

1 H.526

2 Introduced by Representatives Trieber of Rockingham and Partridge of

3 Windham

4 Referred to Committee on

5 Date:

6 Subject: Natural resources; public service; hydroelectric facilities; permits;

7 legislative approval

8 Statement of purpose: This bill proposes to prohibit the agency of natural  
9 resources and the public service board from issuing, without a prior affirmative  
10 finding by the general assembly, any permit, certification, license, or other  
11 approval for an existing hydroelectric facility with a capacity greater than 45  
12 megawatts located on the Connecticut River south of its junction with the  
13 White River.

14 An act relating to legislative approval of certain hydroelectric facilities

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 3 V.S.A. § 2810 is added to read:

17 § 2810. HYDROELECTRIC FACILITIES; PERMITS; LEGISLATIVE

18 APPROVAL

19 The agency of natural resources shall not issue any permit or certification  
20 allowing a hydroelectric facility subject to this section or any aspect of such a

1 facility to be operated beyond the date permitted in any federal or state license,  
2 permit, certificate, certification, or other approval applicable to the facility as  
3 of January 1, 2012, unless the general assembly approves and determines that  
4 the operation will promote the general welfare. The agency of natural  
5 resources may commence proceedings relating to a permit or certification  
6 pertaining to such a facility, but may not issue a final decision until the general  
7 assembly determines that continued operation of the facility will promote the  
8 general welfare and grants approval for that operation. A hydroelectric facility  
9 subject to this section shall be one that has a capacity exceeding 45 megawatts  
10 and that is located on the Connecticut River between its junction with the  
11 White River and Vermont's border with Massachusetts. For the purpose of  
12 this section, the term "permit or certification" includes any permit,  
13 certification, certificate, license, or approval that pertains to the operation of  
14 the facility or any aspect of such operation.

15 Sec. 2. 30 V.S.A. § 34 is added to read:

16 § 34. HYDROELECTRIC FACILITIES; PERMITS; LEGISLATIVE

17 APPROVAL

18 The public service board shall not issue any permit or certification allowing  
19 a hydroelectric facility subject to this section or any aspect of such a facility to  
20 be operated beyond the date permitted in any federal or state license, permit,  
21 certificate, certification, or other approval applicable to the facility as of

1 January 1, 2012, unless the general assembly approves and determines that the  
2 operation will promote the general welfare. The public service board may  
3 commence proceedings relating to a permit or certification pertaining to such a  
4 facility, but may not issue a final decision until the general assembly  
5 determines that continued operation of the facility will promote the general  
6 welfare and grants approval for that operation. A hydroelectric facility subject  
7 to this section shall be one that has a capacity exceeding 45 megawatts and that  
8 is located on the Connecticut River between its junction with the White River  
9 and Vermont's border with Massachusetts. For the purpose of this section, the  
10 term "permit or certification" includes any permit, certification, certificate,  
11 license, or approval that pertains to the operation of the facility or any aspect of  
12 such operation.

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on July 1, 2012.