

S.292 – An Act Relating to Siting of Energy Facilities

Aaron Adler, Legislative Counsel, Feb. 10, 2014

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Sec.	Bill as Introduced	Proposed Amendment, Committee on Natural Resources and Energy
1	<p>This section would amend the Public Service Board’s (PSB) energy siting review process under 30 V.S.A. § 248 in three areas: (a) greenhouse gas (GHG) emissions; (b) § 248 facilities sited on land already under 10 V.S.A. chapter 151 (Act 250), and (c) transmission for in-state electric generation.</p> <p><i>As to greenhouse gas emissions</i>, the bill would require an in-state facility subject to § 248 to demonstrate that it “will not result in a net increase in greenhouse gas emissions,” instead of the requirement under current law to give “due consideration” to GHG impacts.</p> <p><i>As to § 248 facilities on land under Act 250</i>, the bill would require an in-state facility to demonstrate that it is authorized by Act 250, either by the original permit or by obtaining a permit amendment. Under current law, a § 248 project is exempt from Act 250, even if it is sited on land already under that act.</p> <p><i>As to transmission for in-state electric generation</i>, the bill would require an in-state electric generation facility to demonstrate that it is designed to minimize curtailment and includes the necessary transmission facilities to deliver its output to the grid.</p>	<p>In relation to the bill as introduced, the committee amendment under discussion would:</p> <ul style="list-style-type: none"> • Retain the proposed requirement that electric generation facilities demonstrate they are designed to minimize curtailment and include the necessary transmission facilities. • Require an in-state facility seeking a certificate of public good (CPG) to demonstrate that it will not have an adverse effect on the value of properties not used for the facility or that the property owner will be compensated for the amount of the loss in value. • After construction of the facility, enable a property owner to petition the PSB for a determination that there has been a loss in property value, notwithstanding any prior finding to contrary. • Remove the proposed standard of “no net increase” in GHG emissions and retain the existing “due consideration” of GHG impacts. The committee amendment then would direct that the PSB’s consideration of GHG impacts be based on a full accounting of the GHG emissions avoided by and related to the facility during its life cycle. • Prohibit the Board from issuing a CPG for an in-state facility on land subject to Act 250 unless: (a) the facility is for the purpose of system reliability or (b) the facility is authorized by Act 250.
2	<p>This section would amend Act 250 to include a facility located within the State for which a certificate of public good (CPG) is required under § 248, if the facility will be located on land subject to Act 250 and would constitute a material change under the Act 250 rules.</p>	<p>Same proposal, but modified to limit the definition to a facility that is for a purpose other than system reliability.</p>

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3	Technical direction to the Office of Legislative Council to add internal captions to the subsections of § 248.	<i>No change.</i>
5	The act would take effect on 7/1/14	<i>No change.</i>