

No. 37. An act relating to encouraging biomass energy production.

(H.152)

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

* * * Biomass Energy Production * * *

Sec. 1. BIOMASS ENERGY DEVELOPMENT WORKING GROUP

(a) The biomass energy development working group is established to enhance the growth and development of Vermont's biomass industry while also maintaining forest health. In order to meet these goals, the working group shall analyze current issues in the biomass industry in order to develop a coherent body of recommendations. These recommendations may include incentives, harvesting guidelines, and procurement standards for the development and operation of biomass energy in the state of Vermont. The working group shall also include the following members:

(1) One member of the house, appointed by the speaker of the house;

(2) One member of the senate, appointed by the committee on committees;

(3) The secretary of natural resources or his or her designee;

(4) The commissioner of the department of public service or his or her designee;

(5) A representative of the biomass energy resource center, appointed by the committee on committees;

(6) Two representatives of the forest products industry that represent logging, processing, or wholesale operator interests, one appointed by the committee on committees and the other appointed by the speaker of the house;

(7) Two representatives of natural resources or environmental organizations that represent wildlife and biodiversity and forest health and sustainability interests, one appointed by the committee on committees and the other appointed by the speaker of the house;

(8) Two representatives of an industry, organization, utility, or corporation that either produces electricity or heat from biomass or purchases power from biomass, appointed by the governor.

(9) A representative of the Vermont woodlands association appointed by the governor;

(10) A representative of a university or college with a focus on biomass policy or research appointed by the speaker of the house;

(11) A representative of the consulting foresters association of Vermont appointed by the governor; and

(12) A representative of the forest guild appointed by the speaker of the house.

(b) The working group is authorized to operate for a maximum of three years in order to review the adequacy of its initial recommendations, continue research and analysis, and make additional recommendations to the legislature.

The working group is authorized to hold four meetings each year during the interim between sessions of the general assembly. The working group shall elect co-chairs at its initial meeting, and one of the co-chairs shall be a member of the general assembly. For attendance at a meeting when the general assembly is not in session, legislative members of the commission shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under 2 V.S.A. § 406.

(c) The working group shall issue interim reports to the house and senate committees on agriculture and on natural resources and energy on or before November 15 of 2009 and 2010. The reports shall include:

(1) recommended fiscal and regulatory incentives for the promotion of efficient and sustainable uses of local biomass for energy production and opportunities for offering more predictability in the permitting process;

(2) recommended guidelines or standards for maintaining forest health, including model harvesting and silvicultural guidelines for retaining dead wood and coarse woody material; maintaining soil productivity, wildlife, and biodiversity and other indicators of forest health; and wood procurement standards. In reviewing and recommending standards for biomass procurement, the working group shall review whether:

(A) separate procurement standards are necessary for certain consumers of biomass, such as retail electricity;

(B) there are obstacles or policy considerations that need to be overcome to establish model procurement standards for biomass energy facilities;

(C) a uniform procurement standard for maintaining forest health would offer more predictability in the permitting process;

(D) procurement standards can be designed to effectively monitor whether the collective demand for energy produced from biomass does not impair long-term site productivity and forest health;

(E) it is feasible to coordinate with adjoining states to develop a regional procurement standard for biomass energy facilities.

(F) biomass procurement standards should require third-party certification; and

(G) a standard should be developed that would require biomass electricity generating facilities to provide for a fuel efficiency of at least 50 percent over the course of a full year.

(3) Recommend standards and policies for the design of new renewable energy from biomass that are designed to promote sustainable, efficient, local, and fair use of biomass supplies.

(4) Recommend additional research and analysis that is needed to ensure that forest health is maintained while providing for a sustainable, long-term supply of local biomass for the production of energy and forest products.

(d) On or before November 15, 2011, the working group shall submit to the house and senate committees on agriculture and on natural resources and energy a final report addressing the issues in subdivisions (c)(1)–(4) of this section.

(e) Prior to reporting to the general assembly under subsections (c) and (d) of this section, the working group shall allow for public review and comment of any proposed recommendations for incentives, guidelines, or standards for the development and operation of biomass energy. At a minimum, the working group shall allow the department of forests, parks and recreation; the department of fish and wildlife; the public service board; the agency of agriculture, food, and markets; the Vermont economic development authority; and the department of public service to review and offer comments on any proposed recommendations for incentives, guidelines, or standards. In addition, the working group should coordinate with the Forest Roundtable to hold a minimum of two meetings to collect stakeholder input and gather expert testimony on the issues included in this section.

(f) The working group shall seek funding from available funding sources to hire consultants and conduct research and analysis related to the issues

included in this section. In no event shall the working group seek more than \$200,000.00 under this subsection. Funding acquired by the working group shall be administered by the office of legislative council.

(g) As used in this section, “biomass” means material from trees, woody plants, or grasses, including limbs, tops, needles, leaves, and other woody parts, grown in a forest, woodland, farm, rangeland, or wildland-urban environment that is the product of forest management, land clearing, ecosystem restoration, or hazardous fuel reduction treatment.

(h) Legislative council shall provide legal and administrative services to the working group. The department of forests, parks and recreation shall provide technical and economic advice to the working group.

Approved: May 26, 2009