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New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223
Email: Secretary@dps.ny.gov

**RE: Case 26-E-0045; Proceeding on Motion of the Commission to Address Interconnection Reforms for Large Loads**

Dear Members of the Public Service Commission,

Buffalo Niagara Waterkeeper (BNW) has reviewed the Draft Scoping Document for a Generic Environmental Impact Statement regarding Promulgation of Interconnection Reforms for Large Loads Including Data Centers ("Draft Scoping Document") and respectfully submit the following comments.

BNW is a community-based not-for-profit that protects and restores our water and surrounding ecosystems for the benefit of current and future generations. Our organization has 38 years of on-the-ground experience working with our Western New York communities to ensure that regional development safeguards our vital freshwater resources, balances climate resilience, and protects community infrastructure.

Ensuring this Draft Scoping Document appropriately evaluates the potential environmental, social and economic impacts of proposed data center development before permitting is critical. The proposed number of proposed data centers throughout the state and associated environmental resource and power demand continues to rise rapidly. The potential for negative environmental impact is high. The scoping period should include meaningful community engagement, possibly via **regional public meetings**. The issues circulating around this development are complex and deserve substantial public involvement.

To ensure proper public engagement, **more than the minimum 30-day public comment period should be provided**. Public participation is a key aspect of the State Environmental Quality Review Act (SEQRA) scoping process. The public concern around data center development within Western New York (WNY) is high. Small communities throughout the state are facing intense economic, environmental, and in many cases public opposition to this type of development.

In addition to the 1-year statewide moratorium instituted by Governor Hochul, communities are moving forward with their own moratoriums. This alone is an indication of the desire to press the pause button while *proactive* planning and zoning regulations can

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be enacted at the local level to enable municipalities to make strategic, long-term informed decisions on major data center proposals rather than the reactive, development-driven responses taking place currently. The City of Buffalo Common Council approved a two-year moratorium on data centers and cryptocurrency mining sites working to ensure communities are prepared to minimize any potential harm. A **moratorium** that prevents the permitting and construction of large-scale data centers **should remain in place** after the final GEIS and findings statement is submitted. The GEIS addresses possible risks associated with data center development but does not address solutions to these risks. Time is needed to allow communities throughout the state to create enforceable laws, codes and rules related to zoning, building and air and water permits to address the risks. It should also be recognized that many local governments lack the capacity and technical expertise to properly review applications for data center technology. The Draft Scoping Document should **require a plan**, including funding, **for municipal support from NYS** to implement SEQR.

Communities of all sizes are also raising concerns related to noise pollution, potential utility cost increases and energy demands, and various environmental concerns related to water usage and wastewater discharge needs, and chemical usage. The Draft Scoping Document should **require clear answers related to the true cost of the public-energy demand.** Who is paying for the increase in energy demand on an already overtaxed energy grid? Will the State look to offer subsidies as part of the development, with public energy consumers having to bear the burden of increased energy costs? The New York Independent System Operator (NYISO) has cautioned that nearly a quarter of the state's power generating stations are over 50 years old and the oldest energy generating fleet in the nation.[1] The strain that data centers would place on this system needs to be fully recognized before individual permits for data centers are approved. Again, this emphasizes the need for a comprehensive and coordinated approach between NYS and local municipalities to establish proactive guardrails and policies for the siting and development of data centers across NYS, rather than leaving major consumptive energy decisions to be decided by piecemeal permit applications.

The Draft Scoping Document should require developers to **disclose detailed information about cooling processes, chemical use, and water consumption and wastewater discharge.** Communities across New York State continue to face water crisis driven by aging infrastructure, toxic chemical contamination, and climate change. This Draft Scoping Document should **include a more robust account of environmental and public health risks.** Within WNY, public drinking water resources and valuable recreational waterways

[1] https://www.nyiso.com/-/new-york-s-fossil-fuel-fleet-is-aging

are at-risk of degradation if ongoing and emerging sources of potential pollution are allowed to remind cloaked under the cover of proprietary information that is often cited in development proposals that utilize chemical mixtures for purposes of cooling, treatment, and other industrial purposes. NYS should require data transparency when considering a GEIS for data centers. This is the only way to ensure that local governments and communities have access to the information necessary to make informed decisions about development proposals.

Thank you for the opportunity to comment on the Draft Scoping Document for a Generic Environmental Impact Statement regarding Promulgation of Interconnection Reforms for Large Loads Including Data Centers ("Draft Scoping Document").

Sincerely,

Jill Jedlicka
Executive Director and WATERKEEPER

JSJ:EC