

FY 2025 EXECUTIVE BUDGET: GOVERNOR HOCHUL PROPOSES TO EXPEDITE AND CONSOLIDATE ENVIRONMENTAL REVIEW AND PERMITTING FOR MAJOR RENEWABLE ELECTRIC GENERATION AND TRANSMISSION FACILITIES

Hodgson Russ Renewable Energy Alert
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Last week, New York State Governor Kathy Hochul released her Executive Budget Proposal for FY 2025, which includes a bill aimed to expedite and consolidate environmental review and permitting for major renewable electric generation and transmission facilities. Part O of the budget bill, entitled the Renewable Action through Project Interconnection and Deployment (“RAPID”) Act (available [here](#)), seeks to streamline permitting and environmental review processes for facilities critical to achieving the State’s renewable energy and greenhouse gas reduction goals.

If passed, the RAPID Act would (1) move the Office of Renewable Energy Siting (“ORES”), currently housed within the Department of State, to the Department of Public Service (“DPS”); (2) transfer jurisdiction over permitting major transmission facilities from the Public Service Commission under Article VII of the Public Services Law to ORES; (3) repeal Executive Law Section 94-c, which established ORES in the first instance; and (4) consolidate permitting procedures for major renewable energy and electric transmission facilities under the newly created Article VIII of the Public Service Law.

Article VIII, which maintains existing permitting requirements for renewable energy projects currently subject to 94-c procedures, establishes the following accelerated timeframes for review of permit applications:

- For major electric transmission facilities, ORES must determine in writing whether an application is complete (a “Completeness Determination”) within 120 days of the application filing date.
- For major renewable energy facilities, which includes ancillary energy storage improvements, ORES must issue a Completeness Determination within 60 days of the application filing date.
- For both transmission and renewable energy facilities, ORES must issue draft permit conditions for public comment within 60 days of determining an

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application is complete.

- All permit decisions on transmission applications must be made within one year of the date the application was deemed complete. If ORES fails to make a permitting decision within that timeframe, a permit will be automatically granted in most cases (unless an applicant fails to obtain access rights from all landowners for the right-of way), though the applicant and ORES can mutually agree to extend this deadline.

If enacted, the RAPID Act would also require ORES, in consultation with DPS and other state agencies to promulgate rules and regulations establishing uniform permit conditions and standards for the siting, design, construction, and operation of both renewable energy and transmission facilities within 18 months of the effective date of the Act (by October 2025 if the bill passes as part of the normal budget process). The regulations, which must be designed to avoid or minimize adverse environmental impacts of regulated facilities, will serve as a baseline standard for all permits. Draft and final permits issued under Article VIII will also contain site-specific conditions, which must achieve a net conservation benefit for any threatened or endangered species affected by the proposed development activities.

The RAPID Act, as currently drafted, does not extend ORES jurisdiction to standalone energy storage facilities, the siting of which will continue to be permitted by local municipalities. This notwithstanding, the bill represents a significant improvement over current permitting timeframes for major transmission facilities, which average roughly 2-3 years in length from submission of an initial application to the issuance of a Certificate of Environmental Compatibility and Public Need.

For questions regarding Governor Hochul's proposed RAPID Act, please contact [John Dax](#) (518.433.2414), [Bill McLaughlin](#) (518.433.2449), or any member of our [Renewable Energy Practice](#).

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