1	S.230
2	Reps move that the House concur in the Senate proposal of
3	amendment to the House proposal of amendment with a further proposal
4	amendment as follows:
5	First: By striking out Sec. 10 in its entirety and inserting in lieu thereof a
6	new Sec. 10 to read as follows:
7	Sec. 10. TRAINING
8	Following publication of the recommendations and standards under
9	Sec. 9(a) of this act, the Department of Public Service shall collaborate
10	with the Vermont League of Cities and Towns and the Vermont
11	Association of Planning and Development Agencies on the development and
12	presentation of training sessions for municipal and regional planning
13	commissions to assist them in the development of municipal and regional plans
14	that are eligible to receive a determination of energy compliance under Sec. 6
15	of this act, 24 V.S.A. § 4352, with at least one such session to be held in the
16	area of each regional planning commission after notice of the session to the
17	regional planning commission and its member municipalities.
18	Second: In Sec. 11, 30 V.S.A. § 248, in subsection (a), in subdivision (6),
19	in the first sentence, after "if the plant includes" by striking out "four" and
20	inserting in lieu thereof "two"

1	<u>Third</u> : By striking out Sec. 12 in its entirety and inserting in lieu thereof a
2	new Sec. 12 to read:
3	Sec. 12. SOUND STANDARDS; WIND GENERATION
4	(a) On or before July 1, 2017, the Public Service Board (the Board) shall
5	finally adopt rules under 3 V.S.A. chapter 25 regarding sound from wind
6	generation facilities approved under 30 V.S.A. § 248, unless such deadline is
7	extended by the Legislative Committee on Administrative Rules pursuant to
8	3 V.S.A. § 843(c). In developing these rules, the Board shall consider:
9	(1) standards that apply to all wind generation facilities;
10	(2) a methodology for determining sound levels and measurement
11	locations for each such facility on a case-by-case basis; or
12	(3) standards that apply to one or more categories of wind generation
13	facilities, with a methodology for determining sound levels and measurement
14	locations for other such facilities on a case-by-case basis.
15	(b) If the Board issues a certificate of public good under 30 V.S.A. §
16	248 for a wind generation facility prior to the effective date of the rules
17	adopted under subsection (a) of this section, the certificate shall include
18	conditions that govern the sounds levels to be generated by the facility.
19	These conditions shall not be subject to change based on the rules to be
20	adopted under subsection (a) of this section.

1	Fourth: By striking out Sec. 12a in its entirety and inserting in lieu thereof
2	a new Sec. 12a to read:
3	Sec. 12a. 30 V.S.A. § 8005a is amended to read:
4	§ 8005a. STANDARD OFFER PROGRAM
5	* * *
6	(c) Cumulative capacity. In accordance with this subsection, the Board
7	shall issue standard offers to new standard offer plants until a cumulative plant
8	capacity amount of 127.5 MW is reached.
9	(1) Pace. Annually commencing April 1, 2013, the Board shall increase
10	the cumulative plant capacity of the standard offer program (the annual
11	increase) until the 127.5-MW cumulative plant capacity of this subsection is
12	reached.
13	* * *
14	(D) Pilot project; preferred locations. For one year commencing on
15	January 1, 2017, the Board shall allocate one-sixth of the annual increase to
16	new standard offer plants that will be wholly located in one or more preferred
17	locations other than parking lots or parking lot canopies and, separately,
18	one-sixth of the annual increase of the annual increase to new standard offer
19	plants that will be wholly located over parking lots or on parking lot canopies.
20	(i) To qualify for these allocations, the plant shall not require the
21	construction of a new substation by the interconnecting retail electricity

1	provider or by increasing the capacity of one or more of the provider's existing
2	facilities. To qualify for the allocation to plants wholly located over parking
3	lots or on parking lot canopies, the location shall remain in use as a parking lot.
4	(ii) These allocations shall apply proportionally to the independent
5	developer block and provider block.
6	(iii) If an allocation under this pilot project is not fully
7	subscribed, the Board in 2017 shall allocate the unsubscribed capacity to
8	new standard offer plants outside the pilot project.
9	(iv) As used in this subdivision (D), "preferred location" means a
10	site within the State on which a renewable energy plant will be located that is
11	one of the following:
12	(I) A new or existing structure whose primary use is not the
13	generation of electricity or providing support for the placement of equipment
14	that generates electricity.
15	(II) A parking lot canopy over a paved parking lot, provided
16	that the location remains in use as a parking lot.
17	(III) A tract previously developed for a use other than siting a
18	plant on which a structure or impervious surface was lawfully in existence and
19	use prior to July 1 of the year preceding the year in which an application for a
20	certificate of public good under section 248 of this title for the plant is filed or
21	in which the plant seeks an award of a contract under the standard offer

l	program under this section, whichever is earlier. To qualify under this
2	subdivision (III), the limits of disturbance of a proposed renewable energy
3	plant must include either the existing structure or impervious surface and shall
4	not include any headwaters, streams, shorelines, floodways, rare and
5	irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered
6	species, productive forestlands, and primary agricultural soils, all of which are
7	as defined in 10 V.S.A. chapter 151.
8	(IV) Land certified by the Secretary of Natural Resources to be
9	a brownfield site as defined under 10 V.S.A. § 6642.
10	(V) A sanitary landfill as defined in 10 V.S.A. § 6602,
11	provided that the Secretary of Natural Resources certifies that the land
12	constitutes such a landfill and is suitable for the development of the plant.
13	(VI) The disturbed portion of a gravel pit, quarry, or similar
14	site for the extraction of a mineral resource, provided that all activities
15	pertaining to site reclamation required by applicable law or permit condition
16	are satisfied prior to the installation of the plant.
17	(VII) A specific location designated in a duly adopted
18	municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable
19	energy plant or specific type or size of renewable energy plant, provided that
20	the plant meets any siting criteria recommended in the plan for the location.

1	(VIII) A site listed on the National Priorities List (NPL)
2	established under the Comprehensive Environmental Response, Compensation,
3	and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection
4	Agency or the Agency of Natural Resources confirms each of the following:
5	(aa) The site is listed on the NPL.
6	(bb) Development of the plant on the site will not
7	compromise or interfere with remedial action on the site.
8	(cc) The site is suitable for development of the plant.
9	(IX) A new hydroelectric generation facility at a dam in
10	existence as of January 1, 2016 or a hydroelectric generation facility that
11	was in existence but not in service for a period of at least 10 years prior to
12	January 1, 2016 and that will be redeveloped for electric generation, if the
13	facility has received approval or a grant of exemption from the U.S. Federal
14	Energy Regulatory Commission.
15	* * *
16	(f) Price. The categories of renewable energy for which the Board shall set
17	standard offer prices shall include at least each of the categories established
18	pursuant to subdivision (c)(2) of this section. The Board by order shall
19	determine and set the price paid to a plant owner for each kWh generated
20	under a standard offer required by this section, with a goal of ensuring timely

1	development at the lowest feasible cost. The Board shall not be required to
2	make this determination as a contested case under 3 V.S.A. chapter 25.
3	* * *
4	(5) Price; preferred location pilots. For the period during which the
5	Board allocates capacity to new standard offer plants that will be wholly
6	located in one or more preferred locations as set forth in subdivision (c)(1)(D)
7	of this section, the following shall apply to the price paid to such a plant:
8	(A) If the Board uses a market-based mechanism under subdivision
9	(1) of this subsection (f) to determine this price for one or both of the two
10	allocations of capacity, the Board shall compare only the proposals of plants
11	that qualify for the allocation.
12	(B) If the Board uses avoided costs under subdivision (2) of this
13	subsection (f) to determine this price for one or both of the two allocations of
14	capacity, the Board shall apply the definition of "avoided costs" as set forth in
15	subdivision (2)(B) of this subsection with the modification that the avoided
16	energy or capacity shall be from distributed renewable generation that is sited
17	on a location that qualifies for the allocation.
18	(C) With respect to the allocation to the new standard offer plants
19	that will be wholly located over parking lots or on parking lot canopies, if the
20	Board receives only one application or multiple applications for plants
21	owned or controlled by the same person as defined in 10 V.S.A. § 6001, the

1	Board shall investigate each application and shall have discretion to reduce the
2	price to be consistent with the standard offer price for plants outside the pilot
3	project using the same generation technology.
4	* * *
5	Fifth: After Sec. 15, by striking out the reader guide "* * * Allocation of
6	AAFM and Postclosure Monitoring Costs * * *" and Sec. 15a in its entirety
7	Sixth: By renumbering Sec. 15b to be Sec. 15a
8	Seventh: In Sec. 16 (effective dates), by striking out subdivision (3)