



NEW YORK STATE SENATOR

Jen Metzger

Metzger's Bill Requiring a Higher Level of Review for CPV Permit Passes State Senate

JEN METZGER July 23, 2020

| ISSUE: **CPV, CORONAVIRUS; PUBLIC HEALTH, CLCPA**



Albany, NY...Today, the New York State Senate passed Senator Jen Metzger's bill ([S8809](#)) requiring a new, higher level of review by the Department of Environmental Conservation (DEC) to issue permits or renewals for fossil fuel-fired power plants. Under the new standard, a facility must demonstrate that its operation is consistent with the targets and goals of the Climate Leadership and Community Protection Act (CLCPA), and does not adversely affect public health and safety, agriculture, viewshed, noise pollution, tourism and recreational

opportunities, community character, or environmental justice communities. The bill would apply to the Wawayanda-based Competitive Power Ventures (CPV) facility in Orange County, which has a Title V air quality permit application currently under review by the DEC.

"In my view, the CPV fracked-gas power plant should have never become operational in the first place, and there is even less justification for its continued operation today," **said Senator Jen Metzger (SD-42)**. "This infrastructure is entirely at odds with the goals of the Climate Leadership and Community Protection Act that we passed last year, and is a risk to the health, quality of life, and environment of surrounding communities. The bill we passed today would ensure that the permit application gets the rigorous review needed to protect the public interest and conform with current state law."

A recent Harvard study found that higher levels of fine particulates in air (PM 2.5) were associated with higher death rates from COVID-19, and both fracking and fossil fuel power plants are sources of this pollution. In December, Senator Metzger introduced legislation ([S6906](#)) to permanently ban fracking in state law, and the ban was passed as part of the state budget several months later. In February and March of 2019, Senator Metzger's office undertook a health impacts survey of residents living near the CPV power plant, and based on findings, requested an independent monitoring regime by DEC.

Metzger has also consistently argued that the permitting of CPV would be contrary to, and undermining of, the state's climate goals. The CLCPA, signed into law in July 2019, requires the elimination of fossil fuel-based generation entirely by 2040, with an interim goal of meeting 70 percent of the state's electricity needs from renewable resources by 2030. Senator Metzger was an active member of the Senate's Climate workgroup that developed the CLCPA, and is a member of the Senate Environmental Conservation and Energy & Telecommunications Committees.

Jen Metzger represents the 42nd Senate District, which includes all of Sullivan County and parts of Delaware, Orange, and Ulster Counties. Senator Metzger serves as Chair of the Agriculture Committee and sits on the Environmental Conservation, Education, Health, Energy and Telecommunications, Local Government, Women's Issues, Domestic Animal Welfare, and Legislative Commission on Rural Resources Committees.

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RELATED LEGISLATION

2019-S8809A

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to establishing a heightened review of new permits for the operation of certain electric generation facilities to ensure consistency with state public interest standards

July 20, 2020

In Assembly Committee

Sponsored by **Jen Metzger**

Do you support this bill?