

MINUTES OF THE CLIMATE ACTION COUNCIL MEETING
HELD ON SEPTEMBER 13, 2022

Pursuant to Notice and Agenda, a copy of which is annexed hereto, a meeting of the Climate Action Council (“Council”) was convened at 9:00am on Tuesday, September 13, 2022. The following Members attended, and a quorum was present throughout the meeting:

Council Co-Chairs

- Doreen Harris, President and CEO, New York State Energy Research and Development Authority
- Basil Seggos, Commissioner, New York State Department of Environmental Conservation

Council Members

- Richard Ball, Commissioner, New York State Department of Agriculture and Markets
- Mary T. Bassett, Commissioner, New York State Department of Health (Henry Spliethoff, Designee)
- Rory Christian, Chair and CEO, New York State Public Service Commission
- Mario Cilento, President, New York State AFL-CIO
- Donna L. DeCarolis, President, National Fuel Gas Distribution Corporation
- Marie Therese Dominguez, Commissioner, New York State Department of Transportation (Carolyn Ryan, Designee)
- Justin Driscoll, Interim President and Chief Executive Officer, New York Power Authority
- Dennis Elsenbeck, Head of Energy and Sustainability, Phillips Lytle
- Thomas Falcone, CEO, Long Island Power Authority (Rick Shansky, Designee)
- Rose Harvey, Senior Fellow for Parks and Open Space, Regional Plan Association
- Dr. Bob Howarth, Professor, Ecology and Environmental Biology at Cornell University
- Peter Iwanowicz, Executive Director, Environmental Advocates of NY
- Hope Knight, President and CEO-designate and Acting Commissioner, Empire State Development (Ian Wells, Designee)
- Roberta Reardon, Commissioner, New York State Department of Labor
- Anne Reynolds, Executive Director, Alliance for Clean Energy New York
- Robert Rodriguez, Secretary of State, New York State Department of State (Kisha Santiago-Martinez, Designee)
- Raya Salter
- Dr. Paul Shepson, Dean, School of Marine and Atmospheric Sciences at Stony Brook University
- RuthAnne Visnauskas, Commissioner and CEO, New York State Homes and Community Renewal

Also present were Climate Action Council Executive Director Sarah Osgood, various State agency staff and members of the public. Mr. Seggos and Ms. Harris, Co-Chairs of the Council, welcomed all in attendance. Co-Chair Harris noted that the meeting minutes from the August 23, 2022 meeting will be taken up at the scheduled September 29, 2022 meeting.

Co-Chair Remarks

Co-Chair Seggos and Co-Chair Harris expressed their gratitude in representing the State at the ceremonial signing of the Inflation Reduction Act in Washington, D.C. Co-Chair Seggos also noted the arrival of Climate Week in New York beginning September 19, 2022. Co-Chair Harris highlighted several milestone announcements in New York in recent weeks, including a \$16.6 million award for five long-duration energy storage projects and \$6.5 million to support insurance innovation for climate-technology solutions. Co-Chair Seggos noted a milestone of one million pounds of food donated through the Food Donation and Food Scraps Recycling Law, a joint effort between NYS Department of Environmental Conservation, Feeding New York and a \$25 million award announced by Governor Hochul under the Bipartisan Infrastructure Law to address orphaned gas and oil wells. It was also announced that Maine and Rhode Island have joined over sixty partners in a multi-state agreement in anticipation of a forthcoming federal opportunity to propose a regional clean hydrogen hub.

Adriana Espinoza, Deputy Commissioner of Equity and Justice, NYS Department of Environmental Conservation, provided an update on the community air monitoring initiative, noting the initiative will add more communities in the coming months including Brooklyn, Queens, Mount Vernon, Yonkers, Rochester, Hempstead, and Syracuse. Ms. Espinoza also noted that the Office of Environmental Justice has released a series of grants for community-based nonprofits and environmental justice groups to complement the air monitoring work, as well as capacity building grants that are open to the aforementioned ten communities currently participating in the community air monitoring program, and encouraged community groups across the State to apply by the October 12, 2022 deadline.

Subgroup Progress Reports

Gas Transition

Jessica Waldorf, Chief of Staff and Director of Policy Implementation, NYS Department of Public Service, presented on the Gas System Transition Subgroup which plans to meet twice more in September to complete its review of the public comments and Climate Justice Working Group feedback to ensure the feedback is appropriately incorporated into the developing framework. The Subgroup will provide its final report to the Council at the scheduled September 29, 2022 meeting.

Alternative Fuels

Maureen Leddy, Director, Office of Climate Change, NYS Department of Environmental Conservation, provided the final report out for the Alternative Fuels Subgroup. She stated that, in developing its assessment criteria, the Subgroup examined alternative fuels as a replacement to fossil fuels, as under the Scoping Plan, alternative fuels would be considered in applications where electrification is particularly challenging and also as a strategic use to increase electrification. Ms. Leddy noted that the Subgroup has not yet discussed alternative fuels as they pertain to the gas distribution system, and that the topic will be discussed with the Gas Transition Subgroup at a future

joint meeting. However, the Subgroup did evaluate strategies against the assessment criteria for transportation, buildings, electricity, industry, agriculture and forestry, waste, and local government.

As a detailed explanation was provided at the August 23, 2022 meeting, Ms. Leddy provided an overview of the assessment criteria. The Subgroup prioritized criteria that improve alternative fuel strategies to ensure the highest potential for reductions of emissions of greenhouse gases, co-pollutants, and prioritizing emissions reductions in Disadvantaged Communities. The Subgroup determined alternative fuels would be best used when they:

- Provide grid benefits
- Reduce or avoid costly electric distribution system upgrades
- Mitigate peak load
- Reduce costs to achieve emissions reductions
- Reduce costs of retrofits
- Add to the safety, reliability, resilience, and affordability of the energy system.

The Subgroup focused the criteria on challenging-to-electrify and strategic uses that maximize the use of zero-emission electricity, and believes strategies should reduce greenhouse gas emissions and fossil fuel use while technology advancement and cost declines bring more emerging technologies to commercialization. Strategies should also benefit in-State economic development, including building markets in the agriculture and forestry sectors, that support emission reduction by increasing carbon sequestration.

Ms. Leddy presented the subgroup guidance to staff as they review public comment and draft scoping strategies, beginning with methane capture and biogas use, noting the Agriculture and Forestry, Land Use, Local Government, and Waste chapters all feature strategies around the use of biogas. The Subgroup recommends the Council be clear in the Scoping Plan that biogas and renewable natural gas are separate fuels, and that strategies clearly articulate the need to demonstrate air quality, health, and greenhouse gas benefits. Strategies should prioritize the onsite use of biogas, whenever feasible, with excess to be used offsite locally where there is demand, decreasing the demand on the grid and freeing capacity to electrify buildings and transportation. Strategies should also include a preference for non-combustion uses such as fuel cells or battery electric farm equipment and garbage trucks, prioritizing routes traveled through Disadvantaged Communities. The Subgroup also recommends targeting the limited supply of renewable natural gas to strategic and challenging-to-electrify applications, using existing or building minimal new fossil fuel infrastructure to ensure safety, reliability, resilience, or affordability. Estimates for methane emission from anaerobic digestion should be analyzed further to better understand and implement emissions reduction measures.

Ms. Leddy highlighted the recommendation that expresses a need for policy considerations that minimize or eliminate methane emissions as a first priority. This includes regulatory measures for biogas and renewable natural gas production by using emissions-minimizing technologies and techniques, minimizing fossil fuel use in biogas and renewable natural gas production, minimizing emissions from biosolids and digestate through proper management techniques, prioritizing in-State waste-based feedstocks, establishing a best practices regulatory framework, and requiring programs that require anaerobic digestion be built or retrofit for maximum methane mitigation during biogas or renewable natural gas production.

The Subgroup recommendations for transportation fuels include that the Scoping Plan prioritize electrification in Disadvantaged Communities, rather than alternative fuel use, recognizing that some regions will require significant infrastructure upgrades for electrification. In these areas, hydrogen fuel cell vehicles in some applications, such as long-haul heavy-duty trucking, could help alleviate pressure on the electrical grid, potentially reducing peak load and avoiding costly distribution system upgrades while electrification of heating and local transportation is secured. Transportation fuels should also be assessed individually in policy development, demonstrating air quality, health and greenhouse gas benefits including requirements to avoid localized pollution in Disadvantaged Communities. Transportation fuels should also avoid imported canola, palm, and carinata feedstocks and prioritize corn or waste oils over soy, and emissions controls should be included for wastewater from waste oil separation processes. Potential beneficial uses include replacement for bunker fuels for ships docked in New York, and the use of biogas in fuel cells or make electricity to charge battery electric garbage trucks should be considered.

In response to an inquiry from Rose Harvey about the level of difficulty for the development of hydrogen fuel cells for vehicle transportation, Ms. Leddy believes many heavy-duty manufacturers are developing hydrogen fuel cells for vehicles, with a healthy potential for future growth.

Regarding research, development, and demonstration (RD&D) for alternative fuels, noting that there is much to be learned and that many of the Scoping Plan chapters recommend additional RD&D for alternative fuels, the Subgroup recommends all RD&D strategies leverage federal funds and include:

- rigorous energy, greenhouse gas, and environmental sustainability guidelines and metrics for bioenergy products
- analysis of the potential air quality and health impacts of producing and using these fuels and best practices to minimize these impacts
- research into mitigating localized impacts in Disadvantaged Communities,
- lifecycle greenhouse gas accounting with priority utilization provided for feedstocks with the lowest emissions, with strong preference given to zero- or negative-emissions sources,
- the safety of advanced green hydrogen, storage, and pipeline operation,
- research on emissions controls that reduce or eliminate emissions, and
- the potential for negative or positive impacts on other economic sectors, such as waste management or agriculture.

Carolyn Ryan recommended considering emergency and first responder vehicles alongside of the long-haul heavy-duty trucking as candidates for use of alternative fuels.

In response to an inquiry from Rick Shansky, Senior Vice President, Power Supply and Wholesale Markets, Long Island Power Authority, as to the distinction between biogas and renewable natural gas, Ms. Leddy responded that biogas is the raw gas that comes from a system, while renewable natural gas has been refined to remove impurities present in biogas, so the renewable natural gas is pipeline quality and is essentially indistinguishable from fossil gas. Dr. Howarth added that biogas is typically 50% methane and 50% carbon dioxide along with traces of other gases, and can be used on site but cannot be used for transportation or placed into the pipeline. Further, removing the carbon dioxide to turn biogas to renewable natural gas is a very energy intensive process and significantly increases its greenhouse gas footprint.

Economy-Wide

Jared Snyder, Deputy Commissioner, Climate Change, Air Resources, and Energy, NYS Department of Environmental Conservation, presented on behalf of the Economywide Policy Subgroup, stating that it held its final meeting on September 12, 2022 at which time the evaluation criteria and priorities were finalized. The Subgroup also refined two high level designs for two different economy-wide programs – one being a carbon tax and the other a cap and invest program – both designed to achieve various goals of the Climate Act, including meeting Statewide emission limits, reducing emissions in Disadvantaged Communities and mitigating emission leakage. The Subgroup will complete its presentation for the Council for the September 29, 2022 meeting, although the Subgroup did defer the discussion of a clean fuel standard to the Transportation sector, given that a sector-specific basis seemed to be more appropriate.

In response to an inquiry by Rick Shansky as to whether the two designs mentioned by Mr. Snyder differed from the carbon pricing plan contemplated by the New York Independent System Operator, Mr. Snyder stated the designs would be economy-wide approaches as opposed to an electricity-focused approach.

Discussion of Feedback by Topic

Sarah Osgood, Executive Director, Climate Action Council, introduced the presentation of the public comments by topic area, with a reminder that feedback from the Climate Justice Working Group will be approached in a similar manner. She noted that the presentations will be led by staff experts, and Council discussion at this meeting will provide input toward suggested revisions to the Scoping Plan.

Transportation

Adam Ruder, Assistant Director, Clean Transportation, NYSERDA, presented on Transportation feedback, stating that the clean fuel standard was one of the most frequently commented on topics, with commenters both supporting the development of renewable or low-carbon fuels or opposing them, describing such as “false solutions.” Most commenters approved of the clean fuel standard as a policy measure, with only one group opposing. Several commenters emphasized the need to focus on reducing vehicle miles traveled in tandem with electrification, declaring that electrification alone would be insufficient. Commenters also suggested improvements in zoning, dense land-use, ride sharing, and public transportation, as well as investments in rail infrastructure to connect more cities and more easily move freight.

Mr. Ruder stated that there was overall support for the electrification policies in the Draft Scoping Plan, including targeted investments in Disadvantaged Communities, allowing direct-to-consumer sales, waiving electric vehicle sales tax, speeding up the installation of electric vehicle charging through streamlined development and approval processes for utilities and municipalities, adopting code revisions to require and enable charging at favorable rates, including demand charges. Commenters also supported electrification of farm equipment, freight, port equipment, last mile delivery, and State fleets. Some commenters expressed concern about the costs of electrification, specifically in rural communities and for larger vehicles, and some local governments oppose fees on gas and diesel vehicles.

Mr. Ruder discussed Climate Justice Working Group feedback and focused on three unresolved areas:

- *Community-based service enhancements.* The feedback is for more detail on specific transportation enhancements proposed and how they will be identified and accomplished. Mr. Ruder noted the need to work with each individual community to identify the specific enhancements they will require, rather than prescribing a general set of service enhancements, to ensure each community receives the appropriate, needed benefits.
- *Customer convenience and service connectivity.* The feedback is to increase investments in enhanced public transportation alternatives to create jobs in local communities and encourage companies to hire disadvantaged workers using workforce set asides. Mr. Ruder noted the Scoping Plan does call for the development and implementation of strategies to make public transit easier to understand and use, including collaborating with the public and private sectors and increased investment in alternative modes of transportation.
- *Lower carbon renewable fuels.* The feedback opposes policies supporting renewable fuels due to the release of harmful air pollutants, particularly in currently overburdened areas and instead, the electrification of vehicles and the use of hydrogen fuel cells without extending the reliance on fossil fuels is preferred. Mr. Ruder noted Scenarios 1 and 2 of the Integration Analysis rely on the increased use of alternative, lower greenhouse gas fuels to reduce emissions as electrification occurs.

Mr. Ruder concluded that the key takeaways from the comments require few changes to the Scoping Plan and the recommendation on a clean fuel standard will be deferred until the Subgroup has an opportunity to consider the Alternative Fuels Subgroup report out. He also recommended additional detail on adoption of portions of the clean fleet standard with a focus on reducing emissions in Disadvantaged Communities and emphasizing workforce development opportunities supporting transportation at all levels. For public transportation, the recommendation emphasizes the strategic pairing of the expansion of transit and other low-carbon modes with supportive land use policies and improved intercity passenger rail service, including high speed intercity passenger rail transportation. Strengthening the freight rail system is an important component of the State's economic future and environmental sustainability.

Dr. Howarth expressed his support for increased support and infrastructure for passenger and freight rail service statewide and noted the presentation from the Alternative Fuels Subgroup on transportation aligns well with the recommendations presented here.

Anne Reynolds expressed her support for a clean fuel standard, and in acknowledging the stated concerns, suggesting that a compromise position might be achievable. Mr. Ruder agreed to bring this suggestion back to the staff team. Ms. Reynolds also expressed agreement with Dr. Howarth's comment, and noted a great example of co-benefits would be to have increased rail transportation in Disadvantaged Communities.

In response to a suggestion by Dennis Elsenbeck as to how to better encourage economic development within the transportation recommendations, Mr. Ruder stated that there are two elements of the recommendations and Draft Scoping Plan that touch on economic growth. One is the 2022-2023 NYS Budget mandate that all New York new school bus purchases beginning in 2027 be zero emission and another that all New York school buses be zero emission by 2035. Given that New York has the largest school bus fleet in the country, Mr. Ruder believes this two-prong mandate may attract zero emission school bus manufacturers to New York in order to meet this need. Also,

Mr. Ruder noted that emphasizing development of low-carbon transit in areas where people want to live and work while also prioritizing certain preferred land use practices will result in investment in areas that have traditionally lacked for investment opportunities.

Peter Iwanowicz commented on the challenges in addressing the aggressive standards of a clean fuel program, given that many of the transactions take place in the private sector, the limitations surrounding biofuels, co-pollutants, and other considerations. Mr. Iwanowicz believes the Council should further discuss this topic to more fully consider the Climate Justice Working Group feedback to ensure that an equitable solution is reached. In response to an inquiry from Mr. Iwanowicz as to the process for further engaging the Climate Justice Working Group on this and other topics, Ms. Osgood responded that Staff has informed the Climate Justice Working Group that its feedback is being considered, but have not yet received guidance on their preference for re-engaging in the process.

In response to an inquiry from Donna DeCarolis regarding the decarbonization of emergency vehicles, Mr. Ruder agreed that there are certain vehicles that can be decarbonized today while others are in need of developing technology. Mr. Ruder stated the staff is examining vehicle decarbonization as the technology becomes available to avoid forcing technology into a solution for which it is not designed to mitigate souring industry and the public on these issues.

Rose Harvey commented on the usefulness of the tangible example provided by Mr. Ruder of the New York City school bus fleet policy in demonstrating to the public the relationship between decarbonization solutions and economic development.

Agriculture & Forestry

Brian Steinmuller, Assistant Director, Division of Land and Water Resources, Department of Agriculture and Markets and Bryan Ellis, Section Leader for Climate Forestry and Carbon, Division of Lands and Forests, NYS Department of Environmental Conservation, presented on the Agriculture and Forestry chapter, and on the relevant public comments, and Climate Justice Working Group feedback.

Mr. Steinmuller stated a number of commenters voiced concern with the possible loss of farms and farmland due to the high cost and difficulty of decarbonizing the farming industry. Many commenters supported increasing the current incentive programs that address climate mitigation, resiliency and adaptation, as well as support for innovative incentive structures and including regulations and fees rather than relying solely on incentive programs and voluntary adoption, the latter being consistent with Climate Justice Working Group feedback. Commenters also asked that the Scoping Plan address access barriers to programs and grant funding to further investment and increase diversity, equity, and inclusion in underrepresented and underserved communities. A number of commenters called for food and agriculture strategies to account for their total climate impact including fossil fuel use in production, processing, and distribution, as well as increased research and development for mitigation strategies and more accurately quantified on-farm greenhouse gas emissions. Some commenters supported enteric, or animal feed-related, methane emission reduction strategies including the use of cattle feed supplements or additives. There were comments both in support of and counter to the expansion of alternative and low carbon fuels using agricultural byproducts and manure as a feedstock, and comments expressing some concern with the release of farm operation data to the public.

Mr. Steinmuller addressed the Climate Justice Working Group feedback, noting the preference to impose regulations on dairy and other livestock farms to reduce emissions including upstream manure management strategies to reduce animal waste generation at its source. Mr. Steinmuller noted the Draft Scoping Plan proposes an expansion of currently successful voluntary, incentive-based conservation efforts and the advancement of alternative manure management strategies that include upstream strategies to reduce manure methane. The Climate Justice Working Group also supports efforts to reduce nitrous oxide emissions through more efficient use of nitrogen fertilizers and suggest a fee on such fertilizers. He also noted that the Draft Scoping Plan emphasizes increasing support for planning, technical assistance, and implementation of practices that reduce nitrous oxide emissions, and these strategies emphasize engagement and expansion of programs to historically marginalized producers.

Mr. Steinmuller stated it is equally important to reduce emissions and build and enhance the agriculture sector to avoid emission leakage that could occur with additional regulations and fee structures, ensuring farmers are not forced to sell their land or move operations out of New York. He also suggested more detail on conservation practice systems that reduce upstream manure methane emissions, strengthen technical assistance, current incentive structures, and establish new programs to foster the public-private partnerships that can lessen costs to farmers. Such efforts can also emphasize conservation practice systems that accomplish emission reduction, increase sequestration, climate resiliency objectives and the economic bottom line of a farm, and strengthen the link to industry-led initiatives such as Dairy Net Zero. Mr. Steinmuller also suggested adding more detail around strengthening access to farming and programmatic funding and technical support for underserved communities, emphasize the connection of agriculture to other initiatives within the Scoping Plan, focus on systems that reduce agriculture emissions and fossil fuel energy use, and strengthen the discussion reflecting a further need for research to quantify climate and related benefits. Mr. Steinmuller noted that the staff team will respond to feedback on the development and use of alternative and low-carbon fuels using the guidance received from the Alternative Fuels Subgroup today.

Mr. Ellis noted widespread support for the Forestry recommendations, generally, however more than 1,000 comments suggested increasing regulations instead of relying solely on incentives. There is broad support for the current incentive and regulatory strategies such as Regenerate NY, changes to Forest Tax Law, Trees for Tribes, and the inclusion of an ecosystem services payment for forests. There was also wide support for improved forest management and the importance of forest age and structural diversity across the landscape and the need to preserve high carbon forests, particularly the failure to mention the carbon sequestration capacity of mature forests. Commenters also support aggressive control of invasive species and restoration of impacted sites and comprehensive deer management strategies. Commenters were divided on the use of bioenergy and durable wood products, with some supporting their limited use in manufacturing and home heating settings, while others believe them to be a “false solution”. These comments widely opposed cutting forests solely for biomass or biofuel use. Mr. Ellis stated that the Climate Justice Working Group feedback mirror the public comments in their support for an increase in regulatory strategies for sustainable forest management. Mr. Ellis responded the Scoping Plan proposes many strategies to support sustainable forest management, which include both incentive oriented and legislative provisions to protect forest sequestration, strengthen invasive species regulations, and new tax law programs. The Climate Justice Working Group also expressed concern over the combustion of biomass and biofuels due to their release of emissions. Mr. Ellis noted the Draft Scoping Plan includes strategies related to the use of biomass and biofuels only when they provide value by displacing traditional fossil fuel uses, particularly in hard-to-electrify applications.

Mr. Ellis addressed staff recommendations, which include incorporating the importance of forest age and structural diversity across the landscape, including carbon storage in mature forests, adding a recommendation to identify old growth stands and further research on carbon storage in forest soils, integration of forest ownership into ecosystem service recommendations, and emphasizing the importance of in-place regulations to protect forest carbon. The staff team will respond to feedback on the development and use of alternative or low-carbon fuels using the guidance provided by the Alternative Fuels Subgroup today. Mr. Ellis also noted the importance of clarifying the scope of bioenergy, such as the use of agricultural wastes and residual and low-grade biomass instead of whole trees, and refinement of the language that defines bioenergy initiatives to align with other sections of the Scoping Plan. Mr. Ellis also recommended connecting forestry to initiatives in other sectors, such as transportation, buildings, electricity, and industry.

Dr. Howarth offered information regarding recent research sponsored by Cornell University that investigated the carbon storage in old growth mature forests in New York in terms of both the soil and the trees themselves, and which indicates the carbon storage benefits of old growth forests exceeds that which was previously believed. Regarding the staff recommendation in the agriculture sector addressing conservation tillage, Dr. Howarth cautioned against the unintended consequences, particularly those associated with toxic cyanobacterial blooms in lakes that could be associated with nitrogen pollution from agriculture. If so, this issue is aggravated by a wet climate such as that in New York and can be potentially mitigated by the use of cover crops and perennial cropping systems. Mr. Steinmuller was appreciative of the issue raised and stated that he exemplified a single practice system that reduces the amount of tractor passes and fossil fuel emissions and soil management calls for a systems approach to address nitrogen pollution and nitrous oxide emissions.

Dennis Elsenbeck emphasized the need for balance in the agriculture sector between the electrification of farm equipment against a weak electric distribution network in this area, which may call for the use of alternative fuels and other innovative technologies such as that which is being more visibly considered for school buses. He stated that there is a real opportunity in this sector for innovative solutions that would benefit states beyond New York.

In response to an inquiry by Mario Cilento regarding any discussions about the farming industry workforce which tends to be the most disadvantaged workforce in the State, Mr. Steinmuller acknowledged a recurring theme in the overall difficulty in the farm sector and the potential for farm losses with a need to support those who work on and off farm. Mr. Cilento emphasized the need for discussions from the perspective of the farm employee, rather than the farm employer, many of whom do not have a voice on the job. Mr. Steinmuller added that ensuring a skilled workforce will be key to efficiently and effectively operating new farm systems and this recommendation will be addressed.

In responding to issues raised by Mr. Cilento, Commissioner Ball added that in addition to discussions on farm labor issues within NYS Department of Agriculture and Markets and in the context of climate change, similar discussions are also actively underway with the NYS Departments of Labor and Education, as well as the New York Center for Agricultural Medicine and Health.

Mr. Iwanowicz noted, with regard to references to greenhouse gas mitigation, that Section 7 of the Climate Act applies to all State agencies to prioritize reductions of greenhouse gas emissions and co-pollutants in Disadvantaged Communities, emphasizing that “prioritizing” both greenhouse gases and co-pollutants should be the focus.

Land Use and Local Government

Sarah Crowell, Director of Planning Development and Community Infrastructure, NYS Department of State, presented on both Land Use and Local Government, which are distinct chapters within the Draft Scoping Plan. However, they were developed by a single Advisory Panel and the strategies are intrinsically connected given that local government holds such a central role in land use decisions. Given that, the public comment themes are intertwined making it more efficient to report on them together to prevent repetition.

Ms. Crowell stated that the feedback was generally positive, the relevant Climate Justice Working Group feedback was previously incorporated and integrated into the current draft Scoping Plan, and there is some overlap in that which was reported in the Agriculture and Forestry sector presentation. The summary themes emanating from the public comments for these sector topics include the protection of and enhancement of forest lands, the protection of agricultural lands and wetlands, and smart growth and transit-oriented development. She reported that there was broad support for initiatives to prevent forest conversion and also for afforestation strategies. Other specific themes that garnered strong support were for increased support for incentives to create and maintain plantings, initiatives to prevent agricultural conversion, and the use of natural and nature-based infrastructure for wetland protection.

On the issues of smart growth and transit-oriented development, Ms. Crowell noted thematic overlap on many issues, yet broad support for transit-oriented development as a strategy to reduce vehicle miles travelled and smart growth. There was an emphasis on a contextual approach to these issues and the need to acknowledge the differences in needs between rural, urban, and suburban areas. Additional themes included the need to prioritize the needs of disadvantaged and underserved communities and the importance of integrating just transition as a goal in the policies of these sectors.

Regarding State support for local governments, Ms. Crowell reported broad support for financial and technical assistance for municipalities, including model zoning and local laws, mapping tools, models of successful projects, guidance for funding applications and other direct assistance. The value of regional partners was another theme that harkened back to the need for additional capacity and partners at all levels, including counties, to assist in implementing all of the recommendations.

Renewable energy siting is a topic that crosses many Draft Scoping Plan chapters, yet very relevant to local government and land use. There was broad support for additional resources for local governments to ensure appropriate siting of renewable energy projects and a number of comments opposed the conversion of farm and forest land for renewable energy projects. However, there was support for comprehensive research on the productivity of the integration of agriculture and solar as a combined system (agrivoltaics).

Ms. Crowell presented the staff recommendations as revising the afforestation and reforestation recommendations to set ambitious, specific goals; to more clearly articulate the differing smart growth and transit-oriented development needs of rural, suburban and urban areas and to emphasize the principles of a just transition and the needs of Disadvantaged Communities; to place greater emphasis on the role of partners in local government and municipal efforts as well as to clarify recommendations related to technical and financial support; and to emphasize the need to minimize the impact of energy siting on forests and agricultural lands while expanding the

recommendations to include consideration of co-locational opportunities for agriculture and renewable energy generation.

Regarding the identified recommendation to differentiate smart growth needs and economic development backfill, Dennis Elsenbeck advocated for a more holistic approach when considering the energy infrastructure needs of localities. Ms. Crowell agreed to bring this insight back.

In response to an inquiry by Peter Iwanowicz regarding any suggested approach to emphasizing the principles of a just transition in transit-oriented development, Ms. Crowell suggested that additional discussion with the Just Transition Working Group as well as internally will be necessary. She agreed that it is a complicated effort that needs to be appropriately addressed. In addition, she suggested that defining priority development and conservation at the local and regional level should also consider the implications of how those definitions might affect a just transition.

Waste

David Vitale, Director, Division of Materials Management, NYS Department of Environmental Conservation presented the summary themes for the comments regarding waste as widespread support for waste reduction, reuse, recycling, and extended producer responsibility; widespread support for expanding efforts to divert organics from disposal; and divergent views on combustion and other thermal treatment processes. For those efforts that garnered widespread support, many commenters felt that the proposed actions should go farther and faster. With regard to combustion and thermal processes, some supported combustion as a better climate alternative to landfills, while others expressed concern for impacts on Disadvantaged Communities.

Regarding the Climate Justice Working Group feedback on waste issues, Mr. Vitale stated that organic waste reduction received strong support and food donation was recommended for expansion and stronger support which would require legislative action. Regarding waste reduction, reuse and recycling, the feedback is for more convenient programs and additional funding. Feedback regarding water resource recovery facility conversion were for on-site use of biogas captured from waste management and that no significant new transmission infrastructure support additional biogas, which could play a role in environmentally sound waste disposal, caution should be used to avoid biogas use unintentionally or inadvertently leading to the extended use of fossil fuels.

Mr. Vitale presented the staff recommendations as the following:

- Increased funding and legislation for waste reduction, reuse, and recycling
- Legislation for comprehensive extended producer responsibility
- Amendments to the Food Donation and Food Scraps Recycling Law; and
- Regulations to support enhanced greenhouse gas leak monitoring and reduction at solid waste facilities.

In response to inquiries from Dr. Shepson regarding combustion of organic waste as an option, including the ensuing environmental justice and co-pollutants and whether there was an analysis conducted of currently available technologies or siting options, Mr. Vitale offered that there were discussions with the NYS Department of Environmental Conservation Division of Air personnel about whether existing technology can address the issue of co-pollutants within the requirements of the Climate Act. With regard to Dr. Shepson's inquiry regarding an assessment of

the full lifecycle with respect to greenhouse gas emissions when assessing combustion of organics versus production of biogas, the staff team is not advocating the combustion of organics, but noted that there has been a valuation related to the greenhouse gas emission impacts related to combustion versus organics reduction and that valuation shows that individual management is better than combustion, while combustion is better than landfilling.

In response to an inquiry by Peter Iwanowicz regarding combustion related to that for energy production, Mr. Vitale stated that there were no discussions specifically related to that issue, although currently about 15 percent of the municipal solid waste stream in New York is combusted in the ten municipal combustors in the State with no discussion or recommendation for increasing that. Mr. Iwanowicz emphasized the legislative mandate for zero emissions by 2040 and is anticipating there will be no combustion of municipal solid waste or pyrolysis of it to generate electricity.

In acknowledging Mr. Iwanowicz's point, Anne Reynolds inquired as to whether the ten existing combustors have expiration dates regarding their respective licensures for solid waste management and air permits, with most permits issued for ten-year time periods, although future permit terms could fluctuate (or, be shorter) and there are no service life limits beyond required maintenance or voluntary enhancements. With regard to their locations in relation to Disadvantaged Communities, Mr. Vitale stated that four of the facilities are located on Long Island, two are in the lower Hudson Valley (one in Westchester County and one in Dutchess County), one each is located in Hudson Falls, Oswego, and Onondaga County, and one is located in the Buffalo area.

Next Steps

Ms. Osgood reviewed the upcoming Council meeting schedule through the end of December 2022. The meetings through October will include final subgroup report outs, Integration Analysis updates and addressing public feedback and Climate Justice Working Group feedback. The November meetings are earmarked for Council feedback on the revised Draft Scoping Plan, and the December meetings are for final Scoping Plan review and consideration.

The next scheduled meeting will feature a final report out of the Economy-wide Subgroup, and possibly the Gas System Transition Subgroup.

In response to an inquiry by Raya Salter regarding that future Council meetings are planned to be in-person meetings, Ms. Osgood provided some additional insight as to future plans for this required change in meeting policy.

In response to an inquiry by Donna DeCarolis regarding how to weight the degree of comments, particularly those attributable to the general public comments, Ms. Osgood suggested focusing on themes, the frequency of similar comments and input from commenters "in the field" on certain issues. She also reminded the Council that access has been provided to the individual comments and welcomes any additional observations on identifying themes, in addition to those identified by agency staff.

Dennis Elsenbeck recognized the efforts of and expressed his appreciation for Maureen Leddy, Jared Snyder, and Jessica Waldorf in leading their respective Subgroups and providing for a balanced approach. Ms. Osgood reiterated her deep appreciation for the entire staff team.

With that, the meeting was adjourned.



Climate Action Council

KATHY HOCHUL
GOVERNOR

DOREEN M. HARRIS
CO-CHAIR

BASIL SEGGOS
CO-CHAIR

Meeting Agenda

September 13, 2022

- Welcome
- Subgroup Progress Reports
- Discussion of Feedback by Topic:
 - Transportation
 - Agriculture & Forestry
 - Land Use
 - Local Government
 - Waste
- Next Steps