



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

LINDA B. ROSENTHAL
Assemblymember 67th District

August 18, 2011

The Honorable Jaclyn A. Brillling
Secretary
New York State Public Service Commission
Agency Building 3
Empire State Plaza
Albany, NY 12223-1350

Re: Case 03-E-0180⁸
Covanta Petition to include Waste-To-Energy for inclusion in the RPS

Dear Secretary Brillling,

I am writing to request that the Public Service Commission (PSC) deny the petition of Covanta Energy, which seeks to include Waste-to-Energy (WTE) as a renewable energy source eligible for inclusion in the New York State Renewable Portfolio Standard (RPS).

The RPS was designed to provide incentives to technologies that reduce the environmental impacts of our energy consumption. This Commission has on two prior occasions determined that WTE (i.e., incineration of solid waste to create energy) is not an eligible resource. The Order to establish the RPS states "incineration is not sufficiently consistent with the proposed RPS environmental objectives" to be included as an eligible resource." Last year, for the second time, the commission explicitly found that WTE was not an eligible resource stating that "we anticipate that substantial operational changes in the way industry converts municipal solid waste-to-energy would need to be made in order to mitigate concerns expressed by parties to the proceeding as well as the general public, and which this commissions shares, in order for such facilities to participate in the program."

There have been no substantial technological advances or operational improvements since last year to make WTE a more viable candidate for inclusion in the RPS. In fact, just last month, the State of Connecticut fined Covanta \$400,000 for air emissions violations and ordered one of its units to shut down after it was found to have emitted dioxin/furan levels more than 250 percent higher than the allowable standards. This further justifies the Commission's previous decisions. Facilities that violate air emission standards should not be funded through ratepayer monies intended for energy resources that reduce environmental impact.

Nearly half of New York's population resides in communities that do not meet minimum air quality standards. Rate-payers do not want to fund energy sources that contribute to this problem. Indeed, in 2004, when the PSC conducted a robust public participation process on the establishment of the RPS, rate-payers overwhelmingly stated that waste-to-energy should not be included as an eligible resource. The 2004 Order to establish the RPS refers to the thousands of public comments received by the PSC opposing inclusion.

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Subcommittee on Mitchell-Lama

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I respectfully request that you deny Covanta's petition so that the program continues to meet its goals to reduce the environmental impact from our consumption of energy.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Linda Rosenthal". The signature is fluid and elegant, with the first name "Linda" and last name "Rosenthal" clearly distinguishable.

Linda B. Rosenthal
Member of Assembly

Cc:

Chairman Garry Brown
Commissioner Patrica Acampora
Commissioner Robert Curry
Commissioner Maureen Harris
Commissioner James Larocca