

Blueprint For A Greener New York State



2009 State Policy Agenda



NEW YORK LEAGUE OF CONSERVATION VOTERS
EDUCATION FUND
www.nylcvef.org



ABOUT THE NEW YORK LEAGUE OF CONSERVATION VOTERS EDUCATION FUND

The New York League of Conservation Voters Education Fund (NYLCVEF) engages and educates New Yorkers on environmental issues and the environmental decision-making processes at the local, regional, state and federal government levels. NYLCVEF fosters open, nonpartisan discussion on environmental policy and empowers New Yorkers to be effective advocates for the environment.

New York League of Conservation Voters Education Fund
30 Broad St., 30th Fl.
New York, NY 10004
Phone (212) 361-6350
Fax (212) 361-6363
info@nylcvef.org
www.nylcvef.org

Edward Cox, Chair
Marcia Bystryn, President
Joshua Nachowitz, Policy Director

New York Cannot Afford To Lose Ground On Sustainability

The 2008 legislative session was among the most memorable in recent history. Despite the turmoil that rocked Albany, the environmental movement scored a number of important victories, including a package of reforms of the state's brownfields law and an expanded net metering law.

While we are pleased with the action taken on these initiatives, much work remains to be done. We enter the 2009 legislative session in a remarkably different fiscal environment than the previous year. New York State faces monumental budgetary challenges and an economy that is already in what may be a deep and long-lasting recession.

It is imperative that environmental concerns and the ongoing effort to create a sustainable future for our state not be lost in this period of economic crisis. Indeed, it is even more important at this time to focus our attention on policy solutions that will address many of the fundamental problems with our economy and government finances.

NYLCVEF's 2009 State Policy Agenda articulates a broad-based environmental agenda that would benefit every corner of the state. We call for maintaining funding for vital environmental programs such as the Environmental Protection Fund and adopting legislation that will lay the groundwork for the sort of investment in renewable energy, mass transit and sustainable solid waste policies that we believe are essential to creating a sustainable and vibrant economy for all of New York State.



**NYLCVEF President
Marcia Bystryn**

ENHANCE & FULLY FUND MASS TRANSIT

Finding a solution to the Metropolitan Transportation Authority's crippling budget problems will be a top priority for the 2009-10 session. We will also work on other bills that will encourage transit expansions that utilize less capital-intensive means, such as bus rapid transit and light rail.

Fully fund the MTA's capital and operating budgets: The MTA is the largest mass transit operator in the United States, with responsibility for the New York City transit system as well as the Long Island Rail Road, Metro-North and suburban bus systems. Unfortunately, the MTA faces significant budgetary hurdles. Its extensive and aging infrastructure is in critical need of capital improvements. Without greatly enhanced support from New York State, the MTA cannot hope to fulfill its capital plan.

NYLCVEF will urge the state to greatly increase direct support for the MTA. It is essential for the Legislature to act immediately to solve the MTA's looming financial crisis by not only fixing the agency's current financial troubles but also identifying long-range sustainable solutions that will provide stable financing for years to come.

We call on the state Legislature to act swiftly to enact the recommendations of the Commission on MTA Financing, including:

- Tolling the East and Harlem River bridges.
- Creating a regionwide mobility tax dedicated to funding the MTA.
- Establishing a Capital Financing Authority within the MTA to fund needed capital projects.

Invest in upstate transit infrastructure: NYLCVEF will advocate for an increase in state support for upstate transit infrastructure. We will call on the Legislature to create an executive-level task force charged with developing an action plan to improve transit in urban areas throughout upstate New York by identifying local funding sources and creating regional planning entities to coordinate transit plans and raise revenue.

Develop statewide rail freight infrastructure: Pass legislation to require the state Department of Transportation to develop a plan for increasing the use of freight rail throughout the state. DOT would be required to meet clearly specified targets.

PROTECT CRITICAL ENVIRONMENTAL PROTECTION BUDGETS

The state government is facing what may be its worst fiscal crisis in 30 years. It is critical that the tremendous strides made in funding for environmental protection programs not be cut during this budget downturn.

Additionally, we will encourage the Legislature to find new financing mechanisms to preserve vital environmental programs. These programs protect natural resources that cannot be replaced.

- **Maintain funding for the Environmental Protection Fund:** We urge the Legislature to continue its longstanding commitment to funding environmental projects through the EPF by maintaining the EPF at its current level and to reject the governor's proposal to restructure the fund by replacing Real Estate Transfer Tax (RETT) money with new revenues.
- **Pass the Bigger, Better Bottle Bill.**
- **Maintain Department of Environmental Conservation staffing levels.**
- **Maintain operating and capital spending for state park improvements.**



BUILD THE FOUNDATION FOR A CLEAN ENERGY FUTURE

A key component of our plan to address climate change and build a healthy and sustainable future for New York State will be encouraging clean energy and reducing our energy usage. In the spring of 2008, Gov. David Paterson launched a statewide energy planning process. This effort is tasked with developing a comprehensive energy plan that will guide our energy policy for the coming decades. The governor reaffirmed his commitment to a clean energy future by committing the state to an ambitious new energy plan in his first State of the State address.

NYLCVEF strongly believes that a package of energy-efficiency measures and investments in renewable-energy technologies is essential to both combat climate change and foster the sort of energy independence that will protect our state's economy from the price fluctuations of fossil fuels. By achieving these goals we can reduce the ever-increasing cost of energy to consumers and businesses, clean the environment and build a 21st century "green-tech" economy.

Direct incentives for renewables: We will advocate for a package of legislation that includes:

- Increased funding for the Renewable Portfolio Standard.
- Pass a statewide solar tax credit.
- Develop and implement new financing mechanisms such as renewable energy credits.
- Ensure that proceeds from Regional Greenhouse Gas Initiative auctions are devoted entirely to the achievement of a clearly articulated renewable energy plan.
- Create a pilot "solar empowerment zone" district program to target incentives and allow businesses to pool resources in order to address interconnection issues.

2009 NEW YORK STATE POLICY AGENDA

Energy efficiency package:

- Fully fund Gov. Paterson's proposed '45 by 15' initiative.
- Pass legislation requiring state agencies to reach clearly articulated energy-reduction goals.
- Require all state agencies to report on and reduce yearly vehicle miles traveled.
- Allow NYSERDA to provide funding and incentives for projects that are required by law.
- Maximize the role of the regulated utilities in promoting energy efficiency.

Develop a clear plan to access federal energy efficiency money: It is estimated that an expected federal stimulus bill could make upwards of \$1 billion available to the state for use on energy efficiency projects. It is critically important that the Paterson administration rapidly develop a plan to use this funding. We encourage the governor to appoint an executive-level official who is solely responsible for coordinating the Administration's energy efficiency efforts.

Tire efficiency: Pass the Tire Efficiency Standard Program, which would require DEC to create a statewide tire efficiency program and establish clear energy efficiency standards for new and replacement tires.

Indoor and outdoor lighting efficiency: Pass legislation that would improve the efficiency of indoor and outdoor lighting. Improving the efficiency of lighting by curtailing the use of highly inefficient incandescent light bulbs could have a significant impact on energy consumption throughout the state. NYLCVEF will support efforts to reduce the use of these antiquated lighting sources and encourage both individuals and government to use more environmentally friendly and energy-efficient lighting sources.

- ✓ NYLCVEF is developing a detailed set of policy recommendations for Gov. Paterson's Statewide Energy Planning Board that will serve as our vision of a renewable energy future for New York State.

SUPPORT SMART GROWTH & BROWNFIELD CLEANUP

Achieving a comprehensive smart-growth strategy for New York State is a vital environmental goal. Smart-growth initiatives encourage the development of transit-centered communities that reduce suburban sprawl, promote land conservation, control greenhouse gas emissions and promote downtown revitalization. An effective smart-growth agenda must encompass a variety of interconnected planning issues and enable communities to develop comprehensive and proactive growth-management plans that encourage economic growth while protecting the environment.

Brownfields: At the end of last year's legislative session, the Legislature adopted a brownfield reform package that addressed many of NYLCVEF's priority concerns. However, a number of important issues remain to be addressed. We will ask the Legislature to:

- Delegate authority to New York City to manage its own streamlined brownfield remediation program. Mayor Michael Bloomberg has created an Office of Environmental Remediation that will be fully capable of managing a locally administered cleanup program that would provide developers with a streamlined review process.
- Add specific language that would make sites contaminated by historic fill eligible for brownfield tax credits.
- Add bonuses for developments that conform to smart-growth principles.
- Establish a voluntary program by decoupling eligibility for brownfield tax credits from eligibility for DEC oversight and liability release.

Smart Growth: Pass legislation requiring the state to give funding priority to smart-growth projects.

Directly incentivize smart growth planning on the municipal level: The Governor's Office has made a commitment to only funding municipalities with smart-growth plans. We would like to see funding available for municipalities to develop and implement these long-term regional plans. Specifically, we encourage the governor to fund desperately needed smart-growth projects on Long Island and in Westchester. These heavily populated areas are facing daunting planning and development challenges that can best be addressed by an aggressive smart-growth strategy.

Pass the Clean Water Protection and Flood Protection Act (A7133/S3855): As a result of changes in the federal government's interpretation of the Clean Water Act, longstanding protections for smaller and intermittent wetlands and streams have been removed. Consequently, the state is giving a green light to developments that are destroying wetlands and fish and wildlife habitats in New York. Our wetlands law needs to be augmented to restore these protections, as well as to improve the criteria and mapping process. This bill would lower the threshold for state authority to protect wetlands from 12.4 acres to one acre.



ENVIRONMENTAL JUSTICE

Pass the Environmental Access to Justice Act (A1435/S5182): Enacted in 1975, the State Environmental Quality Review Act (SEQRA) provided fair and sensible rules to regulate environmental analysis when government entities undertake, approve or fund projects that may have a significant environmental impact. However, since a 1991 Court of Appeals ruling (*Society of the Plastics Industry, Inc. v. County of Suffolk*), the legislative intent of the act has been circumvented. Individuals must now demonstrate a special harm different from that suffered by the public at large to establish standing in SEQRA appeals, a burden which is nearly impossible to meet. This special harm test has resulted in numerous challenges of decisions being dismissed for lack of standing – resulting in an injustice for plaintiffs who raise legitimate claims. This legislation would restore the original legislative intent and test for standing under SEQRA, a showing that the plaintiff has suffered an injury within the zone of interests covered by the act.

PROTECT NEW YORK CITY'S WATERSHED

The vast Catskill watershed that provides New York City's 8.2 million residents with clean drinking water is potentially threatened by possible natural gas exploration in the Marcellus Shale formation. NYLCVEF calls on DEC to conduct a **thorough environmental review** of the entire range of potential impacts that this drilling could have on the natural resources of the Southern Tier and New York City's watershed. We urge DEC to not issue any permits for drilling until the full extent of the impact is known and proper mechanisms are in place to protect the environment.

CREATE A SUSTAINABLE SOLID WASTE INFRASTRUCTURE

Solid-waste management is one of the most important functions of municipal government and consumes an ever-increasing percentage of municipal budgets. It also has tremendous carbon impacts. Long-haul waste exporting is responsible for fully seven percent of the City of New York's carbon emissions. Waste that is landfilled releases methane, a greenhouse gas that is even more damaging to the environment than carbon. Additionally, the production of items that are eventually disposed of uses tremendous amounts of natural resources and energy and generates its own carbon impact.

With the amount of waste statewide continuing to grow, it is essential that policymakers develop a new and comprehensive strategy to handle waste in a sustainable manner. This new approach must include consideration of new disposal technologies (including waste to energy), a new emphasis on recycling that recognizes the realities of 21st century consumption patterns and a comprehensive strategy for waste reduction. Developing such a comprehensive plan will improve our environment while reducing the cost of waste management for municipalities and consumers alike.

The state is developing a new Solid Waste Management Plan. We will work with the Legislature to ensure that this plan includes important solid waste management goals including:

- Creation of a sustainable waste export and transportation system.
- Encouragement of clean waste-to-energy projects.
- Support the use of new waste disposal technologies. Disposing of solid waste is becoming increasingly expensive and difficult to manage. New technologies such as waste-to-energy systems could dramatically lower export costs while providing an environmentally friendly way to dispose of solid waste. The state should earmark funds to support municipal experiments with new waste disposal technologies.





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