



Open Letter from the Community to NYSERDA

August 12, 2021

Hon. Doreen Harris

NYSERDA President and CEO

New York State Energy Research and Development Agency

Via email: res@nyserderda.ny.gov, Doreen.Harris@nyserderda.ny.gov,
carrie.gallagher@exec.ny.gov, adrienne.downey@nyserderda.ny.gov,
gregory.lampman@nyserderda.ny.gov, Thomas.Congdon@dps.ny.gov, basil.seggs@dec.ny.gov

Dear Ms. Harris:

As Bronx residents, members of Bronx organizations, and/or advocates for environmental justice, we are writing to ensure that our voice and concerns about the NYSERDA Tier 4 project are heard. Pursuant to the Climate Leadership and Community Protection Act of 2019 (CLCPA) and the Public Service Commission's Order Modifying the Clean Energy Standard of 2020 ("PSC Order"), the Tier 4 project is among the most environmentally ambitious energy policy that New York State has adopted, with lasting impacts on New York City. Yet the Tier 4 process so far has been guided by state authorities and private companies, with no public participation for the neighborhoods impacted by the construction of renewable energy installations – many of which are frontline/environmental justice (EJ) communities that have endured decades of inequities.

The process that PSC and NYSERDA have followed to implement groundbreaking NYS environmental law has obscured the environmental and community impacts of every aspect of Tier 4 construction and installation, both in our waterways and on land use. Absent any changes, it sets up a potential collision between New York State's laudable renewable energy targets and community needs for environmental justice. As New Yorkers committed to sustainable energy and progressive climate change policies, we urge NYSERDA to:

- 1) delay its final selection for Tier 4 project construction and installation;
- 2) issue a new comparative site SEQRA process for the scope of work in Zone J; and
- 3) work with city and state leaders and community groups to establish criteria that promote equity and justice, especially for communities that have suffered from harmful environmental impacts on their neighborhoods and natural resources for decades.

Our position is based on the following:

We recognize that the Final Supplemental Generic Environmental Impact Statement (FSGEIS) has been completed for the new Clean Energy Standard (CES) and the selected proposal will have a SEQRA review but the experiences and concerns of EJ communities in Zone J localities cannot properly inform the NYSERDA decision and will effectively be silenced *until* a formal

environmental review of the potential impacts of the current proposals being put forth as well as alternative siting options for Tier 4 in New York City is undertaken. To reach the environmental justice goals of CLCPA, we need an environmental justice process.

The FSGEIS for the Tier 4 project documents the positive impacts of the new Clean Energy Standard on New York City, designated as Zone J, but it does not include findings of the potential negative environmental impacts of siting renewable energy installations in a densely populated, vulnerable urban community. As the administrator of CES, it is incumbent upon NYSERDA to commission and oversee a public review with open comments on separate siting plans and to choose the one with the least impact on vulnerable communities and natural resources. Without the alternative analysis required by a transparent environmental review, NYSERDA cannot be sure that it will choose the least impacted site. NYSERDA also needs to clarify that proposals for the siting of power lines and converter stations will be required to adopt all prospective -- and independently researched -- protections of potential environmental impacts on air, water and natural resources, *as well as* public health as part of its permitting process for the proposed construction and installations.

1. *We ask: What environmental review was undertaken to decide the path of the Tier 4 transmission line to Zone J and new facilities as described to potential bidders in the RFP? How can an adequate comparative analysis of any proposed action for Tier 4 NYSEQRA review and scoping documents be completed after the NYSERDA award?*

Community engagement with the Tier 4 project thus far is driven by the RFP and its applicants, but a private marketplace model is a poor method of public outreach. Individual bidders make presentations to select audiences, leading to potential divisions among stakeholders and policy-making vacuums. No one knows the guidelines that the applicants must follow or why one is better than the other. Moreover, individual proposals from bidders are heavily redacted, giving the public little or no information about the specific locations of installations. Given the potential impact of Tier 4 projects on communities in the Bronx as they make landfall, we find it striking that local Community Boards are not engaged.

2. *We ask: What is the scoring system that will decide the final choice? Is it public and made available for public review? Will NYSERDA consider community concerns about the siting of proposed projects into its evaluation of proposals and award?*

The Bronx is home to a national transportation infrastructure, the regional food system, the city's water filtration system, and now under the NYSERDA CES, installations for NYS renewable energy system. It has poorer health outcomes, worse COVID impacts, lower life expectancy, and higher poverty rates than almost every county in New York State, with environmental determinants for many of these statistics. The environmental goals of Tier 4 projects should not permit the construction of more industrial scale facilities in communities already suffering from proximity to them. In October 2020, NYPA [unveiled](#) a [memorandum of understanding](#) (MOU) with a coalition of EJ organizations agreeing to transition these plants (used only a peak need aka peaker) toward renewable energy and battery storage.

3. *We ask: What is the status of the NYPA MOU? Will existing peaker plants in the Bronx be shut down as part of the Tier 4 project? If so, when? What are the plans for converting the other non-renewable power plants in the Bronx?*

Environmental justice movements--and environmental review law-- recognize the custodial claims of indigenous people in land use. For generations, minoritized BIPOC Bronx communities, many of them historically excluded from many of New York City's economic, educational, and environmental benefits, have fought to make the Bronx a home to be proud of.

4. *We ask: What alternative analyses did NYSERDA conduct to ensure that all the proposals will have the least impact on natural resources and densely populated neighborhoods? Will it share the alternatives with our community?*

CLCPA PSC modifications to its Clean Energy Standards and the Climate Leadership Council, through its Environmental Justice Working Group, make clear their intention to deliver the benefits of targeted emission reductions and alternative energy generation to “disadvantaged”/EJ communities. This includes generous community benefit agreements, which we applaud.

5. *We ask: What consideration and role does NYSERDA give “disadvantaged” communities under its environmental justice principles of CLCPA? What EJ provisions in the CES were applied in the scoping of the RFP? How will NYSERDA allocate and distribute the 35 percent benefit promised to disadvantaged communities under the CLCPA?*

Electro Magnetic Fields (EMFs) are a concern of many of our residents and are driving public debate. Community organizations are assured by bidders that their installations are safe but consumer protection requires a more proactive role from state authorities and agencies responsible for our public health. The Tier 4 process has not publicized clear guardrails for EMF siting or any information that would allow citizens to understand the potential impact that proximity to EMFs may bring.

6. *We ask: Why are citizens left to guess the potential impacts of EMFs on their health? Can you provide a recent expert study that includes the latest findings of EMF impact on human health and natural resources?*

In conclusion, NYSERDA needs to answer these questions and engage the concerns of Bronx communities and all those in the path of Tier 4 projects about their potential environmental impacts-**before a proposal is chosen**. Based upon the research concerning the risks as stated above, the Lead Agency should take action to remedy existing dangerous conditions and protect the public. This should include review of Alternatives, including unmitigated impacts from Irreversible and Irrecoverable Commitments of Environmental Resources, Hazardous Materials, and Air Quality as a public health impact assessment. Do it right. What's the difference in the rush?

The Bronx Council for Environmental Quality is a 501c3 membership organization founded 50 years ago. We have a Board of Directors made up of volunteers from every corner of the Bronx and our city as it pertains to the Bronx. We do not have staff. We are a borough wide advocacy group formed for the protection of the environment to establish a “sound, forward-looking environmental policy regarding an aesthetic, unpolluted, environment protecting a natural and historic heritage.”

Kindly respond with your comments to our concerns by contacting Robert Fanuzzi at robert@bceq.org.

Sincerely,

Robert Fanuzzi, Ph. D.
President,
Bronx Council for Environmental Quality (BCEQ)

Joyce Hogi
Vice President, BCEQ
HRWG, Friends of Four Parks

Paul Mankiewicz, Ph. D.
Vice President, BCEQ
The Gaia Institute

Chauncy Young
Board Member, BCEQ
Harlem River Working Group, Coordinator

Mychal Johnson
Board Member, BCEQ
South Bronx Unite

Dart Westphal
Board Member, BCEQ
HRWG

Jane Sokolow
Board Member, BCEQ

Karen Argenti
Secretary, BCEQ
HRWG