'm
7 sorry, I'm limited on time.

8 Have any permits been issued for
9 garbage transfer stations on Long Island?

10 DEC INTERIM COMMISSIONER MAHAR: I'll
11 have to get back to you on the specific ones.
12 There are a number in process, I believe, and
13 I'll have to see where we are and give you a
14 full accounting.

15 ASSEMBLYWOMAN GIGLIO: Yeah, I believe
16 there's only one, but it's a smaller parcel.

17 And I'm concerned with the dumping.
18 I'm concerned, with the landfills closing,
19 that people are just going to dump their
20 garbage on the side of the road or go to
21 preserves or open spaces or along riversides
22 and dump their garbage if there's no
23 mechanism to get it off the island or if it
24 becomes too costly.

1 Which is why the extension for the
2 Brookhaven Landfill should really occur. I'm
3 told that request is in.

4 And then also for the height on the
5 ash.

6 DEC INTERIM COMMISSIONER MAHAR: Look
7 forward to working with you on that.

8 ASSEMBLYWOMAN GIGLIO: Thank you,
9 Commissioner.

10 CHAIRMAN PRETLOW: Thank you.

11 Assemblymember Tommy John Schiavoni.

12 ASSEMBLYMAN SCHIAVONI: Thank you,
13 Chair.

14 And good afternoon. Thank you for
15 being here, and thank you for your work. I'm
16 from Eastern Long Island, and I know the DEC
17 is very active out there. Thank you in
18 particular for your work on the
19 Napeague Stretch as well as the Riverside
20 sewage treatment facility that the Town of
21 Southampton is putting in.

22 My question is today about drinking
23 water. As you know, Long Island has no
24 viable alternative for clean drinking water

1 other than the unconfined aquifer that's
2 underneath us. Currently we are filtering
3 our drinking water with granularly activated
4 carbon filters, and Suffolk County Water
5 Authority relies on that, as do some of the
6 local water districts -- Hampton Bays,
7 Riverside and the like.

8 Are there any -- is your department
9 researching alternatives to granularly
10 activated carbon filter filtration for the
11 remediation of PFOS and PFOA?

12 DEC INTERIM COMMISSIONER MAHAR: We
13 are actively working with the DOH on
14 evaluating all treatment options to address
15 perfluorinated compounds and come into
16 compliance with our MCLs for those compounds
17 in drinking water. Working with many
18 research institutions to look at what the
19 different treatment technologies are.
20 Granular activated carbon is the most
21 effective one that's out there now that's
22 readily available and easily implementable by
23 water suppliers. And that's something where
24 we're always continuing to put the focus on.

1 But recognizing that the science
2 continues to emerge on emerging contaminants,
3 we continue to drive that science. And we're
4 also continuing to push for a federal
5 solution to the prevalence of these compounds
6 in the environment and how we responsibly
7 address them.

8 So that is very much underway. And,
9 you know, New York is really at the forefront
10 of driving that science.

11 ASSEMBLYMAN SCHIAVONI: The filters
12 themselves currently run about a million and
13 a half dollars and up, depending on the size.
14 To replace the carbon is nearly a half a
15 million dollars. So the price is quite
16 onerous. And I was wondering how it was
17 going as far as developing other technologies
18 that would be more cost-effective and, you
19 know, and readily usable on Long Island --
20 and other parts of the state.

21 DEC INTERIM COMMISSIONER MAHAR: I
22 would say it's ongoing. We're always looking
23 at how we can make it more affordable for
24 water suppliers to come into compliance with

1 the MCLs and the regulations that are out
2 there and what the, you know, new treatment
3 technologies are or how we address the cost
4 concerns.

5 I think supply and demand is in effect
6 here, and demand is obviously increasing, and
7 so is supply. And hopefully that will drive
8 down the costs as well.

9 ASSEMBLYMAN SCHIAVONI: Okay, thank
10 you. And just one last thing in 30 seconds.

11 Shoreline resiliency. How does this
12 budget address shoreline resiliency?

13 DEC INTERIM COMMISSIONER MAHAR:
14 Again, multiple ways. I think looking at the
15 use of the Bond Act. There are also other
16 appropriations in the budget that support
17 coastal resilience work and also provide the
18 cost-share for the Army Corps projects that
19 we have underway on portions of Fire Island
20 to Montauk Point, in that project.

21 And that's a conversation that's
22 actively ongoing now and something that we'll
23 have to collectively budget for in the future
24 and find those appropriations.

1 ASSEMBLYMAN SCHIAVONI: Good. We look
2 forward to working with you on that issue and
3 others. Thank you.

4 CHAIRMAN PRETLOW: Assemblyman Chris
5 Tague.

6 ASSEMBLYMAN TAGUE: Thank you,
7 Chairman.

8 Commissioner, thank you to you and
9 your staff for being here today and
10 testifying before us.

11 Number one, a big problem in rural
12 upstate New York is our schools are very,
13 very concerned about complying with this
14 electric bus mandate. What are the penalties
15 for our school districts if they do not
16 comply with the electric bus mandate?

17 DEC INTERIM COMMISSIONER MAHAR: I'll
18 have to get back to you on any specific
19 penalty provisions.

20 And you should ask Doreen Harris, on
21 the next panel, with regard to electric --
22 school bus electrification and that process
23 as well.

24 ASSEMBLYMAN TAGUE: Governor Hochul

1 has been quoted as saying we need a pause on
2 cap-and-invest and other CLCPA mandates.
3 After five years of examination, why can't we
4 tell New Yorkers on the out-of-pocket costs
5 for the implementation? Especially after the
6 CAC said that the plan will pay for itself.

7 DEC INTERIM COMMISSIONER MAHAR: Well,
8 I don't think that the Governor has said that
9 there's a pause on cap-and-invest. I think
10 what you're seeing is the Governor is making
11 sure that we are moving forward with the
12 cap-and-invest program in continuing
13 conversations with stakeholders.

14 So the first part of that process is
15 making sure that we're advancing the
16 reporting rule requirements that will be out
17 on the street in the coming months, as we
18 continue to build the broader cap-and-invest
19 program overall. So that work is continuing,
20 and our goal here is to work directly with
21 New Yorkers to help them understand the
22 construct of the program and the benefits
23 that it is going to provide overall.

24 ASSEMBLYMAN TAGUE: Okay. And then

1 lastly, despite the state efforts to
2 eliminate natural gas, seven large industrial
3 users have been given access to huge volumes
4 of natural gas.

5 So, sir, who will make that decision?

6 DEC INTERIM COMMISSIONER MAHAR: Well,
7 that would be something that's done between
8 Empire State Development and the Department
9 of Public Service and other energy entities
10 that look at, you know, the types of energy
11 needs for our new emerging industries that
12 are coming into the state.

13 And then we would evaluate the
14 proposals in the context of our permitting
15 authorities over air, water and everything
16 else. So we would evaluate that to make sure
17 they're meeting and achieving the goals of
18 the Climate Act and our rigorous laws and
19 regulations in the state.

20 ASSEMBLYMAN TAGUE: And lastly -- and
21 I've asked this question before; I've never
22 gotten an answer. But since the 1970s to
23 present, both federal and state government
24 have spent trillions, definitely billions of

1 dollars on environmental initiatives and
2 added more regulations to our businesses,
3 especially here in New York State.

4 Can you tell us what accomplishments,
5 after this large investment over all these
6 years, and all these regulations, what
7 accomplishments we've actually made that you
8 can attest to?

9 DEC INTERIM COMMISSIONER MAHAR: I
10 can't effectively do that in nine seconds
11 because it's so vast and it's so -- just look
12 outside, look at the water you drink, look at
13 the air you breathe. And because of these
14 regulations and our approach, we have a
15 cleaner environment today and we're going to
16 continue to make that happen.

17 ASSEMBLYMAN TAGUE: That's debatable.
18 That's debatable.

19 CHAIRMAN PRETLOW: Sarah Clark.

20 ASSEMBLYWOMAN CLARK: Hello. Thank
21 you, Commissioner.

22 I am, you know, in Rochester, not
23 completely affected by the harmful algal
24 blooms. But because Rochester is in the

1 greater Finger Lakes region, it is of top
2 concern to many in our area.

3 I want to follow-up on some of my
4 colleagues' questions, but I think that the
5 first question is given what DEC has done to
6 gather data over the last few years, do you
7 see the sort of prevention of it as the
8 better alternative to then dealing with the
9 effects of it as it is out in the lake? I
10 mean, is it the goal to end the source of it,
11 not figuring out ways and chemicals to just
12 dissipate it?

13 DEC INTERIM COMMISSIONER MAHAR: Yeah,
14 that's why we've put the prioritization on
15 nutrient reduction in addressing those sort
16 of causes and improving water quality
17 overall.

18 ASSEMBLYWOMAN CLARK: And I think for
19 us, you know, what we've seen is it -- you
20 know, it's obviously like a huge hit to
21 tourism and the ability to use, swim, be in
22 water, but now we're actually seeing it
23 filter into water systems, including in the
24 city -- drinking water systems, including in

1 the city of Auburn. Which seems to put this
2 huge thing, this huge priority on it to make
3 this something we're not just continuing to
4 look at data but really putting in and
5 getting ready to tackle the next steps.

6 Is there sort of a timeline of when
7 DEC will be looking to release, you know,
8 sort of the plan?

9 DEC INTERIM COMMISSIONER MAHAR: Well,
10 with regard to the drinking water aspects, we
11 coordinate directly with the Department of
12 Health on that. That's why we have that team
13 approach in New York State, to make sure that
14 we're using all the resources and brainpower
15 that we have to address these issues. And we
16 know different treatment technologies and
17 options that exist for deeper water intakes
18 or things that we evaluate with
19 municipalities.

20 The broader HAB action planning
21 process that we've conducted has really
22 helped show and really take how we can take
23 what we've done in certain lakes and apply
24 that to other lakes that may be impacted by

1 HABs in a case-by-case really engagement to
2 make sure that as a water body is impacted by
3 HABs, we're taking steps and actions to
4 reduce that risk.

5 ASSEMBLYWOMAN CLARK: Has there been
6 any coordination with Ag & Markets to look at
7 sources, including what is used on various
8 farmlands and whatever? And what has that
9 looked like?

10 DEC INTERIM COMMISSIONER MAHAR:
11 Always. That's a -- they're part of the team
12 process that we have on this. They are
13 working to implement best management
14 practices as they're identified. We're
15 working to communicate directly with them.
16 And Commissioner Ball spoke very highly of it
17 yesterday and really the collaborative
18 approach that we've built is helpful and
19 working.

20 ASSEMBLYWOMAN CLARK: Is there a way
21 to release what you've gathered so far so
22 that other experts and industry folks can
23 really take a look at it as well to start --

24 DEC INTERIM COMMISSIONER MAHAR: Well,

1 sure. It's all on our website right now.
2 Our HAB action plans are all up there for
3 public comment -- or public review. And
4 we're always putting new and emerging data on
5 harmful algal blooms on our website and
6 sharing those resources.

7 So if something's not there that you
8 have questions on, let us know and we'll make
9 sure you're hearing directly from our experts
10 on it.

11 ASSEMBLYWOMAN CLARK: Okay, thank you.

12 CHAIRMAN PRETLOW: Assemblymember John
13 McDonald, who just arrived and gets a
14 question.

15 ASSEMBLYMAN McDONALD: Good morning,
16 Sean.

17 DEC INTERIM COMMISSIONER MAHAR: Good
18 to see you.

19 ASSEMBLYMAN McDONALD: Hopefully I'm
20 your last one for the day. So thank you for
21 your --

22 DEC INTERIM COMMISSIONER MAHAR: I
23 hope not. This is fun.

24 (Laughter.)

1 ASSEMBLYMAN McDONALD: This is fun?

2 (Laughter.)

3 CHAIRWOMAN KRUEGER: Maybe for you.

4 ASSEMBLYMAN McDONALD: Maybe for you.

5 No, it will be -- it is fun. It's
6 always good to talk to you. I'm going to
7 talk to you about Dunn Landfill in
8 Rensselaer, as you would probably suspect.

9 You know, first of all, throughout the
10 last three or four years we've been working
11 on this, both the prior commissioner and
12 yourself, and, you know, although some of the
13 public may disagree with me, I think there's
14 been always an open-minded communication and
15 I have always appreciated the department's
16 responses. May not have always liked the
17 answers we've gotten, but we've at least
18 appreciated the responses.

19 And still, as you know, the decision
20 was made December 23rd to extend the permits
21 for the operator at Dunn Landfill. I
22 recognize that there are restrictions on
23 there that would not normally be given, and
24 this is credit to the department, you know,

1 putting three years' restriction on the
2 mining and also construction demolition.

3 I think one of the concerns myself,
4 that I have, both Senator Ashby and I had
5 written a letter in the fall of last year
6 asking for more monitoring to go on around
7 the site because there's a concern about
8 particulate matter. And, you know, with the
9 extension of the permit, the community is
10 upset. I share their concern. By the same
11 token, I think there still are concerns about
12 air quality.

13 So I think we're looking -- as much as
14 I think many are looking for a reversal, I
15 think that's going to be a challenge. I
16 think we're looking for additional
17 commitments. And what else can we expect to
18 have tighter and stricter monitoring when it
19 comes to air quality in and around the
20 Dunn Landfill in Rensselaer?

21 DEC INTERIM COMMISSIONER MAHAR: I
22 think across the board, across the state,
23 we're obviously always committed to making
24 sure that we're effectively overseeing all

1 facilities, landfills included, to make sure
2 they're not having adverse impact on
3 communities and the environment.

4 And that is playing out with the Dunn
5 Landfill, day in and day out, with the
6 monitoring that our staff is conducting and
7 what we hear from the community we integrate
8 into our oversight approach for that facility
9 as well.

10 And what you saw with the permit
11 authorization was, first of all, the
12 housekeeping to get both their mining permit
13 and solid waste permit on the same timeline
14 so that we can have a more robust and
15 transparent dialogue with the community. So
16 that's why it's a three-year term at present,
17 and that will allow us to get those lined up
18 and continue to have conversations with the
19 community.

20 When you look at what we put in that
21 permit, that was in direct response to what
22 we heard from constituents and your community
23 members as well. And so we've reduced truck
24 traffic, we've reduced operating hours, it's

1 driving down emissions, it's reducing
2 particulate matter. But most of the air
3 quality monitoring that we've done has been
4 based on the nearby school, which is not
5 shown to have any impacts associated with the
6 landfill. And now we're open to
7 conversations with the community if we need
8 to adjust and adapt that monitoring in some
9 way.

10 ASSEMBLYMAN McDONALD: Thank you,
11 Sean.

12 CHAIRMAN PRETLOW: Thank you.

13 Ed Ra, ranker on Ways and Means.

14 ASSEMBLYMAN RA: Thank you.

15 And I want to thank you and your team
16 for your time last week. We really got
17 in-depth, a little bit more so than we can
18 during these hearings.

19 Just a few issues, starting with a
20 somewhat local one to us down on Long Island.
21 I know that the department has maybe recently
22 changed, you know, your approach with regard
23 to the Bethpage Community Park and the
24 situation going on with the Town of Oyster

1 Bay and Grumman regarding perhaps pushing for
2 a full cleanup, which the town has been
3 pushing for.

4 Can you elaborate on what the
5 department's stance is and whether you are,
6 you know, committed to trying to push for
7 that full cleanup of the park?

8 DEC INTERIM COMMISSIONER MAHAR: Well,
9 definitely I think the Bethpage work overall
10 just speaks to, again, the importance of the
11 State Superfund Program and making sure DEC
12 has the authority and ability to actually
13 have conversations like this with communities
14 across the state, and especially in Nassau,
15 where you have historical contamination that
16 has impacted it.

17 We directly work with the town and
18 continue those conversations on advancement
19 of the cleanup of the park, and our goal is
20 to get it cleaned up and put back into the
21 hands of the town for productive use as
22 quickly as possible.

23 And that cleanup is going to be
24 achieved in accordance with all the laws,

1 rules and regulations to protect public
2 health and make sure that that cleanup is
3 complete, and that's an ongoing conversation
4 that we're having with the town to make sure
5 that advances.

6 ASSEMBLYMAN RA: Well, thank you. I
7 know that, you know, contamination just in
8 general from Grumman has been a priority of
9 Supervisor Saladino dating back to when he
10 was in the Assembly with us.

11 DEC INTERIM COMMISSIONER MAHAR: Oh,
12 yes.

13 ASSEMBLYMAN RA: Another issue, more
14 so on the budget side, but this is also
15 somewhat Long Island-based. In the past
16 there has been funding for the Stony Brook
17 University Center for Clean Water Technology,
18 a million dollars. I know they've been
19 engaged in a multiyear study with regard to
20 phosphorus pollution. And am I correct that
21 that funding is not in the Executive
22 proposal?

23 DEC INTERIM COMMISSIONER MAHAR: So
24 SUNY Stony Brook has a lot of unspent

1 appropriation authority, and that they're
2 still drawing from. I think our experts were
3 looking at working with potentially other
4 universities out there to achieve some of the
5 other specific research targets that we had.
6 That's not a slight at SUNY Stony Brook. And
7 that's a conversation that we want to
8 continue to have as we evaluate the
9 appropriations in this year's budget in the
10 EPF.

11 ASSEMBLYMAN RA: Okay. So do you feel
12 then they have enough funding right now to be
13 able to continue and complete this study and,
14 you know, keep those that are doing this
15 work, you know, employed and working?

16 DEC INTERIM COMMISSIONER MAHAR: That
17 is our understanding, but I'm still
18 evaluating that specific change and we'll get
19 back to you as that evaluation continues.

20 ASSEMBLYMAN RA: Okay. Thank you.

21 And with regard to an issue that came
22 up earlier -- and I know we discussed this
23 last week, the Clean Water Infrastructure
24 funding. Obviously we're very happy that,

1 you know, we have the \$500 million proposal
2 this year. Last year obviously there was
3 a -- the initial proposal cut that in half.

4 But as my colleague mentioned
5 earlier -- and we talked about this last
6 week, and I know this part of it is within
7 DOH's purview. But I think we'd all like to
8 see some investment in that lead service line
9 portion of that. You know, constituents are
10 now learning that they have lead service
11 lines. Many are concerned, would like to
12 replace them, but they're learning that it
13 comes at great cost. So I know we've put a
14 very miniscule amount of this money -- and, I
15 mean, the funding has been great continually
16 at helping the local water districts deal
17 with remediation and all of that. But we've
18 put a very little amount towards service
19 lines.

20 So, you know, I appreciate the support
21 of not just the department but my colleagues
22 to hopefully maybe go up to 600 million or
23 something in this budget with regard to
24 Clean Water Infrastructure so that we can

1 support the service line aspect of it as
2 well.

3 DEC INTERIM COMMISSIONER MAHAR:

4 Definitely. It is a commitment of this
5 administration to address lead service lines
6 overall. I mean, I have to defer to DOH just
7 because that's their authority.

8 But this is a priority, especially
9 looking at disadvantaged communities and
10 others. We want to provide that assistance
11 because it is vital to public health
12 protection to get these lead service lines
13 out of the ground.

14 ASSEMBLYMAN RA: And then I only have
15 a few seconds, but quickly, I know the
16 department is perhaps part of this. We have
17 this study that was proposed a few years ago
18 with regard to airplane environmental
19 impacts. I know it's a multi-agency effort.
20 I don't know if the DEC is in particular
21 involved, but it's a big concern to many of
22 my constituents in Western Nassau County.

23 DEC INTERIM COMMISSIONER MAHAR: So
24 that is a DOH-lead study as well, so

1 encourage you to talk to the Health
2 Commissioner on that.

3 ASSEMBLYMAN RA: Thank you.

4 CHAIRWOMAN KRUEGER: -- if staff
5 thinks this is an endurance test, it has.
6 But we only have the second round for each of
7 our chairs for three minutes, starting with
8 Pete Harckham.

9 SENATOR HARCKHAM: Commissioner, thank
10 you for three and a half hours of really --

11 DEC INTERIM COMMISSIONER MAHAR: Oh,
12 that's it?

13 SENATOR HARCKHAM: -- informative
14 testimony.

15 (Laughter.)

16 SENATOR HARCKHAM: One question I
17 didn't get to in my first round. Following
18 up on the harmful algal blooms, another issue
19 we're grappling with is salt in our
20 freshwater drinking sources. A lot of it's
21 coming, obviously, from road salt. Big
22 impact in my district, but statewide
23 implications.

24 For instance, all of the East of

1 Hudson Watershed for New York City is in my
2 district. They just released a report that
3 in a couple of decades, the Amawalk Reservoir
4 will have to be taken offline because of the
5 level of salt pollution.

6 Have you considered or discussed using
7 your authority under the Clean Water Act to
8 begin to regulate salt discharges from roads
9 into drinking water sources?

10 DEC INTERIM COMMISSIONER MAHAR: Well,
11 thank you for that, Senator. And, you know,
12 I think with the Adirondack Road Salt Task
13 Force that -- and the report that we recently
14 produced that is really evaluating, you know,
15 the salt and the need for public safety use
16 of road salt but also balancing the need to
17 obviously protect the environment and reduce
18 salt in the environment.

19 And there are some best management
20 practices that we're piloting with the
21 Department of Transportation, really looking
22 at how we reduce road salt use. We've
23 started our "Don't be salty, New York"
24 campaign, which is really leaning in on the

1 public education and how all New Yorkers can
2 work to reduce salt use in the environment.
3 Encourage you to listen to I think it was
4 Episode 16 of the podcast as well, where we
5 had some of our water quality experts on --

6 SENATOR HARCKHAM: Back to the
7 podcast.

8 (Laughter.)

9 DEC INTERIM COMMISSIONER MAHAR: --
10 talking about salt use generally.

11 But, you know, again, we're always
12 open to evaluating what authorities we have
13 and can use to address the contaminants that
14 we're finding in the environment. We know
15 that public education goes a long way both
16 with our roadway practitioners and local
17 highway departments and with State DOT, and
18 we're seeing the best management practices
19 really start playing out and achieving
20 benefits.

21 And we really do need everyday
22 New Yorkers to help "don't be salty" and
23 reduce their salt use overall, which will go
24 a long way to reducing salt in the

1 environment.

2 SENATOR HARCKHAM: Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.
4 Assembly.

5 CHAIRMAN PRETLOW: Deborah Glick for
6 her second round.

7 ASSEMBLYWOMAN GLICK: Thank you very
8 much.

9 A couple of quick questions. We've
10 talked about the fact that there have been
11 downstate fewer Environmental Conservation
12 Officers. It's been sort of an ongoing
13 concern. We want youngsters to see that
14 there is a working path in that direction.

15 But also I'm wondering if they are
16 insufficient and whether that's played a role
17 in the diminution of horseshoe crabs over the
18 last 15 years. That population has
19 dramatically dropped under the current
20 management, and I'm -- it's gone from good to
21 poor. And I'm wondering if you have too
22 little capacity for proper enforcement to
23 ensure that we don't have over-harvesting
24 beyond the limits that are allowed or if you

1 can't keep track year to year of faltering
2 populations.

3 DEC INTERIM COMMISSIONER MAHAR: Well,
4 we do have really robust science that we do
5 every year to monitor horseshoe crab
6 populations along with all our species out
7 there. We coordinate with the Atlantic
8 States Marine Fisheries Commission on, you
9 know, harvest quotas and elements of that.

10 But our enforcement work is very much
11 underway, and our ECOs are always out on the
12 frontlines making sure that the seasonal
13 closures that we've put in place for
14 horseshoe crab harvesting are complied with,
15 they know where the horseshoe crab hotspots
16 are and where there's been issues of illegal
17 harvest in the past, and they tailor their
18 enforcement directly around making sure that
19 we're catching bad actors and protecting that
20 population.

21 And we're continuing to adapt our
22 regulations. And I think as you'll see soon,
23 we'll have additional regulations out to
24 really codify additional closures to protect

1 the horseshoe crab population and really make
2 sure that we're building off of the closures
3 that are in place now on the lunar cycles
4 that are directly helping the health of that
5 species overall.

6 And we're going to continue to have
7 more conversations with you on that moving
8 forward.

9 ASSEMBLYWOMAN GLICK: Great. I
10 appreciate that.

11 Today -- just following up on some of
12 the biosolids, today Albany County put a
13 moratorium on. Steuben County has indicated
14 that there has been concern about drinking
15 water from farms in Steuben. And I guess I'm
16 wondering if -- whether or not you can in
17 fact, whether DEC can determine whether some
18 of the befouling, if you will, of these wells
19 is actually from the result of biosolids that
20 have been put on farms. Or what's the
21 process that you're engaged in to determine
22 that?

23 And I know it's -- from DEC's point of
24 view, it's not the largest issue across -- as

1 it is in some other states. But obviously if
2 it's in your neighborhood, it's a problem.

3 DEC INTERIM COMMISSIONER MAHAR:

4 Definitely. And that's -- you know, as we
5 continue our nation-leading PFAS efforts,
6 this is an important waste stream that we're
7 looking at and evaluating what its potential
8 impacts are.

9 I know we're out of time, but
10 generally properly treated biosolids can be
11 beneficially reused, and that's why we have a
12 beneficial use determination. But, you know,
13 we need to make sure that it's not
14 inadvertently introducing PFAS into the
15 environment. And that is a conversation
16 that's actively ongoing, and we look forward
17 to having more conversations with you on
18 that.

19 ASSEMBLYWOMAN GLICK: Appreciate your
20 responsiveness. Thank you. And all of the
21 work that all of you do.

22 DEC INTERIM COMMISSIONER MAHAR: Thank
23 you.

24 CHAIRWOMAN KRUEGER: Thank you very

1 much. Thank you all for being with us today,
2 and we all do appreciate the work DEC does.

3 And we've actually completed all the
4 questioning. There may be legislators who
5 still want to grab your attention. As you
6 leave, please take it out to the hallway,
7 anyone who is going to go in search of these
8 people from DEC. And be kind and let them
9 use the bathrooms also --

10 (Laughter.)

11 CHAIRWOMAN KRUEGER: -- before we
12 bombard them, because we never let them get
13 up for three and a half hours.

14 With that, we are on to Panel No. 2,
15 NYSERDA. So as NYSERDA comes down, please
16 let DEC escape the room.

17 (Off the record.)

18 CHAIRWOMAN KRUEGER: Hi. I know it's
19 hard to believe, but for people who are
20 keeping track of the scorecard of how many
21 people are going to testify, we're only on
22 Panel B, Doreen Harris, president and CEO of
23 NYSERDA.

24 She has been with us before, so she

1 knows the rules of the road. Remember to
2 press your mic till the green light shines,
3 because that way we can actually hear you.
4 And you have 10 minutes to present.

5 Thank you, and welcome.

6 There's a sweet spot over the word
7 "Push." There you go.

8 NYSERDA PRESIDENT HARRIS: Thank you.
9 Good afternoon. You have a panel of one
10 here, yours truly. So thankful to be here
11 again this year. I want to thank you, of
12 course, Chair Krueger, Chair Pretlow,
13 Chair Barrett, Chair Parker, Chair Glick,
14 Chair Harckham and members of the committees
15 for the opportunity to testify again before
16 you as part of the joint legislative budget
17 hearing.

18 In addition to the summary remarks, we
19 have also filed full written testimony with
20 the chairs, which I'm happy to review at your
21 convenience.

22 So again, I'm Doreen Harris. I'm
23 president and CEO of the New York State
24 Energy Research and Development Authority, or

1 NYSERDA. I am here actually telling you we
2 are celebrating 50 years of service this
3 year. NYSERDA was constituted in 1975 in
4 response to the oil and energy crisis of the
5 '70s. And I'm certainly here to reflect both
6 on the ways in which we have benefited the
7 state's economy by implementing our mission
8 to advance clean energy, but also leveraging
9 innovation and investments to improve health,
10 resiliency, prosperity, and everything else
11 for New Yorkers.

12 So one thing that I'm particularly
13 proud of this year is the ways in which we
14 have engaged with every Assembly and Senate
15 district across the state. We established
16 our Regional Clean Energy Hubs in 2021. We
17 now have 12 functioning hubs in every
18 Regional Economic Development area of the
19 state. And ultimately these hubs are
20 intended to provide access to services on
21 behalf of all New Yorkers. And I am here to
22 say it's been impactful, including
23 connections with nearly 8,000 New Yorkers
24 over this year alone.

1 But in addition, I was pleased to
2 collaborate with so many of you around formal
3 engagements, of course, such as today, but
4 also ways in which we can both report
5 transparently and work collaboratively in
6 your districts to advance our shared mission.

7 So I'm pleased to say we have engaged
8 in over 100 meetings or events with members
9 of the Legislature this year alone, certainly
10 fulfilling our promise to be a trusted,
11 accessible and credible resource on behalf of
12 all New Yorkers.

13 I think, of note, this year we did
14 kick off the State Energy Plan. The State
15 Energy Planning Board is an entity that I
16 chair. And I think, notably, I'd like to
17 thank Assembly Energy Chair Barrett for
18 joining the State Energy Planning Board, as
19 well as the representative appointed by the
20 Senate for that important work.

21 So certainly, as you heard from
22 Interim Commissioner Mahar, the Governor's
23 commitment to not only the advancement toward
24 our climate goals, but also the realization

1 of a thriving economy for all New Yorkers
2 remains firm. And certainly we at NYSERDA
3 are an integral part of that effort. We use
4 our funding and our programs to create new
5 opportunities to give consumers money -- save
6 consumers money, grow businesses, and create
7 family-sustaining jobs as well as
8 partnerships with manufacturers, innovators,
9 and colleges and universities to really build
10 that clean energy economy from the ground up
11 at the same time.

12 And so what this means is of course we
13 benefit from these investments, and the jobs
14 that will come from these investments are
15 something that I'd like to reflect on today
16 as well.

17 I also want to emphasize the ways in
18 which we at NYSERDA are committed to
19 executing on our mission with transparency
20 and accountability.

21 So each year NYSERDA files almost
22 250 reports with governmental and oversight
23 entities and specifically with the
24 Legislature. We potential publish over

1 150 data sets for public access on OpenNY.
2 Our website provides information in
3 21 languages. And we ensure, through various
4 portals, that New Yorkers can access these
5 programs seamlessly.

6 The reports that we file regularly to
7 the Legislature began in 2016, in compliance
8 with the Public Authorities Law,
9 Section 1867, through which we provide a
10 semiannual report to the Assembly Ways and
11 Means chair, the Senate Finance chair, and
12 the Governor. And in those reports we
13 provide information on our revenues,
14 expenditures, contracts, commitments,
15 solicitations and activity by region. And
16 also we report regularly, of course, to our
17 board of directors, the Governor, each of
18 you, and with the Public Service Commission,
19 who has oversight over much of the funds that
20 we deploy.

21 And so as this transition continues, I
22 want to highlight some key outcomes of the
23 state's clean energy activities.

24 We launched a new Climate Act

1 Dashboard this year, transparently providing
2 information with respect to the progress
3 against many of the Climate Act goals. It's
4 important to note that greenhouse gas
5 emissions have decreased 42 million metric
6 tons, a reduction of 10 percent of emissions
7 from 1990 levels, which is 26 percent of the
8 way to the 2030 goal.

9 Our Clean Energy Fund portfolios
10 report that 36 percent of our local
11 community-based clean energy investments
12 occur in disadvantaged communities, which
13 exceeds the Climate Act requirement, with
14 some portfolios exceeding that number as
15 well. And it was with particular pride that
16 I joined some of you to celebrate the early
17 achievement of one of our Climate Act goals:
18 6 gigawatts of distributed solar installed,
19 one year ahead of time -- with more to come.

20 And statewide, more than 136 TBTU of
21 site-based energy savings has been recorded,
22 accounting for approximately 75 percent of
23 the Climate Act goal.

24 So it is extremely important to

1 highlight all of this in light of the fact
2 that we actually are doing so while we
3 operate one of the most reliable energy grids
4 in the country. And so much of our work is
5 really centered on that need to do all of
6 these things at the same time.

7 And I am particularly proud of the
8 ways in which the Governor's proposed
9 Executive Budget puts forward the Sustainable
10 Future Fund, which would advance \$1 billion
11 in new funding to support this future -- the
12 single largest climate investment in state
13 budget history.

14 And so we're looking forward to
15 working with you to identify categories of
16 spending that would occur this year, and
17 certainly more to come as well.

18 Specific to NYSERDA's administrative
19 and other activities within the Executive
20 Budget, our proposed 18-A funding includes a
21 \$7 million increase, bringing the total to
22 35.725 million. And also the ongoing work at
23 the West Valley Demonstration Project in
24 Cattaraugus County, and that budget estimate

1 is the same, at \$25.8 million.

2 Looking ahead, so certainly we will
3 continue to need to build markets for
4 renewable energy, energy storage, clean
5 transportation, and other investments that
6 provide opportunities to fulfill the promise
7 that these clean energy investments will
8 result in net benefits and jobs for
9 New Yorkers. As we plan for the coming
10 decades, this will remain central to our
11 State Energy Plan and other proceedings as
12 well. But also supporting the more than
13 178,000 clean energy jobs across the state --
14 and I'm pleased to say that this was the most
15 significant year over year growth yet, well
16 above the growth of other sectors of our
17 economy, something that we can all be very
18 proud of.

19 And of course we do all of this within
20 the context of the federal government's --
21 and I will say we remain very focused on the
22 ways in which the Trump administration may
23 have impacts. Certainly there's federal
24 actions that have occurred already that may

1 impact our work and fundamentally affect our
2 energy outcomes in New York State. I'm happy
3 to talk to you today about the specific
4 impacts we're monitoring, but it is too soon
5 to determine the exact nature of those
6 impacts with respect to our progress and
7 initiatives.

8 So certainly as NYSERDA looks forward
9 to 50 more years, and perhaps more, we're
10 very thankful for our partnership with the
11 New York State Legislature to realize these
12 positive outcomes on behalf of all
13 New Yorkers. This concludes my opening
14 remarks, and I very much look forward to our
15 dialogue.

16 CHAIRWOMAN KRUEGER: Thank you very
17 much, Commissioner Harris.

18 Pete Harckham, our chair of EnCon,
19 will be the first questioner, for 10 minutes.

20 SENATOR HARCKHAM: Thank you,
21 Madam Chair.

22 Thank you, President Harris. I want
23 to thank my friend Senator Walczyk for
24 reminding me this may be the only opportunity

1 I have to say "President Harris" for a while.
2 But thank you for being here.

3 All humor aside, you concluded your
4 remarks talking about what is happening
5 through the president's actions. Last night
6 they ordered a freeze of all federal funding.
7 When we spoke about this with the DEC
8 commissioner, he said at the outset it could
9 impact up to 30 percent of their personnel
10 and activities. What do these cuts or
11 freezes potentially mean for the work you and
12 your team do?

13 NYSERDA PRESIDENT HARRIS: Yes, it is
14 true that the federal context is
15 extraordinarily relevant for our state. I
16 could speak to many areas that are relevant.

17 However, specific to the funding cuts,
18 we certainly made quick work at NYSERDA
19 advancing various initiatives to really
20 utilize those federal funds to increase the
21 leverage and the impact that we can be having
22 within our state. As we speak, we are going
23 to be deploying approximately \$1.2 billion of
24 federal funds that had been awarded or

1 allocated since the Biden administration took
2 office.

3 We have a relatively few full-time
4 equivalent staff against that work, most
5 notably because we're cautious and scale up
6 according to need. So on the order of less
7 than 10 full-time equivalents that we have
8 working on those programs now. Clearly we
9 are monitoring the impacts that this may have
10 because of course we want to continue to
11 scale our programs and advance them according
12 to the plan, which was a multiyear plan that
13 we had put in place.

14 SENATOR HARCKHAM: Thank you. And
15 then the other action recently was a federal
16 moratorium on offshore wind, and many expect
17 this to be a permanent ban on offshore wind.
18 How does that impact the activities that
19 we've planned for New York and are trying to
20 implement in New York?

21 NYSERDA PRESIDENT HARRIS: Yes, thank
22 you for that question, Senator.

23 It is true that one of the Day 1
24 executive orders did speak to actually wind

1 in general, on-shore and offshore wind, as
2 being areas where there was an objective to,
3 as you said, limit or extinguish the
4 permitting and advancement of those projects.

5 Obviously we need more time
6 specifically with respect to the ways in
7 which the federal agencies will interpret
8 those executive orders relative to their
9 day-to-day work. There's a lot of complexity
10 when it comes to advancing these projects,
11 and some are more integrated within the
12 federal purview than others.

13 However, what I am pleased to say is
14 that our two, our key offshore wind projects
15 are continuing their construction, Empire
16 Wind 1 as well as Sunrise Wind. We have the
17 South Fork Wind Farm, 132 megawatts that
18 entered operation this year. And really our
19 work will continue in that respect as we
20 better understand the implications that the
21 federal government's moratorium may have.

22 SENATOR HARCKHAM: All right, thank
23 you. Just following up, then, on solar. You
24 mentioned that we've met our distributed

1 solar goals, which is positive. There's
2 still a lot of low-hanging fruit on solar.
3 Nothing in this budget specifically speaks to
4 solar. You know, there are a number of bills
5 in the Legislature, one particularly,
6 expanding the solar tax credit to make it
7 refundable so low- and modest-income
8 residents could enjoy the same benefits.

9 Do you have plans to, in regulation,
10 expand the distributed solar goal in a formal
11 way? Or do you have other plans to stimulate
12 growth in the solar market?

13 NYSERDA PRESIDENT HARRIS: Yes.
14 Certainly the distributed solar market
15 remains a very strong bright spot for the
16 State of New York. We are the number-one
17 community solar market in the nation, and
18 that is in part because of the durability
19 that we have provided to the industry with
20 respect to both the Climate Act goal, which
21 has been achieved, and now the 10-gigawatt
22 expanded goal that Governor Hochul had
23 committed to.

24 And in fact I think it's important, if

1 I could just speak out for a minute here and
2 tell you how impactful this resource really
3 is in a highly decarbonized grid. When we
4 looked at the summer of 2024, when we hit our
5 peak day in July, distributed solar actually
6 reduced that peak by 6 percent, ultimately
7 saving New Yorkers \$90 million.

8 So these are real numbers and real
9 impacts, and I would say we are anxious and
10 ready to explore the contributions that
11 solar, distributed solar, may make well
12 beyond our 10-gigawatt goal.

13 SENATOR HARCKHAM: Thank you.

14 On another energy source, there's
15 \$6 million in the budget to study nuclear.
16 Being agnostic about nuclear for a moment,
17 one of my villages is going to be home to
18 spent nuclear fuel forever because the
19 federal government never addressed the issue
20 of spent fuel. They're also sitting on over
21 a million gallons of radiated wastewater.

22 What are the state's plans? If we're
23 going to go down this path of nuclear, have
24 we thought about what to do with spent fuel

1 rods? What are we doing with radiological
2 wastewater? Do we have a plan to address
3 these critical but basic issues?

4 NYSERDA PRESIDENT HARRIS: Yes. So
5 certainly we are taking cautious but
6 deliberate steps forward as we consider the
7 potential for advanced nuclear technologies
8 to be deployed across our state.

9 Senator, I want to be clear, our focus
10 is not in the area of Indian Point for --
11 with respect to the master plan that we have
12 launched. Instead, we're focusing on the
13 Zones A through F, which really push us north
14 and west of those areas of our state.

15 SENATOR HARCKHAM: Well, they would
16 have the same concerns that my communities
17 have.

18 NYSERDA PRESIDENT HARRIS: Certainly.
19 Certainly. So as that -- as relates to these
20 topics, of course, as one would say has been
21 the case with every nuclear deployment across
22 the state, safety and waste will be among the
23 myriad issues that will be investigated as
24 part of our master plan, knowing, to your

1 well-experienced voice, that these are issues
2 that local communities and everyone needs to
3 really focus on.

4 There is a theory that these
5 technologies could be beneficial in this
6 respect from the perspective of waste, risk,
7 et cetera. However, we need to take an
8 objective look at this, and that is exactly
9 what we will be doing through this multiyear
10 master plan process.

11 SENATOR HARCKHAM: Thank you.

12 Switching gears, the EmPower program.
13 Can you give us an update on that, please.

14 NYSERDA PRESIDENT HARRIS: Yes. We
15 made very quick work of utilizing the
16 \$200 million that were allocated to expand
17 EmPower and to the EmPower+ program two years
18 ago. I'm here to tell you we have committed
19 every dollar of those \$200 million. We have
20 other funds that we are using to continue the
21 work of EmPower, but I would say this was a
22 very important collaboration. You should
23 each be very proud of the ways in which we
24 have benefited tens of thousands of

1 New Yorkers through deployment of those
2 funds, focusing on low-to-moderate-income
3 homes in the first instance.

4 SENATOR HARCKHAM: All right. This is
5 something that we have discussed before
6 privately. You have -- NYSERDA has an
7 amazing array of products and services for
8 municipalities, for school districts, for
9 homeowners, for businesses -- and yet most
10 people don't know about them. And you spoke
11 about the Regional Hubs you have. What more
12 are you doing to market yourselves and the
13 products and the services you have that can
14 help people save money? That's what this is
15 about. It's about saving folks money.

16 So what's on the agenda to help push
17 those services out?

18 NYSERDA PRESIDENT HARRIS: Yes, of
19 course. And I couldn't agree with you more,
20 Senator, that we have work to do in really
21 not only being more present in our
22 communities across the state, but also
23 ensuring that those same communities have
24 access and awareness of the various programs

1 from which -- for which they could benefit.

2 So the hubs are an example, certainly,
3 of the ways we've put into practice those
4 priorities.

5 In addition, we have made I'd say
6 extensive efforts to streamline the ways in
7 which the public can access our programs. So
8 I'm talking about primarily homeowners,
9 residents -- you know, folks who are working
10 to access what is a complex series of
11 programs, admittedly both from the state,
12 local and federal frameworks, that we have
13 now centralized in a portal.

14 Really, I'm not only proud of it, but
15 I've found the user experience to be very
16 successful in allowing consumers to access
17 these resources in a streamlined way.

18 So for each and every one of you, we'd
19 be happy to demo that portal, as I believe
20 it's something we should be building out for
21 other aspects of our work.

22 SENATOR HARCKHAM: Thank you very
23 much.

24 | NYSDA PRESIDENT HARRIS: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Assembly.

3 CHAIRMAN PRETLOW: Assemblymember Didi
4 Barrett.

5 ASSEMBLYWOMAN BARRETT: Thank you.

6 Thank you, Chairs, and thank you,
7 President Harris. Thank you for being here.

8 I just also want to flag, you know,
9 you and I have had those conversations about
10 community access and members. And I think
11 one of the best things that we did in our
12 community was a roundtable on electric school
13 buses. And you have a very well-informed and
14 knowledgeable team and brought -- I believe
15 you've done it with BOCES across the state.
16 But I just want to flag for my colleagues, if
17 you haven't, please reach out, because this
18 was extremely helpful for all of the school
19 districts in my Assembly district.

20 Also want to clarify. We had a lot of
21 conversation with Commissioner Mahar, and you
22 mentioned the Sustainable Fund that's in the
23 budget, the \$1 billion that the Governor put
24 in. That is really just capital funds, just

1 bondable capital funds, right? Is that --
2 can you just, for the record, spell out for
3 us what we can expect that money to be able
4 to be used for?

5 NYSERDA PRESIDENT HARRIS: Yes. The
6 Sustainable Future program is a \$1 billion
7 fund, and it is intended to advance the types
8 of projects you are describing,
9 Assemblymember Barrett, which involve large
10 capital expenses, capital projects that are
11 bondable.

12 This is a situation that, based on the
13 nature of these projects, it may be that the
14 funds are expended for a number of years.
15 But I want to be clear that the intent is to
16 commit the funds, the full billion dollars,
17 in this fiscal year.

18 So these are the types of projects --
19 there were some examples certainly given.
20 Larger projects in buildings and
21 transportation certainly remain focal points
22 as we consider the ways that we really can
23 get after these largest sources of greenhouse
24 gas emissions across our state, but also

1 fundamentally projects that will bring big
2 impacts, and a large number of jobs remain
3 focus points as well.

4 ASSEMBLYWOMAN BARRETT: Great, thank
5 you. Thank you. Now I've got kind of a I
6 guess you could call it lightning round. It
7 sounded better than "speed dating" -- that
8 was the other phrase that kept going through
9 my mind.

10 So Clean Energy Communities program.
11 Many of the municipalities in my district
12 have participated, you know, in the Clean
13 Energy Communities program and used funding
14 grants for solar panels and heat pumps. And
15 then for, you know, increasing their
16 involvement in the Climate Smart Community
17 program and that status.

18 And I understand that both of those
19 programs were being reviewed. Could you talk
20 to us a little bit, briefly, about what the
21 plan for both of these programs are? Are
22 they going to be combined? If one is being
23 eliminated, do we have a way to ensure that
24 communities that really, you know, want to be

1 actively engaged, that there will be this
2 funding to qualify them to become Climate
3 Smart Communities?

4 NYSERDA PRESIDENT HARRIS: Yes. Thank
5 you for the question.

6 The Clean Energy Communities program
7 has certainly been a great success. We've
8 engaged with over 60 percent of the
9 municipalities across the state for the
10 high-impact actions that not only should they
11 be proud of, but of course they benefit from
12 financially as well.

13 Two things. There is a new version of
14 the program that has been proposed with the
15 New York State Public Service Commission.
16 Received a large number of comments about
17 that framework -- which really, I would say,
18 brings that program forward to the next
19 generation of the program, focusing on
20 cohort-based learnings from one community to
21 another, something we heard a lot about.

22 But also, specific to your point, the
23 ways in which it can better intersect with
24 the Climate Smart Communities program,

1 knowing that they're different but there are
2 overlaps that we really wanted to get after.

3 So that is before the commission as we
4 speak.

5 ASSEMBLYWOMAN BARRETT: And do we have
6 an expectation of when that will be resolved?

7 NYSERDA PRESIDENT HARRIS: Well,
8 there's a panel that includes the chair of
9 the Public Service Commission. So I'd
10 suggest his timeline would be more accurate
11 than mine.

12 ASSEMBLYWOMAN BARRETT: All right.
13 Everybody says, "Well, ask the next panel."
14 Okay, we can do that.

15 NYSERDA submitted a storage roadmap to
16 the PSC for approval and, if approved, we
17 would expect to see energy storage solutions
18 as soon as this year. As NYSERDA's crafting
19 these solicitations and you're scoring
20 metrics, are you taking into consideration
21 long-duration storage technologies, including
22 multi-day storage?

23 NYSERDA PRESIDENT HARRIS: Thank you
24 for that question.

1 I can answer the question for the
2 commission. That order was approved in 2024.
3 So we are advancing a number of
4 implementation plans for the bulk retail and
5 residential sectors.

6 So specific to your question, our
7 near-term focus is on the shorter-duration
8 technologies. But the order does leave open
9 the opportunity for long-duration energy
10 storage, as it is known, that could be
11 useful, to your point, for multi-day
12 applications.

13 Meanwhile, NYSERDA's innovation team
14 does continue to invest in these
15 technologies. And when we really see that
16 market readiness available, we're ready to
17 deploy.

18 ASSEMBLYWOMAN BARRETT: Right. No, I
19 understand there's a project that potentially
20 could even be in my district that you've
21 funded.

22 So -- but it certainly seems to me
23 that multi-day funding is critically
24 important -- multi-day storage is a

1 critically important piece of reaching our
2 goals here.

3 In the Executive -- well, we talked a
4 little bit about that already. So more on
5 nuclear. Last year NYSDERDA published a
6 request for information to -- for advanced
7 nuclear technologies. Could you talk a
8 little bit about the responses, since they
9 were due December 16th, and let us know what
10 the -- was there interest from potential host
11 communities to that?

12 NYSDERDA PRESIDENT HARRIS: Yes. So
13 with respect to advanced nuclear
14 technologies, there are a number of
15 workstreams that are underway. And in fact,
16 Governor Hochul's State of the State Book
17 included a few of them.

18 One of the areas was a request for
19 information that we issued. This is an
20 industry that has I would say been in
21 existence throughout our state, but
22 fundamentally we use this RFI in part to
23 understand not only sentiments and opinions,
24 but also expertise and opportunities that may

1 exist with respect to this resource.

2 And through that RFI we see a lot of
3 information that can be used in multiple
4 respects, but indeed one of them is the topic
5 of siting. And in fact there are a number of
6 communities that had responded with interest.
7 I think we have to have a more expansive and
8 deliberative process to both survey but also
9 consider that interest. And that is exactly
10 what our master plan is intended to do.

11 ASSEMBLYWOMAN BARRETT: Okay. As part
12 of last year's budget, NYSERDA was required
13 to conduct a needs evaluation for
14 fast-charger deployment along the key
15 corridors, the major freight corridors. You
16 know I had a bill, an EV charger bill that
17 got vetoed. I think it's really important
18 that we understand and that we talked at the
19 last panel that not to be continuing to
20 create fear about some of the changes that we
21 want to make and that we need to make for a
22 clean energy future.

23 What's the status of that study, and
24 should we expect to see it in October when I

1 think it was, you know, intended to be
2 finished? And, you know, how we really
3 address if we're going to increase interest
4 and support for EV, we have to be sure that
5 we get rid of the range anxiety and we let
6 people know what our plan is for ensuring the
7 infrastructure.

8 NYSERDA PRESIDENT HARRIS: Yes, thank
9 you for that question.

10 I'm pleased to say the corridor study,
11 as I am referring to it, is well underway,
12 and we do intend to deliver it on time later
13 this fall.

14 As you and I have discussed, we also
15 are happy to really consider the broader
16 charging needs of the state with respect to
17 the study, and something that I'm happy to
18 work with you to ensure that we accomplish.
19 Because I agree with you, we're making good
20 progress but we really do need to be looking
21 at the longer-term plans of the state and
22 across all aspects of transportation
23 electrification.

24 ASSEMBLYWOMAN BARRETT: So on that EV

1 issue, what would you say the state could be
2 doing maybe better or more -- better,
3 whatever, to really encourage a statewide
4 embrace of this? I mean, I know this is a
5 challenging time to answer that question
6 because of the federal situation; we don't
7 know exactly what's going -- what those
8 policies are going to be.

9 But we have to obviously go forward,
10 you know, with our intention. What's the
11 view on how we do that for increasing -- in
12 our last panel we talked a little bit about
13 the challenges for the trucks and the ACT.
14 Can you just talk a little bit about how you
15 see that going forward?

16 NYSERDA PRESIDENT HARRIS: Well, I'd
17 say there's multiple workstreams on the topic
18 of transportation charging. It is the case
19 that the Public Service Commission's Make
20 Ready proceeding was perhaps the largest
21 place to look, with over a billion dollars in
22 investments that will be made by the
23 utilities and others to really enhance the
24 charging stations statewide. But also, of

1 course, federal funds as well as those that
2 we're deploying through other means.

3 ASSEMBLYWOMAN BARRETT: Great, thank
4 you so much. Thanks.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Ranker Mattera for five minutes.

7 SENATOR MATTERA: That's great. Thank
8 you so, so much, Madam Chair.

9 And it's great to see you, CEO Harris.

10 In your testimony you mention that
11 NYSERDA strives for transparency and
12 accountability. Yet we have no transparency
13 or accountability accounting for any of the
14 costs of the CLCPA. Are you willing to be
15 transparent and to share the costs of the
16 CLCPA with this body?

17 NYSERDA PRESIDENT HARRIS: Well,
18 certainly, as we've discussed before,
19 Senator, thank you for the question. We
20 believe our integration analysis did very
21 transparently reveal the costs of the CLCPA.

22 Our State Energy Plan that is underway
23 now will refresh that analysis and produce
24 that data transparently as well.

1 SENATOR MATTERA: All right. In the
2 past, since the last budget hearing, the
3 reality of this rush to implement unrealistic
4 energy policies has been revealed,
5 especially -- even our Comptroller DiNapoli
6 even came forward with that. From battery
7 storage fires to out-of-control emissions,
8 many of the goals of the CLCPA are too
9 unrealistic. The reality is that this is
10 being rushed and we need to work on a real
11 plan that protects our environment, our
12 future and our ratepayers.

13 Is there a consensus in New York State
14 that the time has come to slow down and to be
15 realistic with our energy mandates that have
16 been put in place, that have been passed?
17 Should the laws that have been passed be
18 repealed, or to start over?

19 NYSERDA PRESIDENT HARRIS: Thank you
20 for the questions, Senator. This is a topic
21 that I think is quite complex, but one that,
22 as a general matter, we have set out to make
23 reasonable, rational and maximal progress
24 toward the Climate Act goals. And as you've

1 heard, we certainly have achieved that in one
2 very important instance in the past year.

3 We had a task. Our task is to execute
4 against the law, the law that of course this
5 Legislature advanced in 2019, and one that we
6 all have, I think, a clear-eyed view as to
7 what it takes to get from here to there.

8 I think we've made very rational,
9 smart progress in those intervening years,
10 reflective of perhaps some areas we didn't
11 expect -- a pandemic, supply chain
12 disruptions, inflation, interest rate hikes,
13 and the like. So we're always willing --

14 SENATOR MATTERA: And that's the
15 reason -- and that's the reason why we have
16 companies that are pulling out and everything
17 like that, because it's not realistic. And
18 we all know that.

19 And where is NYSERDA with regards to
20 the new source of renewable energy? Not
21 wind, hydro, solar. What are we doing to
22 talk about nuclear, carbon recapture,
23 wastewater, thermal energy, and green
24 hydrogen? We do have a billion dollars

1 that -- in other words, that could be spent.
2 You know, we've been discussing this. I was
3 very, very happy to go to the Energy Summit
4 over the summer, and 80 percent was speaking
5 on nuclear power, which I was very happy
6 about. But I haven't heard anything since.

7 But what are we doing to move forward
8 with other sources of renewable energy?

9 That's important. I haven't heard anything.
10 Because wind, solar and -- I'm going to talk
11 to you about battery storage, because I've
12 got a minute 36. You know, battery storage
13 is nothing but an experiment and it's
14 becoming a disaster. But we need to talk
15 about that too.

16 But what are we doing about spending
17 money right now to move forward with other
18 sources of renewable energy?

19 NYSERDA PRESIDENT HARRIS: Yes, I was
20 very thankful, Senator, that you were able to
21 come to Syracuse.

22 We certainly have a number of
23 workstreams underway looking at, to your
24 point, the post-2030 plans for the state,

1 which involve of course tens of gigawatts of
2 dispatchable emissions-free resources that
3 can complement renewables. There's a Public
4 Service Commission proceeding underway really
5 looking at all of those technologies you just
6 laid out. And I think the policies will
7 follow the clear-eyed assessment of the
8 commission.

9 SENATOR MATTERA: All right. So
10 carbon recapture is something that's going to
11 be very --

12 NYSERDA PRESIDENT HARRIS: That is --
13 yes, we are conducting a technoeconomic
14 study, a series of them, on behalf of the
15 commission. One of them is on the topic of
16 carbon capture.

17 SENATOR MATTERA: Okay, and let's talk
18 about the battery storage disaster that's
19 happening with fires at East Hampton, we had
20 fires upstate, and obviously we know the
21 Moss plant that just happened over in
22 California.

23 What are your feelings on this that --
24 I just found out just during the week that

1 the DEC had no oversight in our towns, our
2 counties, and our state. What do you feel
3 about this total disaster, total experiment
4 that's costing all of our ratepayers money?
5 Because I did find out -- and all New Yorkers
6 need to understand something. We are paying
7 for this experiment, especially with this
8 battery storage. Wind, solar? I have no
9 problem with this. Battery storage has been
10 nothing but a disaster in our communities.

11 We've got 9 seconds, so can you please
12 talk to me about this.

13 NYSERDA PRESIDENT HARRIS: Certainly,
14 Senator. I would say with 160 gigawatts of
15 energy storage installed globally, we would
16 disagree about your theory of it being an
17 experiment.

18 SENATOR MATTERA: Fires, fires,
19 fires --

20 CHAIRWOMAN KRUEGER: Thank you.

21 SENATOR MATTERA: -- our communities
22 with contamination.

23 CHAIRWOMAN KRUEGER: Thank you,
24 Senator Mattera.

1 It's the Assembly's turn.

2 CHAIRMAN PRETLOW: Yes. Assemblywoman
3 Glick.

4 CHAIRWOMAN KRUEGER: She has
5 10 minutes.

6 ASSEMBLYWOMAN GLICK: Thank you very
7 much.

8 I appreciated the -- your conversation
9 around community solar and how effective that
10 has been. And I'm wondering whether folded
11 into that are the residential or if that is,
12 in your mind, separate. Or is that accounted
13 for when there's individual residential?

14 NYSERDA PRESIDENT HARRIS: Well, one
15 of the -- thank you for the question,
16 Assemblymember.

17 I would say, sorry, distributed solar
18 has many, many components. What I'm
19 referring to when I discuss community solar
20 is actually different than what would be
21 installed on a residence, which is a
22 different subset of the 6 gigawatt goal.

23 That is an area where we have
24 particular I'd say challenges in our urban

1 centers around the topic of residential
2 application. A little difficult to imagine a
3 whole preponderance of solar installed in
4 Manhattan, as an example. However, that is
5 where community solar is just such a huge
6 asset for the State of New York, because it
7 allows someone who maybe cannot install solar
8 on their roof to benefit from solar
9 installations in other areas of the state.

10 So certainly this is an area that will
11 continue to grow and evolve. And as I said,
12 the benefits will only increase as time goes
13 on.

14 ASSEMBLYWOMAN GLICK: On that same
15 tack, what are the numbers around residential
16 solar? Which seems be, observationally,
17 very, very successful in many places. In
18 places where I would not necessarily have
19 thought there would be individual homeowners
20 who were interested in it. As I travel
21 around, I am surprised where I see fairly
22 significant amounts. And of course in those
23 instances, those homeowners directly receive
24 a benefit that their cost of energy is

1 dramatically reduced.

2 And what are we doing to encourage and
3 make it easier for people to understand? Not
4 everybody goes to the website. So what are
5 we doing to make people aware of it and to
6 make it easier? In a lot of instances it
7 does seem that when you go through the steps,
8 it ultimately results in, you know, "Discuss
9 this with the installer or contractor." So
10 at some point people get to that point and
11 go: Oh, well, I guess I didn't get as much
12 information as I had hoped I would. In
13 advance of talking to somebody that they're
14 not sure they know or are comfortable with.

15 NYSERDA PRESIDENT HARRIS: Thank you
16 for the question. I will have to get back to
17 you with the exact breakdown. This was --
18 2024 was our largest year for solar
19 installations, full stop. Well over a
20 gigawatt was installed. But the breakdown I
21 will have to follow up with you on.

22 But I'd say a couple of aspects of
23 this are quite relevant with respect to
24 consumer adoption. Right? This all comes

1 down to the consumer. And fundamentally,
2 certainly our hubs, our Regional Clean Energy
3 Hubs are in part a resource which is intended
4 to aid with this topic of awareness and
5 access.

6 But in addition we piloted and
7 advanced I think a pretty novel program with
8 National Grid this year focusing on the ways
9 in which these benefits can be achieved --
10 instead of opting in, you opt out. Meaning
11 you get the benefits of consumer savings
12 through community solar projects without
13 having to even work in any way, shape or form
14 with your utility or otherwise.

15 You know, our ability to expand that
16 program statewide I think is an area that I'm
17 really excited about this year because it
18 provides just what you're describing, Chair,
19 is access and an ease of access at the same
20 time.

21 ASSEMBLYWOMAN GLICK: Some of the
22 concerns that were raised earlier, your
23 corridor study seems to be for the Thruway
24 and larger arteries. For many people in my

1 community that would like to go over to use
2 of an EV, they're -- in urban settings, it's
3 really challenging.

4 Is there anything that NYSERDA is
5 under discussion with, whether it's the City
6 of New York or any of the other
7 municipalities, about what we can do to
8 promote better access to EV charging?

9 NYSERDA PRESIDENT HARRIS: Well, I
10 would completely agree with you, Chair, with
11 respect to the topic of access in the city.
12 I'm sure I'm going to hear more questions
13 about charging in the city because it is a
14 particular challenge because of the challenge
15 of parking, of course.

16 So there are a number of initiatives
17 that are underway, I think the most notable
18 being an installation program being
19 administered by the local utility,
20 Con Edison, really focusing on the ways in
21 which they can expand access to charging in
22 the city. We ourselves have a number of
23 programs as well, but it is an area that we
24 have to continue to focus on.

1 ASSEMBLYWOMAN GLICK: Yeah, I'm always
2 interested in the folks who obviously have
3 too much money down the block who have
4 thermal heat under their sidewalk. In the
5 snow, they don't have to actually go out; I
6 guess they flip a switch. How they actually
7 get to park in that spot where they have a
8 charger, I'm not sure. But I have seen that.
9 So it's not insurmountable, but obviously not
10 available generally.

11 New York City has a local law
12 requiring the retrofit for our housing stock,
13 and it's pretty aggressive. And at the end
14 of the day it is intended to decarbonize our
15 buildings, which is a good thing, but again,
16 complicated. And there are different
17 multifamily dwellings that are trying to
18 figure out what would work for them. And
19 some have -- I mean, I think the big
20 challenge is having enough people who can do
21 the work to actually, for some of these large
22 buildings, actually do the work in the time
23 frame that we have, but also deciding what
24 options there are.

1 Again, has NYSERDA been in discussion
2 with the relevant city agencies to figure out
3 how we can support buildings that are trying
4 to get ahead of the curve?

5 NYSERDA PRESIDENT HARRIS: Well,
6 certainly -- and the question is a very
7 timely one because of the fact that both we
8 do have a very ambitious city law, as you
9 identified, but overlaid, of course, is our
10 implementation of the zero-emission new
11 construction requirements that do become
12 relevant in the next year for low-rise and a
13 few years thereafter for higher-rise
14 buildings. So these two initiatives do need
15 to work in concert for sure.

16 But on the other side of the equation,
17 it is a particular challenge in the city but
18 it is one that we at NYSERDA have really been
19 investing heavily to demonstrate that it is
20 indeed possible: First, with new
21 construction, with our Buildings of
22 Excellence competition that really gets in at
23 the architecture phase, the planning phase --

24 ASSEMBLYWOMAN GLICK: With all due

1 respect, I appreciate that, and I have a
2 number of buildings in the district where
3 they are -- it's even a major retrofit but
4 it's an empty building. I think I'm trying
5 to figure out what do we do with everybody
6 who's in an older building that they're all
7 living in.

8 New buildings have -- you know, are
9 very interested in selling that point, that
10 they have made the commitment and they have
11 put in heat pumps and they've done a variety
12 of things. The question is what do we do
13 with all of the condos, co-ops and
14 multifamily dwellings that, you know, are
15 older.

16 NYSERDA PRESIDENT HARRIS: I do agree.
17 Retrofits are a different matter altogether,
18 particularly in an urban environment.

19 The program that we have launched and
20 continue to expand is the Empire Building
21 Challenge, which is focused just on that,
22 which is the retrofits that market -- not
23 just how, but how does one share the
24 technologies and the solutions that have been

1 utilized by these buildings. And that's been
2 a central aspect of that program's success,
3 and one that we continue to build upon as
4 well.

5 ASSEMBLYWOMAN GLICK: Are we looking
6 at some of these networks that will link
7 buildings? And where are we? Is that just
8 in the talking stage, in the explaining-to-me
9 stage?

10 NYSERDA PRESIDENT HARRIS: So thermal
11 energy networks, as they're known, are, I
12 would say, a very interesting and relevant
13 solution for dense populations, whether it be
14 a SUNY campus or, in the case of the city,
15 Rockefeller Center, where a pilot effort has
16 been advanced through the New York Public
17 Service Commission to both plan for and
18 demonstrate that these networks can be
19 installed.

20 ASSEMBLYWOMAN GLICK: We'll talk more.
21 Thank you very much.

22 NYSERDA PRESIDENT HARRIS: Thank you.

23 CHAIRWOMAN KRUEGER: Thank you very
24 much, Assemblymember Glick.

1 Next is Senator Hinchey.

2 SENATOR HINCHEY: Hello, President
3 Harris. Thank you for being here today.

4 I'm going to -- I don't have -- I'm
5 not going to require everyone to have
6 10 minutes of questions.

7 I think a lot of the goals and the
8 improvements that we've made and the steps
9 forward that we've made in our renewable
10 energy goals are incredibly important and
11 really inspiring. That said, we need more
12 solar energy, and we needed solar energy
13 50 years ago. We also have to make sure that
14 we are siting our developments in places that
15 make sense. Anecdotally, we know just in my
16 district alone, many are still being sited or
17 going through the permitting process in
18 places that are not ideal, including prime
19 farmland that still exists. We have one in
20 Columbia County, for example.

21 What is NYSERDA doing to help
22 incentivize solar developments on places like
23 brownfields and parking lots and rooftops and
24 places where we should be doing large-scale

1 solar that makes sense?

2 NYSERDA PRESIDENT HARRIS: Thank you
3 for that question.

4 We have made, I'd say, good work at
5 bringing these developments away from prime
6 farmland. Our large-scale program, as you
7 and I have discussed before, is showing that
8 when we incentivize and make clear that
9 that's our objective, that the companies are
10 responding.

11 SENATOR HINCHEY: Admittedly, though,
12 it's still happening.

13 NYSERDA PRESIDENT HARRIS: Oh,
14 certainly. Certainly.

15 SENATOR HINCHEY: So how -- what are
16 we doing to incentivize in other locations,
17 as opposed to having just the developers come
18 and say, "This is the place we want to do
19 it," that may not make sense to the town, it
20 may not make sense to the community, it may
21 not make sense for our other goals, including
22 our food supply or our wetland protections,
23 and our forests that we must maintain. What
24 are we doing to actively incentivize in

1 places where there should be solar
2 development?

3 NYSERDA PRESIDENT HARRIS: Yes. With
4 that side of the topic, there's two
5 various -- two programs that I'd like to
6 highlight. One is our Build Ready program
7 that is exactly what Build Ready is intended
8 to do, is to be siting projects -- and I'd
9 say solar is the prime target to install on
10 underutilized lands, brownfields, et cetera.

11 We had our first Build Ready project
12 go to auction this year. It was on an
13 abandoned salt mine, effluent, perfect place
14 to put solar -- in the Adirondack Park, in
15 that instance.

16 In addition, on the distributed side,
17 we do recognize that these projects can be
18 not at the same cost, perhaps, as a project
19 on a greenfield, and as such we have a number
20 of adders that are intended to incentivize
21 the installation on brownfields and the like.

22 SENATOR HINCHEY: I'll tell you when I
23 talk to solar developers who are both looking
24 in our district and across the state, they

1 say that it is not economically viable to do
2 it in places that are not kind of large-scale
3 flatland, which is primarily farms.

4 So I would encourage NYSERDA or ORES
5 and the PSC to do more in making it clear how
6 we are incentivizing -- not just through the
7 Build Ready program, but real incentives, so
8 that we can shift away from the projects that
9 are proposed currently and to places that
10 make a lot of sense.

11 NYSERDA PRESIDENT HARRIS: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 No one should take offense; the
14 Assembly got called into Ways and Means
15 Committee, so we have the members who are not
16 Ways and Means.

17 And the next Assemblymember up is
18 Assemblymember Palmesano.

19 ASSEMBLYMAN PALMESANO: Thank you. I
20 am on Ways and Means, but I wanted my
21 question, so.

22 President Harris, good to see you
23 again. I just, before I ask my question, I
24 really wanted to emphasize your help. I

1 conversations about it in the hearings is
2 about things like renewable diesel, where you
3 can use the same -- retrofit the vehicle you
4 have, and you don't have to do any upgrades,
5 you can use it and still have performance.
6 And in fact the USEPA Office of
7 Transportation and Air Quality said "New
8 clean diesel fuel technology is expected to
9 reduce particulate matter in hydrocarbon
10 emission levels to near zero levels by 2025."

11 Wouldn't that be a better approach to
12 address first, before going forward?

13 NYSERDA PRESIDENT HARRIS: Thank you
14 for the question, Assemblymember.

15 Specific to today's discussion, I
16 think it's very important to note that a
17 diversity of resources will be a beneficial
18 opportunity for New York to not only benefit
19 from a reliable grid but, as I said, a
20 diversified energy system writ large.

21 I'd say that the Clean Transportation
22 Study that we have underway -- that was
23 spoken about I know at the last panel -- is
24 really getting at that topic, which is how

1 might a clean transportation standard be
2 complementary to the other policies that we
3 are advancing as a state.

4 And as we have seen in other markets,
5 of course, that type of a policy did spur the
6 utilization of renewable fuels like those
7 that you're describing. So I'd say it is
8 certainly an area that we are investigating.

9 ASSEMBLYMAN PALMESANO: So given the
10 cost, in what we're hearing of the concerns,
11 I think that would be a better way to go
12 first and then work and try to work the
13 technology.

14 On cost, I wanted to ask you, you
15 know, we've heard, you know, cap-and-invest
16 was talked about. It seems like there was a
17 delay in that. The Governor has made
18 comments about it's got to be affordable,
19 it's got to be reasonable, feasible. And
20 shouldn't we, when we go forward with these
21 regulations, also if we pause -- we should be
22 pausing -- we should be doing a cost and
23 feasibility study along with this. Because
24 cost and feasibility studies have never

1 really been done, whether it's CLCPA, school
2 bus, ACT -- none of it.

3 But after five years of examination,
4 why can we still not tell New Yorkers what
5 the out-of-pocket costs for implementation of
6 the CLCPA is, even especially after the CAC
7 said the plan will pay for itself? Why can't
8 we tell New Yorkers what the cost is going to
9 be, then?

10 NYSERDA PRESIDENT HARRIS: So as --
11 thank you for the question. As described
12 with the prior question, I would say we have
13 been transparent about the costs.

14 Our integration analysis revealed very
15 specifically the investments that would be
16 needed, the benefits that would ensue. And I
17 think something we don't talk a lot about is
18 the importance of recognizing the investments
19 we need to make in our existing energy
20 system. Certainly we have an aging
21 infrastructure, one that in and of itself
22 requires hundreds of billions of dollars to
23 maintain. We have a generation fleet that is
24 in large part over 40 years old.

1 It is an area of investment the state
2 will be having to make, in large part, either
3 way. The question becomes what do we invest
4 in, Assemblymember.

5 ASSEMBLYMAN PALMESANO: I'll ask you
6 another question. We're asking our school
7 districts to convert their entire fleet by
8 2035, their entire medium, heavy-duty fleet
9 by 2035. But yet the State of New York does
10 not have to convert their heavy-duty fleet
11 till 2040. And the State of New York hasn't
12 allowed for feasibility.

13 Doesn't this seem like hypocritical to
14 you? Shouldn't it be the State of New York
15 converting their fleet first and showing what
16 the problems are and working out the
17 affordability of the charging infrastructure
18 and all that first? Before we really push
19 this social experiment on our school
20 districts and property taxpayers, let the
21 State of New York do it first. Wouldn't that
22 be the smarter, wiser way to do it, and show
23 we'll lead by example, instead of: You go
24 first, and then we'll wait and see what

1 happens to you?

2 NYSERDA PRESIDENT HARRIS: Thank you
3 for that question.

4 I'd say first, with respect to the
5 school bus requirement, this is a statute
6 that this Legislature advanced in 2023 and
7 one that we are advancing to implement. So
8 certainly that has been our charge and
9 something we've been utilizing \$500
10 million of Bond Act money to facilitate these
11 school districts as they begin their
12 transition.

13 With respect to the state, of course,
14 I agree. Certainly at NYSERDA I'm proud to
15 say we're in -- moving in that direction in a
16 timely manner.

17 CHAIRWOMAN KRUEGER: Thank you.
18 Senator Shelley Mayer.

19 SENATOR MAYER: Thank you. There we
20 go.

21 Hi, President Harris. Nice to see
22 you. And thank you for NYSERDA's amping up
23 of its materials for school districts for
24 compliance with the school bus

1 electrification requirements that were
2 adopted by the Legislature.

3 One question is, how many staff at
4 NYSERDA are involved in truly helping
5 districts identify both how to pay for the
6 buses and all the other questions that
7 they've raised in conjunction with the
8 requirement?

9 NYSERDA PRESIDENT HARRIS: Thank you
10 for that question, Senator.

11 We have been staffing up our
12 transportation team, consistent with the
13 electric school bus program. I'd have to get
14 back to you with an exact number. It's
15 something on the order of 15 or so folks
16 working on this, coupled with a series of
17 contractors who can help us really be
18 present.

19 We were very proud and thankful for
20 the partnership, certainly of the Legislature
21 in hosting the roundtables, but also our
22 engagement with the BOCES systems and many,
23 many school districts. Right now we're
24 working with over half of the school

1 districts across the state.

2 But I do agree we have more work to
3 do, and we'll continue to ramp up toward that
4 outcome.

5 SENATOR MAYER: And what about -- as
6 you know, one of the big complaints is that
7 the actual initial cost of the bus is
8 prohibitive, and we're mindful of that. What
9 is the status of the Bond Act funding going
10 out the door and/or any of the federal money
11 that was allocated under the prior president
12 and the prior Congress that would have helped
13 with the purchase of these buses?

14 NYSERDA PRESIDENT HARRIS: Yes, so
15 with respect to the applications received to
16 date, we've received applications for about
17 100 million of the \$500 million available.
18 We've issued solicitations totaling -- or
19 opportunities totaling about
20 \$300 million now, and the uptake has been
21 strong.

22 I think many districts are interested
23 in doing just what we wanted to do, which is
24 to get a bus or two in their fleets and

1 better understand how they may operate and
2 really expand their own educational process
3 through this transition.

4 It is -- it is the case that we had
5 made work of utilizing federal funds to
6 complement the Bond Act money and the -- I'd
7 say the progress that we would be making with
8 the Bond Act money. That is through the
9 USEPA. And although of course we're
10 monitoring the potential implications, it's
11 too early to say exactly what will happen
12 relative to that funding source or the funds
13 that had been committed thus far.

14 SENATOR MAYER: Okay, thank you very
15 much.

16 NYSERDA PRESIDENT HARRIS: Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Okay, we are up to Assemblymember
19 Shres -- Shrestha. Excuse me for the
20 mispronunciation.

21 ASSEMBLYWOMAN SHRESTHA: Thank you.

22 So in 2022 NYSERDA awarded \$14 million
23 as part of the Clean Green Schools Initiative
24 to 11 school districts to invest in building

1 decarbonization. The next round of this
2 funding is scheduled to be awarded in 2026.
3 But 14 million for 11 school districts
4 doesn't seem like a lot of money, and
5 Senator Jackson and I are proposing
6 appropriating \$500 million to NYSERDA to help
7 public schools overcome hurdles in accessing
8 opportunities in the Inflation Reduction Act.
9 That would be by providing up-front
10 complementary funds and technical assistance
11 for solar, geothermal and storage projects.
12 And this program is based on a similar one in
13 Pennsylvania.

14 So my question is, what kind of impact
15 do you think this would have on schools as
16 the need to decarbonize them and ensure safe
17 temperatures becomes more pressing? And how
18 much money do you think we actually need for
19 this decarbonization effort?

20 NYSERDA PRESIDENT HARRIS: Thank you
21 for that question, Assemblymember, and for
22 your interest in this program. This is a big
23 effort, \$200 million in total across a number
24 of different funding sources, including the

1 Environmental Bond Act, the Clean Energy
2 Fund, and the Regional Greenhouse Gas
3 Initiative, that has really been put to use.

4 Thus far we have funded 32 projects
5 across 68 buildings. And importantly, we've
6 also funded a large amount of technical
7 assistance for these districts, because part
8 of the issue is planning, being ready for the
9 transition.

10 So with respect to your specific
11 question, we'd have to scale that up as
12 opposed to the actual number of school
13 districts and school buildings within those
14 districts across our state. As a general
15 matter, though, I would agree that the need
16 exceeds the funding. And certainly this is a
17 great opportunity to protect our youngest
18 citizens and create those modern, comfortable
19 spaces for them to learn in together.

20 ASSEMBLYWOMAN SHRESTHA: And, you
21 know, we have these direct-pay provisions --
22 for now still safe -- in the Inflation
23 Reduction Act to help schools.

24 My next question is NYSERDA put out a

1 joint report with the PSC recently showing
2 that we are not on track for the 70 percent
3 renewables by 2030 goal. And we know that
4 the New York Power Authority is, you know,
5 doing its planning for building public
6 renewables to help us close the gap on those
7 goals.

8 Is there a role NYSERDA can play to
9 fast-track these public projects?

10 NYSERDA PRESIDENT HARRIS: Directly
11 speaking, Assemblymember, that is not a role
12 NYSERDA would play.

13 I'm sure President Driscoll, in the
14 next panel, would be able to speak to various
15 means by which their authority could be
16 streamlined, if you will, from a siting and
17 permitting perspective.

18 ASSEMBLYWOMAN SHRESTHA: Okay. And
19 I -- okay, thank you. Thank you so much.

20 NYSERDA PRESIDENT HARRIS: Thank you.

21 CHAIRWOMAN KRUEGER: Sorry about that.

22 Next is Senator Stec, five minutes as
23 a ranker.

24 SENATOR STEC: Thank you, Chair.

1 Good afternoon.

2 Affordability and outmigration are two
3 key issues that everyone here agrees that
4 New York State is challenged with. Energy
5 costs and reliability are two key components
6 of both those issues, affordability and
7 outmigration.

8 We've seen numerous reports showing
9 that we will not meet the statutorily
10 mandated goals that the CLCPA requires. Do
11 you believe that those reports, such as
12 Comptroller DiNapoli's report, are accurate?

13 NYSERDA PRESIDENT HARRIS: Thank you
14 for the question, Senator, and generally for
15 your partnership on a variety of fronts.

16 I've obviously talked a lot about the
17 cost of the transition and the ways in which
18 both we think about the cost of inaction
19 versus the cost of action. And I think
20 increasingly we need to think about the cost
21 of the status quo ever more so.

22 So again, to reiterate, the cost of
23 the status quo to really invest in our
24 system, our energy system --

1 SENATOR STEC: Excuse me, that wasn't
2 my question. My question is whether or not
3 you agree with Comptroller DiNapoli's report
4 that we are behind schedule and that this is
5 going to be very expensive.

6 NYSERDA PRESIDENT HARRIS: Thank you.

7 To answer that question directly, we
8 were, first of all, pleased with the
9 Comptroller's report that reflected that our
10 role in this, we were executing against the
11 Public Service Commission's orders and
12 working apace with the role that NYSERDA
13 plays.

14 As relates to the goal achievement and
15 the progress toward the goal achievement, we
16 filed a report jointly with the Department of
17 Public Service on this topic -- actually,
18 before the Comptroller's report was issued --
19 really looking objectively at where we are
20 and where we are heading toward our 2030
21 goals. That is a matter before the
22 Public Service Commission.

23 But certainly that report reflected a
24 possible delay in the achievement of the 2030

1 goal, and one that we continue to monitor but
2 certainly advance rationally against with
3 every decision that we make.

4 SENATOR STEC: Do you agree with the
5 Comptroller's assessment from his audit that
6 the Climate Act goals -- on the Climate Act
7 goals that ratepayers will be the primary
8 source of funding the transition?

9 NYSERDA PRESIDENT HARRIS: Certainly
10 the ways these programs function today, any
11 premiums that are paid for with respect to
12 the generation and, of course, transmission
13 buildout, are often ratepayer-funded
14 programs. That's why the Public Service
15 Commission remains central to how we get from
16 here to there.

17 I think, importantly, we need to think
18 about the investments that need to be made in
19 our energy system irrespective of the
20 transition and really look at this from the
21 perspective of the incremental cost that may
22 occur from our clean energy transition as
23 opposed to the maintenance and expansion of
24 the system we have today.

1 SENATOR STEC: The most recent NYISO
2 report showed continued decline in grid
3 reliability margins. Are you concerned about
4 this impact of these shrinking margins? And
5 do you think it's wise to retire our existing
6 sources before new sources are brought
7 online?

8 NYSERDA PRESIDENT HARRIS: Thank you
9 for that question, Senator.

10 We do work very closely with the
11 New York Independent System Operator, and
12 certainly as they advance their reliability
13 needs assessment. This is intentionally a
14 process that involves all parties, for the
15 very reason that the transition must be
16 effectuated by a reliable grid.

17 So I was pleased to see the most
18 recent data from the New York ISO identified,
19 importantly, a downstate need that would be
20 addressed when the Champlain Hudson Power
21 Express project came online in 2026, and that
22 there was no upstate need that was identified
23 in that same study.

24 In the outyears of the study,

1 depending on the scenarios that you look at,
2 there was a statewide need, but it --

3 SENATOR STEC: Do you think it's
4 wise -- do you think it's wise to retire
5 existing capacity before others are
6 identified and brought online?

7 Several key projects for renewable
8 energy have had their contracts cancelled or
9 have had significant increased costs
10 associated with them. For example, last
11 April three offshore wind projects were
12 cancelled with respect -- that were expected
13 to generate 4 gigawatts of power. Why were
14 these contracts cancelled? Is it because
15 they were cost-prohibitive?

16 Because we have a reliability concern.
17 We're not keeping up with the pace of
18 generation. Demand is continuing to go up.
19 And now you've got the Comptroller and NYISO
20 both questioning the validity and the
21 projections and the cost analysis that's been
22 done so far. What do you say to that?

23 NYSERDA PRESIDENT HARRIS: Well, this
24 is a difficult question to answer in

1 14 seconds, but I think this is exactly --

2 SENATOR STEC: I've been asking these
3 questions for three years, Ms. Harris.

4 NYSERDA PRESIDENT HARRIS: Senator,
5 this is exactly what these systems are
6 intended to do, which is to provide checks
7 and balances and ways in which --

8 SENATOR STEC: I want us to be honest
9 with the ratepayers and the taxpayers of the
10 State of New York. Period, full stop.

11 CHAIRWOMAN KRUEGER: Thank you.
12 Assembly.

13 CHAIRMAN PRETLOW: Assemblyperson
14 Chris Burdick.

15 ASSEMBLYMAN BURDICK: Thank you.

16 And President Harris, thank you for
17 the great work that you do. From my days as
18 town supervisor in the Town of Bedford, I
19 know how impactful NYSERDA can be, and its
20 grants programs.

21 And in that vein, I'm wondering if you
22 could tell me the status of some of the
23 funding programs that you have, and the
24 funding levels, of the designation grants and

1 the action grants under the Clean Energy
2 Communities Program.

3 I also understand that NYSERDA has
4 partnered with Sustainable Westchester on the
5 Renew America's nonprofit grants program.
6 And I'm wondering if you could just give us
7 an update on that and the funding levels.

8 NYSERDA PRESIDENT HARRIS: Thank you
9 for the question, Assemblymember.

10 The Clean Energy Communities program,
11 as I was just describing, has certainly been
12 a real success across our state. It is -- I
13 would have to get back to you on the
14 specifics of the projects you're referring
15 to, but it is a program that is at the moment
16 closing out a 10-year initiative on Clean
17 Energy Communities with a proposal for sort
18 of the next phase of that program, in concert
19 with the Climate Smart Communities Program
20 that DEC implements.

21 ASSEMBLYMAN BURDICK: So that's
22 closing out. And is it being succeeded by
23 any program that's similar in terms of
24 working with municipalities and for

1 community-based organizations?

2 NYSERDA PRESIDENT HARRIS: Yes. The
3 program is intended to continue in a modified
4 form. The form -- we received many, many
5 comments from host communities on this topic,
6 and it is before the Public Service
7 Commission for decision-making. So the
8 proposal is one that has not yet been
9 codified, and one that we're happy to engage
10 on your thoughts, of course.

11 ASSEMBLYMAN BURDICK: And do you know
12 what the funding level that's been
13 recommended by the Executive for that in the
14 2026 proposed budget?

15 NYSERDA PRESIDENT HARRIS: This is a
16 program -- if we're speaking specifically to
17 the Clean Energy Communities program, it is a
18 program that is funded via ratepayers through
19 the orders of the Public Service Commission.
20 I'm not familiar with the Executive Budget
21 numbers that you are looking for.

22 ASSEMBLYMAN BURDICK: So -- but the
23 plan is to continue to try to work with
24 community-based organizations and

1 municipalities as you've done so successfully
2 in the past?

3 NYSERDA PRESIDENT HARRIS: Absolutely.
4 And it's an area that we're extraordinarily
5 proud of. I've mentioned our hubs several
6 times, but also our clean energy siting team,
7 which has engaged with well over half the
8 municipalities across our state --

9 ASSEMBLYMAN BURDICK: And if I can,
10 are they supported by federal grants or state
11 grants or a combination of the two?

12 NYSERDA PRESIDENT HARRIS: Those
13 programs are funded via ratepayer collections
14 as we speak.

15 ASSEMBLYMAN BURDICK: Great. Thank
16 you so much.

17 NYSERDA PRESIDENT HARRIS: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Senator Ramos.

20 SENATOR RAMOS: Good afternoon. I
21 want to begin by saying that many of us were
22 disappointed to see a lot of the expected
23 funding for cap-and-invest replaced with the
24 Sustainable Future Program. And under the

1 cap-and-invest program, all projects would
2 have been required or would be required to
3 comply with the labor standards set out.

4 Can you give us more detail and be
5 more specific about the type of projects that
6 we can expect this funding from the
7 Sustainable Future Program to cover, and how
8 the Executive proposes to select those
9 programs and projects, whether there's going
10 to be public input, legislative input?

11 NYSERDA PRESIDENT HARRIS: Thank you
12 for the question, Senator.

13 The \$1 billion Sustainable Future
14 Program that Governor Hochul included in her
15 Executive Budget is very much intended to
16 advance large-scale capital projects that are
17 bondable. Our intention is to, to the extent
18 possible, commit those funds in this fiscal
19 year. So by design, this will involve
20 projects that are infrastructure, large
21 projects in nature, and therefore those that
22 can allow for major projects that bring
23 forward a large number of jobs and economic
24 activity across the state.

1 SENATOR RAMOS: Will there be labor
2 standards?

3 NYSERDA PRESIDENT HARRIS: That is a
4 topic that I would have to defer to our
5 Division of Budget on. Of course these
6 projects do lend themselves to those types of
7 standards. But as to the requirements, that
8 is not something that I should speak to.

9 SENATOR RAMOS: I'll be following up
10 on that.

11 With regard to your NYSERDA training
12 apprenticeship centers, I've received some
13 concerns from pre-apprenticeship
14 practitioners who are finding them difficult
15 to access. Would NYSERDA consider changing
16 its funding criteria so those type of
17 programs can better access the funds?

18 NYSERDA PRESIDENT HARRIS: Thank you
19 for the question, Senator. I am always
20 willing to find ways to expand access. We
21 need as many workers as we possibly can get.
22 Our \$120 million for these purposes was very
23 much intended --

24 SENATOR RAMOS: Why do you think

1 they're so difficult to access?

2 NYSERDA PRESIDENT HARRIS: Excuse me,
3 I don't --

4 SENATOR RAMOS: Why do you believe
5 they are so difficult to access for
6 apprenticeship programs?

7 NYSERDA PRESIDENT HARRIS: I would not
8 have a direct answer to that question because
9 we have been working directly with so many
10 contacts within the community of workforce
11 development, organized labor and beyond, that
12 the programs are very much designed with the
13 input we've received.

14 SENATOR RAMOS: Thanks for the answer.
15 I have one more question before I go.

16 How are you tracking job numbers by
17 specific project, project size, job type?
18 We're so far behind on reaching our goals;
19 how are you keeping track?

20 NYSERDA PRESIDENT HARRIS: We produce
21 a longitudinal study issued annually. The
22 Clean Energy Industry Report tracks every
23 clean energy worker across our state. Be
24 glad to send that to you.

1 SENATOR RAMOS: Please do. Thank you.

2 NYSERDA PRESIDENT HARRIS: Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Assembly.

5 CHAIRMAN PRETLOW: Assemblyman

6 Epstein.

7 ASSEMBLYMAN EPSTEIN: Hi,

8 Commissioner. How are you doing today?

9 NYSERDA PRESIDENT HARRIS: Good, thank
10 you.

11 ASSEMBLYMAN EPSTEIN: So you talked a
12 little earlier about publicly available
13 charging infrastructure, and I'm wondering
14 what percentage of the funds that are being
15 used -- I know we're talking about another
16 million dollars -- is going to be available
17 for publicly available? Which means no
18 paywall before having access to the charging
19 infrastructure.

20 NYSERDA PRESIDENT HARRIS: Yes. Thank
21 you for that question, Assemblymember.

22 And specifically I'm pleased to say I
23 came with my number. We now have 4,000
24 publicly available stations in New York City.

1 That is --

2 ASSEMBLYMAN EPSTEIN: So the 4,000
3 means there's no paywall, they're not in a
4 garage --

5 NYSERDA PRESIDENT HARRIS: Correct.
6 Correct.

7 ASSEMBLYMAN EPSTEIN: They're on the
8 streets and publicly available to the public?

9 NYSERDA PRESIDENT HARRIS: That is
10 correct. That is our most recent number.

11 And we see not only New York State,
12 through the Department of Transportation,
13 working with Con Edison to expand access
14 through these hubs -- of course closer to the
15 airports is a great example -- but also,
16 broadly, the ways in which we're utilizing
17 the funding coming from the federal
18 government to advance that as well.

19 ASSEMBLYMAN EPSTEIN: So how does the
20 public -- and I know it's been hard for
21 people who have plug-ins or -- to distinguish
22 between something that's publicly available
23 on the street without a paywall versus things
24 that are payable on NYSERDA's website. It

1 doesn't create a distinction, so people have
2 a hard time determining if they can get
3 publicly available charging without having to
4 pay \$50 just to park, and then pay for the
5 charging on top of it.

6 So how is NYSERDA going to help the
7 public feel comfortable with this when they
8 don't really know where these 4,000 stations
9 are and whether they're on the street or in a
10 lot or anywhere else?

11 NYSERDA PRESIDENT HARRIS: Thank you
12 for the question.

13 This is not -- I speak as an EV owner
14 myself. I know the apps that I use actually
15 explain to me whether I have to pay to park
16 or not to use the charging infrastructure.
17 This is literally data that can be fed into
18 publicly available databases. And that's how
19 I experience it: Less so NYSERDA's role,
20 more me as a consumer.

21 ASSEMBLYMAN EPSTEIN: Because I have a
22 plug-in as well, and there's no that I've
23 found anywhere below, you know, 96th Street
24 in Manhattan where there's a publicly

1 available charger anywhere. And the few that
2 there are -- I think there's four in
3 Manhattan in total. So I'm happy to hear
4 there's 4,000 in New York City, and I think
5 it's just harder for people to find them
6 because so much of them are in garages.
7 Which is really a disincentive for
8 lower-income people who don't have a -- some
9 people who are financially well-off can then
10 put it in their garage and not worry about
11 it. For people who are parking on the
12 street, to get them to -- incentivize them to
13 move to an electric vehicle, they need to
14 know that the charging infrastructure will be
15 available to them.

16 NYSERDA PRESIDENT HARRIS: We
17 completely agree. There needs to be more
18 public access to charging, full stop.

19 ASSEMBLYMAN EPSTEIN: Again, I look
20 forward to working with you on that.

21 NYSERDA PRESIDENT HARRIS: Thank you.

22 ASSEMBLYMAN EPSTEIN: Thank you.

23 CHAIRWOMAN KRUEGER: (Mic off.) Thank
24 you. See, now it doesn't like me.

1 I'm so sorry. We are now up to
2 Senator Helming.

3 SENATOR HELMING: Thank you.

4 Thanks for your testimony,
5 President Harris.

6 I want to talk about jobs,
7 specifically accelerating economic
8 opportunities, growth, particularly in
9 upstate in the Finger Lakes region. You
10 mentioned about jobs and businesses. Well,
11 businesses need workers, and workers need
12 housing. Are you aware that in some areas in
13 upstate housing has just completely come to a
14 dead standstill because we don't have
15 capacity, we don't have enough electric to
16 build? A simple yes or no.

17 In Ontario County we have over
18 500 units, residential units, on hold because
19 of capacity issues.

20 NYSERDA PRESIDENT HARRIS: Thank you
21 for the question, Senator.

22 I am aware of a number of areas -- I
23 was thinking of an area in Rochester that I'm
24 well aware of as an example of this. And I

1 think it's important to note that the
2 Governor in her Executive Budget is
3 recognizing two things, among many. One is
4 the need for housing, right, and the
5 commitment to continue to build housing. But
6 two, importantly, the ways in which we can
7 really ensure economic development occurs
8 through the upgrade of our grid.

9 SENATOR HELMING: I just wanted to
10 know if you were aware that we have a crisis
11 situation right now where we can't build
12 residential homes because we don't have
13 electric capacity.

14 And then my next question is, why is
15 there this massive push, this massive rush to
16 retire existing power sources when we can't
17 even meet the demand for current basic
18 housing needs?

19 NYSERDA PRESIDENT HARRIS: Thank you.
20 Thank you for the question. In many ways
21 this is I'd say not something that I
22 necessarily agree with, in the sense that
23 when we plan for our transition, the studies
24 that we conduct as well as that of the

1 New York Independent System Operator, inform
2 the readiness of our grid to retire fossil
3 plants.

4 So a great example is New York City,
5 in which there has been a reliability need
6 identified, and frankly they will --

7 SENATOR HELMING: I'm sorry, I have to
8 cut you off. I only have 50 seconds left.

9 NYSERDA PRESIDENT HARRIS: But there
10 will be solutions advanced toward that end.

11 SENATOR HELMING: I'm hoping that in
12 this budget that there will be something to
13 make -- to resolve that issue.

14 And also, can you just quickly tell me
15 what's included in this budget to make energy
16 more affordable for the working class? And
17 if we run out of time, just going back to
18 something that Senator Stec asked, my
19 question to you too is, are ratepayers the
20 piggybanks covering the state's CLCPA
21 mandates? You mentioned that we have a cost
22 for the CLCPA. What is it?

23 NYSERDA PRESIDENT HARRIS: So
24 certainly when we're outside of this venue

1 I'd be glad to really share some resources
2 with you that may be useful.

3 Certainly when we think about the
4 Governor's billion-dollar commitment, this is
5 very much with the lens of affordability and
6 investment in mind. Really effectuating the
7 transition for consumers across our state,
8 particularly in the buildings and
9 transportation sector.

10 SENATOR HELMING: No answers. It's a
11 bunch of talk and no answers.

12 CHAIRWOMAN KRUEGER: Thank you.
13 Assembly.

14 CHAIRMAN PRETLOW: Assemblywoman Sarah
15 Clark.

16 ASSEMBLYWOMAN CLARK: Thank you.

17 And thank you, President Harris, for
18 repping University of Rochester so well.

19 A couple of questions. I'm going to
20 try to go fast, so the first one will be
21 hopefully a quick one.

22 Large-scale thermal, which I do
23 believe is going to be a huge piece of our
24 clean energy future -- when will the first

1 project be up and running from the ones that
2 were granted a couple of years ago?

3 NYSERDA PRESIDENT HARRIS: Thank you
4 for the question. And thank you for hosting
5 me in Rochester this year as well, with your
6 partner in crime.

7 I would actually unfortunately have to
8 defer that question to the Public Service
9 Commission. They are advancing those pilots
10 and would have the latest on the commercial
11 operation date.

12 ASSEMBLYWOMAN CLARK: I just think
13 getting to those large-scale -- it's so hard
14 to go house by house, building by building,
15 and I really think those -- you know, we need
16 to learn from them and understand them so
17 that we can see if that would really be what
18 helps us get there.

19 Second question, and to the topic of
20 which you came to Rochester for, is electric
21 school buses. You know, very committed to
22 seeing this through and sort of parsing
23 through what is fear, what is not true, what
24 is misinformation, and what is going to help

1 us get to our goals.

2 One of the big -- one of the issues
3 that came from one of our districts who is
4 very, very far ahead of this mandate --
5 they've been working on this long before it
6 became law -- you know, is the utility
7 company charge. And if they even hit a
8 15-minute window of peak rate for charging,
9 they're charged the entirety for peak rate.

10 And sort of the answer they were
11 getting was, Well, then, don't do that.
12 Don't charge during the day.

13 And they said, Well, what if we have a
14 field trip? What if we have this? That's
15 not an answer that they can sort of work
16 with.

17 It's different in other regions of the
18 state. Whose role is it to ensure that our
19 utility companies are working with our school
20 districts to make sure the rate that they are
21 charging particularly our public institutions
22 for a mandate that we've asked them to do for
23 our clean energy goals, to ensure they're not
24 paying more than they are for gas, for

1 diesel, for what they're currently using?

2 NYSERDA PRESIDENT HARRIS: Thank you
3 for the question. This was actually a topic
4 that came up in the roundtable that we had
5 hosted together last year, and it is one that
6 really involves two things. Yes, in part it
7 comes down to charging, to the extent
8 possible, your buses at the best time that
9 you can. Managed charging is an important
10 part of this.

11 But it also has to do with rate
12 design. And that is why I was very pleased
13 at the roundtable that the utilities were
14 present and specifically of the Department of
15 Public Service was there as well. Because as
16 we advance to not just one or two buses but
17 hundreds and thousands of buses, it is very
18 important that the rate design work for the
19 school districts for those very reasons you
20 describe.

21 ASSEMBLYWOMAN CLARK: I look forward
22 to working with you on that, and all who may
23 need to be there.

24 And then on Charge Ready, our

1 businesses are telling us they went from a
2 couple-of-month window to over a year for
3 approval. Is there any way you're looking at
4 that to see efficiencies to ensure businesses
5 can get their electric charging
6 infrastructure up quicker?

7 NYSERDA PRESIDENT HARRIS: I will have
8 to look into that. Thank you for raising it.

9 ASSEMBLYWOMAN CLARK: Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Senator Rachel May.

12 SENATOR MAY: Hi. President Harris,
13 thanks for being here.

14 I wanted to start by saying I think
15 it's great that you've hit that 36 percent
16 number for disadvantaged communities for
17 clean energy investments. Do you track and
18 report the actual savings to consumers of
19 those -- that might come from those
20 investments?

21 NYSERDA PRESIDENT HARRIS: This is --
22 thank you for the question, Senator, and for
23 raising this.

24 I'm also pleased to say our other

1 programs are delivering as well. The
2 New York Green Bank, the Regional Greenhouse
3 Gas Initiative, and the Clean Energy Fund are
4 really all on track to meet or exceed these
5 requirements.

6 There will be a requirement through
7 the CLCPA for broad statewide reporting on
8 not only the achievement of those objectives
9 but, to your point, the impact thereof. It
10 is a work in progress. But there are various
11 reports I could share with you that at least
12 show NYSERDA's contributions in that respect.

13 SENATOR MAY: It would be very helpful
14 for us to know how it is benefiting
15 ratepayers, because as you've heard, there is
16 a lot of concern out there that it's driving
17 costs up. But I think for some people you
18 are bringing costs down, or you should be.

19 NYSERDA PRESIDENT HARRIS: Thank you.

20 SENATOR MAY: I had a question about
21 the -- your draft Clean Energy Standard
22 review, which pointed out that some of the
23 contracts, because you award contracts to the
24 lowest bidder, sometimes you're getting

1 unrealistic bids that don't actually get
2 built.

3 Is there a -- any revision to those
4 standards so that you can maybe take project
5 bids that -- you know, judge them not just by
6 the lowest bid but by whether they'll get
7 completed?

8 NYSERDA PRESIDENT HARRIS: Yes. Thank
9 you for the question. This is actually a
10 topic that was included in the progress
11 report -- the biennial review, as we called
12 it -- looking at the scoring criteria that we
13 utilize.

14 Just for clarity, we do not award
15 solely on the basis of price. We do,
16 depending on the program, generally look at
17 30 percent nonprice components. But it is
18 true that the lowest price of course
19 dominates, relatively speaking. So we've
20 brought forward a few additional
21 considerations for the commission to
22 deliberate on.

23 In the meantime, I am pleased -- I
24 haven't been able to say this yet. We have

1 constructed 2,000 megawatts of renewables in
2 the last 18 months. We have well over twice
3 that moving into construction. So I would
4 say we do have a lot of reason for optimism
5 that the portfolio is advancing consistent
6 with our objectives.

7 SENATOR MAY: Wonderful.

8 And then my last question, just very
9 quickly, how close are we to developing
10 affordable, sustainable aviation fuel?

11 NYSERDA PRESIDENT HARRIS: That --
12 sustainable aviation fuel I would say is a
13 work in progress. There's a lot of
14 development globally that we're happy to talk
15 about as we advance in the coming decades.

16 SENATOR MAY: Thank you.

17 NYSERDA PRESIDENT HARRIS: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Assembly.

20 CHAIRMAN PRETLOW: Assemblymember Dana
21 Levenberg.

22 ASSEMBLYWOMAN LEVENBERG: Good
23 afternoon, President, and thank you so much
24 for taking all these questions.

1 I'm going to repeat one that I put to
2 DEC earlier, and maybe you heard it, I don't
3 know. But given yesterday's market
4 correction because of more efficient AI
5 models from China which require fewer data
6 centers and less power, do you really think
7 that the state should be spending resources
8 on bringing online untested nuclear
9 technology that doesn't exist, will not be up
10 and running for decades, there's still no
11 plan for waste disposal, as we heard
12 previously from my colleague
13 Senator Harckham, and to date there has been
14 no nuclear effort that has actually paid for
15 itself and requires enormous subsidies, and
16 no one wants it in their backyard? Even if
17 it's not in our backyard, again, where
18 Indian Point is.

19 So that's one question. I'll just
20 throw out another one, which is that, you
21 know, we know that energy storage actually --
22 as much as we have heard from some of our
23 colleagues, the great fear of fire is a great
24 way to address the intermittent nature of

1 renewable energy generation. So maybe you
2 could explain a little bit more how energy
3 storage is successfully addressing
4 intermittent generation.

5 And finally, if you could explain the
6 benefits that New Yorkers are experiencing
7 when they electrify their homes with the help
8 of NYSERDA's various incentive programs --
9 which include things like health benefits,
10 clean energy sector workforce development,
11 household comfort, and energy savings -- that
12 would be lovely.

13 NYSERDA PRESIDENT HARRIS: Thank you.
14 I'll do my best, Assemblymember.

15 ASSEMBLYWOMAN LEVENBERG: Thank you.

16 NYSERDA PRESIDENT HARRIS: Energy
17 storage is a game-changer with respect to the
18 ways in which it can allow us to reduce our
19 peak load. The estimate is the 6 gigawatts
20 that we will be deploying can reduce the peak
21 by 20 percent. So that means we don't have
22 to build a lot of generation in order to
23 buttress this system in that decarbonized
24 future.

1 As relates to nuclear technologies, we
2 are in a study mode. I want to be completely
3 clear, we're looking at this much like we did
4 with the offshore wind resource over a
5 multifaceted, objective look at the potential
6 for the resource brought about by the
7 bipartisan support that we saw in the Biden
8 administration through the Advance Act. It
9 is something that we don't have answers to,
10 but we have many questions and we're
11 committed to looking at this rationally.

12 On the topic of building
13 decarbonization, I think it is the topic that
14 should be discussed more, which is the homes
15 that we are electrifying and making more
16 efficient are in fact more comfortable, more
17 modern, and more pleasant to live within.
18 Healthier homes, in the first instance, is
19 really what we're creating along the way. So
20 a reason for pride in what we're doing for
21 our constituents.

22 ASSEMBLYWOMAN LEVENBERG: Thank you.

23 NYSERDA PRESIDENT HARRIS: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senator Borrello.

2 SENATOR BORRELLO: Thank you,
3 Madam Chair.

4 Thank you, CEO Harris. Appreciate you
5 being here today.

6 I have had many, many, many
7 conversations with school districts about the
8 electric school bus mandate. It is a cause
9 of a lot of stress and consternation. But
10 here's the issue. The numbers just don't add
11 up. By my estimates, it's going to take
12 \$20 billion to turn every school bus into an
13 electric school bus in New York State.
14 That's about an \$8 billion delta between a
15 gas or diesel school bus and an electric
16 school bus.

17 And yet you've only provided -- the
18 Governor has only provided \$500 million. So
19 we've created this Hunger Games for school
20 districts. And now we have school districts
21 that are actually voting down the purchase of
22 these buses, even when these school districts
23 have gone to extensive lengths to try to
24 basically encourage it by having school buses

1 there, electric school buses there and
2 touring them and everything else.

3 So now the school districts are going
4 to have to choose between educating our
5 children and feeding our children or meeting
6 this ridiculous boondoggle mandate. How are
7 we going to address that?

8 NYSERDA PRESIDENT HARRIS: Well, thank
9 you for the question.

10 As I had said, Senator, we have been
11 working to implement the -- against the
12 timeline, of course, that the Legislature
13 included with respect to the 2027 timeline
14 for zero-emission school bus purchases.

15 The \$500 million I would not claim
16 will get us all the way from here to there.
17 How I think about it is it is allowing our
18 school districts, our 700 school districts,
19 to each get a couple of buses in their fleet
20 to better understand how they operate and --

21 SENATOR BORRELLO: And that would be
22 great if we had a pilot program, but we do
23 not. Would you support ending this mandate,
24 which is already causing lots of stress, and

1 replacing that with a bill that I have that
2 actually calls for a pilot program in a rural
3 school, suburban and urban area, so we can
4 actually see what's going to happen?

5 NYSERDA PRESIDENT HARRIS: Certainly I
6 can't comment on your bill, but I can tell
7 you that we are certainly using these funds
8 to provide this experiential support for the
9 school districts. Right now we're working
10 with over half of the districts across the
11 state.

12 SENATOR BORRELLO: Well, again, I
13 would say we haven't even got part of the way
14 there. We really haven't gotten past square
15 one at this point. We have very few -- and
16 here we are, you know, the mandate is right
17 around the corner. They're not going to be
18 able to purchase non-electric school buses
19 after 2027.

20 And I just don't know how we're going
21 to tell our school districts -- and people
22 are already paying way too much in school
23 tax, property taxes in general. And to tell
24 them that we have to meet this mandate

1 without actually supplying enough money for
2 them to meet the mandate is a true problem.

3 And I realize that's just something
4 that the Governor and my colleagues on the
5 other side of the aisle need to address, but
6 I really would like to see your leadership on
7 this and the fact that, you know, a
8 commonsense alternative would be to test it
9 out and see how this works.

10 NYSERDA PRESIDENT HARRIS: I'd say the
11 fleet electrification plans are a central
12 aspect of this, which we are funding fully.
13 This is going to provide these school
14 districts just what they need, which is a
15 roadmap: What will it actually take to get
16 from here to there. These plans are central
17 to understanding the transition more
18 factually.

19 SENATOR BORRELLO: Thank you.

20 NYSERDA PRESIDENT HARRIS: Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Assemblymember.

23 CHAIRMAN PRETLOW: Assemblywoman
24 Kelles.

1 ASSEMBLYWOMAN KELLES: A couple --
2 we'll do lightning round as well over here.

3 So I appreciated what you said earlier
4 that we do need to focus on efficiency of
5 homes. One of the programs that you have,
6 the EmPower+ program, is specifically
7 designed to help lower-income families do
8 exactly that.

9 But of course people who have -- need
10 hazard mitigation or pre-electrification work
11 on their homes are disqualified for that
12 program, and most likely to be the lowest
13 income of those that income-qualify.

14 So is NYSERDA receptive to, open to
15 expanding the program, whether it be through
16 the hubs or in partnership with, say, HCR or
17 OTDA, work with us to expand that program to
18 make sure that we also fund those
19 pre-electrification and hazard mitigation
20 initiatives in order to get them to the place
21 where they can do the efficiency?

22 NYSERDA PRESIDENT HARRIS: I'm very
23 glad you brought this to my attention before
24 this hearing, and I'd say even here. It is

1 the case that we are dealing with a
2 population that does need the ability to both
3 make their home safe and -- I'd say before
4 one can talk about efficiency or
5 electrification.

6 And we've been better at sort of
7 taking these funds from HCR and others to
8 allow that to happen. Our hubs are a great
9 place to really bring those resources
10 together. But I do agree with you fully that
11 there's more work to be done. I don't
12 believe that the funds are sufficient to
13 really necessarily combine at this moment,
14 and I'd welcome the opportunity to work with
15 you to identify ways that the consumer
16 experience can be improved from beginning to
17 end.

18 ASSEMBLYWOMAN KELLES: I'm excited to
19 do that with you. That's great.

20 So another question, the PSC directed
21 NYSERDA a while ago to evaluate and propose
22 an agrivoltaics incentive adder.
23 Specifically, agrivoltaics for -- you know,
24 if they're used properly, we really would

1 like to incentivize those so we're not
2 competing between food and electric --
3 renewable energy infrastructure.

4 Where are you in the process of
5 creating that, and how soon can we expect
6 that proposal to go to PSC?

7 NYSERDA PRESIDENT HARRIS: Thank you
8 for the question. I will need to get back to
9 you on where that process stands, as I am not
10 entirely sure if it's -- where we are in the
11 process.

12 But I will tell you that we completely
13 agree, there is no disagreement that
14 agrivoltaics can be a way in which solar
15 siting can be made -- allow co-use. And we
16 are doing the same with RGGI funds for that
17 same purpose, and working with Cornell on
18 their program as well.

19 ASSEMBLYWOMAN KELLES: Perfect.

20 I'm going to just ask one other
21 question. NYSERDA recently published its
22 blueprint plan to build new nuclear power
23 plants. Can you tell us details about the
24 public participation process? Is it accurate

1 to say that the focus has been to
2 specifically create nuclear for the private
3 uses like AI data centers, Micron? Or is
4 this to put energy onto the grid? Can you
5 give us an idea a little bit more, in
6 10 seconds?

7 (No response.)

8 CHAIRWOMAN KRUEGER: Thank you very
9 much.

10 ASSEMBLYWOMAN KELLES: We'll follow-up
11 with that question. If anyone else wants to
12 ask it, by all means.

13 (Laughter.)

14 CHAIRWOMAN KRUEGER: Our next Senator
15 is -- I'm so sorry -- Senator Gonzalez.

16 SENATOR GONZALEZ: Thank you so much,
17 Senator Krueger.

18 Good afternoon, President Harris. I
19 think this is a perfect segue, actually,
20 because Assemblymember Kelles and I are
21 working on numerous -- or two bills, at
22 least, that address both retrofitting and
23 data centers.

24 So starting with retrofitting, as

1 we've spoken about before, we know New York
2 has an aging housing stock. And I'm curious,
3 with the existing programs -- EmPower+, the
4 Weatherization Assistance Program, Clean
5 Energy Fund -- what has the progress been?

6 And how are we taking steps to
7 actually get the word out about these
8 programs? Because when I speak to my own
9 constituents, there still seems to be a
10 knowledge gap about what exists.

11 NYSERDA PRESIDENT HARRIS: Thank you.
12 thank you for the question. And this is an
13 area that, as I had said earlier in my
14 testimony, it is a focus of ours both through
15 our Regional Clean Energy Hubs, our website
16 presence, to streamline access to these
17 programs.

18 I'm pleased to say last year we
19 increased our deployment of EmPower funds by
20 about 20 percent, so that's a really good
21 thing. But it is a small component of the
22 broader need. We're touching twenty, 25,000
23 housing units a year, and we need to be
24 touching 200,000. So there is certainly more

1 work to do.

2 I look forward to ways you may suggest
3 that we can make our resources better
4 accessed.

5 SENATOR GONZALEZ: Right. And then
6 for folks who may be in low-income
7 communities, who are coming from
8 environmental justice communities, who may
9 not quite qualify or satisfy the
10 prerequisites for those programs and may need
11 to make upgrades to their own home, is there
12 a single fund that exists -- not a loan, but
13 a grant -- to support them in making those
14 upgrades so they can qualify for the broader
15 or existing retrofitting?

16 NYSERDA PRESIDENT HARRIS: Yes. So
17 our MyEnergy portal that we just launched, I
18 had offered a tour for anyone who was
19 interested. That's exactly what it's
20 intended to do, is to provide a streamlined
21 way to determine what sources of funds you
22 may be eligible for, depending on your income
23 but also the type of residence or building
24 that you occupy.

1 SENATOR GONZALEZ: That's great to
2 hear.

3 And then in the last minute, I will
4 definitely plus-one Assemblymember Kelles's
5 question on nuclear and AI. It's one that
6 I've been meaning to engage you on in my
7 capacity as chair of the Internet and
8 Technology Committee. As we see data centers
9 increase in number across the state, we're
10 certainly interested in seeing what the
11 impact will be on our energy.

12 NYSERDA PRESIDENT HARRIS: Certainly
13 one of the reasons that we're undertaking
14 this master planning process is because we
15 have seen an increased amount of interest on
16 the part of corporate buyers, whether it be
17 AI, data centers, hyperscalers, or
18 semiconductor manufacturers and the like, in
19 really partnering with generation.

20 So it is among our studies and the
21 work we'll be doing, but it is not the only
22 potential application that is being
23 considered through the master plan.

24 SENATOR GONZALEZ: Thank you.

1 CHAIRWOMAN KRUEGER: Assembly.

2 CHAIRMAN PRETLOW: Assemblymember
3 Kassay.

4 ASSEMBLYWOMAN KASSAY: Hi, good
5 afternoon. I have two questions, one about
6 local plans transitioning to alternative
7 uses.

8 So out in Suffolk County,
9 Port Jefferson, we have a peaker plant
10 powered by natural gas currently, and in the
11 district, village governments and task forces
12 are working very hard to figure out and try
13 to have agency in the transition to whatever
14 might come next for that plant, both to avoid
15 a brownfield situation, be part of the
16 solution, and then there's also a great tax
17 implication.

18 So the plant has been applying for a
19 reduced tax burden for itself, thus putting
20 the burden back on the local taxpayers. And
21 so can you speak to what in the budget -- and
22 if there's adequate support for these local
23 governments and groups who are trying to have
24 that agency and solve that problem?

1 NYSERDA PRESIDENT HARRIS: Yes,
2 Assemblymember, I appreciate the question.
3 This was a very central topic to the Just
4 Transition Working Group that I cochaired
5 with Labor Commissioner Reardon.

6 And in building on that, there's a
7 number of initiatives on the workforce side.
8 But specific to the site side, there is a
9 Just Transition Site Reuse program that we
10 have undertaken at NYSERDA focused on
11 bringing communities and generators together
12 to reimagine the site itself -- to your
13 point, to avoid a situation in which it is
14 left, you know, without a future. Right?

15 So I'd encourage you just to -- I can
16 connect with you to really discuss that
17 program and its potential applicability.

18 ASSEMBLYWOMAN KASSAY: I appreciate
19 that, thank you.

20 And my second question, can you please
21 speak to funding in the budget that might be
22 there to further Rules Committee energy
23 storage technologies beyond lithium-ion and
24 if there's currently any promising

1 technologies that we're not yet, you know,
2 widely using. I know we live in this world
3 of breakneck technological improvements, so
4 just curious to see if that's something that
5 New York State is also trying to take the
6 lead on and what the status is.

7 NYSERDA PRESIDENT HARRIS: Yes, you've
8 hit a very important topic to the NYSERDA
9 team. Our innovation team invests
10 significantly in developing technologies and
11 solutions that may be on the edge of
12 commercialization and, you know, near ready
13 to deploy, and among them are different
14 chemistries that could be deployed for the
15 purpose of energy storage. Iron oxide is one
16 that people talk a lot about as a potential
17 long-duration energy storage solution.

18 But there's other chemistries as well,
19 as well as the potential application of
20 hydrogen and many others.

21 So this remains a focus of NYSERDA's,
22 certainly through the Clean Energy Fund but
23 also moving forward --

24 ASSEMBLYWOMAN KASSAY: Thank you. Are

1 there any opportunities for pilot programs
2 currently?

3 NYSERDA PRESIDENT HARRIS: Absolutely.
4 Our programs are available as we speak.

5 ASSEMBLYWOMAN KASSAY: Very good.
6 We'd be happy to connect about that.

7 NYSERDA PRESIDENT HARRIS: Thank you.

8 ASSEMBLYWOMAN KASSAY: Thank you.

9 CHAIRWOMAN KRUEGER: Thank you.

10 We have Senator Canz -- I always get
11 your name wrong, I'm sorry -- Fitzpatrick. I
12 love the blending of the two cultures, but
13 the names are tricky together.

14 SENATOR CANZONERI-FITZPATRICK: Thank
15 you, Chair.

16 Thank you, President Harris. There's
17 been a lot of reports that have been issued
18 in relation to what's going on with our
19 energy. A Power Trends report from 2024 from
20 NYISO said that given the trend, that we have
21 power-generated retirements outpacing
22 additions. We also have a trend that we are
23 going to head toward a winter peaking system
24 in the mid 2030s. And that we -- if natural

1 gas becomes unavailable and supply cannot be
2 secured elsewhere, statewide deficiencies
3 could arise as soon as the winter of 2029 and
4 2030.

5 We have the Comptroller's report
6 saying that the audit found that PSC's and
7 NYSERDA's efforts have not met all the
8 essential components of complying with the
9 Climate act, including the determining the
10 cost of transition to renewable energy, and
11 that the cost of transition has not been
12 reasonably estimated. That report, from
13 July 2020, recommends that we conduct a
14 detailed analysis of cost estimates to
15 transition to renewable energy sources and
16 meet the climate goal acts.

17 So my question to you, in response to
18 these reports -- what has NYSERDA done in
19 response to these reports to respond to these
20 inadequacies that have been highlighted?

21 PRESIDENT HARRIS: Thank you for the
22 question, Senator.

23 This is, as I had described earlier,
24 an area that many different actors touch

1 upon. Our job at NYSERDA, of course, is to
2 bring on new renewable generation that can in
3 part address the challenges that may be seen
4 in the studies that you're referencing, which
5 are by the New York Independent
6 System Operator.

7 All that to say I found the studies by
8 the New York ISO to be quite encouraging with
9 respect to the areas of need that they
10 identified. And in my view, we're well on
11 our way toward having solutions brought to
12 bear to address those needs should they
13 exist.

14 SENATOR CANZONERI-FITZPATRICK: But if
15 we're engaged in a budget hearing, the idea
16 is to come up with money, right? Estimating
17 cost is a basic, basic thing that we are
18 doing here.

19 And NYSERDA hasn't done that, and I
20 want to know why. How do we move forward
21 with giving money and allocating and moving
22 forward with this plan if we don't know what
23 it's going to cost and we don't know what
24 it's going to cost our constituents?

1 NYSERDA PRESIDENT HARRIS: I would --
2 I would say that the integration analysis
3 that we conducted through the Climate Action
4 Council was intended to be a transparent
5 assessment of costs and benefits.

6 Again, hundreds of billions of dollars
7 on either side of that equation, which were
8 transparently provided and will be updated
9 through this year's State Energy Plan that
10 will be produced by the end of this year,
11 Senator.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Assemblymember.

14 CHAIRMAN PRETLOW: Assemblymember Ed
15 Ra --

16 ASSEMBLYMAN RA: Thank you.

17 CHAIRMAN PRETLOW: -- the ranker.

18 ASSEMBLYMAN RA: Good afternoon.

19 So going back to nuclear and advanced
20 nuclear, obviously this is something that
21 under, you know, our Climate Protection Act
22 we need to have this baseload of energy as
23 we're also, you know, putting all these other
24 sources in.

1 So just in terms of what our long-term
2 plan here is with regard to nuclear, which I
3 think has to be part of this -- so I guess,
4 number one, do you view that as part of the
5 long-term solution here, nuclear power?

6 NYSERDA PRESIDENT HARRIS: Thank you
7 for the question, Assemblymember.

8 We certainly, through that same
9 integration analysis, recognized that there
10 was a need for tens of gigawatts of
11 dispatchable emissions-free resources to
12 complement the renewables that we were
13 deploying. Nuclear may well be one of those
14 resources, along with several others that are
15 being considered as we speak by the Public
16 Service Commission.

17 The intent of the nuclear master plan
18 is to take an objective look at the aspects
19 of advanced nuclear deployment, both from a
20 technology perspective but also a cost
21 perspective and a risk perspective, in an
22 objective way, to help us determine
23 collectively the potential contributions of
24 this resource.

1 ASSEMBLYMAN RA: Great. And I know --
2 so we have a \$6 million allocation for that
3 nuclear power development master plan. So
4 what is the time frame on that coming
5 together?

6 NYSERDA PRESIDENT HARRIS: Yes, so the
7 18-A assessment that is attributed to NYSERDA
8 this year does include a modest expansion, in
9 part to allow us to advance our State Energy
10 Plan that I had described as being underway.
11 As part of it there will be a number of
12 studies. Nuclear, certainly, studies will be
13 included within that work.

14 And specifically when we consider how
15 we get from here to there, it is a
16 multifaceted effort. I would anticipate it
17 requiring a number of years to play out. But
18 along the way, we are advancing other work in
19 parallel, including a multistate initiative
20 that we will be cochairing the potential
21 utilization of Department of Energy funds for
22 planning at the Nine Mile facility in Oswego,
23 along with others.

24 So it will be a work evolving over

1 those coming years.

2 ASSEMBLYMAN RA: And that was -- you
3 read my mind, because that was my other
4 question, is what are the plans of NYSERDA to
5 support Constellation Energy's effort to
6 install a small modular reactor at the site
7 in Oswego.

8 NYSERDA PRESIDENT HARRIS: Yes, thank
9 you for the question. I'm glad it was
10 brought up.

11 So Constellation has applied for a
12 planning grant to the U.S. Department of
13 Energy. So this is a very early site design
14 effort. This has nothing to do with actual
15 deployment but, rather, what would be needed
16 to understand the potential permitting and
17 siting regime for a new reactor at that
18 facility in Oswego.

19 So NYSERDA's role in this would be to
20 provide the cost-share required under that
21 planning grant, and certainly we await any
22 feedback from the Department of Energy, as
23 this is a competitive process.

24 ASSEMBLYMAN RA: Okay, thank you. I

1 mean, as you're aware, you know, when it
2 comes to the use of land and the amount it --
3 you know, this technology, you know, and
4 they're coming up with new technologies with
5 it, takes up as opposed to some of the other
6 sources, I think it makes a lot of sense to,
7 you know, continue to think about kind of the
8 mix of -- kind of an all-of-the-above
9 approach to trying to meet our goals.

10 So thank you.

11 NYSERDA PRESIDENT HARRIS: Yes, you
12 and I have discussed resource diversity a
13 number of times. I think you're seeing this
14 year the embrace of various complementary
15 technologies, and this certainly being one of
16 them. One of the major benefits of it is the
17 energy density, as you describe it. So
18 looking forward to further engagement on
19 this.

20 ASSEMBLYMAN RA: Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Senator Pat Fahy.

23 SENATOR FAHY: Thank you.

24 Welcome, President Harris. And I know

1 you've had a long day, so I'm not going to
2 repeat a lot of the -- or try not to repeat a
3 lot of the questions, I'll just make a few
4 comments. But I know you've been asked a lot
5 today about the costs of implementation, and
6 I always share an interest in hearing more
7 about costs on implementation. So I look
8 forward to always hearing more on that.

9 But I also want to -- I was reminded
10 by my colleague, what is the cost of doing
11 nothing. And so I'd like to see that
12 juxtaposed with doing nothing to address the
13 weather-related disasters that we seem to
14 have every week, the water problems that
15 everyone has brought up all day, including to
16 DEC, and the growth of some emerging
17 contaminants in our water and soil. So I'd
18 like to make sure we're getting a full scope
19 on costs.

20 With that, kudos as well on the
21 progress being made on distributed solar.
22 And I too would like to hear more about
23 residential solar. I also -- Senator Hinchey
24 had asked a question about solar farms.

1 Would also like to hear more as well on that,
2 because I do agree with the concerns in how
3 we address that.

4 Just a couple of other comments and
5 then I do have a question. Share a number of
6 the concerns that were raised about the
7 Advanced Clean Trucking, as well as on the EV
8 buses. I too am interested in some time
9 here, because we didn't anticipate some of
10 the, you know, international upheaval in the
11 energy markets. We've got infrastructure
12 problems, charging times, range constraints
13 and others, particularly in our rural and
14 more suburban areas.

15 So as much as I have been supportive
16 of moving toward the EV school buses in
17 particular, I recognize there are a number of
18 constraints and I think we need more
19 flexibility.

20 Also just want to echo the interesting
21 questions and follow-up on the data AI.

22 Question. The offshore wind -- I
23 haven't heard that for a few hours. The new
24 Trump administration has already halted

1 federal leasing of lands for offshore wind
2 development. We've been waiting on updates
3 on the 500 million that was appropriated from
4 a previous administration.

5 Can you give me an update on where we
6 are -- and of course you know I have a
7 particular interest in the Albany Port, so I
8 would remiss if I -- you know, full
9 disclosure, but also an interest in wind
10 energy in particular.

11 PRESIDENT HARRIS: Thank you, Senator.
12 This is not going to be able to be answered
13 in this time. But what I want to make clear
14 is our commitment to this resource remains
15 firm. The Governor has made that clear. We
16 are working to assess what impacts the Trump
17 administration will have in making rational,
18 good decisions to both advance our
19 \$500 million and the projects themselves.

20 You have our commitment that we will
21 continue our work.

22 SENATOR FAHY: Thank you so much.

23 Thank you, Chair.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Assembly.

2 CHAIRMAN PRETLOW: Assemblymember Matt
3 Slater.

4 ASSEMBLYMAN SLATER: Thank you very
5 much. Good afternoon, President Harris.

6 You had mentioned earlier about
7 battery energy storage systems, and I'm
8 curious if it's your position or that of
9 NYSERDA that large-scale commercial battery
10 energy storage systems belong in residential
11 areas.

12 NYSERDA PRESIDENT HARRIS: NYSERDA --
13 thank you for the question. The specific
14 topic of energy storage siting is one that is
15 somewhat dependent on the capacity, if you
16 will, of the system. The permitting
17 authority differs depending on how the system
18 is sited.

19 I don't myself, as NYSERDA, have a
20 point of view, nor jurisdiction in that
21 respect. But certainly the topic of safety
22 is paramount when we think about how we
23 display and advance energy storage systems,
24 something that we are committed to doing in a

1 very responsible manner.

2 ASSEMBLYMAN SLATER: Has NYSDA
3 proposed any type of standards for, again,
4 commercial large-scale battery energy storage
5 systems in residential areas?

6 NYSDA PRESIDENT HARRIS: We have
7 not. Our focus has really been on the Fire
8 Safety Working Group that Governor Hochul
9 formed, and really the necessary reforms
10 perhaps to code, to community engagement, and
11 to education and awareness that are necessary
12 to really equip the communities to host
13 projects -- less so the specifics with
14 respect to where they would be sited.

15 ASSEMBLYMAN SLATER: As part of the
16 Fire Safety Group, have you looked at -- or
17 do you currently require those applicants or
18 companies that -- again, looking specifically
19 at large-scale battery energy storage
20 systems -- provide any type of insurance for
21 neighboring properties should there be damage
22 to those properties in the case of an
23 emergency such as a fire that we've seen here
24 in New York and in other parts of the

1 country?

2 NYSERDA PRESIDENT HARRIS: Certainly
3 the topic of insurance is an important one,
4 but it is not NYSERDA's jurisdiction.

5 ASSEMBLYMAN SLATER: Much of the
6 battery energy storage problem seems like
7 it's not in your jurisdiction. But then
8 again, it is part of your equation --

9 NYSERDA PRESIDENT HARRIS: Certainly.

10 ASSEMBLYMAN SLATER: -- for the grid.
11 So I don't really understand how you can say
12 it's not part of your jurisdiction, yet you
13 need it for the grid. I mean, there are
14 significant concerns -- of again, large-scale
15 commercial storage systems -- being sited
16 200 feet from people's houses.

17 And so if it's your position that it's
18 needed, but yet you're walking away from any
19 type of safety precautions to ensure that
20 that in fact would be a safe use, I have a
21 hard time buying that.

22 NYSERDA PRESIDENT HARRIS: Certainly
23 safety is paramount. I don't want you to
24 misinterpret what I'm describing. What I am

1 saying is NYSERDA does not permit these
2 projects. They are permitted by the Office
3 of Renewable Energy Siting or the Department
4 of Public Service, depending on its capacity.

5 So I want to just be clear where our
6 responsibility lies. Certainly I'm sure the
7 chair will have more to say on the next
8 panel.

9 ASSEMBLYMAN SLATER: Looking forward
10 to it. Thank you.

11 NYSERDA PRESIDENT HARRIS: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator John Liu. And we have been
14 joined by Senator John Liu, I just never said
15 that earlier today. Thank you.

16 SENATOR LIU: (Mic issues.) There you
17 go. Apparently I was not pressing it
18 correctly. But I was pressing the button
19 that says "push."

20 Thank you, Madam Chair. And thank
21 you, President, for joining us.

22 NYSERDA PRESIDENT HARRIS: Thank you.

23 SENATOR LIU: NYSERDA recently
24 published its blueprint plan to build new

1 nuclear power plants. Can you tell us
2 details about the public participation
3 process NYSERDA will have and the timeline of
4 that participation and approval process?

5 Don't thank me for this question. You
6 can thank Assemblymember Kelles for this
7 question.

8 (Laughter.)

9 NYSERDA PRESIDENT HARRIS: Thank you,
10 Assemblymember Kelles.

11 The master plan will be a multiyear
12 process. And much like our offshore wind
13 master plan, community engagement will be a
14 central aspect of our work. Perhaps even
15 more so, obviously, given the history that
16 exists from the perspective of conventional
17 nuclear power plants across our state.

18 So this will involve many ways in
19 which we can take in input, but also
20 information. I think education is going to
21 be one of the most central aspects of this
22 endeavor, because we need better to describe
23 how these technologies work today, as opposed
24 to the technologies of decades ago -- but

1 also to clearly evaluate the impacts and
2 benefits that may ensue.

3 SENATOR LIU: And what would the
4 timeline for that participation and approval
5 process be?

6 NYSERDA PRESIDENT HARRIS: Certainly.
7 The timeline of the study is likely to
8 require multiple years, but that doesn't mean
9 our engagement will start in multiple years,
10 it will be undertaken this year to begin the
11 process of what will be a multiyear
12 engagement.

13 SENATOR LIU: So can -- I mean, what's
14 the minimum timeline? Like can we say there
15 won't be any nuclear power plants for five
16 years, for 10 years? What's -- what's --

17 NYSERDA PRESIDENT HARRIS: Certainly
18 when -- yeah, thank you. When you read the
19 literature, it would be fair to say that from
20 the perspective of deployment, these
21 technologies are many years in the future.
22 Some would say a decade, some would say
23 earlier, but we are not talking about a --

24 (Overtalk.)

1 SENATOR LIU: Okay, so you have no
2 idea how long it will take.

3 NYSERDA sent out a request for
4 proposals to the nuclear industry. Can you
5 share with us which companies have responded
6 and what they proposed?

7 NYSERDA PRESIDENT HARRIS: We are
8 currently reviewing what was an
9 extraordinarily robust response, which
10 exposed to me really the opportunity exists
11 in many aspects of our economy, including
12 education, manufacturing, supply chain and
13 the like.

14 We'll be using those RFI responses for
15 further engagements and certainly will be
16 releasing details that are relevant for the
17 broader planning exercise.

18 SENATOR LIU: You could thank me for
19 this question, and the question was: Can you
20 share with us which companies have responded?

21 NYSERDA PRESIDENT HARRIS: There were
22 dozens if not a hundred companies that
23 responded -- or entities that responded.

24 SENATOR LIU: Okay. I didn't ask you

1 how many, I said which companies. But good
2 job running out the time. Thank you.

3 CHAIRWOMAN KRUEGER: Assembly.

4 CHAIRMAN PRETLOW: Assemblymember
5 Simpson.

6 ASSEMBLYMAN SIMPSON: Thank you.

7 Thank you, President Harris.

8 Does NYSERDA provide oversight,
9 technical assistance or even analysis of
10 projects that the state is building, you
11 know, its own facilities?

12 NYSERDA PRESIDENT HARRIS: The state
13 facilities would typically be reported
14 under -- by the Office of General Services.
15 We do work with them. In fact, we just
16 issued some guidelines for sustainable
17 development, i.e., construction. But from
18 the perspective of reporting, it would not
19 fall under NYSERDA, but rather OGS.

20 ASSEMBLYMAN SIMPSON: Yeah, I just
21 wondered in reference to a project that, you
22 know -- in North Creek, the Ski Bowl is part
23 of the Gore expansion. Beautiful facility.
24 But I was surprised to see that the heating

1 source is going to be fueled by propane.

2 NYSERDA PRESIDENT HARRIS: Thank you.
3 I heard you ask that earlier, and I assume
4 that was ORDA who had made that investment.

5 I can't speak to their
6 decision-making, but certainly that is within
7 their ability to utilize that, propane as a
8 heating source for that type of a facility.

9 ASSEMBLYMAN SIMPSON: It just seems
10 that the state has rules for residential
11 homes, new homes being built, the move to
12 electrification. We have mandates for EVs,
13 we have all sorts of moving pieces that are
14 affecting all New Yorkers. But then when it
15 comes to the state's facilities, programs,
16 investments, there may be a missing link here
17 between what we tell others to do and what
18 we're doing ourselves.

19 NYSERDA PRESIDENT HARRIS: There are
20 investments going on in state facilities,
21 certainly the Empire State Plaza being a
22 great example of one that is underway by OGS
23 through the executive orders, but also the
24 allocation of budget funds by the Governor.

1 So again, work in progress, but
2 underway.

3 ASSEMBLYMAN SIMPSON: Thank you for
4 your response, because it actually highlights
5 it's costly, it's very expensive. And when
6 it comes to the consumer, they have to decide
7 how they're going to move forward with these
8 mandates, but then the state makes its
9 decisions and doesn't have to comply by the
10 same rules. So I think --

11 NYSERDA PRESIDENT HARRIS: What I
12 would say to that, though, is that each
13 building type is quite different. Building a
14 zero-emission single-family home is quite
15 different than addressing the Empire State
16 Plaza. That's really the phase-in that we
17 are advancing as a state, recognizing we need
18 to start with the place that is perhaps
19 simplest, and that is the strategy that we
20 are undertaking with zero-emission new
21 construction, while of course these more
22 complex buildings are advanced as well.

23 ASSEMBLYMAN SIMPSON: Okay, thank you.

24 NYSERDA PRESIDENT HARRIS: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Senator Walczyk.

3 SENATOR WALCZYK: Thank you,
4 Chairwoman.

5 Comptroller DiNapoli says that the
6 CLCPA costs \$340 billion to implement. Is he
7 wrong?

8 NYSERDA PRESIDENT HARRIS: Those
9 numbers are approximately those. I'd have to
10 pull them from the integration analysis, but
11 likely it was quoting data from our own
12 analysis.

13 SENATOR WALCZYK: Good. And I heard
14 the question from a couple of other members.
15 What was your number?

16 NYSERDA PRESIDENT HARRIS: I'll have
17 to pull it. It was on that order. I have it
18 in my notes. Just one minute.

19 SENATOR WALCZYK: Oh, just your total
20 number in billions for what it will cost to
21 implement the CLCPA?

22 NYSERDA PRESIDENT HARRIS: So the
23 estimates that we had provided were on that
24 order, both from the perspective of costs and

1 benefits.

2 SENATOR WALCZYK: So \$340 billion?

3 NYSERDA PRESIDENT HARRIS: Again, I'll
4 have to -- you have to give me a sec to pull
5 the exact number. It was a range that we
6 produced.

7 SENATOR WALCZYK: Okay. You've been
8 with NYSERDA for 15 years?

9 NYSERDA PRESIDENT HARRIS: That's
10 correct.

11 SENATOR WALCZYK: And this is still
12 the Energy Research and Development
13 Authority?

14 NYSERDA PRESIDENT HARRIS: Well, that
15 was the constitution of the organization back
16 in 1975.

17 SENATOR WALCZYK: Indeed.

18 NYSERDA PRESIDENT HARRIS: Better
19 known as NYSERDA now, though. No one tries
20 to spell it out.

21 SENATOR WALCZYK: Does the Governor
22 like nuclear power?

23 NYSERDA PRESIDENT HARRIS: The
24 Governor is very interested in the

1 technology, both from the perspective of its
2 ability to be -- I'll say serve larger loads,
3 such as that by AI, semiconductor
4 manufacturing, and the like. But also its
5 ability to be sited in, as I said, a more
6 energy-dense way. Less land use and a large
7 amount of electricity that may be generated.

8 So she certainly called for the Future
9 Energy Economy Summit in Syracuse last year
10 that many of you participated in, really as a
11 means by which we could begin an objective
12 assessment of this technology, among others,
13 as useful and complementary to the renewable
14 resources as well.

15 SENATOR WALCZYK: So she actually
16 likes nuclear power?

17 NYSERDA PRESIDENT HARRIS: I'd say
18 she's quite interested.

19 SENATOR WALCZYK: Would you say
20 nuclear power is emissions-free?

21 NYSERDA PRESIDENT HARRIS: I would say
22 nuclear power is a zero-emission asset.

23 SENATOR WALCZYK: Is it carbon-free?

24 NYSERDA PRESIDENT HARRIS: Yes.

1 SENATOR WALCZYK: Is it safe?

2 NYSERDA PRESIDENT HARRIS: That is a
3 topic that is subject to our master plan.
4 There's new technologies that are at least
5 marketed from the perspective of providing
6 additional safety features. This is
7 something we will be looking at and
8 evaluating on behalf of New Yorkers.

9 SENATOR WALCZYK: Does its reliability
10 make it a necessity for where New York is
11 headed for electrification?

12 NYSERDA PRESIDENT HARRIS: Well, we
13 certainly know that we will need tens of
14 gigawatts of dispatchable emissions-free
15 resources. It was on the order of 18
16 gigawatts. Nuclear may be a contributor to
17 that. We are not at the point of making that
18 statement.

19 SENATOR WALCZYK: Like the Governor
20 paused congestion pricing before an election,
21 she also is putting a pause on cap-and-invest
22 until after the gubernatorial election. Will
23 we see your master plan for nuclear power
24 after that election, or are we going to see

1 it beforehand?

2 NYSERDA PRESIDENT HARRIS: I want to
3 make clear that cap-and-invest is not paused.
4 We are advancing numerous aspects of this
5 program, as described my colleague on the
6 last panel.

7 As relates to nuclear power, it was
8 included in her State of the State address.
9 She set this direction for us, and we'll be
10 certainly reporting along the way.

11 CHAIRWOMAN KRUEGER: Thank you.
12 Assembly.

13 CHAIRMAN PRETLOW: Assemblymember
14 Pirozzolo.

15 ASSEMBLYMAN PIROZZOLO: Push, okay.
16 Thank you, President Harris, for being
17 here.

18 I just happened to stop by -- in and
19 out all day, a lot of questions -- and I
20 heard one of my colleagues talking about
21 insurance. And I know insurance isn't really
22 your thing. But looking at the website, it
23 talks about -- your website -- improving the
24 quality of life for all New Yorkers

1 equitably.

2 Now, in my district in Staten Island
3 they want to put one of these second-largest
4 battery facilities, BESS sites, in the
5 country. We all know and we've seen that
6 battery sites do go on fire, and when they go
7 on fire, everything seems to go up. The fire
8 department can't try to put them out.

9 This particular site is located along
10 a lot of different waterways. One of the
11 reasons fire departments can't put them out
12 is because they don't want to poison the
13 ground and the groundwater. But they're
14 willing to do that on Staten Island, you
15 know, and other areas.

16 So when we talk about insurance, it's
17 not -- I'd like to know if you can make a
18 recommendation that as these companies open
19 these BESS sites, that they put up a bond to
20 help residents. Because the question is if
21 there was a fire right now and someone who is
22 living next to one of these BESS sites, not
23 only are they probably suffering a decrease
24 in property value, which is suffering a

1 decrease in property taxes being collected by
2 the city and the state, will their insurance
3 companies say to them: We're not going to
4 insure you because you live near a BESS, or
5 charge a higher premium?

6 So these are just things I want to put
7 on the record for you to realize that as you
8 have your conversations going forward, these
9 are certainly issues that need to be
10 addressed. Because it's not like their house
11 has to burn down, it could just be coated in
12 whatever pollutants are being released by
13 these batteries. So that's a very big
14 concern for me.

15 And then talking about nuclear energy,
16 I'd like to know if there is -- I know that
17 you've gone back-and-forth on this. But SMRs
18 I think are a very big thing as far as small
19 modular reactors. I don't want to say
20 they're the wave of the future, but I'd
21 certainly like to know how you guys feel
22 about them. In comparison to standard
23 nuclear power plants, I believe they're
24 cheaper to build, easier to operate. They

1 kind of run on their own. Don't take that as
2 a literal thing. But I know in California
3 they're reopened nuclear power plants and
4 Google has decided to buy 100 percent of the
5 output because of their data centers.

6 And, you know, we're trying to attract
7 data centers to New York. We're trying to
8 electrify the state. I'd like to know where
9 all this electricity is coming from if not
10 from SMRs.

11 NYSERDA PRESIDENT HARRIS: So two
12 responses. First, on the topic of insurance.
13 I appreciate you raising this as well today.
14 I'll certainly take that under advisement and
15 understand better how that may be
16 accomplished in New York's siting and
17 permitting paradigm.

18 On the topic of nuclear power, we
19 obviously have taken on a big effort to
20 answer for New Yorkers the very questions
21 you're asking, which is what is the
22 contributions it may make, what are the risks
23 that we may see, what are the costs that
24 could come, and ultimately what are the

1 technologies that we may deploy, including
2 SMRs, among others.

3 So this is all part of the scope that
4 is being undertaken.

5 ASSEMBLYMAN PIROZZOLO: Thanks.

6 NYSERDA PRESIDENT HARRIS: Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Tom O'Mara, five minutes as ranker.

9 SENATOR O'MARA: Thank you.

10 Good afternoon. Thanks for being with
11 us today.

12 On the billion-dollar Sustainable
13 Future Program the Governor has in the
14 budget, that appears to me to basically
15 encompass anything and everything that either
16 cap-and-invest or the Climate Superfund were
17 designed to handle. Is that correct?

18 PRESIDENT HARRIS: The focus that the
19 Governor has provided on the topic of the
20 Sustainable Future Program would really be
21 looking at the needs primarily in our
22 buildings and transportation sectors,
23 focusing on these large capital projects --
24 as we have termed them, bondable -- that are

1 more significant infrastructure projects
2 necessary to get after the two largest
3 sources of emissions in our state.

4 So that has been the directive that we
5 have received, and we look forward to working
6 with you to identify projects within those
7 bounds.

8 SENATOR O'MARA: You're asking for a
9 billion dollars. Do you have any outline of
10 proposed projects right now?

11 PRESIDENT HARRIS: We certainly have
12 ideas on the projects that might meet that
13 need. This is an entire state ecosystem --

14 SENATOR O'MARA: But you have no list
15 of those for us.

16 PRESIDENT HARRIS: We have concepts,
17 certainly.

18 SENATOR O'MARA: Concepts.

19 NYSERDA PRESIDENT HARRIS: Well, yes.
20 Proposals.

21 SENATOR O'MARA: And we're supposed to
22 approve a budget with a billion dollars of
23 concepts that you're not even going to tell
24 us what they are?

1 NYSERDA PRESIDENT HARRIS: This is a
2 process that as I understand it was intended
3 to advance through her budget. And we look
4 forward to advancing the specific projects.
5 I'd imagine you may have suggestions as well.

6 SENATOR O'MARA: And there will be no
7 legislative review or approval of those
8 projects once we approve this billion-dollar
9 fund. Is that correct, the way it's set up?

10 PRESIDENT HARRIS: I can't speak to
11 that. Thank you.

12 SENATOR O'MARA: That's the way it
13 reads to me.

14 You know, you just mentioned -- I
15 think to Senator Walczyk -- that you expect
16 we need to increase dispatchable
17 emission-free resources by 18 gigawatts to
18 meet our needs. Can you explain the numbers
19 to me? Because my understanding is we have
20 capacity right now of somewhere in the
21 mid-30 gigawatts available in New York on a
22 good day. And the proposed outlook for
23 demand under the CLCPA and the Climate Action
24 Council is somewhere of 120 to 130 gigawatts.

1 That's a lot bigger gap than 18.

2 How do we close that gap?

3 PRESIDENT HARRIS: Certainly the work
4 that we conducted through our integration
5 analysis did include a rough doubling of the
6 capacity of our grid.

7 I agree the peak demand in New York is
8 around 30 gigawatts, but our installed
9 capacity is greater than that.

10 It is also the case that we saw this
11 need both from the perspective of the
12 electrification that we've discussed multiple
13 times, but increasingly, of course, the load
14 that we see coming upstate from the
15 perspective of the good problem to have,
16 which is economic development opportunities
17 that we also want to serve, as well as the
18 load potentially from electrolyzers to
19 generate hydrogen, which is actually part of
20 the NYISO's analysis as well.

21 All that to say is we need to build
22 many, many renewables and, to your point, a
23 large number of dispatchable emissions-free
24 resources to get from here to there.

1 SENATOR O'MARA: Now, NYISO has demand
2 response programs that when capacity is being
3 maxed out and there's fear of brownouts and
4 blackouts, they encourage consumers to not
5 use power, whether it's high-load-user
6 manufacturers, or whatever, and they get paid
7 for not using power at those times.

8 My understanding is you just last week
9 NYISO implemented demand-response programs in
10 the middle of winter. A very cold week last
11 week. You know, typically these have been
12 implemented during the hot summer months when
13 air-conditioning is ramping up. Now we're
14 seeing them already in the middle of winter.
15 And we have concerns of meeting our demand
16 and the reliability of the system going
17 forward.

18 So what's your response to having to
19 implement a demand response program -- and
20 the other warnings that NYISO has already
21 given us about concerns of blackouts and
22 brownouts going forward?

23 NYSERDA PRESIDENT HARRIS: As I've
24 said throughout this hearing, we look

1 carefully and work carefully with NYISO
2 around the studies that are part of their
3 RNA. And there is definitely contributions
4 we make to the scenarios that they're
5 evaluating.

6 The current need is really one that
7 they've identified in the near term in the
8 New York City area. In the outyears of the
9 2030s, there may be a statewide need. And
10 these are all things that we are planning
11 for.

12 I'd also note, as I had said with some
13 pride, the solar contributions this summer
14 reduced peak demand by 6 percent, saving
15 New Yorkers \$90 million.

16 So we have a lot of resources that we
17 can be using to address the need for a
18 reliable grid.

19 SENATOR O'MARA: Thank you.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Since the Assembly has finished except
22 for a second round, I'm going to take my
23 10 minutes as Finance chair.

24 (Off the record.)

1 CHAIRWOMAN KRUEGER: You can go first
2 if you like.

3 CHAIRMAN PRETLOW: Okay, Mr. Brown,
4 you can go.

5 ASSEMBLYMAN KEITH BROWN: Hello,
6 President Harris, how are you? Nice to see
7 you.

8 NYSERDA PRESIDENT HARRIS: Likewise.

9 ASSEMBLYMAN KEITH BROWN: So my main
10 questions relay around the fact -- you know,
11 we had -- LIPA brought tax certiorari cases
12 that affected my district in particular. But
13 we have, you know, the Northport Power
14 Station and we have the former Shoreham
15 Nuclear Power Plant, both of which have major
16 substations.

17 And in talking with a fellow member
18 from Queens, in the city, Con Edison is doing
19 everything they can to try to maximize the
20 use of those power station properties in
21 order to keep the tax base up.

22 Are we doing everything in our
23 power -- is NYSERDA doing everything in their
24 power to make use of those properties and

1 those substations for both Northport and
2 Shoreham, such that we can keep up those tax
3 rateables? Thanks.

4 NYSERDA PRESIDENT HARRIS: Certainly
5 the utilization of existing power plants is
6 part of our work, both from the perspective
7 of frankly the value they provide -- the
8 infrastructure itself is extraordinarily
9 valuable. And on Long Island in particular,
10 we of course saw many offshore wind companies
11 really looking at these locations as
12 potential points of interconnection as a
13 result.

14 We will and anticipate continuing our
15 work in two ways. One, as we deploy toward
16 our energy storage goals, the utilization of
17 these sites as a potential place for those
18 storage systems to be located. But also from
19 the perspective of the broader planning, we
20 were just discussing the fact that we have
21 resources to aid in the planning efforts for
22 those sites as well.

23 So those are some examples; I'm sure
24 there's more.

1 ASSEMBLYMAN KEITH BROWN: So is there
2 any plans on the books that you can refer us
3 to that we could look at? Because I'm sure
4 both the school district and the town --
5 which, you know, is a recipient of a lot of
6 this -- the tax money from LIPA -- would be
7 interested. And National Grid, because the
8 plant is owned by National Grid.

9 NYSERDA PRESIDENT HARRIS: I don't
10 have any that come to mind at the moment, but
11 I'm sure my team would. So we could
12 certainly follow up with you. And --

13 ASSEMBLYMAN KEITH BROWN: Would you,
14 please?

15 NYSERDA PRESIDENT HARRIS: -- thank
16 you for the question.

17 ASSEMBLYMAN KEITH BROWN: Great, thank
18 you. Thank you, Chair.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Okay, let's take a stab at my
21 10 minutes as ranker -- as chair now, thank
22 you.

23 So, so many questions have been asked
24 of you, Doreen, and I just want to try to get

1 some clarification, because I don't agree
2 with many of the questioners, for the record.
3 But the discussion of our CLCPA having a cost
4 of multiple hundreds of billions of dollars,
5 I believe that integration analysis that was
6 being referred to also found that the
7 benefits outweigh the costs by \$115 billion.
8 Am I correct?

9 NYSERDA PRESIDENT HARRIS: You are
10 correct. I have finally found that note in
11 my page. So many numbers. So it estimated
12 the costs between 270 and 295 billion through
13 2050. And to your point, the value of the
14 benefits far exceeded that on the order of
15 400 to \$415 billion over the same time frame.

16 So our broad conclusion was that the
17 costs of inaction were exceeded -- exceeded
18 the cost of action by more than \$115 billion.

19 CHAIRWOMAN KRUEGER: Thank you.

20 And it's also my understanding that if
21 we stay with the status quo and just continue
22 with our system of natural gas distribution,
23 updating that infrastructure will cost us
24 \$150 billion in repairs over the time frame

1 of the CLCPA to move to renewables. Am I
2 off base there?

3 NYSERDA PRESIDENT HARRIS: You are not
4 off base, Senator. This was the metric that
5 I had quoted that I think is very important
6 to highlight. This includes investments in
7 fuels, infrastructure, equipment. All of it
8 is part of our current energy system.

9 And I think notably the fact that we
10 see half of the state's installed generating
11 capacity turning at least 45 years old this
12 year means that irrespective of our climate
13 law, we are looking at an unprecedented
14 amount of investment. And very much the
15 investments in clean energy and a resilient
16 grid will be far more beneficial than costly
17 to New Yorkers.

18 CHAIRWOMAN KRUEGER: Thank you.

19 And several of my colleagues raised
20 concerns about the safety of ESS, large-scale
21 battery storage. And I just want to compare
22 that from 2010 to 2022, nationally there were
23 an average of 286 natural gas explosions
24 every year. There was an estimated 630,000

1 leaks in 2020. In that same time period,
2 explosions injured over 700 people and killed
3 140 people. And 2023 was the worst year
4 since 2004 for catastrophic gas-related home
5 and building explosions, including 25 in the
6 last year here in New York State.

7 NYSERDA did a big study, I guess you
8 commissioned a big study in 2020 about ESS
9 storage and the future of it. Is it nearly
10 as dangerous as the system we're living
11 under?

12 NYSERDA PRESIDENT HARRIS: Thank you
13 for the question, because this is the area
14 that we really need to think about, which is
15 where do risks exist in the system that we
16 have.

17 You referenced some very important
18 metrics. I have myself looked at the
19 security of the fuel system that we have
20 today. We are monitoring fuel supplies on
21 behalf of New York, and I am here to tell you
22 there are real challenges that we see every
23 winter with the availability of fuels and, to
24 your point, the safety of those fuels as

1 well.

2 So we need to look squarely in the eye
3 around the topic of the reality that we're
4 living within. And fundamentally, the fact
5 that specifically energy storage with 160
6 gigawatts installed globally, is a technology
7 that is advancing.

8 There are challenges with any
9 technology. You've identified some. And
10 that we need to really look at this on
11 balance and bring forward the best solutions
12 for New Yorkers, which I very much believe we
13 are doing.

14 CHAIRWOMAN KRUEGER: Thank you.

15 And again, my colleagues, as am I, are
16 very concerned about the costs of energy for
17 ourselves and our constituents. So my
18 understanding is New Yorkers spend right now,
19 on gas and diesel for our vehicles, about
20 \$40 billion a year. Do you know if that's
21 correct?

22 NYSERDA PRESIDENT HARRIS: I believe
23 it is. I would have to double-check, but
24 that is the metric I --

1 CHAIRWOMAN KRUEGER: And then I was
2 also advised that of that \$40 billion a year
3 we're paying out, \$34 billion a year is
4 flowing to out-of-state companies. Is that
5 correct?

6 NYSERDA PRESIDENT HARRIS: That is
7 correct.

8 CHAIRWOMAN KRUEGER: Thank you.

9 And because internal combustion is so
10 inefficient, is it actually possible that for
11 every dollar we're paying for oil and gas,
12 we're only getting 30 cents of value back?

13 NYSERDA PRESIDENT HARRIS: There are
14 inefficiencies in combustion technologies.

15 CHAIRWOMAN KRUEGER: So you would
16 basically agree that other forms of energy
17 are actually probably not only cheaper but,
18 per dollar spent, a better use of money?

19 NYSERDA PRESIDENT HARRIS: I think
20 that point can be made. Of course, very
21 dependent on the potential application of it.

22 But I think you've pointed out some --
23 some realities with our existing system that
24 are worthy of note.

1 CHAIRWOMAN KRUEGER: Thank you.

2 And a lot of people have asked about
3 nuclear, and you and I talked about it as
4 well privately. You said over 100 companies
5 may have responded to the request for "are
6 you interested." Are we talking about
7 companies who want to build nuclear power
8 plants for their private purposes, their
9 private manufacturing, their AI, their data
10 centers, Micron? Or are we talking about new
11 energy that would actually go into the grid
12 to help us all?

13 NYSERDA PRESIDENT HARRIS: So I want
14 to be clear. We had 100-plus responses to
15 the RFI. Some -- they ran the gamut.
16 Interested communities, colleges and
17 universities, workforce training centers,
18 supply chain companies.

19 But specific to your question, there
20 are entities that are interested in deploying
21 advanced nuclear technologies. We call it
22 behind the meter. By that I mean it would
23 actually be sited at the location of the
24 load, so it would be next to a user of

1 electricity of whatever sort -- a data
2 center, a semiconductor manufacturer,
3 et cetera. We see that from companies like
4 Microsoft signing contracts to actually
5 utilize nuclear power.

6 But this technology -- the
7 technologies that we are investigating are
8 all the way from the micro-reactors that
9 could be sited in very specialized ways all
10 the way up to the conventional generators
11 that we see the technology is known as the
12 AP1000. They're called Gen III+, but they
13 are large generators that would not serve a
14 particular user but, rather, the grid writ
15 large.

16 So we're really not choosing a
17 technology, but rather evaluating the
18 landscape.

19 CHAIRWOMAN KRUEGER: So my colleague
20 Senator Harckham already pointed out concerns
21 in one of his own communities about the
22 radiation and spent rods reality for that
23 community forever.

24 If these are plants that are being

1 intended to be built by private companies,
2 I'm assuming on land that they already own,
3 are they then exempt from the community's
4 right to say, We don't actually want to live
5 next to a nuclear power plant and spent rods?
6 Or is it still going to be the same process
7 that we assume is in place for nuclear power
8 plants if they're owned by a utility company
9 for movement of energy into the grid?

10 Is there any way that these companies
11 could actually avoid the participation of
12 their communities in the siting and approval?

13 NYSERDA PRESIDENT HARRIS: You ask a
14 great question, in part because the answer
15 will depend on the type of technology in that
16 range that I am referring to.

17 One important aspect of this is what
18 will be subject to federal purview. I know
19 we had discussed that, and the Nuclear
20 Regulatory Commission's role in these
21 projects on a going-forward basis.

22 Irrespective of the permitting regime
23 or the oversight regime, make no mistake
24 about it. What we are looking to do is to

1 identify the use cases that may be applicable
2 for advanced nuclear technologies, and that
3 would include communities that actually may
4 want to host a project -- like that's where
5 our starting position is, because of the
6 value that it may provide.

7 The Future Energy Economy Summit
8 included many individuals and elected
9 officials who obviously represent districts
10 that host existing nuclear power plants, and
11 their view is they would appreciate more.
12 But there may be other communities that are
13 similarly situated. That's really part of
14 what we're going to be looking at in the
15 coming years.

16 CHAIRWOMAN KRUEGER: Well, based on
17 the news coming out of Washington while we
18 all sit in this hearing room, there will be
19 no federal oversight of anything.

20 My time is up. I believe we give it
21 to the Assemblymember for closing.

22 CHAIRMAN PRETLOW: Didi Barrett,
23 Assemblywoman Barrett for her three-minute
24 second round.

1 ASSEMBLYWOMAN BARRETT: Thank you.

2 I just have a couple of quick
3 questions that I couldn't get to before.

4 One is I had asked the first panel,
5 since you're the second panel -- it seems
6 like yesterday -- but in the Governor's 2024
7 State of the State, NYSERDA and DEC were
8 charged with a study on Clean Transportation
9 Standard, Clean Fuel Standard. And I asked
10 Commissioner Mahar; he said ask you what the
11 status of the study is and when do you
12 expect it to be released and what that
13 process has been.

14 NYSERDA PRESIDENT HARRIS: Yes, thank
15 you. Thanks for the question. I did hear
16 you ask the interim commissioner.

17 And our work is definitely moving
18 forward in a timely manner on that very
19 specific study.

20 I'd say what we are learning is also
21 the fact that we see these types of policies
22 as being highly complementary to other
23 policies that we are also considering such --
24 and advancing, sorry, such as cap-and-invest,

1 where we saw specifically on the West Coast
2 these Clean Transportation Standards not only
3 bringing forward a multitude of fuels that
4 that we had been talking about as potential
5 assets, but also a large number of
6 investments in the electrification of
7 transportation, which we've also discussed
8 today is central to our transition as well.

9 So we are committed to issuing that
10 study just as soon as we wrap up our work. I
11 think it will be important for us to talk
12 about, much like we're talking about
13 dispatchable emissions-free resources. I
14 think a Clean Transportation Standard is an
15 area that we collectively should look at
16 relative to all of the other policies that
17 are before us.

18 ASSEMBLYWOMAN BARRETT: Certainly, you
19 know, the truck and the EV charging -- I
20 mean, it all seems to be related to that, and
21 just the idea of decarbonizing communities
22 that, you know, have been the recipients of
23 so much pollution, right away.

24 So when were you hoping to have that

1 done?

2 NYSERDA PRESIDENT HARRIS: I can't
3 report an exact timeline, but I know from our
4 team that the work is continuing in a rapid
5 pace. So I wouldn't expect it to be too
6 long.

7 ASSEMBLYWOMAN BARRETT: Before the end
8 of our session, maybe? Or is that --

9 NYSERDA PRESIDENT HARRIS: Well, it
10 may be ambitious, but certainly this year.

11 ASSEMBLYWOMAN BARRETT: This year,
12 okay. Thank you.

13 And then just the other question is
14 about the \$500 million that were -- the
15 reapprop for offshore wind. I know that
16 NYSERDA had issued an RFP that was intended
17 to award some of the funds, and that was
18 targeted to be awarded in September of '24.

19 However, that never was announced, and
20 I just wanted to know what the status of the
21 RFP was. And are there viable projects that
22 are still being considered based on existing
23 criteria, or have you put this on hold, or
24 what's that?

1 NYSERDA PRESIDENT HARRIS: So the RFP
2 is not on hold, but it is certainly needing
3 to be informed -- certainly the federal
4 election has bearing on the industry and its
5 long-term plans.

6 So we thought it best to sort of take
7 stock of those impacts. We received some
8 really exciting projects, and I'm confident
9 that at least some will move forward. But I
10 believe it is in the best interest and
11 prudent to evaluate those projects in light
12 of this very significantly changed federal
13 context.

14 ASSEMBLYWOMAN BARRETT: Got it. Thank
15 you. Thanks very much. Thanks so much for
16 being here.

17 CHAIRWOMAN KRUEGER: All right. So we
18 have completed all the questions -- well, not
19 all the questions, but within our time frame.
20 Want to thank you very much for your work and
21 your participation here today.

22 And we're going to allow you to leave,
23 and in fact we're going to encourage you to
24 move quickly out. And if anybody tries to

1 follow you, deal with them in the hallway or
2 ignore them in the hallway, whatever you
3 wish, but don't have the conversation here.
4 Thank you very much.

5 NYSERDA PRESIDENT HARRIS: Thank you,
6 Chair Krueger. And thank you to the members.

7 CHAIRWOMAN KRUEGER: Thank you.

8 NYSERDA PRESIDENT HARRIS: And the
9 committee.

10 CHAIRWOMAN KRUEGER: And with that,
11 I'm going to call up Panel C, which is both
12 the New York State Public Service Commission,
13 Rory Christian, chair, and the New York Power
14 Authority, Justin Driscoll, president and
15 CEO.

16 And for those of you who are hoping to
17 go after this panel, just remember it gets
18 much quicker with all of you because there's
19 only three minutes you're allowed to testify,
20 three minutes for us to ask. If anyone looks
21 at their watch and realizes I've just got to
22 get on that train home, just let someone in
23 the front know that you've left your
24 testimony or you've filed it with us, but

1 you're not going to be able to be here, so
2 we're not looking all over the building for
3 you. Thank you very much.

4 (Pause.)

5 CHAIRWOMAN KRUEGER: Good afternoon,
6 gentlemen.

7 NYPA PRESIDENT DRISCOLL: Good
8 afternoon.

9 CHAIRWOMAN KRUEGER: Do you have a
10 preference of which one of you goes first?
11 Did you discuss it amongst yourselves?

12 Okay, so you're going to go first,
13 Rory?

14 PSC CHAIR CHRISTIAN: Yeah, thank you,
15 Senator Krueger. If you please, I would like
16 to go first.

17 CHAIRWOMAN KRUEGER: Absolutely. So
18 we're going to allow both commissioners to
19 testify, and then we get to ask them
20 questions. They're in a panel format.

21 Okay, thank you. Start whenever.

22 PSC CHAIR CHRISTIAN: All right. Good
23 afternoon, everyone.

24 First, I want to thank you for having

1 this hearing today and allowing us to be
2 here. It's an honor to be before you to
3 discuss these matters of importance to you
4 and the citizens of New York.

5 My name is Rory Christian. I'm the
6 chair of the Public Service Commission and
7 the CEO of the Department of Public Service.

8 And I'd like to give a special thanks
9 to Chair Krueger, Chair Pretlow, and the
10 other distinguished legislative members here
11 today.

12 The welfare of all New Yorkers and the
13 operation of the state's economy depends on
14 the safe and reliable access to affordable
15 energy, water, steam, telecommunications, and
16 cable services. The department and the
17 commission were established by statute to
18 oversee the utility companies that own and
19 operate the infrastructure through which
20 customers receive these essential services,
21 and in doing so to protect these customers
22 from abuse.

23 Our agency's mission is to ensure
24 these entities provide safe and reliable,

1 secure utility service at just and reasonable
2 rates, all in alignment with the state's
3 laws, including the Climate Leadership and
4 Community Protection Act. Pursuit of this
5 mission works hand-in-glove with
6 Governor Hochul's commitment to an affordable
7 and reliable clean energy future.

8 Today, after more than a decade of
9 energy usage that has largely remained flat,
10 due in large part to hard-won gains in energy
11 efficiency through various state policies,
12 forecasts now show electricity demand rising
13 significantly in the coming years to keep
14 pace with new industries and economic
15 development, as well as the electrification
16 of buildings and transportation throughout
17 the state.

18 Through the Governor's leadership, we
19 are bringing new jobs and businesses to
20 New York -- in great part because the state's
21 commitment to clean energy aligns with their
22 corporate policies and goals -- and advancing
23 our transition to a clean energy economy.

24 Clean energy will provide the backbone

1 for continued economic growth in New York,
2 consistent with the principles enshrined in
3 the department's mission: affordability and
4 reliability. But to meet the challenge of
5 this moment, we need to make significant
6 investments -- investments in generation and
7 transmission, maximizing our resources to
8 benefit consumers -- and proactively plan for
9 our future energy system and the increasing
10 uncertainties under which these systems
11 operate.

12 Over the past year, the department and
13 the commission have taken several steps to
14 advance these priorities. The department has
15 progressed the Coordinated Grid Planning
16 Process, which will enable the commission and
17 the state's utilities to identify where
18 transmission and distribution investments
19 would make the most sense and enable the
20 integration of clean energy resources.

21 The commission launched a Proactive
22 Planning Proceeding to identify where
23 transportation and building electrification
24 will require grid upgrades.

1 And, following the Governor's
2 directive in the 2024 State of the State
3 address, the commission also initiated the
4 Grid of the Future Proceeding, to increase
5 the deployment and use of flexible resources
6 in grid planning and operations to ensure New
7 York gets maximal value from its grid and
8 available demand side resources.

9 In addition, the commission approved a
10 new framework for the state to achieve a
11 nation-leading 6 gigawatts of energy storage
12 by 2030. The department has continued moving
13 the Zero Emissions by 2040 Proceeding
14 forward, most recently developing a white
15 paper for commission consideration. The
16 department and commission have also continued
17 to steer the development of gas utilities'
18 long-term gas plans.

19 Following the passage of the RAPID Act
20 in the 2024 budget, the Office of Renewable
21 Energy Siting, known to many of you as ORES,
22 was transferred to the department to create a
23 one-stop shop for siting and permitting major
24 renewable energy generation and electric

1 transmission projects. The RAPID Act
2 prioritizes transparency, community
3 engagement, environmental protection, and
4 faster decision-making to enhance the pace of
5 project implementation.

6 And I can say in 2024 alone, ORES
7 issued four final siting permits for major
8 renewable energy facilities, representing
9 collectively over 600 megawatts of new clean
10 energy, providing enough electricity to power
11 over 160,000 homes throughout the state.

12 In addition to these major policy
13 actions, the commission continues to build on
14 its long history of evaluating emerging risks
15 to ensure safe, reliable, and resilient
16 operations of our energy systems. Over the
17 past year, the commission evaluated seasonal
18 and long-term weather trends, winter and
19 summer gas and electric system readiness,
20 cybersecurity threats, economic trends and
21 supply chain concerns to current and
22 potential future energy policies.

23 The commission approved electric
24 emergency response plans for the state's

1 major electric utilities. And the department
2 continued to coordinate emergency response
3 for storm-related utility impacts. The
4 commission also approved the Climate Change
5 Resiliency Plans filed by many of New York's
6 utilities, while also initiating a proceeding
7 to develop uniform best-in-class protections
8 for extreme heat, to ensure our citizens are
9 protected.

10 These actions underscore the
11 commission's commitment to ensuring
12 investments in our energy system and ensuring
13 that they are designed to withstand the
14 impacts of a changing climate while
15 mitigating energy burdens for utility
16 customers.

17 A key role of the commission and the
18 department is to review rate cases and,
19 through this process, deliver rates that
20 strike a balance -- a balance between
21 affordability, reliability, and safety. In
22 the last year the commission decided five
23 major electric, gas, and water utility rate
24 cases, adopting rates well below utilities'

1 initial requests, avoiding roughly half a
2 billion dollars in costs to ratepayers.

3 The rate case process is only one of
4 the various actions taken by the commission
5 and the department to work to advance energy
6 affordability. The commission and the
7 department are committed to pursuing the goal
8 that New York households should not pay more
9 than 6 percent of their income towards energy
10 costs.

11 Thanks to the leadership of the
12 Governor and the Legislature, in 2024 the
13 commission established a \$200 million
14 New York State energy bill credit that was
15 administered by the state's large electric
16 and gas utilities, making more than
17 \$1.4 billion available to New York consumers
18 to help offset energy costs when combined
19 with prior efforts to reduce utility arrears.

20 The Department is also expanding
21 eligibility for the Energy Affordability
22 Policy, EAP, making it available to all
23 households at or below the state's median
24 income level. Additionally, department staff

1 worked with utilities to implement Governor
2 Hochul's legislation designed to increase
3 enrollment in utility energy affordability
4 programs by expanding automatic enrollment.
5 This work was done in coordination with the
6 Office of Temporary Disability Assistance and
7 the state's utilities.

8 The commission also acted on
9 Governor Hochul's directive to implement the
10 statewide Solar for All program to
11 efficiently deliver clean energy savings to
12 low-income households.

13 The commission and the department
14 continuously identify opportunities to
15 strengthen utility oversight and enhance
16 consumer protections. In 2024, the
17 commission levied over \$23 million in
18 penalties against five utilities for failing
19 to meet their 2023 customer service
20 standards. The commission also secured
21 another \$115 million cumulatively from
22 utility shareholders in enforcement
23 proceedings against utilities that the
24 department's Office of Investigations and

1 Enforcement alleged violated the
2 Public Service Law or other regulations.

3 Additionally, the commission approved
4 an enforcement settlement with
5 Charter Communications to further expand
6 access to affordable broadband for low-income
7 customers across the state. This action was
8 furthered by the commission's recent action
9 to reinstate the Affordable Broadband Act,
10 which connects qualifying low-income
11 households with service at just \$15 per
12 month. New York became the first state in
13 the nation to require internet service
14 providers to offer this discounted broadband
15 service, and the commission will work to
16 ensure all providers fully comply with the
17 law.

18 The Governor has also proposed a
19 budget that will help us build on these
20 successes. The 2025-'26 State of the State
21 and Executive Budget includes \$149 million in
22 funding to support the department's
23 operations, and calls on the department to
24 advance several proposals to align economic

1 development and clean energy initiatives in a
2 way that lowers the cost of the clean energy
3 transition.

4 To align the development of clean
5 energy generation and transmission expansion
6 plans, the Governor called on the department
7 to identify Clean Energy Zones. Clean Energy
8 Zones will build on the department's
9 Coordinated Grid Planning Proceeding to
10 reduce project risks, further engage
11 communities, and support economic development
12 with clean energy generation and transmission
13 deployment.

14 Another new program, the Promote
15 Opportunity with Electric Readiness for
16 Underdeveloped Properties, or POWER UP, is
17 designed to create power-ready sites to
18 attract new businesses to the state, with a
19 \$300 million commitment in seed funding.

20 In conclusion, we are well-positioned
21 to deliver our core mission and meet
22 Governor Hochul's ambitious agenda, and we
23 are grateful for the Legislature's continued
24 support.

1 This concludes my remarks, and I look
2 forward to your questions.

3 NYPA PRESIDENT DRISCOLL: Chairs
4 Krueger and Pretlow, distinguished members of
5 the committees and Legislature, great to be
6 here with you this afternoon.

7 My name is Justin Driscoll, and I'm
8 the president and chief executive officer of
9 the New York Power Authority. Thank you for
10 the opportunity to appear today to discuss
11 Governor Hochul's Executive Budget proposal.

12 I will begin by emphasizing the broad
13 reach of NYPA's work and summarizing NYPA's
14 core mission of providing clean, reliable,
15 and affordable energy for all New Yorkers.
16 We serve as a critical entity in our state's
17 energy infrastructure, shepherded by the
18 leadership of Governor Hochul and the
19 Legislature.

20 As many of you know, NYPA is the
21 largest state public power organization in
22 the country. We generate up to one-quarter
23 of the electricity produced in the state, and
24 our overhead, underground and submarine

1 transmission lines make up one-third of the
2 state's high-voltage network. This portfolio
3 continues to expand to meet the needs of our
4 residents and businesses.

5 NYPA is committed to our mission to
6 lead the transition to a carbon-free,
7 economically vibrant New York through
8 customer partnerships, innovative energy
9 solutions and the responsible supply of
10 affordable, clean and reliable electricity.
11 We have more than 1,100 customers across
12 various public and private segments, as
13 provided under our state and federal laws,
14 and our customers include large and small
15 businesses, not-for-profit organizations,
16 hospitals, airports, community-owned electric
17 systems, and state and municipal governments
18 and utilities. NYPA's hydropower, an
19 important economic development tool, supports
20 more than 450,000 jobs in the state.

21 NYPA is also leading the state's clean
22 energy transition through our electric
23 mobility program, known as EVolve NY, which
24 provides pathways and expertise in installing

1 critical infrastructure along key travel
2 corridors. As of December 31, 2024, we have
3 executed contracts providing for the
4 installation of 394 EV charging stations
5 around the state, under EVolve, with 212 now
6 in operation.

7 We also support the electrification of
8 public transportation and municipal fleets,
9 including the Niagara Frontier Transportation
10 Authority and the Metropolitan Transportation
11 Authority. We also provide technical
12 assistance and funding for local governments
13 to develop their own EV charging networks.

14 NYPA's decarbonization efforts also
15 include our traditional behind-the-meter or
16 customer-sited solar power deployment, via
17 partnerships with school districts,
18 municipalities, colleges, transportation
19 agencies, airports, wastewater treatment
20 plants, and other public entities to install
21 photovoltaic arrays at their facilities,
22 coupled with battery energy storage. These
23 include the largest solar carport canopy in
24 the state, and the only solar array at a

1 wastewater treatment plant in New York.

2 NYPA is also working with New York
3 City to deploy solar PV systems at more than
4 50 K-12 public school rooftops, providing
5 visible and concrete examples of the
6 renewable energy future to inspire future
7 generations.

8 All this great work is part of the
9 full suite of services to help our customers
10 and other entities align with the state's
11 energy and greenhouse gas emission reduction
12 goals.

13 As a further example of this customer
14 work, the 2023-2024 State Budget authorized
15 NYPA to lead the state's Decarbonization
16 Leadership Program and prepare
17 decarbonization action plans for 15 of the
18 highest emitting state-owned facilities in
19 the state. In response, we are developing
20 energy and emissions profiles for the
21 identified facilities as well as
22 decarbonization action plans, including for
23 the complex we are sitting in here today.

24 Our plans include identified viable

1 pathways such as fuel switching from natural
2 gas to electricity for cooling systems,
3 energy efficiency gains in buildings, and
4 beneficial electrification for heating. And
5 as the next step, Governor Hochul announced a
6 \$100 million project to electrify the chiller
7 systems in this complex, to be in
8 construction late next year, with completion
9 by 2029.

10 And while our path to increased
11 renewable energy development at the utility
12 scale is a major part of NYPA's future, NYPA
13 remains committed to our core generation and
14 transmission future. More than 80 percent of
15 NYPA's electric generation is clean,
16 renewable hydropower, generated from a
17 portfolio of generation assets, from our
18 St. Lawrence-FDR Niagara Power projects to
19 our small hydro plants and our pumped storage
20 plant in Gilboa.

21 And to continue to supplemental
22 affordable, clean and reliable energy to our
23 customers, NYPA is leading the way in the
24 state's biggest transmission overhaul in

1 decades. No entity, public or private, is
2 doing more transmission work in New York
3 right now than the Power Authority, and we're
4 committed to reinforcing New York's aging
5 power grid to alleviate transmission
6 bottlenecks and to enhance electric system
7 reliability.

8 I will next provide some exciting
9 updates on our implementation of the broad
10 new responsibilities NYPA received in the
11 2023-2024 enacted State Budget. This law, as
12 you all know, has four principal components:
13 utility-scale renewable development;
14 workforce training support; the REACH
15 program; and deactivation of our peaker
16 plants in the city.

17 With respect to the latter, NYPA is on
18 schedule to publish a plan in the second
19 quarter of this year to stop generating
20 electricity with fossil fuel at these plants
21 by the end of 2030. Currently NYPA has
22 signed two term sheets with developers of
23 battery energy storage projects for the
24 Harlem River and Gowanus power plants, and is

1 in active negotiation on three more term
2 sheets for our Brentwood, Hellgate and Pouch
3 power plants. These battery storage
4 facilities will provide dispatchable,
5 emissions-free power to help meet the future
6 reliability of New York's electric system,
7 and NYPA will continue to solicit community
8 views on the future of these sites as the
9 initial phaseout plan is finalized. And this
10 plan will be completed and published in May
11 of this year.

12 Another charge we were given under the
13 expanded authority is the development of the
14 Renewable Energy Access and Community Help,
15 or REACH, program. And under REACH, NYPA
16 will develop a portfolio of renewable energy
17 generation projects and distribute a portion
18 of the revenue from those projects to the
19 state's investor-owned utilities, who will
20 use these funds to generate bill credits for
21 low- and moderate-income energy consumers in
22 disadvantaged communities.

23 And on October 16, 2024, the PSC
24 granted our petition establishing a

1 regulatory framework to allow the electric
2 utilities to receive funds from the
3 Power Authority to credit the electric bills
4 of these ratepayers. Investor-owned
5 utilities have now filed tariff modifications
6 and program implementation plans, and we have
7 signed implementing agreements with the
8 utilities to enable the transfer of funds to
9 implement REACH as revenues become available
10 from these new projects. And NYPA expects
11 bill credits to become available as projects
12 are built and come into operation.

13 Next, some of our proudest work under
14 the new authority has been within our
15 workforce training and development program.
16 Since May of 2024, NYPA has awarded
17 \$20 million for training workers for
18 employment in the renewable energy field.
19 The investments will assist in training New
20 Yorkers for work ranging from maintenance of
21 wind and solar facilities to aerial-drone
22 structural inspections, and will also include
23 training in heating, ventilation, and
24 air-conditioning maintenance to support

1 electric vehicle charging equipment.

2 And with respect to renewable
3 development, we are excited that NYPA is now
4 a developer of utility-scale renewable
5 generation resources for the benefit of the
6 state. Last year we set out to develop a
7 renewable generation strategic plan to
8 outline our vision for renewables under this
9 new authority, and this morning our board of
10 trustees approved our first plan, after a
11 robust three-month public comment period
12 where NYPA received input from over
13 400 stakeholders from diverse regions
14 throughout the state. And we held 12 public
15 hearings and one virtual public hearing
16 across the state to collect that input. We
17 also received over 5,000 written comments to
18 further inform this historic expansion of
19 renewables across the state.

20 All feedback was compiled and
21 published on our website, and we're grateful
22 to the members of the Assembly and Senate who
23 attended some of these public hearings and
24 wrote public comments and engaged with their

1 constituents throughout the process.

2 As of today, NYPA has successfully
3 identified 37 proposed projects with a total
4 capacity of 3 gigawatts across the state, and
5 we continue to assess the economics,
6 community impacts, and real estate
7 considerations for each project.

8 Let me also say that NYPA's statute
9 requires us to receive public feedback on our
10 plans for new renewables developed under this
11 authority, including any future updates
12 through the strategic plan. We intend to
13 update the plan with more projects in the
14 first half of 2025, as we are currently
15 evaluating up to 3 gigawatts of additional
16 projects for inclusion. And we look forward
17 to your continued engagement on future
18 updates.

19 To put us in the best position, NYPA
20 has established financial structures and
21 other measures to do this work. We created a
22 subsidiary, as authorized by the Legislature,
23 and we authorized \$100 million in bond
24 issuance for the first tranche of projects.

1 And we also issued a request for
2 qualifications to identify potential
3 private-sector partners for the development
4 of this work.

5 We're also very excited about Governor
6 Hochul's announcement in her State of the
7 State that NYPA and OGS are collaborating on
8 a contractual structure that will allow NYPA
9 to enter into contracts to supply state
10 agencies with renewable energy.

11 Finally, one note on the canal system,
12 if I could. We're excited also for the
13 inclusion of the \$50 million appropriation,
14 as was the case last year, to do the
15 important work of maintaining the canal
16 system in a safe and reliable way.

17 CHAIRMAN PRETLOW: (Mic off.) Senator
18 Harckham, chair of the Senate Environmental
19 Committee.

20 SENATOR HARCKHAM: Thank you very
21 much, Mr. Chair. Great to see you in that
22 seat, by the way.

23 CHAIRMAN PRETLOW: (Inaudible.)

24 SENATOR HARCKHAM: Compared to last

1 year.

2 Thank you. Good afternoon, gentlemen,
3 both of you. Forgive my lack of formality.
4 I only have three minutes in this round.

5 So first question to
6 President Driscoll. Let's talk a little bit
7 about Build Public Renewables. The first
8 tranche of projects was announced; fanfare to
9 some, criticism to others. And you said that
10 there would be a second and a third tranche
11 of projects coming.

12 Can you give us an update on where the
13 next rounds are and what the thinking is and
14 how much capital?

15 NYPA PRESIDENT DRISCOLL: Well, it's
16 top of mind and fresh in mind because I just
17 came from our board meeting this morning
18 where we approved the plan. And I promised
19 the board that we would be back to them at
20 our July meeting, no later than our July
21 meeting this year, with an amendment to the
22 plan.

23 You may recall that any amendments
24 require a new public comment period of

1 30 days, and so we'll be doing a public
2 comment period and conducting one public
3 hearing, which is required under the
4 legislation.

5 And this is going to be an ongoing
6 effort. I mean, this is just our Year 1
7 deliverable, if you will. I mean, we're
8 trying to achieve the state's 70 by 30 goal,
9 and also its 2040 clean energy grid goal. So
10 this is going to be an ongoing process that
11 we'll be conducting.

12 And the reason why we've already
13 identified certain projects that weren't in
14 the strategic plan was because once we went
15 for public comment on the strategic plan in
16 October, we couldn't amend that to include
17 additional projects.

18 SENATOR HARCKHAM: All right. I'm
19 sorry, we just had a little side bar about
20 timing.

21 Thank you. Thank you for that.

22 Chair Christian, you talked a little
23 bit about clean energy and the grid. The
24 specific question is we know a kilowatt of

1 clean energy is less expensive now than a
2 kilowatt of carbon energy. Regardless of the
3 clean energy benefits, what are the benefits
4 of clean energy to the grid in New York?

5 PSC CHAIR CHRISTIAN: Well, one of the
6 primary benefits of incorporating clean
7 energy into the grid in New York is something
8 that President Harris mentioned earlier, the
9 concept of resource diversity.

10 Having a variety of resources
11 providing energy reduces the risk to the
12 system by having a lot of variability and
13 allowing you to rely on the different
14 resources at different times in different
15 ways. Wind, solar, hydro -- all the
16 different renewables have different
17 characteristics and capabilities that when
18 taken as a whole, can be used in conjunction
19 to support each other. And when you add
20 batteries to the mix, that adds even greater
21 flexibility and opportunity.

22 SENATOR HARCKHAM: Thank you.

23 Now a question actually sort of for
24 both of you on the affordability piece.

1 We'll start with you, President Driscoll. I
2 was at one of your charging stations last
3 night on Washington Avenue. Still less
4 expensive than when I used to fill my tank
5 with gas, but not cheap. And I was speaking
6 to a gentleman who was in the space next to
7 me who is from Canada, and he said that the
8 price to charge in Canada is about a third of
9 what he found he's paying in New York.

10 So specifically on the charging side,
11 what can we do to make it more affordable?

12 And then to you, Chair Christian, the
13 role of the PSC in ensuring, the best you
14 can, affordable rates for New Yorkers.

15 NYPA PRESIDENT DRISCOLL: So let me --
16 I'll take a crack at the first piece of that.
17 I think obviously the energy prices are set
18 by the NYISO price of electricity, so that
19 plays a role in the cost of charging and the
20 electricity that's delivered at the site.

21 I will also say that a way to cut
22 costs is to have programs like the Make Ready
23 program that the commission enacted that
24 actually provided subsidies to the utilities

1 for building the underlying infrastructure.
2 That's obviously, you know, costly to the
3 developer or an entity like NYPA putting in
4 our chargers.

5 But we're always looking closely at
6 the pricing. I looked recently, our EVolved
7 pricing is cheaper than some of the
8 private-sector charging in the same zones.
9 So that's a good thing. And we'll continue
10 to work on keeping the prices as low as we
11 can.

12 PSC CHAIR CHRISTIAN: And to echo
13 President Driscoll -- well, I couldn't have
14 said it better myself.

15 Our Make Ready charging program, the
16 goal of that is to expand access to public
17 charging, any charging for EVs throughout the
18 state, particularly in areas where the
19 private sector may not be so inclined to
20 invest without the additional incentives and
21 support -- rural areas, suburban areas, and
22 other parts of the state.

23 So this program has grown
24 significantly. We've increased the target

1 for the number of charging stations in the
2 last few years by more than threefold,
3 because we've seen tremendous growth. And
4 we're seeing that year over year both in
5 terms of the number of EVs that are being
6 deployed, but it's also growing in tandem
7 with the number of charging stations.

8 We know we need to put more charging
9 stations in, and so we monitor these programs
10 regularly. We do midpoint reviews halfway
11 through the program term, and endpoint
12 reviews as well, to gauge and evaluate
13 success and reevaluate how to go in the next
14 review period.

15 But in addition to that, we also
16 encourage utilities to provide programs that
17 allow for flexible pricing. I can't speak to
18 what kind of programs exist in Canada that
19 this individual was using, but the flexible
20 pricing programs we offer allow low-cost
21 charging during off-peak periods when there's
22 cheap power available on the grid. And it
23 encourages that use and it discourages
24 charging during periods where there's limited

1 supply available or more expensive resources.

2 So we at the commission encourage the
3 utilities to deploy that kind of measure, and
4 we work with them to make sure that it is
5 aligned to both meet the needs of EV drivers
6 but also support the overall health and
7 well-being of the grid.

8 SENATOR HARCKHAM: Thank you both for
9 your responses.

10 This question is for you, Chair
11 Christian. Last year the Office of Renewable
12 Energy Siting was put under your portfolio,
13 as well as transmission. How has that
14 integration gone between bringing that over
15 from Department of State? Can you give us an
16 update on that, please?

17 PSC CHAIR CHRISTIAN: Sure, happy to.
18 So the integration from my perspective is
19 going swimmingly. The putting of the two
20 organizations together I think makes perfect
21 sense for a number of different reasons. In
22 many ways when you're building the
23 generation, you're also building
24 transmission, so collocating the two offices

1 together with similar resources, looking at
2 different areas, makes sense from an
3 efficiency and a cost containment for us
4 perspective.

5 So we are currently going through the
6 process of doing that integration. It's been
7 a little less than a year. We are working
8 together to bring everybody into the fold and
9 integrate various operations, ensuring
10 uniform emails, telephone numbers, things
11 like that, the administrative functions. But
12 we're also moving forward with the
13 development of the RAPID Act, putting forward
14 new permitting and siting regulations to
15 streamline the siting of both renewable
16 energy and transmission in support of the
17 various transmission goals we have at the
18 state.

19 So that's all going well right now.

20 SENATOR HARCKHAM: All right. Thank
21 you. I know in past years we heard testimony
22 that there had been a backlog when it came to
23 permit applications. Is -- and that has been
24 decreasing over the years. But is there

1 currently a backlog of applications? And if
2 there is, is your commission and your team,
3 are they moving through that tranche of
4 applications?

5 PSC CHAIR CHRISTIAN: Right. So the
6 head of ORES is the final arbiter of the
7 applications, Zeryai Hagos. He was recently
8 appointed executive director. He is
9 overseeing that group and the permitting
10 process. So just to make the distinction
11 between the commission and -- that function
12 remains with the executive director.

13 My understanding is we're moving
14 through the backlog and we're addressing it
15 at pace. And with the new permitting
16 requirements, we'll be able to move even
17 faster.

18 SENATOR HARCKHAM: All right, thank
19 you both for your testimony.

20 CHAIRWOMAN KRUEGER: Thank you.
21 Assembly.

22 CHAIRMAN PRETLOW: Assemblywoman
23 Glick.

24 ASSEMBLYWOMAN GLICK: Just a couple of

1 questions, President Driscoll.

2 How much more transmission lines is
3 there an estimate that we need, and where?

4 NYPA PRESIDENT DRISCOLL: That's a
5 great question.

6 There have been estimates of the total
7 buildout of the transmission system
8 nationally, you know, in the hundreds of
9 billions of dollars across the entire
10 country.

11 Just given the aging nature of the
12 grid and building out of new generation
13 assets around the state, I would say that
14 we're going to -- and we are, at NYPA, both
15 upgrading and adding new transmission lines,
16 and that includes work in the North Country
17 to unbottle wind generation that's been
18 having -- been constrained in the
19 North Country. So adding additional-capacity
20 transmission in the North Country.

21 We solved for one of the most
22 congested portions of the high-voltage grid
23 between the Utica area and Albany, called the
24 Central East Interface, where we did a

1 project with Ellis Power to also upgrade that
2 transmission.

3 So we're doing projects like that. We
4 have the Propel project that many of you are
5 familiar with on Long Island, which will both
6 provide a resiliency benefit to Long Island
7 by undergrounding 345-kV transmission but
8 also enabling the delivery of the offshore
9 wind projects onto Long Island and even off
10 Long Island, to take power upstate. It's
11 going to be by directional transmission
12 lines, so you could see with shifting peaks
13 and demand that you could potentially need to
14 move power up from the downstate region
15 upstate in the future -- which is something
16 that transmission planners are thinking
17 about.

18 So I don't know that there's a way to
19 answer the question in totality as to how
20 much we need, other than to say that we need
21 to upgrade a lot of our existing transmission
22 and we need to add significant new.
23 Champlain Hudson Power Express, great example
24 of a creative project from -- bringing

1 hydropower from Hydro-Québec.

2 So we need significant transmission
3 development.

4 ASSEMBLYWOMAN GLICK: You anticipated
5 my second part of that question, that this
6 would also include the wind power. Really,
7 they're only responsible to get to shore, and
8 then any distribution thereafter are
9 transmission lines that are required on land
10 are -- is that just your responsibility, or
11 is there another -- are those also contracted
12 to companies that might do that?

13 NYPA PRESIDENT DRISCOLL: So those --
14 like the Propel project that I mentioned,
15 that was a NYISO solicitation under what they
16 call Order 1000, FERC Order 1000, now FERC
17 Order 1920. So it's a competitive process
18 that the NYISO runs after the Public Service
19 Commission declares a need for additional
20 transmission. So we competed for that
21 project against private developers. We ended
22 up partnering on Propel with a private
23 developer conglomerate called New York
24 Transco.

1 So it could be a -- it could be the
2 incumbent utility that does the work on the
3 project, but it would be subject to that
4 solicitation process, in all likelihood,
5 before it was awarded.

6 But there are plenty -- there are a
7 lot of companies that are looking to do this
8 work. And it's important work. And one of
9 the problems we're facing is because it's so
10 important and there's so much of it going on,
11 there are significant supply chain issues
12 associated with some of this work.

13 ASSEMBLYWOMAN GLICK: Thank you.

14 For the PSC, there have been many more
15 storm-related cuts in power and problems that
16 have gone for many more days than the average
17 New Yorker is accustomed to at this point.

18 What are your communications with the
19 utilities around their keeping customers
20 informed of the estimated time of
21 restoration? And in many instances it seems
22 like they may be over -- what should I say.
23 Over-optimistic. And so for the customer,
24 they're thinking that, you know, they're

1 going to be back online in 24 hours, and then
2 there is the rolling "Oops, no, oops, no."

3 Is there anything that requires the
4 utilities to be more accurate in their
5 estimates so that the families actually know
6 what choices they might make as to whether
7 they are staying or going to mom's house or
8 what they're doing, particularly in emergency
9 situations where there's, you know, an ill
10 family member that you can't keep them in the
11 cold, you have to move them out. And if you
12 think, Well, it's going to be eight hours,
13 it's not a problem -- and then it turns out
14 that it's, you know, really 36 hours, what
15 does the commission actually require?

16 PSC CHAIR CHRISTIAN: So I could spend
17 20 minutes talking through this, but I want
18 to focus on the point of your answer and I
19 want to offer up the opportunity to talk
20 about the instance in which you're speaking
21 where your constituents have experienced a
22 rolling update of information where it's not
23 24, now it's 36, now it's 48. Would love to
24 talk to you offline about that in more detail

1 when time permits.

2 But generally speaking, we -- at the
3 beginning of a storm, we have our own
4 emergency department that works closely with
5 the Department of Homeland Security and
6 various state agencies during a storm
7 response. We work and coordinate with the
8 individual utilities. We help in terms of
9 communications between state agencies and the
10 utilities. And it's the utilities' main
11 function to inform customers after an event
12 the estimated duration of that event.

13 We have requirements that, should an
14 event last longer than a certain set of time,
15 utilities have to provide additional
16 resources to customers, such as dry ice,
17 heating centers, things like that. So that's
18 built into the climate resilience plans and
19 emergency response plans that the utilities
20 develop and the commission reviews and
21 approves on a semiannual, regular basis.

22 The climate resilience plans I
23 mentioned earlier, these plans are in part
24 designed to understand what are the unique

1 threats that climate change will pose to each
2 unique utility's system. So you can imagine
3 the threats to Con Ed's system in Lower
4 Manhattan are likely very different than
5 those to the gas system in Niagara Mohawk
6 further upstate.

7 So we look at these studies and
8 understand what investments need to be made,
9 how do we improve upon the system. Because
10 the key thing to think about, much of the
11 infrastructure that we have has been designed
12 under an assumption of a particular climate,
13 a particular set of conditions. And we are
14 now facing -- every week, every month -- an
15 evolving set of conditions and frequencies
16 that they were not necessarily designed to
17 handle and withstand repeatedly.

18 So we need to evaluate that and
19 explore that and figure out ways to ensure
20 that both our gas, electric, steam -- all our
21 utility systems -- are robust enough to
22 withstand what we anticipate to be coming in
23 terms of climate events.

24 So all of these things are part of the

1 commission's activities in working with the
2 utilities, both in preparing the system for a
3 storm, responding for storms, and in working
4 with residents to restore service after the
5 storms.

6 ASSEMBLYWOMAN GLICK: Just to
7 follow up on that, in the city there are
8 various agencies that can be helpful in the
9 city. Emergency management might be able to
10 set up a heating center, for example, in a
11 community that they have their own emergency
12 generator. If people are in other parts of
13 the state where they're a little more spread
14 out or more rural, they may be a little bit
15 on their own in terms of being able to get to
16 someplace, particularly if it's a storm
17 that's taken out a lot of trees and so you're
18 told not to go on the roads.

19 So I would just suggest that some of
20 the conversation about resiliency for the --
21 to deal with climate change and the impacts
22 on customers, that there needs to be a little
23 broader thinking through of how it affects
24 people in different parts of the state.

1 PSC CHAIR CHRISTIAN: Understood. I
2 believe our plans, the uniqueness of them at
3 the utility level, do address that to some
4 degree, but I'll look them over in a little
5 more detail with that feedback in mind and
6 see if there are any additional adaptations
7 we can make.

8 ASSEMBLYWOMAN GLICK: Thank you.

9 PSC CHAIR CHRISTIAN: Thank you.

10 CHAIRWOMAN KRUEGER: Senator Shelley
11 Mayer.

12 SENATOR MAYER: Thank you. And thank
13 you, Chair Christian, for speaking with me
14 over the weekend.

15 I discussed with you my frank
16 assessment that many of my constituents are
17 absolutely furious about the current approved
18 rates for Con Ed that they cannot afford.
19 And they believe that the Public Service
20 Commission doesn't care about them and the
21 Legislature has done nothing to fix it.

22 And as you may know, the Senate for
23 the second time passed my return-on-equity
24 bill to change the way rates are approved.

1 Your testimony reflects that the PSC, quote,
2 adopted rates well below what utilities
3 initially sought and suggests that that's a
4 savings to consumers. As you know, I believe
5 that's a problem.

6 To that end, when was the last time
7 the commission reevaluated its approach to
8 the return-on-equity system when considering
9 rate cases and moved towards a
10 customer-centric approach to rate
11 determinations?

12 PSC CHAIR CHRISTIAN: So this is
13 another question I could probably spend 30
14 minutes answering, but I'll try to be focused
15 on the question.

16 In terms of the ROE approach that we
17 use, we evaluate that constantly. If you
18 were to look at the period over the last
19 three years, you would see that the ROEs we
20 have provided to utilities have varied
21 significantly, in part because of the
22 significant variations in interest rates,
23 inflation, and other economic indications
24 that we have seen. And we've seen

1 significant shifts both up and downward as a
2 result of the pandemic and various other
3 conditions.

4 So the process that we use is
5 something that we're constantly reviewing and
6 constantly exploring how to improve upon.
7 And with every rate case, we're starting
8 anew. So if we were to provide a utility a
9 particular ROE in one year, there is no
10 assumption that it will be the exact same ROE
11 the next, due to a variety of different
12 conditions that can change from one period of
13 time to the next.

14 SENATOR MAYER: Well, the last --
15 they're three-year rate cases for Con Ed.
16 The last two were 9.25 ROE, which is far in
17 excess of the CPI.

18 The second question is, are you aware
19 that according to the FCC filings, Con Ed's
20 net income increased by 52 percent from 2022
21 to 2023, up to \$2.5 billion? And that the
22 CEO of Con Ed has a salary that increased
23 from 9.5 million in 2022 to 16.1 million in
24 2023. Why should my constituents have to pay

1 for this?

2 PSC CHAIR CHRISTIAN: So the
3 constituents aren't exactly paying for it in
4 the manner I think you're describing. So the
5 thing to recognize, there's a component of
6 equity and debt that goes into every rate
7 case. We monitor executive compensation
8 closely. I'll have to do a bit of a review
9 to see those numbers that you just quoted and
10 verify and understand the dynamics. But the
11 inherent assumption should not be that
12 ratepayers are paying for utility largesse.
13 Some of that is from shareholders, as
14 compensation for executives.

15 SENATOR MAYER: Thank you.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Assembly.

18 CHAIRMAN PRETLOW: Assemblywoman Didi
19 Barrett.

20 ASSEMBLYWOMAN BARRETT: Thank you.

21 Good afternoon.

22 I'm going to start with Chair
23 Christian. The Executive Budget includes an
24 increase for staff for the department. Could

1 you just tell us what positions your
2 department is planning to fill and what jobs
3 that that's going to address?

4 PSC CHAIR CHRISTIAN: Well, that is a
5 great question and a question I'm very happy
6 to answer.

7 So when I joined the department, our
8 staffing level was roughly 470 people. Today
9 we boast 570. This includes the integration
10 of ORES within the department. So in
11 addition to the efficiencies from having that
12 integration happen that has freed up staff
13 time in other areas, and the additional staff
14 we've been able to bring in, we're poised to
15 do a lot of new things, particularly from a
16 customer service perspective.

17 I've heard from many of you concerns
18 from your constituents, I've heard from many
19 constituents, and that is an area of
20 significant investment that we at the
21 commission seek to staff up. Hiring freezes
22 over the years and other concerns have left
23 that department wanting. And we're in a
24 position, now through this new budget and

1 other actions, to address those wants and
2 really empower our ability and increase our
3 ability to address various issues as they
4 arise.

5 In fact, I want to point out the
6 Central Hudson billing issue that I've
7 discussed with many of you over the years,
8 that in part was identified as a result of
9 existing staff using new tools that we were
10 able to acquire through a partnership and
11 discussion with IT, our State ITS division.

12 And with the new individuals that
13 we're bringing in, we're able to expand how
14 we do customer complaints and explore new
15 ways of handling those complaints. And I
16 know, from conversations again with many of
17 you, from feedback on many a rate case where
18 customers expressed their concerns, that's an
19 area of need. And we're going to be
20 investing very heavily in making sure that
21 our customer service group can rise to the
22 challenge that we're seeing before us.

23 ASSEMBLYWOMAN BARRETT: Got it, thank
24 you. Thank you.

1 I want to talk about affordability
2 here. That was obviously the Governor's --
3 you know, the most reoccurring word in her
4 State of the State. And yet it doesn't seem
5 in this budget -- and I'm going to raise a
6 few points that I'd love you to address after
7 I kind of hit them. But it doesn't seem that
8 this budget is really addressing energy
9 affordability in any meaningful way.

10 I mean, we just saw last week that
11 HEAP ran out of money two months sooner than
12 it did in the year before. There is a crisis
13 here on the energy costs. And I appreciate
14 the opportunity for new staff and for, you
15 know, more efficiencies in your office and
16 all.

17 But what efforts are the PSC taking to
18 work with the utilities to ensure customers
19 are adequately protected, particularly during
20 this cold weather? And it's been colder than
21 I certainly remember in a long time.

22 And then in last year's budget we
23 expanded the energy affordability to
24 moderate-income individuals, because I'm

1 often -- I feel like our low-income programs
2 are solid but that next tier up, the people
3 who are, you know, one car accident, one
4 health crisis, you know, one lost job away
5 from really being in that same category,
6 aren't covered.

7 So can you talk about that program? I
8 understand that you actually haven't begun to
9 start filling those -- those applications or
10 meeting those applications. Could you just
11 give us an affordability overview, hitting on
12 those topics, please?

13 PSC CHAIR CHRISTIAN: Got it. So I'll
14 do my best with the time that I have.

15 So you mentioned the HEAP program
16 running out of funds. That is something I
17 believe the Office of Disability was able to
18 work through and provide additional funding
19 to address that --

20 ASSEMBLYWOMAN BARRETT: Could you move
21 your mic a little closer? I sort of feel
22 like I'm losing your voice in there.

23 PSC CHAIR CHRISTIAN: I'm sorry. Let
24 me try that. Is that better?

1 ASSEMBLYWOMAN BARRETT: That's it.

2 Thank you.

3 PSC CHAIR CHRISTIAN: Okay, great.

4 So we were aware of the problem of the
5 funding shortfall with the HEAP program --

6 ASSEMBLYWOMAN BARRETT: Before it
7 happened you were aware that it was going to
8 happen?

9 PSC CHAIR CHRISTIAN: When it
10 happened. When it happened. And we
11 communicated with -- we received feedback
12 from a number of different organizations. We
13 talked internally with our state counterparts
14 at OTDA. And as to your point, funding has
15 been provided to address that shortfall.

16 So in that area I think we're in a
17 good place for now, but we'll be working with
18 them to see what can be done.

19 But to the point you're making
20 generally, that is a sign of where things
21 are. You know, a few years ago Governor
22 Hochul approved a package of over a
23 billion dollars to help pay off arrears that
24 were accrued during the COVID-19 pandemic,

1 and that made a big dent. But over the last
2 few years arrears have slowly crept back up,
3 and they are quickly approaching the levels
4 where they were during that time years ago.

5 So we're monitoring the situation
6 closely. We're working with the utilities to
7 identify different pathways towards
8 addressing that. But we recognize that
9 affordability is a major issue. And we at
10 the commission are doing many, many different
11 actions both internally through the rate
12 cases and through review of different
13 policies to identify opportunities for
14 addressing affordability at the rate itself.

15 At the moment, one of the main things
16 that we have from a policy perspective is the
17 6 percent affordability guarantee. And we
18 put this in place in part because through
19 this affordability guarantee, we're in a
20 position to actually have control over and a
21 line of sight over an entire individual's
22 energy use, while also driving that
23 individual to take actions aligned with state
24 policies.

1 It's impossible for me to know what's
2 happening with oil or propane in an
3 individual's home. But a fully electrified
4 home, an individual who drives an electric
5 car, has an electric heat pump, that's one
6 bill. That's something I can very easily
7 manage. And the 6 percent affordability
8 guarantee is designed to look at individuals
9 who move in that direction towards
10 electrification, and we can help keep their
11 costs at 6 percent through the funding
12 available through this guarantee.

13 So that is one program that we put
14 together that we are working on spreading the
15 word, getting more people signed up and
16 involved. But we feel like that is an
17 approach that can drive some significant
18 savings while also aligning the actions of
19 consumers with the overall goals of --

20 ASSEMBLYWOMAN BARRETT: But it's a
21 journey till we get there. A lot of people
22 are -- you know, it's going to take a while
23 to get to that all-electric -- you know, just
24 by the nature of our housing and our

1 lifestyles and our communities. So we're
2 living in the now.

3 PSC CHAIR CHRISTIAN: We are looking
4 into different options. We're exploring what
5 other commissions have done. California,
6 most notably, passed a bill that created a
7 unique rate structure. I believe there's
8 some legal challenges with that at the
9 moment, and we're exploring and seeing how
10 that works out.

11 But we are paying very close attention
12 to this affordability concern, and I want to
13 point out the affordability issue preexisted
14 COVID. This has always been an issue in
15 New York. I remember a time when a high bill
16 created a very significant problem in my
17 life, and it's something I can only imagine
18 how it affects people today as costs have
19 gone up.

20 So it's something near and dear to me.
21 I'm a ratepayer. The staff of the department
22 are all ratepayers. Justin next to me is a
23 ratepayer. You're all ratepayers. So we
24 recognize that we need to work on this and

1 find solutions, and that is what the
2 department is looking to do above and beyond
3 what it already does with that in mind.

4 ASSEMBLYWOMAN BARRETT: Thank you.
5 No, I know this because we've talked about
6 this over the years, but I know this is an
7 issue near and dear to your heart. So I
8 appreciate it.

9 I just have a quick question for
10 President Driscoll too. You mentioned about
11 the storage facilities, the large storage
12 facilities that you're working with. We've
13 had some conversations about storage today,
14 and to me, I mean, we always say it's
15 generation, transmission and storage are kind
16 of the three legs of the stool of how we get
17 to where we need to be.

18 What kind of storage are you looking
19 at? Is it -- or are you working with? Is it
20 long-term storage? Is it just sort of
21 combustible storage? You know, are we
22 starting to look at, you know, real
23 alternatives that might be long duration or
24 multi-day storage?

1 NYPA PRESIDENT DRISCOLL: The
2 technology that's furthest along, of course
3 is the lithium-ion strategy -- or technology,
4 I should say. So we're looking at that. But
5 we're also exploring all the technologies
6 under development, including the use of zinc,
7 oxide storage, hydrogen storage. We're
8 exploring partnerships with companies that
9 are developing that technology.

10 So as we look to replace the
11 facilities with battery energy storage we're
12 going to be looking at all the available
13 technologies. But again, the lithium-ion is
14 further along. The problem, of course, is
15 it's of shorter duration. And so really
16 it -- we really need long-term or
17 longer-duration energy storage to solve the
18 intermittency of renewable generation.

19 ASSEMBLYWOMAN BARRETT: So investing
20 and starting with the lithium, does that --
21 you know, does that become difficult to make
22 that transition if we're -- you know, if
23 we're looking at iron ore or we're looking at
24 hydrogen or other things that are, you know,

1 kind of on the cusp -- and I hope they're on
2 the cusp of being ready. Are we sort of
3 putting our eggs in the wrong basket or --

4 NYPA PRESIDENT DRISCOLL: Well, no, I
5 think in order to move quickly in this
6 transition we should take advantage of
7 existing technology, to the extent it
8 benefits us, understanding that there are
9 limitations associated with it. And then you
10 look to rapidly develop the newer,
11 longer-duration technologies that hopefully,
12 over time, supplement the existing
13 shorter-duration storage with longer-term
14 duration.

15 And there's also, you know, different
16 use cases for different types of storage. So
17 we'd be exploring all of the options
18 available to us at that time.

19 ASSEMBLYWOMAN BARRETT: Okay. Thanks
20 very much. Thank you. Thank you both.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Senator Mattera. Five minutes as
23 ranker.

24 SENATOR MATTERA: Great. And thank

1 you, Chair.

2 And I appreciate both of you being
3 here today, very, very important. And to
4 Chair Christian and to President Driscoll, I
5 thank you very much.

6 This is to the chair. President
7 Harris just acknowledged that
8 Comptroller DiNapoli's assessment that the
9 CLCPA will cost New Yorkers \$340 billion --
10 that's \$340 billion. That equates to
11 \$177,000 for every man, woman and child in
12 the State of New York. That's 19.2 million
13 people that are going to be paying for this.

14 Given how much we have heard the
15 Governor talk about affordability, do you
16 believe that every New Yorker can afford any
17 extra 177,000 in costs? Ratepayers are
18 already paying the costs already. Their
19 bills are going to be 10 times higher and
20 more. Why should our ratepayers have to pay
21 for something that is not even working?

22 Right now we have problems, we also
23 know what's going on with the offshore wind
24 problem. There are reasons why New Yorkers

1 are leaving to other states -- Tennessee, the
2 Carolinas, Florida, Texas, even South Dakota.
3 They're leaving New York. Do you realize
4 that we've lost over 2 million people,
5 residents of this great state, since 2020?

6 What are we doing to reverse that?

7 It's great to see you.

8 PSC CHAIR CHRISTIAN: That's a lot of
9 questions.

10 SENATOR MATTERA: I know.

11 PSC CHAIR CHRISTIAN: I'll try to go
12 from the top down in terms of -- I think you
13 said something to the effect of why would we
14 pay for something that's not working. So I
15 want to clarify a few things and amplify a
16 few points.

17 So the question's been raised and
18 asked, what will be the total cost of the
19 CLCPA? This is not a project that's a
20 one-year project. It's not even a 10-year
21 project. It's a 20-plus-year project. And
22 we all know costs change.

23 And I remember paying a great deal of
24 money for the first laptop I ever bought, but

1 I would not pay as much as that for an even
2 better laptop today, 20 years later.

3 Technology advances, technology changes.

4 And that's one of the difficulties in
5 providing an accurate estimate as to what the
6 true costs would be. These are forecasts.
7 Forecasts can change. They're subject to
8 various conditions. So that's one point.

9 But in terms of them paying, they've
10 not paid for that. We at the commission last
11 year put together a report, a CLCPA report
12 highlighting the costs of CLCPA-related
13 investments. And this was in large part from
14 the conversations and recommendations from
15 yourself, Senator O'Mara, many others here
16 today to highlight and be more transparent
17 with the cost impacts of these investments.

18 So we've put that data out. It's
19 available online. We can highlight the costs
20 of individual ratepayers in different parts
21 of the state. It averages between 6 and 9
22 dollars per household. That's out there.
23 That's in the public. So I want to make it
24 clear, the numbers are out there. But --

1 SENATOR MATTERA: Everybody needs to
2 know, all New Yorkers need to know,
3 \$340 billion right now with the CLCPA with
4 the -- you know about Comptroller DiNapoli's
5 assessment. That's real numbers. But this
6 is something that, in other words, our
7 ratepayers should not have to pay for,
8 especially -- you and I discussed about the
9 battery storage. And we talked about -- in
10 other words, do you feel wind, solar, battery
11 storage is a good investment for all
12 New Yorkers right now to pay for something --
13 again, especially what's happening with this
14 battery storage. We have moratoriums,
15 especially on Long Island, to go and sit
16 there and say, Look what happened to East
17 Hampton, look what happened to upstate --
18 this is the third time I'm talking about this
19 today -- and look what just happened with the
20 Moss plant that just happened over in
21 California that was sitting there. We're
22 investing in this, and we have no idea it's
23 going to cost trillions of dollars and it's
24 not going to work.

1 We need to work on renewable
2 energies -- other renewable energy. Well,
3 carbon capture, we discussed about that,
4 carbon recapture. Retool our existing power
5 plants to make sure our natural gas -- we
6 just had the governor of Connecticut just
7 said, citing high electricity bills, wants
8 more energy production and said not to rule
9 out natural gas. Which is where the most
10 power comes from and will be there for the
11 foreseeable future.

12 So there's even the governor of
13 Connecticut realizing that what's happening
14 with renewable energy is not going to work,
15 to make sure that we do not put a ban on
16 natural gas, to find other sources to protect
17 that. Because wind, solar and battery
18 storage is just going to cost us trillions of
19 dollars, and it's not going to work.

20 PSC CHAIR CHRISTIAN: So I think we
21 can agree to disagree on the efficacy.

22 But what I do want to point out, we at
23 the commission, our only authority is through
24 rates. We have no bonding authority, we have

1 no taxing authority. So when the Legislature
2 passed the CLCPA and directed us to take this
3 action, it was under the assumption, there
4 was an understanding that it was clear to
5 them, and you, that ratepayers would be
6 taking some of the cost.

7 SENATOR MATTERA: Well, you're here to
8 protect our ratepayers, so please understand
9 that you need to be a voice. Thank you so
10 much.

11 CHAIRWOMAN KRUEGER: Thank you.
12 Assembly.

13 CHAIRMAN PRETLOW: Assemblymember
14 Palmesano, the ranker.

15 ASSEMBLYMAN PALMESANO: Yes, thank
16 you, gentlemen, for being here.

17 I'm going to start with Mr. Christian.
18 I hope I get to you, Mr. Driscoll. So if I
19 cut you off, Mr. Christian, just bear with
20 me, because of time.

21 We talked about how expensive,
22 hundreds of billions of dollars. We know,
23 you know, the rates and things of that
24 nature. And we had an energy hearing last

1 month -- we had one last week, too, in the
2 Assembly -- and one of the things that came
3 out of the hearing is that really there's no
4 sign-off for funds that go to NYSERDA. If
5 they do big contracts, there's no sign-off or
6 approval by the Comptroller.

7 Do you think it's a good idea that
8 annual funding that's requests for the
9 ratepayers funds that go to NYSERDA should be
10 approved by at least the Public Authorities
11 Control Board? And should these big projects
12 have sign-off and approval by the State
13 Comptroller? Because from my understanding
14 of what was said during the hearing, that's
15 not the case. For transparency.

16 PSC CHAIR CHRISTIAN: Well, sir, I
17 can -- what I can say to the current process
18 is there is a significant amount of review of
19 NYSERDA funding, both annually, periodically
20 over years, and on an occurring basis. These
21 proceedings are public, the information is
22 available in the dockets. Any one of you --
23 and many of you have, have looked at these
24 dockets and registered as parties -- can

1 review the information that's there. The
2 process is a public process through which
3 various nonprofits and other organizations
4 and industry groups have participated and
5 have provided comments on, and feedback.

6 So I want to make it clear, this is
7 not a rubber-stamping, this is not a blank
8 check, this is not a carte blanche where we
9 provide NYSERDA with funding to do,
10 willy-nilly, whatever they deem appropriate.
11 There's a lot of rigor that goes into
12 determining how much is provided. There's a
13 lot of rigor in determining what kind of work
14 is done and the pace at which that work is
15 done.

16 ASSEMBLYMAN PALMESANO: Mr. Christian,
17 I don't doubt your due diligence. My
18 question -- I don't need you to answer it
19 because this is -- the State Comptroller does
20 not sign off on million-dollar projects for
21 offshore wind. There's no sign-off by the
22 Public Authorities Control Board on monies
23 that are given to NYSERDA that come from the
24 ratepayers. There should be, from that

1 perspective.

2 So my next question, quickly, is there
3 is no additional funding -- and I don't
4 necessarily need an answer. I hope you can
5 get back the information, because -- in the
6 interests of time. There was no funding in
7 the Governor's budget for the EmPower+
8 program, which would help customers with the
9 home electrification efforts. Would you be
10 able to get back to this committee on, you
11 know, how much money is still in there? I
12 understand there's some reappropriations that
13 have been in there. And how many eligible
14 customers have taken part in the program
15 since its inception? Is that something you
16 could provide to us?

17 PSC CHAIR CHRISTIAN: I believe that
18 is something we can provide and has been
19 provided in our document matter system. So
20 that information should be readily available.

21 And I do want to add, you know, these
22 programs are not monolithic. We adjust them
23 regularly. We look at them. And --

24 ASSEMBLYMAN PALMESANO: That's fine.

1 PSC CHAIR CHRISTIAN: And the purpose
2 of the programs is to provide economic
3 incentives for individuals to take particular
4 actions. So we at the commission, working
5 with NYSERDA, adjust the values and the
6 structure regularly.

7 ASSEMBLYMAN PALMESANO: And I
8 understand that. Again, I'm sorry to be
9 rude, to cut you off -- it's just time.

10 The 6 percent cap, everyone talks
11 about the 6 percent cap. If that cap is
12 adhered to, won't there be a shift to other
13 ratepayers? Isn't it basically so -- it's
14 being paid for by other people, that
15 6 percent. It's being paid for by other
16 ratepayers, correct?

17 PSC CHAIR CHRISTIAN: I'm sorry, when
18 you say the cap, you're talking about the
19 affordability guarantee?

20 ASSEMBLYMAN PALMESANO: Yeah, that and
21 the other 6 percent. So yes.

22 PSC CHAIR CHRISTIAN: Right. So not
23 entirely accurate. And I hope I can have the
24 time to explain this. I'm not sure I -- the

1 minute is sufficient.

2 But ultimately what we want are energy
3 systems that are fully utilized, we're using
4 the maximum amount of it in every given
5 moment. These are major, multi-billion-
6 dollar investments, as we've all just
7 discussed. Right now the way our system is
8 set up, the significant share of those
9 investments are only used --

10 ASSEMBLYMAN PALMESANO:

11 Mr. Christian -- Mr. Christian --

12 PSC CHAIR CHRISTIAN: -- a small
13 portion of the year.

14 ASSEMBLYMAN PALMESANO: I know you
15 want to explain it, but I don't have the
16 time. I'd love to talk to you off -- if you
17 have -- you said I was inaccurate? I'd love
18 to talk to you about it offline.

19 Last -- in July of 2023 the Public
20 Service -- PSC passed \$43 billion in future
21 ratepayer increases, it was in July '23, to
22 pay for the clean energy, the green energy
23 mandates. That was July of '23 that
24 happened. And I didn't hear anyone come up

1 and yell and scream about that. But when the
2 utilities come and ask for your rate
3 increases, the Governor and others do. But
4 it's basically addressing these green energy
5 mandates that are being in place.

6 And that's what the utilities -- when
7 they come to you, that's dealing with these
8 mandates that are being placed upon them,
9 correct?

10 PSC CHAIR CHRISTIAN: So I disagree.
11 And I know you and your staff have
12 participated in different proceedings over
13 the years. I don't believe -- I don't know
14 if you participated in rate cases. But I
15 guarantee you, there's nothing easy about any
16 of the proceedings. They're not a kumbaya.
17 There's a lot of disagreement, a lot of
18 argument. It happens.

19 ASSEMBLYMAN PALMESANO: Thank you.

20 CHAIRWOMAN KRUEGER: Thank you very
21 much.

22 We are -- next up, Senator -- so
23 sorry, lost track for a moment. Let's go
24 with Senator Hinchey. (To Senator O'Mara) I

1 think you were the last Senator.

2 SENATOR O'MARA: I don't remember.

3 CHAIRWOMAN KRUEGER: I do.

4 SENATOR HINCHEY: Thank you,
5 Madam Chair.

6 And hello, thank you both for being
7 here.

8 I'm going to direct my short time to
9 you, Chair Christian. Nice to see you and
10 first and foremost, thank you for all of your
11 work. It's been really wonderful to work
12 with you, and I know you deeply care about
13 solving these issues that we have.
14 Unfortunately, you're in a difficult position
15 and -- for a host of reasons, and therefore I
16 ask for some guidance here.

17 So my office has dealt with over 2,000
18 constituent cases regarding their utility
19 company. Through the PSC, there was a
20 ruling. Even after that, we still deal with
21 over 40 calls a month of challenges with this
22 same utility company. All we really can do
23 is tell people to call them, file a complaint
24 with you, and then hope they get an answer.

1 Is there a better process? There has
2 to be a better way to make sure that the
3 Public Service Commission is really helping
4 the public as it pertains to dealing with
5 these utility companies.

6 PSC CHAIR CHRISTIAN: So I mentioned
7 earlier, when asked about our staffing levels
8 and what we were going to be investing in
9 with the additional appropriations, the need
10 to invest in our customer service area and
11 our team, the technology, the people, the
12 staff, the training, all of those things, to
13 ensure that we can rise and meet the
14 challenges exactly as you describe.

15 The processes we have right now are
16 designed to ensure that individuals approach
17 the utility to try to exhaust their options
18 first before coming to the commission, before
19 we work then with the utility to try and work
20 through the issue.

21 You can imagine in a period of time
22 when there's a significant volume, those
23 things can tend to take longer. So we're
24 trying to ensure that we have the appropriate

1 staff, the appropriate technology, the
2 appropriate systems in place to handle what
3 has been a very recent uptick in complaints
4 that we've received, not just from a utility
5 in your area, but for other utilities as
6 well.

7 SENATOR HINCHEY: Yeah, it's a
8 statewide issue for sure. And I think -- and
9 I appreciate that, but I think there's got --
10 even just -- and this is for all of us,
11 there's got to be something better than just
12 having to file a form with the PSC. Our
13 utilities have to actually be better
14 operators in our communities.

15 But that leads me to the topic of
16 delivery charges. And for us, we've got an
17 uptick in delivery charges. We've had cases
18 of \$500 delivery fees when there's just a
19 one-bedroom apartment, and another time where
20 there was a service charge of \$39 but the
21 delivery fee was \$389.

22 What else can we be doing on the
23 delivery charge issue here?

24 PSC CHAIR CHRISTIAN: So I can't speak

1 to an individual case. I don't know the
2 circumstances, I don't know what's happening.

3 SENATOR HINCHEY: Of course.

4 PSC CHAIR CHRISTIAN: We see a lot of
5 interesting things, and I'm happy to spend
6 some time with you going through some of our
7 different cases that we've had, resolved
8 customer complaints, to highlight the
9 significant variability. But it requires
10 that we investigate, look at all the facts,
11 collect all the information and ensure that
12 the process was followed appropriately.

13 So it takes time.

14 SENATOR HINCHEY: Thanks.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Assemblymember.

17 CHAIRMAN PRETLOW: Assemblymember
18 Steve Otis.

19 ASSEMBLYMAN OTIS: Thank you.

20 Thank you both for your testimony and
21 your good work in complex issues. Both of
22 you deal with math a lot, and making the
23 numbers add up in terms of all the things
24 that you have before you.

1 President Driscoll, thank you for
2 hosting our Assembly Science and Technology
3 committee this summer, a trip to Lewiston and
4 the Niagara Falls Power Plant, which was
5 really fascinating. And the fact that you
6 were there and presented to us was really
7 great.

8 New York Power Authority is the
9 biggest producer of renewable energy in this
10 state. And already what you inherited, but
11 also in your testimony, many of the good
12 projects that you're working on. The model
13 that we have currently is that your -- the
14 funding that you have available is the
15 funding within your own budget.

16 My question is, should we reevaluate
17 the use of General Fund funding for the
18 Power Authority to allow you to do more
19 projects since we are so eager to ramp up our
20 ability to expand more renewables? Would
21 that be a tool that the Legislature should
22 take a fresh look at and find you other
23 funds? And what could you do with that kind
24 of opportunity?

1 NYPA PRESIDENT DRISCOLL: Well, let me
2 first say we would always welcome additional
3 funds.

4 But it goes to the heart of the public
5 authority construct, I guess, would be one
6 observation. We're off the State Budget and
7 we're independent for reasons that the
8 Legislature chose back when we were created.
9 We do -- as you know, recently have sought
10 funding for the Canal Corporation for some of
11 the infrastructure work that we're doing
12 there, which is critically important to us.

13 So I guess it may be at the Executive
14 level and potentially above my pay grade, but
15 we'd always welcome discussions with the
16 Legislature about creative ways that we could
17 get more done.

18 ASSEMBLYMAN OTIS: Thank you.

19 And Chairman Christian, just one
20 question about the delivery charges. When
21 you're evaluating an application from a
22 utility, how thorough is the analytical
23 process on the Department of Public Service
24 side to make sure that the representations

1 that are made to you by a utility are
2 accurate?

3 PSC CHAIR CHRISTIAN: Extremely
4 thorough. And I can expand upon that in
5 30 seconds, but I won't touch upon the level
6 of detail needed to give you the granularity.

7 The basic process, a utility says, We
8 have this portfolio of investments, this is
9 what we want to do. We take that and we do
10 our own independent analysis, looking at the
11 costs, the assumptions, the interest rates,
12 the financing, all the different things. And
13 we come back with a counterproposal.

14 And through that process, over
15 11 months, between us, the utility and any
16 stakeholders who wish to participate, we
17 evaluate the various approaches and we come
18 to a settlement where we agree that this
19 portfolio of investments is the right way to
20 go.

21 ASSEMBLYMAN OTIS: Thank you. To be
22 continued, but thank you very much.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Senator Stec, five-minute ranker.

1 SENATOR STEC: Thank you, Madam Chair.

2 A quick question first for the
3 Public Service Commission. Chair Christian,
4 thanks for being here today.

5 Affordability has been stated by many
6 people, including the Governor very recently,
7 as one of the main challenges facing our
8 state. And obviously energy costs are a key
9 component to that. What proportion of the
10 average customer's bill do you believe is
11 going to be attributable to the state's
12 imposed climate mandates, and do you
13 anticipate ratepayer bills will increase as
14 more investment is needed to meet these
15 goals?

16 PSC CHAIR CHRISTIAN: I'm sorry, would
17 you mind repeating that question again?

18 SENATOR STEC: Sure. What proportion
19 of the average customer's bill do you believe
20 is attributable to the state's imposed
21 climate mandates -- I apologize, I have a
22 cold. And do you anticipate ratepayers'
23 bills will increase as more investment is
24 needed to meet these goals?

1 PSC CHAIR CHRISTIAN: So, one, it's
2 difficult to say what the final number will
3 be. Delivery charges and energy charges are
4 separate, they are calculated in different
5 ways based on different assumptions.

6 What I can say is under the current
7 regime with fossil fuels, whenever there's a
8 storm in the Gulf, whenever there's a supply
9 chain disruption, whenever there's
10 geopolitical conflict, natural gas and oil
11 prices go up and our ratepayers pay the price
12 for that in higher energy costs.

13 Where we are today, we have an aging
14 system -- and I think President Harris
15 mentioned this earlier, our system is 50 to
16 100 years old in certain parts and areas.
17 You need to repair. You need to upgrade.
18 You need to improve. And added to the fact
19 that climate change is causing greater
20 stressors, these things will cost more.

21 So irrespective of our climate goals,
22 we have to spend a significant amount of
23 funds to keep the system operational and make
24 it work.

1 What makes the approach interesting
2 and unique and affordability-focused is that
3 we bypass the geopolitical, the
4 macroeconomic, the microeconomic, the
5 climate-driven factors that create temporary
6 price spikes in natural gas.

7 An issue that's even more difficult to
8 deal with now, because we've gone from
9 exporting zero natural gas over the last few
10 years to now we are the number two, if not
11 number one, exporter of natural gas globally.
12 Seventeen percent of all the natural gas
13 produced domestically is exported overseas.

14 We had a captive market for much of
15 our history where the prices of natural gas
16 were definitely only influenced by whatever
17 happened within our borders. That we're
18 exporting now, today, roughly 20 percent of
19 that resource means we are exposed to higher
20 prices in Asian and European markets --
21 markets that are willing to pay significantly
22 more than we have historically paid for
23 natural gas.

24 That exposure will lead to

1 significantly higher prices over time. The
2 renewable energy that we are deploying is
3 fixed-price for a very long time -- 20 years,
4 in many instances. That's stability. That's
5 certainty. That's something we're willing to
6 use and make a difference in affordability
7 for customers everywhere.

8 So I see this as one of many things we
9 can do to enhance long-term affordability for
10 ratepayers in the state.

11 SENATOR STEC: All right, thank you.

12 And if I could pivot to the
13 Power Authority. President Driscoll, you
14 mentioned peaker plants earlier. Can you
15 tell us how that process is going? How many
16 plants have been brought offline so far, and
17 how many are slated for decommissioning? And
18 obviously the other concern -- and we've
19 touched on it earlier today -- the progress
20 of building out new energy sources to replace
21 these peaker plants. Because not only do we
22 have customer demand growing organically, and
23 a growing economy -- you would hope that it
24 will correlate to more energy use -- but also

1 the State of New York is mandating more
2 electric energy consumption with our climate
3 policies.

4 So how are we coming on replacing
5 those peaker plants?

6 NYPA PRESIDENT DRISCOLL: So the first
7 part of the question, we have not retired any
8 of our fossil units, mostly located in the
9 downstate region: 11 peaking units around
10 New York City and on Long Island, at six
11 different locations, and then we have a
12 larger fossil plant in Astoria that's also
13 currently online and under contract to the
14 City of New York and other governmental
15 agencies.

16 The way the process is going to work
17 is pretty much outlined in the statute in the
18 budget from two years ago. We're required to
19 file a plan by May of this year, and we're
20 working closely with the NYISO to determine
21 how to sequence the retirement of those
22 plants, subject to their reliability need.

23 And of course based on earlier
24 discussion today, we recognize, as a utility,

1 that we need to match the replacement
2 resources with retirements. And so that's
3 very much part of the equation here. We're
4 welcoming the Champlain Hudson Power Express
5 coming online in late 2026, which will be a
6 data point and a factor in that.

7 But we're going to be moving forward
8 because the law requires us to have those
9 plants offline by 2030. And so we're going
10 to be taking all the preliminary steps
11 necessary subject to NYISO input.

12 SENATOR STEC: Thank you.

13 CHAIRWOMAN KRUEGER: Thank you.

14 Assembly.

15 CHAIRMAN PRETLOW: Assemblywoman
16 Jo Anne Simon.

17 ASSEMBLYWOMAN SIMON: Okay. Thank
18 you.

19 So thank you, Commissioner Christian.
20 You know, I have a couple of questions. Last
21 year during budget, like National Grid had an
22 active ratepayer case open, and so you were
23 hesitant to get into specifics. But that
24 case is now over and there's been an order

1 granting the increased rate.

2 So, you know -- as you know,
3 Gowanus Canal and -- National Grid is a
4 responsible party for a lot of the pollution
5 there, including all the coal tar. And it's
6 the largest Superfund site in the state. So
7 what we're concerned about is National Grid
8 is allowed to collect money from ratepayers
9 to pay for the cost of cleanup, when this was
10 a cost that -- you know, it's like that tort
11 fees are collecting from the victim in order
12 to pay the settlement, right?

13 And so I really want to explore how
14 that is equitable, and also, you know, what
15 are potential future costs to ratepayers
16 because of Superfund cleanup where the
17 company that's responsible for so much of it
18 is going to keep coming back for more rate
19 increases.

20 PSC CHAIR CHRISTIAN: So I remember
21 your question from last year, and I
22 apologize, I don't have all the information
23 readily available to answer it as precisely
24 as I'd like.

1 I can say I do recall discussions
2 about the costs associated with that
3 appearing in the rate case. And what I can
4 do is I can go back to staff and I can have
5 that conversation and we can meet with you
6 and talk about it in greater detail, and give
7 you a greater line of sight into anticipated
8 future expenses based on information
9 available in the last rate case. And we can
10 talk through your views of how that could
11 change, if needed. You know.

12 ASSEMBLYWOMAN SIMON: Okay. Because I
13 get asked that question constantly by the
14 community, who is paying for it.

15 PSC CHAIR CHRISTIAN: Yeah. Yeah.

16 ASSEMBLYWOMAN SIMON: Thank you.

17 CHAIRWOMAN KRUEGER: Senator Gonzalez.

18 SENATOR GONZALEZ: Thank you.

19 Good afternoon, Chair Christian and
20 President Driscoll. Thank you so much for
21 joining us today. I definitely appreciated
22 hearing about the work that you are both
23 doing towards energy efficiency and building
24 out public renewables.

1 As you know, I'm a young Senator who
2 represents an environmental justice district
3 of constituents who want a livable future.
4 So my first question is very simple. Yes or
5 no: Based on the work that you're doing
6 right now, do you feel like we will achieve
7 the CLCPA goal of 70 percent renewable energy
8 by 2030? Simply.

9 NYPA PRESIDENT DRISCOLL: I could
10 start. I mean, I think that there was an
11 acknowledgment by the administration earlier
12 this year that due to supply chain
13 constraints and inflation that -- and some of
14 the setbacks, particularly with the offshore
15 wind, that we were going to be a little
16 behind but that we had a clear line of vision
17 toward the 2040 clean energy grid. That's
18 the ultimate goal.

19 So we're working as hard as we can to
20 try to close the gap on the 2030 goal, being
21 mindful that the end goal is our 2040 goal.

22 PSC CHAIR CHRISTIAN: And I echo that
23 point. And I want to add, you know, I talked
24 about resource diversity and the need for

1 different kinds of resources. There's an
2 executive order that definitely dampens our
3 aspirations regarding wind -- not just
4 offshore wind, land-based wind as well.

5 SENATOR GONZALEZ: So I'm going to --
6 sorry, I'm short on time. I'm hearing from
7 both of you likely no, at this moment, but
8 we're working towards it. Is that accurate?
9 For my -- yes? Sorry.

10 PSC CHAIR CHRISTIAN: We will
11 consistently work towards the state-mandated
12 legally required goals, yes.

13 SENATOR GONZALEZ: So my constituents
14 are incredibly concerned that we are not on
15 track, as you both have acknowledged. And on
16 top of that, as you both know, we have new
17 threats to our energy system. That includes
18 the rise of new technologies. According to a
19 recent Washington Post article, 2 percent of
20 the nation's electricity use is coming from
21 the use of artificial intelligence, which
22 will double by 2026. And by 2040, it's
23 predicted that that data center contribution
24 to greenhouse gas emissions will increase by

1 tenfold.

2 Our state is looking to build out a
3 lot of this technology. So what is our plan
4 to not only make sure we're meeting our goals
5 but also supporting this new demand on our
6 energy grid?

7 PSC CHAIR CHRISTIAN: So there are a
8 variety of no-regret strategies that we can
9 approach. Our work on transmission
10 development, in which the New York Power
11 Authority is heavily invested through the
12 projects described earlier, is just one part
13 of the equation.

14 It's long been known that a robust and
15 effective transmission and distribution --
16 T&D, transmission and distribution system,
17 can help integrate lots of different types of
18 resources. And again, we're exploring
19 different types of generation. We're looking
20 at different ways to manage flexibility,
21 which is how do we work with individuals,
22 homes, businesses, so that they can use
23 energy in different ways to help better align
24 with the grid.

1 All of those are part of our
2 solutions.

3 SENATOR GONZALEZ: I think what I'll
4 just close with, and we'll follow up after
5 this, is that if we don't have a set plan
6 right now, my constituents who live near
7 peaker plants and who live near the
8 Ravenswood Power Plant are going to continue
9 to suffer every day.

10 CHAIRWOMAN KRUEGER: Senator, I'm
11 sorry, I have to cut you off. You can follow
12 up with them afterwards.

13 SENATOR GONZALEZ: Thank you, Senator
14 Krueger. We'll follow up.

15 CHAIRWOMAN KRUEGER: Thank you.
16 Assembly.

17 CHAIRMAN PRETLOW: Assemblyman
18 Mamdani.

19 ASSEMBLYMAN MAMDANI: Thank you.
20 Bipartisanship.

21 (Laughter.)

22 ASSEMBLYMAN MAMDANI: Commissioner
23 Christian, in February 2023 the Public
24 Service Commission approved Con Ed's

1 application to charge New Yorkers an
2 additional \$65 a month total, over the course
3 of this rate plan, resulting in Con Ed making
4 an additional \$1.93 billion in revenue. Is
5 that correct?

6 PSC CHAIR CHRISTIAN: I'm -- the
7 number you're using doesn't line up with my
8 memory. I'm sorry, but I don't know if
9 that's an accurate representation.

10 But we do regularly approve and review
11 rate cases, and that -- the number doesn't
12 sound right, but I do believe we did
13 something with Con Ed in --

14 ASSEMBLYMAN MAMDANI: I built that off
15 of the order that was issued by the Public
16 Service Commission.

17 So I just have that report right here,
18 and I just wanted to confirm one additional
19 piece, which is I was party to that rate case
20 and filed an opposition to this agreement.

21 Is it correct that Eric Adams'
22 administration, recognized in the filings as
23 the City of New York, signed in support of
24 this rate increase?

1 PSC CHAIR CHRISTIAN: Again, I don't
2 remember the specifics of that particular
3 rate case. But the City of New York does
4 often sign in support of rate cases. They're
5 a party, and they engage throughout the
6 process.

7 ASSEMBLYMAN MAMDANI: Okay. I have
8 that on page 2 as them having signed
9 alongside Walmart.

10 Now, Con Ed is expected to file
11 another rate case before the end of this
12 week. Last month Con Ed themselves reported
13 that 496,000 households were behind on their
14 bills by 60 days or more, with debts of more
15 than \$948 million. Many of those
16 households are in my district.

17 What is your response to my
18 constituents who are still struggling to
19 afford the last rate hike?

20 PSC CHAIR CHRISTIAN: So our goal in
21 ensuring that the system is functional, that
22 the system is safe and reliable and as
23 affordable as possible, is to make sure that
24 whatever investments come before us in a rate

1 case are evaluated, scrutinized, and
2 screened, and that only what is necessary is
3 approved and moved forward.

4 ASSEMBLYMAN MAMDANI: Okay. I
5 disagree on the assessment of this is
6 necessary, and I would appreciate a further
7 conversation. But because of time, I'm just
8 going to move on to President Driscoll at
9 this time. Thank you very much.

10 President Driscoll, public
11 participation was included in the BPRA to
12 ensure that the public's voice was taken into
13 account. Your strategic plan initially
14 called for 3.5 gigawatts. About 96 percent
15 of all public comment and testimony on that
16 plan demanded that NYPA do more, that NYPA
17 build 15 gigawatts with at least 5 gigawatts
18 downstate.

19 After the public comment period, your
20 revised plan included fewer gigawatts -- now
21 just 3 -- and furthermore, you stated that
22 you expect some level of attrition.

23 Now, in comments here, you've
24 suggested that the law forbids you to add

1 projects to the final strategic plan. Where
2 in the law do you see that you're not able to
3 add projects to the draft plan after public
4 comment?

5 NYPA PRESIDENT DRISCOLL: The advice
6 of our counsel was that the projects in the
7 draft plan that went out for public comment
8 was the last word on our draft plan.

9 ASSEMBLYMAN MAMDANI: So what was the
10 point of public comment, then?

11 NYPA PRESIDENT DRISCOLL: Because we
12 used it to inform the final version of the
13 plan. It was -- we revised the plan based on
14 the public comments --

15 ASSEMBLYMAN MAMDANI: With fewer
16 gigawatts now.

17 NYPA PRESIDENT DRISCOLL: The
18 gigawatts that were removed from the plan are
19 still going forward. They're being
20 developed. They just couldn't meet our
21 timeline. But they're still going to count
22 towards the state's goals.

23 ASSEMBLYMAN MAMDANI: Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senator Canzoneri-Fitzpatrick.

2 SENATOR CANZONERI-FITZPATRICK: Thank
3 you, Madam Chair.

4 Thank you both for being here.

5 Mr. Christian, as you stated in your
6 opening testimony, the RAPID Act empowers
7 ORES to overrule local law, and it moved that
8 entity within your control.

9 So my question is, to date, have there
10 been any instances where local law has been
11 overruled to let a project move forward?

12 PSC CHAIR CHRISTIAN: So to my
13 knowledge I'm not -- I'm not aware of any
14 instances where local law has been overruled.

15 In many of the instances with ORES
16 working with local communities, typically
17 they have managed to work through the various
18 issues prior to the development. And that's
19 something we are emphasizing through the
20 RAPID Act now, that prior to coming for a
21 permitting process, that the developer
22 communicate and agree with the community on
23 the various terms and conditions of the
24 development in advance.

1 And so that is something we are
2 working with to ensure is a part of every
3 project going forward.

4 SENATOR CANZONERI-FITZPATRICK: Great.
5 And I hope that that will continue, because
6 of course getting local involvement is the
7 key to moving these forward without a lot of
8 resistance.

9 Could you tell me how many current
10 projects are being reviewed at this time and
11 where they're located?

12 PSC CHAIR CHRISTIAN: So you'll need
13 to give me a moment to get that information.
14 I believe the number is in the teens. But I
15 can get that -- a greater level of
16 granularity to you at a later time.

17 SENATOR CANZONERI-FITZPATRICK: That
18 would be great if you supplied it to me after
19 this hearing. I don't want to put you under
20 pressure.

21 PSC CHAIR CHRISTIAN: Okay, yeah. But
22 I can say we issued 19 permits, roughly
23 38,000 acres of solar, another 17,000 for
24 wind. And that a significant amount of that

1 was not developed on any prime farmland
2 soils.

3 SENATOR CANZONERI-FITZPATRICK: Okay.
4 Thank you for that information.

5 The Comptroller's report stated that
6 the PSC and NYSERDA had taken some steps,
7 considerable steps to plan for the transition
8 to renewable energy, but they found that
9 there was -- the plans did not comprise all
10 the essential components, including
11 assessment risk to meet goals and projecting
12 costs.

13 So I'm wondering, in response to this
14 report, what has your office done to better
15 prepare for the transition?

16 PSC CHAIR CHRISTIAN: So over the two
17 years of the report, in meeting with the
18 Comptroller's office we talked through the
19 various processes that we've had and how they
20 work. In my opinion there's agreement to
21 disagree, for lack of a better way of putting
22 it, in terms of their interpretation of the
23 work that we are doing from a procurement
24 perspective and how we're authorizing it.

1 But ultimately what we are doing to
2 both identify what we need and then move
3 forward with it, it's a clear, transparent,
4 open procurement process with the goal of
5 achieving the lowest possible costs.

6 SENATOR CANZONERI-FITZPATRICK: Thank
7 you.

8 CHAIRWOMAN KRUEGER: Thank you.
9 Assembly.

10 CHAIRMAN PRETLOW: Assemblywoman
11 Shrestha.

12 ASSEMBLYWOMAN SHRESTHA: Thank you.

13 My first question is for President
14 Driscoll. Hello. The state AFL-CIO and
15 Building Trades Council, the American Lung
16 Association, and the Black, Puerto Rican,
17 Hispanic and Asian Caucus have called for
18 15 gigawatts by 2030, along with the vast
19 majority of public commenters on your draft
20 plan. These are key stakeholders whose
21 demands shouldn't be ignored. And your plan
22 currently ignores these demands and only
23 proposes 3 gigawatts.

24 The amount of bill credits the REACH

program can fund also depends on how much public renewables you build.

So my quick question, a rough estimate, how much capacity do you actually intend or hope to build by 2030?

NYPA PRESIDENT DRISCOLL: Well, thank you for the question.

As we sit here today, I think it's unclear in terms of the total amount of gigawatts that --

ASSEMBLYWOMAN SHRESTHA: Okay, great. My next question for you is what do you think is the role of the president of NYPA in meeting our climate goal of 70 percent renewable energy by 2030?

NYPA PRESIDENT DRISCOLL: Well, as the leader of the Power Authority, the Power Authority is a key tool in the Governor's toolbox in terms of executing on state policy --

(Overtalk.)

ASSEMBLYWOMAN SHRESTHA: I'm sorry, I mean specifically the president's role.

NYPA PRESIDENT DRISCOLL: I'm leading

1 the organization. I represent NYPA. And so
2 we're trying to achieve the state's goals in
3 the best way we can. We're not doing it
4 alone, of course. We're doing it in
5 partnership with the private sector, NYSERDA
6 and other community developers of solar
7 generation.

8 ASSEMBLYWOMAN SHRESTHA: Do you agree
9 with President Harris's position on the
10 previous panel that how much NYPA wants to
11 build is up to NYPA and there are no
12 obstacles related to NYSERDA?

13 NYPA PRESIDENT DRISCOLL: I listened
14 to her testimony; I'm not so sure that's
15 exactly what she said.

16 But there are ways that we can
17 cooperate. I think that was your question to
18 her that I listened to. There are ways that
19 we can work together. We intend to
20 participate in NYSERDA's solicitation
21 process, seeking REC contracts from NYSERDA
22 so that we can --

23 (Overtalk.)

24 ASSEMBLYWOMAN SHRESTHA: Okay, I'm

1 sorry, I have a question for --

2 NYPA PRESIDENT DRISCOLL: -- for these
3 projects.

4 ASSEMBLYWOMAN SHRESTHA: -- Chair
5 Christian.

6 A new report finds that over the last
7 three years investor-owned utilities residual
8 electricity rates have increased 49 percent
9 more than inflation in the country, while
10 publicly owned counterparts have increased
11 44 percent less than inflation. In some
12 states the contrast is even more stark. And
13 as of September 2024, nearly one-quarter of
14 U.S. households were unable to pay their
15 energy bills in at least one month in the
16 past year.

17 Do you think that the real obstacle to
18 our climate transition being expensive and
19 our ratepayers being on the hook for that is
20 the fact that these privately owned utilities
21 cannot access low-cost capital and they also
22 have the responsibility to make profits?
23 Would it be better to have public benefit
24 state corporations do this with low access to

1 capital and without the profit motive, very
2 similar to NYPA, which has excellent bond
3 ratings and also low-cost capital?

4 PSC CHAIR CHRISTIAN: So I think a
5 diversity of approaches is always a better
6 way to pursue opportunities. And I think
7 having NYPA on board is a great way to go
8 forward with what we need to accomplish.

9 ASSEMBLYWOMAN SHRESTHA: Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 And next we have Senator May.

12 SENATOR MAY: Thank you.

13 And thank you both for -- hi -- for
14 answering our questions.

15 I think my first question is for PSC,
16 and it has to do with interconnection
17 protocols on the grid. I know in Texas
18 they're able to bring new energy onto the
19 grid very efficiently because they use a
20 connect-and-manage approach as opposed to
21 what we tend to do, which is putting
22 everything in a queue and waiting until every
23 I is dotted and every T is crossed before it
24 gets onto the grid.

1 Are we in New York exploring more
2 efficient ways to do interconnection on the
3 grid?

4 PSC CHAIR CHRISTIAN: So
5 interconnection reform is probably one of the
6 more significant things that we'll be
7 examining and have been examining. Your
8 point about the connect-and-manage approach
9 used in Texas, yes, that does allow for a
10 greater degree of interconnecting resources.
11 But one of the main limitations there is
12 those resources may not always be available,
13 and those resources must curtail
14 production -- and they agree to curtail
15 production as part of the condition of being
16 connected in the first place when there's not
17 enough capacity for them to produce power and
18 send it to the grid.

19 So there are many different ways to go
20 about this. Our way of addressing it right
21 now, based on existing policies available at
22 the time and also direction from the
23 Legislature, is to enhance our buildout of
24 transmission and thus create more points from

1 which these generators can interconnect.

2 So we have invested well over
3 \$6 billion in T&D through a series of orders.
4 We have initiated something called the
5 Coordinated Grid Planning Process, one of
6 many acronyms we deal with, CGPP. This
7 process is something that we work with each
8 utility to do as a conglomerate throughout
9 the state to identify where do we need to
10 make investments in transmission and
11 distribution, prioritize those investments,
12 allocate funds towards them, and move forward
13 and repeat.

14 And this is going to be a cyclical
15 process where we identify those needs.

16 SENATOR MAY: Okay. Tremendous, thank
17 you. I hope to talk to you more about that.

18 My other question is for NYPA, and
19 it's about hydropower. I understand that a
20 lot of our hydropower facilities are old and
21 not as efficient as they could be, and I
22 wonder if this could be or is part of, for
23 example, Build Public Renewables? Can
24 expanding hydropower be part of that effort?

1 NYPA PRESIDENT DRISCOLL: So that's an
2 existing effort that actually is embodied in
3 our corporate strategy, our Vision 2030
4 strategy, where we have a pillar that's
5 called "preserve the value of hydropower."
6 And that encapsulates all the work we're
7 trying to do to make sure that those plants
8 can produce at the same level -- in fact,
9 we're trying to eke out additional generation
10 in some of the improvements we're doing.

11 We're spending \$1.1 billion at Niagara
12 to refurbish all the turbines there, one by
13 one, to make sure that we can, like I said,
14 keep them running, maybe make them more
15 efficient. They serve as a balancing effort
16 with the renewables as well.

17 SENATOR MAY: Thank you very much.

18 CHAIRWOMAN KRUEGER: Assembly.

19 CHAIRMAN PRETLOW: Assemblymember
20 Keith Brown.

21 ASSEMBLYMAN KEITH BROWN: I think I
22 can say good evening to you both. So thank
23 you for both being here.

24 Questions regarding infrastructure,

1 right? The Governor is throwing a billion
2 dollars at infrastructure. Appreciate the
3 effort, but this morning I watched the news
4 and the California wildfire, the Palisades
5 fire, may have been caused by a spark
6 generated from a high-tension line. At least
7 that's what the video showed. So they're
8 going to do a full investigation, obviously.

9 But, you know, it really begs the
10 question with all of the new green energy and
11 the infrastructure that it's not prepared
12 for, what do you think -- what's your opinion
13 about the stress that's going to be put on
14 the system in -- as it relates to potentially
15 causing some issues like, you know, starting
16 a wildfire?

17 And then I also want to ask -- and
18 Mr. Driscoll, I've asked you this before, but
19 the building out of the travel plazas, now
20 with the hearing that was held last week, a
21 lot of attention turned to the fact that not
22 just electric vehicles but electric
23 tractor-trailers and trucks won't have the
24 ability to charge on the Thruway. And it's

1 been a pet peeve of mine. I've sent three
2 letters to the Thruway, to DOT, and yet all
3 those travel plazas -- and ones that are
4 continuing to be built -- do not have proper
5 infrastructure for EV for cars or for
6 tractor-trailers.

7 So if you could address both of those,
8 either one of you. Thank you.

9 NYPA PRESIDENT DRISCOLL: On EV
10 charging, I guess I would just say that our
11 efforts are separate from the Thruway
12 Authority's efforts at the rest areas. Most
13 of our EVolved sites are at locations other
14 than the rest stops, off the Thruway. So
15 that's at Stewart's and other convenience
16 stores is where we've found real success with
17 deploying our EVolve --

18 ASSEMBLYMAN KEITH BROWN: Let me stop
19 you there. So as an EV owner, you know, and
20 the fact that people have to -- it's not
21 feasible for tractor-trailers to get off the
22 Thruway, right, that are going to be electric
23 tractor-trailers, in order to charge.

24 So it's really -- it's a glaring

1 omission, you know, the fact that the
2 agencies could not anticipate bringing new
3 electric power to the travel plazas.

4 So I just want to switch gears over to
5 the question about the infrastructure for
6 you, Mr. Christian.

7 PSC CHAIR CHRISTIAN: Sure. So I'm
8 still reading much of the information on the
9 fires there. Reports have evolved to the
10 point that you just made; the information on
11 the spark is relatively new.

12 What I can say for certain is we in
13 New York, for a similar type of situation,
14 vegetation management is one of the more
15 central aspects of minimizing the occurrence
16 of an incidence like that here. Ensuring
17 that trees are cut back so that there's not
18 any underbrush available to dry out and then
19 create dry conditions for a fire to occur,
20 but also to ensure that trees do not actually
21 knock down power lines during incidents of
22 high wind and rain that we have.

23 ASSEMBLYMAN KEITH BROWN: I'm more
24 concerned about the load that's going to be

1 put on the system.

2 Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Senator Borrello.

5 SENATOR BORRELLO: Thank you. Thank
6 you both for being here.

7 President Driscoll, I want to direct
8 this towards you. I have been getting some
9 very concerning phone calls from the public
10 energy companies in my district, like the
11 Jamestown BPU, about the massive increase
12 that you have proposed in the cost of
13 hydroelectric power. You're going to go from
14 \$12.88 per megawatt to a proposed \$33.05 per
15 megawatt hour, a staggering nearly triple
16 increase. This is going to drive out
17 businesses and families. The Jamestown BPU
18 services one of the poorest communities in
19 New York State, and you're going to drive up
20 electricity costs.

21 Please explain to me -- I'm told this
22 is, you know, deferred maintenance. Please
23 explain to me how we can justify this kind of
24 a massive jump in one year.

1 NYPA PRESIDENT DRISCOLL: Thank you.
2 And let me just say that we obviously never
3 want to raise rates. The munis are what we
4 call our preference power customers. They
5 were created when we were created at NYPA.
6 They get our lowest cost, they get at-cost
7 power from us. These customers haven't had
8 an increase in 11 or 12 years. We work very
9 closely with them, and we've been messaging
10 the need to increase their rates, primarily
11 to fund what we just talked about earlier,
12 the refurbishment of the Niagara Power
13 Project --

14 SENATOR BORRELLO: What are the total
15 costs of that refurbishment?

16 NYPA PRESIDENT DRISCOLL:
17 One-point-one billion.

18 SENATOR BORRELLO: One-point-one
19 billion, okay. So I've seen us throw
20 billions around this state for things that
21 are far less important than the one few
22 thing, one of the very few things that we
23 actually have as an advantage here in
24 New York State when it comes to doing

1 business, and that's low-cost power.

2 So how can we justify passing that
3 along to ratepayers, particularly to those
4 folks that get that low-cost power? Isn't
5 there another solution besides tripling the
6 rates?

7 NYPA PRESIDENT DRISCOLL: So let me
8 just clarify one point on the increase. It's
9 only for -- it's a catch-up increase for four
10 years in order to replenish what's required
11 for us to maintain a reserve fund, maintain
12 as part of our structure. So after that gets
13 refurbished, it goes back to --

14 (Overtalk.)

15 SENATOR BORRELLO: Have you asked the
16 Governor to give you some funding? What
17 about bonding for this, instead of this
18 massive increase?

19 NYPA PRESIDENT DRISCOLL: Let me add
20 one other point. We're looking to phase that
21 refurbishment or catch-up over as long a
22 period of time as possible, but the rates are
23 going to then return to a flat line after the
24 account is refurbished.

1 SENATOR BORRELLO: Well, I'm already
2 hearing from major employers like Cummins
3 Engine -- which only has three factories in
4 the United States, one of them is in
5 Jamestown. This may jeopardize their ability
6 to continue to make engines here. They're
7 the largest employer in Chautauqua County,
8 one of the largest in the state. This could
9 be a very -- this could be a devastating
10 impact on businesses and families.

11 I would strongly encourage you to
12 rethink this and perhaps ask the Governor,
13 while we're throwing billions around for
14 other unnecessary things, to give you the
15 money you need to actually bring yourself up
16 to where you need to be for that -- for
17 maintenance.

18 NYPA PRESIDENT DRISCOLL: I appreciate
19 the conversation. I can assure you we'll
20 work with our customers. Jamestown is one of
21 our most -- longest-standing and most
22 sophisticated muni customers. We enjoy
23 working with them. We're going to work
24 closely with them to make this as painless as

1 possible.

2 SENATOR BORRELLO: Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.
4 Assembly.

5 CHAIRMAN PRETLOW: Assemblywoman Dana
6 Levenberg.

7 ASSEMBLYWOMAN LEVENBERG: Thank you so
8 much to both of you.

9 My question is for Chair Christian.
10 Why does the PSC continue to do business as
11 usual regarding the maintenance and expansion
12 of our current fossil fuel-based system when
13 doing so puts it at odds with the clean
14 energy transition mandate of the CLCPA? Are
15 there legislative changes that you need to
16 see to have the flexibility to explore more
17 affordable, cleaner energy options?

18 PSC CHAIR CHRISTIAN: Well, this is an
19 interesting question for a number of reasons,
20 in part because I think if you were to talk
21 to certain individuals, you would hear that
22 we are very much doing everything we can to
23 stop gas use in the state -- which I don't
24 necessarily agree with.

1 We take a very balanced approach, and
2 the investments that we make in the system
3 are designed with the goal of maintaining the
4 system and continuing its safe and efficient
5 operation. So again, just like what we do
6 through rate cases on the electric side,
7 similar things happen on the gas side. We
8 ensure that those investments that are
9 approved over the period of time of the rate
10 case are necessary.

11 So it's not designed with the goal of
12 expansion, and in fact in many ways what we
13 have done with the gas utilities, we've made
14 many changes to how they approach engaging
15 new customers, eliminating incentives for
16 certain appliances and other things like
17 that.

18 The state law still provides
19 incentives for gas connections, the so-called
20 hundred-foot rule, so new customers looking
21 to come online are more than able to do so
22 with the existing state law.

23 But as it is right now, we at the
24 commission, recognizing the overall goals of

1 the CLCPA -- which are not anti-natural gas
2 but are very much driven by lowering
3 emissions -- we are trying to ensure that our
4 investments in the natural gas system are as
5 focused and deliberate as possible, so that
6 we can continue service safely and affordably
7 and reliably.

8 ASSEMBLYWOMAN LEVENBERG: Okay, I
9 think you did point out some of the issues
10 with reliance, our continued reliance on
11 natural gas earlier in some of your answers.
12 And also you mentioned that hundred-foot
13 rule, which obviously creates the ability for
14 people to continue to rely on natural gas
15 when we're trying to segue off of it. So I'm
16 not sure how those two things comport. So it
17 seems to me that if that wasn't there, that
18 it would make it a lot easier.

19 I also wanted to talk and just sort of
20 uplift all the cries about rate -- the rate
21 cases and ratepayers. Because I would say,
22 in line with complaints about potholes,
23 that's probably our second-highest complaint
24 that we receive in our offices, about utility

1 bills and how people are not able to afford
2 to pay their bills.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Next up is Senator Fahy.

5 SENATOR FAHY: Thank you. And thank
6 you for joining us here and your patience
7 with us this evening.

8 And I'm just going to piggyback off of
9 my colleague and just say that utility bills
10 do continue to be a concern, and I appreciate
11 your comments.

12 I also, Mr. Christian, I appreciate
13 your comment about the hundred-foot rule.
14 That is something, as you know, we've tried
15 for a few years to tackle, and hope we can
16 continue to work on that. Although it's no
17 longer my legislation, I agree with your
18 point on that and hope we can make some
19 progress.

20 While talking to you, can you also --
21 this came up much earlier this evening in
22 some of your back-and-forth. The exhaustion
23 of the HEAP dollars that I know ran out
24 extra-early this year. What happens with the

1 low-income families that are relying on those
2 payments?

3 PSC CHAIR CHRISTIAN: So the HEAP
4 program is an essential program to ensure
5 that low-income families can pay their
6 heating bills. So the program I believe --
7 and again, this is information I have
8 available. I don't have full information on
9 exactly what happened. But funding
10 essentially was exhausted.

11 Why it was exhausted is unclear to me
12 at this time. It could have been the money
13 was used up in advance, more people were
14 enrolled in the program --

15 SENATOR FAHY: Yes. But is there an
16 alternative? Or does it just run out and
17 there's no alternative for it? I just want
18 to get on to a couple of other questions.

19 There's no other alternative, then,
20 once they've run out?

21 PSC CHAIR CHRISTIAN: For the HEAP
22 program, at this time I'm not -- I don't
23 believe there is an alternative to the HEAP
24 program. That's state-sponsored, the way

1 it's set up.

2 SENATOR FAHY: Okay. And then with
3 regard to the ORES, now under your agency,
4 where are we on the backlog, which was part
5 of the reason for the switch?

6 PSC CHAIR CHRISTIAN: So we are
7 absolutely working through the backlog. Part
8 of our review of the permitting requirements
9 is setting up new processes to ensure that we
10 can accelerate our path forward with not just
11 clearing the backlog but future projects, as
12 they come in, being permitted in a more
13 streamlined manner.

14 So the organization has new leadership
15 in Zeryai Hagos, a very capable individual
16 who's worked with the department for many
17 years, and I have full faith and confidence
18 in his ability to work with the department
19 and achieve the goals we've set for them.

20 SENATOR FAHY: Okay, thank you.

21 And just want to mention a couple of
22 other issues, and maybe a quick question for
23 Mr. Driscoll.

24 The affordability does continue to be

1 a concern, and I recognize that the AI data
2 centers that a number of members have brought
3 up I think are really good questions that we
4 look forward to hearing more on.

5 And then, Mr. Driscoll, the plans to
6 decarbonize, to fully decarbonize the
7 Empire State Plaza, we were just briefed with
8 OGS, but is there anything else that you'd
9 want to add in terms of where we are on track
10 with that goal?

11 NYPA PRESIDENT DRISCOLL: So as I
12 think you know, we're well underway on
13 Phase 1 of replacing the two chillers. It's
14 a very complicated decarbonization effort at
15 that facility. But there's a lot of work
16 underway, and we're committed to getting the
17 work done.

18 SENATOR FAHY: Thank you. And I
19 didn't mention the Energy Zones; we still
20 would love one in Albany.

21 But thank you, Chair. The Energy Play
22 Zones, thank you.

23 CHAIRWOMAN KRUEGER: Thank you.
24 Assembly.

1 CHAIRMAN PRETLOW: Assemblyman
2 Burdick.

3 ASSEMBLYMAN BURDICK: Thank you,
4 Chair.

5 And Chair Christian, I want to thank
6 you for your testimony. And I recognize
7 you've got a tough job.

8 I also recognize the statutory
9 requirement of the commission to allow a fair
10 and reasonable return, and the need to ensure
11 safe and reliable delivery of electricity.
12 But with all due respect, I think it's gotten
13 out of whack.

14 As an example, Con Edison reported net
15 income for its third quarter of \$1.70 per
16 share, compared to \$1.53 per share in the
17 same period in 2023. That's approximately an
18 11.8 percent increase.

19 Now, let's contrast that to the
20 increase in Social Security and Supplemental
21 Security Income benefits, which as of
22 January 1 have increased by 2.5 percent due
23 to COLA. And Con Edison, in its
24 announcement, acknowledged that the rise in

1 earnings for the third quarter of 2024 was
2 driven by, quote, higher authorized rates.

3 I understand that a further Con Edison
4 trip to the PSC is going to be imminent, and
5 I would respectfully submit that the PSC
6 should reject the upcoming Con Edison rate
7 hike request, and would appreciate your
8 thoughts.

9 PSC CHAIR CHRISTIAN: So thank you for
10 your comments.

11 You know, again, affordability is
12 something that we are paying very careful
13 attention to, not just because of recent
14 conditions as a result of the pandemic and
15 other factors, but because, you know, it's
16 important for all New Yorkers. We need to
17 have an affordable system, a system that
18 people can afford to use. And if people
19 can't afford to use it, that's not a good
20 place to be. So we do strive to work with
21 that goal in mind.

22 I do want to point out a few things
23 about the earnings for the different
24 utilities, and I have some information here

1 which I'm happy to share with you and speak
2 with the other Assemblymembers and Senators
3 offline. But ultimately, we don't guarantee
4 a return. We give them the ability to earn
5 at that level.

6 So when we talk about their return of
7 equity in their earnings, that's the
8 opportunity to earn that if they perform and
9 do everything they need to do.

10 ASSEMBLYMAN BURDICK: But if I may, I
11 just think that more should be borne by the
12 shareholder, particularly the incredible
13 impact that this has on seniors, others on a
14 fixed income, and the huge increase in
15 inflation that's taking place.

16 And I just would ask you,
17 respectfully, to please try to get it back
18 into balance.

19 PSC CHAIR CHRISTIAN: We are doing
20 everything we can. And what I can tell you
21 is there's an inherent assumption that the
22 utilities have a blank check, and I assure
23 you that is not the case. We've recovered
24 hundreds of millions of those dollars in

1 penalties, and we have rejected requests for
2 expenditures. Which Con Ed alone, there was
3 an \$80 million request for expenses spent on
4 a billing system. We rejected that. And
5 that is part of what we do.

6 We don't make a news flash about it.
7 We don't highlight it in part because it's
8 another day in the office for us. But these
9 are everyday parts of the job for myself and
10 the members of the commission to ensure
11 affordability.

12 And I know this is not what you want
13 to hear, but if we weren't doing our job, the
14 rates would in fact be significantly higher.
15 And so I'm happy to continue this dialogue
16 with you further.

17 ASSEMBLYMAN BURDICK: Thank you.

18 CHAIRWOMAN KRUEGER: Sorry, have to
19 cut you off. Thank you.

20 Tom O'Mara, five minutes, ranker.

21 SENATOR O'MARA: Thank you.

22 Good evening, gentlemen. Thank you
23 for sticking with us today. Appreciate
24 having you here.

1 Chair Christian, we've seen
2 significant utility rate increases in the
3 cases over the last year or so, in the range
4 of 25 to 30 percent phased in over three
5 years. I'm reading a report here that
6 National Grid on Long Island raised rates by
7 \$33 a month, on average in Long Island last
8 year, going up another \$8 a month this year,
9 another \$19 a month next year.

10 These are massive rate increases. And
11 when we're talking about affordability in
12 New York State, this is not affordable.

13 Of those rate increases that have been
14 approved -- NYSEG, RG&E, National Grid --
15 what portion of that is due to the CLCPA and
16 the efforts on climate?

17 PSC CHAIR CHRISTIAN: So for those
18 specific utilities, I don't have that
19 information readily available right now.
20 What I can tell you is the CLCPA costs for
21 the -- and I forget the utility in question.
22 But in looking at the analysis that we've
23 done, the CLCPA report, which is publicly
24 available, the most significant impact for

1 any residential ratepayer for the CLCPA was
2 less than 10 percent.

3 And so when I think about where we're
4 going with rates, again, it's not the CLCPA
5 that is driving the significant driver. It's
6 the aging infrastructure of our system. And
7 keep in mind, and you're making this point
8 very clear for me, we have a gas system where
9 rates are going up. We also have an electric
10 system where rates are going up. And the
11 need for those rates is not simply to, you
12 know, pay executives, it's to highlight that
13 we need to make investments to maintain both
14 systems.

15 Our goal in transitioning through the
16 CLCPA is to focus our intention and
17 investments on a system that can be more
18 robust -- a singular system -- put our
19 investments there, lower costs in aggregate
20 for all consumers.

21 SENATOR O'MARA: Okay. What's going
22 to be needed to bolster our infrastructure
23 system? What percentage are we at now? You
24 say this is 10 percent on a bill right now is

1 all. How much have we -- are we invested
2 dollarwise at this point? And how much do we
3 have to go?

4 PSC CHAIR CHRISTIAN: I can't answer
5 that question right now. And I know this is
6 a question you ask me every time, and the
7 challenge with that is even the 10 percent
8 number I'm providing you now -- that's the
9 maximum -- that does not necessarily
10 disaggregate other investments we would have
11 to make.

12 Much of what we're doing through the
13 CLCPA are things we would need to do,
14 irrespective of the CLCPA, to make the system
15 more robust.

16 SENATOR O'MARA: I think what I've
17 been able to garner is that we haven't even
18 touched the tip of the iceberg on the
19 investments needed with these massive
20 increases on utility ratepayers' bills
21 already, and it's going to skyrocket. And
22 it's going to triple, quadruple, ratepayers'
23 bills. And that's not affordable in New York
24 State. And that's only the portion that's

1 going on ratepayers' bills.

2 The Public Service Commission needs to
3 start line-iteming these things on peoples'
4 bills so they know what they're paying and
5 what they're paying for. Because I can
6 assure you when the public knows, you're
7 going to hear about it. Everything's being
8 done with smoke and mirrors on this whole
9 thing, and all these projects are going to
10 get done and nobody's going to know what the
11 rate impact is until it hits them.

12 Right now, President Driscoll, you
13 said that the Champlain Hudson line is coming
14 on next year. What's the impact of that to
15 the average single-family home?

16 NYPA PRESIDENT DRISCOLL: I don't know
17 the cost. It's part of the Tier 4 contract
18 that NYSERDA awarded. It would probably be a
19 question more appropriately posed to NYSERDA,
20 since they're the contracting party there.

21 I can tell you that it adds
22 1100 megawatts to New York City, which is a
23 very hard place to decarbonize. So that's
24 the benefit.

1 SENATOR O'MARA: The fact that we
2 don't know is really outrageous, when this
3 project is nearing completion, and the public
4 has no idea what it's going to hit them in
5 the monthly bill.

6 And that's just one project of many.
7 There's Clean Path, you got others that are
8 coming on. And there's no transparency,
9 there's no forthrightness with the New York
10 State public on what this is going to cost
11 them. And as I said before, when they figure
12 it out, heads are going to roll.

13 Thank you.

14 CHAIRMAN PRETLOW: Assemblyman Bobby
15 Carroll.

16 ASSEMBLYMAN CARROLL: Thank you, Chair
17 Pretlow.

18 Good evening, CEO Driscoll. Thank you
19 for your testimony this afternoon.

20 A few other questioners have delved
21 into this topic around peaker plants in
22 New York City, but I was wondering,
23 considering I have a peaker plant just a few
24 blocks outside of my district in the Gowanus

1 neighborhood of Brookhaven, can you give us
2 some specific details of NYPA's plan to
3 decommission peaker plants in New York City?
4 And if you're able to decommission those
5 plants, what do you plan to replace that
6 capacity with?

7 NYPA PRESIDENT DRISCOLL: Well, we're
8 well underway in terms of finalizing the plan
9 that's due in May to lay out the methodology
10 that's going to be deployed by us in retiring
11 those plants.

12 I can tell you that we recognize the
13 significance of the mandate that says that
14 they should be retired by 2030. There is
15 language in there that says "subject to
16 reliability," which pulls in the NYISO in
17 terms of their determination as to which
18 plants are needed for a longer period of
19 time. There may be load pockets where one
20 plant has to stay around, you know, closer to
21 2030.

22 We may be able to retire plants before
23 2030. In fact, we're thinking about
24 potential plants that could be retired as

1 early as 2027, 2028. We're trying to figure
2 out the sequencing of that with the NYISO.

3 We plan to replace those plants -- and
4 in fact the law says we should have a
5 preference toward replacing those plants with
6 energy, some sort of energy infrastructure.
7 So we're looking very closely at battery
8 technology. We have term sheets pretty much
9 finalized for one of the South Bronx plants
10 and the Gowanus plant, with developers to
11 replace those plants with battery energy
12 storage.

13 We have an RFI out for the
14 Williamsburg site, where we're taking in
15 ideas around what that site could be utilized
16 for. That's a single-unit site, it's a small
17 parcel. It's right around some heavily
18 populated areas next to the Domino -- that
19 Domino plant. So, you know, it's a tricky
20 site to replace with storage --

21 ASSEMBLYMAN CARROLL: I just have a
22 minute left. Let me jump in here, CEO
23 Driscoll.

24 Look, that's exciting news, and I

1 would love to see those plants shut down by
2 2027, 2028, if that's possible. And it's
3 great to hear that you're looking at battery
4 storage for some of those peaker plants.

5 To switch gears to talk about
6 generation capacity that the Build Public
7 Renewables Act and the laws that were enacted
8 in the '23-'24 budget allowed NYPA to expand
9 its authority to own and build. What is
10 missing, in your opinion, either from the
11 Legislature or the Governor that would allow
12 NYPA to unleash its potential and possibly
13 build, own and operate more renewable
14 generation? Understanding that nothing can
15 be built all at once.

16 But are there ways that the
17 Legislature in this budget process can give
18 you more either direct lines of income or
19 more ability to actually build more renewable
20 generation in the years to come?

21 NYPA PRESIDENT DRISCOLL: One quick
22 response would be the 50 percent --
23 51 percent requirement where we're required
24 to own a majority interest in the plant. I

1 think that reduces our ability to leverage
2 NYPA's participation. There are a lot of
3 partners we're talking to that don't want to
4 own a minority interest with us. So being
5 able to leverage our participation. We bring
6 a lot of unique characteristics to a
7 partnership. That would be something that I
8 think would be worth revisiting.

9 ASSEMBLYMAN CARROLL: Understood.

10 CHAIRWOMAN KRUEGER: Thank you.

11 We have been joined by Energy Chair
12 Kevin Parker. Ten minutes on the clock.

13 SENATOR PARKER: Good afternoon,
14 gentlemen.

15 PSC CHAIR CHRISTIAN: Good afternoon.

16 SENATOR PARKER: Thanks for being
17 here. I know this has been a long day.

18 Mr. Chairman, how will the DPS
19 implement the Clean Energy Zones Program?
20 And how will the transmission upgrades be
21 carried out?

22 PSC CHAIR CHRISTIAN: So the purpose
23 of the Clean Energy Zone is to enable
24 industry and renewable energy to be

1 collocated in a manner that limits the cost
2 of building out all the associated
3 transmission and distribution infrastructure
4 needed to power that industry.

5 We're evaluating how best to proceed.
6 We're looking at how it's going to be rolled
7 out. But ultimately the goal will be to
8 identify areas through a public process that
9 would be best suited. These would be areas
10 where the communities would welcome this kind
11 of investment. And then work with industry,
12 utilities and the local communities to find
13 solutions to achieve the goals of the zone
14 program.

15 SENATOR PARKER: I have a follow-up
16 question, two parts.

17 The commission has really previously
18 approved about \$6 billion in transmission
19 upgrades for utilities across the state
20 without any competitive bidding. Recently
21 utilities have reported delays and cost
22 increases for these upgrades. What
23 safeguards are in place to protect ratepayers
24 from excess costs associated with these

1 transmission upgrades under the Clean Energy
2 Zones proposal, is the first part.

3 And the second part is, would the PSC
4 consider making any transmission upgrades in
5 Clean Energy Zones a competitive process?

6 PSC CHAIR CHRISTIAN: So the -- I'll
7 have to look a little bit more at the
8 language in the clean energy zone regarding
9 the nature of it. We will do everything in
10 our power to make sure everything is
11 competitive and transparent. So I think
12 that's part of how we function today. I
13 don't see that changing as part of this.

14 In terms of ensuring that the costs
15 between what we've already allocated through
16 the \$6 million for transmission investment
17 throughout the state, you know, there may be
18 some synergies with the zones. I think
19 that's something that we will determine over
20 time.

21 But again, we want to maximize the
22 benefits of all the resources that we have,
23 the limited resources that we have, so we're
24 going to, through this process, find the

1 lowest-cost solutions we can to achieve the
2 goals set forth.

3 SENATOR PARKER: Mr. Chairman, another
4 question.

5 In the context of, you know, achieving
6 our goals, I know there's been ongoing both
7 conversations and budget allocations around
8 head count and having enough hands on task.
9 Where are we with that? And what would you
10 suggest that we need to do as a Legislature,
11 either budget-wise and/or legislatively, to
12 help the PSC in its work towards reaching the
13 goals of the CLCPA?

14 PSC CHAIR CHRISTIAN: So I mentioned
15 earlier the recent appropriation providing us
16 with additional staffing and the need to
17 enhance our ability to engage with the
18 public, mainly through our customer service
19 group, which is currently the public-facing
20 part of the department in terms of getting
21 complaints from customers, addressing those
22 complaints, negotiating with utilities.

23 That's one area where I think
24 additional investment is always going to be a

1 good idea. There are increasing demands from
2 the Legislature, from the public, for greater
3 transparency, greater information, greater
4 access to the commission. And that is one
5 place where we believe we are in a position
6 to grow and provide that level of engagement.

7 Historically, the commission has not
8 engaged that way. We've engaged through our
9 quasi-legal proceedings with rates cases.
10 We've engaged through public statement
11 hearings and other public processes. But
12 what we're finding, with all the outreach
13 that we're seeing today, with the significant
14 uptick in participation in our rate cases and
15 other engagements, we need to rethink how we
16 engage with the public.

17 And so what we are doing with the
18 current appropriation will be with goal in
19 mind. And I imagine future appropriations
20 may be helpful along that line as well.

21 SENATOR PARKER: So we did --
22 obviously during the conversations in the
23 context of looking to close a new budget, how
24 much additional funding would the PSC need,

1 and how many FTEs, approximately, does that
2 equal?

3 PSC CHAIR CHRISTIAN: So I'd say that'
4 a conversation we may be prepared to have in
5 time. Right now we are -- we have grown
6 significantly. When I arrived at the
7 commission, I think we had a staff of around
8 470; today we're around 570 just in the last
9 three years.

10 We anticipate growing further with
11 this new appropriation. So as we grow, we
12 want to manage that growth. We don't want to
13 create any imbalances. So I want to ensure
14 that whatever process we take, we do it with
15 intention, ensuring that the staff and
16 additions that we bring on are suitable to
17 the task and that the way it's structured is
18 something that can work with the needs that
19 are arising.

20 So appreciate the offer and the
21 opportunity to discuss this in the future,
22 but right now what we have I think will be
23 sufficient for our near-term needs.

24 SENATOR PARKER: Chairman Driscoll, as

1 relates to the Build Public Renewables
2 program, where are we -- so three questions.
3 Where are we? Where will we be in a space of
4 making -- I know the legislation was about a
5 planning process, but where will we be in
6 terms of like completing that planning
7 process?

8 Two, do you think that we will
9 actually need to put that planning process in
10 place, given where we are with the CLCPA?

11 And three, what do you need from us as
12 a Legislature, either budget-wise or
13 legislatively, to assist in that process?

14 NYPA PRESIDENT DRISCOLL: Thank you
15 for the question.

16 So I mentioned earlier we just today
17 approved the strategic plan that we had put
18 out for public comment. Our board authorized
19 us to move forward now, and now for the first
20 time we can actually execute on that planning
21 process and start to develop projects.

22 So we're looking at different types of
23 projects, of course. We're looking at
24 potentially doing greenfield projects that

1 NYPA would develop that would have a larger
2 -- a longer project timeline, so those might
3 not be online for two to three years from
4 now. But we're also very focused on joining
5 in-flight projects where a developer wants a
6 partner or a developer wants to step aside
7 and turn the project over to us to get it
8 over the finish line. And there are going to
9 be community projects as well.

10 So there will be different types in
11 different timelines. But we're, as of today,
12 you know, on the execution track now and
13 we're going to be, as I also said earlier,
14 we're going to be amending the plan that we
15 just approved today to add additional
16 projects within the next six months. Going
17 to go back to our board in July because we
18 have some additional projects we've
19 identified.

20 So, you know, I think it's -- we're
21 proud of the effort that we've put forward in
22 Year 1. We're just getting started. This is
23 a long journey toward achieving these goals.
24 But I think we're playing a significant role,

1 along with others.

2 SENATOR PARKER: And what do you think
3 you need from us to kind of move forward with
4 the projects that you're working on? Other
5 than just staying out of your way.

6 NYPA PRESIDENT DRISCOLL: I mentioned
7 earlier the 51 percent. You know, we're
8 finding that some developers don't want to
9 have a minority interest with us. So we
10 think we could leverage NYPA's participation
11 in different ways. We could take -- get more
12 projects done, bring our unique
13 characteristics to the project, facilitate
14 more development that way.

15 So that would be one thing for sure
16 that we would be interested in having
17 discussions with you and your staff over.

18 SENATOR PARKER: Excellent.

19 I have a last question just for both
20 of you, and this actually talks about kind of
21 women/minority business enterprises. And
22 kind of wanted to hear both -- from both a
23 staffing perspective about what your staffs
24 look like, especially at the top end of the

1 scale, as it relates to, you know, Blacks,
2 Latinos, Asians, women, people with
3 disabilities, LGBTQ+. And what does your
4 procurement look like in relation to those
5 categories as well?

6 NYPA PRESIDENT DRISCOLL: I can start.

7 So we're very proud that we've
8 exceeded, in recent years, the state goal on
9 MWBE participation and veteran participation.

10 We've also done some interesting
11 things around making our contracting
12 processes easier for MWBE contractors. We've
13 lessened bonding requirements, we've done
14 workshops with contractors and vendors to try
15 to make our process, since it is
16 paper-intensive sometimes, and frustrating
17 for some new businesses. So we've done some
18 work in that area as well.

19 And I have statistics because we track
20 it very closely on our own staffing, which
21 I'd be happy to provide to you.

22 SENATOR PARKER: Please.

23 NYPA PRESIDENT DRISCOLL: I don't have
24 that off the top of my head, but we're doing

1 good work in that area. We're proud of the
2 way we look right now.

3 SENATOR PARKER: Thank you.

4 PSC CHAIR CHRISTIAN: And for DPS, we
5 are doing a twofold effort, one internal and
6 the second external, with all the regulated
7 utilities, the major IOUs of the state.

8 We initiated a proceeding several
9 years ago to examine diversity, equity and
10 inclusion practices of the utilities in the
11 state, working with them and a third party to
12 evaluate best practices at each utility. We
13 put that information together and share that
14 amongst the utilities, encouraging those that
15 may not have all the various programs in
16 place, to adopt them through lessons learned
17 from other utilities that may be further
18 afield.

19 So we are now, I want to say, in the
20 third year of that program, and that effort's
21 been met with a warm reception. Originally
22 it was meant to be a one-year effort, and
23 then we would repeat it several years down
24 the line, but it was so favorably received

1 we've kept it going each year subsequently.

2 And it continues to this day.

3 And internally, we've hired a
4 diversity liaison, and we too also look at
5 our metrics and figures for hires and staff,
6 and we monitor that closely.

7 SENATOR PARKER: Thank you.

8 PSC CHAIR CHRISTIAN: Thank you.

9 SENATOR PARKER: Thank you.

10 Assembly.

11 CHAIRMAN PRETLOW: Assemblymember
12 Sam Pirozzolo.

13 ASSEMBLYMAN PIROZZOLO: Good
14 afternoon, gentlemen. Thank you for being
15 here today.

16 I've been listening to your testimony
17 and the conversations. I've heard the word
18 "investment" constantly if not continually.
19 And I'd like to know -- you know, usually
20 when I think of an investment, I invest for a
21 payoff for retirement. So could you possibly
22 tell me in what year New Yorkers will see
23 their energy rates at least stabilize if not
24 go down or eventually become free for

1 everyone?

2 PSC CHAIR CHRISTIAN: Well, sir, based
3 on your question, I can tell you I wish that
4 year was today. I am not in a position where
5 I want to say I want to raise rates. I
6 don't. But the way the system is set up, the
7 way we and every other state and pretty much
8 every nation in the world works with our
9 utilities, there is a rate case process
10 through which the costs associated with
11 maintaining those utilities are paid for by
12 the --

13 ASSEMBLYMAN PIROZZOLO: I only have
14 three minutes, sir. I don't mean to cut you
15 off, but no year.

16 And how about from you, sir? Is there
17 any time frame that you could say that any
18 stabilization or decrease would happen in all
19 of this investing?

20 NYPA PRESIDENT DRISCOLL: (No
21 response.)

22 ASSEMBLYMAN PIROZZOLO: Is that a no?
23 All right.

24 So then if you could at least, in the

1 Governor's Master Plan for Responsible
2 Advanced Nuclear Development, could you give
3 any sort of idea, speaking specifically about
4 small modular reactors? Because with all the
5 energy we're going to need, whether it's for
6 data centers or just the increased
7 activities, you know, that we have, I don't
8 see any way in the future otherwise than
9 being some sort of a nuclear technology.

10 So could you give some insight as to
11 how that plan might talk about nuclear
12 reactors in the future?

13 PSC CHAIR CHRISTIAN: So I'm not in
14 the best position to talk about that plan.
15 That's something President Harris of NYSERDA
16 I think discussed in a previous session, and
17 she's best positioned to talk about the
18 roadmap and its current development.

19 ASSEMBLYMAN PIROZZOLO: Thank you.

20 CHAIRWOMAN KRUEGER: Thank you.

21 I think I'm the last Senator. So --

22 CHAIRMAN PRETLOW: The last samurai.

23 CHAIRWOMAN KRUEGER: The last samurai.

24 (Laughter.)

1 CHAIRWOMAN KRUEGER: Thank you.

2 I know I've asked this question
3 earlier, but let's start again, because we
4 keep going over the same territory. A
5 variety of my colleagues keep saying utility
6 rates are going up because we're trying to
7 move to sustainable green energy, and yet --
8 I'm looking, for example, my colleague just
9 gave you numbers about how much energy
10 companies tried to increase their rates every
11 year, and we all agree the rates are too
12 high.

13 But for example, National Grid is
14 asking for a rate increase that will
15 absolutely increase New York City residents'
16 and Long Island residents' gas bills. And
17 they're saying that these rate increases are
18 driven in part by 5 billion in spending on
19 new gas infrastructure. That's not a request
20 of green energy or the CLCPA, but rather the
21 fact that we still haven't changed the law
22 requiring that we put new gas pipes in even
23 though we've already said we're not supposed
24 to be using that anymore.

1 So can you just clarify for me -- I
2 think the PSC, this is a question for -- if
3 we just got rid of that hundred-foot rule
4 requiring we continue to put new gas pipes
5 into the ground, wouldn't we actually not to
6 have these increases by the utilities to do
7 that work?

8 PSC CHAIR CHRISTIAN: So if there were
9 a change in law regarding that particular
10 provision, that would likely result in a
11 change in the costs associated with
12 maintaining and expanding the system due to
13 load growth from new customers.

14 That said, existing customers are
15 using more as well, so it would not make the
16 needs zero, it would make them possibly
17 lower.

18 Again, this is a system that in many
19 cases is 50-plus years old in parts, with
20 pipes that are made of cast iron, notoriously
21 leaky, which emits methane just by being
22 there. So one of the main things that we are
23 trying to do, and one of the drivers of cost,
24 has been replacing these leaky pipes,

1 something we would need to do irrespective of
2 the additions to new customers and the
3 existence of the hundred-foot rule.

4 So I want to make it clear, we need to
5 maintain our systems, and these investments
6 are necessary to keep them going. But as you
7 are suggesting, if we were to change the law,
8 the need to grow the system would change and
9 we may not need to make as many investments.

10 CHAIRWOMAN KRUEGER: So many hours
11 ago -- but I think the same day -- I
12 referenced to DEC, and I think ultimately
13 also to NYSERDA, that if we move forward with
14 cap-and-invest, the research showed that
15 84 percent of New York State households would
16 break even or come out ahead as a result of
17 cap-and-invest, saving them utility money.

18 And I'm curious from the PSC's
19 perspective, because we aren't going forward
20 with cap-and-invest at this moment --
21 although there seems to be some discussion
22 about moving sooner than later -- would that
23 not help address the growing utility costs
24 for New York State people who aren't paying

1 too much in their utilities?

2 PSC CHAIR CHRISTIAN: As I understand
3 your question, if it is structured that way,
4 then yes, it would benefit ratepayers by
5 lowering their costs, yes.

6 CHAIRWOMAN KRUEGER: And do you have
7 another idea that would actually lower
8 ratepayers' costs besides that at this
9 moment?

10 PSC CHAIR CHRISTIAN: We are exploring
11 every tool available to us at this time.
12 It's challenging for me to elaborate on what
13 and where we are exploring, in part because
14 these are parts of ongoing proceedings.

15 But what I can say is throughout every
16 rate case we, again, review every filing to
17 ensure that what we do ultimately approve is
18 absolutely necessary for the safety and
19 reliability and the continuity of the
20 systems.

21 In addition, we also seek out
22 opportunities to recover funds for
23 ratepayers. There's an unfortunate
24 perception that all of this is on the

1 ratepayers. Well, I have many examples I can
2 show where the utility shareholders have had
3 to pay for parts of these investments due to
4 a variety of reasons which I can articulate
5 further.

6 So again, the commission's job, my
7 job, the job of my commissioners, the job of
8 the 500-plus people that represent the
9 Department of Public Service -- who are all
10 ratepayers -- our job is to ensure that we
11 overview, review and scrutinize all the
12 submissions, all the work that the utilities
13 say they need to be done, to ensure that it
14 is needed.

15 And that is something we have a long
16 history of doing successfully, and we will
17 continue to do that work with the goal of,
18 again, maintaining affordability as best as
19 we can.

20 But as is clear from today and
21 previous discussions, we do need to do more,
22 and we are trying to find ways to do that.

23 CHAIRWOMAN KRUEGER: And there's a lot
24 of discussion that we've -- I went back and

1 forth with NYSERDA about that -- while people
2 say all the costs to invest in new energy and
3 green sustainable energy is going to cost us
4 money, but in fact the research shows it
5 actually saves us money when you balance out
6 what you're spending versus what you're
7 saving.

8 I want to ask you, since I know that
9 with our goals for energy efficiency and heat
10 pumps, for example, do you think that we
11 would also help speed up the lowering of
12 utility costs if we had more people shifting
13 to energy efficient models in their homes and
14 businesses such as heat pumps and geothermal,
15 et cetera? Would that help us lower our
16 costs?

17 PSC CHAIR CHRISTIAN: So yes, I can
18 say that unequivocally. There's research
19 from around the world that shows that that is
20 an end result of moving in this direction.
21 And further, among the work that we're doing
22 not just to bring about clean energy and
23 renewable energy resources, I mentioned
24 earlier the need to be able to control the

1 energy use in individuals' homes with greater
2 degrees of granularity.

3 I know I speak for myself and I'm sure
4 I speak for many of you, the frustration of
5 entering an empty room where the light is on
6 or a heater is on for Lord knows how long,
7 and having to flick it off. The ability to
8 control these things remotely, whether you
9 are at home or not, gives you a better degree
10 of control over the energy use you have,
11 which ultimately not only lowers your bill
12 but helps reduce the strain on the system, an
13 unnecessary strain on the system, and
14 ultimately reduces waste.

15 Expand this by the millions of
16 New Yorkers in households: This could have a
17 tremendous benefit from an energy
18 conservation and a load-management
19 perspective. And this is something that we
20 at the commission have been working with the
21 utilities to deploy at scale.

22 An example of this, something we call
23 dynamic load management. Many utilities in
24 the state have pilot programs, a program

1 called Bring Your Own Thermostat. And I'd be
2 curious if anybody here is participating in
3 the Bring Your Own Thermostat program. If
4 not, I'm happy to talk to you about it after.

5 But through this program, we have
6 100,000 New Yorkers participating currently,
7 and they represent 100 megawatts of
8 flexibility, load that we can call upon
9 during system peaks to reduce costs. And
10 this is only the beginning.

11 So I see greater opportunity ahead,
12 and we are advancing with those to ensure
13 that we can achieve greater levels of
14 affordability not just for them, but for the
15 individuals who aren't on those programs as
16 well.

17 CHAIRWOMAN KRUEGER: Thank you.

18 And President Driscoll, you referenced
19 several times that you're revising your
20 strategic plan for building public renewables
21 later in this year, to add up to three more
22 gigawatts of renewable energy. Do you plan
23 to revise that plan annually on a regular
24 cycle to continue to add generation in the

1 future? I mean, that seems like a reasonable
2 idea.

3 NYPA PRESIDENT DRISCOLL: Yes. The
4 answer is yes. We think this is going to be
5 at least an annual process. We think
6 probably, you know, more than annual.
7 Probably twice a year we'll be taking a look
8 at it. Of course it will be dependent upon,
9 you know, projects that we've identified and
10 so forth. But we're definitely going to go
11 back to the board in July, and we look to
12 continue that process in the coming years.

13 CHAIRWOMAN KRUEGER: Great.

14 And this is a question for my
15 colleague Senator Chris Ryan, who had to
16 leave. So he's pointed out that the
17 Executive Budget allocates funding for
18 50 additional full-time staff for the PSC.

19 He would like to know -- and maybe you
20 can follow up with him afterwards, but I'll
21 take the info back -- how many staff does PSC
22 currently have responsible for monitoring and
23 investigating safety and quality of broadband
24 construction? And how many of these

1 additional 50 staff will be assisting with
2 that assignment?

3 Because he's very concerned about
4 quality and safety for broadband workers and
5 the general public as we continue to move to
6 construct broadband across the state.

7 PSC CHAIR CHRISTIAN: Thank you. We
8 can follow up with that.

9 CHAIRWOMAN KRUEGER: Okay. Thank you.
10 I think the Senate is done; just
11 taking a quick look. Okay, Assembly, it's
12 yours.

13 CHAIRMAN PRETLOW: Assemblymember
14 Gray.

15 ASSEMBLYMAN GRAY: Thank you.
16 President Driscoll, nice to see you. Thank
17 you for being here. Thank you for your
18 insights today.

19 So I just want to talk about your
20 battery storage, because NYPA's standards
21 currently, compared to the private sector,
22 are much higher. I have witnessed or seen
23 your Chateaugay storage facility. I also
24 have a storage facility in my district that

1 was the site of a fire. And I will tell you
2 there's night and day between the two
3 facilities. One is very primitive, the
4 private sector is very primitive, and the
5 other, your facility, is very high quality.

6 So do you think there should be
7 storage -- there should be standardized
8 measures for storage facilities both to
9 ensure safety, consistency and efficiency?

10 NYPA PRESIDENT DRISCOLL: Well, we're
11 always a big fan of standardization because
12 it lowers costs. So to the extent that there
13 can be standardization across certain sizes
14 of batteries, it probably would vary between,
15 you know, capacity factors for the various
16 systems.

17 But we're always -- you know,
18 obviously, being NYPA and having the
19 responsibility we have for the state to own
20 and operate critical infrastructure, we're
21 excessively good on safety and taking extra
22 precautions. There's always a balance
23 between costs and how much you're --

24 ASSEMBLYMAN GRAY: But having seen

1 what excessively good is, that is good. And
2 having seen the alternative, should the
3 private sector be held to the same standards?

4 NYPA PRESIDENT DRISCOLL: Well, I
5 mean, I think that's -- it's a fair point.
6 And I think our view would be that we would
7 be supportive of something like that. But it
8 certainly wouldn't be in our remit.

9 ASSEMBLYMAN GRAY: Okay. And just
10 regarding the NYPA siting of your 3 gigawatts
11 that you're -- and then additional storage
12 capacity that you're working on, what is the
13 process for NYPA to secure local approval?
14 And, you know, what is your discussion on a
15 local level whether jurisdictions have the
16 ability to accept or reject siting? And how
17 is that different from private-sector siting
18 of facilities right now?

19 NYPA PRESIDENT DRISCOLL: So there are
20 no exceptions for NYPA projects. We're
21 subject to all of the requirements that every
22 other developer would be subject to, and we
23 build our plants to all the same regulatory
24 processes at the Public Service Commission

1 and in the communities. We're already very
2 active in the community. We built out a real
3 estate function within NYPA. They're out,
4 you know, talking to landowners and in the
5 communities.

6 As you know, we have a pretty robust
7 community engagement effort because of all
8 the transmission lines we own, so we work
9 very closely with all the communities where
10 our transmission lines run through. So we're
11 applying the same skills to our renewable
12 development.

13 ASSEMBLYMAN GRAY: Okay. Thank you
14 very much.

15 CHAIRMAN PRETLOW: Assemblymember
16 Kelles.

17 ASSEMBLYWOMAN KELLES: It's been very
18 strange sitting here for the last nine hours
19 in this surreal environment federally where
20 our insanity is happening, and we're still
21 having conversations between, you know,
22 should we fight for the horse and cart or
23 should we like use spaceships to get to work.
24 I feel like that's the difference that we're

1 doing right now. So I just want to
2 acknowledge the insanity that we're in,
3 because we're fighting for -- against an
4 industry that has vested interests, the oil
5 and gas industry. Like the largest amount of
6 child labor, slave labor, suffering in our
7 history is caused by this industry that seems
8 to be funding a lot of this effort to not
9 evolve as humans. Seems very strange we've
10 just done this for nine hours. So I really
11 hope we all recognize that the only way that
12 we're actually going to save money as a state
13 is if we lean into the transitioning that you
14 all are really trying to do. So thank you
15 for that work, because that is what will
16 actually save us.

17 So now I'm going to come down and ask
18 some questions. I just wanted to get that
19 off my chest after, what, nine hours of being
20 here, for all of us.

21 So a question about NYPA. I
22 appreciate that you had a conversation with
23 the Governor about funding specifically for
24 canal funding. Did you also ask for funding

1 specifically from the Governor to add to NYPA
2 to counter so that we could do more than the
3 3 gigawatts?

4 NYPA PRESIDENT DRISCOLL: Not
5 specifically with the renewables efforts, but
6 we were delighted to see the proposal around
7 the billion dollars for clean energy
8 projects, the capital projects, because those
9 are the types of projects that we work with
10 our governmental customers on -- so the
11 college campuses, the correctional
12 facilities, the complexes like this.

13 We're going to be actively
14 participating in that discussion around how
15 those funds get deployed. And so we think
16 that that's a great -- that will be a great
17 tool for us at NYPA given our customer base.

18 ASSEMBLYWOMAN KELLES: I think we
19 could do so much more, though. And I do
20 think that NYPA is like literally the most
21 important piece to this right now because you
22 don't have to make a profit as one of the
23 entities there. So you can afford it, and we
24 need it.

1 NYPA PRESIDENT DRISCOLL: Agreed.

2 ASSEMBLYWOMAN KELLES: It is probably
3 the only way that we're going to reach our
4 goals.

5 You had talked about being really
6 concerned about your bond rating. Did you do
7 an analysis to identify how much you could
8 actually build before it would have any
9 effect on the bond rating? Because there was
10 a study that showed that we could literally
11 convert everything that we have and it
12 wouldn't affect your bond rating.

13 So I'm trying to understand --

14 NYPA PRESIDENT DRISCOLL: Yeah, I
15 think we would have a different view at NYPA
16 in terms of, you know, the head room we have
17 to do projects.

18 But it really would be based upon
19 market conditions at the time, how much --
20 you know, what were the revenues of the
21 project --

22 (Overtalk.)

23 ASSEMBLYWOMAN KELLES: But did you do
24 that analysis that you could share? I'd love

1 to see it.

2 NYPA PRESIDENT DRISCOLL: We're
3 talking with our financial officers all the
4 time about -- because we're not just doing
5 this with renewables, remember, we're doing
6 this in transmission. We've got a ton of
7 work going on in transmission where we're
8 using the same financial capacity to fund all
9 these --

10 ASSEMBLYWOMAN KELLES: I have five
11 seconds. We'll talk. But I'd love to talk
12 to you about maybe capping how much utilities
13 are allowed to earn profits as part of our
14 equation for maybe not having rates go so
15 high. So maybe we can talk about that in the
16 future.

17 CHAIRMAN PRETLOW: Assemblywoman
18 Bailey.

19 ASSEMBLYWOMAN BAILEY: Good evening.
20 Thank you. Thank you both for being here.

21 My first question goes to
22 Mr. Driscoll, and it revolves around the role
23 of electric cooperatives. And it's my
24 understanding that these members, you know,

1 their rate is to be set at the lowest rates
2 reasonably possible under federal and state
3 law.

4 It's also my understanding that under
5 the rate modification plan the rate will
6 increase over \$20 per megawatt per hour over
7 the next four years. So the increased costs
8 are going to be passed down onto the members
9 who are residents and businesses, and they
10 are already struggling with affordability.

11 Last year, in February, the Governor
12 indicated that energy affordability continues
13 to be top priority of her clean energy
14 agenda. So what I'm hoping that you'll be
15 able to translate for me and for these
16 members is how does that rate translate to
17 affordability?

18 NYPA PRESIDENT DRISCOLL: Well, again,
19 there was a prior discussion that we had on
20 this topic. So thank you for the question.

21 Obviously we don't want to raise
22 anyone's rates, and these are our lowest-cost
23 customers. They get rates at cost, so -- and
24 it comes -- it derives from our foundation.

When we were created, we provided this program to the municipal utilities and cooperatives.

So -- and we've been working with your customers and residents, constituents, on this topic. And so they've seen this coming, if you will. It hasn't been obviously something that we take lightly. But it's designed to pay for the improvements to our hydro facilities where they get the power, which gives them the ability to have this low cost. So we're spending \$1.1 billion at Niagara to upgrade the facility, to preserve it, maybe get even more generation out of it for the benefit of residents of the state.

And their increase is only over this four-year period, and then it will phase out and level off.

But we're currently looking at -- and sensitive to this issue, we're currently looking at phasing it in over a longer period of time, longer than four years, if possible. But we have to --

ASSEMBLYWOMAN BAILEY: What would that

1 look like?

2 NYPA PRESIDENT DRISCOLL: We have to
3 replenish a reserve fund that's required.
4 And they understand why we have to do this.

5 But we're very sensitive to it. These
6 are favored customers, trust me, and we're
7 working with them very closely.

8 ASSEMBLYWOMAN BAILEY: So real quick,
9 in the 20 seconds we have left, if we were to
10 reevaluate that time frame over four years,
11 what are you projecting?

12 NYPA PRESIDENT DRISCOLL: I don't
13 think we have a number, but we're trying to
14 figure out how long we can push it out to
15 make -- to ease the pain.

16 ASSEMBLYWOMAN BAILEY: Thank you.

17 CHAIRMAN PRETLOW: Assemblywoman
18 Kassay.

19 ASSEMBLYWOMAN KASSAY: Thank you.

20 I just want to start seconding
21 Assemblymember Kelles's notion regarding
22 capping of profits for utility companies.
23 But mostly I want to talk about the -- or ask
24 about the structure of billing.

1 So in addition to moving forward with
2 green energy production, we're also looking
3 to reduce energy use where possible. So with
4 Suffolk County residents, my constituents,
5 paying an average of 25 percent more per
6 kilowatt hour than the national average as
7 part of our generally high cost of living,
8 I'm always looking for a means as well to
9 relieve constituents of these very high costs
10 for utilities with ongoing rate hikes
11 especially.

12 I personally grew up in a very
13 budget-conscious household, and we were
14 strictly taught to turn off lights when
15 leaving each room, to reach for a sweater and
16 a hat before turning up the thermostat. I
17 still do this today, which can drive my
18 husband crazy. And I know that it's not
19 everybody's chosen lifestyle. But whether
20 it's for environmental or financial
21 reasons -- or both, in my case -- I know
22 there are many New Yorkers who do closely
23 watch their usage.

24 So currently the structuring of

1 utility billing has hefty delivery and
2 service fees, with the actual usage per
3 kilowatt hour or therms not constituting the
4 majority of the bill, especially for low-use
5 households.

6 So is there currently any discussion
7 to restructure billing fees or tiers to
8 provide real meaningful cost savings to give
9 households greater agency and relief
10 regarding monthly costs, while also further
11 incentivizing households and business to be
12 more conscious of their usage either by habit
13 or by upgrading energy efficient elements of
14 the building?

15 PSC CHAIR CHRISTIAN: So I'll take
16 this one. So we at the commission evaluate
17 rates and their implementation with every
18 rate case. Each utility has its own unique
19 set of costs, and so the rates become unique
20 utility by utility.

21 We're trying a variety of different
22 ways to implement new rates. I mentioned
23 earlier what we're doing with electric
24 vehicles and how we're providing them with

1 lower rates during times when there's plenty
2 of energy that's renewable and cheap, higher
3 rates during times when the grid is stressed.
4 That's a type of time variant time-of-use
5 pricing.

6 ASSEMBLYWOMAN KASSAY: I appreciate
7 that. I spoke locally to our power suppliers
8 and I said does that mean that we're staying
9 at the current rate and the lower usage is
10 lower, or is the higher usage just higher?
11 And they sheepishly said the higher usage is
12 just higher. So it's not a decrease, it's
13 just an increase during the peak times.

14 PSC CHAIR CHRISTIAN: Right. So
15 that's one approach, right? What we're doing
16 right now in Long Island is a similar setup,
17 time variant pricing where there's different
18 tranches of prices throughout the day. The
19 price will change. And the goal of that is
20 to encourage use to shift during the lower
21 cost periods and to limit use during the
22 higher cost --

23 ASSEMBLYWOMAN KASSAY: I understand.
24 And so maybe people will be paying less more,

1 but still the lowest rate, the lowest
2 tranche, the lowest time is still probably
3 going to continue increasing. It's not going
4 to be less than what payers are paying now.

5 I'm looking to see how my constituents
6 can find relief from their bills.

7 PSC CHAIR CHRISTIAN: So happy to have
8 a further discussion with you on this
9 offline.

10 ASSEMBLYWOMAN KASSAY: Looking forward
11 to it. Thank you.

12 PSC CHAIR CHRISTIAN: Thank you.

13 CHAIRMAN PRETLOW: Thank you.

14 Tommy John. Assemblyman -- forgot
15 your last name, I'm sorry. Schiavoni.

16 ASSEMBLYMAN SCHIAVONI: Good evening.
17 Thank you. I have a question about Community
18 Choice Aggregation and the advantages of the
19 opt-in version versus the opt-out version for
20 municipalities. This is something that is in
21 place in a number of communities throughout
22 the state, particularly Westchester, and
23 we've been floating that on Long Island as
24 well.

1 So if you could kind of give us the
2 two-minute primer on opt in versus opt out,
3 and the advantages and disadvantages of each.

4 PSC CHAIR CHRISTIAN: Sure.

5 So the basic premise between Community
6 Choice Aggregation, it allows people living
7 in a particular area to subscribe for access
8 to renewable energy. So they can power their
9 homes, all their electricity use would come
10 from a dedicated renewable energy source,
11 developed to provide them with electricity.

12 And the best way to do this is to
13 ensure that the developer, from their
14 perspective, they need to ensure they have a
15 large number of people who are actually going
16 to sign up for this. And so this brings us
17 to the point you're raising about opt in
18 versus opt out.

19 In the opt-in regime, you have to go
20 house to house and get everyone to
21 deliberately want to do this. They have to
22 affirmatively sign on. So it takes time to
23 get a large number of people, and in many
24 cases you never exceed a particular level, a

1 threshold of people signing up. It becomes
2 incredibly challenging to get to the point
3 where it can be a financially viable project.

4 Opt out is a very different story,
5 where in a particular area everyone is
6 automatically assumed to be in, and they have
7 the opportunity to leave. And through this
8 they're notified or we've set requirements
9 for communications and how these processes
10 work. This is something the commission has
11 reviewed I want to say four or five times
12 over the last three years. We've issued a
13 variety of orders refining and adapting the
14 process.

15 But ultimately what we have today is a
16 system where a community wants to move
17 forward with an aggregation, they will notify
18 the people in that geographic area of the
19 potential for this aggregation. If they
20 choose to opt out, they won't be a part of
21 the aggregation. Those who take no action,
22 they're by default in.

23 So that's the fundamental difference
24 between opt in and opt out, and that's --

1 that's -- yeah, that's the difference.

2 ASSEMBLYMAN SCHIAVONI: So if we were
3 to move forward with this and to give our
4 ratepayers -- when I say our ratepayers, in a
5 particular municipality -- a choice on
6 whether to use green energy or not, it would
7 have to be the opt-out method, because the
8 municipality would need the critical mass of
9 consumers in order to negotiate for a price
10 that would be even for the entire group.

11 PSC CHAIR CHRISTIAN: That is -- that
12 is what we have been finding in the
13 literature and through the various programs,
14 yes.

15 ASSEMBLYMAN SCHIAVONI: And just one
16 last point on this.

17 Communities that do adopt CCA, they do
18 allow their ratepayers to just drop out of
19 the program completely.

20 PSC CHAIR CHRISTIAN: Yeah, one can
21 leave the program. It's not a -- you can
22 divorce it, yes.

23 ASSEMBLYMAN SCHIAVONI: Okay, thank
24 you. Thank you, Chair.

1 CHAIRMAN PRETLOW: Assemblyman Ed Ra,
2 ranker.

3 ASSEMBLYMAN RA: Thank you, Mr. Chair.

4 Thank you both for your testimony.

5 Mr. Driscoll, one of the topics that
6 has come up a lot, I know you're very well
7 aware of this downstate, I'm sure in other
8 parts of the state a lot of municipalities
9 are adopting moratoriums with regard to
10 battery storage facilities. Are there, you
11 know, safety standards in effect, or is that
12 being worked on in particular with regard to
13 siting these types of facilities within
14 residential areas?

15 Because it seems like right now the
16 municipalities are -- in the absence of that,
17 are, you know, stepping in and putting in
18 these moratoriums.

19 NYPA PRESIDENT DRISCOLL: Yeah. I
20 think that one piece of this is an
21 educational component. I think that we could
22 do a better job of educating around a lot of
23 the technologies that we're pursuing and
24 deploying. So that would be one I think key

1 component here.

2 I know that the Governor set up the
3 working group last year to look at safety
4 around battery storage.

5 I can tell you that we're piloting a
6 utility-scale battery in the North Country --
7 in fact, it's online now, 20 megawatts.
8 We've done a lot of learning around that. We
9 spoke earlier with Assemblymember Gray around
10 some of the work we've done up there.

11 We also have a battery outside of our
12 building in White Plains that we're testing,
13 which is a new technology that sort of
14 islands the interior components of the
15 battery, so you can't have a thermal runaway
16 situation which causes the fires.

17 So, I mean, there's a lot of work
18 being done. Obviously it's -- battery
19 storage is critical. We're obviously looking
20 at other technologies other than lithium-ion,
21 which we're doing with some of our R&D
22 partners and with the Electric Power Research
23 Institute.

24 So I think that safety standards can

1 always get better. We're doing our own
2 learning for the benefit of the industry and
3 the state at NYPA.

4 ASSEMBLYMAN RA: And are first
5 responders part of that conversation and
6 workgroup so that they -- because obviously I
7 think they have concerns with regard to --

8 NYPA PRESIDENT DRISCOLL: Yes. Yes.

9 ASSEMBLYMAN RA: -- having adequate
10 resources and equipment.

11 NYPA PRESIDENT DRISCOLL: Right.

12 And we're working closely with FDNY on
13 some of the potential solutions at our peaker
14 facilities in the city, too, and they'll have
15 a big say about what can go where, as will
16 the communities.

17 ASSEMBLYMAN RA: Thank you.

18 CHAIRWOMAN KRUEGER: All right. Well,
19 then, we have perhaps not all asked every
20 question, but we've all ran out of time. So
21 we want to thank you very much for your
22 participation tonight and for your work on
23 behalf of the State of New York. And you may
24 hear from some of us afterwards.

1 And again, like all the government
2 panels, if you'd now please leave us as
3 quickly as possible.

4 (Laughter.)

5 PSC CHAIR CHRISTIAN: Thank you.

6 CHAIRWOMAN KRUEGER: And if people
7 need to grab you, they should grab you in the
8 hallway, not in the hearing room. Except for
9 my colleague Pete Harckham who's always very
10 genteel with everyone. So thank you.

11 And I'm going to call up, for those of
12 you who thought it would never happen, we're
13 now on Panel D, the beginning of the --

14 (Applause from audience.)

15 CHAIRWOMAN KRUEGER: All right! Are
16 you applauding them, or that we're finally
17 getting to you? I'm not sure.

18 Both. Both. All right. Good.

19 So first panel, Natural Resources
20 Defense Council, Environmental Advocates of
21 New York, New York League of Conservation
22 Voters, and Beyond Plastics.

23 You each get three minutes. And just
24 a reminder, people I know may have to run for

1 trains, they may have already left. Please
2 let us know up front if you -- unless you've
3 already left, and then you won't be hearing
4 me. And it's three minutes for each of you,
5 and none of us are allowed to take more than
6 three minutes to ask you questions.

7 Okay, Ian, do me a favor. Take the
8 dirty cups there, just throw them away.
9 Thanks.

10 All right, shall we start with -- in
11 the order you were there, with
12 Natural Resources Defense Council first,
13 Rick Schrader. Is that okay?

14 MR. SCHRADER: Yes, thank you,
15 Senator. Thank you, Assemblyman Pretlow.

16 Can you hear me okay?

17 CHAIRMAN PRETLOW: Yeah.

18 CHAIRWOMAN KRUEGER: Yes.

19 MR. SCHRADER: Great, thanks.

20 In my limited time, I just want to run
21 through a couple of bills that we support,
22 they're on our priority list.

23 Because a lot of the topics today and
24 the themes today were affordability, one

1 bill -- one program I think that's eminently
2 capable of saving money for New Yorkers, and
3 that's NY HEAT. Just to start with, if we
4 get rid of the 100-foot rule, that's a
5 \$200-million-a-year tax and ratepayer subsidy
6 for gas utilities when a new customer comes
7 online if they're within 100 feet of the gas
8 pipe. Why should we be paying that to expand
9 gas infrastructure? It's a lot of money for
10 ratepayers to have to pay. You save money
11 right off the top.

12 Secondly, the obligation to serve.
13 Without going into detail on it -- it was
14 touched on by the chairman of the PSC -- the
15 utilities are going to be spending
16 \$150 billion in the next 25, 30 years to lay
17 down new pipe. They don't need all of that
18 pipe. And they're moving in a rapid,
19 aggressive way to lay it down because it's
20 profitable, it makes money. And they want
21 that money invested there because they're
22 afraid that there's going to be renewable
23 alternatives that will come in.

24 This law will allow -- this bill will

1 allow, if it becomes law, for the Public
2 Service Commission to have more ability to do
3 the transition, to say no to some of that
4 investment. And I think that's a critical
5 piece that will save consumers money in this
6 state.

7 Third, while we are currently giving
8 in New York State a \$1.6 billion in tax
9 subsidies a year to the fossil-fuel industry,
10 the Krueger-Simon bill -- which is an
11 excellent bill, it's been an NRDC priority
12 for a number of years -- this will
13 immediately get money back into the coffers
14 of New York State.

15 There is no industry in the country
16 that needs this less than the oil and gas
17 industry. Trust me on that, please. They
18 make \$450 million a year. They're the reason
19 we're in this problem to begin with, because
20 they lied in the 1980s about climate and they
21 were climate deniers.

22 That's why it's such a good law that
23 we just passed and that the Governor signed
24 into law that had the Climate Superfund,

1 because, you know, when you break something
2 and when you make something filthy, you
3 should clean it up. So polluters pay, not
4 taxpayers, not ratepayers. And thank you
5 very much, by the way, for that.

6 We support a \$500 million
7 Environmental Protection Fund, a critical
8 program disbursement for everything from
9 ocean conservation to land preservations,
10 et cetera. That's \$100 million more than is
11 in the Governor's budget.

12 We also support a \$600 million
13 investment in the Clean Water Infrastructure
14 Act, which is \$100 million more than the
15 Governor put in.

16 Cap-and-invest, speaking very quickly,
17 another way that ratepayers will save some
18 money on fossil-fuel suppliers, they will
19 have to take an allowance which will be a
20 cost. That money will be put into a fund,
21 and that fund can both help to pay for
22 renewables, help to pay for coastal
23 resilience and other kinds of improvements
24 that will protect us as the climate crises

1 continue -- not climate change -- and also
2 money that will go directly to help
3 ratepayers.

4 We support the Packaging Reduction and
5 Recycling Act, the Fashion Act, which this is
6 an industry that's increasingly growing in
7 terms of greenhouse gas emissions, and then
8 the Healthy Home Right to Know Act.

9 CHAIRWOMAN KRUEGER: (Mic off.) Hi,
10 how are you?

11 MS. NADEAU: I'm well, thank you.

12 CHAIRWOMAN KRUEGER: Good.

13 MS. NADEAU: Thank you so much, Chairs
14 and members of the committee.

15 So there's a lot in Environmental
16 Advocates' testimony. I'm going to focus
17 most of my time this evening on the
18 cap-and-invest program.

19 New York prides itself on being a
20 leader -- economically, culturally and
21 environmentally. But today that is all at
22 risk because of Governor Hochul's decision to
23 indefinitely delay the cap-and-invest
24 program, a program which, if done right, will

1 set a declining cap on emissions and raise
2 revenue by selling allowances to corporate
3 polluters for the right to pollute.

4 This isn't just a missed opportunity,
5 it's a betrayal of the promises in the
6 Climate Leadership and Community Protection
7 Act. It ignores science. It disregards the
8 urgency of the climate crisis. It undermines
9 the hard work of the Legislature, state
10 agencies, and the tens of thousands of
11 New Yorkers demanding action who have already
12 weighed in on this program and its stages to
13 date. This is no time to hit pause. We
14 cannot afford it.

15 Programs like cap-and-invest can
16 transform New York, creating jobs, cleaning
17 our air and water, replacing lead pipes, and
18 investing in frontline communities. And
19 we've already seen the positive impact of
20 programs like the Clean Water Investment Act
21 and the Environmental Protection Fund.

22 And now we need your help to demand
23 accountability and funding that matches the
24 scale of the climate crisis. The cost of

1 inaction is incredibly steep -- more
2 flooding, deadly heatwaves, asthma in
3 children and vulnerable populations, and lost
4 jobs. And transformative funding isn't just
5 about dollars, it's about lives. It's about
6 the child in the Bronx breathing dirty air,
7 the family in Troy who needs clean water, and
8 the communities hit hardest by climate
9 impacts who need solutions today, not
10 tomorrow.

11 Delaying cap-and-invest threatens
12 billions of dollars each year in climate
13 revenue that could ease utility costs for
14 families, build resilient infrastructure, and
15 reduce pollution where it's needed most.
16 Most low- and moderate-income New Yorkers
17 would see a net financial benefit under a
18 cap-and-invest program. And every dollar
19 invested in climate resilience saves \$7,
20 depending on the study you read, in disaster
21 recovery efforts.

22 Governor Hochul's proposed alternative
23 to cap-and-invest is a \$1 billion promise
24 stretched very thin over five years. I have

1 sat in this seat for years calling for
2 significant climate investments. I know that
3 with your help and additional directive
4 language, New York can put those dollars to
5 good use. But a one-shot appropriation does
6 not and will not meet the need.

7 So this is the Legislature's time to
8 shine. In the face of an all-out assault
9 coming from Washington, D.C., we need your
10 help. Demand that cap-and-invest move
11 forward without delay. Push for \$600 million
12 in clean water infrastructure. Pass the
13 Packaging Reduction and Recycling
14 Infrastructure Act, enact bans on PFAS,
15 safeguard private well owners, and pass the
16 NY HEAT Act.

17 Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Beyond Plastics?

20 MS. ENCK: Good evening. I'm Judith
21 Enck, the president of Beyond Plastics. I
22 previously served as deputy secretary for the
23 environment for two governors, and it was my
24 greatest honor to be appointed by

1 President Obama to serve as EPA Regional
2 Administrator.

3 Congrats, Assemblymember Pretlow, on
4 your new leadership position here.

5 We all know the serious problems,
6 environmental and health problems associated
7 with plastic pollution. But I'm here tonight
8 to point out that plastic pollution is also a
9 very significant fiscal problem. In New York
10 we generate about 34 billion pounds of waste
11 every year. That is staggering. Only
12 19 percent gets recycled, 39 percent buried,
13 15 percent burned, and 27 percent exported to
14 other states.

15 The burning and the burying mostly
16 happens in low-income communities and/or
17 communities of color, whether it's the
18 Finger Lakes, which hosts the Seneca Meadows
19 Landfill, or the Covanta garbage incinerator
20 in Newark, New Jersey, that burns Manhattan's
21 trash.

22 There are huge taxpayer expenses here
23 and a real opportunity to reduce costs by
24 adopting Assemblymember Glick and

1 Senator Harckham's Packaging Reduction and
2 Recycling Infrastructure Act.

3 I can drone on and on for hours about
4 the importance of that bill, but I'd rather
5 just demonstrate to you what this bill will
6 do. I have a friend who's very
7 environmentally conscious when she makes
8 purchases. She wanted to buy pen
9 highlighters that were made from wood rather
10 than plastic. She is much more hardcore than
11 I am. So she ordered it from this little
12 mom-and-pop company, Amazon. It came in this
13 (indicating), and then it came in this
14 (indicating), then it came in this
15 (indicating), and then she got her ECO
16 highlighters.

17 Amazon has no skin in the game to
18 solve the problem. We as taxpayers have to
19 pay to get rid of all of this. We also pay
20 with our health in terms of microplastics in
21 our bodies. Amazon could have easily shipped
22 this in something like this (indicating) --
23 made from recycled paper, and you can put it
24 in your home recycling bin.

1 This will not change until the
2 Packaging Reduction and Recycling
3 Infrastructure Act is adopted. We urge you
4 to cosponsor the bill. It passed the Senate
5 last session. It came close in the Assembly.
6 We need something like this soon, because
7 companies will not change on their own.

8 On the health impacts of plastic,
9 Dr. Leo Trasande, a medical doctor at NYU
10 Langone, he's estimated that plastics cause
11 \$250 billion a year in healthcare costs. So
12 we have an opportunity to do something to
13 save tax dollars and improve health.

14 CHAIRWOMAN KRUEGER: Thank you.

15 And, yes, sorry -- oh, you know, I
16 meant to call you first, but I was looking
17 that way. I'm sorry.

18 MR. McCLELLAN: That's okay.

19 CHAIRWOMAN KRUEGER: New York League
20 of Conservation Voters, Patrick McClellan.

21 MR. McCLELLAN: Thank you to the
22 chairs and the members who are here. My name
23 is Pat McClellan. I'm the policy director
24 for the New York League of Conservation

1 Voters.

2 The last time Donald Trump was in
3 office, threatening to rollback the clock on
4 environmental protections and fighting
5 climate change, New York stepped up. During
6 that time we solidified our commitment to
7 offshore wind, we adopted congestion pricing,
8 we established the Clean Water Infrastructure
9 Act, we made it easier to site renewable
10 energy, we did a lot of other things. And of
11 course the highlight was that we passed the
12 Climate Leadership and Community Protection
13 Act, which in 2019, when it was passed, was a
14 nation-leading commitment to act on the
15 climate crisis.

16 Today we're failing to live up to that
17 commitment, and we're currently on track to
18 miss almost every goal that's laid out in the
19 CLCPA, and it's not because those goals are
20 impossible. I know that that has been the
21 subject of a lot of questions today, but
22 these goals are not impossible. We're just
23 not taking the actions that we know we need
24 to to achieve them. And as a result, we're

1 failing New Yorkers and we're failing our
2 children. And this Executive Budget does not
3 meet this moment.

4 The single most important action the
5 state must take now is to adopt the
6 cap-and-invest program that was called for in
7 the Climate Action Plan and anticipated when
8 the Legislature authorized the Climate Action
9 Fund in the budget two years ago.

10 Cap-and-invest is the strongest, most
11 cost-effective tool at the state's disposal
12 to tackle the climate crisis, using a
13 market-based approach to both incentivize
14 economy-wide emission reductions while
15 generating billions of dollars in recurring
16 revenue from polluters, not taxpayers, for
17 investments in deep carbon reductions and in
18 climate justice.

19 NYLCV and many other advocates in this
20 room believe that the draft cap-and-invest
21 regulations -- which by law should have been
22 published no later than 2023, would be
23 released this month and finalized by the end
24 of the year -- now there is an indefinite

1 delay, which we find to be unacceptable.

2 So we urge Governor Hochul to direct
3 DEC and NYSERDA to advance the rules for
4 public comment immediately. And while we
5 think the Executive needs to publish those
6 draft regulations, we also need the
7 Legislature to work with the Governor in this
8 budget process to take action on additional
9 complementary policies to ensure that we get
10 back on track to tackling the climate crisis.

11 In the enacted budget we urge the
12 Legislature to tackle pollution from
13 buildings by passing the NY HEAT Act, which
14 would start the planning process for
15 equitably and cost-efficiently reducing our
16 reliance on natural gas while also saving
17 working New Yorkers money on their utility
18 bills.

19 We also need the Legislature to pass
20 the Clean Fuel Standard, which in California
21 and Washington State has been paired with
22 cap-and-invest programs to displace fossil
23 fuels from the transportation sector, ramp up
24 electric vehicle adoption, and reduce overall

1 pollution at little to no cost to consumers.

2 We also urge the Legislature to
3 increase the state's distributed solar goal
4 and update the solar tax credit to make
5 rooftop solar accessible to more New Yorkers;
6 provide new tax incentives and siting reforms
7 to accelerate the buildout and reduce the
8 soft costs of battery energy storage systems,
9 which are critical to achieving our renewable
10 energy goals; and to pass new purchase
11 rebates for zero-emission vehicles.

12 New York can still be the leader we
13 need on climate change in this moment, but we
14 need Governor Hochul and the Legislature to
15 have the courage to seize that mantle.

16 Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Any -- oh, Senator Harckham.

19 SENATOR HARCKHAM: Thank you,
20 Madam Chair. Thank you all for being here.

21 First, I want to take a second just to
22 thank all of the NGOs and nonprofits for
23 waiting it out. It's been a long day. We
24 want to hear from you. Your testimony is

1 important. So I'm not going to ask a lot of
2 questions of all of you, so I can hear from
3 you.

4 But just because the timing worked out
5 that Beyond Plastics had your Lobby Day
6 today, the Chemistry Council had their
7 Lobby Day today -- for every action, there is
8 an equal and opposite reaction -- I just
9 wanted to ask you a quick question for the
10 record, Judith.

11 What is your opinion on advanced
12 recycling or chemical recycling?

13 MS. ENCK: So advanced recycling is
14 neither advanced or -- and it's not
15 recycling. It's basically using high heat to
16 take waste plastic and attempt to turn in
17 into low-grade fossil fuel -- the last thing
18 we need. In some rare instances they try to
19 break down waste plastic to make new plastic
20 polymers, but it creates a huge amount of
21 hazardous waste.

22 And even if you swept aside all of the
23 health and environmental problems with
24 chemical recycling, which is what the

1 plastics industry suggests as a solution to
2 the problem, it only -- the current
3 facilities only are handling 1.3 percent of
4 the country's waste plastics. So let's say
5 they double it. That's 2.6 percent. It's
6 just a marketing scheme. It's not a real
7 solution.

8 I also want to add I -- one of the
9 largest proponents of chemical recycling is
10 ExxonMobil. And I asked to tour their
11 facility in Houston, and at first they said
12 yes, and then they said no. And I want to
13 know why ExxonMobil would not allow
14 Beyond Plastics to have a prearranged visit
15 to their chemical recycling facility in
16 Baytown, Texas. If it's really that clean,
17 they should open their doors to journalists
18 and advocates and let us take a look.

19 It's not new. It's relying on a
20 technology called pyrolysis or gasification
21 or solvolysis. And companies have been
22 trying this for decades. So not
23 surprisingly, chemical companies and
24 fossil-fuel companies do not want to turn off

1 the tap on plastic. They just want to keep
2 inventing new pseudo-solutions that leave
3 taxpayers with this mess.

4 So I'm opposed to chemical recycling,
5 in case that wasn't clear.

6 (Laughter.)

7 SENATOR HARCKHAM: Thank you very
8 much. Thank you, Madam Chair.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Anyone else?

11 CHAIRMAN PRETLOW: Assemblywoman
12 Glick.

13 ASSEMBLYWOMAN GLICK: Yes, let me also
14 join Senator Harckham in thanking all of you
15 for not just being here today but being here,
16 you know, year in and year out, trying to
17 move the ball forward.

18 Just briefly, we've heard today from a
19 lot of different people that maybe we can't
20 do this or maybe we can't do that because
21 it's too expensive or it's going to cost
22 everybody or something. Are there costs
23 associated with not doing things?

24 And if in the instance of plastics

1 recycling, or plastic -- trying to reduce
2 plastics, do we have other examples of
3 industry making changes when they see that
4 there's an economic benefit to making a
5 change? So would that be like maybe you
6 can't make the fuel-efficient cars unless
7 you're, you know, forced to? Something like
8 that. Anyone.

9 MS. ENCK: Lots of examples. If you
10 look at the auto industry, one of my favorite
11 things when I was at EPA was to meet with
12 companies that were impacted by changing
13 regulations. And after the EPA amended the
14 Clean Air Act to require better fuel
15 efficiency -- so you and I pay less at the
16 pump -- I met with auto dealers who said, Oh,
17 my gosh, we can never achieve these
18 requirements. Are you really serious about
19 promoting electric cars?

20 And I said yes, we actually are,
21 because of air-quality concerns and health
22 concerns.

23 I think the lesson with the Clean Air
24 Act, the federal Clean Water Act is that

1 voluntary change doesn't work. We need laws
2 and strong enforcement of the laws to make
3 that change. And as Patrick mentioned, the
4 federal government is just not going to be
5 there for us.

6 I'm extremely concerned about the
7 future of the EPA, which includes a lot of
8 federal funding that comes to New York for
9 clean air, for drinking water, for sewage
10 treatment plants. And so in the context of
11 this budget, New York needs to plan for this
12 reduction in EPA's role at the federal level.

13 MR. SCHRADER: If I could respond,
14 too, Chairwoman Glick. And thank you for
15 that question. Two points.

16 One, the entire Clean Water Act
17 created an industry that has gotten
18 increasingly and evolved increasingly in
19 terms of its sophistication dealing with
20 drinking water and wastewater. Now, I've
21 been around long enough -- I lobbied for the
22 Clean Water Act in 1972. And what happened
23 since then is we've seen literally, literally
24 trillions of dollars put into these kinds of

1 technologies, and we had an extraordinary
2 impact as far as cleaner water.

3 And the last thing I want say is we
4 heard from NYSERDA today. We know for a fact
5 that once you balance it out, it's going to
6 be a benefit in terms of all of these new
7 technologies and renewables in terms of over
8 \$115 billion. You add in health impacts,
9 et cetera, to that.

10 ASSEMBLYWOMAN GLICK: Thank you very
11 much.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Anyone else? Then I'm going to thank
14 you. And please don't take our not asking
15 questions as any kind of --

16 CHAIRMAN PRETLOW: I have -- I have a
17 few.

18 CHAIRWOMAN KRUEGER: Oh, excuse me.

19 Oh, don't go anywhere.

20 (Laughter.)

21 CHAIRWOMAN KRUEGER: The chair wants
22 to ask you a few questions.

23 CHAIRMAN PRETLOW: No, no, it's not
24 me. I'm not going to belabor this, but our

1 ranker would like to ask a few questions.

2 ASSEMBLYMAN RA: Thank you.

3 Good evening. Oh, did you mean -- you
4 meant me?

5 CHAIRMAN PRETLOW: You.

6 ASSEMBLYMAN RA: Okay. Thank you.

7 So just for Beyond Plastics, I mean, I
8 would agree that, right, the goal is to
9 change behavior. And I've gotten stuff like
10 that in the mail, and sometimes you scratch
11 your head. But as we look at the EPR bill,
12 one of the things that obviously comes up is
13 we have lots of household staples that people
14 buy at the grocery store that use these types
15 of plastics to package them, and concerns
16 have been raised that are we going to lose
17 access to these products. So if -- number
18 one, if you could respond to that.

19 MS. ENCK: So we are not Rhode Island,
20 we are New York. And I don't think most
21 companies are going to give up the New York
22 market.

23 I would also say that Assemblymember
24 Glick and Senator Harckham's bill requires --

1 the bill that passed the Senate requires a
2 30 percent reduction in plastic. So we're
3 still going to have 70 percent allowed.

4 And I would respectfully suggest that
5 the bill go back to the original version,
6 which is a 50 percent reduction in plastic
7 packaging, not 30 percent, given the
8 seriousness of the problem that we face.

9 So I don't see big companies or small
10 companies pulling out of New York because
11 they have to reduce their plastic packaging
12 by 30 or 50 percent. And there are
13 alternatives. We don't need a space-age
14 breakthrough. The alternatives are paper,
15 cardboard, metal, glass -- things that were
16 used for decades with no real difficulty.

17 ASSEMBLYMAN RA: So then the next
18 piece of that is, are those alternatives at a
19 similar price point, or will the cost go up?
20 I'm sure you're aware there's been studies
21 that have projected a total consumer cost of
22 more than a billion dollars annually, which I
23 think it balances out to \$900 per household.

24 Do you dispute those numbers?

1 MS. ENCK: Oh, yeah. That's not a
2 credible study. It's been recycled from
3 state to state by a Canadian professor who
4 I'm sure is a nice guy but is not doing the
5 math correctly.

6 The nice thing about the Packaging
7 Reduction and Recycling Infrastructure Act is
8 we often hear from companies, Don't tell us
9 exactly what to do, just tell us the goals
10 and let us comply. And that's what this bill
11 does. Some companies will just reduce their
12 use of packaging and save money. Others will
13 shift away from plastic.

14 I think the benefit to taxpayers for
15 having to pay for all of this will far exceed
16 any potential increase in price, which I
17 don't think is going to be significant.

18 ASSEMBLYMAN RA: Thank you.

19 CHAIRMAN PRETLOW: Assemblyman Otis.

20 ASSEMBLYMAN OTIS: Thank you.

21 First, thank you for those of you that
22 talked about clean water, emphasizing the
23 need to add \$100 million. Since we started
24 doing 500 million a year since 2017, we've

1 had an increase in need to address emerging
2 contaminants, increasing need to address lead
3 pipes and other issues. So it's about time
4 we get an increase there.

5 Question for Judith. We often talk
6 about what you do with the plastic after the
7 fact. Could you just comment briefly on the
8 environmental cost of producing the plastic
9 to begin with and how that costs New Yorkers?

10 MS. ENCK: Sure. So most plastic is
11 actually produced in Texas, Louisiana, and
12 Appalachia, causing tremendous health damage
13 there. But writ large, we all have
14 microplastics in our bodies. And for many,
15 many decades, plastic producers said don't
16 worry about all this single-use plastic, you
17 can just recycle it. Turns out that's not
18 true. The plastic recycling rate is 5 to
19 6 percent.

20 I support recycling. I started my
21 town's recycling program as a volunteer. But
22 I want to explain why plastics has been such
23 an abysmal failure for recycling. You cannot
24 recycle this with this and this (indicating

1 bags). There are 16,000 different chemicals
2 used to make plastic, all different types of
3 plastics and different colors. It cannot be
4 recycled together. That's why the plastic
5 recycling rate is so low. I wish it was
6 higher. It's never been high. It hasn't
7 been double digits even when we exported so
8 much plastic to China. China closed its
9 doors.

10 I would recommend that everyone look
11 at the lawsuit filed by California Attorney
12 General Rob Bonta. He sued ExxonMobil for
13 deceptively trying to fool the public into
14 thinking that plastics can be easily
15 recycled, which is not true. Again, keep
16 recycling everything else, but not -- let's
17 be honest about the failure of plastic
18 recycling.

19 And the Attorney General of California
20 also sued ExxonMobil for their deceptive
21 statements involving chemical recycling or
22 advanced recycling that Senator Harckham just
23 asked me about.

24 ASSEMBLYMAN OTIS: Thank you.

1 I yield the rest of my time back.

2 CHAIRMAN PRETLOW: Assemblywoman
3 Kassay.

4 ASSEMBLYWOMAN KASSAY: Okay. Good
5 evening, and thank you all for hanging in.

6 You know, these are incredibly
7 important topics, and I'm going to pick up on
8 where two speakers ago left off as far as
9 costs go.

10 So we know that in the long run
11 environmental sustainability is fiscal
12 responsibility. But in the short term,
13 sometimes it's difficult to show our
14 constituents that if they see prices go up at
15 the checkout aisle, you know, or on Amazon,
16 if that's the case with a bill like this,
17 what we as legislators or me as a legislator
18 would really benefit from is having those
19 figures saying here are the other costs that
20 are either not going to go up or actually
21 might decrease as a result.

22 So for example, in my district, the
23 Brookhaven Landfill is closing. As a result,
24 taxes have gone up double digits in the

1 Town of Brookhaven and there's no clear plan
2 for waste management, to my knowledge, moving
3 forward. And so the Town of Brookhaven
4 residents are likely to see, you know, an
5 increase in cost that is tied to the amount
6 of waste that they're producing.

7 So is there actual figures -- you
8 know, theoretically, I know we have these
9 conversations. But can someone provide
10 figures to us of, you know, landfill costs
11 or, you know, waste management costs as well
12 as other costs -- not so much health, but
13 something that's really practicable for
14 consumers who are understandably watching
15 their bottom line and wanting to see that,
16 yes, you know, this is happening over here,
17 but here's where it's going to be offset
18 likely more and, you know, benefit you
19 financially. Thank you.

20 MR. SCHRADER: Well, as far as
21 landfills go, you know, New York State's got
22 a landfill crisis. You know, we're looking
23 at closing down landfills around the state.
24 One of the issues around the Fashion Act,

1 which is the Hoylman-Kelles Act, is that so
2 much of the fast fashion, the trash fashion
3 that comes in from places like Shein -- they
4 just wind up -- they're worn a few times,
5 they're thrown into the landfill.

6 ASSEMBLYWOMAN KASSAY: I appreciate --
7 I hear, and I don't mean to cut you off. I'm
8 just -- I'm hoping for those -- I'm a facts
9 and figures kind of person, and I really want
10 to -- I want to help, but I need --

11 MR. SCHRADER: Energy efficiency is
12 the place where you're going to see the most
13 immediate savings for consumers.

14 ASSEMBLYWOMAN KASSAY: Thank you.

15 MR. McCLELLAN: And also on waste, the
16 tipping fees that towns pay for disposing of
17 their waste, they're highest for landfills.
18 So recycling organic waste rather than
19 landfilling it, as well as recycling metal,
20 glass, plastic, and paper, you know, aside
21 from the environmental benefits of doing
22 that, it is literally cheaper on a per-ton
23 basis for the town's sanitation department
24 than it is to landfill it.

1 ASSEMBLYWOMAN KASSAY: Right. So but
2 like -- I want to see like facts and figures,
3 charts that I can relate to, and
4 specifically especially with the Plastic
5 Waste Reduction Act.

6 MS. ENCK: I can get back to you --
7 (mic cuts out).

8 ASSEMBLYWOMAN KASSAY: Why not? That
9 means you definitely have facts and figures.
10 So thank you, and I look forward to speaking
11 further.

12 CHAIRMAN PRETLOW: Assemblywoman
13 Kelles.

14 ASSEMBLYWOMAN KELLES: So a couple of
15 data pieces on plastics. How much -- I'm
16 just curious, how much money does, at this
17 point, does the oil and gas industry make on
18 oil and gas versus plastic?

19 MS. ENCK: Right now the oil and gas
20 industry is making more money on electricity
21 generation and transportation. However,
22 plastics is Plan B for the oil and gas
23 industry. They know that there's going to be
24 reduced demand for fossil fuels for cars and

1 trucks and electricity generation. So the
2 companies that are really investing in
3 plastic production are companies we've all
4 heard of: ExxonMobil, BP, Shell. They want
5 to keep drilling in order to just keep going.

6 Now, most plastics these days are made
7 from chemicals and not oil but ethane, a
8 byproduct of hydrofracking.

9 ASSEMBLYWOMAN KELLES: Another quick
10 question. Advanced plastics recycling, are
11 there any facilities that exist that are
12 profitable on their own? Or they need
13 massive subsidies?

14 MS. ENCK: They all get public
15 subsidies.

16 ASSEMBLYWOMAN KELLES: Okay.
17 Shifting -- thank you. Because it's not a
18 solution if taxpayer dollars are paying for
19 it, for a private company to make a profit.

20 A question about meeting our
21 2030 goals. Can we meet it without the
22 cap-and-invest, do you think?

23 MR. McCLELLAN: The reducing emissions
24 40 percent by 2030 goal?

1 ASSEMBLYWOMAN KELLES: Yeah.

2 MR. McCLELLAN: I don't think that
3 that goal is achievable no matter what the
4 state does at this point.

5 I think the rest of the CLCPA goals
6 are, including 70 percent renewable energy by
7 2030. But the year-over-year reductions we
8 would need to have in the next five years to
9 cut emissions 40 percent -- I don't think
10 we've even hit double digits yet in the
11 amount of greenhouse gases we've reduced from
12 the 1990 baseline. So it's hard for me to
13 imagine what combination of state policies
14 could actually achieve that.

15 ASSEMBLYWOMAN KELLES: And do you
16 think we could green and decarbonize our own
17 systems of state government without
18 cap-and-invest?

19 MS. NADEAU: It would take tremendous
20 effort and leadership, but yeah.

21 And the Governor can right the ship on
22 cap-and-invest at any moment, right? These
23 are her agencies that have this draft
24 regulation sitting on the shelf ready to go.

1 So the opportunity is there. And we're
2 calling on her to lead on this.

3 Whether -- so yes, you could do that
4 at the state procurement and the state
5 buildings level, you can do that statewide.

6 ASSEMBLYWOMAN KELLES: But with
7 cap-and-invest, we aren't -- we wouldn't
8 achieve it necessarily without it. We don't
9 have any other funding source that is this
10 powerful or of this magnitude.

11 MS. NADEAU: No. I mean, nothing
12 anywhere near this magnitude. And that's the
13 invest side of cap-and-invest. We don't have
14 any programs, to the point earlier, to drive
15 down greenhouse gas emission reductions
16 either. So --

17 ASSEMBLYWOMAN KELLES: Right. So we
18 could both drive down the emissions from the
19 industry while investing in our own
20 decarbonization.

21 MS. NADEAU: And investing in
22 New Yorkers, right? Because at least a third
23 of the dollars coming back in from a
24 cap-and-invest program go directly back to

1 New Yorkers in the form of rebates.

2 ASSEMBLYWOMAN KELLES: I think that's
3 so important. Thank you.

4 CHAIRMAN PRETLOW: Assemblymember
5 Burdick.

6 ASSEMBLYMAN BURDICK: Thank you.

7 This is taking off a bit from the
8 conversation that you just had with
9 Dr. Kelles. And if you could very briefly
10 just say what three actions can we take to
11 get on track for meeting the CLCPA. Just
12 like in single words or so. Go ahead.

13 MR. McCLELLAN: Advance
14 cap-and-invest. Invest in decarbonizing
15 state-owned buildings through thermal energy
16 networks. Pass the Clean Fuel Standard.

17 ASSEMBLYMAN BURDICK: Good.

18 Next?

19 MS. ENCK: Pass the Packaging
20 Reduction and Recycling Infrastructure Act,
21 because plastics is a climate-change issue.

22 ASSEMBLYMAN BURDICK: Okay. Second?
23 Oh, was that everything? Go ahead.

24 MS. NADEAU: We're just going to build

1 on each other. NY HEAT, right? That's the
2 other place where we've got a ton to gain
3 there and invest in climate solutions.

4 MR. SCHRADER: Yeah, I think
5 cap-and-invest is the critical piece to this.
6 And the point that was just made by
7 Katherine, a third of the money's going to go
8 back as rebates. So it's yet another place,
9 along with NY HEAT's getting rid of the
10 100-foot rule, where consumers will benefit.

11 ASSEMBLYMAN BURDICK: Great. Thank
12 you.

13 CHAIRWOMAN KRUEGER: Any other
14 questions?

15 CHAIRMAN PRETLOW: Yes.

16 Assemblywoman Jo Anne Simon.

17 ASSEMBLYWOMAN SIMON: Thank you.
18 Thank you. So I have a question for
19 Mr. Schrader.

20 As you may know, I have a bill that
21 would repeal tax expenditures to the worst
22 fossil-fuel offenders that are harming our
23 climate and save about \$336 million. So I'm
24 wondering if you can comment on like the

1 value added of doing that and how that would
2 advance the state's climate goals as well.

3 MR. SCHRADER: Yes. And thank you so
4 much for having that bill.

5 Three points on this, and NRDC's been
6 working on the bill for a couple of sessions
7 now. A, it's money that's saved by the
8 state. It's \$336 million that goes back to
9 the state. As I said, this industry doesn't
10 need tax advantages, tax breaks. It's not an
11 industry that needs that. Maybe some do.

12 And by the way, maybe long ago it made
13 sense for the petroleum business tax. Maybe
14 long ago in the '50s and '60s it made sense.
15 It doesn't today. It's misaligned with the
16 climate law.

17 You know, secondly, it's beneficial --
18 not just money coming back in, but it's going
19 to be an important, I think, step in terms of
20 potential money that's going to be loosened
21 up for renewables. So yet another
22 possibility, to Senator Burdick's question,
23 how do we get to getting the CLCPA goals --
24 well, this may be one more aspect of it, a

1 chunk of that money being spent on things
2 like wind, on solar, energy efficiency.

3 And I meant that before; another
4 immediate impact consumers will benefit from
5 is energy efficiency. It's the quickest way
6 to save from using that kind of gas,
7 electricity, oil, etc.

8 So, I mean, I think this is such an
9 important no-brainer bill. You know, we
10 don't want to be giving the fossil-fuel
11 industry these kinds of tax benefits --
12 thanks again for putting it in -- and it's
13 misaligned with our climate plan and the
14 climate law.

15 ASSEMBLYWOMAN SIMON: Thank you.

16 CHAIRMAN PRETLOW: Assemblymember
17 Schiavoni.

18 ASSEMBLYMAN SCHIAVONI: Good evening.
19 Thank you for being here. Thank you, Chair.

20 I'm a former town councilman, and one
21 of our largest expenses in the town was solid
22 waste management. And you take that in one
23 town -- of 923 towns throughout the State of
24 New York, 62 counties, it's really difficult

1 to quantify the amount of money that our
2 taxpayers are paying just for solid waste
3 management, forget about the cleanup and
4 everything else. It's just a comment, and I
5 had to get it out. Thank you, Assemblywoman
6 Kassay.

7 Also, is it possible to quantify the
8 effects of microplastics in the human body?
9 You mentioned \$250 billion. From my
10 understanding, we really don't quite know
11 just yet the effects of microplastics inside
12 a human body. Would you speak to that, if
13 you could?

14 MS. ENCK: Yeah, I teach a class on
15 plastics. And when I started teaching it I
16 was looking for the health data, as what you
17 mention. And four years ago it wasn't there.
18 Today it's there.

19 Microplastics have been found in our
20 blood, in our lungs, in the human placenta --
21 both the fetal side and the maternal side --
22 in breast milk, in testicles. It's been
23 found in our heart arteries. So not our
24 heart, in our brain -- thank you -- but the

1 heart arteries.

2 And I would direct you to the
3 New England Journal of Medicine -- you know,
4 not exactly a radical rag. They said that
5 because of microplastics attaching to plaque
6 in the heart arteries, we are seeing a
7 significantly increased risk of stroke,
8 heart attack, and premature death. They
9 didn't put a number on that, but it's those
10 studies that allowed NYU Langone to say that
11 plastics are damaging public health to the
12 tune of 250 billion a year.

13 We are in early days of quantifying
14 this. But I would argue that knowing all the
15 parts of our body where we have microplastics
16 and nanoplastics, it's not helping our
17 health.

18 ASSEMBLYMAN SCHIAVONI: Plastics, they
19 do break down, right, in sunlight? In
20 sunlight the polymers will break down and
21 then it --

22 MS. ENCK: No. No. They are not
23 biodegradable.

24 ASSEMBLYMAN SCHIAVONI: Well, it just

1 gets into a smaller particle is what it --

2 MS. ENCK: Yeah, into smaller pieces
3 that -- the way it gets into our body is we
4 inhale it or we swallow it. But it doesn't
5 break down in our bodies.

6 ASSEMBLYMAN SCHIAVONI: Thank you.

7 CHAIRWOMAN KRUEGER: Thank you. And
8 now we're going to excuse the four of you.
9 Thank you very much.

10 And I'm going to call up the next
11 panel: Earthjustice, Liz Moran; New York
12 City Environmental Justice Alliance,
13 Conor Bambrick; and WE ACT for Environmental
14 Justice, Annie Carforo.

15 And since the room is getting emptier,
16 the rhythm I would suggest, if you see you're
17 on the panel after this one, please move
18 towards the front so you can get to the table
19 more quickly. Thank you.

20 Great, let's start with Liz, then move
21 to Connor, then move to Annie. Hi.

22 MS. MORAN: Hi. Good evening,
23 everyone. Thank you for the opportunity to
24 testify this evening. My name is Liz Moran.

1 I'm the New York policy advocate with
2 Earthjustice. It's an honor to be on a panel
3 with fellow groups with the word "justice" in
4 our names, so thank you for that.

5 On day one we have a new federal
6 administration that has begun to execute a
7 very clear vision to profit wealthy polluting
8 corporations while the rest of us are going
9 to have to pay the price. So meanwhile, when
10 state action and leadership could not be more
11 important, unfortunately the Governor's
12 proposed budget doesn't offer a clear vision.
13 Quite the opposite -- it feels visionless.

14 The bottom line is no New Yorker voted
15 for a dirty environment. Quite the contrary.
16 Time and time again, we see New Yorkers
17 broadly, across political spectrums, support
18 bold climate and environmental policies and
19 funding. So to that end, New Yorkers are
20 counting on you, our State Legislature, to
21 demonstrate the vision that they want to
22 actually see executed. They want to see
23 policies that cut their energy bills. They
24 want to see policies that cut climate

1 pollution and create good jobs.

2 So Earthjustice's testimony outlines a
3 number of ways we feel the Legislature can
4 accomplish this, but I want to focus on one
5 particular policy that I think will be a
6 win-win-win for the Legislature to do this
7 year, and that is the NY HEAT Act.

8 A number of you today rightfully
9 mentioned that energy bills are skyrocketing
10 for people, and it is simply unsustainable.
11 And the reason for that is our dependence
12 upon the gas system. Every ratepayer is
13 subsidizing the very expensive costs of
14 maintaining our aging gas infrastructure. So
15 the NY HEAT Act, every single measure of this
16 legislation is a cost savings measure for New
17 Yorkers. And I'll explain exactly why.

18 One is a 6 percent cap on utility
19 bills for the New Yorkers that need it the
20 most. That's going to total to, on average,
21 \$136 that will go back into people's wallets
22 per month. So that's very straightforward.

23 But the other provisions of the
24 legislation are really important as well, and

1 that tackles something some people have been
2 calling a gas mandate, but it's more formally
3 known as the obligation to serve. Gas
4 infrastructure, as I said, is very expensive,
5 and right now the state has no choice but to
6 offer gas to people. That's under the state
7 law. Gas pipelines cost three to six million
8 dollars per mile to replace. It's simply
9 unsustainable.

10 So ultimately the NY HEAT Act will
11 free New Yorkers from these costs and enable
12 the state to be aligned with the climate law,
13 cut pollution, and save New Yorkers money.

14 Thank you all so much for the
15 opportunity to testify.

16 MR. BAMBRICK: Thank you, Chairs and
17 members of the committee, for the opportunity
18 to testify here today. I'm Conor Bambrick.
19 I'm a senior climate adviser for the New York
20 City Environmental Justice Alliance.

21 I want to start off with the CLCPA
22 implementation. One, there's a requirement
23 in the climate law that 35 to 40 percent of
24 clean energy funds be invested into

1 disadvantaged communities. Those funds --
2 it's unclear to us that all state agencies
3 are paying attention to that requirement.

4 But to date, thus far only NYSDERDA and
5 DEC have issued guidance on that. And we
6 would encourage a more uniform guidance, one
7 that directs these funding streams to be
8 invested directly into communities rather
9 than measuring the benefits.

10 Secondly, on cap, trade and invest,
11 we've heard a lot from the previous panel.
12 You know, I certainly support the sentiments
13 that the Governor should be releasing these
14 regulations. But the suggestion that that is
15 still a possibility doesn't really hold water
16 for me, given that there was no funding
17 anticipated in the proposed budget.

18 We would urge the Legislature to take
19 it a step further and adopt a cap-and-invest
20 program. We think done right, under a high
21 price point, it could wind up saving
22 New Yorkers significant amounts of money.

23 I know, Senator Krueger, you cited a
24 study earlier -- I believe it was a study

1 that we had conducted with Resources for the
2 Future -- that demonstrated with a high price
3 point we can save New York households that
4 are \$200,000 and below. They'll either break
5 even or actually wind up earning under that
6 type of proposal.

7 But we can't just have it go forward
8 without also including some key protections
9 or guardrails for disadvantaged communities
10 or environmental justice communities. So we
11 urge you to consider legislation that has
12 been proposed by Assemblymember Kelles and
13 Senator Parker that would establish these
14 important protections.

15 As I'm running low on time here, I'm
16 going to briefly touch on the Sustainable
17 Future program. We'd like to see the full
18 disbursement of those funds in the next
19 fiscal year, and also the inclusion of
20 disadvantaged community and labor protections
21 that we saw in the Climate Action Fund that
22 this fund is now going around.

23 On the subject of air quality, under
24 the CLCPA there was a Community Air

1 Monitoring Program that was begun. We were
2 assured that cap-and-invest funding would
3 then be used to implement some of the
4 solutions that were found under those
5 programs. So we urge for those to be funded.

6 And then finally, under extreme
7 heat -- this is one of the most dangerous
8 weather conditions, killing around 350
9 New York City residents each year. We
10 encourage the Extreme Heat Action Plan to
11 receive implementation funding.

12 Thank you.

13 MS. CARFORO: Hi, everybody. Thank
14 you so much for the opportunity to testify
15 today.

16 My name is Annie Carforo. I'm the
17 climate justice campaign manager at WE ACT
18 for Environmental Justice, which for the past
19 36 years has been combating environmental
20 racism through community organizing and
21 policy advocacy at the city, state, and
22 federal levels.

23 It's clear we're living through
24 unprecedented times with the changing federal

1 landscape that rebukes science and devalues
2 public investment, and the Governor's
3 Executive Budget is a paltry response to the
4 urgency of this moment that leaves low-income
5 communities and communities of color
6 overburdened and underserved.

7 We urge the Legislature to show
8 ambition and vision in the final budget by
9 including proposals that move us closer to
10 our state's climate goals, recommit to
11 environmental justice, and lower costs for
12 New York households.

13 Namely, we need to see a \$200 million
14 investment in a green affordable
15 pre-electrification fund to address deferred
16 maintenance issues and eliminate legacy
17 environmental hazards like lead, mold, old
18 roofs, and poor ventilation, which are
19 well-documented barriers to energy-efficiency
20 programs for low-income households. We've
21 heard multiple times today how energy
22 efficiency is one of the best ways to reduce
23 costs, and there's millions of households
24 that are being locked out of these programs.

1 We need a robust cap-and-invest
2 program, period. But in its absence, we also
3 ask the Legislature to direct the
4 Sustainable Futures Fund to investments that
5 create tangible impacts in disadvantaged
6 communities, avoid false solutions that fail
7 to address the root causes of climate change
8 and environmental injustice. And most
9 urgently, we need the Legislature to include
10 the NY HEAT Act in their final budget.

11 Our written testimony goes into detail
12 on these three priorities, but I want to use
13 the rest of my time to talk about energy
14 affordability.

15 Last week, when temperatures dipped
16 into single digits across the state, the
17 Home Energy Assistance Program, also known as
18 HEAP, a critical lifeline for low-income
19 New Yorkers, ran out of funds. The depletion
20 of HEAP this early in the heating season is
21 indicative of the broader energy
22 affordability crisis New Yorkers are
23 grappling with. Ratepayers are contending
24 with double-digit rate hikes, while a quarter

1 of low-income households in New York City are
2 already paying over 17 percent of their
3 monthly income on utility bills. Utility
4 arrears climbed to \$1.8 billion in December,
5 burdening over 1.3 million households with
6 ballooning debt.

7 So if the state is serious about
8 tackling the affordability crisis,
9 legislators cannot ignore the spiraling cost
10 of the status quo -- maintaining an aging and
11 outdated gas system that is driving up energy
12 costs leaving one in four households with
13 energy bills they cannot afford.

14 The NY HEAT Act is commonsense
15 legislation. And boiled down, it's a
16 planning bill. It enables utilities and the
17 state to work together towards a planned
18 transition to a clean energy future in a
19 coordinated way that does not exacerbate
20 disproportionate burdens on low-income
21 communities.

22 The bill halts allocations in millions
23 of dollars in ratepayer subsidies to expand
24 the gas utilities. It redirects ratepayer

1 dollars to focus on energy efficiency and
2 cheaper and cleaner energy alternatives. The
3 bill also offers a near-term solution to
4 address the affordability crisis by codifying
5 the 2016 goal to keep energy costs at
6 6 percent of household income.

7 However, the bill offers flexibility
8 on how to achieve this. It requires the PSC
9 and utilities to evaluate and restructure
10 existing and new bill assistance and energy
11 efficiency programs, and ensure that we're
12 reaching New Yorkers with the highest energy
13 burden, making sure that nobody is left out
14 in the cold in weather like this.

15 Thank you so much.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Any Senate questions?

18 Assembly?

19 CHAIRMAN PRETLOW: Assemblywoman
20 Glick.

21 ASSEMBLYWOMAN GLICK: Just a quick
22 thank you for your advocacy, your
23 involvement, your engagement and for being
24 here a little later than you expected. And

for all of your work. We really appreciate the collaboration.

CHAIRMAN PRETLOW: Assemblywoman
Kelles.

ASSEMBLYWOMAN KELLES: Yeah, I wanted to thank you all as well. Thank you for your patience in sticking this out.

My first question: What do you all feel are the -- or, I know, Conor, we've talked about this, if you want to -- and Liz, I know we've -- maybe we haven't yet. But the criteria that you think -- the guardrails that need to be in place for a cap-and-invest to be successful and truly achieve the outcomes of the reduced emissions, and supporting taxpayers.

MR. BAMBRICK: So in terms of the guardrails and protections that, you know, we would use as an example would be no trading, first of all, to -- we don't want to create a situation where we have polluters paying to pollute in certain communities by buying allowances outside of their community.

We would want to see facility-specific

1 emissions caps on facilities located within
2 disadvantaged communities.

3 So those are two examples that would
4 help sort of guard against creating pollution
5 hotspot situations that we've seen with other
6 cap-and-trade programs.

7 ASSEMBLYWOMAN KELLES: Great,
8 thank you.

9 And on NY HEAT, what do you feel the
10 state needs to do to transition neighborhoods
11 to clean energy and avoid further gas
12 investment systems? And what do you think is
13 preventing the state from moving faster? And
14 thirdly, what are the barriers to the
15 adoption of neighborhood-scale
16 electrification projects that would be
17 part -- fundamental to that?

18 MS. MORAN: So by changing the state's
19 obligation to serve, or the gas mandate, that
20 would enable much broader decarbonization and
21 consequently electrification. Because the
22 state existing law requires that utilities
23 provide heat -- excuse me, gas, it means that
24 when there's cheaper alternatives available

1 instead of replacing an old piece of gas
2 pipeline, they really can't. They're pretty
3 much locked into it.

4 So it would save ratepayers' dollars in
5 those instances where a utility says it would
6 actually be more cost-prudent to have a
7 thermal energy network or to electrify those
8 homes in many cases, instead of the three to
9 six million dollars per mile of pipeline.

10 ASSEMBLYWOMAN KELLES: So the NY HEAT
11 Act does require -- maintain an obligation to
12 serve, it just has obligation to serve power,
13 not obligation to serve gas specifically.

14 MS. MORAN: Exactly.

15 ASSEMBLYWOMAN KELLES: I think that's
16 important.

17 MS. MORAN: It changes the existing
18 law. It doesn't say that people would be
19 left in the cold.

20 ASSEMBLYWOMAN KELLES: Great. Thank
21 you so much.

22 CHAIRWOMAN KRUEGER: Thank you, then,
23 very much for your testimony tonight.

24 MS. MORAN: Thank you all.

1 CHAIRWOMAN KRUEGER: Appreciate it.

2 Calling up the next panel: Rewiring
3 America; New York Solar Energy Industries
4 Association; New York Clean Power; and the
5 Public Utility Law Project. New Yorkers for
6 Clean Power, excuse me.

7 Good evening. Again, if the next
8 panel wants to line up right behind them in
9 the chairs, that would be great.

10 Again, we appreciate your being with
11 us all day and into the evening. So let's
12 start with Rewiring America.

13 MR. HERNANDEZ: (Mic off.)

14 CHAIRWOMAN KRUEGER: Nope. It has to
15 be green. There you go.

16 MR. HERNANDEZ: There you go.

17 Thank you. Michael Hernandez. I'm
18 the New York policy director for Rewiring
19 America. We're a leading electrification
20 advocacy group really moving -- helping
21 people to move forward with their
22 electrification journey. We're really
23 looking at the demand side -- how can we help
24 people who want to electrify, who want to

1 move away from fossil fuels, to get
2 incentives, to get information to make that
3 process easier.

4 And so I think when we're looking at
5 the Executive Budget proposal, we're really
6 supporting the Sustainable Future Fund,
7 \$1 billion in the Executive Budget -- we
8 think that should be \$2 billion. The Public
9 Facilities Sustainability, the Executive put
10 \$50 million in there. We think that should
11 be \$100 million.

12 We support the IRA direct payments for
13 \$10 million. We think NY HEAT Act should be
14 in the final enacted budget, and also that
15 there should -- the Executive should move
16 forward with cap-and-invest with no delays.

17 So when thinking about the Sustainable
18 Fund Act, the one -- we think that that fund
19 should really be streamlined. Right now it's
20 very broad, it's including but not limited
21 to. You can look at my testimony, I've kind
22 of marked up the appropriation. I really
23 think that that should really be focused on
24 building decarbonization.

1 Buildings are the largest source of
2 greenhouse gas emissions in New York State.
3 So it's really how we heat our buildings, how
4 we heat our spaces, how we heat our water
5 that actually contributes the most to
6 greenhouse gas emissions. So if we can
7 reduce our greenhouse gas emissions through
8 building decarbonization, that's the most
9 direct way of reducing greenhouse gas
10 emissions for New York State.

11 We think about 20 percent of
12 New Yorkers are using fuel oil and propane to
13 heat their homes. That's very expensive.
14 It's very dirty. And so we want to give them
15 a break, help them transition, and use that
16 billion dollars to help incentivize them for
17 that program.

18 And then gas is also -- the delivery
19 charges are extremely expensive. That's just
20 paying for the gas infrastructure.
21 Oftentimes you look at a gas bill, the
22 delivery charges are three times the amount
23 of the supply charges. The utility just
24 passes that supply charge over.

1 We also want to just say that we
2 support the public buildings -- NYPA is doing
3 a plan for decarbonizing the 15
4 highest-emitting buildings. That plan,
5 there's a status report due this week,
6 actually. And the final plan will be
7 submitted at the end of this year, but still
8 within this fiscal year. And so we can start
9 moving forward with decarbonizing those state
10 facilities.

11 And then, finally, the Inflation
12 Reduction Act has money in place for
13 tax credits for not-for-profits and the state
14 to do actions, and this money would move that
15 forward.

16 Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Next we have the New York Solar Energy
19 Industries Association, Noah Ginsburg.

20 MR. GINSBURG: Good evening. My name
21 is Noah Ginsburg. I'm the executive director
22 of New York Solar Energy Industries
23 Association. NYSEIA is a trade association
24 that represents New York's rooftop and

1 community solar industry. We have 230 member
2 companies across the state.

3 Just to give you a sense about the
4 distributed solar industry, there are
5 800 solar companies in New York State. We
6 have more than 15,000 workers in this sector.

7 I'm going to talk -- there are two
8 main types of distributed solar. There's
9 solar on the rooftops on homes and
10 businesses, and there's community solar,
11 which are small-scale ground-mount solar
12 projects that serve folks who can't put solar
13 on their own rooftop.

14 Some of the benefits of distributed
15 solar: We can deploy it quickly and
16 cost-effectively. It can deliver direct bill
17 savings to New York homes and businesses. It
18 provides revenue to rural landowners and
19 municipalities. It creates good jobs and
20 supports economic development. It lowers
21 systemwide costs by generating power during
22 times of peak demand, lowering energy prices
23 not just for the folks who are participating
24 but for all ratepayers.

1 And finally, improved land use. By
2 putting more solar on the built environment
3 and installing solar in smaller increments,
4 it can be collocated with agriculture and be
5 developed in a way that aligns with
6 New York's other priorities.

7 Distributed solar really is New York's
8 clean-energy success story. We're ahead of
9 schedule and under budget. There are more
10 jobs in this sector than any other renewable
11 energy sector in the state. Last year alone,
12 we deployed 1.24 gigawatts of distributed
13 solar. So that's a new record for New York
14 State.

15 Despite all of this success, we're
16 really at a crossroads right now. There are
17 some very serious challenges. Restrictive
18 local laws and moratoria are stopping solar
19 projects in their tracks. The DEC's red tape
20 and the expanded jurisdiction and the lack of
21 clear guidance is causing layoffs in this
22 industry where folks are not developing new
23 projects. Rising interconnection costs and
24 the lax oversight of our utilities are

1 driving up the cost to build clean energy
2 projects. And finally, inflation and high
3 interest rates are really impacting demand
4 for solar for homes and for businesses. And
5 to top it all off, the Trump administration
6 is going to be reducing federal support for
7 our industry.

8 So if these challenges are not
9 addressed, we're going to see precipitous
10 declines in development, deployment and
11 employment. Simply put, New York can go big
12 or go home.

13 NYSEIA and a growing coalition are
14 calling for New York to go big. We're
15 looking for New York to raise our
16 distributed solar goal and to advance
17 policies that are going to drive down costs.

18 Because I'm running short on time, I'm
19 going to talk specifically about one policy
20 that absolutely needs to be in the budget,
21 and that is the modernizing and the
22 strengthening of the New York Residential
23 Solar Tax Credit.

24 So this is a policy wherein folks who

1 install solar in their home in New York State
2 get a tax credit, but that per-household cap
3 hasn't been raised since 2006. We need to
4 raise that cap. We also need to make this
5 credit refundable so that low-income folks
6 can participate and benefit as well.

7 Thank you.

8 CHAIRWOMAN KRUEGER: New Yorkers for
9 Clean Power.

10 MR. GUPTA: Good evening. My name is
11 Anshul Gupta. I'm the policy and research
12 director at New Yorkers for Clean Power, a
13 statewide collaborative campaign --

14 CHAIRWOMAN KRUEGER: Pull the mic
15 closer.

16 MR. GUPTA: -- a statewide
17 collaborative campaign to rapidly shift to a
18 clean energy economy. Thank you for this
19 opportunity to speak today.

20 The energy affordability and climate
21 crises, the health impacts of oil and gas
22 pollution, the principles of environmental
23 justice, and the mandates of the climate law
24 all demand swift, powerful action by the

1 Legislature at this time.

2 In 2023, Governor Hochul announced an
3 economy-wide cap-and-invest program as her
4 preferred mechanism for funding the CLCPA and
5 enforcing its statutory greenhouse gas
6 emissions limits. After missing last year's
7 statutory deadline to finalize this
8 legislation, the Governor now abruptly
9 shelved the program, just as agency staff
10 completed their work on developing the full
11 regulatory package.

12 These delays in the program's rollout
13 not only deprived New Yorkers of critical
14 investments in cleaner infrastructure to
15 reduce pollution in our homes, workplaces,
16 and schools, but also increased future costs
17 of reducing climate pollution.

18 We urge the Legislature to call upon
19 the Governor to immediately release the full
20 cap-and-invest regulations. However, as
21 critical as cap-and-invest is, it is one of
22 the tools in a broader policy framework for
23 reducing climate pollution. It will require
24 synergistic, legislative, and regulatory

1 actions to be successful.

2 And the single most effective piece of
3 substantive legislation which also
4 meaningfully addresses energy affordability
5 in the state is the NY HEAT Act. Each key
6 provision of this popular, long-overdue
7 legislation explicitly or implicitly seeks to
8 reduce New Yorkers' energy burdens while
9 rectifying costly incongruencies between the
10 state's climate law and the Public Service
11 Law.

12 Every bit of delay in passing this
13 bill locks in irreversible ratepayer
14 liabilities and corresponding rate hikes from
15 wasteful investments in new fracked-gas
16 pipes, while missing opportunities to
17 redirect those investments into improving our
18 built environment, enhancing health, comfort,
19 and safety, reducing climate and air
20 pollution, and removing a key statutory
21 barrier to the adoption of thermal energy
22 networks at scale.

23 We urge the Senate and the Assembly to
24 include the full NY HEAT Act in their

1 respective one-house budgets.

2 And finally, I'd like to remind the
3 committees that the fundamental reason why
4 climate change has become the climate crisis
5 now is because of a well-documented,
6 decades-long campaign of lies and deception
7 by the oil and gas industry to delay action.
8 This was one of the premises behind the
9 recently passed Climate Superfund Act.

10 So please help us stop perpetuating
11 this problem by stopping to give credence to
12 gas company lobbies, their front groups, or
13 the National Fuel flyers full of falsehoods
14 about NY HEAT that were circulating in this
15 building yesterday.

16 Thank you.

17 CHAIRWOMAN KRUEGER: Thank you very
18 much.

19 Next is the Public Utility Law
20 Project.

21 MS. WHEELLOCK: Thank you so much.
22 Good evening. My name is Laurie Wheelock.
23 I'm the executive director and counsel of the
24 Public Utility Law Project. We go by PULP

1 for short. We are a small but mighty
2 nonprofit that represents low-income utility
3 customers.

4 Our last year has been difficult, to
5 say the least. We have seen a 46 percent
6 increase of calls and emails for help. Many
7 of those cases are also far more complex than
8 we saw before the pandemic. It was also the
9 first summer where a lot of the electric and
10 gas utilities were pursuing normal service
11 terminations for customers who have fallen
12 behind on their arrears, and so dealing with
13 that was, you know, to my team, a lot to deal
14 with.

15 Last year we did get an increase in
16 the budget, which we're entirely -- you know,
17 so grateful for. I believe I sat here last
18 year and said my dream was that PULP would be
19 151 of us. And so we're getting closer. By
20 the end of this year we'll be 15, so I just
21 need 136 more. Building every year.

22 And, you know, along with that, we
23 obviously are asking for an increase this
24 year of \$250,000, which would add at least

1 two more staff to our team.

2 So that's our main ask, but we do have
3 five other proposals that were included in
4 our budget testimony.

5 The first is funding for the
6 Energy Affordability Program, an existing
7 program that I believe Chair Christian spoke
8 about earlier today. It provides monthly
9 discounts off of electric and gas bills, and
10 it is just a lifeline for low-income
11 customers. It helps them just, again, be
12 financially more stable, and they rely on
13 that funding every single month to help them
14 make it through their billing period.

15 We know that data matching was passed
16 and signed by the Governor now two years ago,
17 and it will be implemented this year. So we
18 expect that there'll be more low-income
19 customers directed into that program. So
20 we're asking for state funding to help
21 provide a cushion, because the more people
22 that you put in, it could cut the credits
23 themselves.

24 The second proposal, which is one that

1 we wanted to bring to the Legislature, along
2 with hearing from our friends at WE ACT talk
3 about concerns with extreme heat, is a
4 program for HEAP cooling. Now, there's a
5 HEAP cooling program now, but it's to provide
6 an air conditioner or fan. We hear from
7 constituents, consumers every single summer
8 who are terrified to turn that air
9 conditioner on. They're nervous.

10 We have one woman who gets on the
11 subway early in the morning to go to her
12 senior center; she goes the long way so she
13 doesn't have to turn that AC unit on.

14 And so we want to see state funding
15 put into the budget to help create a program
16 that actually will provide cash assistance to
17 pay for the electric bills.

18 Once we saw the Governor's budget come
19 out and we saw the billion-dollar
20 appropriation, we felt that this was perfect
21 timing to fund both of those programs with
22 that. Energy affordability, energy burden
23 was discussed by the Climate Justice Working
24 Group, so we feel that they fit very well

1 together.

2 Again, we had three other proposals,
3 but I'll save my time for that and just thank
4 you for having PULP be here again this year.

5 CHAIRWOMAN KRUEGER: Thank you. There
6 we go. Any Senators with questions?

7 Oh, Shelley Mayer. Thank you.

8 SENATOR MAYER: Thank you, and thank
9 you all. And I have to say a special thank
10 you to you, Laurie, and PULP.

11 Correct me if I'm wrong, but is PULP
12 the only New York State not-for-profit
13 whose -- part of whose mission is to
14 intervene in rate cases on behalf of
15 consumers?

16 MS. WHEELLOCK: Yes.

17 SENATOR MAYER: And we've worked so
18 closely with you during very difficult
19 periods, and you continue to be just a
20 fantastic asset.

21 But knowing that Con Ed is about to
22 put in a new rate case, with a new rate
23 request for a three-year period -- and
24 ordinary consumers and our constituents don't

1 know anything about this process, so the idea
2 that they can weigh in at some point is
3 really sort of just dreaming -- we are
4 reliant on you, am I correct, to be the voice
5 for our constituents in making the only case
6 possible against these rate increases?

7 MS. WHEELLOCK: Yes. And we do get
8 involved with all the major rate cases.

9 You know, before the pandemic, two a
10 year were a lot. But because of the
11 pandemic, everything slowed down, and we had
12 eight this year. We had two water, we had
13 six -- if I can do math this late -- six
14 energy cases. And we were very successful in
15 those water cases. We fought for low-income
16 customers and actually saw the creation of
17 the first water affordability programs in
18 this state.

19 We're getting ready for Con Ed to file
20 before the end of this week. We'll be in
21 touch with the members. And again, just
22 looking to get in there and just try to fight
23 for stronger consumer protections while
24 trying to cut costs as much as possible.

1 SENATOR MAYER: And the last question
2 is just -- I'm very, of course, sympathetic
3 with the focus on low-income consumers, and
4 it's perfectly fair. But the fact is the
5 rates have become unaffordable for
6 middle-class consumers as well. Someone
7 earning \$55,000 in my district in Westchester
8 cannot afford current utility rates.

9 And I appreciate that you're willing
10 to work with us. I'm trying to expand these
11 benefits so that the middle-income consumers
12 are not paying the price for a benefit that
13 we rightly want to give to low-income
14 consumers. And I hope that there can be a
15 change of thinking about that.

16 Really, at the end of the day, these
17 utilities should be affordable to everyone as
18 much as water and other services are.

19 And I really just want to thank you
20 all for your advocacy on these issues of
21 equity in the utility space, which I think
22 we've lost sight of.

23 CHAIRWOMAN KRUEGER: Thank you.

24 CHAIRMAN PRETLOW: Assemblywoman --

1 CHAIRWOMAN KRUEGER: You have an
2 answer? I'm sorry.

3 MS. WHEELLOCK: So first off, thank
4 you, Senator.

5 You know, some of the legislation that
6 you carry -- Senator Parker has one on fixed
7 charges -- we really believe not only are we
8 fighting the rate cases, but we have to have
9 a much bigger discussion in this state about
10 the way that the rates are set.

11 And so things like fixed charges,
12 return on equity, we are opening Pandora's
13 box. But that box has to be opened because
14 the business-as-usual is just not working for
15 us. We fully agree on moderate-income as
16 well. Again, our mission is low-income, but
17 we see that need.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Assembly.

20 CHAIRMAN PRETLOW: Assemblywoman
21 Barrett.

22 ASSEMBLYWOMAN BARRETT: Thank you.
23 Thank you all for your advocacy and for being
24 here and hanging in with us.

1 I just want to go back to Laurie for a
2 second. And we had a big scare last week
3 when the funding was dried up, basically, for
4 HEAP two months sooner than people expected
5 it to. And I know, you know, we -- I wrote a
6 letter, you wrote a letter.

7 What is your -- you know, with a
8 little bit of hindsight now, any reflections
9 on what we could be doing to address this,
10 what we learned from that situation? You
11 know, the Governor put in \$35 million. Is
12 that going to take us through the next two
13 months? You know, how do we know?

14 So could you just share some thoughts
15 on that, please?

16 MS. WHEELLOCK: Absolutely.

17 And first and foremost, thanks to all
18 of you -- thank you to OTDA, DPS, the
19 utilities. You know, we reached out to
20 everyone under the sun after we got that news
21 on Tuesday. I think that morning it was
22 negative 3 degrees here in Albany. When I
23 got the text message from my staff while I
24 was at the Senate Energy Committee that HEAP

1 closed, I thought, This has to be a mistake.
2 This doesn't make any sense. It's
3 January 21st. Last year HEAP closed
4 March 31st; before that, in May.

5 So what we were hearing in, you know,
6 the kerfuffle that -- just everyone running
7 as quickly as possible to find out what was
8 going on, there seemed to be some sort of
9 shortfall. And then there also seems to be
10 an increase in applications.

11 We know that the benefit amount went
12 up slightly. It had like a COLA. So it
13 seemed to be a lot of this all at once. But
14 also in reaching out to fellow advocates in
15 other states, it doesn't seem like our
16 cold-weather neighbors were having this issue
17 either.

18 So at these points in time we always
19 stop and reflect, what can we do better? We
20 have to have more notice. You know, our
21 people had two hours to call and tell our
22 consumers that HEAP was closing. We need
23 OTDA to tell us more.

24 And then I think as a state, we have

1 to have a conversation with our federal
2 partners. Last night there was an executive
3 order -- I'm sure that you saw that news
4 about the low-income programming. HEAP is
5 part of that. And so I believe as of
6 5 o'clock this evening there was a federal
7 judge that has since blocked that. But I
8 think honestly, as a state, we need to take
9 these moments and say if there isn't any
10 federal funding next year, how can we help
11 the people who rely on this as a state?

12 We need to shore up our programs and
13 make sure that they are safe while we do, and
14 continue to build and grow as a state as
15 well. So I think it was a good -- I don't --
16 I'm trying to think positive. It was a
17 really rough week, but we all jumped in
18 together. We all worked together, and we
19 were able to see that outcome. But we have
20 to learn from it, and I think we have to grow
21 from it.

22 ASSEMBLYWOMAN BARRETT: Thank you.
23 And thank you for your leadership in helping
24 us navigate to the difference we could make.

1 Thank you.

2 MS. WHEELLOCK: Thank you.

3 MR. HERNANDEZ: And could I just
4 mention one thing, is the LMI households in
5 New York State make up almost half of the
6 households in New York State. And that's
7 what --

8 CHAIRWOMAN KRUEGER: Thank you.

9 Michelle Hinchey.

10 SENATOR HINCHEY: I really want to
11 give you space, but I have a question. If
12 there's time, finish that thought.

13 Two questions. Laurie, I'll start
14 with you. Thank you, ditto, for all of your
15 help and support for our constituents.

16 I want to switch gears a little bit to
17 small water authorities and small water
18 companies, because their bills -- especially
19 the small ones -- are not regulated. And
20 when we talk about affordability, that is a
21 big cost for a lot of people, especially in
22 smaller communities in rural areas across the
23 state.

24 We have two bills, as you know, one

1 that would create audits for small water
2 companies and one that sets up an authority
3 to oversee those small water companies.

4 Without commenting on the legislation
5 specifically, can you talk about the need for
6 something like an authority and why that
7 exists, why the need is there?

8 MS. WHEELLOCK: Yeah, absolutely. And
9 thank you, Senator, for taking on this issue.

10 You know, there's over 230 small water
11 companies across New York State. Many of
12 them are family-run. Families would pass
13 them along and, you know, Junior would take
14 over. They have sometimes 25 customers,
15 maybe 400 max. And the truth is the
16 infrastructure's breaking down. Maybe the
17 family doesn't want to run it anymore.

18 And so right now what we see is
19 usually the department and the utility work
20 together to have a larger water utility like
21 Veolia or Liberty buy them out. But that
22 also creates problems, because that system
23 and its issues gets, you know, absorbed into
24 the rate base. We see, for instance, Veolia

1 is, you know, out in certain counties, but
2 then they have like little Owego-Nichols all
3 the way up here. And so it just -- it's not
4 really working.

5 And so both bills really try to take
6 this very complex problem and put greater
7 teeth and oversight into what's going on and
8 then try to really elevate and help those
9 water systems, those customers, you know, be
10 able to afford and have quality water. So
11 thank you for both of those.

12 SENATOR HINCHEY: Thank you.

13 I want to ask a question. You
14 mentioned issues with the utility companies
15 for connecting specifically for community
16 solar. Can you expand on that?

17 MR. GINSBURG: Absolutely.

18 So a little-known fact is that all of
19 the upgrades to the electric distribution
20 system to plug in new solar and storage
21 projects, those are paid for by the solar and
22 storage developers. But the utilities
23 complete the upgrades.

24 And what we've been seeing in the last

1 few years is that the utility costs have gone
2 up and up and up and there's really no adult
3 in the room, there's nobody who's monitoring
4 utility costs. The utilities are sending
5 retroactive bills for cost overruns.

6 A fun fact, the site where New York
7 cut the ribbon to celebrate achieving our
8 6-gigawatt milestone more a year ahead of
9 schedule, a couple of weeks later
10 National Grid, who is -- you know, we have
11 quite a few issues with National Grid. They
12 sent the solar energy system owner a bill for
13 \$1.3 million for their cost overruns, which
14 they didn't tell them about until after the
15 system was fully up and running.

16 Now, how can anybody invest and build
17 projects in New York State if the utility
18 costs to do these upgrades is just an
19 uncapped liability?

20 SENATOR HINCHEY: Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 Assembly.

23 CHAIRMAN PRETLOW: Assemblyman
24 Palmesano.

1 ASSEMBLYMAN PALMESANO: Yes.

2 First, thank you, all of you, for
3 hanging in. It's been a long day.

4 But my question is for Laurie. I want
5 to talk about arrears. You know, we know
6 that people are in utility arrears. If my
7 numbers are correct, is it somewhere like
8 between 1.2 and 1.3 million households, the
9 total arrears were approximately
10 \$1.8 billion? Is that pretty close to where
11 we are?

12 MS. WHEELLOCK: Yes, it is.

13 ASSEMBLYMAN PALMESANO: And how does
14 that compare to where we were during the
15 COVID highs?

16 MS. WHEELLOCK: Yeah, so we were very
17 close to hitting the 1.9 right before the
18 Governor released and the Legislature
19 supported the COVID relief package.

20 ASSEMBLYMAN PALMESANO: So we were
21 around 1.9 during COVID?

22 MS. WHEELLOCK: Yeah.

23 ASSEMBLYMAN PALMESANO: Okay. So my
24 question is, we know the utilities sit on

1 money when they -- I mean, it's all collected
2 from the ratepayer for all these green energy
3 programs. And they collect, they hold it.
4 And then when it's called for by NYSERDA and
5 others, then they have to pass it on. I
6 mean, we know that it's hundreds of millions
7 of dollars, minimally.

8 Wouldn't it be better -- because the
9 green energy, that's for the future. But the
10 individuals who are in arrears, wouldn't it
11 be better maybe to use those funds to kind of
12 get people off the arrears? Because
13 otherwise, ultimately the utilities are going
14 to go back to the PSC to ask for a rate -- to
15 recoup those costs.

16 So in the immediate -- you know, to
17 try to reset where we are from the pandemic,
18 wouldn't it be better to kind of use some of
19 those funds to help lower that amount and
20 reduce that \$1.8 billion in arrears and let
21 it reset? Because ultimately the utilities
22 are going to go back, ask for another rate
23 increase. So it's like getting more money on
24 top of money they've already collected. And

1 we are collecting this money already from the
2 ratepayers for these green programs.

3 Wouldn't the emergency be to help the
4 people in arrears if we want to reset the
5 process? Because it's not like the money's
6 going to stop flowing for the green programs,
7 because there's a commitment there. But
8 under the circumstances, don't you think,
9 given the arrears situation, the \$1.8
10 billion, if we took some of the funds and
11 used that to settle that, that would be a big
12 help to those in arrears?

13 Ultimately, because it's going to come
14 back around anyway and we're going to have to
15 pay for it again anyway through the
16 utilities, through the rate negotiations with
17 the PSC, wouldn't that be at least a feasible
18 option to at least look, at in your opinion?
19 You know, obviously as an advocate for the
20 ratepayer.

21 MS. WHEELLOCK: So, you know, first and
22 foremost, to the Assembly, we know you just
23 had a hearing in December on NYSERDA and kind
24 of the oversight and more. I'd be happy to

1 forward our testimony to you.

2 I think the problem is a very complex
3 one on every single level. Unfortunately, we
4 saw relief be given to customers, and they
5 needed that, but we've seen the arrears keep
6 growing.

7 And so why do the arrears keep
8 growing? Part of it is, you know, a snowball
9 effect for a lot of our low-income people.
10 You know, they come in, they have that
11 disconnect notice, they have right now about
12 \$4,000 in arrears is average. That's a lot.
13 Late fees on that -- we had a woman in
14 Queens -- I will get you our testimony. I'd
15 love to talk more.

16 ASSEMBLYMAN PALMESANO: All right,
17 thank you. Thanks for your time.

18 CHAIRWOMAN KRUEGER: Thank you.

19 I just have one question, I think
20 addressed to all of you. You've been here
21 all day, you've been listening. You all
22 represent trying to move us forward in
23 energy, and you are all very, very aware of
24 the issue of the very high utility costs in

1 New York.

2 There seems to be a disagreement among
3 my colleagues and I. Is our effort to meet
4 CLCPA causing increased utility costs? Or is
5 our failure to do the things that many of us
6 recommend within CLCPA causing the increased
7 utility costs? Anyone want to take a stab?

8 MR. HERNANDEZ: Can you take that one?

9 (Laughter.)

10 MS. WHEELLOCK: You were -- go ahead.

11 (Laughter.)

12 MR. HERNANDEZ: So I think the
13 Scoping Plan, you know, really was very clear
14 on this, that the status quo is actually
15 going to cost us a lot more if we don't take
16 action to make changes. The health costs,
17 the averted health costs alone are going to
18 cost a lot more. And so I think that was one
19 thing that the Scoping Plan was very clear
20 on.

21 Rewiring America has shown that when
22 you transition, when you decarbonize a home
23 in New York, that home will save \$1,500 in
24 utility bills for that year. And so you can

1 really see the changes.

2 CHAIRWOMAN KRUEGER: Anyone else?

3 MR. GINSBURG: And I'll just add solar
4 power is the lowest-cost source of power in
5 the world, once you cut through the red tape.

6 And so when we think about this kind
7 of -- I think it's a false dichotomy, are we
8 going to fund affordability or are we going
9 to fund green energy and pay a premium.

10 The reality is if we are smart, if we
11 cut through red tape, if we better regulate
12 our utilities, if we use 21st-century
13 technology to integrate more clean energy
14 into the distribution and transmission system
15 we have today, we're going to lower the cost
16 for everyone, we're going to have abundant
17 clean power.

18 That's what we need to support our
19 economy and our growing industries here in
20 the state.

21 CHAIRWOMAN KRUEGER: Thank you.

22 MR. GUPTA: And the delay in passing
23 the NY HEAT Act is an important example where
24 our failure to implement the CLCPA is

1 actually increasing New Yorkers' energy
2 burdens. The provisions of the NY HEAT Act
3 are called for in the Scoping Plan. Today
4 Chairman Rory Christian testified that one of
5 the reasons why our bills are going up is
6 that we are trying to maintain two different
7 aging energy systems. And our burdens will
8 reduce if we invested in a single
9 future-looking, modern system, rather than
10 trying to sustain the 100-year-old
11 fossil-fuel infrastructure.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Oh, do you want to jump in?

14 MS. WHEELLOCK: Yeah, real quick. And
15 thank you for your patience.

16 I mean, we see it in the rate case, we
17 see that tension right there. You know, I
18 know it was discussed earlier about
19 leak-prone pipe; it's anywhere from 3 million
20 to 10 million a mile.

21 The Central Hudson rate case, if you
22 look at the filing letter, about 59 percent
23 of the cost request in the gas side is, you
24 know, gas infrastructure, leak-prone pipe,

1 things of that nature.

2 We have to continue having these
3 conversations. They're not easy. They
4 involve rate design and where do we go in the
5 costs. And we're excited to be a part of
6 that. Thank you.

7 CHAIRWOMAN KRUEGER: Thank you all
8 very much.

9 Assembly?

10 CHAIRMAN PRETLOW: Assemblyman
11 Anderson.

12 ASSEMBLYMAN ANDERSON: Thank you so
13 much, Chair.

14 And thank you to this panel for your
15 critical presentation tonight about the
16 severity of the rise in cost of energy here
17 in the state.

18 My question is sort of piggybacking
19 off of the question I asked back in December
20 at the energy hearing that was held here in
21 the Capitol. And I think it's directed
22 towards you, Laurie, of PULP, which it's
23 always good to see you.

24 Section 32 of the Public Service Law

1 says that between November 1st and
2 April 15th, there's supposed to be a cold
3 weather period moratorium. I'm just
4 wondering, one, how our utilities are
5 actually engaging with that statute. And
6 two, what are some resources the state can
7 provide to ensure that our utility partners
8 are following that statute?

9 MS. WHEELLOCK: Yes, thank you so much
10 for the question.

11 So New York does not have a legally
12 mandated moratorium on shutoffs in the
13 winter. There's additional notice. So there
14 is a 72-hour notice where the utility has to
15 make a call or make the knock on the door,
16 and then also at the time of shutoff. That
17 alone can be very difficult.

18 You know, we have individuals call us
19 every day who -- I was at work, I was picking
20 up my child, they come home and the power is
21 off. They didn't know they were at risk of
22 shutoff.

23 You know, I think, especially seeing
24 what happened with the HEAP funding running

1 out -- and, again, not knowing what maybe the
2 future is right now with those costs -- we
3 need to look at whether or not that is really
4 the -- it is the bare minimum. I think we
5 need much more.

6 ASSEMBLYMAN ANDERSON: So it's
7 actually not a moratorium.

8 MS. WHEELLOCK: Mm-hmm (shaking head).
9 The only time there's no shutoffs is the
10 utilities agree at the last two weeks of the
11 year.

12 And then in the rate cases, we have
13 been successful at getting the utilities to
14 go above that minimum of just the notice.
15 There's, you know, some utilities that won't
16 shut off when it is below 32, or do we
17 consider windchill and things like that. So
18 we've had some success there. But it is a
19 smattering.

20 Last week the Public Service
21 Commission opened up a generic proceeding to
22 look at extreme heat and what the protections
23 are there. But we're really hopeful that if
24 they talk about heat, they also look at cold.

1 Because it is very different, and I think
2 we're concerned.

3 ASSEMBLYMAN ANDERSON: So just to be
4 clear, the purpose of this statute is just
5 for notification. It's not a moratorium.
6 It's increased notification between this
7 period.

8 MS. WHEELLOCK: Yes. And to look if
9 there's a medical condition in the home.

10 ASSEMBLYMAN ANDERSON: It sounds like
11 there's an issue, for sure. Does this also
12 include a household that uses lifesaving
13 equipment?

14 MS. WHEELLOCK: So that would be an
15 additional protection under the law.

16 We have also had issues, though, with
17 medical coding. We've had to file a lot of
18 extra complaints this year to get the
19 protections for medical coding.

20 Life-sustaining equipment is usually a
21 bit easier, but we did have an individual on
22 oxygen who had her electricity turned off and
23 had to take her child to the laundromat to
24 use an inhaler recently. A nebulizer.

1 ASSEMBLYMAN ANDERSON: Thank you so
2 much, Laurie. We should talk offline more.

3 MS. WHEELLOCK: Yes. Thank you.

4 ASSEMBLYMAN ANDERSON: Thank you so
5 much.

6 CHAIRWOMAN KRUEGER: Assembly.

7 CHAIRMAN PRETLOW: Assemblywoman
8 Kelles.

9 ASSEMBLYWOMAN KELLES: Yup, Michael, I
10 wanted to follow up on one thing that you
11 said. You were talking about gas customers,
12 and their energy bills are going up, but at
13 the same time, gas supply costs are low.
14 Which, you know, there seems to be a
15 technical piece missing. And that those low
16 costs -- the rising costs, then, are not due
17 to the supply but rather -- I think you
18 mentioned two things that I wrote down, gas
19 infrastructure as being one of them, right,
20 investments in gas infrastructure, and then
21 the regressive nature of the gas tax.

22 So can you talk a bit about what the
23 current gas delivery rate structure is that
24 would allow for that discrepancy?

1 MR. HERNANDEZ: Yeah. Thank you for
2 that question. I think really what we see,
3 the PSC showed that if you look at gas supply
4 costs right now they're at a pretty low from
5 where they have been recently since the
6 pandemic. But really they were anticipating
7 this winter to see gas prices increase --
8 customer bills increase by 18 percent. And
9 that's due to the delivery charge, which is
10 specifically for the infrastructure costs.

11 And the way that they -- it's
12 regressive, for the infrastructure costs
13 aren't spread out evenly. It's a regressive
14 rate. So the first 3 therms that you're
15 consuming during the year -- excuse me,
16 during the month, are the most expensive.
17 And then the next tranche are slightly less
18 expensive, and then the next tranche are even
19 more less expensive. So actually it's
20 incentivizing more use instead of, you know,
21 evenly playing that out.

22 So the even smaller consumers of the
23 gas are paying greater for the infrastructure
24 costs.

1 ASSEMBLYWOMAN KELLES: So as to
2 guarantee their profits.

3 MR. HERNANDEZ: That's right. They
4 have to -- when they go for their rate,
5 they're -- and in the rate cases they are
6 saying, This is how much it's going to cost
7 for us to put this replacement infrastructure
8 in.

9 And the PSC, because of the
10 Public Service Law, mandates that you have to
11 replace old leaky gas pipes with new gas
12 pipes, and you have to expand gas, and the
13 ratepayers have to pay for that. That's the
14 law right now.

15 If we change that through the NY HEAT
16 Act, it would allow some discretion to the
17 Public Service Commission so they could say,
18 Oh, well, maybe there's an alternative.

19 ASSEMBLYWOMAN KELLES: Like networked
20 geothermal might be cheaper, and long term
21 the capital cost would be spread out over --
22 savings with operating, for example.

23 MR. HERNANDEZ: Exactly. Exactly.
24 There's alternatives, and then also they

1 could look at that rate. Because the NY
2 HEAT Act caps household burdens at 6 percent,
3 so they could look at that rate that's
4 regressive, and move that around so it's not
5 as regressive.

6 CHAIRWOMAN KRUEGER: Thank you.

7 ASSEMBLYWOMAN KELLES: Thank you.

8 CHAIRWOMAN KRUEGER: Assembly?

9 CHAIRMAN PRETLOW: Assemblyman Otis.

10 ASSEMBLYMAN OTIS: Thank you.

11 A couple of quick questions.

12 Mr. Gupta, how nice to see you. In
13 your testimony you suggested, proposed that
14 we increase the geothermal tax credit maximum
15 from \$5,000 to \$10,000. Do you have a number
16 of what that would be state budget costwise?
17 And if you don't have that today, you can get
18 that to us after the fact.

19 MR. GUPTA: Yes, I don't have that
20 number right now. But I believe the New York
21 Geothermal Association has that, and we can
22 forward that to your office.

23 ASSEMBLYMAN OTIS: That would great,
24 just so we could put a price tag on it. That

1 would be good.

2 MR. GUPTA: Right. And it is our
3 belief that this small sort of investment on
4 the part of the state will really pay back in
5 terms of reducing energy costs, and that
6 advancement of the geothermal heat pump
7 systems, that will reduce the future
8 infrastructure investment costs in the
9 electricity generation and delivery system.
10 Because what geothermal heat pumps do is that
11 they would dramatically cut peak wintertime
12 electricity demand. And in about a decade,
13 the electricity system is expected to become
14 winter peaking.

15 So that's -- but we need to start
16 planning for that now by incentivizing
17 geothermal heat pumps and directing the home
18 electrification sort of more towards thermal
19 energy networks and geothermal systems as
20 much as possible.

21 ASSEMBLYMAN OTIS: That's great.
22 Thank you very much.

23 And, Laurie, I have a question for
24 you. In your written testimony you had some

1 detail about the sharing of tax data
2 information. And in the testimony you
3 expressed a concern, so long as we're not
4 increasing burdens on consumers -- and I'm
5 not sure what that alludes to. Is that a
6 personal privacy piece that you're concerned
7 about? Or is that more burden for signing up
8 for benefits?

9 MS. WHEELLOCK: Yeah. So we're very
10 interested in data matching in all forms. So
11 what our hope is, is seeing that the
12 Department of Tax & Finance, which has all of
13 our tax records, or we hope, if we can get a
14 pathway where they are able to start sharing
15 data with agencies, I think that will help
16 with many of the different programs the state
17 is picking up and looking at now.

18 For instance, when we did our three
19 rounds of comments on, you know, New York
20 cap-and-invest, one of the things that was
21 really important for PULP was the choice in
22 how benefits be received. You know, the
23 people we help don't fit into cookie-cutter
24 spaces. They may want it to help with rents,

1 they may want it on an EBT card, they may
2 want it as a tax credit, they may want -- you
3 know, on and on and on.

4 So I think in so many ways seeing
5 that's a big positive.

6 ASSEMBLYMAN OTIS: Let's follow up
7 further on that, because I have some more
8 questions about those concerns.

9 Thank you.

10 CHAIRMAN PRETLOW: Assemblywoman
11 Jo Anne Simon.

12 ASSEMBLYWOMAN SIMON: There we go,
13 thank you. Thank you all for staying so
14 late, and the rest of you.

15 So I have a question to sort of
16 follow up on, Laurie. First of all, I want
17 to support what Senator Mayer said about, you
18 know, you're being the voice of people. But
19 you also are in a position to help other
20 people who call qualify understand what it is
21 that's going on.

22 But also you're getting complaints,
23 you really get a sense of trends and what --
24 the facts on the ground. And so -- and you

1 may or may not want to answer this question.
2 But there are so many issues that come up
3 that appear to be a lack of competence on the
4 part of the utility and its processes -- I
5 know you know I'm thinking of one in
6 particular. But they're not -- they can't be
7 the only one that sends out bills three years
8 late or doesn't bill or can't identify what
9 they're billing for or doesn't credit you for
10 having paid your bill.

11 So, you know, that's obviously a great
12 source of stress for a lot of people, and
13 compounds the problem. You know, is there
14 some way that -- something that we can do to
15 help to rectify that situation?

16 MS. WHEELOCK: We really appreciate
17 the support. Because we do, we see patterns
18 all the time. Central Hudson was the first
19 utility to go through major billing system
20 upgrades. And again, the department, like
21 they got in there, they investigated, there
22 were hearings. You know, they have five
23 different case numbers watching them. If
24 anything, it's kind of hard because there are

1 five. But they also made sure that those
2 lessons learned went to every single other
3 utility.

4 And that's extremely important, making
5 sure in those moments when things go bad --
6 and we see it as state -- making sure that
7 then there is consistency. I think we do
8 have to look at that. IT systems,
9 cybersecurity, those are all things we need
10 these utilities to do, and they need to do it
11 well. People want to get their bills, they
12 want to know it's accurate. They don't want
13 to have to call me and be like, I can't -- I
14 can't handle opening this, Laurie, tell me
15 how much it says I owe. Do you think it is
16 right? We do that for people still, and it's
17 heartbreaking.

18 So I definitely think there's a way to
19 create standards but also consistency. I
20 think it would help the department. And I'm
21 really excited to hear that they're upping,
22 you know, staffing there because I think the
23 accounting and whatnot is needed, the -- you
24 know, the credits, making sure people's

1 credits from solar are done accurately.

2 These are all those areas that again,
3 if it affects the customer experience and
4 they're not having a good experience, then no
5 one is happy and that's not good for any of
6 us. I don't know if you want to add.

7 MR. GINSBURG: Well, because you
8 called out solar crediting, I'll just mention
9 that community solar customers and actually
10 even net-metered customers have had, over the
11 last several years, major issues with
12 utilities issuing timely and accurate credits
13 on customer bills, which has really
14 undermined and eroded trust in the program.

15 The Public Service Commission, we're
16 waiting for them to take action on a staff
17 proposal to create performance metrics and
18 penalties. But it's in the commission's
19 hands, so we hope they'll do something.

20 ASSEMBLYWOMAN SIMON: Okay. Thank
21 you.

22 CHAIRWOMAN KRUEGER: Anyone else?

23 CHAIRMAN PRETLOW: I believe that's
24 it.

1 CHAIRWOMAN KRUEGER: All right. Then
2 we want to thank you very much for your being
3 with us and your work every day for us, and
4 excuse you and call up -- we're on Panel G --
5 Citizens Campaign for the Environment,
6 Riverkeeper, Finger Lakes Land Trust, and
7 Save the Sound.

8 (Pause; inaudible interjection.)

9 Well, you know, this is an endurance
10 test for us all, including the ones up here.

11 All right. Good evening, everyone. I
12 can say clearly it is evening. So we'll just
13 go in the order that you are in the
14 paperwork. Citizens Committee for the
15 Environment -- Campaign for the Environment,
16 I'm so sorry.

17 MS. ESPOSITO: Good evening,
18 legislators. My name's Adrienne Esposito.
19 I'm the executive director of Citizens
20 Campaign for the Environment

21 . A heartfelt thank you for sticking
22 it out and staying here. The NGOs really do
23 appreciate it. Thank you very much.

24 I'm going to bring us back to the

1 topic of clean water, and I'm going to use my
2 Brooklyn speed-talking right now.

3 Number one is we're asking -- I'm also
4 the chair of the New York State Clean Water
5 Coalition, which is not only all these
6 wonderful environmental groups you've been
7 hearing from today, but it also includes the
8 New York Water and Environment Association,
9 the good people that operate and run our
10 sewage treatment plants; it includes New York
11 Rural Water Association as well as the
12 New York Water Association. So all of the
13 drinking water, all of the wastewater, all of
14 the environmental groups, and we're all
15 asking for \$600 million in the Clean Water
16 Infrastructure Act. Why? Because we need
17 it.

18 And I want to thank you guys so very
19 much for restoring the budget cut last year
20 to \$500 million when it was proposed to be
21 \$250 million.

22 The good news is -- and we want to
23 recognize the Governor's staff and the
24 agencies -- they spent a lot of money last

1 year in the clean water arena. In fact, they
2 spent a record amount -- \$600 million went
3 out the door last year for over 250 projects
4 all across New York State upgrading sewage
5 infrastructure and making our clean water
6 cleaner.

7 That's great. See, they can do it.
8 That justifies asking for \$600 million again
9 this year.

10 Also a little-known fact, but very
11 important, the program was oversubscribed
12 again last year. In fact, it was
13 oversubscribed by over \$700 million, which
14 means there were 200 different infrastructure
15 projects that went unfunded and were denied
16 last year that are shovel-ready right now.

17 And if that's not good enough, I think
18 we all need to know that the PFAS regulations
19 are going to be coming online for the 4 parts
20 per trillion -- you know, if the EPA keeps to
21 that, but that's another story. Which means,
22 according to the water districts, there's
23 296 water districts across New York State
24 that are right now between 4 PPT and 10 PPT

1 that will need more clean water funding. And
2 if you think people want to afford their
3 electric bills and their grocery bills, they
4 really want to afford their water bill. It's
5 a necessity.

6 Really quick, we're going to ask also
7 for an increase in the Environmental
8 Protection Fund. We told you that would be
9 an investment of funds, and you know what?
10 We were correct. A report just came out, a
11 record number of people visiting New York
12 State parks -- 88 million people last year
13 visited New York State parks, the crown jewel
14 being Jones Beach with 9.5 million people.

15 Everything we spend in that EPF is
16 coming back to us as an investment not only
17 for economically in New York State, but for
18 quality of life for New York State residents.

19 My time is over. Thank you very much.

20 CHAIRWOMAN KRUEGER: (Inaudible.)

21 MS. ESPOSITO: And we're getting
22 applause. Thank you, thank you.

23 (Laughter.)

24 MS. ESPOSITO: I think you're just

1 delirious because it's 8 o'clock at night.

2 MR. CHERSON: Good evening. My name
3 is Jeremy Cherson, associate director of
4 government affairs for Riverkeeper.

5 Thank you for the opportunity to
6 testify today. And do not fear, Senator
7 Krueger, there will be no props this year.

8 (Laughter; applause.)

9 MR. CHERSON: In 2023, New York City
10 discharged 29 billion gallons of combined
11 sewer overflows, equal to 105 Empire State
12 Buildings full of sewage. Across the rest of
13 the state, 8.8 billion gallons were dumped
14 into our waters. That's 32 Empire State
15 Buildings of sewage. That's a lot of poop.

16 Now, that doesn't even capture the
17 89 million gallons of untreated landfill
18 leachate that is released into the Hudson and
19 Mohawk rivers annually, according to a group
20 of citizens who just recently released a
21 report.

22 To address these challenges, we're
23 asking for the Legislature to increase the
24 Clean Water Infrastructure Act to

1 600 million, and I'll add that inflation has
2 eroded its value since it first hit
3 500 million in 2017. It's now worth
4 \$641 million, funded at that level, and the
5 program as Adrienne said is oversubscribed.

6 The EFC has identified 544 water
7 projects requiring \$6 billion of need this
8 year alone. Despite investment, the progress
9 is uneven. We also support raising the EPF
10 to 500 million with a 2 million increase to
11 the Hudson Estuary program and the
12 Mohawk Basin program. These programs are
13 really important for nutrient pollution,
14 habitat loss, PFAS contamination, as well as
15 providing technical support to counties and
16 municipalities.

17 Since 2021, over \$650,000 of
18 Hudson Estuary grants have supported
19 STEM education for young adults from New York
20 City to the Mohawk Valley. Also, the
21 Interstate Environmental Commission, based in
22 Long Island City, protects water and air
23 quality in the tristate region. The
24 Governor's budget proposes cutting IEC

1 funding by more than half, jeopardizing
2 \$1 million in federal funds. We urge full
3 restoration of this funding.

4 Finally, Riverkeeper, like everyone
5 else, is concerned about news coming from
6 D.C. regarding the pause on federal grants
7 and infrastructure funding as well as the
8 termination of grants for nonprofits and
9 universities that provide foundational
10 research that guides policymaking. This
11 serves as a sobering reminder that the state
12 is the last line of defense when the federal
13 government threatens the progress we've made
14 on clean water over the last 50 years.

15 Thank you for your time, and I'm happy
16 to take questions.

17 MR. ZEPP: (Mic off.) Ah, there we
18 go. All right, good evening.

19 My name is Andy Zepp. I'm president
20 of the Finger Lakes Land Trust, and I come
21 from a region that supports a \$2 billion
22 tourist economy that is based on clean water,
23 clean vistas, and easy access to nature.

24 And my organization, the Finger Lakes

1 Land Trust, focuses on projects that sustain
2 those values. Many of our projects are done
3 in partnership with New York State. Earlier
4 this year we've worked together to secure
5 more than 3,000 feet of shoreline on
6 Cayuga Lake. We also worked with
7 Onondaga County to create the first new
8 county park in 20 years. Both of these
9 projects benefited from support from the
10 Environmental Protection Fund, as do many of
11 our other projects.

12 Unfortunately, at a time of increasing
13 demand on the EPF, particularly for water
14 quality, we're seeing the purchasing power go
15 down. And that's for two reasons. One, we
16 have a red-hot land market, so the values are
17 at all-time highs. At the same time,
18 particularly for water-quality projects, we
19 see inflation in construction costs,
20 particularly in both labor and materials.

21 So because of that, we're asking for
22 an increase from 400 to 500 million because
23 the need has never been greater and, again,
24 the purchasing power is going down.

1 Now, funding is one thing, but there's
2 a big difference between appropriations and
3 getting paid. My organization today holds
4 21 properties for transfer to the state.
5 This is about \$4.7 million, which is a lot
6 for a small organization. And in the last
7 two years we've only completed one sale to
8 the state.

9 Across the state, collectively, land
10 trusts hold 100,000 acres with a value of
11 \$150 million awaiting transfer. In contrast,
12 in 2023 the state only acquired 3800 acres
13 with a value of 6.5 million. So why the
14 backlog? There are a couple of different
15 reasons.

16 First and foremost is New York's
17 approach to title review. Unlike most other
18 states and the federal government, we don't
19 use title insurance, which the rest of the
20 world does. We're delighted to see in the
21 Governor's State of the State Book that there
22 were -- she proposed to address it, but
23 concerned that we didn't see that again in
24 the budget document.

1 In addition, we also note over the
2 years there has been attrition in the
3 Real Property Bureau of the Attorney General
4 and the DEC. So we see staffing shortfalls
5 and other issues.

6 And then, third, there are processes
7 and procedures that are out-of-date and
8 simply need to be reassessed and streamlined.

9 All of these are going to take focus.
10 These are projects that are vital to our
11 state's economy, human health. And we hope
12 that if the Governor doesn't renew her
13 commitment on title insurance, we hope that
14 the Senate and Assembly will as well.

15 Thank you.

16 CHAIRWOMAN KRUEGER: (Inaudible.)

17 MR. ANSEL: (Mic off.) Thanks,
18 Adrienne.

19 Good evening. My name's David Ansel.
20 I'm the vice president of water protection
21 for Save the Sound. Our mission is to
22 protect and restore the Long Island Sound,
23 although I note that our advocacy and fight
24 for clean water is good for all New Yorkers.

1 I want to thank you for the
2 opportunity to testify tonight and for
3 staying here with us to listen.

4 I want to share some of the challenges
5 that are facing Long Island Sound, but first
6 I want to remind you why the Long Island
7 Sound is so important. It's an ecological
8 treasure, with over 170 known species of fish
9 and dozens of types of migratory birds.
10 Millions of New Yorkers use it for
11 recreation, boating, fishing, and swimming at
12 over 200 beaches, and it's an economic
13 engine.

14 Clean water we know is good for the
15 economy, and it provides hundreds of
16 thousands of jobs and billions of dollars of
17 revenue to the State of New York. The
18 challenges that we're facing are many; I
19 won't be able to list them all. I have a big
20 three, because I have three minutes. One is
21 wastewater pollution, the second is
22 stormwater runoff pollution, and the third
23 are the effects of climate change.

24 And climate change is in and of itself

1 a triple threat, because it exacerbates
2 wastewater pollution by overwhelming outdated
3 infrastructure that can't handle the amount
4 of liquid coming in from the rain events that
5 we're having. It exacerbates stormwater
6 pollution. We don't have enough green
7 infrastructure and too many impervious
8 surfaces, and it's actually also warming the
9 water.

10 And as the water gets warmer, it can
11 hold less oxygen, which can lead to hypoxic
12 dead zones, which were really prevalent in
13 the 1980s and '90s. And we worked so hard to
14 try to reduce that, but unfortunately we're
15 kind of at a tipping point where we may be
16 going back in the wrong direction.

17 The good news is we know what the
18 solutions are. We need to invest in
19 wastewater infrastructure. We need to reduce
20 stormwater pollution and have more green
21 infrastructure and nature-based solutions and
22 living shorelines. We need to mitigate
23 climate change, as I said. And we need to
24 address the wastewater infrastructure

1 deficiencies.

2 We have outdated and inadequate
3 wastewater infrastructure all around the
4 Sound. Which brings me to my ask tonight,
5 which is we must fund the Clean Water
6 Infrastructure Act at 600 million, and we
7 must fund the EPF at 500 million.

8 The Governor focused on affordability
9 in her State of the State address a couple of
10 weeks ago. And affordability doesn't just
11 affect groceries and milk and cheese, it
12 actually affects the parts necessary to
13 upgrade and maintain our wastewater
14 facilities as well. So there's a massive
15 opportunity cost in failing to increase this
16 funding.

17 One is the continued degradation of
18 our environment and public health. And
19 second, it appears that we're losing our
20 support from the federal government, in which
21 case it's never been more important for
22 New York State to continue to lead in the
23 fight for clean water, and at this point
24 every dollar counts.

1 Thank you.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator Hinchey.

4 SENATOR HINCHEY: Hi. Thank you so
5 much. I'll see if I can do two quick
6 questions. Thank you all for what you do and
7 for being here and for staying.

8 The first question is for Riverkeeper.
9 We've talked a lot today -- it feels like
10 yesterday -- this morning, about emerging
11 contaminants and on-site treatment. You're
12 very familiar with the situation that we're
13 experiencing in Ulster County.

14 Could you elaborate a little bit on
15 the importance of funding for on-site
16 treatment of those contaminants before they
17 get to a wastewater treatment plant?

18 MR. CHERSON: Right. So the leachate
19 from landfills contains heavy metals, toxic
20 organic materials, and PFAS and other
21 PFAS-related chemicals. It's all of our
22 garbage, and it's all the liquid from the
23 garbage, the sludge that is required to be
24 collected.

1 And if there was a direct discharge
2 from these facilities, they would have to
3 treat them. But they're able to pump them
4 into trucks or pipe them directly to a
5 wastewater treatment plant, and magically
6 it's not toxic waste any more, and they're
7 able to discharge it directly into waterways
8 across New York State. And so it's not just
9 the Hudson and Mohawk rivers.

10 And so DEC has been looking at issuing
11 regulations to require on-site treatment.
12 They have not released those regulations yet,
13 but they have the technology, these
14 facilities have the technology to do it. It
15 will cost money, and the state will likely be
16 asked to help to support those on-site
17 treatment measures.

18 SENATOR HINCHEY: Thank you.

19 And I would acknowledge that we're
20 supposed to see those regs, DEC has told us
21 the early part of this year, so we're all
22 waiting for that.

23 I'd be remiss if I didn't say that
24 Assemblymember Kelles and I have a bill that

1 would help address this exact thing, which we
2 would love to see in the budget, which I
3 think would be helpful.

4 I'd like to switch over to Adrienne
5 with your hat with the Clean Water Coalition
6 with everyone including the rural water crew
7 and our wastewater treatment plants. I know
8 one of their priorities has been working with
9 us to both increase the clean water grant
10 funding, but also create other programs to
11 make sure that the money is getting out the
12 door in a more reliable way. Something like
13 a CHIPS-like model I know they've been really
14 supportive of.

15 Can you -- would you agree with that,
16 and would that be helpful?

17 MS. ESPOSITO: Yes. In fact, that is
18 part of the clean water platform which you
19 will be receiving very shortly via email, and
20 then we have our Clean Water Lobby Day in
21 February.

22 So yes, we've been supportive of that
23 model. That's been part of the water
24 suppliers' and the wastewater treatment

1 operators' input, and we agree with them. I
2 mean, look, we need to have a reliable
3 sustainable funding stream, right, and so
4 that is one way to get it.

5 And unfortunately, our sewer
6 infrastructure needs are so massive and so
7 expensive, and they're not going to fix
8 themselves. So to have some type of reliable
9 financial income is better than doing it year
10 by year.

11 SENATOR HINCHEY: Thank you very much.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Assembly.

14 CHAIRMAN PRETLOW: Assemblyman Ra.

15 ASSEMBLYMAN RA: Thank you. Thank you
16 guys for sticking it out.

17 Adrienne, Keith Brown actually asked
18 me to ask this because he had to leave, but I
19 know you may have heard it discussed earlier
20 as well -- the Stony Brook situation and that
21 funding. You know, the answer I got earlier
22 was, Oh, they have adequate funding to
23 continue their work.

24 I know you mentioned it in your

1 testimony. What are your thoughts?

2 MS. ESPOSITO: Yes. Thank you so much
3 for asking that.

4 I do think there was miscommunication
5 between the DEC and Stony Brook. I can tell
6 you I met with Stony Brook on Friday, and
7 they were aghast that the money was not in
8 the budget for them this year. They do not
9 have adequate money. That is not correct
10 information.

11 They are in the middle of a five-year
12 study, they're in the third year. It's a
13 study New York State asked them to do to look
14 at phosphorus for all of the freshwater
15 bodies around the State of New York, because
16 they need to -- they, the DEC, needs to
17 create TMDLs for phosphorus going into those
18 freshwater bodies.

19 Stony Brook geared up the first two
20 years, so they didn't spend all the money.
21 But now they're in full gear, they have seven
22 Ph.D. scientists, and they're moving on this.
23 And they want to complete the study, and they
24 don't want to fire their team, so they need

1 to get the \$1 million back.

2 ASSEMBLYMAN RA: Okay. Thank you.

3 And for anybody who wants to comment
4 on this -- I know, you know, we're talking
5 about trying to increase with regard to clean
6 water infrastructure. I had talked about
7 earlier that, you know, so many people are
8 now learning about their service line
9 situations and stuff.

10 So I'm just wondering your thoughts if
11 we could increase that, if we could finally
12 put a -- I think we've only, over the years,
13 put like maybe \$5 million into the Lead
14 Service Line Replacement program. So if that
15 would be one of the places that we could
16 invest more in, if we were to get it
17 increased, that funding.

18 MS. ESPOSITO: Yes. In fact, our
19 coalition is asking for \$100 million for
20 replacing those lead service lines.

21 Again, this is part of the big need
22 and why you need a sustainable, you know,
23 income for fixing infrastructure. Lead is a
24 pretty serious pollutant, and it needs to be

1 addressed. So thank you for asking that
2 question.

3 ASSEMBLYMAN RA: Thank you.

4 CHAIRWOMAN KRUEGER: Senator Bynoe.

5 SENATOR BYNOE: Thank you,
6 Madam Chair.

7 Hi, the question is for CCE.

8 So we just -- my colleague just asked
9 a question regarding treating water before it
10 gets into the system. Would you suggest
11 increasing testing as well throughout the
12 state to ensure that we're really capturing
13 the reality of how our water is contaminated
14 in MCLs?

15 MS. ESPOSITO: Well, first of all,
16 welcome, Senator Bynoe, to the Senate EnCon
17 Committee.

18 And the answer is absolutely yes. In
19 fact, we were extremely disturbed that the
20 EPA just -- or the administration just
21 withdrew, just as it was supposed to go into
22 effect, the EPA's rules to require that
23 manufacturers that involve PFAS were supposed
24 to be testing and regulating for the

1 discharge of that. That is a huge public
2 health and environmental setback.

3 So the more -- so that it falls to the
4 state, as I think David might have said
5 earlier to you. But the point is that yes,
6 the state is going to now need to do more
7 testing.

8 The whole idea is not just to clean up
9 PFAS and 1,4 dioxane after it gets into the
10 water. It's to prevent it from getting into
11 the water in the first place. That's the
12 cheaper, safer alternative. But we don't
13 know always where it's coming from unless
14 we're testing, whether it's effluent or
15 discharge from industry.

16 So those two things are critically
17 important to protect environment and public
18 health -- and, frankly, our dollars.

19 SENATOR BYNOE: So speaking to
20 1,4 dioxane, in my district in Hempstead, in
21 the village, they're facing a really big
22 challenge to the tune of over 5 -- I'm sorry,
23 \$55 million to do a cleanup. And they're
24 really at this point outside of the

1 guidelines.

2 MS. ESPOSITO: The standards.

3 SENATOR BYNOE: And so would you
4 suggest putting more money in communities
5 that are disproportionately affected based on
6 their disadvantage, their economic
7 disadvantage?

8 MS. ESPOSITO: Yes. And the reason
9 for that is we really need to keep water
10 affordable. That particular area that you're
11 talking about, the Village of Hempstead
12 unfortunately is drinking 11 parts per
13 billion of 1,4 dioxane. And as far as I
14 know -- and I did look -- it's the highest
15 level in the State of New York. So that is
16 of concern.

17 It's also a low-income community of
18 color, and they cannot afford higher water
19 bills. So the answer to your question is
20 yes.

21 SENATOR BYNOE: Okay. So thank you
22 for that testimony. And thank you also for
23 clearing up a point earlier about the
24 Stony Brook issue and the funding. So I hope

1 that's restored.

2 Thank you very much.

3 MS. ESPOSITO: Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.
5 Assembly.

6 CHAIRMAN PRETLOW: Assemblymember
7 Schiavoni.

8 ASSEMBLYMAN SCHIAVONI: Thank you,
9 Chair.

10 And good evening. Thank you for being
11 here. And thank you for your advocacy for
12 the environment. You do so much, and you
13 speak for areas of our environment that
14 certainly need a voice, and you also marshal
15 people quite well. So well done there.

16 Thank you, Ms. Esposito, for bringing
17 up Stony Brook, and Assemblyman Ra for
18 bringing up Stony Brook. The School of
19 Atmospheric Science out in Stony Brook
20 Southampton, as well with the Center for
21 Clean Water Technology, is really -- has been
22 at the forefront of our testing and our
23 remediation as municipal governments. So,
24 you know, I certainly appreciate that, and

1 your work.

2 My question, Ms. Esposito, you
3 mentioned shovel-ready projects. Could you
4 give us some examples of some of the
5 shovel-ready projects on Long Island that --

6 MS. ESPOSITO: On Long Island -- well,
7 I did not review the list. What we did was
8 we looked at the data that a report provided,
9 and it talked about the program being
10 oversubscribed by \$744 million. And I think
11 it was 227 projects that went unfunded.

12 So I don't know which ones are on
13 Long Island. I know that there were some on
14 Long Island, but I don't have them memorized,
15 I apologize. I'll do that next year.

16 ASSEMBLYMAN SCHIAVONI: You know, when
17 I got into this, I was a commissioner of a
18 water district. And at that time the
19 acceptable parts per trillion was 60 of PFAS
20 and PFOS. Now it's down to 10. It's going
21 to go down again.

22 I know I had asked this question
23 earlier about, you know, the different kind
24 of filters. Could you speak to the kinds of

1 money that is going to be needed to filter
2 the groundwater for PFAS and PFOS?

3 MS. ESPOSITO: Yes. And actually, the
4 last I checked, the cost of a carbon
5 granulated filtration system for the average
6 water supply district is about \$1.5 million,
7 and that's for the installation and the
8 upfront costs.

9 And then of course the maintenance
10 cost down the line varies according to how
11 much PFAS is actually in the water and it's
12 filtering out. But, you know, it could be
13 upwards of \$1 million per year.

14 Right now the grants cover the initial
15 installation cost, but they do not cover the
16 maintenance cost. So it's just another -- a
17 reason why we really need to cover that
18 initial upfront construction cost.

19 ASSEMBLYMAN SCHIAVONI: And, last
20 question, I believe prevention is worth
21 certainly a ton of cure. And when we talk
22 about nitrogen in the water and, you know,
23 harmful algal blooms, do you support either
24 septic or sewage systems? In other words,

1 municipal sewerage versus individual IA
2 septic systems.

3 MS. ESPOSITO: I support both. I
4 mean, there's many areas I know specifically
5 across Long Island -- but not just across
6 Long Island, in the Adirondacks and other
7 areas -- where they don't want sewers. And
8 sewers are quite expensive. I mean, they are
9 very, very costly.

10 It's actually cheaper in many areas to
11 replace old septic and cesspools that are
12 failing with these new innovative alternative
13 technologies that filter out nitrogen and
14 other pollutants.

15 ASSEMBLYMAN SCHIAVONI: Thank you.

16 CHAIRMAN PRETLOW: Assemblywoman
17 Kassay.

18 ASSEMBLYWOMAN KASSAY: Thank you. I
19 will go ahead and beat the dead horse of
20 Stony Brook University. This is in my
21 district, so thanks to everyone for setting
22 me up.

23 I will further ask a different
24 question, then. So in your testimony,

1 written, you have during the fourth year they
2 were asked to study phosphorus in water. I
3 know, off the top of my head, nitrogen,
4 dioxanes, PFAS, medicines and hormones in
5 water -- there are so many more issues to
6 study in water and to develop clean water
7 technologies and hopefully cheaper
8 technologies that can be put in. Because I
9 know for PFAS it's very expensive to put
10 these filters in.

11 So for me, you know, I would hope to
12 see funding not just for the five-year
13 program, but to continue building. Is that
14 part of the conversation right now?

15 MS. ESPOSITO: Yes, it should be. I
16 mean, as we increase -- which we are hopeful
17 that you will do -- the funding for the
18 Environmental Protection Fund, I would urge
19 you to add funding for the Center for Clean
20 Water Technology.

21 The state created this center. They
22 have been wonderful in the cutting-edge
23 research they've done on nitrogens,
24 relationship to harmful algal blooms,

1 phosphorous, now, relationship to harmful
2 algal blooms.

3 They're developing new IA systems that
4 can be used all over the state for less --
5 actually, one-third the price of the
6 conventional ones right now that are on the
7 market for about \$25,000. Theirs are less
8 than half-price, that will do the same
9 filtration level.

10 So the science that's being done there
11 is being deployed all over the state. It's
12 really important. And I'm a big, big
13 supporter of them because not only do they do
14 the science, but they share the science. And
15 good science and good common sense make for
16 good public policy.

17 ASSEMBLYWOMAN KASSAY: Absolutely.
18 Thank you. So it is really an investment,
19 that a small investment -- especially with
20 the cesspool systems, those are -- they're
21 incredibly expensive. And so to have an
22 alternative being proposed, not only does
23 that bring prices down for homeowners, but
24 also for the state if they're offsetting

1 costs.

2 MS. ESPOSITO: Yes.

3 ASSEMBLYWOMAN KASSAY: So we're
4 getting our money back tenfold.

5 MS. ESPOSITO: It's an investment of
6 funds, not an expenditure of funds.

7 ASSEMBLYWOMAN KASSAY: Very good. I
8 appreciate that.

9 I would ask you about sewers, but out
10 of respect of everyone's time -- I know we
11 can talk crap all day, so --

12 (Laughter.)

13 CHAIRWOMAN KRUEGER: Okay. Any other
14 Assemblymembers?

15 CHAIRMAN PRETLOW: Yes. Assemblyman
16 Otis.

17 ASSEMBLYMAN OTIS: Thank you.

18 Andrew Zepp, you left out one liquid
19 that attracts people to the Finger Lakes.
20 That would be wine.

21 (Laughter.)

22 MR. ZEPP: I did, but you have to have
23 a view when you're drinking the wine.

24 ASSEMBLYMAN OTIS: Absolutely.

1 I have a question. You know,
2 Senator Mayer and I share a lot of territory,
3 and one of the things that we've experienced
4 in the last few years is in extreme storm
5 circumstances there's a hit on water quality,
6 because it exposes the inadequacy of our
7 stormwater systems, it damages and overflows
8 our sanitary sewer systems.

9 So I'd say to any of you, if you could
10 feed in and amplify the impact of extreme
11 storms on water quality and why that's
12 another reason we need to increase the amount
13 of money for the clean water pot of funding.

14 MR. ZEPP: Well, I'll just speak first
15 in the Finger Lakes. We've seen every year
16 now a super-saturated storm cell in the
17 summer drop somewhere in the -- eight,
18 10 inches of rain in a spot and just, you
19 know, not only damage infrastructure but
20 create a tremendous pulse of nutrients and
21 sediment into our lakes.

22 And for starters, some of the work
23 we're doing with the state, with the
24 counties, sewer and water districts, is try

1 to build back in some of the resiliency that
2 was lost. Because in a wet climate, for
3 about 200 years the number-one goal is to get
4 the water off my land and in the lake.

5 So we straightened the creeks, we've
6 eliminated the wetlands, and it's building
7 back that stormwater detention capacity, some
8 of which could be natural and have a habitat
9 function, but some it's going to be
10 engineered basin. But that is, you know,
11 needed across the whole state.

12 But we're seeing it now. It's not a
13 prediction of the future, it's every year.

14 ASSEMBLYMAN OTIS: Great.

15 MR. ANSEL: And in the Sound Shore
16 region and across the Sound we know that the
17 infrastructure has got problems. And when we
18 get these incredible rain events, it's
19 overwhelming, going into cracked lines and
20 sewage lines that need to be replaced,
21 overwhelming the wastewater treatment
22 facilities.

23 And so we're releasing partially
24 treated -- and in New York City in

1 particular, untreated -- sewage into the
2 water.

3 Jeremy can make sure my quote's right.
4 It's over \$20 billion a year in New York City
5 waters that's going in untreated and combined
6 sewer overflows because of the rain. And of
7 course the stormwater pollution is really
8 serious. Every time it floods, all pollution
9 is in the puddles, it's on the ground. And
10 we always say whatever is on the ground gets
11 in the Sound.

12 MR. CHERSON: Yeah, that's 29 billion
13 gallons in New York City of raw discharge
14 sewage.

15 MR. ANSEL: Annually.

16 MR. CHERSON: Annually. One hundred
17 three Empire State Buildings full, as I said.

18 And there's a bill, Rain Ready
19 New York, that would help modernize our
20 stormwater practices that Assemblywoman
21 Gallagher and Senator May carry that we're
22 hoping can get over the finish line this year
23 in the Assembly.

24 ASSEMBLYMAN OTIS: Thank you all.

1 CHAIRMAN PRETLOW: Assemblyman
2 Burdick.

3 ASSEMBLYMAN BURDICK: Yes. Thank you,
4 Chair, and thank you to the panel.

5 Can you comment on the proposed pilot
6 program to provide financial assistance to
7 owners of private wells contending with
8 contamination? And how would you see it
9 scaled to a statewide program, and do you
10 have any idea of cost?

11 MS. ESPOSITO: Well, I'll just start.
12 I mean, I live in a county where there's
13 40,000 homes that rely on private wells,
14 which equates to about 150,000 people. And I
15 would venture to tell you those people have
16 no idea what they're drinking. And when they
17 do get their well tested, it's never really
18 great news.

19 So we, the New York Clean Water
20 Coalition, did advocate, we've been
21 advocating for several years for this line
22 item. We're very happy that the Governor's
23 put this in the State of the State and her
24 budget this year.

1 We also have the same questions you do
2 about how will it be administered. Will the
3 DEC be testing those wells, which would be
4 unusual. I don't think that's the way it's
5 going to happen. Usually a local health
6 department will test the well or at least
7 send a sample out to be tested, particularly
8 for PFAS, because a lot of local health
9 departments don't have the PFAS technology to
10 test.

11 So we don't know how it's going to be
12 rolled out, but we are happy that this is a
13 beginning part of funding it and figuring
14 that out.

15 ASSEMBLYMAN BURDICK: Anyone else want
16 to comment on that? Cost for scaling it,
17 anybody even --

18 MR. ANSEL: It's going to be billions.
19 It's going to be a huge number in the long
20 run, because I think more and more
21 communities are going to find out about it,
22 you know, in the long run. More communities
23 in Westchester and around the state are
24 finding out they have a PFAS problem all the

1 time.

2 And it's really important that we do
3 test this, we do help families with
4 remediation and try make people safe. It's a
5 major public health and safety issue. But
6 just as Adrienne was saying at the top of the
7 conversation, it's really important from a
8 legislative perspective that we get control
9 of stopping PFAS from getting into the system
10 in the first case. That's one of the huge
11 goals that we have.

12 ASSEMBLYMAN BURDICK: Great. Thank
13 you.

14 CHAIRWOMAN KRUEGER: Anyone else?

15 CHAIRMAN PRETLOW: Nope, that's it.

16 CHAIRWOMAN KRUEGER: Okay, then I want
17 to thank this panel very much for staying
18 with us all day and evening.

19 MS. ESPOSITO: Thank you so much.

20 MR. CHERSON: Thanks very much.

21 CHAIRWOMAN KRUEGER: Thank you.

22 And I'm going to call up Fridays for
23 Future -- oh, they had to leave. So Police
24 Benevolent Association, The Nature

1 Conservancy, and Clean+Healthy.

2 Good evening. We're going to start
3 out with -- I assume while I see four people,
4 I have three groups. Am I right? Is
5 Clean -- is Fridays for Future not here, or
6 did they stay? You did stay. Thank you.

7 Okay, let's start with Fridays for
8 Future, and we'll just go down the list from
9 there. Press the light -- there you go.
10 It's green.

11 MS. MANCINI: Hello, and thank you.

12 My name is Helen Mancini. I'm a
13 17-year-old organizer with Fridays for Future
14 in New York City.

15 In 2019, the same year that New York
16 passed the CLCPA, I attended my first Friday
17 for Future climate strike. I was one of
18 300,000 people who marched the streets of
19 New York City, alongside millions across the
20 globe protesting the lack of government
21 action on the climate crisis. That year the
22 IPCC report declared that to avoid dangerous
23 global warming over 1.5 degrees dangerous
24 greenhouse gas emissions had to peak by 2025.

1 Out of all the target dates and
2 predictions, I have always remembered this
3 year, my graduation year, as motivation to
4 fight for my future. Now that we've reached
5 2025, it's clear we have not met our goals.
6 Temperatures rose over 1.5 degrees last year,
7 and peak emissions are still nowhere in
8 sight.

9 We've elected an administration that
10 has spent its first week cutting red tape for
11 the fossil-fuel industry and reversing the
12 wins of the Inflation Reduction Act.

13 We felt the impact of this inaction in
14 our communities. In 2024 we experienced the
15 hottest summer on record, followed by a
16 devastating hurricane season that New Yorkers
17 felt through the flooding of our homes and
18 public infrastructure. Wildfires burned from
19 Orange County to Brooklyn's Prospect Park
20 during the drought this past fall and
21 continue to rage in California. The climate
22 crisis has only grown more expensive, with
23 disasters expected to cost over half a
24 trillion dollars by 2050.

1 But despite these failures, 2025
2 cannot be our finish line -- of our fight or
3 of our optimism. For so many of us, 2025 is
4 only our beginning. This is the year my
5 friends and I will graduate high school and
6 begin our adult lives. It's the year my
7 little sister will start second grade. 2025
8 must be the year we change course and take
9 the lead as New York State to achieve the
10 future of clean air and water, safe from
11 climate disaster.

12 We've been talking a lot today about
13 the prices right now, but think about the
14 prices 50 years from now, when my sister is
15 only 56 -- the age of a lot of people in this
16 room or older. This starts in this room with
17 the budget.

18 It does not look like Governor Hochul
19 casting doubt on our climate goals and
20 delaying cap-and-invest. It does not look
21 like NYPA promising only 3 gigawatts and
22 maybe 3 later when BPRA specifically mandates
23 15. It also does not look like the Clean
24 Fuel Standard Bill, which is another attempt

1 to weaken our CLCPA commitment.

2 It looks like living up to the CLCPA
3 and investing billions more into mitigation,
4 resilience, and adaptation through an
5 affordable and climate-ready homes program
6 and the community-directed grant program
7 proposed by the NY Renews Coalition, and the
8 GAP funding legislation to make homes and
9 buildings ready for electrification. It
10 looks like passing the full NY HEAT Act and
11 ending subsidies with the Stop Climate
12 Polluter Handouts Act.

13 New York must do better. This budget
14 is a chance to promise more for New York by
15 passing the Invest in Our NY package and
16 funding our public transit, a chance to
17 reduce pollution through the Packaging
18 Reduction and Recycling Infrastructure Act,
19 and more appropriations for climate,
20 education and schools.

21 In 2025, this body --

22 CHAIRWOMAN KRUEGER: Thanks, Helen,
23 and I'll have to cut you off now. Thank you.

24 Helen was an intern in my office, so I

1 also want to thank you for staying so late.

2 Excuse me -- Police Benevolent
3 Association.

4 DIRECTOR KRUG: Good evening. My name
5 is Matt Krug, and I'm the director of the
6 Environmental Conservation Officers and serve
7 on the board of directors for the PBA of
8 New York State. Today I'll speak about the
9 budget needs for Conservation Officers and
10 Forest Rangers.

11 First and foremost, I would like to
12 thank the Legislature and the Governor for
13 passing a 9/11 death benefit for the family
14 of Lieutenant Paul Adam, who passed away in
15 2015 from cancer. While I greatly appreciate
16 the Legislature helping the family of one of
17 our fallen officers, the rest of my testimony
18 will be about helping our current and future
19 officers and rangers.

20 We urge the Legislature to allocate
21 all funding for Forest Rangers and
22 Conservation Police in separate, dedicated
23 line items within the state budget. This
24 will ensure that funding for the enforcement

1 of environmental laws and emergency response
2 like wildfires is protected and not diverted
3 to other agency priorities. Year after year
4 I've seen the DEC budget increase without an
5 increase in enforcement or emergency
6 response.

7 Forest Rangers and Conservation
8 Officers are deployed to prison escapes,
9 snowstorms, and other natural or manmade
10 disasters. Over half our Ranger staff was
11 deployed to the Jennings Fire. The trauma of
12 responding to fires, suicides, and other
13 devastating incidents, combined with the
14 strain of short-staffing demands, increased
15 investment in critical incident stress
16 management and employee assistance programs.
17 This funding is vital to support the
18 well-being of our Forest Rangers and prevent
19 further tragedies amongst them.

20 Staffing improvement is a challenge
21 for both our divisions. Last year the DEC
22 attempted to hire 25 more Rangers. However,
23 only nine completed the academy. Of the
24 45 spots for Conservation Officers, we only

1 had 26 graduate our academy.

2 Pension and pay disparities make both
3 careers less marketable, and this past year
4 the number of individuals taking our civil
5 service test decreased by 20 percent. In
6 2024, our 27 investigators collected
7 \$8.6 million in criminal and civil penalties
8 from polluters. Assemblywoman Kelles and
9 Senator Harckham introduced legislation for
10 an environmental enforcement bill that will
11 use the criminal penalties to fund special
12 prosecutors be hired and to purchase
13 emergency response equipment.

14 Currently, the majority of the
15 environmental cases are significantly
16 underprosecuted by local district attorneys.
17 These district attorney offices routinely
18 dismiss our cases statewide because they
19 aren't comfortable prosecuting environmental
20 cases.

21 Senator Parker, thank you for
22 introducing legislation requiring
23 Conservation Officers to have body cameras.
24 We support that legislation. However, we

1 need the funding for it. Besides the body
2 cameras, there also needs to be funding for
3 the memory storage and also for our report
4 management system. The total cost is about
5 \$8 million.

6 Lastly, we're hopeful that the new
7 year will bring experienced new leadership to
8 the DEC that will support its members in the
9 field and that are on the frontlines
10 protecting its people, animals, and other
11 natural resources.

12 Thank you.

13 MS. OTTNEY MAHAR: Hi, there. Thank
14 you. My name is Jessica Ottney Mahar, and
15 I'm the state policy and strategy director
16 for The Nature Conservancy. We're the
17 largest conservation organization in the
18 world. We started right here in New York,
19 and our goal is to protect the lands and
20 waters on which all life depends. No short
21 order.

22 I wanted to start out by just
23 reflecting on a trip I took earlier this
24 month to a global leadership conference for

1 The Nature Conservancy where I was with about
2 250 of our leaders for work going on around
3 our country and around the world. And I
4 wanted to let you know that there was a lot
5 of praise for New York, a lot of eyes on
6 New York, a lot of curiosity about New York
7 and the incredible work that you all have
8 been doing here to really set a high standard
9 for environmental funding and environmental
10 policy.

11 People are watching New York, and
12 they're watching the incredible work you're
13 doing and that we're doing together. And
14 what we need to do now is to realize the
15 potential of the legislation that we've
16 passed. The climate bill, our funding
17 programs, we've heard about a quarter of the
18 Bond Act is already out the door -- these are
19 really exciting things, but they need to
20 actually happen.

21 Implementation matters, and given what
22 we've all been talking about today with
23 what's been happening in Washington, it
24 matters more than ever. And the work that

1 you're doing here matters to places around
2 the world. So I wanted to say thank you and
3 to urge you to keep going.

4 On the budget itself, I work heavily
5 with a coalition called New Yorkers for Clean
6 Water and Jobs, which is focused on
7 environmental funding. The Environmental
8 Protection Fund is a key component of that.
9 It's been a long-time source of critical
10 funding for programs around the state. It's
11 had bipartisan support. It's part of the
12 Legislature's environmental legacy, and I
13 want to thank you again. We're urging you to
14 increase that to \$500 million.

15 There's a typo in my testimony.
16 There's a chart in there that talks about the
17 Land Trust Alliance Conservation Partnership
18 Program. We're hoping that goes up to
19 \$5 million this year.

20 And I also wanted to put in a little
21 plug for the funny little program, the
22 Protected Areas Database, which is going to
23 help us do things like site renewable energy
24 more effectively, make sure we have data to

1 make natural resources decisions. It's an
2 overlooked gem in the EPF.

3 I also wanted to talk about the
4 changes to the state's Land Conservation
5 Program. Those are of critical importance,
6 and we're urging you to support what's in the
7 budget. And if by the 30-day amendments
8 there isn't a new proposal from the Governor
9 for title insurance, or an agreement reached,
10 to please work on legislation to address
11 title insurance. And also, support the Clean
12 Water Infrastructure Act with \$600 million.

13 And I'll yield the rest of my time to
14 my colleagues here. Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 And you only get three minutes, even
17 though she ceded you time.

18 (Laughter.)

19 CHAIRWOMAN KRUEGER: But that was very
20 nice of you.

21 SENATOR PARKER: It was a good try.

22 CHAIRWOMAN KRUEGER: That was a good
23 try.

24 (Laughter.)

1 CHAIRWOMAN KRUEGER: Clean+Healthy,
2 thank you.

3 MS. WILDING: Good evening. I feel
4 like this is a Now for Something Completely
5 Different panel. And so I'm Bobbi Wilding.
6 I'm the executive director of Clean+Healthy.
7 We are an environmental health and justice
8 advocacy organization focused on building a
9 just and healthy world where toxic chemicals
10 are simply unthinkable.

11 And as I listened to all of the
12 testimony that we've been hearing today, I
13 want to say it's essential that New York
14 State step into the leadership role of
15 turning off the tap on toxic chemicals. We
16 solve many of these financial burdens on
17 communities when it comes to water, when it
18 comes to solid waste, when it comes to toxic
19 chemicals coming out of landfills, by turning
20 off the tap.

21 And before I talk more about that, I
22 want to take a step back to where I got
23 started, which is working on cleaning up
24 toxic waste sites. Superfund is up for

1 reauthorization. Given the federal climate,
2 there are a couple of things I want to
3 highlight that we support in what the
4 Governor is proposing. That is putting a
5 focus on disadvantaged or overly burdened
6 communities in deciding what to prioritize,
7 and the other is making sure that the court
8 considerations of how Superfund is
9 adjudicated move to the state. Given the
10 Chevron deference being taken away at the
11 federal level, this is an important move to
12 protect New York State and moving forward
13 with cleaning up toxic waste sites.

14 I also just want to note that nuclear
15 waste is another forever chemical, and it is
16 essential to consider that when thinking
17 about where we get our energy sources.
18 Advanced nuclear is really not, in my book,
19 any more advanced than advanced chemical
20 recycling. And so I will leave that there.

21 We've already heard a lot of people
22 talk about the need for a \$500 million
23 Environmental Protection Fund, which we
24 strongly support. We also support increasing

1 the Clean Water Infrastructure Act funding
2 for 600 million, particularly thinking about
3 dealing with our long-time legacy of one of
4 the other original forever chemicals, which
5 is lead, and getting lead pipes out of our
6 environment.

7 Two things that I want to lift up.
8 The New York State Children's Environmental
9 Health Centers are bringing environmental
10 health capacity to pediatricians across the
11 state, and they need an increase within the
12 EPF to \$5 million.

13 We also are on the brink of creating a
14 whole lot of new Superfund sites across
15 upstate New York as we bring in chip
16 manufacturers. They are heavily reliant on
17 PFAS. There are no air emissions controls on
18 PFAS, there's no water emissions controls on
19 PFAS. If we are not taking that -- not
20 significantly, and the EPA is rolling that
21 back, we need to fund solutions. The
22 New York State Pollution Prevention Institute
23 is looking at the solutions that are PFAS
24 alternatives so we can be moving away from

1 PFAS in those manufacturing facilities. This
2 is an opportunity to take prevention.

3 I have many more things. I will just
4 say, in my last five seconds, GAP fund, let's
5 make sure that homes are protected and able
6 to move into the clean energy economy.

7 Thank you.

8 CHAIRWOMAN KRUEGER: Thank you.

9 Any Senators? Yes, Pete Harckham.

10 SENATOR HARCKHAM: Thank you very
11 much, Madam Chair.

12 Thank you all for staying late, and
13 thank you for your really excellent
14 testimony.

15 First a quick comment, and then a
16 question. Helen, thank you so much, you
17 rocked it. We so need people of your
18 generation to push this fight, and thank you
19 for your leadership and thank you for your
20 passion. Really appreciate it.

21 A couple of quick questions for
22 Matthew. On the recruitment issue, we have a
23 class of 45, 46, you end up with 25 or 26.
24 It sounded like the same ratio on the Ranger

1 side. What accounts for that?

2 DIRECTOR KRUG: So part of it, we
3 would do better with recruitment if the civil
4 service test was offered in April or May so
5 that we could go to college job fairs and
6 have kids sign up when they're in their
7 senior year of college. That would help out
8 tremendously when they're thinking about the
9 test.

10 Now the test is during the summer, I
11 think when a lot of kids are at the beach.
12 So that is a big portion of it.

13 But we also don't have dedicated
14 recruitment officers that are able to go to
15 college fairs and different large-scale
16 events like the State Troopers do. So out of
17 the 2200 individuals that took our civil
18 service test, we canvassed all of them for
19 our physical test, and I believe it was
20 around 500 showed up and a little over 200
21 passed the run, pushups, sit-ups, and swim.
22 And then after that, we go to a background
23 check, and we lost 30 percent there to other
24 agencies.

1 We had 56 enter the academy, and our
2 academy is strenuous. We're working in rural
3 areas, far from backup. And we only had 26
4 graduate, and they're currently on FTO in the
5 downstate area, especially New York City.

6 SENATOR HARCKHAM: And then the other
7 thing I wanted to ask you about was when we
8 had met a year ago, we talked about the
9 benefits of the leadership development and
10 the fire training that happens out of state
11 and the desire for more fire training and
12 leadership development in-state. Has that
13 situation improved at all, or is it still the
14 same?

15 DIRECTOR KRUG: I can't 100 percent
16 speak for the Forest Rangers, but I have seen
17 they've begun to send more Forest Rangers out
18 of state. They went to the California fires
19 recently. And then they are getting that
20 experience, especially for our younger
21 Rangers, and bringing it back to New York so
22 they can use it downstate at the
23 Jennings Fire recently, where most of the
24 Rangers in New York State ended up going to

1 work.

2 SENATOR HARCKHAM: All right, great --

3 DIRECTOR KRUG: That is an
4 improvement.

5 SENATOR HARCKHAM: Twelve seconds.

6 Also the equipment fund, you're funding
7 yourself. Is that still the case?

8 DIRECTOR KRUG: That's for the Forest
9 Rangers, they came up with their own
10 equipment fund.

11 I'm Conservation Officers. We are
12 using boats that are 30-some years old
13 sometimes, or older, and they break down a
14 lot. My snowmobiles are older than our
15 newest officers.

16 SENATOR HARCKHAM: Great, thanks.
17 We'll talk more.

18 CHAIRWOMAN KRUEGER: Thank you.
19 Assembly.

20 CHAIRMAN PRETLOW: Assemblywoman
21 Glick.

22 ASSEMBLYWOMAN GLICK: Thank you all
23 for still being here.

24 A couple of things. One thing that --

1 "FT0"? You said they were in New York City?

2 DIRECTOR KRUG: Yes.

3 ASSEMBLYWOMAN GLICK: For --

4 DIRECTOR KRUG: Field training in
5 New York City. That's where all of our new
6 folks get sent to start with. That's where I
7 started. I started in Brooklyn, covering
8 that area for about two years, and then I
9 transferred out to Long Island. And then we
10 finally get back up upstate.

11 ASSEMBLYWOMAN GLICK: Okay. Is some
12 of the issue that you have highly trained
13 folks who don't have pension equity and you
14 lose them?

15 DIRECTOR KRUG: Absolutely. One big
16 issue this last time around was NYPD's --
17 they did a collective bargaining, and their
18 pay went up about 30 percent. And they have
19 a 20-to-22-year retirement, and we lost
20 dozens to NYPD right there that were looking
21 to lateral over.

22 ASSEMBLYWOMAN GLICK: Okay, thank you.
23 I suspected that was a big problem.

24 And thank you and both the

1 Forest Rangers and the ECOs for everything
2 that you do, because we don't have enough of
3 you and so you're all doing twice as much.

4 Jess, on the land trust, what was the
5 first thing? It was \$5 million --

6 MS. OTTNEY MAHAR: Oh, yeah, their --
7 Land Trust Alliance has two programs that are
8 funded by the Environmental Protection Fund,
9 the Forest Conservation Easement for Land
10 Trust grant program and the Conservation
11 Partnership program. We're hoping to see
12 both of those grow to \$5 million within the
13 land conservation part of the EPF this year.

14 ASSEMBLYWOMAN GLICK: Great. Thank
15 you.

16 MS. OTTNEY MAHAR: Thank you.

17 ASSEMBLYWOMAN GLICK: I just have a
18 minute. Bobbi, could you just talk a little
19 bit more -- I think it's very interesting
20 that you raised the issue of nuclear waste
21 still being a forever chemical. Could you
22 just talk for one second about how many
23 chemicals are in our just general,
24 everyday -- do we know any of the testing, or

1 is it only a portion of the thousands of
2 chemicals?

3 MS. WILDING: We don't have a great
4 sense of how many chemicals we're surrounded
5 by every day. What we do know is that there
6 are 15,000 different chemistries that make up
7 the class of PFAS alone, and estimates are
8 that there are about 80,000 chemicals that
9 are commonly used in commerce. The vast
10 majority of those have never been fully
11 tested.

12 And it's important to recognize that
13 even with some recent strides, only about
14 five or six chemicals have ever been fully
15 banned at the federal level.

16 ASSEMBLYWOMAN GLICK: Thank you.
17 Thank you for what you do.

18 CHAIRWOMAN KRUEGER: No more Senators.
19 Assembly?

20 CHAIRMAN PRETLOW: Okay, Assemblyman
21 Simpson.

22 ASSEMBLYMAN SIMPSON: Thank you.

23 Thank you all for sticking it out.
24 And I saved my time to ask a question. I'm

1 going to focus on a question for Matt,
2 though. It's great to see you, though, Jess.
3 I just don't have any questions for you.

4 You mentioned critical incident stress
5 training. What would be the ask as far as
6 resources, what you would need? Any idea for
7 a budget -- you know, you talked about a
8 separate budget line for --

9 DIRECTOR KRUG: So we had two
10 Forest Rangers in the last couple of years
11 commit suicide. They were -- one was a
12 captain and one was, I believe, a colonel.

13 ASSEMBLYWOMAN GLICK: Could you pull
14 the mic a little closer?

15 DIRECTOR KRUG: Yup. Sorry. So we
16 had two Forest Rangers commit suicide. Some
17 of the mental issues that you develop over
18 your career with seeing numerous dead bodies
19 and other searches and stress has -- it
20 affects their relationships, not only with
21 their family but other officers.

22 So a portion of it is when law
23 enforcement or other people need to get help
24 under the current red flag laws is -- you

1 could lose your ability to work. So
2 sometimes a mental illness is a very
3 short-term issue that can be worked out
4 within a couple of weeks with treatment and
5 help, talking to somebody. And under the
6 current state regs, if we have an officer
7 that goes out of state because they have like
8 alcohol rehab, when they come back they have
9 to go through a psych test. And they can't
10 come back to work for -- you're looking at
11 three or four months, even though they've
12 technically been cured. Their health --
13 they're sober.

14 So that definitely leads to some
15 challenges there, where we actually have to
16 send the officers out of state to get help
17 now. We can't do it in-state because of the
18 ERPO laws.

19 ASSEMBLYMAN SIMPSON: Right.

20 DIRECTOR KRUG: So that's definitely a
21 challenge to make sure everybody gets the
22 help they need.

23 ASSEMBLYMAN SIMPSON: Are there
24 resources that could be available to you if

1 you had the funding here in New York? You
2 know, within the budget now.

3 DIRECTOR KRUG: So a portion of it is.
4 So for Conservation, we do have a critical
5 incident stress management team that they
6 will reach out, every region. But the
7 Forest Rangers are lacking that, and they are
8 the ones that are really looking for this
9 right now.

10 So it would be sending the officers --
11 the Rangers to training, having somebody to
12 talk to, it would be possibly additional
13 overtime to fill their vacancies if they need
14 to spend a couple of weeks out of work.

15 Forest Ranger Robert Praczkajlo, who
16 is the Ranger delegate, he should have been
17 here testifying with me, but he was
18 recovering from a long carry-out up in the
19 High Peaks that took days and hours up that
20 way. It's very strenuous, it's cold, very --
21 a lot of snow.

22 ASSEMBLYMAN SIMPSON: All right. I
23 have four seconds, so. Thank you. We'll
24 have to work on this.

1 CHAIRMAN PRETLOW: Assemblyman
2 Palmesano.

3 ASSEMBLYMAN PALMESANO: Yes, just real
4 quick. No questions. But -- well, first,
5 thank you all for coming and staying so late
6 and testifying. Appreciate it.

7 But first to you, Helen, I just wanted
8 to say thank you. I spend a lot of time
9 going into schools and talking to young
10 people about the importance of getting
11 involved and not being afraid to speak up on
12 those issues that are important to you, and
13 I'm encouraged to see you here. I wish more
14 young people would not shy away from talking
15 to their elected officials, because we work
16 for you.

17 So I just wanted to congratulate you
18 and say thank you for coming up here and
19 speaking on those issues that matter most to
20 you. So continue to speak out on those
21 issues, and I hope more young people do the
22 same thing.

23 And Matt, I just wanted to say thank
24 you to you and your officers that you

1 represent from across the state, and what you
2 do in our communities each and every day. So
3 I just want to say thank you very much and
4 keep up the great work. So thank you, and
5 thanks for your testimony too.

6 Thank you guys.

7 CHAIRMAN PRETLOW: Assemblyman
8 Schiavoni.

9 ASSEMBLYMAN SCHIAVONI: Thank you,
10 Chair.

11 Good evening, everyone. Thank you for
12 being here. And I'm also thankful that, you
13 know, Senator Harckham, Assemblymembers Glick
14 and Simpson shared the concerns that I'm
15 going to bring up with you, Mr. Krug --
16 Officer Krug.

17 Tell me about -- you're having
18 difficulties retaining, recruiting and
19 retaining officers for environmental law
20 enforcement. Incredibly important, and I
21 know that we're understaffed in all parts of
22 the state. And on different levels, too.
23 How does your benefit package compare to
24 other officers? Is that keeping -- or is

1 that too much for this particular --

2 DIRECTOR KRUG: Oh, no, I can talk
3 about it.

4 ASSEMBLYMAN SCHIAVONI: Okay. How
5 does it compare to other law enforcement
6 communities? And why, you know, are you
7 having --

8 DIRECTOR KRUG: So for New York State
9 Troopers, they have a 20-year pension and
10 they make more than we do. Suffolk County,
11 Nassau County, NYPD, they're all in the same
12 boats. Most downstate police agencies,
13 municipal police agencies, have a 20-year
14 retirement.

15 They also have less of an educational
16 requirement to be hired. For us, we either
17 need a four-year degree or a two-year degree
18 with two years full-time police, or two years
19 full-time active-duty military. The majority
20 of us all have at least four-year degrees in
21 that aspect.

22 So if you are going to graduate
23 college and you have a choice between a
24 Trooper position and our position, but you

1 can retire sooner and make more money as a
2 State Trooper, what would you choose? That's
3 a big portion of it, and that's why we are
4 losing candidates.

5 We lost two individuals -- one
6 individual had six years on, and the other
7 one had almost 11 years on with us -- last
8 year that transferred over to State Troopers.
9 And just losing those individuals that are so
10 highly trained is -- it's difficult. We just
11 lost another officer at 17 years. He quit
12 after the Peanut the Squirrel incident and
13 said, you know, "I'm done."

14 ASSEMBLYMAN SCHIAVONI: Well, I
15 appreciate your candor. And, you know, it's
16 important to -- obviously to us here on this
17 committee.

18 As far as prosecution, when crimes are
19 committed, does the prosecution go to the
20 local district attorneys on the county level?
21 Or -- and how is that working?

22 DIRECTOR KRUG: So we do -- we can
23 prosecute things a couple different ways.
24 One is criminal prosecution, issuing someone

1 a ticket, an appearance ticket, make an
2 arrest and go through the local district
3 attorney's office.

4 We can also -- what's called an
5 administrative ticket, a notice of violation,
6 which we do for wetlands where we need
7 remediation completed, or for a corporation.

8 We can also do criminal tickets and
9 administratively settle them up.

10 But when we send stuff to the local
11 criminal or district attorney's offices, they
12 specialize in penal law, traffic law. They
13 don't have the Environmental Conservation
14 Law training.

15 ASSEMBLYMAN SCHIAVONI: Thank you.

16 CHAIRWOMAN KRUEGER: Thank you very
17 much, all of you. Appreciate your time and
18 hanging out with us for the day. And
19 evening.

20 CHAIRMAN PRETLOW: Oh, whoops, I'm
21 sorry. Chris Burdick.

22 CHAIRWOMAN KRUEGER: Oh. Oh, uh-oh.

23 ASSEMBLYMAN BURDICK: I'm sorry at
24 that, to call you back.

1 CHAIRWOMAN KRUEGER: Uh-oh. You
2 thought you were getting away.

3 ASSEMBLYMAN BURDICK: But I'll be
4 quick.

5 First of all, I want to thank all of
6 you for the terrific work that you do and
7 your advocacy. It really makes a tremendous
8 difference.

9 And thank you as well for the call out
10 to the State Legislature and for what we do
11 to try to make New York a beacon of hope to
12 the nation.

13 Mr. Krug, can you please talk a little
14 bit more about your view as to the
15 under-enforcement of environmental laws and
16 what you see are the factors that contribute
17 to that which EnCon Officers face?

18 DIRECTOR KRUG: So the biggest portion
19 of it is the district attorneys' offices
20 usually have -- they have a full docket for
21 the staffing that they have. They don't --
22 and then we go to local criminal courts where
23 a lot of the magistrates are elected. They
24 may be a local farmer during the day, and

1 they get a week of training at the town
2 courts.

3 So we get into court and a lot of
4 these cases, because the district attorneys'
5 offices aren't -- they're out of their league
6 with the science background.

7 ASSEMBLYMAN BURDICK: You're talking
8 about the judges now, or the whole --

9 DIRECTOR KRUG: The whole --

10 ASSEMBLYMAN BURDICK: -- district
11 attorneys, the whole system?

12 DIRECTOR KRUG: The whole system.

13 ASSEMBLYMAN BURDICK: Okay.

14 DIRECTOR KRUG: I spend a lot of my
15 time educating not only the judges but also
16 the district attorneys on what the law is and
17 why the law is important.

18 And then when it goes through the
19 cases, if we are not present in court, the
20 district attorneys' offices, just to clear
21 their docket, will be taking a
22 next-to-nothing plea.

23 So for instance, if you illegally take
24 a deer, it could be a \$500 to \$2500 fine. If

1 we're not in court, sometimes the district
2 attorneys' offices will settle --

3 ASSEMBLYMAN BURDICK: Just down to
4 nothing?

5 DIRECTOR KRUG: What's that?

6 ASSEMBLYMAN BURDICK: It can go down
7 to nothing or to something really nominal?

8 DIRECTOR KRUG: It'll be a slap on the
9 wrist, it gets automatically dismissed --

10 ASSEMBLYMAN BURDICK: Can I ask you
11 this? Sorry to interrupt. But don't some
12 counties have environmental courts?

13 DIRECTOR KRUG: Yes.

14 ASSEMBLYMAN BURDICK: And do you think
15 that that may be one of the ways to help to
16 provide the training? Because then judges
17 and the whole system would need to gear
18 towards making sure that those involved with
19 those environmental courts know what they're
20 doing.

21 DIRECTOR KRUG: Yes. Where we did
22 have environmental courts was Suffolk County
23 and in New York City, and we had judges that
24 were becoming familiar with our laws and our

1 processes, and that was a tremendous help.

2 Upstate in the rural areas it's a
3 little tougher. I mean, I work
4 Washington County, and I deal with at least
5 22 different courts during a different year.
6 Sometimes they have court at the same time.
7 We only -- we have to arraign on a district
8 attorney night, they only have one of those
9 sometimes a month. So it's kind of tricky,
10 but yes, that would be one way to do it.

11 What we're looking for here, though,
12 is to take our criminal fines, our
13 administrative fines, and reinvest that back
14 to special prosecutors and hire them just for
15 that.

16 ASSEMBLYMAN BURDICK: Right. Well,
17 thank you so much. Appreciate it all.

18 DIRECTOR KRUG: Thank you.

19 ASSEMBLYMAN BURDICK: Thanks for
20 staying so late.

21 CHAIRWOMAN KRUEGER: Thank you all, and
22 now you're allowed to leave the table.
23 Appreciate it.

24 And now we are coming to -- not the last

1 panel, actually -- Protect the Adirondacks,
2 Open Space Institute, Adirondack Mountain Club,
3 and Adirondack Council.

4 Let's start with Open Space Institute,
5 just so the three Adirondack folks can go in a
6 row.

7 MS. MOSER: Great. Thanks, everybody,
8 for staying here so late tonight.

9 I have a lot of requests in my written
10 testimony, but I'm going to name myself the
11 broken record of the Environmental Budget
12 Hearing, because this is the third year I'm
13 going to bring up this same topic. However,
14 I'm an optimist. Third time's the charm.
15 And I believe in good government.

16 So you guys already know -- I see
17 Assemblyman Simpson shaking his head -- for
18 the past two years the New York Land Trust
19 community and our friends -- there's over
20 90 of us -- and the environmental community
21 in New York have been talking about
22 modernizing the state land acquisition
23 program.

24 Let me give you a statistic, and I

1 know Jeff talked about this, and Andy Zepp
2 from the Finger Lakes Land Trust. In 2007,
3 New York State bought 283,000 acres of land.
4 In 2023, the last year that the State Land
5 Acquisition Report came out, it was 3800.
6 Something's got to change.

7 Now, we have had some slow progress.
8 The chamber called a meeting in August. We
9 had a roundtable, and DEC and State Parks
10 have been really working with us and
11 improving the process. We had a meeting with
12 Comptroller DiNapoli and his executive staff,
13 and that was very positive.

14 And then we saw, in the State of the
15 State, the last paragraph -- it was really
16 easy to find, just scroll all the way down to
17 the last paragraph, Make Open Space
18 Accessible for All: "Recognizing the need
19 for streamlined processes, the Governor will
20 also champion several key initiatives. This
21 will include modernizing the use of title
22 insurance to expedite land acquisitions."

23 And I want to point out, this isn't
24 just an upstate issue. I get calls from

1 Ramon Andino of the Bronx Land Trust -- he's
2 projects out the wazoo that he wants to
3 protect in his community. And 35 percent, a
4 minimum of 35 percent of the Bond Act is
5 supposed to go to disadvantaged communities.
6 But because the process is so long, some
7 organizations like mine are holding
8 \$24 million of land right now.

9 So when we saw this paragraph in the
10 State of the State, we were pretty excited.
11 And so we looked at the budget thinking,
12 there's a big fiscal impact here. The
13 state's starting to pay interest charges to
14 the land trusts because we're holding these
15 properties so long, and the staff costs
16 associated with this as well.

17 And there was nothing. There was
18 nothing in the budget, the Governor's budget
19 about this. There were other land reforms
20 that we were very appreciative of, covering
21 some of our costs prior to the acquisition.
22 But you'll remember the Senate passed title
23 insurance legislation last year. It got
24 through the EnCon Committee and didn't get to

1 the floor of the Assembly.

2 We're asking the Governor in her
3 30-day amendments to put title insurance back
4 in her budget. And if she doesn't, we're
5 going to come back to you all in your
6 one-house budgets to put it in there.

7 Thank you.

8 CHAIRWOMAN KRUEGER: Thank you.

9 Okay, Protect the Adirondacks.

10 MS. BRAYMER: Thank you,
11 Senator Krueger. And good evening to
12 Chair Pretlow, Senator Harckham, Chair Glick,
13 and other members of the Senate and Assembly
14 Environmental Conservation Committees.

15 Thank you for the opportunity to
16 testify. I am Claudia Braymer, executive
17 director of Protect the Adirondacks.

18 I will be brief and focus on three
19 points. First, the protection of the state's
20 lands and forests is essential for the health
21 of the state. The Environmental Protection
22 Fund should be increased to \$500 million,
23 with the open space and land acquisition line
24 increased to \$100 million. This increased

1 level of funding is necessary to protect the
2 approximately 3 million acres of land needed
3 to reach the state's 30 by '30 goal.

4 Funding for the Adirondack High Peaks
5 Information Center, the Cascade Welcome
6 Center, and the Adirondack Watershed
7 Institute needs to be restored to the EPF.
8 These are critical institutions for the
9 protection and research of natural resources
10 in the Adirondacks.

11 For 50 years, the Department of
12 Environmental Conservation has been required
13 by the Adirondack Park State Land Master Plan
14 to undertake carrying-capacity analyses on
15 major lakes in the Adirondacks. To date,
16 that has not taken place. We need a
17 million dollars in the state land stewardship
18 line of the EPF for carrying-capacity studies
19 for water bodies so that DEC can undertake
20 and complete this vital work.

21 Funding for wildlife research is
22 needed to support DEC's 2025 update of the
23 statewide Wildlife Action Plan. DEC has
24 inadequate data to support its efforts and to

1 make science-based decisions. One million
2 dollars is needed in the EPF for non-game
3 wildlife research, including \$500,000 to
4 conduct a gray wolf status assessment.

5 On a final note for EPF, diversity,
6 equity and inclusion initiatives are being
7 decimated at the federal level. We need a
8 million dollars to be added for the planned
9 new exhibit on the African-American
10 experience in the Adirondacks.

11 Second, funding provided under the
12 Clean Water Infrastructure Act is essential.
13 We need that to be increased to \$600 million
14 to address urgent and widespread clean water
15 infrastructure needs, including sewers and
16 septic systems that you've already talked
17 about tonight.

18 Third, the Executive Budget proposes
19 to boost the staff and budget of the
20 Adirondack Park Agency, but the 50-year-old
21 APA Act itself needs a facelift. Some of the
22 APA Act's provisions are outdated, like the
23 shoreline protection. Others need
24 clarification and improvement, such as the

1 jurisdictional provisions. And new
2 provisions need to be added to address
3 current significant issues such as climate
4 change, affordable housing, and
5 local-government planning issues.

6 The APA Act needs to be amended so
7 that it can serve the purpose of protecting
8 and conserving for future generations this
9 beautiful place.

10 I want to also support the title
11 insurance fix. Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 And next, Adirondack Mountain Club.

14 MS. PEDLER: Thank you for this
15 opportunity.

16 I'm Cathy Pedler with Adirondack
17 Mountain Club, which is based in the
18 High Peaks Wilderness, and we agree with the
19 land trusts.

20 (Laughter.)

21 MS. PEDLER: The Catskill and
22 Adirondack Parks represent over 6.5 million
23 acres, with more than 25 million visitors
24 each year. New York State Forest Preserve

1 lands within the parks, about 3 million
2 acres, are managed by DEC. The parks combat
3 climate change, protect critical habitats,
4 and provide fresh drinking water to millions,
5 including those in New York City.

6 We thank the Senate and Assembly for
7 your leadership in providing 10 million in
8 dedicated EPF state land stewardship funds
9 for the Catskills and Adirondacks over the
10 past several years. This line is critical
11 for protecting wilderness, providing space,
12 and welcoming visitor experiences and
13 supporting communities.

14 Projects being implemented with this
15 funding include the expansion of trail work;
16 more educational stewards; improvements to
17 recreation infrastructure at trailheads,
18 parking areas, and water access; projects to
19 improve accessibility; materials for bridges,
20 docks, campsites, and day use areas;
21 ecological monitoring and visitor use
22 management planning and implementation.

23 This year ADK, the groups on this
24 panel, and over 40 organizations and

1 municipalities signed a letter to the
2 Governor requesting that the dedicated
3 stewardship line be increased to 12 million
4 and that the EPF, in which this line lives,
5 be increased to 500 million.

6 Thanks again to your work, in the
7 final budget last year Forest Preserve
8 visitor centers were supported, including
9 Catskill Visitor Center, Adirondack Mountain
10 Club's visitor centers, and the visitor
11 interpretive centers of Paul Smith and
12 SUNY ESF.

13 In the Executive Budget proposal,
14 three of the centers received full support,
15 but the Adirondack Mountain Club's visitor
16 centers were not included. And we
17 respectfully request that funding for ADK
18 visitor centers be restored to 250,000.

19 Our visitor centers are essential
20 infrastructure for the Adirondacks and the
21 High Peaks Wilderness. They are a year-round
22 resource for outdoor recreators providing
23 trip planning, weather reports, trail
24 conditions, maps, guidebooks, and essential

1 gear to insure recreators have safe
2 adventures. They provide year-round access
3 to skilled education staff and 24-hour
4 bathroom facilities which reduces the impact
5 of improperly disposed of human waste.

6 And the visitor centers provide
7 essential preventative search-and-rescue
8 education to help avoid preventable rescues
9 by an already overstressed Forest Ranger
10 force, and our visitor centers serve as a
11 base for Forest Rangers who coordinate the
12 search-and-rescue events.

13 There are other important initiatives
14 listed in our written testimony that were
15 outlined in a letter to Governor Hochul and
16 signed by over 40 Adirondack and Catskill
17 organizations and municipalities, and I've
18 included a table that summarizes the EPF in
19 terms of funding requested by Adirondack and
20 Catskill groups.

21 And thank you very much for this time.

22 CHAIRWOMAN KRUEGER: Thank you.

23 And finally, Adirondack Council.

24 Hi, Kevin.

1 MR. CHLAD: Hi. Thank you so much.

2 Good evening. My name is Kevin Chlad.
3 I'm the deputy director of the Adirondack
4 Council.

5 A small building sits on the rocky
6 summit of Whiteface Mountain. This building
7 serves many purposes, but perhaps its most
8 important purpose is to monitor air quality.
9 A small device sits on this building's roof.
10 And when a cloud passes by, the device opens
11 up sending its many tendrils upward that look
12 like fishing lines. Cloud water condenses on
13 those lines and drips down into containers.
14 Those samples are then returned to a
15 laboratory for analysis, teaching us what
16 we're breathing and what we're drinking.

17 During the first term of the
18 Trump administration, this air-monitoring
19 station found a dramatic uptick in ozone
20 pollution. An investigation quickly
21 determined that the EPA had neglected to
22 order the coal-fired power plants of the
23 Ohio Valley to turn on their pollution
24 control equipment.

1 AG James took the EPA to court, and
2 New York was successful in getting a decision
3 that compelled that federal agency to order
4 upwind coal-fired power plants to turn on
5 their pollution control equipment, preventing
6 thousands of premature mortalities each year.

7 AG James relied on water-quality data
8 collected in the Adirondacks to prove harm to
9 New York and establish standing in court.
10 The data she used came from an Adirondack
11 lake survey, consisting of more than 40 years
12 of carefully collected water quality samples.

13 Scientists are telling us something
14 very important right now. A new baseline
15 water-quality study is needed to bolster
16 ongoing data collection efforts and to learn
17 more about the potential for our waters to
18 combat climate change. A consortium of
19 experts in New York State have come together
20 to design such a study, and it's called
21 SCALE, a Survey of Climate and Adirondack
22 Lake Ecosystems. The Legislature has
23 committed \$4.5 million to the study over the
24 last three years, and for that we're truly

1 grateful.

2 The project is estimated to cost
3 roughly \$12 million in total. We applaud the
4 Governor for including \$1.5 million for SCALE
5 in our Executive Budget proposal, but we do
6 urge the Legislature to increase the final
7 approved total to \$3 million this year. That
8 would get us past the halfway mark in funding
9 research that really helps protect vulnerable
10 populations from air pollution and climate
11 change impacts.

12 There are many other items in our
13 written testimony that we would love to talk
14 to you about, but you can read it there.

15 But thank you for your time.

16 CHAIRWOMAN KRUEGER: Thank you very
17 much.

18 Senators? Senator Harckham.

19 SENATOR HARCKHAM: Thank you,
20 Madam Chair.

21 Thank you all for your testimony and
22 for your partnership.

23 This is not a question, it's more of a
24 statement in that we, in past years, have

1 worked with you collaboratively on, shall we
2 say, adjustments to the EPF. And you've all
3 mentioned different items in your testimony
4 separate from your long written testimony.
5 If you could just be sure to get your
6 proposed revisions to both me and
7 Chair Glick, and Senate and Assembly central
8 staff, that would be very helpful.

9 Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Assembly.

12 CHAIRMAN PRETLOW: Assemblyman
13 Simpson.

14 ASSEMBLYMAN SIMPSON: Thank you. Just
15 want to thank you all for being here. And
16 the common theme is we need resources in the
17 Adirondacks.

18 But I do have a question pertaining to
19 something you mentioned, Claudia, on the
20 shoreline impacts and, you know, a million
21 dollars. Is that DEC staff doing that survey
22 and looking at -- to get to the bottom of my
23 question is, do you think DEC has enough
24 staff to complete this?

1 Because it seems like, you know,
2 whether it's the stewardship, the trails, the
3 management of, you know, hiking opportunities
4 in the Adirondacks, we're still hearing we
5 need more resources to fill in. And I know
6 from my time here in the Legislature we
7 continue to compound the DEC's
8 responsibilities. And we are hearing that
9 there's 58 new people. But, you know, we
10 also are tasking them with looking out for
11 the billion-dollar expenditure for climate
12 change and that program.

13 So do you think DEC has enough
14 personnel staff to do that currently?

15 MS. BRAYMER: I think the million
16 dollars could definitely be used by DEC.

17 I have two points. I think you would
18 have to ask Interim Commissioner Mahar that
19 question, if they have the staffing to do it.

20 And I would also suggest that we look
21 at the model that was used for the High Peaks
22 Visitor Use Management Study, where DEC did
23 engage with a consultant to do some of that
24 work to make sure that we were undertaking

1 the work necessary to do the research on how
2 the use of the High Peaks was being impacted
3 by people there.

4 And that is exactly what a
5 carrying-capacity study can he do. It can
6 help us analyze the impacts on the natural
7 resources, the water quality, the fish, the
8 wildlife, and how they're being impacted by
9 users and recreational impacts.

10 ASSEMBLYMAN SIMPSON: Okay. Thank
11 you.

12 CHAIRMAN PRETLOW: Assemblyman
13 Anderson.

14 ASSEMBLYMAN ANDERSON: Thank you so
15 much, Chair.

16 It's really good to see this panel
17 here. I appreciate you all for staying here
18 this late so that we can talk about how to
19 save our planet and improve our quality of
20 life and the environment.

21 My question is for our partners and
22 friends at the Adirondack Council. It's so
23 good to see you here, Kevin.

24 MR. CHLAD: Likewise.

1 ASSEMBLYMAN ANDERSON: Usually in the
2 Executive Budget you don't see critical
3 programs like the Timbuctoo Pipeline, which
4 that program works actively to ensure that we
5 have access to stewards, environmental
6 stewards and programs that take folks from
7 the inner city up to different parts of the
8 state to experience that stewardship and gain
9 that love for the environment and then
10 hopefully be connected to careers in such.

11 So my question is, with all of what's
12 happening in Washington, I'm wondering how we
13 are looking to ensure that any budget request
14 that comes before the Legislature, since it's
15 not in this Executive Budget proposal, will
16 protect the vitality and growth of this
17 program.

18 MR. CHLAD: Well, we have -- we have a
19 lot of work to do, right? We often talk
20 amongst ourselves as advocates that we need
21 10 times the number of people and
22 organizations that, you know, do the work
23 that we do. We're all constrained by
24 bandwidth, and we just need more people to

1 get into this field. And that's going to
2 start in schools, school-aged children.

3 And that's why the Timbuctoo program
4 is so important. Timbuctoo Institute, for
5 those who aren't aware, is a program -- a
6 partnership between Medgar Evers College and
7 SUNY School of Environmental Science and
8 Forestry in Newcomb, and this program seeks
9 to expose high-school-aged students that are
10 wondering, What am I going do when I leave
11 high school?

12 It exposes high school students to
13 fields in protecting our environment and
14 fighting climate change. And they've met
15 some really incredible people over the last
16 two years, the six cohorts that we've had.
17 And many of them are now returning to be
18 counselors for the program. They want to be
19 a part of the faculty that are teaching the
20 next generation. And they're thinking about,
21 you know, maybe I want to be a Ranger, an
22 ECO.

23 So that's just the first link in what
24 needs to be a much longer chain, but we had

1 to start there with those students. And so
2 we're really excited, but the plan is to grow
3 the program. We need to serve more students.
4 We're aspiring to grow.

5 And so there is a plan to stretch and
6 do a virtual model this year to expand. So
7 we will still bring students to the
8 Adirondacks, but at the same time we will
9 have a virtual model that teaches students.
10 And then next year hopefully we'll be
11 bringing more students to the Adirondacks.

12 ASSEMBLYMAN ANDERSON: Thank you so
13 much.

14 CHAIRMAN PRETLOW: Assemblymember
15 Glick.

16 ASSEMBLYWOMAN GLICK: Claudia, one
17 quick question. When you refer to non-game
18 wildlife, what exactly is the -- is it a
19 study? Or is it some protective ...

20 MS. BRAYMER: Thank you for the
21 question, Chair Glick.

22 What we were referring to primarily is
23 the fact that DEC bases a lot of its wildlife
24 management decisions on research about game

1 animals. So they will take information from
2 hunters, they'll take information from
3 permits that are being issued for game
4 animals. And what we would like to see is
5 more research based on non-game animals.

6 For instance, wolves cannot be hunted
7 in New York State because they're an
8 endangered species, so we -- that's why we
9 specifically pointed out wolves in the state.
10 But that's what we were going after, some
11 information -- oh, for instance, bobcats.
12 We'd like to see more information, data on
13 the species of bobcats in the state that is
14 not based solely on -- not solely, but that
15 is expanding to other research datasets.

16 ASSEMBLYWOMAN GLICK: Okay, so --

17 MS. BRAYMER: Like field -- field --
18 we do know that they are using field cameras
19 and things like that to try to gather some
20 more information about animals out in the
21 wild.

22 ASSEMBLYWOMAN GLICK: But it's a more
23 targeted focus on non-game wildlife research.

24 MS. BRAYMER: Yes.

1 ASSEMBLYWOMAN GLICK: Okay, thank you.

2 MS. BRAYMER: Thank you.

3 CHAIRWOMAN KRUEGER: Thank you all.

4 Anyone else? Okay. Then thank you
5 very much, all of you, for being with us.

6 And we've still got two more strong,
7 willing people to come and testify. We have
8 the Empire State Redemption Association and
9 the Can Bottle Return organization.

10 Whichever order you would wish to go
11 in.

12 MS. EDDY: Okay, I'll go first, since
13 my mic is already on.

14 CHAIRWOMAN KRUEGER: Okay.

15 MS. EDDY: Hi. My name is Jade Eddy,
16 and I'm here on behalf of the Empire State
17 Redemption Association. I'd like to thank
18 you for the opportunity to testify today,
19 though I must admit I shouldn't have to be
20 here again.

21 Redemption centers are suffering
22 working conditions entire labor movements
23 were started over. Owners are working alone,
24 sleeping in their shops, losing homes, unable

1 to afford groceries, and performing forced
2 free labor. Why? We just received our
3 13th increase to payroll since 2009. We're
4 expected to cover a 114 percent increase with
5 the same 3.5 cent handling fee.

6 Meanwhile, the Governor has just
7 announced that starting in 2027 minimum wage
8 will be tied to inflation. If that same
9 mindset is not applied to our pay, our
10 industry dies.

11 This inequity has led to the closure
12 of 25 percent of the state's redemption
13 centers in just two years. Without immediate
14 action, more closures are imminent. These
15 closures mean less access to recycling and
16 crucial funds to struggling New Yorkers.

17 The Bottle Bill, which was once a
18 forward-thinking solution, is now outdated.
19 In fact, we're now being forced to turn away
20 more recyclable containers than we are
21 allowed to accept, all while facing an
22 environmental crisis.

23 My question to you is, how does this
24 align with Albany's goals of affordability or

1 environmental sustainability?

2 Last year I sat on the Assembly floor
3 and I heard the goals for the session:
4 support small businesses, create jobs, and
5 protect our environment. The Bottle Bill
6 achieves all those goals. But once again,
7 the Legislature failed to act.

8 Voters are paying attention. They see
9 hypocrisy. They see the state raking in
10 billions from the unredeemed fund while my
11 colleagues and I lose our livelihoods and our
12 employees lose their jobs. They see the
13 litter and waste crisis worsen rather than
14 improve.

15 This is not a partisan issue. It
16 unites people across the political spectrum.
17 Red or blue, everyone agrees this crisis
18 needs to be addressed. Yet billionaire
19 corporations who profit from the collapse of
20 this system spread false narratives about job
21 loss to oppose progress.

22 But history shows the opposite. When
23 the Bottle Bill was last amended, it sparked
24 a boom in redemption center openings and jobs

1 throughout the entire system. Modernizing
2 the Bottle Bill is a win for the environment,
3 the economy, and New Yorkers.

4 Container expansion and an increased
5 deposit in Connecticut led one of our
6 businesses to see their volume quadruple in
7 2024. This leads to more green jobs and a
8 massive positive impact on our environment.

9 I'm urging you to include the
10 Bottle Bill in the budget or to find funding
11 to save this crucial system. Failure to act
12 is causing far-reaching damage to New Yorkers
13 all across the board.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Okay, next.

16 MR. BAKER: Thank you guys for
17 allowing me to testify here today. My name
18 is Peter Baker, and I'm a partner and
19 operator of a local community-based container
20 redemption center in Hamburg, New York.

21 Local redemption centers are currently
22 operating at or near untenable margins in the
23 year 2025 because of the lack of handling fee
24 increases since 2009. Exacerbated by the

1 recent inflationary pressures and the new
2 amounts of containers entering the stream
3 that are not redeemable, pressures to operate
4 with the intent to profit, let alone
5 innovate, are becoming too much to bear and
6 have already caused 25 percent of the
7 redemption centers across the state to close,
8 with many more scheduled to do so in 2025.

9 As a single operation, CBR helped
10 divert 28 million containers to initiators to
11 be reused and recycled in 2024, while
12 providing 17 full-time positions and creating
13 an incubator for donation/fundraising
14 environment that exceeds well over \$100,000 a
15 year. We can do this because we believe in
16 the spirit of innovation through investment,
17 and most of our system is completely
18 mechanized.

19 My hope one day is that we at CBR can
20 be part of diverting 120 million containers
21 in the next five to seven years. But with
22 current margins and no handling fee increases
23 slated on the horizon, investment in
24 modernization to get to that point is

1 unfortunately unattainable.

2 As more and more community redemption
3 centers cease to operate, the state will
4 continue to see an uptick in beverage
5 containers not being reused and/or recycled,
6 further intensifying the challenges the state
7 already faces. In turn, New Yorkers will
8 have to foot the bill later on with higher
9 taxes for both public health and pollution
10 cleanup.

11 As an operator on the frontlines of
12 this fight, there are two very simple
13 perspectives that should not be diametrically
14 opposed, and that is that we continue to
15 redeem, reuse and recycle in much larger
16 quantities while developing a circular
17 economy that at its core operates with the
18 same capitalistic principles and virtues that
19 will no doubt develop long-term prosperity
20 through investment, innovation, education,
21 and creative solutions for the time and the
22 future.

23 Those that fear change want you to all
24 believe that both truths cannot be held

1 sincere at the same time and that it can only
2 be one or the other, further kicking the can
3 down the road for the New York taxpayer. Any
4 burgeoning industry just needs a little
5 shove, which requires vision and courage.
6 And as an operator in this fight, that's all
7 I'm asking for today.

8 And I thank you, and I yield my time.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Any questions? Assembly?

11 CHAIRMAN PRETLOW: Assemblywoman
12 Glick.

13 ASSEMBLYWOMAN GLICK: Thank you for
14 being here.

15 It was a great disappointment to me
16 personally that we did not -- that at sort of
17 the 11th hour, things kind of blew up.

18 We are committed to raising the
19 deposit, increasing the handling fee, and
20 expanding the array of materials that --
21 product that should be -- coffees, teas,
22 sports drinks, and the like.

23 I thank you for still hanging in
24 there, and this year we really have to get it

1 done.

2 MS. EDDY: This is my last year. I
3 can't do this again. I've gone nine months
4 without taking pay. Nobody can survive under
5 these conditions. People really need to
6 understand that.

7 ASSEMBLYWOMAN GLICK: I think most of
8 us do, and --

9 MS. EDDY: And I thank you, you in
10 particular, for your hard work and advocacy.
11 Because this is a -- it's not just important
12 to us, it's important to our customers as
13 well.

14 We have people relying on this bottle
15 return money, and they want clean
16 communities. And they are furious that this
17 has not been addressed. It's been almost two
18 decades, you guys. I mean, we're not being
19 unreasonable at this point.

20 ASSEMBLYWOMAN GLICK: Thank you very
21 much.

22 MS. EDDY: Thank you.

23 CHAIRWOMAN KRUEGER: I just want to
24 ask quickly -- oh, I'm sorry.

1 So what does happen when you close?
2 Because I think you're right, that if the
3 state doesn't act, you close. What is your
4 prediction of what happens in these
5 communities?

6 MS. EDDY: We're going to have a
7 severe waste crisis, far worse than we're
8 seeing right now.

9 I've included -- or I sent in pictures
10 to include in my written testimony -- the
11 pile of non-deposit containers that come into
12 my small shop. I'm one of the little guys.
13 He's the big fish. So what he gets is far
14 surpassing what I get. I literally am
15 turning away more containers than I am
16 allowed to accept.

17 That's a grave problem for our
18 landfills, which we've heard several times
19 today are in crisis. It doesn't make sense
20 to me that you can alleviate multiple
21 problems with this Bottle Bill and it's not
22 being done.

23 So we're going to see landfills
24 filling up far quicker, which is already a

1 problem. We're going to -- we already are
2 seeing litter in our areas where redemption
3 centers have closed.

4 The misconception is that people can
5 just turn to grocery stores or convenience
6 stores. They can't handle the volume that we
7 do. You just heard Pete say he takes in
8 28 million containers a year. Do you think
9 your local grocery store or gas station can
10 do that? They don't have the space, they
11 don't have the manpower, they don't have the
12 proper setup for something like that.

13 When the Bottle Bill was created in
14 the '80s, nobody saw this many beverages
15 coming into the market. Just between 2009
16 and 2022, we went from just over 4 billion
17 beverages sold in New York State to over
18 9.2 billion. I don't know what the current
19 numbers are, but I estimate that that's going
20 to be even higher, based on what I see coming
21 in my shop.

22 A lot of those newer beverages are not
23 covered under the bill language because it's
24 outdated, so we have to update things to keep

1 up with the modern times.

2 CHAIRWOMAN KRUEGER: Right.

3 MS. EDDY: In addition to the
4 environmental problems that we face, you will
5 see low-income families suffering at the loss
6 of that money, you will see charities, school
7 organizations, Boy Scout groups, Girl Scout
8 groups -- all of these amazing organizations
9 within all of your communities that fundraise
10 through bottle fundraisers, they're going to
11 lose that vital funding. A hundred thousand
12 dollars?

13 Do you want to add anything? Sorry, I
14 just ate up all the time.

15 MR. BAKER: That's okay. If you don't
16 mind me --

17 (Laughter.)

18 MR. BAKER: -- jumping in there (mic
19 off) -- 15 seconds that she didn't answer --
20 except that if we're not out ahead of this,
21 the crisis will happen. And then the idea
22 that we can innovate immediately to fix the
23 problem won't be attainable for many years
24 down the road.

1 And my municipality right now has
2 already put the brakes on how much stuff I'm
3 allowed to -- that's non-redeemable, as it
4 stands in the language right now, has told
5 me -- and I have to pay out of my own pocket
6 as a business to dispose of it properly.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Assembly.

9 CHAIRMAN PRETLOW: Chris Burdick?

10 ASSEMBLYMAN BURDICK: Thank you,
11 Chair.

12 And I thank you for your perseverance.
13 I attended the hearing that the Environmental
14 Conservation Committee held last year, and
15 the plight that I heard last year was just
16 astounding. And your ability to even stay
17 afloat is also astonishing.

18 I mean, and there's so many reasons
19 why we need to do this. The decline in the
20 redemption rates, the -- you know, the
21 redemption centers themselves struggling to
22 just stay alive. And, you know, this is such
23 an enormous area of waste, too, that can be
24 addressed.

1 So I join my colleagues in thanking
2 you for hanging in there, and we're going to
3 do our damndest to get it done this year.

4 MS. EDDY: Thank you. I appreciate
5 that.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Anyone else? All right. Well, thank
8 you very much, and thank you for staying with
9 us all day and night.

10 (Applause.)

11 CHAIRWOMAN KRUEGER: And with that, I
12 am actually going to officially close down
13 this hearing.

14 And the Education hearing will be
15 tomorrow, here in the same room, starting at
16 9:30 in the morning. And that will be an
17 Assembly-run hearing tomorrow. So everyone
18 try to get some sleep.

19 Thank you.

20 (Whereupon, the budget hearing
21 concluded at 9:27 p.m.)
22
23
24