

# Clean Energy Resource Development and Incentives: The Build-Ready Program Annual Progress Report 2021



Final Report | April 2022



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## **NYSERDA's Promise to New Yorkers:**

NYSERDA provides resources, expertise, and objective information so New Yorkers can make confident, informed energy decisions.

### **Our Vision:**

New York is a global climate leader building a healthier future with thriving communities; homes and businesses powered by clean energy; and economic opportunities accessible to all New Yorkers.

### **Our Mission:**

Advance clean energy innovation and investments to combat climate change, improving the health, resiliency, and prosperity of New Yorkers and delivering benefits equitably to all.

**Clean Energy Resource  
Development and Incentives:  
The Build-Ready Program Annual Progress Report 2021**

*Case 15-E-0302 Final Report*

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Albany, NY

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## **Abstract**

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The Build-Ready Program Annual Progress Report is intended to inform the Public Service Commission, State agencies, market participants, and other interested parties on the progress of the Build-Ready Program. More specifically, this report provides information on progress made in achieving the Build-Ready Program's stated goals and objectives as described in the Accelerated Renewable Energy Growth and Community Benefit Act, the Order Approving the Build-Ready Program, and the Build-Ready Implementation Plan. This report also provides an update on the Build-Ready Program's commitments and the expenditure of associated funding as of December 31, 2021.

## **Keywords**

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Clean Energy Standard, Climate Leadership and Community Protection Act, Accelerated Renewable Energy Growth and Community Benefit Act, Clean Energy Standard, Build-Ready Program, Build-Ready Project, renewable energy, Renewable Energy Project, underutilized, community benefits, pipeline development and management, site identification, screening, and assessment, project development, Build-Ready auction

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# Executive Summary

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The Build-Ready Program Annual Progress Report is intended to inform the Public Service Commission (PSC), State agencies, market participants, and other interested parties on the progress of the Build-Ready Program. More specifically, this report provides information on progress made in achieving the Build-Ready Program's stated goals and objectives as described in the Accelerated Renewable Energy Growth and Community Benefit Act (the Act), the Order Approving the Build-Ready Program (the Order), and the Build-Ready Implementation Plan. This report also provides an update on the Build-Ready Program's commitments and the expenditure of associated funding as of December 31, 2021.

Over the last year, the Build-Ready Program made significant progress in achieving the Program's goals. Highlights include:

- **Strengthening the Program's Project Pipeline Development and Management Approach:** Build-Ready refined its pipeline development and management system to more effectively and efficiently identify, screen, assess, and advance sites. This included establishing and tailoring a multitiered approach to site identification, screening, and preliminary assessment that is aligned with renewable energy industry best practices. The multitiered approach focuses on project site feasibility and includes measures to promote opportunities to reuse sites with past contamination or other challenges that would typically dissuade a private developer. The Program also identified and is actively managing recurring siting issues including avoiding and minimizing impacts to agricultural lands, working within the existing electric grid constraints, and reaching and securing landowner interest.
- **Advancing Projects into the Development Phase:** The Build-Ready Program is advancing over a dozen projects across New York State—most notably the BR Benson Mines Solar PV project. Other Build-Ready projects are at different stages of development with many in site control<sup>1</sup> discussions with the relevant landowner(s) including a site on an abandoned industrial area and sites on several reclaimed mines and landfills. The Program anticipates auctioning the first Build-Ready project site in 2022/2023 and will continue to progress a higher volume of sites from identification, screening, and preliminary assessment to project development in 2022.
- **Continuing Coordination, Outreach and Engagement on the Build-Ready Program and Projects:** The Build-Ready Program continued to coordinate closely with local governments, State agencies, and federal agencies on program and project activities and notably coordinates with New York State Department of Agriculture and Markets (AGM) to review potential project sites that overlap with agriculture land uses. The Program also participated in several webinars, conferences, and roundtable discussions with key stakeholder groups to raise awareness and market the Program.

- **Defining the Auction Process:** The Build-Ready Program is working to further develop and refine its competitive auction process and plans to issue a Request for Information (RFI) in the first half of 2022 to gather feedback on the proposed auction process and the ideal timing for auctioning the BR Benson Mines Solar PV project, among other projects the Program is currently progressing through development.
- **Responsibly Using and Managing Program Funds:** The Build-Ready Program's 2021 expenditures reflect an acceleration in site prospecting and assessment activities with the full-time program staff of the Build-Ready team along with expert technical consultants supporting the Program. In 2022, the Program anticipates increasing expenditures as more sites are advanced into project development. NYSERDA's financial system allows Build-Ready to budget and track expenditures at the programmatic and project level helping the Program responsibly manage, invest, and eventually recoup the initial Clean Energy Fund (CEF) investments.
- **Planning for 2022 and Beyond:** Moving forward into 2022, the Build-Ready Program plans to continue: (1) strengthening the pipeline development and management process and systems to move a larger volume of sites from site identification, screening, and assessment to the project development phase and into auction; (2) identifying and swiftly troubleshooting siting constraints; (3) building relationships and coordinating with local governments, State agencies, federal agencies, the New York Independent System Operator (NYISO), utilities, and other key stakeholders, and raising awareness and marketing the Program to key stakeholders to surface new sites and leads; (4) launching a multi-stakeholder advisory group that Build-Ready can regularly engage on programmatic and project design issues; (5) identifying and acting on ways the Program can better support New York State's and NYSERDA's broader clean energy and climate change objectives including incorporation of energy storage into project design where feasible; and (6) completing the development of the Program's competitive auction process and preparing the first project for auction for 2022/2023.

More details on the Build-Ready Program's progress and accomplishments to date can be found in the subsequent sections of this annual report.

# 1 Background

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The Accelerated Renewable Energy Growth and Community Benefit Act (the Act) established the Build-Ready Program.<sup>2</sup> The Act directs NYSERDA to identify, assess, and facilitate the development of suitable sites for renewable power-generating facilities, giving priority to “previously developed sites” and “existing or abandoned commercial sites,” such as brownfields, landfills, or other disused or underutilized sites, and provide benefits to host communities. In October 2020, the PSC issued an order formally approving the Build-Ready Program.<sup>3</sup> The Order reiterates that Build-Ready will prioritize (1) advancing renewable energy projects on previously developed and existing or abandoned commercial sites and (2) providing benefits to communities hosting these sites. In January 2021, NYSERDA submitted the Build-Ready Program’s Implementation Plan, formalizing the processes and procedures the Program will follow in site prospecting, project development, and project auction and transfer.<sup>4</sup> Over the last year, the Build-Ready Program continued to put the Implementation Plan to work, building a pipeline of potential sites and advancing feasible sites through the project development phases for eventual project auction and transfer.

The Build-Ready Order requires NYSERDA to submit an annual report on the Build-Ready Program by April 1, 2021, and annually thereafter, and requires that the report provide a summary of (1) achievements in the prior year versus planned achievements; (2) plans for the coming year; (3) an accounting of proceeds, less program and administration expenses, earned; (4) a status update on the use and status of the CEF cash balances; (5) a status update on the portfolio of projects under development; (6) a list of the sites auctioned for development and the identity of the winning bidders; (7) the amount of renewable energy production from the auctioned sites; and (8) the amount and type of host-community benefits provided. This second Annual Progress Report fulfills NYSERDA’s reporting requirement under the Order for 2022.

The annual report is centered on progress and achievement in implementing the Build-Ready Program from January 1, 2021 to December 31, 2021.



## **2 Program Achievements**

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NYSERDA is making significant progress in implementing the Build-Ready Program. The following subsections describe the achievements from January 1, 2021, to December 31, 2021.

### **2.1 Build-Ready Project Pipeline Development and Management**

Over the last year, the Build-Ready Program refined its internal processes and systems to identify, screen, assess, and advance Build-Ready sites. In particular, the Program refined its pipeline development and management system to more effectively and efficiently prospect and advance preferred Build-Ready site types, including previously developed sites, existing or abandoned commercial sites, such as brownfields, landfills, or other underutilized sites. This included establishing and tailoring a multitiered approach to site identification, screening, and preliminary assessment that is aligned with best practices in the renewable energy industry. The multitiered approach focuses on project site feasibility and includes measures to promote opportunities to reuse sites with past contamination or other challenges that would typically dissuade a private developer. The Program also identified and is actively managing recurring siting issues including avoiding and minimizing impacts to agricultural lands, working within the existing electric grid constraints, and reaching and securing landowner interest. The following section details the Program's refined pipeline development and management system and highlights its approach to managing common siting issues.

#### **2.1.1 Multitiered Approach to Site Identification, Screening, and Assessment**

The Build-Ready Program is using a three-tiered approach toward site identification, screening, and assessment. Potential sites are identified using a mix of inputs including property classification codes that align with priority Build-Ready site types, existing State and federal databases of contaminated or remediated sites, reclaimed mines, brownfield opportunity areas, and other challenging site types. Other sources include site nominations via the Build-Ready Site Nomination RFI as well as other sites provided by local government, State, and federal agency partners.

Under the three-tiered approach, sites first undergo Tier I screening, where they are assessed for potential buildable area. Tier I screening rules out properties that are not aligned with Build-Ready site types or objectives such as protected lands, agricultural lands within designated agricultural districts, residential developments, steep slopes, wetlands, and significantly forested lands, among others. Sites that progress from Tier I advance to a Tier II assessment, where they are individually reviewed

by experts to further refine the buildable area, gather additional information on key site characteristics such as interconnection feasibility, and develop an initial project concept. At this stage, sites are also scored and ranked using a set of weighted screening criteria that help further prioritize the sites to advance to landowner and local government outreach and more detailed interconnection feasibility. The weighted screening criteria consist of several variables including the buildable area, early interconnection feasibility, site type, site ownership, private developer interest, wetlands, agricultural designations and uses, community support, and disadvantaged communities/environmental justice areas. The screening criteria, scores, and weights are continually adjusted to reflect learnings from Build-Ready Program implementation and to differentiate between ideal site characteristics in various geographic regions of the State.

Following Tier II assessment, sites with favorable landowner responses progress to Tier III assessment, which may include continued landowner and local government outreach and engagement, submitting and analyzing the results from New York Independent System Operator's (NYISO) interconnection pre-application, and preparing sites for review by NYSERDA's internal teams. Once there has been (1) positive engagement with the landowner and local government, (2) an initial indication of a feasible interconnection that provides for project deliverability, and (3) a positive review from NYSERDA's internal teams to continue site assessment and advancement, the site transitions into what the Build-Ready Program calls a *priority site*. Priority sites are progressed into further project development phases including site control, permitting, interconnection, and preliminary engineering and design. Ideally, a site progresses to auction when there has been successful permit approval, favorable interconnection request results, and constructive local government and community engagement. Section 3 discusses the Build-Ready sites that are undergoing further development under this process.

### **2.1.2 Summary of the Build-Ready Program Pipeline**

The following section provides a summary of the current Build-Ready pipeline focusing on sites that are progressing through Tier II and Tier III assessment. Table 1 provides a snapshot of the Build-Ready Program's pipeline including the total number of sites that have been screened through the Tier I process and those that are currently advancing through Tier II and Tier III assessment.

**Table 1. Snapshot of Build-Ready Pipeline**

Tier	Sites Screened & Assessed
Tier I	5,738
Tier II	311
Tier III	28

Table 2 provides the status of sites advancing through Tier II and Tier III assessment. Build-Ready sites are categorized as in-progress, on-hold, and closed.<sup>5</sup> Sites that are currently in Tier II assessment will either advance to Tier III or be put on-hold or closed.

**Table 2. Build-Ready Pipeline Status: Tier II and III**

Tier	In-Progress	On-Hold	Closed
Tier II	169	8	134
Tier III	16	5	7
Total	185	13	141

Table 3 provides further detail on the types of sites Build-Ready is advancing through its pipeline. The major site types include commercial or industrial sites; contaminated sites such as Superfund sites, Resource Conservation and Recovery Act (RCRA) sites, landfills, brownfields, or other contaminated sites; mines including closed and reclaimed mines; federal, State, and municipally owned sites; dormant or existing electric generating sites; and other types of underutilized sites. It's important to note that many of the sites categorized as federal, State, or municipally owned may also have another underlying site characteristic such as contamination; however, if the dominant characteristic of the site is that it's a federal, state, or municipally owned site, then it's labeled as such.

**Table 3. Build-Ready Pipeline: Tier II and III Common Site Types**

Site Type	Number of Sites
Commercial/Industrial	122
Contaminated Site	102
Mine	49
Underutilized	30
Federal, State or Municipally-Owned	23
Dormant or Existing Electric Generation Site	13

A major takeaway from Table 2 is that as sites progress through more advanced assessment it is common, and to be expected, that site viability may change, and a site may no longer be feasible for development. Table 4 provides a summary of the common challenges the Build-Ready Program confronts in advancing sites and why a sites status may change from *in-progress* to *on-hold* to *closed*. These include:

- **Insufficient Buildable Area:** Insufficient buildable area due to lack of available acreage (which is often compounded by many of the factors below).
- **Lack of Landowner Interest:** lack of landowner interest in pursuing renewable energy on their site.
- **Private Renewable Energy Developer Interest:** existing renewable energy private developer interest in a site.
- **Non-Viable Interconnection:** a non-viable interconnection due to distance, hosting capacity, congestion, deliverability, etc.
- **Environmental Issues:** an insurmountable environmental issue such as significant presence of wetlands.
- **Agriculture District/Activities:** overlap with an agricultural district or significant agricultural activity.
- **Potential Non-Energy Use:** the site is being considered or is viable for a potential non-energy use, such as a commercial development opportunity.

**Table 4. Common Challenges to Advancing Build-Ready Sites**

Challenge	Number of Closed Sites
Insufficient Buildable Area	45
Lack of Landowner Interest	32
Private Renewable Energy Developer Interest	21
Nonviable Interconnection	14
Environmental Issues	11
Agricultural District/Activity	9
Potential Non-Energy Use	9
<b>Total</b>	<b>141</b>

Overall, it is critically important for Build-Ready to identify major roadblocks as early as possible during the site screening and assessment phases, to take a thoughtful and measured approach to pre-development, limiting investment of time and resources toward sites with little or diminishing viability, and to continuously add new and potentially more viable sites to the pipeline. The following section, 2.1.3, further elaborates on some of these common challenges and outlines the steps the Program is taking to address these recurring issues.

### 2.1.3 Common Siting Considerations

In 2021, the Build-Ready Program confronted several recurring siting considerations (see Table 4).

The section below describes these common considerations, lessons learned, and identifies management strategies the Program is putting in place to adapt to these considerations.

- **Avoiding and Minimizing Impact to Agricultural Lands.** The Build-Ready Program takes a comprehensive approach to avoiding and minimizing impacts to agricultural lands in its site review process. First, the Program does not pursue sites located on agricultural lands within agricultural districts. Second, at the earliest stage of site assessment, the Program screens for agricultural land-use conflicts and avoids projects with potential for such conflicts. Finally, if a conflict is present (e.g. presence of active agricultural use and/or mineral soil groups (MSG) 1-4), the Program proactively reviews the site with the New York State Department of Agriculture and Markets (AGM), and if there are significant concerns, removes the site from further consideration. If a site passes the AGM review, the Build-Ready Program investigates opportunities to promote agrivoltaics – the co-location of renewable energy and agriculture such as crops, livestock, or pollinators – on sites the Build-Ready Program is advancing. By taking these measures, Build-Ready is ensuring the Program maintains focus on its primary purpose—to foster and encourage siting and development of renewable energy on previously developed sites, existing or abandoned commercial and industrial sites, brownfields, landfills, dormant electric generating sites, or otherwise underutilized sites.
- **Electric Grid Congestion and Curtailment Constraints.** The Build-Ready Program is experiencing limitations in siting due to existing electric transmission and distribution (T&D) network constraints also faced by the renewable energy industry. These constraints include congestion pockets and lack of headroom that provide limited ability to interconnect renewable energy projects into the existing T&D infrastructure. T&D constraints one of the primary limitation on potential Build-Ready Program projects and the most significant challenge in advancing sites that are otherwise strong candidates for Build-Ready development. As such, the Build-Ready Program considers the existing constraints on the T&D network, as well as Phase 1 and Phase 2 T&D enhancement projects,<sup>6</sup> and is prioritizing screening and advancing sites in areas with limited congestion and available headroom. The Build-Ready Program also closely coordinates with NYSERDA’s Tier 1 Program on T&D issues and is following the progress under PSC Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act (PSC Case 20-E-0197). The Program will continue to incorporate the new information that becomes available into the Program’s decisions including utility headroom data as well as the potential timing of utility Phase 1 and Phase 2 projects.

- **Reaching Landowners and Securing Landowner Interest.** Outside of electric grid constraints, the other leading factor for site attrition is the challenge to reach landowners or to secure landowner interest. Build-Ready is working with a set of highly skilled land agents to quickly identify and reach out to landowners and provide a detailed, and tailored proposal on the benefits of the Program. Nevertheless, landowners that are reached may have other plans for their site or may not be interested in the Build-Ready Program. Thus far, the Program is having the most success with landowners of municipally owned, contaminated sites, such as landfills and other brownfields, nominated sites, or sites where there is already an existing relationship with the landowner. Frequently, these site types tend to be smaller and can't necessarily accommodate a viable renewable energy generating facility. Over the next year, the Program will put greater emphasis on prospecting and advancing municipally owned contaminated sites, nominated sites, or sites where there is an existing relationship with the landowner.

## 2.2 Coordination, Outreach, and Engagement

The Build-Ready Program continues to coordinate closely with State and federal agencies on program and project activities including the New York State Department of Environmental Conservation (DEC), the New York State Department of State (DOS), Empire State Development (ESD), the New York State Office of General Services (OGS), the New York Power Authority (NYPA), and the United States Environmental Protection Agency (EPA) RE-Powering America's Land headquarters and regional team. NYSERDA is working closely with agricultural stakeholders through the Agricultural Technical Working Group (A-TWG), developing responsible solar-agricultural siting recommendations. Build-Ready also coordinates with New York State Department of Agriculture and Markets (AGM) and participates in the Farmland Protection Working Group.<sup>7</sup>

Furthermore, the Build-Ready Program conducted significant outreach and engagement with local governments to surface potential sites and to discuss sites that were identified through desktop screening. This has included outreach to more than 70 relevant counties, cities, towns, villages, Industrial Development Agencies (IDAs), and Economic Development Councils (EDCs), among other local agencies.

Lastly, the Build-Ready Program participated in several webinars, conferences, and roundtable discussions with key stakeholder groups to raise awareness of the Program. This included the New York State Annual Brownfields Roundtable in April 2021 where Build-Ready highlighted the Program opportunity to participants around the State, the Center for Creative Land Recycling Annual Conference

in June 2021 where Build-Ready participated in a virtual booth and office hours to present and answer questions on the Build-Ready Program, the New York State Bar Association—Energy and Environment Law Section webinar where the Build-Ready Program was presented, and an EPA Re-Powering America Webinar with more than 300 participants from around the U.S. where New York’s Build-Ready Program was highlighted as a leading state program encouraging renewable energy siting on contaminated lands.

## **2.3 Auction Process**

The Build-Ready Program is working to further develop and refine its competitive auction process. The Program plans to issue a Request for Information (RFI) on the auction process in the first half of 2022. The goal of the RFI is to gather feedback from solar PV developers, owners, operators, investors, and other interested stakeholders to (1) better understand the most attractive time in the development process to auction a Build-Ready project, and (2) to ensure a competitive auction process that results in significant interest from the private sector and successful construction and operation of Build-Ready projects. The RFI will include a detailed proposal and a series of questions on the auction process as well as a package of information and a series of questions on the BR Benson Mines Solar PV project—the most advanced project progressing through development. The BR Benson Mines Solar PV project can serve as a case study on renewable energy siting, development, and auction on underutilized lands. The Build-Ready Program intends to incorporate, where feasible and practical, the responses and findings into the design and development of the first Build-Ready auction.

### 3 Portfolio of Projects Under Development

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The Build-Ready Program is advancing projects across New York—most notably the BR Benson Mines Solar PV project. The sites are at different stages of development with many in the middle of site control discussions with landowners. For this reason, the Program cannot disclose significant details about these projects until site control is secured by NYSERDA. Nevertheless, we have provided some basic information in Table 5.

It is important to note that the 2020 Build-Ready Annual Report provided a summary of several projects that were advancing through project development. As these projects progressed in 2021, different issues arose that either led to projects no longer being viable or required the Program to put them on hold until site-specific issues are resolved that are outside the Build-Ready Program’s control. For the Plattsburgh Industrial Site, the landowner identified a preferred non-energy use for the site. For JN Adams Development Center, significant wetlands were identified that led to insufficient buildable area. For Livingston Correctional Facility, underlying issues were discovered that make the site control process lengthy and challenging for private development. For Ogdensburg-Lisbon, agricultural activity was identified on one of the parcels and thus further advancement is on-hold until a viable strategy for avoiding or minimizing this impact can be identified and agreed upon. As has been discussed throughout this report, it is typical, and to be expected, that site viability may change as a site progresses through the sequential stages of assessment and development. The Program continues to endeavor to limit site attrition as much as possible and is therefore continually advancing new sites into the pipeline.

The sites in Table 5 represent projects that the Build-Ready Program is currently progressing. The sites are either priority sites or are advanced Tier III sites in the final stages of diligence activities (as detailed in Section 2.1). As such, not all sites identified as Tier III in Table 2 are discussed below.



**Table 5. Build-Ready Sites Under Development: Priority Site and Advanced Tier III Status**

County	Site Type	Utility Territory	Technology	Status
St. Lawrence	Mine	National Grid	Solar PV	Site Plan Review
Jefferson	Contaminated Site	National Grid	Solar PV	Advanced Feasibility Review
Orange	Contaminated Site	Orange and Rockland	Solar PV	Site Control Discussion; Advanced Feasibility Review
Oneida	Contaminated Site	National Grid	Solar PV	Site Control Discussion; Advanced Feasibility Review
Suffolk	Contaminated Site	LIPA	Solar PV	Site Control Discussion; Advanced Feasibility Review
Clinton	Mine	NYSEG	Solar PV	Site Control Discussion; Advanced Feasibility Review
Ontario	Underutilized Commercial/Industrial	NYSEG	Solar PV	Site Control Discussion; Advanced Feasibility Review

### 3.1 BR Benson Mines Solar Project

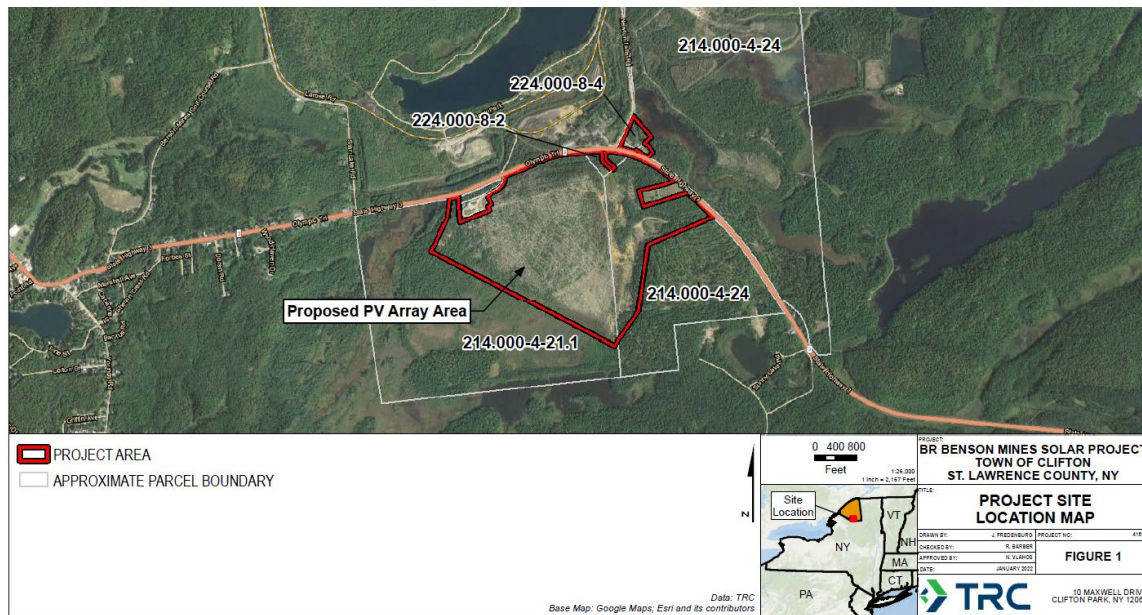
The Build-Ready Program continues to advance the BR Benson Mines Solar project in the Town of Clifton, New York. The project is proposed on a former mine tailings pile that has gone largely unused after the mine’s closure in the 1970s, other than for occasional recreational use. The proposed project will consist of an approximately 20 MW solar photovoltaic (PV) array system, including commercial-scale solar arrays, access roads, inverters, buried collection lines, a generation tie line, point of interconnection (POI) line-tap, fencing, and laydown areas. The project is anticipated to interconnect to the National Grid transmission lines north of the Star Lake Substation, which is north of State Route 3 and adjacent to the project. As currently designed, the system will occupy up to approximately 179 acres of the approximately 255-acre project area, as depicted on the Project Site Location Map (see Figure 1). It is estimated that at the current planned capacity, the project would safely generate enough clean, renewable electricity to power over 3,000 New York State households. A summary of the status of the project is provided below.

- **Site control:** Build-Ready obtained site control via a Lease Option Agreement with the landowner for the portion of the property where the project is to be sited in April 2021.
- **Interconnection:** The project’s interconnection request was submitted to the NYISO in May 2021 (NYISO Queue Position #1166). Build-Ready is currently awaiting the results of a System Impact Study.
- **Permitting:** The Project’s Solar Generation Facility Permit was submitted to the Adirondack Park Agency (APA) in March 2022. The anticipated timeframe for applying for site plan approval from the Town of Clifton Site Plan Review Board is April 2022. Additional permits and approvals are also currently being sought from or discussed with the United States Army Corps of Engineers and the New York State Department of Transportation.

- **Community Engagement and Host Community Agreement:** Build-Ready is working with the local governments and community to develop a package of host community benefits. The Program hosted a public meeting in May 2021 and anticipates holding a second public engagement meeting in 2022.

In 2022, the Build-Ready Program is focused on further advancing the project’s interconnection, securing the permit with the APA and the Town of Clifton, finalizing a host community benefit package, and preparing the project for Build-Ready’s first auction. Additional details on the project, including documentation from and a recording of the May 2021 public meeting can be found on the BR Benson Mines webpage.<sup>8</sup>

**Figure 1. BR Benson Mines Solar Project Site Location Map**



## 3.2 Other Build-Ready Projects Under Development

### 3.2.1 Contaminated Site: Abandoned Industrial Solar Project

The Build-Ready Program is advancing a solar PV project at an abandoned paper mill in New York State. The site was nominated via the Build-Ready Site Nomination Request for Information (RFI) by Jefferson County.

The site consists of several privately owned parcels that contains several buildings and supporting facilities that overtime, have become dilapidated, dominating the community's landscape. The site has been subject to an emergency action by the EPA to address asbestos abatement from exposed piping throughout. Additionally, the properties are tax delinquent, increasing the need to find a suitable reuse that will benefit the community.

There are cleared portions of the site that are located adjacent to interconnection facilities, thus making a desirable Build-Ready market opportunity. The Program has signed a Memorandum of Understanding (MOU) with the local government and IDA with a series of anticipated good-faith efforts by all parties to determine project viability. In addition, the Program has convened an active stakeholder group consisting of representatives from the County, County IDA, local municipalities, regional planning commission, and more, with participation anticipated to grow and change as the site further progresses.

Two municipal members of the stakeholder group applied into the DOS Brownfield Opportunity Area (BOA) program with the intent to maximize redevelopment opportunities, generate additional funding for site investigation and reuse planning, and increase potential tax incentives.<sup>9</sup> DOS awarded a grant to the municipalities to prepare a nomination study. The goal of the nomination study is to provide an in-depth and thorough description and analysis of existing conditions, opportunities, and reuse potential for properties located in the proposed BOA that will catalyze revitalization.<sup>10</sup> As implied, the BOA nomination study encompasses the project site and surrounding land and is not limited to the potential Build-Ready project site. Build-Ready anticipates continuing coordination with the stakeholder group, including the municipalities responsible for the BOA work, to maximize efficiencies between the BOA and Build-Ready programs.

Build-Ready has also initiated a Phase I Environmental Site Assessment (ESA) and plans for a Phase II ESA in 2022. The results of the Phase I and Phase II ESAs will inform the overall strategy for developing the project. Build-Ready intends to develop on portions of the site that have been de-risked (i.e., limited soil excavation and debris removal). Build-Ready will determine if an application can be made into the DEC Brownfield Cleanup Program to provide an additional tax incentive for the future developer.

For the remainder of 2022, the Build-Ready Program is focusing on finalizing site control, completing environmental and interconnection feasibility due diligence to identify and appropriately manage and mitigate the site risks and liabilities.

### **3.2.2 Contaminated Sites: Landfill Solar Projects**

Build-Ready is progressing several projects on landfills across the State. For most of the projects, the Program is in discussions with the landowner, often a local government. The Program is in the process of discussing the proposed details of the projects and the Build-Ready project development process; identifying, understanding, and resolving key concerns and risks; and identifying a pathway for site control. The Program is hopeful that many of these projects will advance, and site control will be finalized in the coming year, so the details of these projects can be made public.

### **3.2.3 Mine Site: Reclaimed Mine Solar Project**

Build-Ready is advancing a solar PV project on a municipally owned reclaimed mine site in New York State that was nominated via the Build-Ready Site Nomination Request for Information (RFI) by the Adirondack North County Association (ANCA). The Program has come to final terms on an MOU with the local government for the advancement of the project and is in the process of furthering site control. Over the next year, the Program will focus on advancing environmental diligence, interconnection, permitting and design, and launching the community engagement process to develop a host community benefits package.

### **3.2.4 Underutilized Commercial/Industrial Site Solar Project**

Build-Ready is advancing diligence of a solar PV project on a privately owned underutilized commercial/industrial site in Oneida County that was identified during Build-Ready's desktop screening for underutilized lands. The Program is in site control discussions with the landowner and has confirmed the suitability of the project from the local municipal perspective. The Program is conducting preliminary layout and engineering design and will be confirming the interconnection feasibility by the second quarter of 2022. The Program will focus on finalizing site control by entering into a lease option agreement should the project continue to appear commercially viable.

## 4 Use and Status of Funding

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The Order approved the Build-Ready Program budget of \$71.8 million through 2025 and authorized the use of \$50 million of Clean Energy Fund (CEF) cash balances to serve as an initial funding source. The Order also specifies that the proceeds from auctioned sites will be used to repay the CEF funds, and, thereafter, the proceeds will be reinvested into the Build-Ready Program to support the advancement of additional project sites. Table 6 provides a summary of expended and remaining funds through December 31, 2021, and Table 7 provides a financial status report of the Build-Ready Program through December 31, 2021. Notably, there are no proceeds to report at this time because the Build-Ready Program has not auctioned any sites to date. In 2022, the Build-Ready Program anticipates increasing expenditures as the Program shifts more sites from identification, screening, and preliminary assessment into the project development phase.

**Table 6. Summary of Build-Ready Program Funding and Spending through December 31, 2021 (Amount in 000s)**

Category	Total Funding	2020	2021	Cumulative Spending	Remaining Funding
Salaries and Overhead	\$13,500	\$26.9	\$1,420.1	\$1,447.1	\$12,052.9
Technical, consultant, legal support, and system development	\$57,500	\$220.5	\$1,526.0	\$1,746.5	\$55,753.5
New York State Cost Recovery Fee Expense	\$800	\$.3	\$32.4	\$32.7	\$767.3
<b>Total</b>	<b>\$71,800</b>	<b>\$247.8</b>	<b>\$2,978.5</b>	<b>\$3,226.3</b>	<b>\$68,573.7</b>

**Table 7. Build-Ready Cumulative Financial Status Report (Amounts in 000s)**

	2020	2021	Total
<b>Revenues/sources of funds</b>			
Site disposition fees	-	-	-
Clean energy fund resources*	\$247.8	\$3,354.0	\$3,601.8
Financial backstop guarantee	-	-	-
Investment income		\$0.4	\$0.4
<b>Total</b>	\$247.8	\$3,354.4	\$3,602.2
<b>Expenses/use of funds</b>			
Program administration	\$26.9	\$1,420.1	\$1,447.1
Program support	\$220.5	\$1,526.0	\$1,746.5
Clean energy fund resources (returned)	-	-	-
NYS Cost Recovery Fee	\$0.3	\$32.4	\$32.7
<b>Total</b>	\$247.8	\$2,978.5	\$3,226.3
<b>Surplus/(deficit)</b>	-	\$375.9	\$375.9
<b>Cumulative surplus/(deficit)</b>		\$375.9	\$375.9
<b>Cash balance at 12/31/2021</b>		\$375.9	\$375.9
<p>NYSERDA is authorized to use any cash balances in the CEF through the "Bill-As-You-Go" funding mechanism to satisfy Build-Ready Program cash payments until such funds are replenished and restored to the CEF through ongoing Build-Ready site disposition.</p>			

## 5 Program Plans for 2022

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Over the next year, the Build-Ready Program will continue to develop the learnings from the last year, focusing attention on a few key areas:

- **Strengthening pipeline development and management** to move a larger volume of sites from site identification, screening, and assessment into the project development phases and on to auction.
- **Identifying and managing common siting constraints** including best practices for troubleshooting issues.
- **Coordinating and engaging key stakeholders** to strengthen Build-Ready's relationship and coordination with local governments, State agencies, federal agencies, NYISO, utilities, and other key stakeholders.
- **Marketing Build-Ready to target audiences including** refining the marketing approach and continuing to raise awareness to surface new sites and leads.
- **Launching a multi-stakeholder advisory group** that Build-Ready can regularly engage on programmatic and project design topics.
- **Supporting New York State's and NYSERDA's broader clean energy and climate change objectives** including incorporating energy storage into project design where feasible.
- **Completing the development of the competitive auction process** and preparing the Program's first project for auction in 2022/2023.

The Build-Ready Program looks forward to building on the momentum gained in 2021 and making significant progress in fulfilling the goals and objectives of the Act, the Order, and the Build-Ready Implementation Plan in 2022.

# Endnotes

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- <sup>1</sup> The term “site control” is widely used in renewable energy development and means some form of right to acquire or lease a site. There are several potential forms of site control including leasing or purchasing a site. The mostly widely used form of site control in the early phase of renewable energy development is a lease option agreement (LOA). Primarily, Build-Ready is pursuing LOAs to secure site control.
- <sup>2</sup> Accelerated Renewable Energy Growth and Community Benefit Act. Chapter 58 (Part JJJ) of the laws of 2020. Available at: [https://nyassembly.gov/leg/?default\\_fld=&&leg\\_video=&&bn=A09508&&term=2019&&Text=Y](https://nyassembly.gov/leg/?default_fld=&&leg_video=&&bn=A09508&&term=2019&&Text=Y)
- <sup>3</sup> New York Public Service Commission. CASE 15-E-0302 - Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard. “Order Approving Build-Ready Program.” Issued and Effective October 15, 2020. Available at: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B0F6CC45-490C-48A7-B0FB-6D3C7924993C}>
- <sup>4</sup> NYSERDA. “Build-Ready Implementation Plan.” 12 January 2021. Available at: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={277A546B-8DD7-4D19-8532-E4049B1141E1}>
- <sup>5</sup> The Build-Ready Program captures the status of a site as (1) *in progress* for sites that are progressing through screening/assessment/diligence, (2) *on-hold* for sites where advancement is paused due to an underlying issue that maybe resolved in the short to medium term, or (3) *closed* for sites where development cannot advance.
- <sup>6</sup> Case 20-E-0197, Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the *Accelerated* Renewable Energy Growth and Community Benefit Act (Transmission Planning Proceeding). Utility Transmission and Distribution Investment Working Group Report (filed November 2, 2020). Available at: <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7B2794FC7E-D2A6-4C79-8834-4B60FA25ED1F%7D>
- <sup>7</sup> The New York State Farmland Protection Working Group (FPWG). Available at: <https://agriculture.ny.gov/land-and-water/farmland-protection-working-group#:~:text=The%20FPWG%20is%20a%20coordinated,State%20Department%20of%20Public%20Service>
- <sup>8</sup> BR Benson Mines Webpage: <https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Standard/Landowners-and-Local-Governments/Build-Ready-Program/Build-Ready-Project-Sites/BR-Benson-Mines>
- <sup>9</sup> New York Department of State. Brownfield Opportunity Area Program. Available at: <https://dos.ny.gov/brownfield-redevelopment>
- <sup>10</sup> New York Depart of State. Brownfield Opportunity Area Nomination Workplan: <https://dos.ny.gov/system/files/documents/2021/05/boa-workplan-nomination.pdf>



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