

March 18, 2009

Members of the NYS Energy Planning Board:

c/o Paul A. De Cotis
Deputy Secretary for Energy
Office of the Governor
Executive Chambers
Albany, NY 12248

And c/o Judith Enck
Deputy Secretary for the Environment
Office of the Governor
Executive Chambers
Albany, NY 12248

And

Members of the NYS Public Service Commission:

c/o the Honorable Jaelyn A. Brillling
Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223-1350

Re: Definition of Renewable Energy

Dear Energy Planning Board and Commission Members,

Several years ago New York State Department of Environmental Conservation adopted a definition of renewable energy that excluded energy derived from waste burning, such as from waste to energy incinerators, from being considered renewable. This was a very important development since consumers and the public have shown support for CLEAN Renewables while opposing incinerators, because of their history of polluting air emissions and the generation of toxic ash.

A new generation of waste-to-energy facilities are being aggressively marketed now around the country, known as gasification, pyrolysis or plasma arc facilities. They are unproven technology which is marketed with false and impossible claims such as zero emissions.

We are writing to urge the State Energy Planning Board and the NYS Public Service Commission to plan for a Clean Energy Future by ensuring that dirty technologies are not allowed into the mix of renewable energy technologies.

We urge you to adopt New York DEC's current definition of renewable energy as you plan for a Clean and Sustainable Energy Future for the State.

6 NYCRR §204-1.2 (67) *Renewable energy project*. A power generation technology that produces electricity from wind energy, solar thermal energy, photovoltaics, methane waste, or sustainably managed biomass; but not the combustion or pyrolysis of solid waste.

Thank you for your attention.
Respectfully,



Barbara Warren, Executive Director
Tom Ellis, Co-Chairperson
Citizens' Environmental Coalition

Susan Lawrence
Chapter Chair
Sierra Club Atlantic Chapter

Manna Jo Greene
Environmental Director
Hudson River Sloop Clearwater

Katherine Bourbeau
Finger Lakes Zero Waste Coalition

Joel Tyner
Dutchess County Legislator
Environmental Committee Chair

Ruth Lamb
Social Action Committee
Unitarian Universalist Congregation
of Glens Falls

Susan Falzon
Friends of Hudson

Laura Haight
Senior Environmental Associate
NYPIRG

David Gahl
Policy Director
Environmental Advocates of NY

Paul Connett PhD and Ellen Connett
American Environmental Health
Studies Project

Tracy Frisch
Greenwich Citizens Committee
Washington County, NY

Judy Braiman
President
Empire State Consumer Project

Kelly Travers-Main
UNCAGED,
United Neighbors Concerned
About General Electric & Dewey Loeffel
Landfill

Lynne Jackson
Save the Pine Bush

Ned Depew
Citizens for Clean Air of the
Upper Hudson Valley

Elyse Griffin
Community Advocates for Safe Emissions

Jim Travers
Selkirk, Coeymans, Ravena
Against Pollution

Elise Van Allen
Citizen of Albany

Lynne Lyons
Colonie, New York

Judith Martin
Albany, NY

Joe Parrish
NY Environmental Watch

Statement of Over 130 Organizations Nationally

New York based organizations are identified in Bold.

Sign-on Statement: No Incentives for Incinerators

Policies that qualify incinerators—including mass-burn, gasification, pyrolysis, plasma, refuse derived fuel and other incinerator technologies—for renewable energy credits, tax credits, subsidies and other incentives present a renewed threat to environmental and economic justice in U.S. communities.

Incinerators are a toxic technology. Even the most technologically advanced incinerators release hundreds of distinct hazardous byproducts including dioxins, heavy metals, and halogenated organic compounds in the form of toxic air emissions, particulates and ash.

Incinerators are a major contributor to global warming. Even by conservative calculations, typical incinerators emit more greenhouse gas emissions per kilowatt hour of electricity generated than gas-fired power plants. Incinerators also cause far more greenhouse gas emissions than recycling and other more sustainable waste solutions.

Low-income communities and communities of color are disproportionately burdened by incinerator contamination and the global warming consequences of greenhouse gas emissions.

Incinerators trap communities in a cycle of debt and displace more just, affordable and sustainable waste and energy solutions. Alternatives to incineration such as recycling, reuse and composting provide far more jobs and are much more economically sensible.

Incinerators waste energy, natural resources and the planet. Incinerator contracts require the disposal of the earth's finite resources and encourage the extraction of raw materials to produce new products. When the life cycle of materials is considered, recycling saves far more energy than is generated by incineration and causes less greenhouse gas emissions and waste.

THEREFORE, we the undersigned, urge U.S. federal, state, and local agency officials to prioritize the highest and best re-use of discarded materials and to exclude municipal, medical, hazardous, and construction and demolition waste incineration from qualifying as a source of renewable energy, fuel and/or power in any and all papers, programs, incentives, regulations, legislation and policies.

Alaska Community Action on Toxics
Amazon Watch
American Environmental Health Studies Project
The Annie Appleseed Project
Arizona Toxics Information
Asian Pacific Environmental Network (APEN)
Basel Action Network
Bay Localize
Blue Mountain Environmental Organization

Blue Ridge Environmental Defense League
Buckeye Environmental Network
California Communities Against Toxics
Capitol Region Action Against Breast Cancer
Center for Environmental Health
Center for Health, Environment and Justice
Center for Maximum Potential Building Systems (CMPBS)
Cheektowaga Citizen's Coalition Inc.
Chesapeake Climate Action Network
Citizens Against Ruining the Environment (CARE)
Citizens' Environmental Coalition
Citizens for a Clean Environment
Citizens for Safe Water Around Badger
Citizens Leading for Environmental Action and Responsibility
Clean Catch
Clean New York
Coalition for Health Concern
Committee Against Plutonium Economics
Complementary Choices
Computer TakeBack Campaign
Concerned Citizens of Hinsdale New Hampshire
Concerned Citizens of Russell
Connecticut Coalition for Environmental Justice
Co-op America
Conservatree
Dogwood Alliance
Earth Day Network
Earth Economics
East Williamsburg Resident Association
Eco-Cycle
Ecology Center
EnviroJustice
Environment America
Environmental Health Fund
Environmental Research Foundation
Families Against Cancer Toxics (FACT)
Florida Children's Environmental Health Alliance
Fluoride Action Network
Food and Water Watch
Friends of the Earth
Forest Ethics
Global Alliance for Incinerator Alternatives (GAIA)
Glynn Environmental Coalition
Grassroots Recycling Network (GRRN)
Greenaction for Health and Environmental Justice
Green Conscience Organic Lawn Care
Green Delaware
Greenpeace
Greenpoint Waterfront Organization for Parks and Planning
Green Press Initiative
groundWork
Health Care Without Harm
Heartwood

Hudson River Sloop Clearwater
Huntington Breast Cancer Coalition
 Indigenous Environmental Network
 Institute for Local Self-Reliance
 International POPs Elimination Network (IPEN)
 Ironbound Community Corporation
Lower East Side Ecology Center
 Lyons Incinerator Opponent Network (LION)
 Making Our Milk Safe (MOMS)
 Metropolitan United Neighborhoods Sustainable Cooperative Community Development
 Organization
 Mink Hills Center for Sustainability
Morningside Heights/ West Harlem Sanitations Coalition
 Natural Resources Defense Council (NRDC)
 Network for Environmental and Economic Responsibility, United Church of Christ
 New Jersey Environmental Justice Alliance
New York Zero Waste Coalition
 North Carolina Environmental Justice Network
NY Public Interest Research Group (NYPIRG)
 Ohio Valley Environmental Coalition
 Olympic Environmental Council
 Oregon Center for Environmental Health
 Oregon Physicians for Social Responsibility
 Oregon Wildlife Federation
 Pacific Environment
People's Environmental Network of New York (PENNY)
 Peoria Environmental Action Committee for the Earth (PEACE)
 Pesticide Action Network North America
Prevention is the Cure
 Protect All Children's Environment (PACE)
 Protect Our Woods
 Physicians for Social Responsibility
 Public Citizen
 Rainforest Action Network
Rochesterans Against the Misuse of Pesticides (RAMP)
 Rocky Mountain Peace and Justice Center
 Save Our County, Inc.
 Science and Environmental Health Network
 Sierra Club
 Silver Valley Community Resource Center
 Sound Resource Management
 Southern Energy Network
 Southwest Neighbors Protecting Our Environment
 Southwest Network for Environmental and Economic Justice
 Stand Up/Save Lives Campaign
Staten Island Citizens for Clean Air
Sustainable South Bronx
 Tamalpais Nature Works
 Texas Campaign for the Environment
 The Chemical Weapons Working Group
 The Ecology Center
 Total Recycling Associates
 The Seattle Rainforest Action Group (SEARAG)

TOXIC

Toxics Action Center

Toxics Information Project

Twin Cities InfoLine

United Neighbors Concerned About General Electric & Dewey Loeffel Landfill

Urban Habitat

U.S. Environmental Watch

Wasatch Clean Air Coalition Coalition

Waste Action Project

Waukesha Environmental Action League

WE ACT for Environmental Justice, Inc. (WE ACT)

Women's Voices for the Earth

Working Films, NC