

Siting Electric Generation in Vermont (April, 2013)
Summary of Recommendations: Section 4.3 -5
Prepared for Chair Bray

- 1. The PSD shall develop a state 'roadmap' to meet the CEP and statutory energy targets.**
 - a. "[Emphasis] on mix of in-state and out-of-state energy sources; the anticipated mix of technologies; areas of high and low potential for energy citing; economic and environmental costs and benefits; and the broad parameters for cumulative impact of each scenario."
 - b. Planning exercise carried out by the PSD working with the Agency of Commerce and Community Development, ANR, other relevant agencies, utilities, and RPCs.
 - c. Potential tools for this process are available to use from agencies and public groups.
- 2. RPCs shall develop energy guidelines, policies, and land use suitability maps as part of their regional plans in order to identify high/low potential areas for electric generation siting consistent with legislated energy goals and the CEP.**
 - a. "Updating regional plans to include the specific guidelines, policies, and land-use suitability maps... RPCs shall have formal party status and their plans shall be given 'substantial consideration'"
 - b. In the final phase of approval for the plan, the PSB shall have final say as to whether the project can move forward.
- 3. As a top priority for legislative attention, the RPC planning costs must be adequately funded.**
 - a. The commission suggests an initial cost of \$40,000 per region (to all 11 regions), to be administered by the PSB.
- 4. Once regional plans have been updated, municipal plans in that region shall be reviewed by the RPC for compatibility with the regional plan. If approved as compatible, they shall be given 'substantial consideration' by the PSB.**
 - a. Any decision to construct a blanket prohibition against any particular technology negates the chances of the plan being approved.
- 5. The PSB shall implement Simplified Tier system.**
 - a. Tier 1: Application Form Process (<500kW)
 - b. Tier 2: Simplified Process (500kW to <2.2MW)
 - c. Tier 3: Standard Process (>2.2MWto <15MW)
 - d. Tier 4: Larger Scale Process (>/= 15 MW)
- 6. Develop an incentive structure within tiers**
 - a. If a project has the full support of a municipality or region, it should process through a more expedient process in the proposed tiers.
- 7. The PBS shall establish a 'trigger point', whereby the public is notified of when scoping meetings with ANR and PSD begin and documents exchange hands regarding a proposed project.**
 - a. Notification would be placed on the improved PSB siting website.
- 8. The PSB shall provide early notification to the public in both Tier 3 and Tier 4 projection applications.**
 - a. Tier 1: 500kW - At time of registration
 - b. Tier 2: 500kW to <2.2MW - 45 days prior to filing
 - c. Tier 3: 2.2MWto <15MW- 60 days prior to filing
 - d. Tier 4: >15 MW - 90 days prior to filing
- 9. The PSB shall add increasing levels of public engagement requirements to Tiers 2-4 project applications.**

- a. Tier 2: examples include contact with municipal selectboards, planning commissions, and relevant RPC of affected town, notifying abutting landowners, and a public input process.
 - b. Tiers 3 and 4: In addition to #2's requirements, the PSB will hold public hearings in at least one of the municipalities potentially affected by the project.
 - c. Tier 4: Applications shall provide Public Engagement Plan to the PSB 150 days prior to the 90-day public notice.
- 10. Provide RPC funding support, if requested, on a cost-share basis of the application period, defined as the point at which they receive official notice of the project.**
- a. Funds would be used to cover expenses for RPCs that have completed the planning process (from #2).
- 11. The PSB shall hire a Case Manager to provide guidance on all aspects of the siting application process to all parties.**
- a. The CM would provide technical assistance (particularly to affected communities and interveners) and facilitate resolution of issues among parties outside the formal proceeding.
 - b. Position would be as PSB and not PSD.
- 12. The PSB and PSD shall collaborate to design and implement an online case management/docketing system.**
- a. Including: deadlines, dates for hearings, information on studies, parties, and interveners, etc.
- 13. The PSB shall develop specific checklists for each Tier to establish when an application is 'deemed complete'.**
- a. Testimony received by the Commission focused on the lack of clarity regarding when an application is 'deemed complete'.
- 14. The PSV shall require concurrent timing of ANR permit filing and application for a CPG.**
- a. For Tier 3 and 4 dockets, discovery shall not begin until associated ANR permit applications are deemed technically complete.
- 15. The PSB shall establish clear timelines for the initial stages of a Section 248 docket.**
- 16. ANR shall respond to permit applications consistent with ANR's permit performance standards.**
- 17. The PSB shall establish overall performance standards for a PSB decision on a CPG by tier.**
- a. Tier 1: 500kW – 30 days to 3 months
 - b. Tier 2: 500kW to <2.2MW – 12 weeks to 6 months
 - c. Tier 3: 2.2MW to <15MW – up to 9 months
 - d. Tier 4: >15 MW – up to 12 months
- 18. The PSB shall use a 'rebuttable presumption' for ANR permits.**
- 19. The PSB shall ensure that the improved PSB website design incorporates a 'one-stop-shop' for all siting information.**
- a. Website shall include a list of information, including: an FAQ section, all required checklists for each tier, access to the case/docket-management system, guidelines and standards by permit study, access to historical docket records and orders, a section where the 'trigger' point for new projects is signaled, and all project monitoring reports.
- 20. The PSD shall also update its website to serve as the pre-application site for relevant public information.**
- 21. All relevant agencies – ANR, PSD, VAAFM, and DOH – shall update standards and guidelines (on a by-technology basis, where relevant).**

- a. Specifically all environmental protection, health, and other standards and guidelines.
- 22. When determining a project's impact, the PSB should give 'substantial consideration' to ACT 250 criteria as part of the siting process review.**
- 23. The Agency of Agriculture, Food and Markets shall be granted statutory party status in the siting process.**
- 24. The Department of Health shall review standards and provide guidelines, where possible.**
 - a. DOH shall review national and international standards from scientific literature regarding health impacts and monitoring systems.
- 25. The PSB shall consider cumulative impacts in project review for siting electrical generation.**
 - a. ANR and SPD shall develop guidelines and tools for understanding and measuring cumulative impact
- 26. All parties should agree on 3rd party monitoring experts.**
 - a. Experts to be funded by the petitioner, and overseen by the appropriate agency (ANR, PSB, DPS, DOH).
 - b. Commission recommends bill-backed authority continue to be used here.
 - c. All quarterly or annual reports required in this process shall be placed on the PSB website.
- 27. Pay attention to the short term.**
- 28. The PSB shall make a recommendation to the Legislature regarding funding options to cover the costs of an improved siting process.**
 - a. Potential funding mechanisms: Filing fees assess to applicants (on a per MW basis), annual fees assessed to all generators, and bill back-authority for agencies and RPCs.