RENEWABLE RIKERS—A PLAN FOR RESTORATIVE CLIMATE JUSTICE IN NYC

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CUNY School of Law
August 31, 2020

Read Bina’s Plant
SOME BACKGROUND ABOUT RIKERS ISLAND
Rikers Racist Past

- **To White New York:** Recorder Rikers was a “good, kindhearted” judge

- **To Black New York:** Recorder Rikers was “the spider at the center of a web of injustice”

Abolitionist David Ruggles accused Rikers of running a kidnapping club.

- Image courtesy of Periodysssey.com.
Rikers Island

America’s 10 Worst Prisons: Rikers Island

Rikers is ‘Lord of the Flies’ for youths: Bharara

By Rich Calder

August 4, 2014

Rikers Violence: Out Of Control

“A stain on human dignity and decency.”

Melissa Mark-Viverito, Speaker, NYC Council
Kalief Browder

- Arrested for allegedly stealing a backpack
- He was 16 years old
- Spent 3 years at Rikers awaiting as PRE-TRIAL Detainee awaiting a “speedy trial”
- Brutalized by inmates and guards (there is horrific video)
- Spent 2 years in solitary confinement
- Case dismissed. Browder released at 19
- He committed suicide at age 22.
CLOSE RIKERS
Local Law 192

- Mandates that Rikers Prison Complex will shut by 2026
- New York State outlawed cash bail for most people
RENEWABLE RIKERS

RESTORATIVE JUSTICE AT THE INTERSECTION OF DECARCERATION AND ENVIRONMENTAL JUSTICE
Promoting Public Benefit: Rikers Island offers a unique opportunity to generate broad public benefits for all New Yorkers and specifically to the communities that have been most negatively affected by jails. Public benefits should include creating accessible good-paying jobs, promoting equity, improving the environment, and increasing resiliency.
WHERE IS POWER CONSUMED IN NYC?
BUT WHERE DOES NYC’S POWER COME FROM?
WHERE IS POWER GENERATED IN NYC?

EIS for Energy Storage Deployment (2018)
NYC’s power plants are located near playgrounds and parks in communities of color.
POWER NOW! 2000

- Installed 10 peak power plants “temporarily”
- **All** in EJ communities
- No environmental review
- No consideration of PM2.5 (this was while *American Trucking v. Whitman* was pending in S. Ct)

“Peakers”
47 MW each (44 MW net output)
(4) Port Morris, The Bronx
(2) Long Island City, Queens
(2) Sunset Park, Brooklyn
(1) Williamsburg, Brooklyn
(1) Pouch Terminal, Staten Island
PEAKER PLANTS DO NOT RUN VERY OFTEN BUT ARE VERY DIRTY
Peaker power plants differ in age and construction, but all of them emit harmful air pollution, such as carbon dioxide (CO₂), nitrogen oxides (NOₓ), sulfur oxides (SO₃) and particulates (PM₂.₅).

NYC PEAKERS 2018 ANNUAL EMISSIONS

1,837,365 tons CO₂ emissions  1,685 tons NOₓ emissions  194 tons SO₂ emissions

Source: Clean Energy Group (based on analysis by RSE Healthy Energy using EIA 2018 data)
CHILDHOOD ASTHMA RATES IN NYC NEIGHBORHOODS 2017
TABLE 2: Summary of Estimated Capacity Revenues Received by NYC Peak Plants

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<td>Total Capacity Revenue for All NYC Peak Plants</td>
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<td>$4,525,500,000</td>
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Peaker plants are extremely lucrative for their owners.
NYC is a Severe Ozone Non-Attainment Zone

Associated health problems include:
- Chest pain
- Coughing and throat irritation
- Airway inflammation.
- Reduced lung function
- Bronchitis, emphysema
- Asthma
RENEWABLE RIKERS
THE SHIFTING LEGAL LANDSCAPE
Adopted Subpart 227-3, Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines

The Department has adopted 6 NYCRR Subpart 227-3, "Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines." The primary goal of this regulation is to lower allowable NOx emissions from simple cycle and regenerative combustion turbines during the ozone season. The lower emissions from these sources will help to address Clean Air Act (CAA) requirements, ozone nonattainment and protect the health of New York State residents.
Current emissions from the peaker plant versus new DEC regs

NRG July 2020 public meeting about Astoria Repowering
NEW YORK CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT (2019)

New York's Nation-Leading Climate Targets

- 85% Reduction in GHG Emissions by 2050
- 100% Carbon-free Electricity by 2040
- 70% Renewable Energy by 2030
- 9,000 MW of Offshore Wind by 2035
- 3,000 MW of Energy Storage by 2030
- 6,000 MW of Solar by 2025
- 22 Million Tons of Carbon Reduction through Energy Efficiency and Electrification
- Climate Action Council plan and regulations should **maximize reductions of GHG emissions and co-pollutants** in “disadvantaged communities”

- Goal of 40%, and mandate of **35%, of benefits of clean energy and energy efficiency spending** accrue to disadvantaged communities

- New §66-p of Public Service Law, implementing 3 GW energy storage by 2030, directs Commission to design program so that **energy storage projects reduce use of peaker plants in disadvantaged communities**

- Key provisions incorporated into State Energy Plan
RENEWABLE RIKERS ACT HEARING
FEBRUARY 2020

INT 1591 WASTEWATER TREATMENT
INT 1592 TRANSFER RIKERS TO DEP
INT 1593 RENEWABLE ENERGY
Plants that generate 60% of NYC energy
QUESTIONS?

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