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November 4, 2026

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350
Email: secretary@dps.ny.gov

Re: Case 26-E-0045, Proceeding on Motion of the Commission to Address Interconnection Reforms for Large Loads: Comments of the Cayuga Lake Watershed Network on the Draft Scoping Document for a Generic Environmental Impact Statement

Dear Secretary Phillips:

Cayuga Lake Watershed Network (CLWN) submits these comments on the Draft Scoping Document dated September 17, 2026. CLWN's mission is to advocate for the health of Cayuga Lake Watershed in a changing world. Our members live and work in the Cayuga Lake Watershed, where drinking water, recreation, and local economies depend on the health of the lake and its tributaries.

Executive Order 62 directs the Department of Public Service (DPS) to assess the environmental impacts of the construction and operation of data centers before the Department of Environmental Conservation (DEC) resumes discretionary permitting for them. We appreciate that the draft scope identifies a broad range of resources and says the GEIS will address cumulative impacts. We ask that the Final Scope be revised in the following respects so that the GEIS does that work in full.

1. Define the action as the State's response to data center development

The draft states that the GEIS will evaluate the impacts of data center construction and operation (p.3), however, the proposed action is defined as the development and promulgation of interconnection processes and cost allocation standards. Defined this way, the GEIS could end up comparing only grid connection policies. Executive Order 62 asks for an assessment of the environmental impacts of building and operating data centers. We ask the Final Scope to define the action and its purpose accordingly. It should also explain how the separate proceedings on interconnection, cost allocation, and water withdrawals will use the same development assumptions as the GEIS.

2. Give DEC a defined role
Executive Order 62 directs DPS to consult with DEC and directs DEC to assist in preparing the GEIS. DEC's staff and scientists have expertise in water, air, land, and ecosystems that the GEIS needs. The draft lists DEC only as a potentially interested agency. CLWN requests that DEC be listed as an involved agency, CLWN asks that the Final Scope describe the analysis DEC will perform, reconsider DEC's designation in light of its discretionary permit decisions on data center projects, and state how DPS will consult DEC and local governments.

3. Commit to what the GEIS will study
The draft uses "shall" for identifying existing resources but "may" for much of the analysis that matters most. The surface water section says the GEIS "may" address facility water consumption, use, and discharge (p.8). The human health section says it "may" address contaminants (p.11). The Impact on Land section says it "may" evaluate erosion and changes in land use (p.8). The open space section says it "may" consider impacts to state parks (p.10). We ask that these be changed to "will," and that land, water, air quality, noise, public health, and electronic waste be topics the GEIS will address.

In particular, the Impact on Land section should state that it will evaluate erosion, drainage changes, groundwater infiltration, flooding, and exposure of buried contaminants, including contaminants at disturbed sites and those generated by operations. For each topic, the Final Scope should state the information to be collected, the methods to be used, and geographically relevant assessments to reflect different impacts throughout the state.

4. Evaluate water impacts by watershed
Data centers can withdraw large volumes of water and discharge water that differs in temperature and chemistry. The GEIS should estimate seasonal, heat wave, and drought-period withdrawals and consumption for each facility. It should identify the chemicals used in cooling and the temperature and volume of discharges, and assess the effect on the receiving waters. It should also assess all existing and foreseeable facilities that share a watershed or aquifer. Water use from data centers should also be evaluated in terms of existing water policies/water quality standards in NYS and waterbody impacts, such as 9E plans and TMDLs.

5. Protect conservation investments and local plans
Federal, State, and local governments, and non-profit land trusts, have invested public funds in conservation and open space. The GEIS should evaluate impacts to these lands, wildlife management areas, and should define "critical environmental areas." It should also assess whether data center development is consistent with local zoning and comprehensive plans, and treat noise as an impact on community character and aesthetic resources.

6. Broaden the alternatives
The draft's No Action alternative assumes current interconnection processes (p.5). Executive Order 62 holds DEC's discretionary permitting only until DPS submits the final GEIS, so that baseline reflects conditions once the pause ends. The alternatives section does not include a No Action alternative that would prohibit datacenter construction. It does not show what the State would gain by waiting for stronger safeguards. The GEIS should also compare continuing the pause, approving projects in phases once measurable standards are in place, limiting where and

how large facilities may be, and meeting new demand with clean energy rather than fossil generation. The GEIS should also state that where impacts cannot be mitigated, a project may be denied.

The draft also lists the policy mechanisms the GEIS may consider (p.5), all of which concern the grid or costs. We ask that the list include environmental measures: enforceable standards for water use, air emissions, backup generation, and noise; mandatory reporting of cooling technology, water withdrawals, and energy use to DPS and DEC; and a DEC permitting step for data centers. We also ask that the GEIS evaluate requiring new demand to be met with new, additional, and deliverable zero-emission electricity.

7. Clarify approvals and project-level review

The draft states that the proposed action is subject to approval by the Commission and that no other reviews or permits are required (p.7). We read this as describing approval of the interconnection reforms, not the siting of individual data centers. Executive Order 62 holds DEC's discretionary permit applications until the final GEIS is submitted and does not apply to local government permits and approvals. We ask the Final Scope to say so explicitly, to list the approvals, reviews, and permits that will still apply to individual projects, including DEC permits and local zoning and land-use approvals, and to explain when a proposed facility will need additional environmental review beyond the GEIS.

8. Reconcile the EAF with the scope

The scope relies on the Environmental Assessment Form (EAF) to narrow the review, but several EAF ratings do not match the scope or the EAF's own Part 3 attachment, which finds that cumulative impacts may be significant. Part 2 rates surface water intakes and wastewater outfalls as "no, or small" impact (items 3f and 3g). It also rates the "other impacts" for human health, plants and animals, flooding, critical environmental areas, and transportation as "no, or small," although the scope lists each as a potential impact (p.4). Part 1 sections D (project details) and E (site and setting) were not completed. We ask the Commission to explain the basis for these ratings, revise the EAF where they cannot be supported, and confirm that the Commission will not drop any topic from the GEIS based on the EAF alone.

9. Allow adequate public participation

We ask for a comment period of at least 120 days on the Draft GEIS, public hearings in several regions of the State with a virtual option.

Thank you for considering these comments.
Respectfully submitted,



Liz Kreitinger
Executive Director/Steward
Cayuga Lake Watershed Network