1	S.292
2	Introduced by Senator Hartwell
3	Referred to Committee on
4	Date:
5	Subject: Energy; natural resources; land use; public service; electric generation
6	and transmission; natural gas facilities; greenhouse gas emissions;
7	transmission capacity; land subject to Act 250
8	Statement of purpose of bill as introduced: This bill proposes to amend the
9	Public Service Board's siting review process to require that energy facilities
10	demonstrate that they will not result in a net increase in greenhouse gas
11	emissions and that electric generation facilities demonstrate that they are
12	designed to minimize curtailment of their expected generation and include
13	sufficient transmission facilities for that generation. It also proposes to require
14	that an energy facility to be sited on land subject to an Act 250 permit must
15	comply with the terms of that permit or obtain an amendment to it.
16	An act relating to siting of energy facilities
17	It is hereby enacted by the General Assembly of the State of Vermont:

2014

1	Sec. 1. 30 V.S.A. § 248 is amended to read:
2	§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
3	FACILITIES; CERTIFICATE OF PUBLIC GOOD
4	(a) <u>Certificate of public good; obligation and procedure.</u>
5	(1) Electricity; out-of-state purchases and investments. No company, as
6	defined in section 201 of this title, may:
7	(A) in any way purchase electric capacity or energy from outside the
8	State:
9	(i) for a period exceeding five years, that represents more than
10	three percent of its historic peak demand, unless the purchase is from a plant as
11	defined in subdivision 8002(14) of this title that produces electricity from
12	renewable energy as defined under subdivision 8002(17); or
13	(ii) for a period exceeding ten years, that represents more than ten
14	percent of its historic peak demand, if the purchase is from a plant as defined
15	in subdivision 8002(14) of this title that produces electricity from renewable
16	energy as defined under subdivision 8002(17); or
17	(B) invest in an electric generation or transmission facility located
18	outside this state State unless the Public Service Board first finds that the same
19	will promote the general good of the State and issues a certificate to that effect.
20	(2) <u>In-state electric generation and transmission facilities</u> . Except for
21	the replacement of existing facilities with equivalent facilities in the usual

- course of business, and except for electric generation facilities that are operated solely for on-site electricity consumption by the owner of those facilities:
- (A) no company, as defined in section 201 of this title, and no person, as defined in 10 V.S.A. § 6001(14), may begin site preparation for or construction of an electric generation facility or electric transmission facility within the state State which is designed for immediate or eventual operation at any voltage; and
- (B) no such company may exercise the right of eminent domain in connection with site preparation for or construction of any such transmission or generation facility, unless the Public Service Board first finds that the same will promote the general good of the State and issues a certificate to that effect.
- (3) Natural gas facilities. No company, as defined in section 201 of this title, and no person, as defined in 10 V.S.A. § 6001(14), may in any way begin site preparation for or commence construction of any natural gas facility, except for the replacement of existing facilities with equivalent facilities in the usual course of business, unless the Public Service Board first finds that the same will promote the general good of the State and issues a certificate to that effect pursuant to this section.
- (A) For the purposes of <u>In</u> this section, the term "natural gas facility" shall mean any natural gas transmission line, storage facility, manufactured-gas

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facility, or other structure incident to any of the above. For purposes of $\underline{\text{In}}$ this
section, a "natural gas transmission line" shall include any feeder main or any
pipeline facility constructed to deliver natural gas in Vermont directly from a
natural gas pipeline facility that has been certified pursuant to the Natural Gas
Act, 15 U.S.C. § 717 et seq.
(B) For the purposes of In this section, the term "company" shall not
include a "natural gas company" (including a "person which will be a natural
gas company upon completion of any proposed construction or extension of
facilities"), within the meaning of the Natural Gas Act, 15 U.S.C. § 717 et seq.
provided, however, that the term "company" shall include any "natural gas
company" to the extent it proposes to construct in Vermont a natural gas
facility that is not solely subject to federal jurisdiction under the Natural
Gas Act.
* * *
(b) <u>Criteria.</u> Before the Public Service Board issues a certificate of public
good as required under subsection (a) of this section, it shall find that the
purchase, investment, or construction:
* * *
(5) with respect to an in-state facility;

(A) will not result in a net increase in greenhouse gas emissions;

(B) if the facility is to be sited on land subject to a permit issued
under 10 V.S.A. chapter 151, is allowed by and will comply with the terms and
conditions of that permit or has obtained a permit amendment under that
chapter authorizing the facility; and
(C) will not have an undue adverse effect on esthetics, historic sites,
air and water purity, the natural environment, the use of natural resources, and
the public health and safety, with due consideration having been given to the
criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and
(9)(K) and greenhouse gas impacts;
* * *
(10) except as to a natural gas facility that is not part of or incidental to
an electric generating facility;
(A) can be served economically by existing or planned transmission
facilities without undue adverse effect on Vermont utilities or customers; and
(B) as to an in-state electric generation facility, is designed to
minimize curtailment of the facility's expected generation and includes any
transmission facilities needed to place the facility's expected generation on the
regional transmission system without causing congestion;
* * *

1	Sec. 2. 10 V.S.A. § 6001 is amended to read:
2	§ 6001. DEFINITIONS
3	In this chapter:
4	* * *
5	(3)(A) "Development" means each of the following:
6	* * *
7	(ix) any Any support structure proposed for construction, which is
8	primarily for communication or broadcast purposes and which will extend
9	vertically 20 feet or more above the highest point of an attached existing
10	structure or 50 feet or more above ground level in the case of a proposed new
11	support structure, in order to transmit or receive communication signals for
12	commercial, industrial, municipal, county, or state purposes, independently of
13	the acreage involved.
14	* * *
15	(II) The criteria and procedures for obtaining a permit for a
16	development under this subdivision (ix) shall be the same as for any other
17	development <u>÷.</u>
18	(x) any Any withdrawal of more than 340,000 gallons of
19	groundwater per day from any well or spring on a single tract of land or at a
20	place of business, independently of the acreage of the tract of land or place of

1	business, if the withdrawal requires a permit under section 1418 of this title or
2	is by a bottled water facility regulated under chapter 56 of this title.
3	(xi) The construction of improvements for a facility located within
4	the State for which a certificate of public good is required under 30 V.S.A.
5	§ 248, if the improvements will be located on a tract or tracts of land that are
6	subject to a permit issued under this chapter and the improvements would
7	constitute a material change to the permitted project under the rules of the
8	Board.
9	* * *
10	(D) The word "development" does not include:
11	(i) The construction of improvements for farming, logging, or
12	forestry purposes below the elevation of 2,500 feet.
13	(ii) The construction of improvements for an electric generation or
14	transmission facility that requires a certificate of public good under 30 V.S.A.
15	§ 248, or for a natural gas facility as defined in 30 V.S.A. § 248(a)(3), unless
16	the provisions of subdivision (3)(C)(xi) of this section apply, or for a
17	telecommunications facility issued a certificate of public good under 30 V.S.A.
18	§ 248a.
19	* * *

1	Sec. 3. STATUTORY REVISION
2	In its statutory revision capacity under 2 V.S.A. § 424, the Office of
3	Legislative Council shall insert an internal caption in each subsection of
4	30 V.S.A. § 248 not amended by Sec. 1 of this act that reflects the subsection's
5	subject matter.
6	Sec. 4. EFFECTIVE DATE
7	This act shall take effect on July 1, 2014.