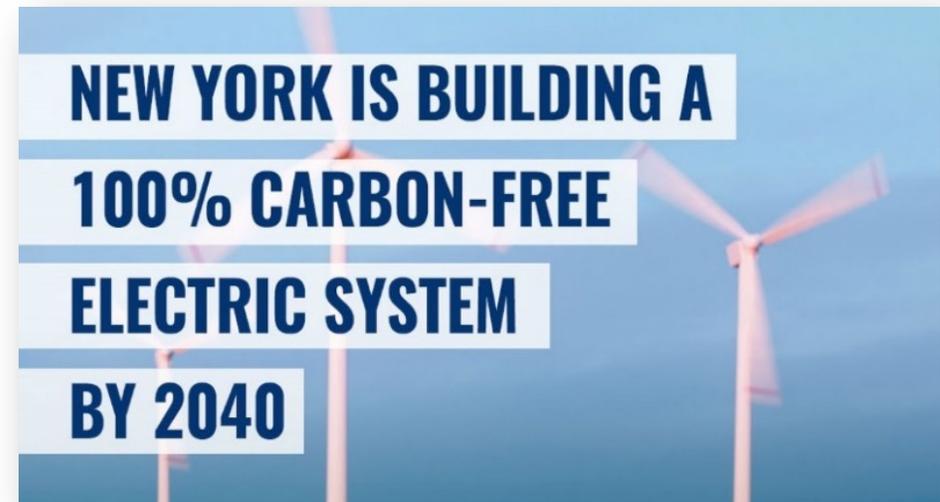


# Overview: NYS Clean Energy Goals, Article 10, and ORES



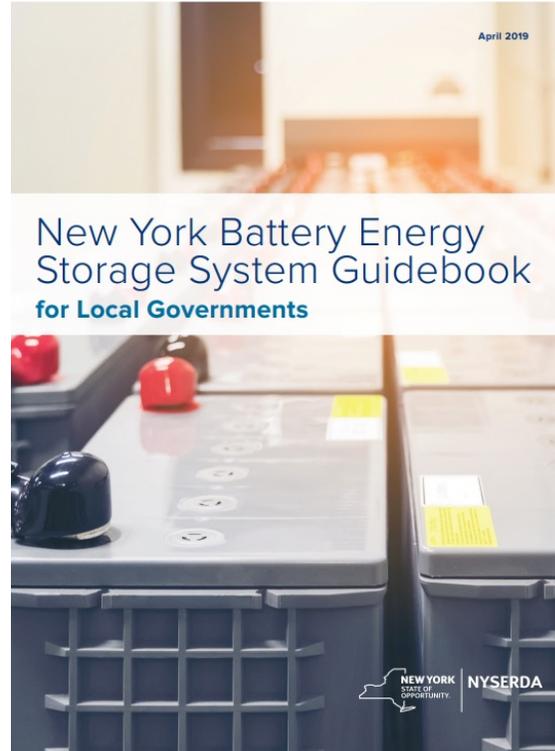
# New York Energy Policy

- Clean Energy Standard (CES)
- Climate Leadership and Community Protection Act (CLCPA)
- Clean Energy Fund (CEF)
  - 10-year, \$5 billion funding commitment
  - Reshapes NY's energy efficiency, renewable energy and energy innovation programs
  - Reduces the cost of clean energy
  - Accelerates the adoption of energy efficiency to reduce load
  - Increases renewable energy to meet demand
  - Mobilizes private investment in clean energy



# Clean Energy Siting Team

**NYSERDA created clean energy guidebooks to assist local governments managing clean energy development in their communities.**



***NYSERDA offers local governments free one-on-one technical assistance on topics including, but not limited to:***

- Property taxes & Payment-in-Lieu-of-Taxes (PILOTs)
- SEQR process
- Adopting clean energy zoning laws
- Municipal procurement
- Adopting & Implementing the Unified Solar Permit & Energy Storage Permit

# NY Solar Guidebook for Local Government



**Chapter 1** - Solar PV Permitting and Inspecting in NYS

**Chapter 2** - Roof Top Access and Ventilation Requirements

**Chapter 3** - State Environmental Quality Review (SEQR)

**Chapter 4** - NYS's Real Property Tax Law § 487

**Chapter 5** - Solar Payment-In-Lieu-of-Taxes Toolkit

**Chapter 6** - Using Special Use Permits and Site Plan Regulations

**Chapter 7** - Solar Installations in Agricultural Districts

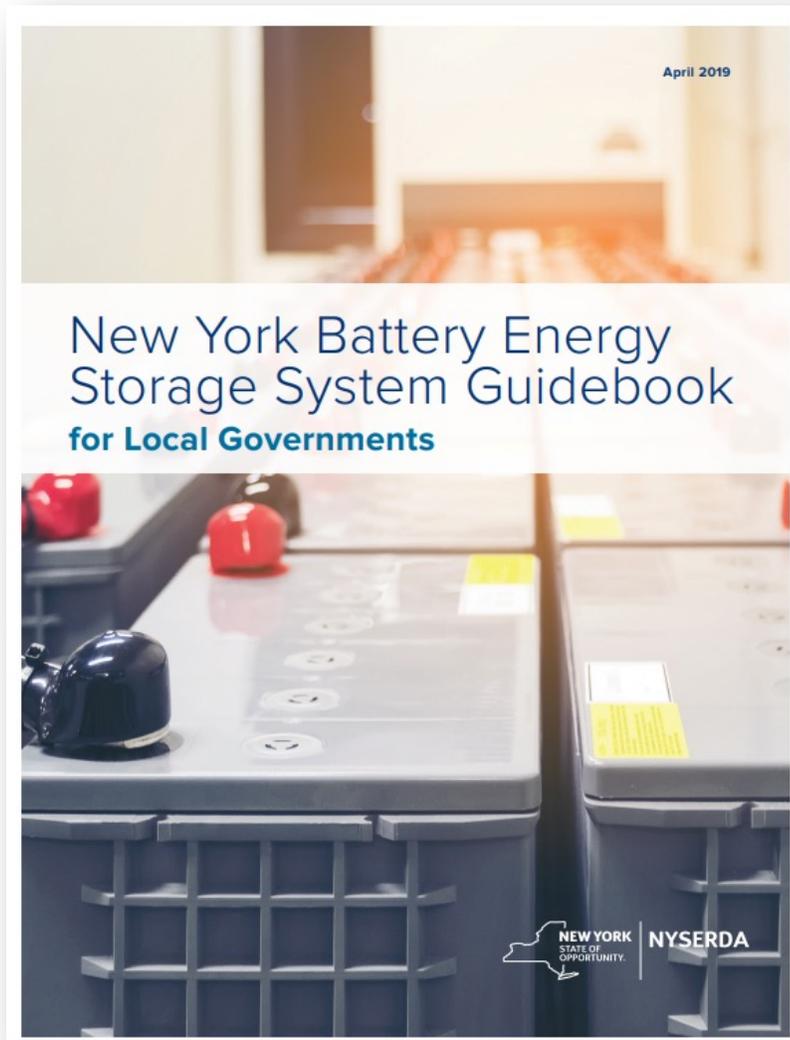
**Chapter 8** - Landowner Considerations for Solar Land Leases

**Chapter 9** - Decommissioning Solar Panel Systems

**Chapter 10** - Model Solar Energy Local Law

**Chapter 11** – Municipal Solar Procurement Toolkit

# Battery Energy Storage Guidebook for Local Governments



**Chapter 1** – Battery Energy Storage Model Law

**Chapter 2** – Battery Energy Storage Model Permit

**Chapter 3** – Battery Energy Storage Inspection Checklist

**Chapter 4** – 2020 New York State Uniform Code

# Clean Energy Siting Homepage

## Clean Energy Siting for Local Governments

[Energy Storage Guidebook](#)

[EV Charging Station Permitting Resources](#)

[Siting for Large-Scale Renewables](#)

[Solar Guidebook](#)

[Wind Energy Guidebook](#)

[Technical Assistance and Workshops](#)

[Clean Energy Siting Email List](#)

## Clean Energy Siting for Local Governments

NYSERDA offers several resources to help local governments understand how to manage responsible clean energy development in their communities. These resources include step-by-step instructions and tools to guide the implementation of clean energy, including permitting processes, property taxes, siting, zoning, and more. If you have a question on clean energy siting in your community, or need help with a chapter of the Guidebook, email [cleanenergyhelp@nyserda.ny.gov](mailto:cleanenergyhelp@nyserda.ny.gov) and we'll respond to you within 24 hours. For more hands-on support, learn more about our free [training and technical assistance opportunities](#).

Stay up-to-date with the latest about Clean Energy Siting. [Join our email list](#) for local government officials.

*Ask the team any question by sending an email to [cleanenergyhelp@nyserda.ny.gov](mailto:cleanenergyhelp@nyserda.ny.gov)*

*Municipalities can request technical assistance here*

# Accelerated Renewable Energy Growth and Community Benefit Act

## The act will:

- > advance renewable energy, drive statewide economic growth, and create jobs
- > streamline the process for environmentally responsible and cost-effective siting of large-scale renewable energy projects across the State
- > establish tools for achieving the State mandate to obtain 70 percent of the State's electricity from renewable sources by 2030 and other nation-leading goals of the Climate Leadership and Community Protection Act

## Components:

**Office of Renewable Energy Siting (ORES)**

**Clean Energy Resources Development and Incentives Program ("Build-Ready")**

**State Power Grid Study and Program**



This comprehensive legislation includes  
**these major components:**

**Office of  
Renewable  
Energy Siting**

**Clean Energy  
Resources  
Development  
and Incentives  
Program**

**State Power  
Grid Study  
and Program**



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# Permitting Solar Energy Systems

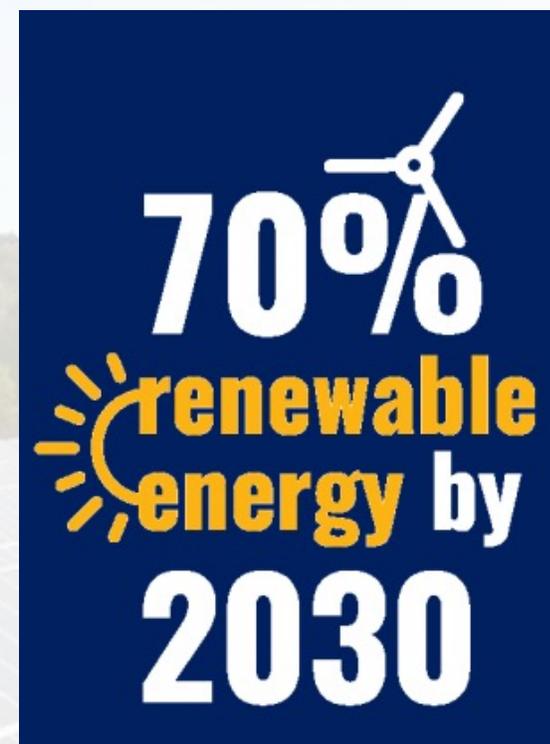
**Permitting process varies based on size of the installation:**

- **Projects < 25 MW:** Permitted at local level (SEQR, municipal requirements)
- **Projects > 25 MW:** Permitted at State level (Article 10, Office of Renewable Energy Siting [ORES])
- **Projects between 20 – 25 MW:** May opt-in to State-level siting process through ORES

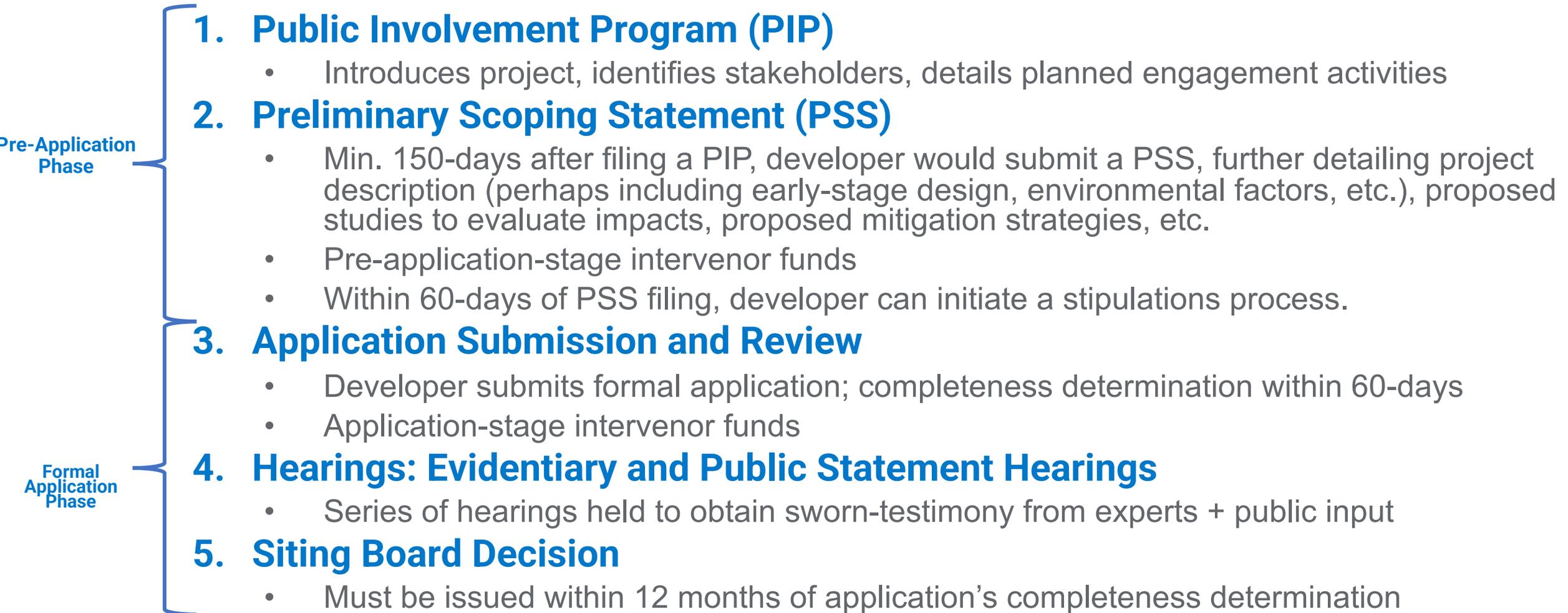


# Article 10 Background

- Since 2011, large-scale clean energy projects **>25 megawatts (MW)** have been permitted under Public Service Law **Article 10**
- Article 10 was established to review and permit all major generation facilities, including **both renewable and conventional** energy facilities.
- Article 10 Siting Board has approved **14 projects** to-date; pending queue includes over **50 projects**, **20 projects** have transferred or applied to transfer to ORES
- Climate Leadership and Community Protection Act (**CLCPA**) passed in 2019



# Stages of Article 10 Review



# Office of Renewable Energy Siting (ORES)

- > Also known as 94-C Process, owing to its codification under Executive Law Section 94-C
- > ORES is responsible for issuing permits for applicable renewable energy projects, in consultation with relevant State agencies, and inclusive of all necessary approvals from a State and local perspective. Applicable projects include:
  - > New renewable projects equal to or larger than 25 MW
  - > New renewable projects between 20-25 MW (may opt-in)
  - > Existing renewable projects in early stages of Article 10 review (via opt-in)
- > Within one year, ORES will adopt regulations and establish Uniform Standards and Conditions in consultation with relevant State Agencies (NYSERDA, DPS, DEC, AGM)
  - > Drafts were published in August 2020 for public review and comment: [www.ores.ny.gov/regulations](http://www.ores.ny.gov/regulations); **They were finalized in March 2021.**
- > ORES was required by law to hold a series of public hearings on its regulations and uniform standards and conditions; they held seven hearings, and allowed for public comment through early-December 2020.

# Office of Renewable Energy Siting (ORES)

## **ORES Regulations: <https://ores.ny.gov/regulations>**

- Outlines pre-application activities, which must occur at various times prior to submission of an application. Three major pre-application components:
  - Consultation with host municipality (min. 60-days prior to submission)
  - Consultation with affected community members (min. 60-days prior to submission)
  - Submission to ORES of draft environmental/cultural reports (as early as possible)
- Outlines permit application requirements, which includes a formal application supplemented by 25 detailed exhibits
- Requires applicants to provide funding to ensure meaningful local participation (\$1,000/MW; 75% reserved for local agencies, 25% for qualified intervenors)
- Details technology-specific requirements including setbacks, height, noise, and other considerations

# Office of Renewable Energy Siting (ORES)

## Proposed ORES Application Steps:



\*Within 6 months of completeness determination if proposed facility would be located on an existing or abandoned commercial use site, dormant electric generating sites or underutilized

# Office of Renewable Energy Siting (ORES)

## Opportunities for Local Engagement

The municipality will be notified upon the publishing of the draft permit and shall provide feedback within the subsequent 60-day public comment period. The municipality shall indicate whether the proposed facility complies with applicable local laws and regulations.

The municipality shall have access to intervenor funds made available by the applicant – in the amount of \$1,000 per MW – in order to ensure participation in the public comment period or any adjudicatory processes.



For a permit application to be deemed complete, the applicant must demonstrate consultation with any municipality where the project is proposed to be located.

Should the municipality find the facility not in compliance with local laws and regulations, the application may proceed to an adjudicatory hearing process.

# Thank you!

**For additional questions, to access resources, or to request technical assistance, please reach out:**

**Siting Team Hotline:**

**[cleanenergyhelp@nyserderda.ny.gov](mailto:cleanenergyhelp@nyserderda.ny.gov)**

**Clean Energy Siting Homepage:**

**[www.nyserderda.ny.gov/Siting](http://www.nyserderda.ny.gov/Siting)**