

About the NYS Energy Plan, these are my chief concerns:

- need to expedite the closure and decommissioning of all nuclear facilities in the state and to solidly base the State's energy future on renewable resources;
- need to coordinate state energy planning with other state planning processes, especially revival and update of the NYS Water Resources Strategies; and
- need to improve participation in state planning processes through support of on-going citizen and expert advisory committees -- statewide, regional and local.

On the premises of the State Energy Plan and ways to improve citizen participation in the energy planning process, a good starting point is the Synapse Report issued by Riverkeeper and the Natural Resources Defense Council, which focuses on Downstate needs. Attached is my summary of that report, plus comments that highlight the ways in which maps, a better summary and a background fact sheet on regulatory context can assist in meaningful citizen participation (Att. A).

On the NYS Water Resources Strategies, also authorized by State law and an essential counterpart to the State Energy plan, because of the multiple links between energy and water -- I'm attaching a short fact sheet (Att. B).

Hope we can maintain contact, as this process continues.

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ATT. A

SYNAPSE ENERGY ECONOMICS (FOR RIVERKEEPER AND NRDC),
INDIAN POINT ENERGY CENTER NUCLEAR PLANT RETIREMENT ANALYSIS - REPLACEMENT
OPTIONS, RELIABILITY ISSUE AND ECONOMIC EFFECTS (OCTOBER 17, 2011).

Summary

This report, prepared for Riverkeeper and the Natural Resources
Defense Council, concludes:

- there is no need for new electric capacity in the "regions near Indian Point*," to meet legal requirements for internal and external capacity for NYISO zones (pp. 8-9,12) until at least 2020 (p. 1) and no need for new electric capacity in New York State, to meet NYISO requirements for "reserve margin," until at least 2020 (pp. 9-10)); [* "Regions near Indian Point" refers to the lower Hudson valley, New York City, and Long Island -- NYISO zones G through K -- served by Con Edison, Central Hudson Gas & Electric, and the Long Island Power Authority (pp. 1,1n6).]
- alternatives are available to achieve reliability after that (p. 2), including
 - efficiency (1,570 MW in savings)(pp. 2,3,13-16),
 - renewable projects (at least 1,154 MW)(pp. 2, 3-4,16-20),
 - demand-response programs (p. 4),
 - combined heat and power (CHP) facilities (pp. 4,4n12),
 - natural gas facilities, repowered, replaced and new (pp. 2,4-5,20-), and
 - new transmission capacity (pp. 5,23-24)
- even when potential retirements are taken into account (pp. 24-25).
- "reactive power" requirements can be met by either a new natural gas generator near Indian Point or installation of capacitors (cost: \$30-\$45 million)(pp. 22-23); and
- the impact of replacement on customer bills is likely to be from 1 to 3% (pp. 2,5,26,28-33).

Three replacement scenarios are analyzed (pp. 5-6,27):

- one based only on efficiency (p. 28);
- a second based on a combination of efficiency (1,537 MW, or 1,570 MW) and new and repowered natural gas facilities (500 MW, or 470 MW), both near Indian Point (pp. 5,27-28); and
- a third based on statewide efficiency (1,390 MW) and wind (647 MW) in the rest of the state (p. 28).

The Charles River Associates report to NYC-DEP is criticized: for using scenarios that do not include energy efficiency or land-based wind resources (pp. 5-6,26) , for exaggerating impacts on customer bills (p. 6), and for confusing references to the NYISO 2010 and 2011 Gold Books (p. 11).

Comments.

The report is an excellent start.

However, it could have been more concise, should have included maps, a glossary and an appendix describing the relevant federal, state and NYC systems for policy and regulation, should have given more up-front attention to "reactive energy" (pp. 22-23), and should have more clearly differentiated and explained capacity and reactive power requirements at different geographic scales -- reactive power areas, "regions near Indian Point" and "rest of state"(pp. 16,16,18), the NYISO reliability zones (pp. 11,23), and State-wide (pp. 9-12,18-19)). In addition, inconsistencies should be resolved: for example, in the description of the efficiency/natural gas scenario (pp. 5,27)).

Many of these problems could be remedied by preparing relevant supplementary materials and posting them on the web.

For example:

- A more concise (and more complete) Summary could be posted (see Summary, above).

- Maps could show: reactive power areas (pp. 22-23), NYISO reliability zones (pp. 16), and distribution company service areas (pp. 1,7-8,); projects in the NYISO interconnection queue for renewable resource projects (pp. 2,18-19), natural gas projects (pp. 4,5,21), and transmission projects (p. 5); combined heat and power (CHP) projects (pp. 4); and potential off-shore wind projects (pp. 19).

- A fact sheet could describe the roles of these agencies: at the federal level, the Department of Energy, the Federal Energy Regulatory Commission and the Nuclear Regulatory Agency; at the State level, the State Energy Planning Board, the Public Service Commission, the NYS Energy Research & Development Agency, the NY Independent System Operator and the NYS Reliability Council; and at the City level, the NYC Department of Environmental Protection.

ATT. B
FACT SHEET
NYS WATER RESOURCES MANAGEMENT STRATEGY

The NYS Water Resources Planning Council was created by the State Legislature in 1984 to approve and supervise a NYS Water Resources Management Strategy.

Title 29 of the NYS Environmental Conservation Law, the enabling legislation, was one of a package of 3 laws: the others authorized local financing for water resources, including creation of the NYC Water Finance Authority.

Title 29 is still on the books and is still State law.

The Council At Work.

Members of the Council were duly appointed: 15 members, including 8 heads of State agencies and 7 "public members," serving 4-year terms. The agencies represented include: Environmental Conservation, Health, the Public

Service Commission, Agriculture & Markets, the Energy Research & Development Authority, Transportation, and State.*

In 1988, the Council approved a Statewide Water Resources Strategy and 13 Substate Strategies, following hearings throughout the State. The Strategies focused on water supply and gave special attention to the Downstate Region, both in the Statewide strategy and in Substate Strategies for the Delaware/Lower Hudson Region and Long Island. As required by Title 29, the Strategies were formally adopted by the departments of Environmental Conservation and Health: that makes them a required reference point for reviews under the State Environmental Quality Review Act.

In the run-up to approval of the Strategies, reports were prepared, as required by Title 29, on water supply deficiencies and local capacities (ECL 15-2905).

And, following approval of the Strategies, in 1989, the Council requested and received a report from the state's Water Resources Institute at Cornell on research needs.

The Council -- and the State -- Asleep

Under Title 29, at least once every two years the Departments of Environmental Conservation and Health must review the Strategy and propose necessary amendments (15-2913). Proposed amendments may be submitted to NYS-DEC by "any interested person." Determinations that no amendments are necessary must be submitted to the Council for approval, and amendments are adopted in the same manner as the Strategy itself.

But for well over a decade, the Council hasn't met, and the Statewide and Substate Strategies haven't been amended. Even in the years immediately following adoption of the strategies, when there were Council meetings, the departments of Environmental Conservation and Health never submitted the required biennial reports.

* The 7 public members are appointed by the Governor, 2 on the recommendation of the majority leader of the State Senate, 2 on the recommendation of the speaker of the State Assembly.