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S.230

Reps. \_\_\_\_\_ move that the House concur in the Senate proposal of amendment to the House proposal of amendment with a further proposal amendment as follows:

First: By striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. TRAINING

**Following publication of the recommendations and standards under Sec. 9(a) of this act, the Department of Public Service shall collaborate with the Vermont League of Cities and Towns and the Vermont Association of Planning and Development Agencies on the development and presentation of training sessions for municipal and regional planning commissions to assist them in the development of municipal and regional plans that are eligible to receive a determination of energy compliance under Sec. 6 of this act, 24 V.S.A. § 4352, with at least one such session to be held in the area of each regional planning commission after notice of the session to the regional planning commission and its member municipalities.**

Second: In Sec. 11, 30 V.S.A. § 248, in subsection (a), in subdivision (6), in the first sentence, after “if the plant includes” by striking out “four” and inserting in lieu thereof “two”

1        Third: 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 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

1 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 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)