



**Department of Public Service**  
Office of Renewable Energy Siting  
and Electric Transmission

# **Large Scale Renewable Energy Permitting & Local Governments**

**Tug Hill Commission Local Government Conference**  
**April 1, 2025**

**NYS Office of Renewable Energy Siting &  
Electric Transmission**

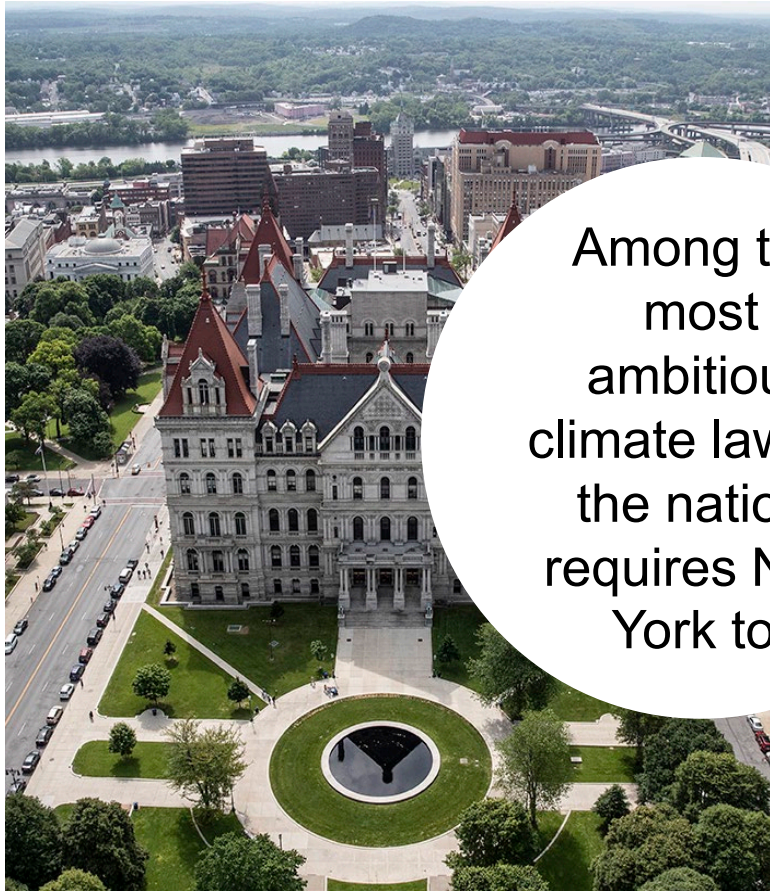
April 1, 2025

# Agenda

- Introductions – Charles Voss, AICP, Senior Siting Specialist
- The “CLCPA”
- ORES & Executive Law 94c/ Article VIII Overview
- Comments/Questions?



# 2019 Climate Leadership and Community Protection Act



Among the most ambitious climate laws in the nation, requires New York to:



Reduce GHG emissions 40% from 1990 levels by 2030 and achieve net-zero emissions by 2050



Reach 70% renewable energy by 2030 and a fully carbon-free electricity system by 2040

# Climate Leadership and Community Protection Act (CLCPA)

- Enacted on June 18, 2019, New York's Climate Leadership and Community Protection Act (CLCPA) establishes requirements and objectives for the advancement of renewable energy technology in New York State to combat climate change:
  - Minimum of 70% of Statewide electrical generation be produced by renewable systems by 2030;
  - Statewide electrical demand system will generate zero emissions by 2040;
  - Procurement of at least nine gigawatts of offshore wind electricity generation by 2035, six gigawatts of solar photovoltaic generation by 2035, and support of three gigawatts of statewide energy storage capacity by 2030 (currently).

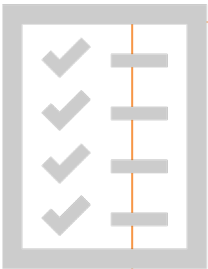


# Accelerated Renewable Energy Growth and Community Benefit Act

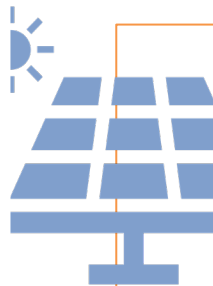
- Enacted on April 3, 2020, the Accelerated Renewable Energy Growth and Community Benefit Act supports the State's ambitious climate, energy, and environmental justice goals in the CLCPA.
- Established first-of-its-kind **Office of Renewable Energy Siting (ORES)** with a new renewable energy permitting framework at Executive Law § 94-c which:
  - Consolidates the environmental review and siting of all large-scale renewable energy projects.
  - Provides a single forum to ensure that siting decisions are predictable, responsible, and delivered in a timely manner, while ensuring the protection of the environment and consideration of all pertinent social, economic, and environmental factors, and providing opportunities for input from local communities.



# Office of Renewable Energy Siting



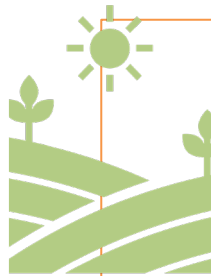
Established to meet the Climate Act's 70 by 30 goal



Streamlines the environmental review and siting of large-scale renewable energy projects



ORES has the authority to issue a single permit for the construction of large-scale renewable energy facilities from both a state and local law perspective.



Avoids, Minimizes and Mitigates to the maximum extent practicable impact to the host community and environment



# ORES and the RAPID Act – Article VIII

- Enacted on April 20, 2024, the Renewable Action through Project Interconnection and Deployment (RAPID) Act (L 2024, ch 58, part O) repealed Executive Law § 94-c and enacted a new Public Service Law article VIII entitled “Siting of Renewable Energy and Electric Transmission” (**Article VIII**).
- Re-titled and Re-established the **Office of Renewable Energy Siting and Electric Transmission (ORES)** under the **NYS Department of Public Service**:
  - The RAPID Act consolidates the environmental review, permitting, and siting of major renewable energy facilities and major electric transmission facilities under the purview of the Office of Renewable Energy Siting and Electric Transmission (Office or ORES).
  - The RAPID Act also transferred ORES’ regulations at 19 NYCRR part 900 (Part 900) to 16 NYCRR chapter XI, and continued Part 900 in full force and effect subject to conforming changes, such as the substitution of numbering, names, titles, citations, and other non-substantive changes to be filed with the Secretary of State. Effective July 17, 2024, the conforming changes were filed with the Secretary of State as a new 16 NYCRR part 1100 (Part 1100).



# Regulatory Accountability & Process Improvement Act - “RAPID”

- A legislative initiative in the Governor’s Executive Budget aimed at streamlining the regulatory process and enhance regulatory efficiency while ensuring transparency.
- The RAPID Act proposes to streamline the environmental review and permitting of major renewable energy generation and electric transmission facilities.
- It would centralize these efforts within the Office of Renewable Energy Siting at the Department of Public Service (DPS).
- The Act would create a “one-stop-shop” within ORES for permitting necessary to site both major renewable energy facilities and the major electric transmission facilities that support them.
- The Act mandates increased public participation by providing stakeholders with ample opportunities to voice concerns and provide feedback during the rulemaking process.





# ORES Permitting Authority



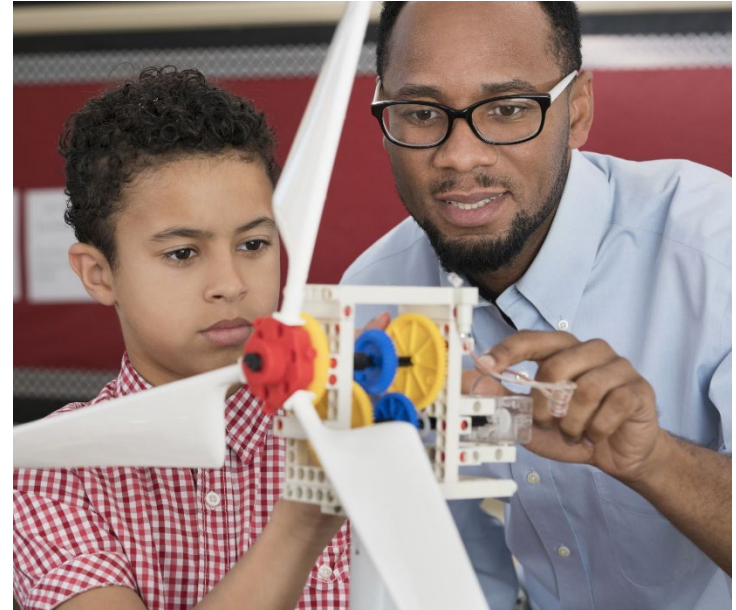
- **Any renewable energy system with a nameplate generating capacity of 25 megawatts or more including:**
  - Co-located battery energy storage system
  - Electric transmission facilities
- **Any renewable energy system with a nameplate generating capacity of at least 20 megawatts but less than 25 megawatts may no longer “opt-in.”**
- **Any existing project applications meeting the above thresholds in the initial stages of the Article 10 review process may elect to transfer into Article VIII.**

All large-scale, renewable wind and solar energy projects 25 MW or larger must obtain a siting permit from ORES for new construction or expansion under the Article VIII regulations.



# Community Benefits

- PILOT: Host community receives yearly payment and for reinvestment into the community;
- Employment: Construction jobs, some permanent;
- Host Community Agreements: Flexible, customized, locally retained benefits – can include additional payments beyond PILOTs, or other community priorities.



# Local Agency Account Fund/Intervenor & Host Community Funding

- Local Agency Account Funds are available to eligible local host municipalities and community intervenors for use in contributing to a complete project record helping lead to an informed decision by the Office.
- The fund enables local agencies and community intervenors to participate in the proceedings by allowing them to defray costs for expert witnesses, studies, consultants, attorneys, etc.
- **The Local Agency Account Fund is equal to \$1,000/MW of facility capacity**
- Nearly **\$2.4 million** has been awarded to local agencies and community intervenors.

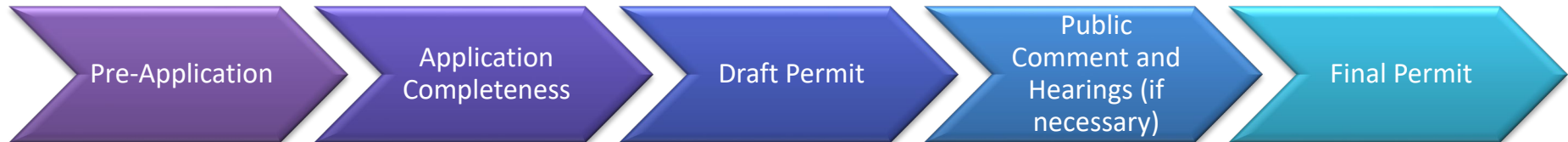


# ORES Inter-Agency Cooperation



# Permitting Timeline – One (1) Year

- Determine application completeness / incompleteness (60 days)
- Issue draft siting permit or notice of intent to deny for public comment (60 days following completeness determination)
- Public comment period followed by a public hearing on draft siting permit or notice of intent to deny (minimum 60 days from issuance of draft siting permit or notice of intent to deny)
- Issues Determination and possible adjudicatory hearings on significant and substantive issues
- Decision to approve or deny within one year of date of application completeness
  - Shorter (6-month) period for repurposed sites



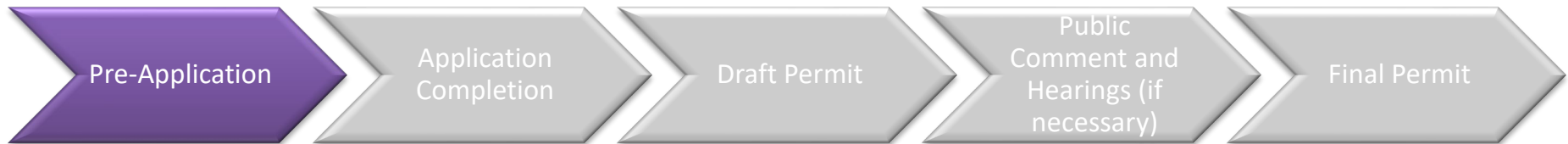
# Pre-Application

**Information Gathering:** Applicant completes specialized studies of the proposed facility and surrounding area to identify site constraints and any other issues that may impact the facility design.

**Municipal Consultation:** Applicants are required to consult with affected municipalities and local agencies early to begin discussions about the permitting process and the proposed facility's compliance with local laws and whether waivers for any local laws may be required.

**Public Meetings:** Applicants must conduct at least one public meeting with community members. But are encouraged to conduct multiple public outreach meetings and activities.

**Pre-App Presents Opportunities!**



Applicants must also do:

- wetland delineations,
- threatened and endangered species studies, and
- archeological resource consultations

during the pre-app year leading up to submission.

Applicants are encouraged to review agricultural lands, **local laws, and conduct community outreach** during this time frame as well.





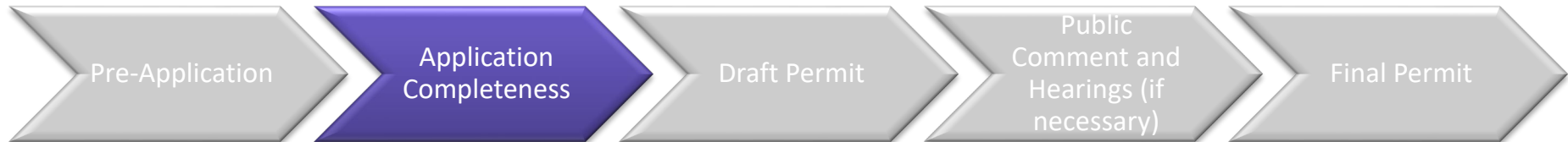
# Application Submission and Completion

**Application Submission:** At least 60 days after the public meeting required during pre-app, the developer may submit an application to ORES containing 25 exhibits for review by ORES.

**Intervenor Funding:** Applicants must also provide intervenor funding to enable municipalities and local communities to evaluate the proposed facility, hire consultants and experts, and participate fully in the process.

**Public Availability:** All application documents are made available on ORES's website.

**Municipal Engagement Required:** An application cannot be deemed **complete** until the developer submits proof of local consultation or the efforts to do so.

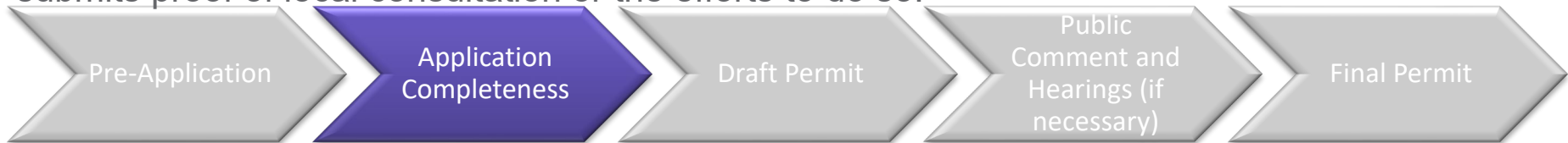


# Application Review for Completeness

**ORES reviews** the Application and 25 exhibits for completeness and required information to make the necessary determinations within 60 days:

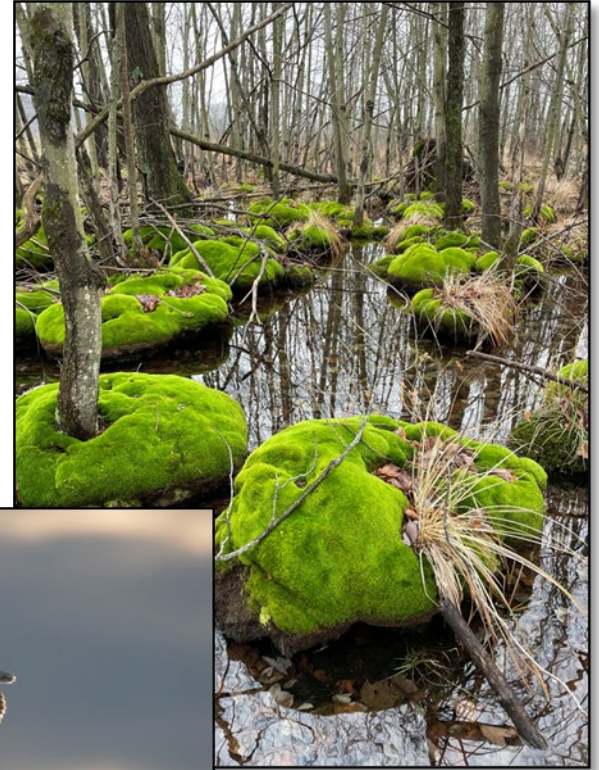
- Complies with Article VIII and its requirements
- Complies with State and Local Laws except those deemed to be **unreasonably burdensome**
- **Avoids, minimizes and mitigates** significant adverse environmental effects to the greatest extent practicable;
- Achieves a Net Conservation Benefit to any impacted T & E species
- Contributes to CLCPA targets

**Review of Local Laws:** an application cannot be deemed **complete** until the developer submits proof of local consultation or the efforts to do so.



## Review of Exhibits

- Exhibit 1: General Requirements
- Exhibit 2: Overview and Public Involvement
- Exhibit 3: Location of Facilities and Surrounding Land Use
- Exhibit 4: Real Property
- Exhibit 5: Design Drawings
- Exhibit 6: Public Health, Safety and Security
- Exhibit 7: Noise and Vibration
- Exhibit 8: Visual Impacts
- Exhibit 9: Cultural Resources
- Exhibit 10: Geology, Seismology and Soils
- Exhibit 11: Terrestrial Ecology
- Exhibit 12: NYS Threatened or Endangered Species
- Exhibit 13: Water Resources and Aquatic Ecology
- Exhibit 14: Wetlands
- Exhibit 15: Agricultural Resources
- Exhibit 16: Effect on Transportation
- Exhibit 17: Consistency with Energy Planning Objectives
- Exhibit 18: Socioeconomic Effects
- Exhibit 19: Environmental Justice
- Exhibit 20: Effect on Communications
- Exhibit 21: Electric System Effects and Interconnection
- Exhibit 22: Electric and Magnetic Fields
- Exhibit 23: Site Restoration and Decommissioning
- Exhibit 24: Local Laws and Ordinances
- Exhibit 25: Other Permits and Approvals



© Short-eared owl Photograph by James Morfitt, 2023

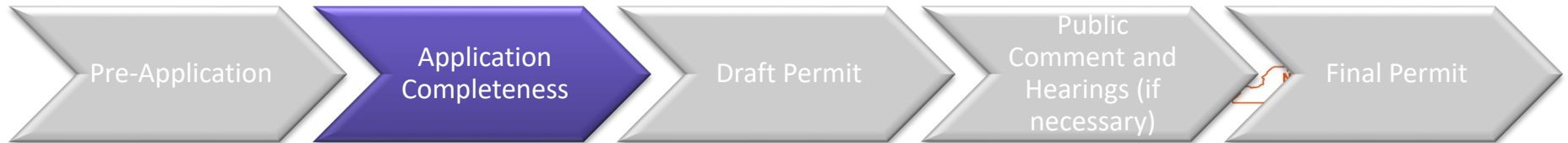


Office of Renewable  
Energy Siting

## Review of Local Laws (Exhibit 24): Relief requests of Local Laws requires a showing by the applicant that:

A local law is unreasonably burdensome in light of the CLCPA targets and Environmental benefits of the project

**Relief requests based merely on convenience, cost, or Megawatt reduction will not be granted!**

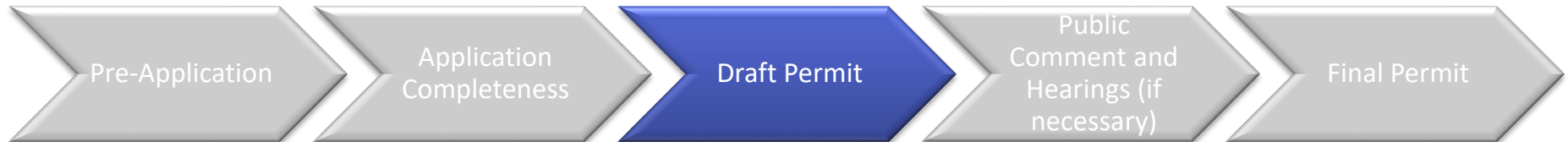


# Draft Permit or Notice of Intent to Deny

**Publication:** ORES publishes the draft permit or notice of intent to deny for a public comment period of at least 60 days

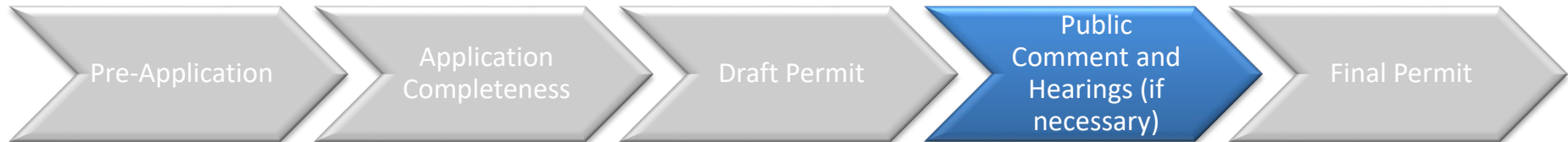
**Municipal Statement of Local Law Compliance:** Municipalities must submit a statement of local law compliance for any proposed facility no later than the date established in the combined notice of draft permit conditions and public comment hearing.

This statement can be submitted earlier for consideration when ORES determines whether an application is complete; when preparing a draft siting permit or notice of intent to deny; and during the hearing process on any draft siting permit.



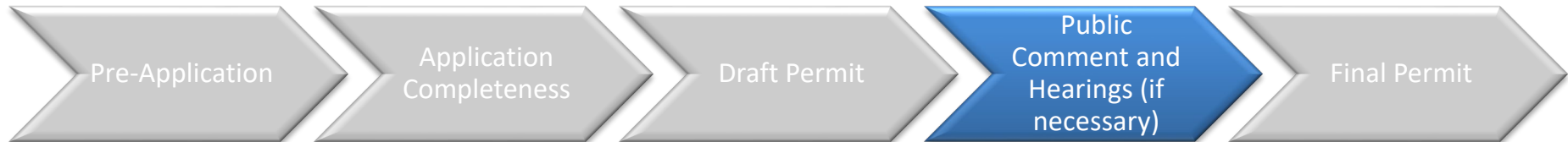
# Public Comment and Hearings

- **Public Comment Period:** Public comments can be submitted for at least 60 days.
- **Public Hearing:** A public hearing on the draft siting permit or notice of intent deny at least 60 days after publication.
- **Consideration of Public Comments:** ORES reviews and issues a written summary of all public comments and an assessment of the comments received.
- **Hearings:** Municipalities and community groups are able to file for party status to raise substantive and significant legal or factual issues, including those related to local laws.



# Adjudicatory Hearings

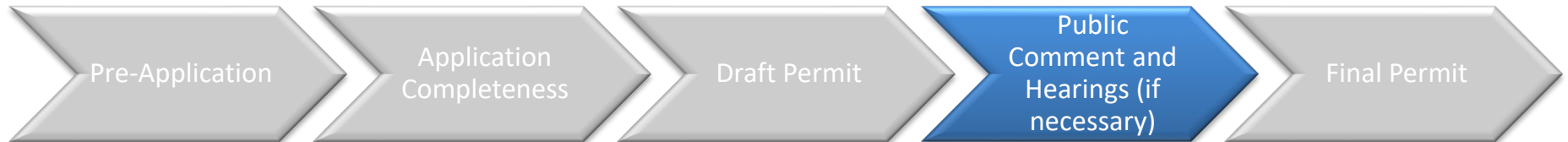
- Hearings:
  - **Legal issues are resolved as a matter of law**
- In order to raise an issue that requires an adjudicatory hearing, a potential party must make a factual showing of a **substantive and significant issue** through:
  - Facts that are contrary to what is in the application;
  - An omission in the application or draft permit; or
  - Defective information was used in the application or draft permit.



# Adjudicatory Hearings

- **Potential parties carry the burden of persuasion**
  - Must carry that burden through an offer of proof from a qualified expert
  - With factual or scientific foundation
  - Mere speculation, expressions of concern, general criticism, or conclusory statements are not enough.

Part of the purpose of the intervenor funding is to allow meaningful participation throughout the adjudicatory process.

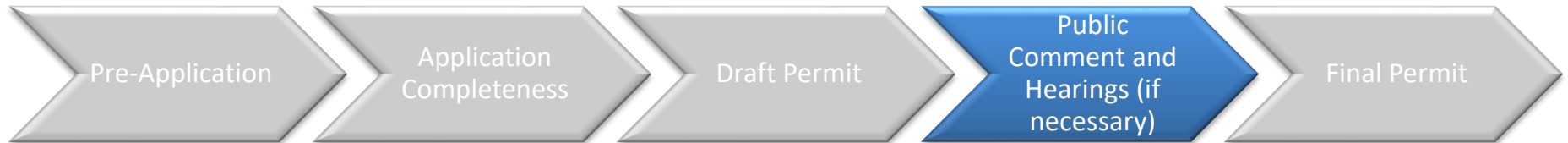




# Adjudicatory Hearings

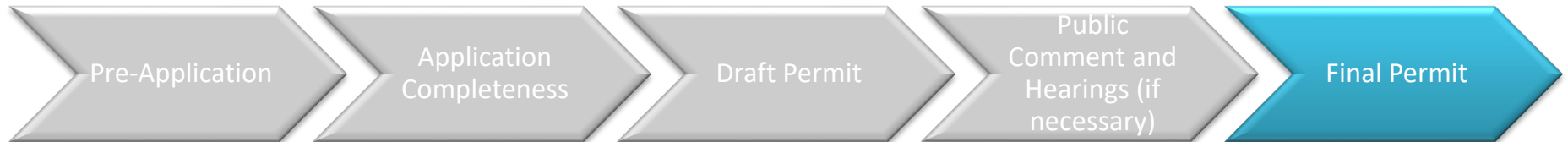
A municipality may raise issues regarding compliance with local laws as part of petition for party status together with an offer of proof prior to final determination on the permit.

- Any offer of proof may be rebutted by:
  - the application,
  - the draft permit and proposed conditions,
  - staff's analysis, or
  - the record of the issues determination procedure.



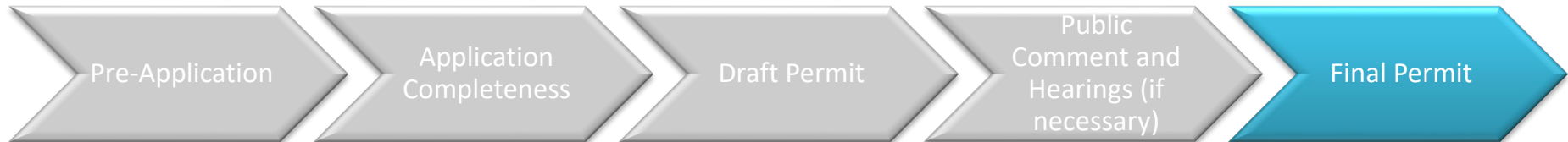
# Final Determination

- **Following the Adjudicatory Hearing**, the ALJ issues a determination on all substantive and significant issues.
- The determination may be appealed to the Executive Director.
- **The Executive Director** makes the final decision to issue or deny the Final Permit



# Final Permit and Construction

- **Compliance** with all permit conditions and requirements before and during construction, using **NYS DPS** and **DEC Inspectors**.
- **Host Community Benefit Agreements:** Any developer who receives a renewable energy siting permit from ORES will be required to enter into a host community benefit agreement with the host community or communities as a condition of the final permit.
- **PILOT agreements:** Project developers will provide annual payments to the community in the form of a PILOT agreement.



# Post-Permit and Compliance Filings



# ORES Compliance Filings

Copies of Federally-delegated Permits and Approvals

Final Decommissioning and Site Restoration

Letter(s) of credit

Plans, Profiles, and Detail Drawings

Wind Turbine [IEC] Certifications

Construction Mgmt. - Quality Assurance and Control Plan

Construction Management – Construction Operations Plan

Const. Mgmt. – Facility Maintenance and Management Plan

Construction Management - Vegetation Management Plan

Construction Management - Facility Communications Plan

Construction Management - Environmental Monitoring Plan

Construction Management - Complaint Management Plan

Construction Management - Traffic Control Plan

Environmental – TE Species Fund Payment

Env. – Wetland Restoration and Mitigation Plan

Env. – Stream Restoration and Mitigation Plan

Env. – Invasive Species Control and Management Plan

Environmental – Inadvertent Return Flow Plan

Env. – Final Geotechnical Engineering Report

Cultural Resources Av/Min/Mit Plan (CRAMMP)

Interconnection Agreements

Host Community Benefits

Post-Const.: Updated Safety Information

Post-Const.: As-built Plans

# ORES Compliance Filings

Copies of Federally-delegated Permits and Approvals

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Construction Management - Traffic Control Plan

Environmental – TE Species Fund Payment

Land Restoration and Mitigation Plan

Operation and Mitigation Plan

Control and Management Plan

Intermittent Return Flow Plan

Technical Engineering Report

Source Control/Mit Plan (CRAMMP)

Interconnection Agreements

Host Community Benefits

Post-Const.: Updated Safety Information

Post-Const.: As-built Plans

Reviewed and  
Approved by Staff,  
does not require ED  
action/approval.

# Major / Minor Permit Modifications

- If a Permittee needs to make a change to the facility as proposed in the application, they can request a permit modification.
- ORES reviews modifications to assess if they are minor or **major** (“...likely to result in any material increase in any identified adverse environmental impact or any significant adverse environmental impact not previously addressed...”)
- Permittee is informed of the Major/Minor determination within 30 days.



KATHY HOOPER  
GOVERNOR  
HOUSTON McAVENEY  
EXECUTIVE DIRECTOR

January 10, 2024

Morris Ridge Solar Energy Facility, LLC  
Attn: Jessica Ansert Klami  
Executive Woods  
Five Palisades Drive  
Albany, NY 12205

RE: DMM Matter Number 21-00025 - Application of Morris Ridge Solar Energy Facility, LLC for a Permit Modification for a Major Renewable Energy Facility Pursuant to § 94-c of the New York State Executive Law to Construct a 177-Megawatt Solar Facility with 83-Megawatt Battery Energy Storage System in the Town of Mount Morris, Livingston County, New York.

MRSEC - Minor Modification Field Change Request No. 007

Dear Ms. Klami:

In accordance with the requirements of Executive Law § 94-c and its implementing regulations (Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York [19 NYCRR] Part 900), the Office of Renewable Energy Siting (Office or ORES) issued a Siting Permit (Permit) to Morris Ridge Solar Energy Facility, LLC (Permittee) for a Major Renewable Energy Facility (Solar Facility or Facility) on June 25, 2021.

Subject to the terms, conditions and requirements in the Permit, the Permittee is authorized to develop, design, construct, operate, maintain, and decommission a Solar Facility with a nameplate generating capacity of up to 177 MW with an 83 MW battery energy storage system in the Town of Mount Morris, Livingston County, New York.

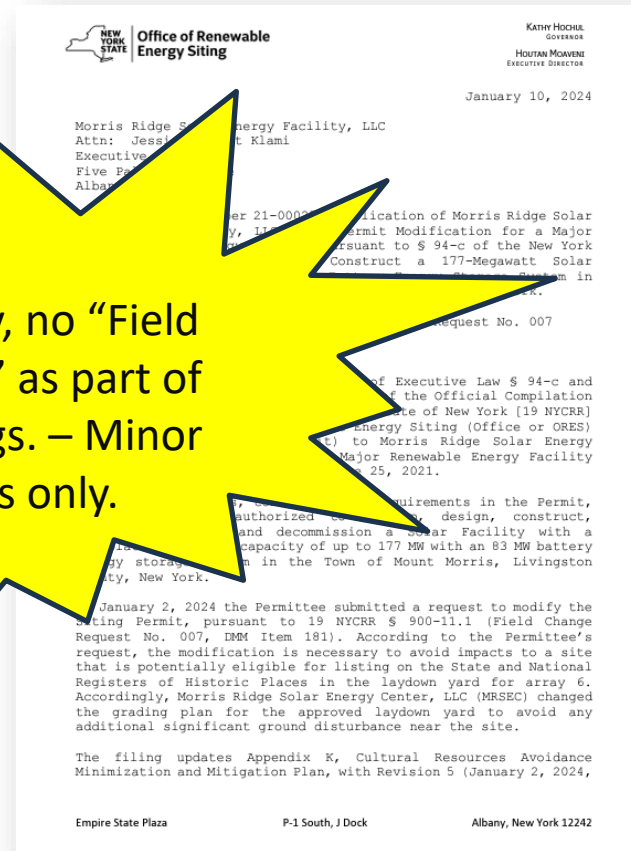
On January 2, 2024 the Permittee submitted a request to modify the Siting Permit, pursuant to 19 NYCRR § 900-11.1 (Field Change Request No. 007, DMM Item 181). According to the Permittee's request, the modification is necessary to avoid impacts to a site that is potentially eligible for listing on the State and National Registers of Historic Places in the laydown yard for array 6. Accordingly, Morris Ridge Solar Energy Center, LLC (MRSEC) changed the grading plan for the approved laydown yard to avoid any additional significant ground disturbance near the site.

The filing updates Appendix K, Cultural Resources Avoidance Minimization and Mitigation Plan, with Revision 5 (January 2, 2024,

# Major / Minor Permit Modifications

- If a Permittee needs to make a change to the facility as proposed in the application, they can request a permit modification.
- ORES reviews modifications to assess if they are minor or **major** (“...likely to result in a material increase in any identified adverse environmental impact or any significant environmental impact not previously addressed...”)
- Permittee is informed of the Major/Minor determination within 30 days.

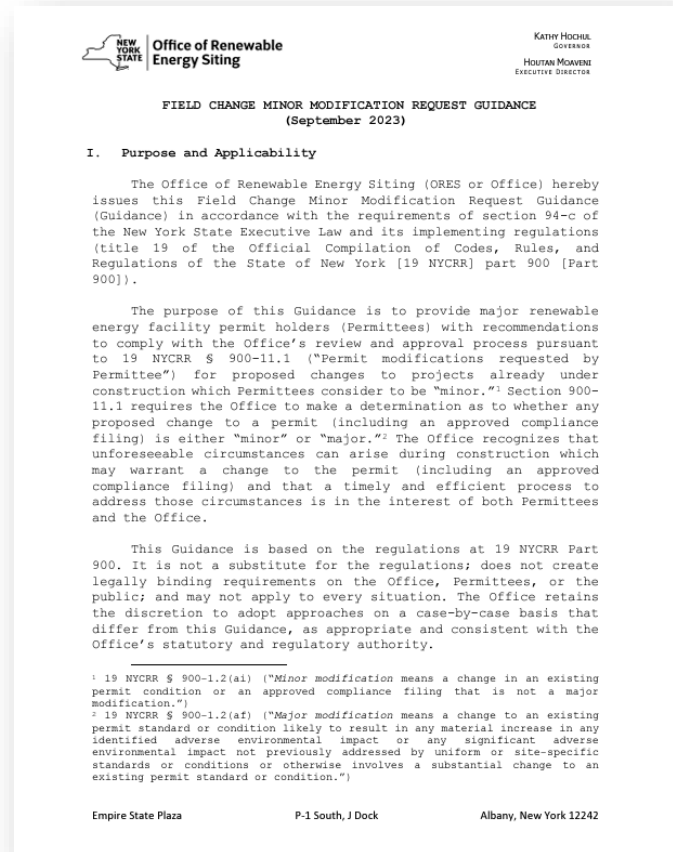
Currently, no “Field Changes” as part of ORES Regs. – Minor Mods only.





# Informal Procedures: Field Changes

- If a Permittee needs to make a change during construction, they must request a permit modification (minor mod.).
- Informal/optional field change procedures developed in consultation with DPS compliance staff are used to expedite the typical 30-day review process.
- Available on the ORES website:  
<https://ores.ny.gov/ores-field-change-minor-modification-guidance>



## Since 2021...

- 20 permits have been granted, representing a total capacity of 2.8 gigawatts of renewable, clean energy
- Construction and maintenance will require 3,200+ jobs
- Over \$300 million in payments has been committed to host communities through PILOT agreements and host community benefit payments



# ORES – Update and Results

- Issued **20** siting permits (totaling nearly 2.8 gigawatts) since 2021:
  - **18** Solar and **2** Wind
  - Majority of these permits were issued less than eight months from the date on which applications were deemed complete (~249 days).
  - Average time from application submission to permit issuance is 13 months (~407 days).
- ORES has conducted **21** in-person public comment hearings and 7 virtual hearings. (An additional **24** in-person and virtual hearings for the RAPID regulations)
- ORES staff has held **22** meetings with local governments and community stakeholders since January 2024.

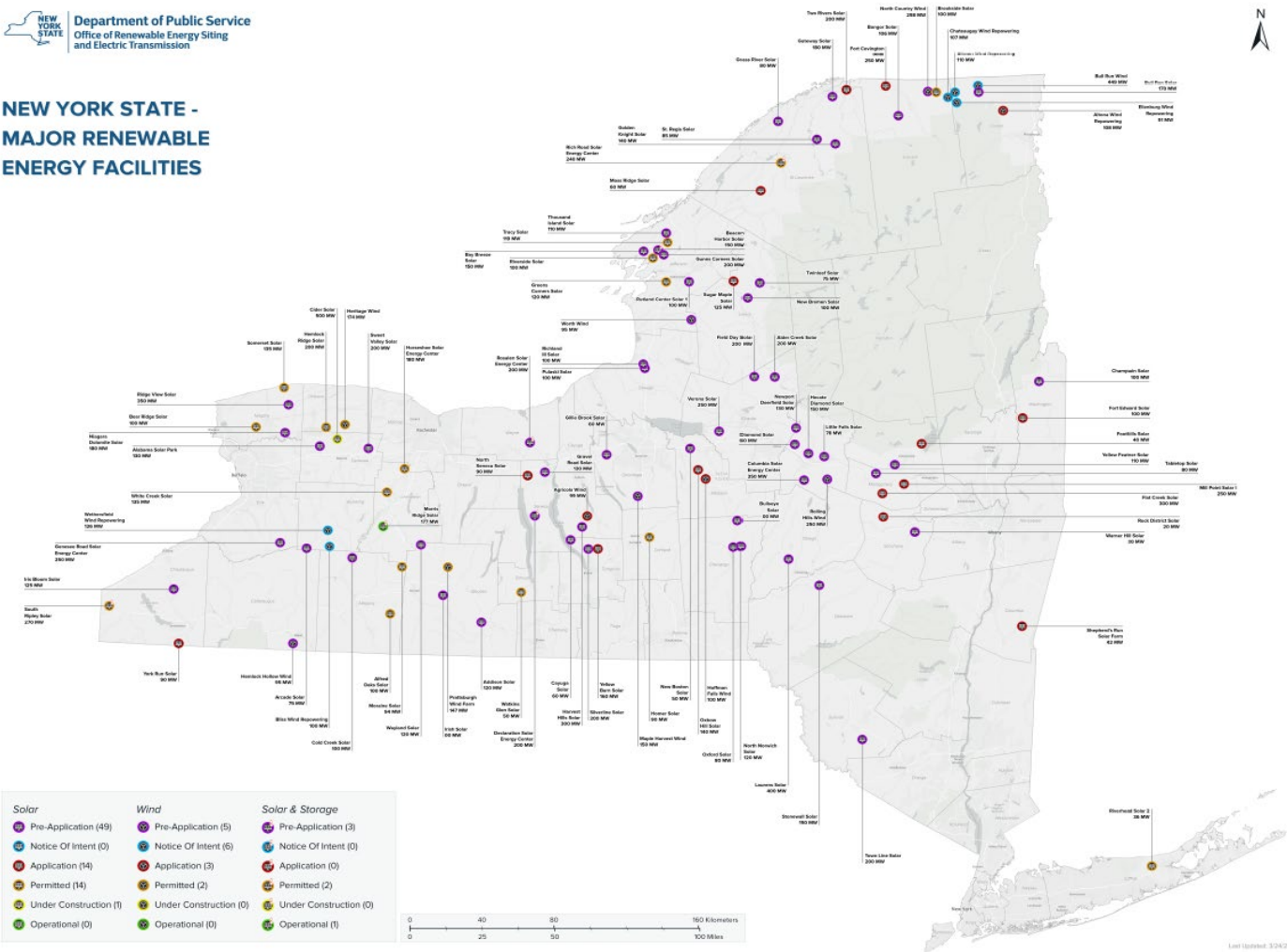


# ORES – Update and Results

- ORES's current workload includes:
  - **Five** applications pending completeness determination, **nine** complete applications and **three** incomplete applications.
- ORES expects to see a greater number of projects mature into full siting permit applications in the coming years.
  - Six projects have submitted 60-day notices (likely to file by mid July).
  - 73 known pre-application projects in total, many could submit this fiscal year.
  - Multiple Transmission projects on the horizon.



# NEW YORK STATE - MAJOR RENEWABLE ENERGY FACILITIES



# Key Takeaways for Local Municipalities

The development of a large-scale renewable wind or solar facility can be intimidating.

- Review and become familiar with the Article VIII (formerly 94c) Regulations and Process
- Apply for and utilize intervenor funding (To hire legal and technical consultants)
- Seek active participation with developers early on in the process, provide feedback on local law compliance, and work towards acceptable host community agreements
- Stay engaged in the permitting process and provide feedback to ORES
- Seek guidance from ORES and NYSERDA



# Thank You! – Q&A

- For additional questions, please contact us at: [General@ores.ny.gov](mailto:General@ores.ny.gov)
- <https://dps.ny.gov/ores>
- <https://www.nyserra.ny.gov/All-Programs/Large-Scale-Renewables/>

