

## **Memorandum in Strong Opposition S.4599-A/A.7096-A**

February 05, 2010

**S.4599-A (Stewart-Cousins)/A.7096-A (Galef) - AN ACT to amend the general municipal law, in relation to expanding the products which may be purchased for public use**

The Independent Power Producers of New York, Inc. (IPPNY) is a trade association representing companies involved in the development of electric generating facilities, the generation, sale, and marketing of electric power, and the development of natural gas facilities in the State of New York. IPPNY represents almost 75 percent of the electric generating capacity in New York.

**IPPNY strongly opposes the passage of S.4599-A/A.7096-A.** In contravention of existing law and the recently adopted New York State Energy Plan, these bills would restrict, unnecessarily, the choices that local governments can make when purchasing renewable energy resources.

Under existing New York State Energy Law, renewable energy resources are defined as sources that are capable of being continuously restored by natural or other means or are so large as to be useable for centuries without significant depletion and include but are not limited to solar, wind, plant and forest products, wastes, tidal, hydro, geothermal, deuterium, and hydrogen. This bill would exclude all biomass including plant and forest products, wastes, deuterium, and hydrogen from a definition of renewable energy resources. In addition, the bills would limit the eligibility of hydro to projects up to 30 megawatts, although larger hydro projects obviously are renewable. Indeed, these excluded resources are capable of being continuously restored by natural or other means or are so large as to be useable for centuries without significant depletion.

For example, energy-from-waste ("EfW") technologies are indigenous, sustainable, and have been defined as renewable at the Federal level, as well as in 25 states. EfW facilities recover reliable energy, while utilizing state-of-the-art air emission control systems. These facilities operate pursuant to and, in most cases, far below Maximum Achievable Control Technology standards promulgated by the United States Environmental Protection Agency. Additionally, high technology management systems and increased air emission control equipment have been installed in facilities. The ten modern EfW facilities in New York currently offset about 4MM tons of carbon dioxide per year, offsetting the equivalent of about one ton of greenhouse gas emissions for every ton of waste processed at an EfW facility. EfW facilities are recognized as a preferred waste management solution by other jurisdictions like the European Union and Kyoto Protocol. Additionally, the Intergovernmental Panel on Climate Change has identified that, when compared to landfilling, EfW facilities avoid the most greenhouse gas emissions. These points support the reasonableness of continuing to include technologies that operate on wastes as renewable energy resources in all renewable energy legislation, consistent with the definition in the New York State Energy Law.

Furthermore, New York State has awarded contracts under its Renewable Portfolio Standard program to fund a broader group of renewable energy facilities. Hydro facilities and biomass facilities are among the projects that have been selected by the state to provide additional renewable energy. The other chosen projects are wind facilities. Clearly, New York has a more comprehensive renewable energy policy than envisioned by these bills, and that wider scope should be embraced by this legislation in a manner consistent with current law.

**For the reasons stated above, IPPNY strongly opposes S.4599-A/A.7096-A.**

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