

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on September 17, 2020

COMMISSIONERS PRESENT:

John B. Rhodes, Chair
Diane X. Burman, dissenting
James S. Alesi
Tracey A. Edwards
John B. Howard

CASE 15-E-0302 - Proceeding on Motion of the Commission to
Implement a Large-Scale Renewable Program and a
Clean Energy Standard.

RESOLUTION ACCEPTING FINAL SUPPLEMENTAL
GENERIC ENVIRONMENTAL IMPACT STATEMENT

(Issued and Effective September 17, 2020)

BY THE COMMISSION:

INTRODUCTION

The Climate Leadership and Community Protection Act (CLCPA) directs the Public Service Commission (Commission) to establish a program to require that (1) jurisdictional load serving entities (LSEs) have secured generation from "renewable energy systems" to serve at least 70% of load in 2030 (the 70 by 30 goal), and (2) that "the statewide electrical demand system will be zero emissions" by 2040.¹ The CLCPA also sets technology-specific procurement requirements, including the

¹ Ch. 106 of the Laws of 2019 (codified, in part, in Public Service Law §66-p). Renewable energy systems include "systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity."

deployment of at least 9,000 megawatts (MW) of offshore wind by 2035, 6,000 MW of photovoltaic solar by 2025, and 3,000 MW of energy storage resources by 2030.

The CLCPA complements a number of New York State initiatives over the past several years that have established goals aimed at substantially increasing the use of renewables and reducing greenhouse gas emissions. In May 2019, the Commission established a target of 6,000 MW of distributed solar to be deployed in New York State by 2025 under the NY-Sun program, which is administered by the New York State Energy Research and Development Authority (NYSERDA).² In August 2016, the Commission adopted the Clean Energy Standard (CES), which established a goal that 50% of all electricity consumed in New York by 2030 be supplied by renewable resources.³ In July 2018, the Commission adopted an offshore wind procurement goal of 2,400 MW by 2030,⁴ and, in April 2020, authorized an additional 1,800 MW of offshore wind to be procured in 2020.⁵ Additionally, in December 2019, the Commission adopted energy storage deployment goals of 1,500 MW of energy storage by 2025 and 3,000 MW of energy storage by 2030.⁶

² Case 19-E-0735, NY-Sun Program Funding and Extension of Program Through 2025, Order Extending and Expanding Distributed Solar Incentives (issued May 14, 2020).

³ Case 15-E-0302, Order Adopting a Clean Energy Standard (issued August 1, 2016).

⁴ Case 18-E-0071, Offshore Wind Energy, Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement (issued July 12, 2018).

⁵ Case 18-E-0071, supra, Order Authorizing Offshore Wind Solicitation in 2020 (issued April 23, 2020).

⁶ Case 18-E-0130, Energy Storage Deployment Program, Order Establishing Energy Storage Goal and Deployment Policy (issued December 13, 2019).

On June 18, 2020, NYSERDA and Department of Public Service Staff filed a Whitepaper with the Commission detailing recommendations on how the expanded renewable energy mandates of the CLCPA could be accomplished, primarily through the modification of the CES to reflect the new clean energy targets. The Whitepaper does not propose a particular generation facility or site, but rather provides the rationale and justification for additional procurements of renewable resources through various program modifications.

DISCUSSION AND CONCLUSION

In compliance with the State Environmental Quality Review Act (SEQRA), the Commission prepared a Final Supplemental Generic Environmental Impact Statement (SGEIS), which builds upon and incorporates by reference relevant material from previous environmental reviews conducted in 2015,⁷ 2016,⁸ 2018,⁹ and 2020,¹⁰ and analyzes the potential environmental impacts

⁷ Case 14-M-0094, et al., Final Generic Environmental Impact Statement (issued February 6, 2015) (analyzing the potential environmental impacts associated with the Commission's implementation of the policy objectives set forth in the Reforming the Energy Vision and Clean Energy Fund proceedings).

⁸ Case 15-E-0302, et al., Final Supplemental Environmental Impact Statement (issued May 23, 2016) (analyzing the potential environmental impacts associated with establishing a Clean Energy Standard).

⁹ Case 18-E-0071, supra, Final Generic Environmental Impact Statement (issued June 14, 2018) (analyzing the potential environmental impacts associated with the State's potential procurement of 2,400 MW of offshore wind energy by 2030).

¹⁰ Case 18-E-0071, supra, Final Supplemental Generic Environmental Impact Statement (issued April 1, 2020) (analyzing the potential environmental impacts associated with the State's potential procurement of an additional 1,800 MW of offshore wind).

associated with the procurement of the incremental renewable resources needed to satisfy the CLCPA mandates. The proposed action is classified as an "unlisted action" pursuant to SEQRA, which is codified in Article 8 of the Environmental Conservation Law, and would be located throughout the geographic area of the State of New York and in the Northern Atlantic and Mid-Atlantic Outer Continental Shelf.

The Commission is the "lead agency" for the purposes of environmental impact review pursuant to SEQRA, and has determined that the proposed action may have an adverse impact on the environment such that a SGEIS should be prepared before completing the environmental impact review. The Commission has also previously accepted as complete a Draft SGEIS which was issued for public comment on June 12, 2020, along with a Notice of Completion of Draft Supplemental Generic Environmental Impact Statement and Notice of Determination of Significance, in accordance with 6 NYCRR Part 617.¹¹ A Notice of Acceptance of Draft SGEIS was also published in the Environmental Notice Bulletin (ENB) on June 24, 2020. The minimum 30 day public comment period provided for the Draft SGEIS ended on July 24, 2020. Over 140 written comments were received. These comments are addressed in the Final SGEIS, which is now complete.

It is resolved:

1. The Final Supplemental Generic Environmental Impact Statement prepared in connection with proposed actions by the Commission regarding the State's potential procurement of the incremental renewable resources needed to satisfy the Climate Leadership and Community Protection Act mandates, is

¹¹ Case 15-E-0302, Resolution Accepting Draft Supplemental Generic Environmental Impact Statement as Complete (issued June 12, 2020).

accepted as complete.

2. A Notice of Completion of the Final Supplemental Generic Environmental Impact Statement and the Final Supplemental Generic Environmental Impact Statement shall be issued and filed by the Secretary in accordance with the Appendix attached here, and a Notice of Acceptance of Final Supplemental Generic Environmental Impact Statement will be published in the Environmental Notice Bulletin (ENB).

3. This proceeding is continued.

By the Commission,

(SIGNED)

Michelle L. Phillips
Secretary

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 15-E-0302 - Proceeding on Motion of the Commission to
Implement a Large-Scale Renewable Program and a
Clean Energy Standard.

NOTICE OF COMPLETION OF FINAL SUPPLEMENTAL GENERIC
ENVIRONMENTAL IMPACT STATEMENT

NOTICE is hereby given that the New York State Public Service Commission (Commission), as lead agency, has issued a Final Supplemental Generic Environmental Impact Statement (SGEIS) in connection with proposed actions by the Commission regarding the implementation of the renewable energy provisions of the Climate Leadership and Community Protection Act (CLCPA). The address of the lead agency is Three Empire State Plaza, Albany, NY 12223-1350. The Final SGEIS has been prepared in accordance with the State Environmental Quality Review Act (SEQRA), codified in Article 8 of the Environmental Conservation Law. The proposed actions are classified as "unlisted actions" pursuant to SEQRA and would be located throughout the geographic area of the State of New York and in the Northern Atlantic and Mid-Atlantic Outer Continental Shelf.

The proposed actions by the Commission build upon and incorporate by reference relevant material from previous

environmental reviews conducted in 2015,¹² 2016,¹³ 2018,¹⁴ and 2020,¹⁵ and has been prepared in order to analyze potential environmental impacts associated with the procurement of the incremental renewable resources needed to satisfy the CLCPA mandates. The Final SGEIS is available at the Commission's website at <http://www.dps.ny.gov>. For additional information contact John Garvey, New York State Department of Public Service, 90 Church Street, New York, New York 10007 at (212) 417-2200.

MICHELLE L. PHILLIPS
Secretary

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- ¹² Case 14-M-0094, et al., Final Generic Environmental Impact Statement (issued February 6, 2015) (analyzing the potential environmental impacts associated with the Commission's implementation of the policy objectives set forth in the Reforming the Energy Vision and Clean Energy Fund proceedings).
- ¹³ Case 15-E-0302, et al., Final Supplemental Environmental Impact Statement (issued May 23, 2016) (analyzing the potential environmental impacts associated with establishing a Clean Energy Standard).
- ¹⁴ Case 18-E-0071, In the Matter of Offshore Wind Energy, Final Generic Environmental Impact Statement (issued June 14, 2018) (analyzing the potential environmental impacts associated with the State's potential procurement of 2,400 MW of offshore wind energy by 2030).
- ¹⁵ Case 18-E-0071, supra, Final Supplemental Generic Environmental Impact Statement (issued April 1, 2020) (analyzing the potential environmental impacts associated with the State's potential procurement of an additional 1,800 MW of offshore wind).