

This appendix presents the written and verbal comments on the Draft GEIS, received by the Department during the public comment period from March 19, 2025, through May 27, 2025. The Notice of Acceptance of Draft GEIS and Public Hearing was published in the Environmental Notice Bulletin and State Register on March 19, 2025. A SEQR public hearing was held both in person and virtually on May 16, 2025. The Department did not receive any oral comments. Public comments on the Draft GEIS were accepted through May 27, 2025. The Department received two (2) written comments. The following is a summary of comments and responses to those comments.

### **Commenter Summary**

- 1. Jordan Garfinkle, Bloom Energy Corporation**
- 2. Cameron Brooks, Think Microgrid**

### **Comment 1 (Commenter 1 and 2)**

That the proposed definition of “fuel cell system” in 9 NYCRR §§ 1229-2.3(a)(8) and 1240.6(c)(1)(ix) is not consistent with State and Federal Law and needs to be rewritten to remove the phrase “with no carbon byproducts” because it excludes certain fuel cell systems.

*Response 1: Although there are no changes necessary to the GEIS in response to this comment, we agree that the definition should be clarified so as not to inadvertently exclude certain fuel cell systems. The following change to the definition of “fuel cell systems” is recommended:  
(Modified text in strikethrough)*

*Fuel cell system.* A device or system that uses the chemical energy of a fuel, such as hydrogen, to produce electricity ~~with no carbon byproducts~~.

### **Comment 2 (Commenter 1)**

That the proposed definition of “fuel cell system” in 9 NYCRR §§ 1229-2.3(a)(8) and 1240.6(c)(1)(ix) needs to be rewritten to remove the phrase “with no carbon byproducts” because it excludes certain fuel cell systems and in so doing does not minimize environmental harm.

*Response 2: The Department has considered the definitional change raised by the Commenter and has determined that the definition should be clarified with the intent of minimizing environmental harm and so as not to inadvertently exclude certain fuel cell systems. Therefore, the following change to the definition of “fuel cell systems” is recommended:  
(Modified text in strikethrough)*

*Fuel cell system.* A device or system that uses the chemical energy of a fuel, such as hydrogen, to produce electricity ~~with no carbon byproducts~~.

*Additionally, at a generic, non-site-specific level, this GEIS identifies the broad potential impacts that could be caused by the proposed adoption of the new Uniform Code and Energy Code. Considering the requirements of 6 NYCRR § 617.10 for generic environmental impact statements, the Code Council and the Department find that no changes to the GEIS are necessary in response to this comment.*

**Comment 3 (Commenter 2)**

That the draft GEIS, as written, and how “fuel cell systems” are currently defined in the proposed Energy Code, will disadvantage smaller, cleaner, and more reliable microgrids in favor of increased operation of larger, dirtier, and less reliable central station power plants.

*Response 3: The GEIS is used during the rulemaking process to serve as an environmental assessment to avoid or minimize environmental harm. The GEIS evaluates the impacts of emissions from fossil-fuel equipment and building systems in buildings, which are not defined to include microgrids. Thus, this GEIS did not contain an evaluation of microgrids. However, the requested definitional change for “fuel cell systems” will be considered as set forth in the Response to Comment 1 above.*