MEMORANDUM OF OPPOSITION
A.8094 (Cusick)/S.6497-A (Parker)

The PEAK coalition—UPROSE, THE POINT CDC, New York City Environmental Justice Alliance (NYC-EJA), New York Lawyers for the Public Interest (NYLPI), and Clean Energy Group (CEG)—aims to end the long-standing pollution burden from power plants on the city’s most climate-vulnerable people. This coalition is the first comprehensive effort in the US to reduce the negative and racially disproportionate health impacts of a city’s peaker plants by replacing them with renewable energy and storage solutions.

PEAK Coalition strongly opposes A.8094/S.6497-A. This legislation establishes a program for eligible zero-emissions energy systems. If passed, the bill would fundamentally alter the meaning of zero emissions, permit unproven and dangerous technologies such as hydrogen combustion, direct public funding to greenwash the fossil fuel industry, undermine New York State’s Climate Leadership and Community Protection Act (CLCPA), and worsen the impact of climate change and local air emission on New Yorkers, especially in environmental justice communities.

As members of the PEAK Coalition already made clear in its opposition to the Petition of Independent Power Producers of New York, Inc. for the Establishment of a Zero Emissions Energy Systems Program under the Clean Energy Standard with the New York State Public Service Commission (PSC), technologies that would be permitted under S.6497-A/A.8094 allows for the continued disproportionate impact of fossil fuel combustion on communities of color and low-income communities. The bill will also impose additional costs on electric ratepayers on fuels and technologies that are presently unproven and unfathomably costly.

Green hydrogen, a technology defined as zero-emissions under this bill, should not be used for combustion in power plants. Such combustion results in dangerous levels of nitrogen oxide emissions in environmental justice communities in New York and diverts renewable output from direct renewable generation methods such as wind and solar energy that truly produce no emissions. Allowing for any combustion, which will always result in emissions, shows that the bill’s definition of “zero emissions” is arbitrary and contrived. The incorporation of combustion incentives could well delay the retirement of fossil-fuel power plants through the continued use of fossil-fuel infrastructure. Any incentives for new and unproven technologies should first account for cumulative impacts any emissions have in the just transition of our power sector.

Deployment of renewable energy and storage technologies can adequately replace the oldest and dirtiest fossil fuel plants while fulfilling reliability concerns in New York City. With Governor Hochul’s expansion of renewable energy generation and the doubling of the state’s energy storage targets, we encourage the legislature to direct resources to support these deployments at the scale required to meet reliability assessments. New York’s urgent need to stop relying on
pollution-emitting fossil fuel power plants cannot result in continued benefits to the same polluting industry. If passed, A.8094/S.6497-A will significantly weaken and distract from established mandates of the CLCPA.

For these reasons, PEAK Coalition strongly opposes the passage of A.8094/S.6497-A.