

**Opposing A New Power Plant Facility At The Former Danskammer Energy Site In Newburgh (Orange County) New York**

Referred to: The Energy and Environment Committee (Chairwoman Greene and Legislators Bruno, Criswell, Petit, and Wawro)

Legislators Tracey A. Bartels and Jonathan Heppner and Legislators Archer, Cahill, Criswell, Delaune, Donaldson, Gavaris, Greene, Petit, Uchitelle and Walter offer the following:

WHEREAS, Danskammer Energy, LLC “Danskammer”, seeks a permit through the State of New York's Article 10 of the Public Service Law Power Plant Siting Process to build and operate a new gas-fired power plant with a potential generating capacity of 525-575 megawatts on the shores of the Hudson River in the Town of Newburgh, referred to as the Facility Repowering Project; and

WHEREAS, the current power plant located at the site operates only when electric generation demand reaches a peak so that it operates about 5%-10% of the year to meet peak power demand; and

WHEREAS, the new power plant will operate year-round as a base load facility, and

WHEREAS, operating continuously will bring at least a 10-fold increase in emissions of air pollutants such as nitrogen oxide, carbon monoxide, and volatile organic compounds and a dramatic increase in local air pollution in the City of Newburgh and the entire region; and

WHEREAS, children, the elderly and anyone with a pre-existing health condition affecting their lungs, such as asthma or emphysema, are especially vulnerable to the contaminants in these air emissions; and

WHEREAS, this pollution will fuel the growing climate crisis, contrary to the interests of Ulster County and in contradiction to the State’s Energy Plan and Clean Energy Standard of 50% renewable energy generation to be available on the electric grid by 2030, which Governor Cuomo more recently increased to 100% by 2040; and

WHEREAS, the new facility will use an air cooled-condensing system which will eliminate use of the Hudson River’s water for cooling; and

WHEREAS, the new power plant will use natural gas as its primary fuel (with provisions to use ultra-low sulfur diesel [ULSD] for up to 30 days as a back-up fuel); and

WHEREAS, much of the natural gas is likely to come from fracking, which the Ulster County Legislature has been on record opposing; and

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WHEREAS, on March 15, 2011, the Ulster County Legislature adopted into law a prohibition to lease any county-owned lands, including but not limited to County park lands, for high-volume, chemical slickwater hydraulic-fracturing to extract natural gas; and

WHEREAS, on July 25, 2012, the Ulster County Legislature adopted the “Hydraulic Fracturing Brine Prohibition Act” declaring the placement of brine on any road or property of the County of Ulster as unlawful; and

WHEREAS, to protect our health, air and water quality, and the climate, New York State has proposed a permanent ban on fracking; and

WHEREAS, the major component of natural gas is methane, a highly potent greenhouse gas; and

WHEREAS, fugitive methane from fracking, pipelines, compressor stations and other transport may substantially contribute to global warming; and

WHEREAS, increased consumption of methane for production of power further binds New York State and the entire country to a climate degrading source of energy production for decades to come; and

WHEREAS, the site proposed for construction of the new Danskammer facility flooded badly in Superstorm Sandy and its operation would require storage of aqueous ammonia and diesel in a highly flood prone area, threatening toxic exposures of the Hudson River and its organic life, including plants, fish, and water birds and animals; and

WHEREAS, the current proposals do not require taking down the existing power plant on the Hudson River, and the new facility would be taller than the existing plant, adding a menacing industrial visual impact on the riverfront; and

WHEREAS, the viewshed for the new facility will extend for more than 11 miles along the Hudson River and include numerous public parks and recreational areas on the River, the riverfront and inland; and

WHEREAS, the State of New York recently passed the Climate Leadership and Community Protection Act (CLCPA) which established programs, obligations and targets to meet zero emissions by 2050, 70% renewable sources by 2030 and the electrical sector to be carbon free by 2040; and

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WHEREAS, the proposed gas-fired power plant will contribute to the state's contravention of these CLCPA goals; and

WHEREAS, large scale generation of electricity are currently possible through wind, solar, geothermal, and hydro, and can be coupled with battery storage, providing greater climate and financial benefit, as well as the prospect of more and better green jobs in the renewable energy sector; and

WHEREAS, Ulster County supports the initiatives proposed in the Climate Leadership and Community Protection Act and will take an active role in supporting renewable energy projects in Ulster County; and

WHEREAS, Ulster County supports the retraining and just transition of orkers in industries involved in the generation of energy from fossil fuel to non-polluting industries; and

WHEREAS, the policy of Ulster County is to reduce the footprint of industry on the Hudson River waterfront, particularly for those industries for which a presence on the River is not necessary; and

WHEREAS, the Ulster County Legislature has received public comments from residents expressing concerns and opposition to the project; and

WHEREAS, the City of Beacon, the City of Newburgh, the Village of Cold Spring, the Town of Phillipstown, the Town of Peekskill, the City of Kingston, the Town of Rosendale, the Village of New Paltz, and the Village of Saugerties have passed resolutions opposing the construction of the Danskammer power plant; now, therefore be it

RESOLVED, based upon all information received about the project, concerns of the host town and surrounding communities, and the testimony provided by Ulster County residents, the Ulster County Legislature hereby opposes the construction of a new fossil-fuel powered Danskammer power plant; and, be it further

RESOLVED, that the Ulster County Legislature urges Governor Cuomo and the New York State Board on Electric Generation Siting and the Environment convened under Article 10 of the State Public Service Law to consider the concerns stated herein when considering Danskammer's proposal to build and operate a larger, new facility; and, be it further

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RESOLVED, the Clerk of the Ulster County Legislature shall forward copies of this resolution to the New York State Board on Electric Generation Siting and the Environment, Governor Andrew Cuomo, Assembly and Senate Majority and Minority Leaders, Assembly and Senate Environmental Conservation Committee Chairs, all Ulster County elected Assemblymembers and Senators,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Energy and Environment on March 2, 2020 with consent

Postponed in Committee: Energy and Environment as amended on April 13, 2020

Postponed in Committee: Energy and Environment as amended on May 4, 2020 with consent

Postponed in Committee: Energy and Environment as amended on June 1, 2020 with consent

FINANCIAL IMPACT:

NONE